While acknowledging that there are legitimate concerns here, we believe that the Justice Secretary, Ken Clarke, is right in wanting to double the number of prisoners in paid employment. Not having a job, at least a legitimate job, is one reason why some people turn to crime. Indeed, there is a vicious circle that takes predominantly young men from unemployment to crime to prison and back again to where they started. Providing training and a habit of work is an attempt to break that circle.

If the work is paid, even at a relatively low rate, that creates additional motivation and fosters a sense of near-normality. The greater scandal in Britain's prisons at present is not low-paid work, but the fact that so little is provided in the way of education, training and occupation. This means that prisoners may see little alternative than to return to their bad old ways on their release.

The difficulties raised by the trade unions should not be insuperable. Yes, there should be an emphasis on education and training as well as paid work. And it is possible to envisage an arrangement whereby employers paid prisoners less than the minimum wage, diverting some of the difference to helping pay for cell-and-board. It must be recognised, though, that employers need reasons to employ prisoners, and lower pay is likely to be one. Trade unions have their role, but the Justice Secretary deserves support in his effort to give more prisoners an acquaintance with paid work. He should not allow this opposition to derail his plans.

Not my Crime, Still my Sentence - European Prisoners Children Week

One out of every 100 children in the EU has a parent in prisonthat's a lot of children, and they need our support. Children with imprisoned parents are frequently stigmatized by their peers, communities and untrained prison-staff when visiting their parents in prison. Throughout the entire sentence of their parents, these children serve their own sentence of shame and humiliation by association. This is compounded by the greater risk of discrimination, social exclusion, increased poverty and breakdown of family ties to which they are exposed. To many outsiders, a child with a parent in prison is associated with the parent's crime. The punishment for the crime in this situation is often transferred to the child, as they suffer in silence at school and at home, or during time spent waiting in prison visiting centres.

Children's rights to family life are recognized by the UN Convention on the Rights of the Child, the EU Charter of Fundamental Rights, and other international treaties, yet the implementation and execution of these rights in Europe is not keeping pace. We must have improved prison visits conditions for children, including more visiting hours to ensure regular, direct contact with a parent in prison, and awareness-raising and training for prison staff. The creation of national monitoring groups to obtain more information on this group of children and to help maintain quality visits

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.

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MOJUK: Newsletter 'Inside Out' No 375 07/06/2012)

CCRC refers case of Goldie Coats to the court of appeal

Duncan Campbell, guardian.co.uk, 29/05/12

Lindsay Sandiford, the 55-year-old British woman arrested in Bali this week on charges of smuggling cocaine has reportedly claimed that she carried out the operation because her children were threatened. Would such a threat act as a defence to a drug smuggling charge in Britain? The recent referral by the Criminal Cases Review Commission of a similar case should help to clarify whether such a defence is recognised by the courts.

Goldie Coats was convicted in November 2008 of being "knowingly concerned in the fraudulent evasion of the prohibition on the importation of goods" or, in other words, drug-smuggling. She and her co-defendant, Aaron Blackstock, were stopped by customs officers at Heathrow the previous year on a return flight from Jamaica. Their luggage contained 1.26 kg of 100 per cent pure cocaine, with an estimated street value of £64,000. Blackstock pleaded guilty and was jailed for six years.

However, Coats pleaded not guilty. She claimed at her trial that she had no idea that the suitcases contained drugs. This defence was not accepted and she was convicted and jailed for ten years. She was initially refused leave to appeal against her sentence and did not, at the time, seek to appeal against her conviction. She contacted the CCRC in 2009 and this has now led to the referral to the court of appeal.

In a statement, the CCRC said that they had made the decision "because it considers that new medical evidence suggesting that Ms Coats was suffering from battered woman syndrome at the time of the offence raises the real possibility that the court of appeal will quash the conviction or reduce the sentence."

The case will doubtless be watched with interest by women - and their legal representatives - who have been persuaded by violent men to bring drugs into the country, either on solo trips or together with the man concerne - for fear of the consequences of not participating rarely cut much ice. The "battered woman syndrome" defence in murder cases was first raised twenty years ago in relation to women who had been subjected to regular abuse and had finally reacted but its potential role in drugs cases is much less clear; something which this appeal could well clarify.

Jury Delivers Damning Verdict Over Paul Murphy Death in HMP Lincoln

A jury returned a highly critical verdict on Friday following the inquest into the death of Paul Murphy, who died aged 39 in Lincoln Prison on 13 June 2008.

The jury found that Paul had killed himself while his balance of mind was disturbed, and highlighted a catalogue of failures within the prison that contributed to his death. These included ongoing bullying from a prison officer who was running a drugs and mobile phone ring within the prison. The officer has since been sacked but no criminal charges against him have been brought.

The jury also found that the failure of prison staff to inform Healthcare of the opening of the ACCT document (Assessment, Care in Custody, and Teamwork – the system used for prisoners who are at risk of self harm) meant that there was no medical assessment of Paul's bizarre behaviour and paranoia, nor a proper risk assessment as to his level of observation.

A spokesperson for the family said: “The inquest has demonstrated conclusively that Paul should not have died. It is shocking that the prison governor allowed such widespread bullying to continue for so long, and I am hugely disappointed with what seems to have been a highly inadequate police investigation into the activities of this prison officer. I am also very disappointed that crucial procedures relating to vulnerable prisoners were not followed. I hope that the governor will address the lack of training, resources and procedures that led to the lack of proper care for Paul in the days leading up to his death.”

Deborah Coles, co-director of INQUEST said: “Paul’s death raises very serious management failings to deal with horrific bullying by a prison officer and to ensure training and management of the ACCT process which is supposed to protect prisoners who are at risk. And these are not isolated issues. This shocking and shameful case warrants an urgent response from Prisons Minister Crispin Blunt.”

Justice and Security Bill: Government is not for turning

Publishing the Justice and Security Bill the Secretary of State for Justice said "I have used the last few months to listen to the concerns of … civil liberties campaigners with whom I usually agree."

There are many people who today would sorely like to agree that Ken has listened and has taken their concerns on board. Unfortunately, the Government's analysis remains fundamentally flawed. The Green Paper was clearly a "big ask". There have undoubtedly been significant changes made from the proposals in the Green Paper. However, the secret justice proposals in the Justice and Security Bill remain fundamentally unfair, unnecessary and unjustified.

In Al-Rawi, the Supreme Court held it did not have a general power to use closed material procedures as an alternative to public interest immunity. The introduction of closed material procedures – where one party and his representatives could be excluded from any or all parts of a case, including the hearing and the judgment – would be such a fundamental shift away from the principles of open and adversarial justice that the Court would not take that step without direction from Parliament. Lord Dyson explained:

. . . . The common law principles…are extremely important and should not be eroded unless there is a compelling case for doing so. It this is to be done at all, it is better done by Parliament after full consideration and proper consideration of the sensitive issues involved (Al-Rawi, [48]).

The Bill asks Parliament to make precisely the same kind of fundamental shift that the Supreme Court would not countenance. Clause 6 introduces a general duty on the Court to impose closed material procedures in any case where any person – either a Government body or any third party – could be required to disclose material which “would be damaging to the interests of national security”. It is now for Parliament to consider whether the Government has produced a compelling case for wide-ranging reform of the kind proposed in the Bill as introduced.

Inquests: The Bill will apply to all “relevant civil proceedings”, defined as proceedings in the High Court, the Court of Appeal and the Court of Session (Clause 6(1)).

The Government has decided not to include inquests in the scope of the Bill. This decision is unsurprising: two previous proposals to introduce similar secret inquest provisions having been defeated in Parliament or withdrawn in the face of opposition in the past five years. However, if adequate steps can be taken to protect the interests of national security in the context of an inquest, it makes it more difficult for the Government to argue that the existing measures for the protection of national security are inadequate in civil proceedings.

However, the issue of inquests is not definitively settled. The Bill proposes a power for

the damaged property by the housing association.

Responding to the recent allegations of police brutality, Metropolitan Police Commissioner Bernard-Hogan Howe has pledged to become the ‘implacable enemy’ of racism in the police, promising to root out those engaged in overt violence and abuse. In echoes of Lord Scarman’s description of a few ‘bad apples’ three decades ago, these grandiose claims perpetuate a portrayal of racism as something confined to the prejudices of a few rogue officers in an otherwise benevolent institution. The examples above (only a snapshot of the realities of policing for many BME communities) expose the fallacy in such a view. Police racism is not just a matter of prejudice or individuals over-stepping the mark, it is also significantly entrenched in policing priorities, practices and procedures. Just as stop-and-search and the saturation of certain areas makes some BME communities feel ‘policed against’, so too does the failure to police at all in cases where racial violence is clear, overt and repeated. The Met and other forces should be forced to take on not just the violent bullies in their ranks, but the everyday indifference to communities’ concern about racial harassment – which is itself compounding racism and therefore equally culpable.

Stuff the Jubilee - Estimated Costs £3 billion while Poorest Families Starve

It has to be said that neither the Queen herself nor any members of her family have the slightest idea of what it is like to live on a sink estate or to be in a position where one has to choose between eating and heating during the winter months because there is insufficient money to go around. Councils up and down the country are wasting public money on these celebrations whilst simultaneously cutting jobs which is hard to justify.

The cost of the Queen's Diamond Jubilee to Britain and its taxpayers is estimated by the government to be as much as £3 billion. At the same time, many of the unemployed, disadvantaged and poor do not have enough to pay for basic necessities, including food, energy and water. No amount of expensive pageantry or flag waving is going to help the homeless and with local councils across the country spending an average of £500,000 on the celebrations, it is right to ask whether that money could and should have been spent on something more worthwhile. Raymond Peytors theopinionsite.org

Plan for cheap prison work 'may cost thousands of jobs'

An urgent investigation has been launched into government plans to double the number of prisoners being paid to work while still behind bars. Ken Clarke, the Justice Secretary, has told officials he wants to see nearly 20,000 convicts – twice the number of people currently employed by Starbucks in the UK – carrying out regular work in prison within 10 years. But the plans have caused alarm among trade unions, who fear that a large increase in prison labour could adversely affect the job market in surrounding areas. They are now leading an investigation into the policy. Oliver Wright, Independent, 05/06/12

Prison and paid work do mix Leader Indpendent, Monday 4th June 2012

The concern of trade unions about government plans to increase the number of prisoners doing paid work can well be understood. It is not easy for people to get jobs in the present economic climate and prisons tend to be located in areas of high unemployment, so it is possible to conceive of a situation where it may be simpler to be in paid work as a prisoner than it is as a law-abiding citizen in the outside world. Nor are pay rates irrelevant. If employers can pay prisoners less, perhaps significantly less, than they pay other workers, what is to prevent them preferring "cheap" prison labour and scaling back "full-priced" employment?

What these have exposed is an ongoing reality of police harassment and violence normally hidden from public view. And rightly, there has been outcry from community activists and civil liberties groups demanding that those responsible are held to account. Amidst this furore though, police racism in a different guise has continued unabated with almost no acknowledgement. This racism stems not from the abuse and bullying which is meted in the back of police vans, but from their inertia (verging on downright refusal) to respond to BME community concerns. Still, years after allegations were made by organisations like the IRR in the 1970s, cases of racial violence are still not investigated and allegations are not taken seriously. And it is a torpor which gives a green light to ongoing campaigns of harassment.

In Peterborough last month, taxi-drivers made this clear in a meeting with the police, where they expressed fury over the handling of an assault on Gholam Hussein, who was viciously beaten in an unprovoked, sustained attack leaving him hospitalised, with one eye socket broken. Despite a witness being able to point out at least one of the perpetrators, nothing was done. It was also made clear by Seymour Pantry, the chairman of the Barnstaple Residents' Association, disabled and with a prosthetic leg. Mr Pantry's teenage brother was killed in a racist attack in 1980, and he himself was beaten to the ground earlier this month by a man who screamed racist abuse at him when he was prone on the floor. The police's decision to release the offender with a caution – partly on the basis that he admitted the attack straight away after being arrested – has left Mr Pantry angry, stating that they 'did not do their job'.

Such ineffectual responses make a mockery of the 1999 Macpherson Report which included a searing critique of the police's response to racist attacks. They also fly in the face of claims by the police and some politicians that since the report, the police have undergone a process of steady and largely uninterrupted reform. In March, the sons and son-in-law of Shah Alom, the owner of the Bengal Fusion restaurant in Somerset, were arrested. This happened after they tried to protect themselves and their business from a group of people who smashed windows and shouted racist abuse. None of the attackers were arrested when the police arrived, and the restaurant owner has since stated that the combination of vandalism and the police's response to it has forced him to consider leaving the area where he has lived for the last twenty-two years.

Experiences such as Mr Alom's are not one-offs. On the contrary, police practices which ignore the realities of racist attacks, whilst simultaneously criminalising self-defence, are leading to people across the UK being hounded from their homes, work-places and schools, often fighting against the system which claims to safeguard them. In Northern Ireland, Charles Awoyelu and his family were forced to flee their home recently after a prolonged campaign of racist abuse which included having a rock thrown through their 8-year-old child's bedroom window as she slept. The family were lucky enough to have short-term access to a rent-free property through contacts at their local church, but when that came to an end their application to have their home repurchased under a special scheme for people who have been intimidated, was rejected. Eligibility for the scheme is reliant on the local Chief Constable signing off that the police think the victim's life is in danger, and as a result of this decision the family face having to continue paying the mortgage on a house they have been hounded out of.

In Bedfordshire, meanwhile, an elderly Muslim man instigated legal action against his housing association last month because it will not relocate him, despite a three-year-campaign of racist abuse which led to his wife leaving the country and his children living in fear. The local police acknowledged receiving ongoing calls from the man about the harassment, but nothing appears to have been done. Nothing, that is, aside from him being handed with the bill for

the Secretary of State to extend the scope of the Bill by secondary legislation (Clause 11(2)). This opens the door to the further expansion of secret justice in the future, without the benefit of full parliamentary scrutiny. Secret inquests may yet rise again.

The judge decides: The Secretary of State has conceded that the original proposal that a Minister should trigger closed material procedures at his or her discretion was "too broad". The "final say" will now be with a judge. The Bill provides that the Court must make a declaration that closed material proceedings may be introduced in any case where a party will be required to disclose material which "would be damaging to the interests of national security". Applications may then be made to the Court for certain material – or types of material – to be subject to closed material proceedings. When that application is considered, the Court may only order disclosure of any material – or any summary – if it is not damaging to national security.

That the final decision is made by a judge is indisputable. Unfortunately, in substance the shift from the proposals in the Green Paper is not as significant as it first might seem. The Green Paper talked about public interest, but Ministers were always firm that they only intended these proposals to apply to a limited number of cases concerning national security. Although the Bill is not limited to national security cases, "national security" remains undefined.

In the original Green Paper proposals, it was clear that the Minister's discretion would be subject to judicial review, albeit on ordinary grounds. The broad degree of deference afforded by the Courts to the Executive on the assessment of national security risk is well-documented. The application to introduce closed material procedures will take place ex-parte and it is likely the judge will hear only from the Secretary of State and the party seeking the closed material proceedings, if different. In practice, these changes are unlikely to provide for a significant degree of scrutiny.

The role of the judge changes significantly under the proposals in the Bill. Under the existing public interest immunity procedure the judge will balance the competing public interests: the interest in open, adversarial justice and any immediate national security interests. It will be for the judge to determine where the public interest lies.

Under the proposals in the Bill, no balance is drawn. The so-called Wiley balance is abandoned. The judge must introduce closed material procedures where there will be damage to the interests of national security. There is no discretion to consider alternatives, such as anonymity orders or confidentiality rings. The Court is instructed to ignore the possibility that public interest immunity might be applied and the material excluded altogether (Clause 6(3)(a)). Although the Secretary of State must consider whether to make a claim for public interest immunity, he is not required to do so. He may seek closed material proceedings as an alternative to public interest immunity, not a supplement (Clause 6(5)).

There are many other features of the Bill which will be dissected in far greater detail in the coming months. For example, the Bill does not deal directly with enhanced disclosure, as required by AF (No3) to secure the right to a fair hearing. Instead, it empowers the Court to make any disclosure or summary available it sees fit, provided it would not damage national security (Clauses 7(1)(d) – (e)). There is no corresponding duty on the Court to proactively order such disclosure as is necessary to secure a fair hearing.

However, the Bill provides a rider to supplement the requirement that the Court would read the provisions compatibly with the Convention rights guaranteed by the HRA 1998 (s3). Clause 11(5) provides that nothing in the Bill will require the Court to act inconsistently with Article 6 ECHR. It is unclear what the Court will be required to do in circumstances where under AF (No3) enhanced disclosure would have been necessary to secure a fair hearing

compatible with Article 6 ECHR, but the Secretary of State argues that disclosure would be damaging to national security.

A case for reform?: In introducing the Bill, the Government has failed in its first task: to produce a compelling case for reform. Ken Clarke rightly points out that no-one wants intelligence personnel to be endangered by giving evidence in open court. However, this never been a realistic prospect. There is no suggestion that the operation of public interest immunity – and other protections such as screening, anonymity or confidentiality rings – have endangered lives or national security. If a judge is satisfied that the public interest is in favour of non-disclosure, the relevant material is excluded.

The Secretary of State argues that the current system is failing because the Government can't rely on information excluded subject to immunity. If it could, it would be able to resist claims it would otherwise settle. Instead, the Government would prefer to put all the information before a judge. However, the simplicity of that argument was wholly rejected by the Supreme Court. As Lord Kerr explained, evidence unchallenged can positively mislead. Requiring the Court to determine these claims after hearing only one side of the case – often the Government's unchallenged evidence – could skew the proceedings in favour of the Government and against the excluded party. The Special Advocates have themselves stressed that their involvement cannot redress the inherent unfairness in this type of closed proceeding.

The Government has produced no new evidence that the current system is failing. The Parliamentary Joint Committee on Human Rights stressed in their influential report that this justification must precede any detailed proposals for reform. The JCHR considered the Government claim that it had been forced to settle cases it could have resisted but for the operation of public interest immunity. It rejected the Government's claims. Importantly, the cases in Al-Rawi were settled before public interest immunity had been explored. The material accompanying the Bill makes no new case for change, nor does it appear to produce any further evidence.

The Justice and Security Bill can be firmly removed from the list of recent Government "U-turns". The changes proposed by the Government represent little more than a bump in a road which appears to be charging steam-roller like to a predetermined destination: the introduction of closed material procedures as a standard tool in the civil justice tool-box. That, we believe, would cause irreparable damage to public confidence in our civil justice system and could potentially undermine the credibility of our judiciary.

Parliamentarians must ask: where is the compelling case for change? That the Government continues to make the same arguments which were rejected by the Parliamentary Joint Committee on Human Rights must be cause for concern.

Angela Patrick, UK Human Rights Blog, 29/05/12

R v Chadder and Monteiro [2012] EWCA Crim 1119

Sentences of 40 months for an offence of child rape (s 5 SOA 2003) referred to the Court of Appeal on the grounds of undue leniency.

Held: In our judgment, the starting point for these offences of rape should not have fallen below 11 years custody and may have been somewhat higher. We are conscious that this must result in a substantial increase in sentence even after giving full credit for guilty pleas. We agree with the judge that there is no reason to distinguish between these offenders. In each case we quash the sentences imposed and substitute sentences of 7 years detention in a young offender institution.

occasions he had been detained by the police under section 136 of the Mental Health Act 1983 and taken to a 'place of safety'. Prior to his arrest on the 21st August he had stopped taking his medication and his behaviour was giving cause for concern. On the evening of 21st hostel staff called 999 on several occasions asking for police to attend the hostel. The police did not attend. Sean then left the hostel and was later arrested after a member of the public called the police. He was restrained by the police, taken to Brixton police station and died soon after.

The ensuing IPCC investigation has been the subject of serious criticism, as has the police handling of the case and their treatment of the family.

The family hopes the inquest will address the following questions and issues:

- How/why did Sean, who appeared to be physically healthy, come to suddenly die in this way?
- Why did the mental health service fail to carry out an emergency intervention when it became clear that Sean had ceased taking his medication and was going into crisis?
- Was key mental health information passed to relevant police officers?
- Why, when it became clear Sean was experiencing a mental health crisis, was he restrained and transported in the back of a police van to Brixton police station and not taken to a hospital for emergency medical care
- The adequacy of the medical care given to Sean at Brixton police station by the police, including by the police doctor
- Whether effective communication and response protocols were in place between the agencies (Metropolitan Police Service, South London and Maudsley NHS Foundation Trust and Penrose Housing) to address Sean's emerging crisis.

Sean's family said: "We have been battling for nearly four years to find out the truth of what happened to our brother that night. Sean was doing great things in his life and it was devastating his life was cut short in this way. Sean should have been safe in the care of the police and the mental health services. We believe his death was wholly avoidable and welcome the chance for the evidence to be finally aired publicly and properly scrutinised."

Deborah Coles, co-director of INQUEST said: "INQUEST has significant concerns about how vulnerable people with mental health issues are treated by the police. This is a deeply disturbing death and it is vital both for the family and the public that there is a rigorous, far-reaching investigation into the treatment of a vulnerable black man in need of care and protection. Sean Rigg's family have endured a painfully long wait for this inquest, and an unacceptable and ongoing battle for funding. They need to find out the truth about how Sean died, and be reassured that action will be taken to prevent anything like this happening again."

The Rigg family is being represented by INQUEST Lawyers Group members Leslie Thomas of Garden Court Chambers, instructed by Daniel Machover of Hickman & Rose Solicitors. They are being supported by INQUEST throughout the inquest.

Police Racism - Enshrined in Practice? Written by Jon Burnett for IRR

The police have been forced to acknowledge the racism embedded within their own ranks recently, primarily as a result of the quick-witted teenager Mauro Demetrio, who surreptitiously recorded a PC telling him that 'the problem with you is that you will always be a n****r' and who has since claimed that he was effectively strangled after being arrested. In the aftermath, a flurry of high-profile allegations have emerged about police brutality, and overt police racism has been brought to public attention in a number of cases.

Man cleared of Bedford lake murder wins libel against police BBC News, 01/06/12

The boyfriend of a woman found dead in a lake in Bedford has won a libel action against police who claimed he probably killed her. Amilton Bento, 31, won £125,000 damages and costs at the High Court after suing Bedfordshire Police. Kamila Garsztka, 26, was found in Priory Lake, in January 2006.

Mr Bento's conviction for her murder was quashed on appeal in February 2009, but police later issued a statement implying he had escaped justice. At the Court of Appeal in London, his conviction had been ruled "unsatisfactory" as it was based on evidence Ms Garsztka had been carrying a bag shortly before she died. The bag was later found at Mr Bento's flat in Rutland Road, Bedford. He has since moved to Portugal and was not at the High Court.

Miss Garsztka's body was recovered from the lake after being spotted by young people have a canoe lesson but post-mortem tests proved inconclusive on the cause of her death. In July 2009, shortly before a retrial of Mr Bento was to get under way, the Crown Prosecution Service (CPS) discontinued the case and Mr Bento was formally acquitted.

The CPS decision prompted police to issue a press release, which has been deemed libellous at the High Court. During the libel hearing at the High Court in London, Richard Rampton QC, for Bedfordshire Police, said his clients had aimed to prove Mr Bento "probably killed Kamila, and that this was either murder or manslaughter". Mr Rampton told the High Court the force's press release was justified in view of anticipated public criticism and was covered by qualified privilege. Kamila Garsztka Kamila Garsztka's body was found by boys who were canoeing on Priory Lake Befordshire Police said it had been under a duty to publish the release, to provide information to the public and to defend their conduct in investigating Ms Garsztka's death. However, the court heard its content suggested Mr Bento was guilty of murder and wrongly escaped justice as a result of confusion in regard to expert evidence.

Hugh Tomlinson QC, Mr Bento's counsel, told Mr Justice Bean his client had last seen Ms Garsztka in December 2005, at his flat where she had stayed the night. She had gone to the flat after taking a trip to Brighton, during which she was "not in a normal state of mind", Mr Tomlinson said. That evening, she was captured on CCTV walking at Priory Lake. Her coat, scarf and trainers were later found by dog-walkers, who alerted the police. 'No motive': Mr Tomlinson said: "There was no evidence that [Mr Bento] was anywhere near the lake that night." There was also no evidence that Mr Bento, a man of good character, had ever been violent to anybody or had any motive to attack or kill Ms Garsztka. Mr Tomlinson also said he did not accept the police claim it had issued its release because they anticipated a public attack on their conduct in the case.

Mr Justice Bean, who heard the case without a jury, agreed and rejected the police defences of justification and qualified privilege. Mr Bento was not in court for the ruling.

Bedfordshire Police said in a statement they accepted the judgement and their insurers would pay the damages and Mr Bento's court costs.

Inquest into Death of Sean Rigg Begins Monday 11th June 2012

The inquest into the death of Sean Rigg, a 40 year old black man who died on 21 August 2008 following contact with Brixton police, will begin on Monday 11 June at Southwark Coroner's Court. Sean Rigg was a talented musician and one of five siblings. He had suffered from severe mental illness from the age of 20 and had a formal diagnosis of schizophrenia. He was living in a high support community mental health hostel. His family were intensely involved with his life and his mental health care.

Sean had a history of stopping his medication and falling into relapse. On several

The court set out the following sentencing principles:

(1) Careful analysis of the circumstances of a section 5 offence is always required and a Newton hearing may be necessary when the claim is made that the victim was consenting in fact and/or that the offender believed the victim to be significantly older than her chronological age. The prosecutor bears a burden of responsibility to ensure that factual concessions to a basis of plea or mitigation of the offence are made only when justified and that, if made, the precise import of the concession is understood by the offender and the court (see further paragraph (3) below);

(2) There is a strong element of deterrence in sentencing for sexual offences committed against young children, whether they are sexually experienced and 'willing' or not. They are, by reason of their young age, vulnerable to exploitation and require protection, sometimes from themselves. It can be assumed that, whatever the circumstances, there is likely to be considerable long-term harm caused by such offences;

(3) Exploitative sexual behaviour towards a child under 13 without consideration for the vulnerability of that child may be just as serious as submission obtained by the use of force or the threat of force. "Ostensible consent" and "willingness" are terms which, in the context of offences against the young in particular, are susceptible to misunderstanding and, even if accurately used, are liable to obscure Judgment Approved by the court for handing down. the true nature of the encounter between the offender and the victim (see Fenn and Foster at para. 11);

(4) The culpability of the offender is measured in part by his own understanding of the harm he was causing or was likely to cause. The guideline does not, however, recognise as a mitigating factor a belief by the offender that the victim was aged 13-15 years. There is a good reason for this. Such an offender knew that the victim was not in law consenting.

Nevertheless, the younger the victim, the more serious is the harm likely to result and the greater is likely to be the culpability of the offender. We repeat the advice of the court in Corran at para. 8 that the respective ages of the offender and the victim is an important factor in the assessment of seriousness;

(5) The starting point for consideration of the appropriate sentence for a section 5 offence is the table at page 25 of the guideline, and not the table at page 53 which applies to offences contrary to section 9. If the judge decides to sentence outside the guideline range that decision should be justified and explained. http://www.bailii.org/ew/cases/EWCA/Crim/2012/1119.html

Prisoners Fightback

1. The rehabilitation counter-revolution
2. Free the Irish prisoners of British occupation!
3. Close Supervision Centres - voices from prisons within prisons

[Articles from Fight Racism! Fight Imperialism! 227 June/July 2012 www.frfi.co.uk]

1. The rehabilitation counter-revolution

The appearance of Justice Secretary Ken Clarke in a small newly-opened Timpson training workshop located in a former farm building next to HMP Blantyre House in deepest rural Kent would not normally be particularly newsworthy, even though the photo opportunity was tied in with the launch of the newly-rebranded Prison Industries unit as One3One Solutions - 131 prisons having been identified as able to host some sort of business or prisoner training scheme. Yet it was significant in that it signalled a major retreat in the ConDem Coalition's attempts to establish its 'Rehabilitation Revolution' and the industrialisation of prisons in England and Wales.

Prior to the last general election the Tory Party had major plans for the prison system in

England and Wales: selling off 30 Victorian inner-city prisons and building a series of brand new 1,500 place 'mini-Titans' across the country in their place. These were slated to be industrial-style prisons on the model of HMP Coldingley, built on disused military sites located close to the motorway network. These new gaols would be cheaper to run - of a modern, state of the art, minimally-staffed design (and definitely without any major POA influence) - that would almost pay for themselves as their prisoners would have to work in factory-like conditions.

However, those plans were soon shelved: when the Coalition realised that there were no pennies left in the penal piggy bank, and that the Victorian prisons, despite being located on prime valuable land, were all listed buildings, and therefore largely unsellable. Consequently, the prison-building programme was an unaffordable luxury and the Ministry of Justice decided instead that, in addition to privatising vast swathes of the remaining prison estate, in order to make savings from the current budget, it might actually have to close prisons down.This would run counter to the whole ethos of the bang 'em up 'Prison Works' arms race that the two main parliamentary parties have engaged in over the two decades since Michael Howard coined the phrase. Hence the need to revise plans, inventing the 'Rehabilitation Revolution' with its dual-track emphasis on skills training for prisoners in newly industrialised prisons, selling prisoners' labour to the highest bidder and thereby generating sorely needed income for a cash-strapped Exchequer.

Unfortunately for the Coalition, history tells us that prison labour has never played a significant role in Britain. Even in the Victorian era that Tory politicians recall with nostalgia, prison labour was largely unproductive. Whether it was the crank or the treadmill, it existed both to mortify the flesh and allow the prisoners time to reflect on their 'sins' and to conveniently help tire them out so they would be less rebellious.

Today, prison labour has taken on a greater significance in that prisoners produce much of the material they consume, including clothing, cell furniture, etc, plus much of the infrastructure (doors and bars) that keeps them locked up; as well as all the cooking and cleaning for their prison. However, fewer than 30% of prisoners have any paid work, with approximately two-fifths (10,000) employed in Prison Service workshops - 4,000 of whom work on contracts for private sector firms, largely carrying out small-scale assembly and packing work (67%), whereas manufacturing contracts amount to a mere 4% of turnover.

Compare this to the United States, where the Prison Industrial Complex is much more advanced. There large sections of both the Federal and State prison sectors are turned over to manufacturing and service industries, producing everything from the traditional car number plates to the army's flak jackets, office furniture, haute couture underwear, solar panels and even printed circuits used in Patriot missiles.

Prisoners also carry out much of the military's vehicle fleet maintenance and some State prisons even operate call centres. Prisons are big business in the US but even there politicians are coming to the realisation that they simply cannot afford to bang up ever-increasing numbers of people.

Which brings us back to the Coalition's dilemma: no money to build prisons, never mind equipping the workshops needed to expand the Prison Industries sector as envisaged. And no space in most existing prisons for those workshops, even if all the space that was once used for crafts training (bricklaying, carpentry and the like) that was replaced in the past couple of decades with cheap and easy to administer Offending Behaviour Programmes (the pseudo-scientific psychology-based courses that are the bane of prisoners' lives) were reclaimed.

The only option therefore is privatisation, by one of two routes. The first is to hand the

Convicted Kevin Nunn Wins Chance to Ask Supreme Court to Reopen Case

PA/Huffington Post UK I Posted: 31/05/2012

A man given life for killing his ex-girlfriend has won the chance to ask the Supreme Court to reopen his case. Kevin Nunn, 50, of Woolpit, Suffolk, is serving a minimum 22-year jail sentence before he can be considered for parole. He was convicted of murdering Dawn Walker, 39, whose body was found near the River Lark, close to her home in Fornham All Saints, Suffolk, in February 2005. Nunn and his family have been fighting a long legal battle to get forensic evidence re-examined.

At a recent High Court hearing in London, his lawyers argued semen samples discovered on Ms Walker's body could not have been linked to him as he had undergone a vasectomy. They challenged a refusal by Suffolk chief constable Simon Ash and the Crown Prosecution Service to release evidence for further analysis, arguing it could cast doubt on the safety of Nunn's conviction. But High Court judge Sir John Thomas, sitting with Mr Justice Haddon-Cave, upheld the refusal earlier this month. They said Nunn wanted access to material to enable the case to be re-investigated and re-examined, but ruled the time and place for investigation and examination "was the trial." On Thursday, Sir John said he took the view Nunn's case was unarguable but was prepared to certify it raised a point of law of general public importance.

The certification opens the way for Nunn to apply to the Supreme Court justices themselves to make a final decision. Nunn's 76-year-old father, Horace, a retired lorry driver, has so far spent £50,000 of his life savings on his son's legal battle.

Ms Walker, who worked in a printing firm, had a two-year relationship with Nunn and was found dead soon after they separated. Prosecutors said Nunn killed Ms Walker after a row on 2 February 2005, later burning her body and leaving it near the River Lark. At the 2006 trial in Ipswich, Nunn claimed the "real killer" was another man who had had a relationship with Ms Walker.

London Anarchist Black Cross Zine - Call Out for Submissions

London ABC is planning a Zine, we hope it will be the first in a series! We'd like to include words and pictures by people currently in prison, those who have been imprisoned in the past, and others with something to say on related subjects.

Subjects we are particularly interested in covering include prison life, prison abolition, resistance to the prison industrial complex, experiences of friends and family of those inside, support for and solidarity with prisons, history of prisons, use of prisons around the world, social prisoners, political prisoners, tagging, control orders, immigration detention centres, Palestinian prisoners, the G20 prisoners in Canada, alternatives to prisons, book/zine reviews, race in the prison system, sex/gender in the prison system, prison slave labour, youth detention centres and young offenders institutes and anything else you can think of which seems relevant to a zine based on solidarity with prisoners and prison abolition. jokes about screws are always welcome too.

Deadline for submissions for this issue: July 6th (anything received after that date will be considered for the next issue). sorry we can't guarantee we'll be able to return original artwork etc but we will do our best, if you ask nicely. we will be printing in black and white only. shorter texts are preferred, not longer than 800 words is ideal. feel free to use the space to plug your group/project/demo/action if it seems relevant.

Please send your articles, essays, news items, poems, drawings, photographs, jokes, riddles, etc to us at the address below. also feel free to contact us with any questions or suggestions you may have.

London ABC:c/o Freedom Bookshop Angel Alley 84b Whitechapel High Street London E1 7QX

need to be publicly disclosed, according to the report.

The Lawrence family has long alleged that corruption had a part to play in the original inquiry because of a series of errors, including a two-week delay before the main suspects were arrested despite them being named in the first hours after the killing.

David Norris and Gary Dobson were jailed this year for their part in the attack on Mr Lawrence. They will appeal against their convictions.

An Unjust Slur on our Journalism Leading Article Independent, 01/06/01

Yesterday, the Independent Police Complaints Commission published an investigation into allegations in The Independent earlier this year that a key investigator in the first, botched hunt for the killers of Stephen Lawrence was engaged in extensive criminal enterprises.

The story was based on unpublished Metropolitan Police files. The implications could not be more far-reaching: such corruption could have hampered the original inquiry into a murder which was a watershed in Britain's race relations.

The IPCC has been unable to find any new evidence on either our allegations, or others which followed in another newspaper. But the police watchdog's report is a flawed piece of work that makes an erroneous - and highly prejudicial - assertion that we cannot allow to pass unchallenged. An IPCC official approached The Independent with questions about our initial article and was directed towards its co-authors, the two investigative journalists, Michael Gillard and Laurie Flynn, who have written a book on corruption in the Metropolitan Police based on more than 1,000 interviews with lawyers, whistle-blowing detectives and police supergrasses.

Not only did the IPCC make no attempt to contact either the editor or the news editor of this newspaper. It has also included in its report the startlingly disingenuous claim that The Independent's reporter confirmed that he had "no evidence" to substantiate the story about the Lawrence case. This is both untrue in itself and a gross misrepresentation of what was said, which went no further than the suggestion that the IPCC contacted Mr Gillard.

This newspaper is not in the business of printing stories without the evidence to back them up, particularly on so delicate a subject as the murder of Stephen Lawrence. It is impossible not to conclude that the IPCC has published its report prematurely, without fully completing the necessary inquiries. Public confidence in the police, and its watchdog, requires a more thorough investigation of allegations of serious corruption within the capital's force. And we require a retraction of the slurs on our journalism.

Lawrence murder: Police 'corruption' will be investigated

Nineteen years after the murder of Stephen Lawrence, the Home Secretary, Theresa May, has ordered a new inquiry headed by a leading barrister into allegations that police corruption hampered the original failed investigation. Ms May effectively overruled Scotland Yard and the police watchdog whose own inquiries both ruled on Thursday that there was no new evidence to warrant further investigation, after reports in The Independent. She has spoken to Doreen Lawrence, the mother of the black teenager killed in the racist gang attack in Eltham, south London, in 1993, to tell her that a Queen's Counsel will now review Scotland Yard's investigations into alleged corruption. Mark Ellison, QC, the barrister who secured the first convictions of any of Stephen's murderers earlier this year, will head the review. It is not clear what the extent of his investigatory powers will be, or whether they will include the right to summon witnesses, or hear evidence in public.

management of yet more prisons over lock stock and barrel to private security companies, where they can exploit their captive workforces (See 'Selling off the punishment machinery' FRFI 226). The other option is to invite outside companies to provide training and employment in workshops fitted out (or even built) at their own expense within existing prisons: the carrot being that they get incredibly cheap, or even free labour, and can cherry-pick the most compliant workers to employ in their companies post-release.

This is the model that Ken Clarke (alongside supposed prisoners' advocates such as the Prison Reform Trust) was proposing when he appeared at the recently opened Timpson training workshop and effectively pleaded with the private sector to help the government out of its dilemma. And Timpson was a perfect example to choose: 5% of their 4,000+ workforce are ex-prisoners; they already operate workshops in HMP Liverpool and HMP Wandsworth; and the new workshop follows that pattern - training 12 prisoners at a time in shoe repair, watch-mending and dry cleaning tasks, with the best creamed off to work for the company post-release.

And this is the model that Clarke's once lofty ambitions have been reduced to - begging companies like Marks & Spencer and Virgin to help him out. However, it has already proved to be a successful model for some companies. Speedy Hire, for example, operates from four prisons in England and Scotland, training 200 prisoners to repair plant hire equipment; this has allowed the company to close 37 depots with the loss of 300 jobs whilst maintain its profit margins and shareholder dividends during the current recession. In the private prison sector, Summit Media has been even more successful, creating an international e-commerce empire on the back of training prisoners in its media suite at HMP Wolds.

Unfortunately this route is not designed to maximise the government's income from prisoner labour, which is where the final brick in the edifice of the new on-the-cheap working prisons model comes in. The Prisoners' Earnings Act 1996, which had remained dormant until 2011 when the Coalition implemented it, allows the government to take tax and NI contributions from prisoners, as well as to levy monies for a victims' fund (amounting to secondary taxation) and eventually to force prisoners to pay for room and board. Initially this has only operated in open prisons, where prisoners can go to work for outside employers. Having recently defeated legal challenges to the enforced deductions, the government will now be looking to expand the scheme into closed 'working prisons'. This is not such a lucrative outcome when compared to the Tories' original plans, but the Coalition is making what they can out of a typical British Heath Robinson-style compromise and, as ever, prisoners' needs remain very low on their list of priorities. Joe Black (Campaign Against Prison Slavery)

2. Free the Irish prisoners of British occupation!

The situation of political prisoners in the north of Ireland acutely exposes the reality of continued British rule. Imprisonment is being used in an attempt to silence those such as Marian Price and Gerry McGeough who criticise Sinn Fein's collaboration with British rule. There are currently around 50 prisoners in Maghaberry prison on a dirty protest, following the repeated failure to implement an agreement reached in August 2010, which was intended to resolve a dispute over the use of strip-searches.

In a further recent development, the Public Prosecution Service is now increasing the use of 'intercept evidence' in the non-jury Diplock courts in order to secure convictions against those accused of political offences.

Marian Price has been held in prison for over a year, for the large part in solitary confinement. The Northern Ireland Secretary Owen Paterson has deliberately ignored the fact

that her 1980 release from prison was effected on compassionate grounds via the 'Royal Prerogative of Mercy', and claims that instead she was on life licence, meaning that she can be recalled for the smallest alleged violation. Marian, who is 57 years old and suffers from ill health as a result of her time on hunger strike in the 1970s, was arrested during a police raid on her Belfast home on 13 May 2011 and charged with encouraging support for an illegal organisation. She was granted bail in court on this charge, but Patterson then blocked her release claiming she was in breach of licence.

Gerry McGeough, who in the 1980s was imprisoned in Germany and the US on charges related to IRA armed activity, was arrested in 2007 and subsequently sentenced to serve 20 years imprisonment for the attempted murder of an Ulster Defence Regiment soldier in 1981. Gerry and his supporters are certain that the reason he is actually serving this term, as opposed to having the sentence set aside under the terms of the Good Friday Agreement, is that he left Sinn Fein and stood as an independent republican candidate in the Northern Ireland Assembly elections of 2007.

On 19 May seven people appeared in court facing terrorist charges following a series of arrests and house raids; three of them are relatives of prominent republican Colin Duffy. Paul Duffy is accused of 'directing terrorism', while his brother Damien Duffy and cousin Shane Duffy are accused of conspiracy offences including 'conspiracy to murder persons unknown'. The so-called 'intercept evidence' is said to originate from covert recordings and tracking of cars and people. Spearheading the use of such tactics is the new north of Ireland Director of Public Prosecutions Barra McGrory QC, a nationalist lawyer from West Belfast, who has represented Sinn Fein and who is a keen supporter of the reintroduction of the discredited use of super grasses. Free all Irish political prisoners! - Paul Mallon

3. Close Supervision Centres - voices from prisons within prisons

'It is good to see this pamphlet produced, and I am sure that every prisoner who finds themselves isolated and brutalised in the nightmare world of the Woodhill Torture Unit will welcome it also. From its pages the reader will learn much about what is going on inside the closed world of the CSC system, but it is so far divorced from everyday life for most people, that an empathetic imagination will be required to relate to it directly.

Kyle Major, for example, talks about being on a “six officer riot unlock”.That means that every time his door is unlocked for any reason, he will first have orders barked at him to stand at the back of his cell, perhaps to face the wall or even to kneel and place his hands behind his head. Then his door will be opened by six burly block screws in full riot gear, all itching to show how brave they can be with their clubs and shields.' Mark Barnsley.

Produced by Bristol Anarchist Black Cross, this 32-page pamphlet is packed with accounts from inside the most tightly controlled part of the British prison system - the Close Supervision Centres (CSCs). Beginning with a hard-hitting introduction by former prisoner and longstanding prison support activist Mark Barnsley, it assembles writing from past and current CSC prisoners, together with commentary from John Bowden, whose insistent inquiries glaringly exposed the use of the CSCs (supposedly designed to house dangerous prisoners or those posing a serious 'control problem') to warehouse men with acute mental health problems. Many of the articles and letters were originally published in FRFI and Bristol ABC have done an excellent job of assembling them, together with material from Inside Time, Indymedia and elsewhere to provide a stark account of the horrific day-to-day reality of the CSC.

Pamphlet is free - order from Kebele centre, 14 Robertson Road, Bristol BS5 6JY

Four prison officers accused of assaulting inmate at Barlinnie acquitted

Prison officers who were accused of assaulting a prisoner in Barlinnie jail have been acquitted. Donald Stewart, Christopher Surgenor, John Miller and Scott Durnion were accused of carrying out the attack on Jonathan Kelly in September 2008. Kelly was transferred to Kilmarnock prison on September 26, 2008 with injuries to his head and body. He was subsequently taken to Crosshouse Hospital for treatment. Kelly testified that while the prison officers restrained him days earlier at Barlinnie using recognised techniques, he sustained an injury above his right eye which later required stitches. (See ‘Inside Out’ No 364 22/03/2012)

Lawrence Murder: Met Criticised after Finding no Corruption Evidence

Scotland Yard said yesterday it had found no evidence that police corruption played any role in the original bungled inquiry into the murder of Stephen Lawrence. The two-month police review, prompted by fresh allegations of police wrong-doing published by The Independent and The Guardian, also found that no documents were withheld from an official inquiry that examined the failed police response to the 1993 racist killing of the black teenager.

The findings were challenged by the Lawrence family's MP, Clive Efford, who said that only an independent investigation would resolve allegations centred on two serving officers who played a role in the initial police inquiry. In March Doreen Lawrence, Stephen's mother, called for the official inquiry to be reopened after The Independent published details from secret police intelligence files for the first time detailing the scale of alleged criminality against one of the key investigators. The family had not seen the files before. "The only thing that's going to satisfy people is for this to be looked at by an independent public inquiry," said Mr Efford, the MP for Eltham.

The Home Secretary, Theresa May, has offered to meet Ms Lawrence and is considering her demands. Ms May will also receive a copy of the Scotland Yard report and one by the Independent Police Complaints Commission (IPCC), which conducted a separate investigation. The IPCC carried out an inquiry in 2006 after allegations of police corruption in a BBC Panorama programme. The IPCC said yesterday it found nothing to suggest it should revise those findings. But the IPCC report was criticised last night after it stated that an Independent reporter said he had no evidence to back up its allegations. Chris Blackhurst, editor of The Independent, said: "We have complete confidence in the rigour of our journalism and our report brought important new details to light. Extracts from these files were seen by the Lawrence family for the first time when we published them. It is important that these issues are opened up to full independent scrutiny."

The Metropolitan Police interviewed retired senior officers involved in anti-corruption operations in the 1980s, trawled thousands of documents in police and national archives, and interviewed counsel from the 1998 Macpherson inquiry. It concluded that it had not "uncovered evidence of corruption or collusion which could have adversely affected or otherwise influenced the path of the original investigation or subsequent investigations".

The claims centred on a former Met Commander Ray Adams and ex-Sgt John Davidson. Secret Met Police files published by The Independent alleged that Mr Davidson was a "major player" in a ring of bent detectives "operating as a professional organised crime syndicate". Both men have denied the wrong-doing. It followed claims by a former corrupt member of the regional crime squad who became a police supergrass.

The Metropolitan Police report published 31/05/12 said it made known to the public inquiry its concerns about the integrity of Mr Adams and Mr Davidson. The lead counsel, Edmund Lawson, QC, who died in 2009, concluded that some material was not relevant and did not