While there was nothing to indicate that there had been a real intention to humiliate or debase Mr Vasilescu during his detention, his physical conditions of detention in Antwerp and Merksplas Prisons had reached the minimum threshold of seriousness required by Article 3 and amounted to inhuman and degrading treatment. Accordingly, there had been a violation of that provision. Article 46 (binding force and execution of judgments) The Court found that the problems arising from prison overcrowding in Belgium, and the problems of unhygienic and dilapidated prison institutions, were structural in nature and did not concern Mr Vasilescu's personal situation alone.

The conditions of detention about which Mr Vasilescu had complained had been criticised by national and international observers (including the CPT) for many years without any improvement apparently having been made in the prisons in which Mr Vasilescu had been detained. Consequently, the Court recommended that Belgium envisage adopting general measures in order to guarantee prisoners conditions of detention compatible with Article 3 of the Convention and also to provide them with a remedy capable of putting a stop to an alleged violation or permitting them to obtain an improvement in their conditions of detention. Just satisfaction (Article 41) The Court held that Belgium was to pay the applicant 10,000 euros (EUR) in respect of non-pecuniary damage and EUR 800 in respect of costs and expenses.

Trudi Hudson Death - Prison Staff Failed to Minimise Risk *Source Nottingham Post*

At the end of the inquest into Hudson's death on Friday 21st November 2014, a jury concluded Trudi had taken her own life intentionally. The panel of five men and four women recorded a narrative conclusion, which read: "We believe Trudi's risk of self harm was recognised, but we believe this was not effectively communicated between teams and contributed to a higher risk at this time. Procedures were in place, however these appear not to have been properly executed at the time of Trudi's death. It is our considered opinion that Trudi's sole intention was to end her own life. The main contributing factor was her obsession with her partner which resulted in her negative thoughts at that time."

The court heard how Hudson had told HMP Foston Hall prison officers in the weeks before her death that she was being bullied by fellow inmates to hand over medicines. She had also stopped eating after claiming to be taunted over her weight and crime. Because of concerns that she might try to take her life, Hudson was made subject to an ACCT, an Assessment of Care in Custody Teamwork, which meant that special attention was paid to her. However, this ACCT was closed on December 6, 2012 – three days before her death. In their conclusions, the jury added: "Whilst the ACCT was open between November 24, 2012 and December 6, 2012, Trudi was under high levels of observation including regular meetings with a probation officer and healthcare teams. However, we believe there was a lack of communication between teams resulting in a lack of a multi-agency approach when closing the ACCT." At the end of the inquest, coro-

Hostages: Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, 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, 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, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Thomas Petch, 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, 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 Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

MOJUK: Newsletter 'Inside Out' No 505 (27/11/2014)

Victor Nealon: Ministry of Justice Pursues Legal Costs *Jon Robins for Justice Gap*

The government is pursuing a man whose conviction was quashed at the end of last year as a result of DNA evidence for legal costs over his attempts to win compensation for 17 lost years in prison. Publicly, the Ministry of Justice would no doubt maintain that they were saving costs. As we all know, there is an ulterior motive. The government's real objective is to inhibit embarrassing publicity an objective that, sad to report, was effectively achieved.Victor Nealon was convicted of attempted rape in 1997 outside a nightclub in Redditch. The evidence used to secure his conviction was a disputed ID parade and a weakened alibi. His conviction was quashed last December after DNA pointed to another man as the perpetrator. Not only has Victor Nealon been refused permission to judicially review the decision of Chris Grayling to turn down his application for compensation, but the government is pursuing a man who was released with just £46 to his name and nowhere to stay for £2,500 of legal costs. The former postman, now 53 years old, spent his first night of freedom sleeping on the streets of Birmingham.

'It is a public scandal that the government has refused to compensate Victor Nealon, but now we learn that Chris Grayling is trying to recover his costs defending a claim from someone who has suffered so much already because he has been treated outrageously by the state,' commented his solicitor Mark Newby today. 'Not only does the secretary of state want to deny Victor Nealon compensation for 17 lost years but he wants him to pay the cost of that refusal as well. Victor is determined to fight on for what is right and just.' Victor Nealon's challenge is seen as a test case for the new, much restricted regime to compensate the victims of miscarriages introduced under this year's Anti-Social Behaviour, Crime and Policing Act 2014. That legislation further restricted eligibility for compensation to only those who can demonstrate their innocence 'beyond reasonable doubt'. You can read more about that here. Baroness Helena Kennedy in a debate in the House of Lords over the 2014 legislation said that to ask people to prove their innocence beyond reasonable doubt was 'an affront to our system of law'. 'It is very difficult for people to prove that they are innocent beyond reasonable doubt: "Prove that you didn't kill your baby"; "Prove that you didn't leave a bomb in the pub."'

Nealon's letter before action quoted the secretary of state's own words in its decision not to pay compensation. 'The Court of Appeal decided, ultimately that the jury may reasonably have reached the conclusion, based on the DNA evidence, that it was a real possibility that the "unknown male" and not the applicant was the attacker.' In the secretary of state's new grounds for resisting the claim, it was asserted that the DNA analysis 'plainly did not show beyond reasonable doubt that the claimant did not commit the offence… .' However the minister continued: 'There is nothing in that conclusion that affects the claimant's entitlement to be presumed innocent of the offence itself. Nor is there anything in the language of the Secretary of State's decision applying those criteria [of the new legislation] which infringes that presumption. The Secretary of State has merely applied the criteria set by Parliament governing the limited circumstances that compensation is to be paid.' West Mercia police recently re-opened the investigation into the attempted rape. Victor Nealor does not have legal aid. If you want to support this test case which has important implications for victims of miscarriages of justice, contact Mark Newby, Jordans Solicitors, 4 Priory Place, Doncaster, DN1 1BP

Convictions Overturned after Record-Long Wrongful Incarcerations

On, November 18, Ricky Jackson's murder conviction was vacated in Ohio after Jackson had spent 39 years in prison. Cuyahoga County Prosecutor Timothy McGinty acknowledged the case against Jackson had disintegrated when the key witness, who was 12 years old at the time of the crime, recanted. The district attorney does not expect to retry Jackson, 57, who broke into sobs as it became clear that the charges against him were being dropped. He is expected to walk free on Friday. Also this week, after serving 36 years in prison, Michael Hanline, 69, had his conviction of the 1978 murder of J.T. McGarry overturned in California after new DNA testing of crime scene evidence excluded Hanline. Evidence withheld from the defense also undermined the integrity of his conviction. The Ventura County District Attorney's Office joined the California Innocence Project's petition to reverse the conviction. If released as expected, Hanline will be the first of twelve inmates dubbed the California 12 3 to be freed. The twelve cases were selected for innocence clemency petitions that were presented to Governor Brown a year and a half ago after a 700+ mile Innocence March by lawyers from the California Innocence Project at California Western School of Law.

Former Inmate of HMP Liverpool Loses Case Against G4S for Assault *Liverpool Echo*

Kevin Keating a former prisoner has lost a civil case he brought against security firm G4S over claims guards assaulted him while he was at HMP Altcourse. The judge, Recorder Craig Sephton QC, found that guards used reasonable and justifiable force, and that Keating had lost his temper and was being violent and threatening towards the prison officers. Much of the case rested on whether Keating's injuries, which included injuries to his shoulder and face, were sustained by officers carrying out approved control and restraint techniques, and whether this force was excessive. The judge said that the case was "brought clearly by his sense of grievance" and that he was "quick to anger. The claimant had previous record for violence and intimidation. I am not satisfied the claimant is a credible witness."The case, which was heard at Liverpool Family and Civil Court, was complicated by the long period that had passed since the incident and missing, incomplete or inconsistent pieces of evidence.

(1) The main pieces of evidence was a video of the incident, which was obscured by a prison officer standing in front of the camera. The judge rejected the suggestion made by the claimant that what happened in the cell was "deliberately withheld by the defendant."

(2) Another issue was the reports made by G4S officers after the incident, which were completed by officers sitting in the same room. The judge found this to be "unsatisfactory", though it was heard earlier in the trial that this practice has now ended.

(3) The court heard that "none of the officers had a clear view into the cell", yet they wrote their reports of the incidents as if they had.

Keating, from Kirkby, claimed that the prison officers had made a racial slur towards Walker, but the judge ruled that this was not true because they would have been aware that the incident was being filmed, and would not have risked disciplinary action by making such a remark. There were also questions over who had said what in the video, but the judge ruled that it was Keating who had said "I will smash you mate", which led to the prison officer bringing more officers into the cell. The judge said the situation, which saw three prisoners and nine or ten officers in a cell 10 by nine feet, "could be described as a melee." He also said Sam Walker, who is still in prison, gave evidence which he tailored to "help the claimant". Keating said outside the court that the decision was "egregious and unfair". He said: "I want to appeal it. It's taken seven and a half years to get here. Where is the justice in that?"

occasions he had unsuccessfully asked the prison doctor for a number of medical tests for health problems and to be admitted to hospital. The prison doctor had merely prescribed him painkillers. In the meantime Mr Vasilescu lodged an application for conditional release, which was rejected by the Antwerp Sentencing Court on 7 November 2011. That court's judgment was upheld on appeal. On 6 April 2012 the Sentencing Court rejected a further request by Mr Vasilescu for conditional release. Mr Vasilescu was finally released on 22 October 2012 and sent back to Romania.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Vasilescu complained that his physical conditions of detention had been inhuman and degrading. He also complained that he had not received appropriate medical care for his physical state of health while in detention. Relying on Article 14 (prohibition of discrimination) taken in conjunction with Article 3, he also claimed that in Belgium foreign prisoners were discriminated against as compared with Belgian prisoners both regarding the conditions of detention and the possibility of obtaining conditional release. Relying on Article 6 § 1 (right to a fair hearing), Mr Vasilescu complained of the procedure conducted before the Sentencing Court regarding his applications for conditional release. He alleged, further, that he had been detained fifteen days longer than the sentence imposed on him, in violation of Article 5 (right to liberty and security). He complained, lastly, under Article 8 (right to respect for private and family life), that the Belgian authorities had illegally tapped his home telephone number between 2009 and 2012. The Government submitted that Mr Vasilescu had not exhausted the available domestic remedies to complain about his conditions of detention, as he had not used the possibility of making an urgent application to the appropriate judge under Article 584 of the Judicial Code or to the civil judge under Article 1382 of the Civil Code, of seeking financial assistance from the State social welfare office or applying to a monitoring commission attached to the prisons in question.

While it was true that Mr Vasilescu had not taken any of those administrative or judicial steps, the Court considered, nonetheless, that the Government had failed to show with sufficient certainty that the use of those remedies would have afforded Mr Vasilescu compensation for his complaint about the physical conditions of his detention. Accordingly, that part of the application could not be rejected for failure to exhaust domestic remedies and, as it could not be declared inadmissible on any other grounds, it had to be declared admissible. The Court noted that in addition to the problem of prison overcrowding, Mr Vasilescu's allegations regarding the sanitary conditions, particularly access to running water and the toilets, were most plausible and reflected the realities described by the European Committee for the Prevention of Torture and Inhuman or Degrading Punishment nhe Cpr) in the various reports drawn up following its visits to Belgian prisons. The Court also observed that for several weeks Mr Vasilescu had been confined to individual space of less than 4 sq. m, which was below the standard recommended by the CPT for shared cells.

For 15 days he had even been confined to individual space of less than 3 sq. m, which in itself justified finding a violation of Article 3. That lack of individual living space had, moreover, been exacerbated by the fact that, he had had to sleep on a mattress on the floor for several weeks, which did not comply with the basic rule established by the CPT: "one prisoner, one bed". The Court had no reason to doubt those allegations in so far as the Government had failed to adduce evidence to the contrary. With regard to the sanitary facilities and hygiene, the Court found that Mr Vasilescu had not always had access to the toilets in conformity with the CPT's recommendations. The situation in the pavilion "cells" in Merksplas Prison had, moreover, been described in 1998 as "mediocre" by the CPT, which had urged the Belgian authorities to take urgent measures in that regard. The Court observed that, sixteen years later, the situation did not appear to have improved. Mr Vasilescu's conditions of detention had been further exacerbated by the fact that he had been exposed to passive smoking.

Andrew Neilson, director of campaigns at the Howard League for Penal Reform, said: "Serco's reputation has not recovered from the scandal where, alongside G4S, it was found to be overcharging the taxpayer for tagging people in the criminal justice system. Natasha Walter, of Women for Refugee Women, said: "We have spoken directly to women who say they were abused by Serco staff in Yarl's Wood, and we have heard how women's privacy is constantly invaded by male staff in the detention centre. "Serco is clearly unfit to manage a centre where vulnerable women are held and it is unacceptable that the Government continues to entrust Serco with the safety of women who are survivors of sexual violence. Lisa Matthews, the co-ordinator of the human rights organisation Right to Remain, said: "The Home Office has repeatedly re-awarded enforcement contracts to companies with proven track-records of vast failings, abuse and injustice. Rewarding failure allows these companies to act with impunity."

Earlier this year, a UN investigator was blocked from entering Yarl's Wood despite repeated requests. Prison inspectors found many detainees, none of whom have been charged with an offence, have been held for long periods, including one for almost four years, as well of cases of women with mental health problems being detained. They also discovered that pregnant women had been held without evidence of exceptional circumstances required to justify their captivity. One of the women had been admitted to hospital twice because of pregnancy-related complications.

Serco said that it would introduce "a series of innovations and improvements" following the award of the contract. James Thorburn, the company's managing director of home affairs, said: "We understand the challenges of looking after vulnerable and concerned people and we recognise the responsibility that we have in managing the centre in a caring and efficient manner."

Belgium Prisoners Conditions of Detention Inadequate

In Chamber judgment! in the case of Vasilescu v. Belgium (application no. 64682/12) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights regarding the physical conditions of the applicant's detention. The case mainly concerned Mr Vasilescu's condition of detention in Antwerp and Merksplas Prisons. The Court found, in particular, that Mr Vasilescu's physical conditions of detention in those prisons had subjected him to hardship exceeding the unavoidable level of suffering inherent in detention and amounted to inhuman and degrading treatment.

The Court observed that the problems arising from prison overcrowding in Belgium, and the problems of unhygienic and dilapidated prison institutions, were structural in nature and did not concern Mr Vasilescu's personal situation alone. It recommended that Belgium envisage adopting general measures guaranteeing prisoners conditions of detention compatible with Article 3 of the Convention and affording them an effective remedy by which to put a stop to an alleged violation or allow them to obtain an improvement in their conditions of detention.

Mr Marin Vasilescu, is a Romanian national who was born in 1970 and lives in Romania.

On 10 October 2011, Mr Vasilescu was arrested and placed in pre-trial detention in Antwerp Prison. He alleged that he had been obliged to sleep on a mattress on the floor in a cell measuring 8 sq. m which he had shared with two other inmates who smoked heavily and took drugs in the cell. On 23 November 2011 Mr Vasilescu was transferred to Merkplas Prison. He alleged that for nine weeks he had been kept in the pavilion "cells", in a cell without water or toilets and with a fellow inmate who smoked. He had then been put in another cell, measuring 16 sq. m, which he had shared with three fellow inmates who were smokers, despite his request to be put in a non-smoking cell. On several

IPCC Whitewash of 14 Police Involved in Frame up Now Complete

Amateur footballer Kevin Nunes was found dead in a country lane in Pattingham after being shot five times in a gangland killing in 2002. Michael Osbourne and Owen Crooks, both from Wolverhampton, Adam Joof, from Willenhall, Antonio Christie, from Great Bridge and Levi Walker, from Birmingham, were found guilty of murdering the 20-year-old following a trial at Leicester Crown Court in 2008. But the men launched a collective appeal, the prosecution case was left so flawed after revelations about disclosure that the Crown Prosecution Service did not oppose the convictions being overturned.

The Independent Police Complaints Commission (IPCC) investigation into allegations against 14 former and serving Staffordshire Police officers is now complete, and the investigation report will be sent to the relevant police forces and police and crime commissioners in due course. The managed investigation looked at: • how a protected witness was dealt with by police; • disclosure issues prior to the 2008 trial of five men for the murder of Kevin Nunes in 2002. The investigation was carried out by the Chief Constable of Derbyshire, Mick Creedon, under the direction and control of the IPCC.

IPCC Commissioner Cindy Butts said: "I have noted today's CPS decision that there is insufficient evidence to prosecute any of the nine police officers investigated. The IPCC will soon be providing the appropriate police and crime commissioners and relevant forces with a report detailing our findings as to whether or not a number of serving officers have a case to answer for either misconduct or gross misconduct and should face disciplinary proceedings."

CPS Spokesperson said: "In January this year the CPS decided there was insufficient evidence to prosecute five other police officers over the same matter. For officers who have retired since the time frame of the allegations, our report will present a case to answer as if they were still serving. We considered whether there is sufficient evidence to prove that any action or inaction was a deliberate attempt to pervert the course of justice or could amount to the criminal offence of misconduct in public office.

The CPS has determined there is insufficient evidence to prosecute any of the nine police officers, four remain in service while five are now retired, investigated either for attempting or conspiring to pervert the course of public justice or for criminal misconduct in a public office. The CPS has taken the decision that whatever criticisms may be made about the conduct of the various officers, there is insufficient evidence to provide a realistic prospect of a conviction against any of them for conspiring or attempting to pervert the course of public justice.

Equally, that there is no realistic prospect of a conviction resulting from the prosecution of any officer for the misconducting themselves in public office. This CPS decision applies only to possible criminal proceedings and not to any possible misconduct proceedings under police regulations.

Alleged Murder in HMP Altcourse - Accused Will Claim Self-Defence

Michael Keir, 41, appeared at Liverpool Crown Court via videolink from Walton prison on Wednesday 19th November. Bald and wearing a grey prison jumper he spoke only to confirm his identity and that he could see and hear what was happening. Michael is accused of murdering prisoner Darren Ashcroft at HMP Altcourse in Fazakerley on Friday November 14. Mr Ashcroft was taken to Aintree hospital following an alleged assault but died a short time later. Judge David Aubrey set a plea and case management hearing for March 4 next year followed by a two to three week trial beginning on April 27. Anthony O'Donohoe, defending, said that the likely issue to be explored at trial would be that of self defence. There was no application for

bail.

Hyrone Hart Defeats Governor of HMP Whitemoor & Chris Grayling

''I will have the truth uncovered and the real perpetrators brought to justice'

Hart v Governor of HMP Whitemoor [2014] EWHC 3913 (Admin) (24 November 2014)

1. On 21 December 1999 Hyrone Hart, the Claimant, was sentenced to life imprisonment. He is a Category A prisoner and the term he must serve ("tariff") before he is eligible to be considered for release will not expire until 2027.

2. He is currently held at HMP Whitemoor, ("the prison"), and in August 2012 a decision was taken by the prison that he should be the subject of Safeguarding Children Measures, ("SCM's"). These impose restrictions upon any contact he may have with children, whether his own or not. This review seeks to challenge the validity of that decision. Permission to seek this review was not opposed by the Defendant.

3. Mr. Hart has been convicted of two offences of murder, two attempted murders, two robberies and three offences of the possession of firearms and offensive weapons.

4. On 25th June 1998 the Claimant and another man killed a woman in the presence of her husband and two small children. They forced their way into her home, armed with a gun and a knife. It may have been that they believed she was involved in drug dealing. Whilst in the house, they restrained the man and woman by tying them up. They made the children lie under a mattress whilst they stole items of jewellery and on leaving, the Claimant shot the woman, killing her, he also fired at, but missed, the man.

5. Less than a month later, on 17th July 1998, the Claimant went to a house where the victim of the second murder lived with his partner and young child. Following an argument the Claimant shot and killed the man. *Hyrone Strongly contests this version of events, see end of transcript**

7. From his incarceration for these offences, and in particular from the date of sentence on 21 December 1999, until February 2010 the Claimant has been held in a number of different prisons. There had been no extraordinary restrictions upon his contact with children. From 2004 until February 2010 he was in HMP Whitemoor without any extra restrictions. In February 2010 he was informed of that prison's decision to make him the subject of SCM's. He was then transferred to HMP Full Sutton and on to HMP Frankland. Those prisons did not implement the SCM's. HMP Full Sutton, at least, had carried out an assessment and concluded such measures were not necessary. They were actively imposed on his return to HMP Whitemoor in August 2012.

8. Claimant has made at least one application for contact with his daughter, niece and nephew.

Framework 9. The Defendant (Governor of HMP Whitemoor and Secretary of State for Justice) is bound to apply the procedures laid down in the Public Protection Manual, Chapter 2 Section 2, Child Contact Procedures, version 4.0 January 2009, "the PPM", which governs contact permitted between inmates and children. Paragraph 1 identifies the purpose as providing, "…information and statutory guidance relating to the assessment of the level of contact that prisoners who have been convicted of or charged with an offence against a child or have a previous conviction for an offence against a child which includes offences of violence, sexual offences, neglect and abuse, who present an identified risk of harm (Risk to Children) must have with children and young persons which are held in custody."(sic)

The manual goes on to set out the over-riding principle that the welfare of the child is paramount, that contact must be in the child's best interest and that contact includes telephone calls and correspondence as well as visits by the child to the inmate.

10. Procedures are laid down and described as being necessary before permitting con-

failures that led to an arrestable offence were 6.7%, or less than seven in every 100,000 releases.

However, in 2013 there were a series of catastrophic ROTL failures when serious offences were committed. HM Inspectorate of Prisons was asked by the Justice Secretary to review the circumstances of three of those cases, one of which had occurred at North Sea Camp. The report will be published when the trials of all the men involved have concluded. ROTL processes had become slack and it had come to be seen as an automatic entitlement rather than a carefully controlled privilege. The Justice Secretary quickly implemented changes to ROTL and processes are improving nationally.

However, consequences of that failure had profound effects on the prison. At the time of the inspection, ROTL processes had improved and were much safer, but the prison was struggling to manage the extra work involved and these pressures were exacerbated by staff shortages in the offender management unit (OMU) which should have been at the heart of the process.

Other findings included: - prisoners reported higher levels of bullying than seen in similar prisons and not enough was being done to understand their concerns; - security arrangements were generally good but there was a problem with the availability of new psychoactive substances, such as 'Black Mamba'; - not enough prisoners gained qualifications or recognition for the vocational and employability skills they acquired; - case management processes for prisoners at risk of suicide or self-harm needed tightening up - although it took longer for prisoners to obtain an external work placement, there were sufficient activity places in the prison itself. - Inspectors made 78 recommendations - Inspection 14/25th July 2014 by HMCIP, published Tuesday 25th November 2014

Serco Given Yarl's Wood IRC Contract Despite 'Vast Failings' *Independent*

The Home Office has been condemned after it renewed a private security giant's contract to run a controversial women's immigration detention centre where staff have been accused of sexual misconduct. The decision to pay £70m to Serco to operate Yarl's Wood in Bedfordshire over the next eight years was attacked by MPs, refugee groups and penal reformers.Yarl's Wood, Britain's largest detention centre for women facing deportation, has suffered a succession of damaging allegations since Serco began managing the facility in 2007.

As well as the sexual misconduct claims, they include accusations that women have been locked up for long spells and pregnant detainees held without justification. Two staff members were fired for engaging in sexual activity with a detainee, while a third was sacked for failing to act when the detainee reported the incident, it emerged last year. Eleven months ago Serco, which also runs prisons, asylum seekers' accommodation and supervision schemes for offenders, agreed to repay about £68.5m after overcharging the Ministry of Justice for contracts to fit electronic tags. The Home Office said the company had emerged as the preferred contractor following a "comprehensive re-tendering process". A spokesman said: "Serco's bid demonstrated its offer was the best in meeting quality and cost criteria and providing value for money for the taxpayer."

But Yvette Cooper, the shadow Home Secretary, said the contract should not have been renewed until a full independent inquiry had been held into the centre's operation. "It is important immigration rules are enforced, but they must be enforced in a humane way that upholds the values of our society. Too often Serco's Yarl's Wood operation appears to have fallen below the high standards we would expect," she said. Julian Huppert, a Liberal Democrat member of the Commons Home Affairs Select Committee, said: "I think this calls into question the entire process for private management of establishments like this, especially given how few companies bid for these contracts."

witness statements had not been submitted to the judicial authorities; no precautions against collusion had been taken before questioning the Netherlands Army officer who had fired at the car carrying the victim; and the autopsy of the victim's body had been inadequate.

Unannounced Inspection HMP Hewell - Substantial Safety Concerns

HMP Hewell was facing real difficulties and needed to improve safety as well as the provision of some basic services. At its last inspection in 2013, the prison was still recovering from the escape of a prisoner under escort, with significant management turnover and staff lacking in motivation. This inspection found limited progress and deterioration in some areas. Many basic systems that greatly impacted prisoners did not work. Nick Hardwick

Inspectors were concerned to find that: - Arrangements to receive and induct prisoners were often chaotic. - failing systems were leading directly to needless frustration, prisoner debt, bullying and violence. - prisoners at the closed and open sites reported feeling less safe and more victimised than prisoners at comparable prisons; - on the closed site, levels of violence were significant, there had been a murder in early 2013 and arrangements to confront violence and investigate incidents were inadequate; - since the last inspection the prison had experienced six self-inflicted deaths, all on the closed site; - evidence suggested illicit drugs or diverted prescription medications were readily available in the closed site; - use of force was increasing and arrangements to ensure accountability required greater rigour; - some 40% of cells were overcrowded, the provision of many basic services such as clothing and cleaning materials were all problematic and cell call bells were not answered quickly; - Of particular concern was that a number of complaints, including some serious allegations against staff, had been investigated poorly or, in some cases, not at all. - there was much work to do to improve the quality of work, education and training, particularly on the closed site; - offender management work was poorly organised and under-resourced at both sites. - Half the assessments we reviewed had no risk management plan and assessments were not reviewed for those prisoners newly arrived at the open site. This was particularly concerning as it had the potential to impact on the thoroughness of risk assessments prior to decisions to release prisoners on temporary licence. - Inspectors made 100 recommendations - Inspection, 7/18th July 2014, published 18/11/14 by HMCIP

Unannounced Inspection of HMP North Sea Camp

HMP North Sea Camp was recovering from a difficult period following a very serious temporary release failure. Release on Temporary Licence (ROTL) was now much more rigorously and safely managed but staff shortages were adversely affecting the prison's central task of reducing the risk the men it held reoffended after release. HMP North Sea Camp holds a complex population of about 400 men, most of whom are coming to the end of long sentences. At the time of the inspection, 60% were serving indeterminate sentences, almost half were assessed as posing a high risk of harm and almost half were sex offenders. Nearly all were subject to multi-agency public protection arrangements (MAPPA).

The important task of the prison was to test these men's readiness for release and to prepare them for it. A vital tool should have been the use of release on temporary licence (ROTL) which, when properly managed, provides a means to carefully test a prisoner as they gradually experience work, rehabilitation services, the wider community and family relationships outside the prison. ROTL assists the rehabilitation process and the failure rates nationally are very low: in 2012-13 less than 1% of all releases on temporary licence were recorded as failures and the proportion of those

tact with children. The first step is the identification of relevant prisoners,

"Establishments are required to identify prisoners who have:-

Been convicted or charged with a sexual offence against a child

A previous conviction for a sexual offence against a child

A conviction or charge of murder or assault against a child

A charge or conviction involving domestic violence or abuse where a child was involved

A charge or conviction where emotional abuse or neglect of a child was involved

Displayed any behaviour whilst in custody indicating the prisoner presents a risk to a child

Information has been received from other agencies about the risk that the prisoner presents"

Having identified the prisoner as falling into one of the above, the prison is then required to commission "a multi-agency risk assessment" to determine, what, if any, contact should be allowed. Paragraph 3.2 of the PPM sets out the following, "We have a duty to ensure that prisoners who represent a risk to children do not have contact with children prior to the completion of a full risk assessment." Children are divided into two categories by the manual; "immediate family or children" and "other children". "Immediate family or children" include a prisoner's own children, a partner's children, (if they were living together in an enduring family relationship) and brothers, sisters, grandchildren, step children, adopted children and foster children. Nephews and nieces are not included in the category of immediate family; they are therefore identified as "other children". In order to have contact with "other children" the prisoner must "produce a substantial case for contact" and the Governor or Director of contracted out prison (sic) agrees that such contact would be in the interests of the child and only after a full risk assessment had been carried out. Such contact must be supported by the Parent/Carer, Social Services/Children's Services, Police and the Offender Manager Probation.

The Decision by Defendant: 15. After his return to HMP Whitemoor on 22 August 2012 the Claimant was informed that the IRMT had decided that he posed a risk to children whilst in custody and at an Interdepartmental Public Protection Panel (IPPP) the decision was taken to make him subject to SCM's. The basis for that decision was set out in a letter and expressed as follows, "Due to the circumstance of the offences that Mr Hart has been convicted of where children were present in the property, he has been assessed as a medium risk of harm to children in the community in his OASys……..Due to the nature of his index offences has been convicted of murder with the presence of children in the vicinity of the crimes. They will undoubtedly have been traumatised from their experience and therefore Mr Hart does present a risk to children." (Emphasis added.) No further reasoning was given and the issue of the risk that the Claimant posed to children, whilst in custody, was not addressed further.

The Argument in Court: 18. Hyrone Hart relied on three fundamental submissions,

a. That the imposition of SCM's has a significant impact on the rights of any prison inmate,

b. That although such a course is undoubtedly necessary in certain cases, the denial of right must be a proportionate to the risk of harm it is intended to prevent and

c. That the risk must exist in reality. In this case the Claimant submits that whatever risk he might be deemed to pose to children, if at liberty, he presents no appreciable risk whilst incarcerated. He further submits that the Defendant's process was flawed in material respects in that,

a. The offences for which he is serving are not a proper trigger for the process of considering the imposition of SCM's,

b. Even if that proposition is wrong and they did trigger the process there is no continuing risk so long as the Claimant is in custody and

c. He seeks support for the above from the fact that a number of other prisons, even when

they carried out the assessment exercise, did not find that the Claimant presented such a risk.

19. Defendant (Governor of HMP Whitemoor and Secretary of State for Justice) contend,

a. It is not a necessary requirement that the index offences should have been committed against children and the fact that these offences were committed in the presence of children is capable of being enough of a trigger,

b. That the fact that the other prisons were in error in not reaching the same conclusion as the defendant does not render its decision unlawful and

c. That the Claimant's interpretation of the PPM is too narrow and restrictive and if applied universally would cause the Prison Service to fail in its objective to satisfy the over-riding objective of protecting children.

The Courts Conclusion: 20. Each claim of this kind must turn on its own particular facts. It is obvious that the denial of a right to have contact with a child that is a family member is a serious step and one that can only be justified if the denial is proportionate to the risk of harm to be avoided or curtailed. It is further obvious that the denial of such a right can also be the denial of a child's right to family contact.

a. An offence which does not appear on Annex A may still be capable of being a trigger to the imposition of SCM's depending on all the circumstances, including physical proximity,

b. In cases where the crimes were not committed against or in relation to children there is no general rule to be gleaned simply from the seriousness of the offences,

c. That these offences, having been committed in the presence of children, could be triggering offences and the decision that they were cannot be said to be so arguably wrong or irrational as to be unlawful,

d. That if, the Defendant's decision was lawful it could not, on the facts of this case, be rendered unlawful by the failure of other institutions to follow the same line of reasoning,

e. The purpose of the rules is to ensure that the prison authorities take all necessary steps to avoid the risk of harm to children from inmates whilst in the custody of the prison,

f. That for the foreseeable future this Claimant presents a high risk of serious harm to the public on his release into the public, although that release cannot be considered before 2027 on his current tariff and

g. Whilst in custody, he is, as the OASYs assessment makes clears, a low risk to children.

21. Accordingly it was not a proper decision on the facts of this case to find that the level of risk that the Claimant presents to children is such that it was appropriate or necessary to impose SCM's. This claim succeeds and the decision must be quashed.

http://www.bailii.org/ew/cases/EWHC/Admin/2014/3913.html

*Background to Hyrone Hart's Conviction in his own words:

''I will have the truth uncovered and the real perpetrators brought to justice'

My name is Hyrone Hart. I am a Jamaican national, born on the 13th September 1971. I am the father of two children. I arrived in the United Kingdom for a visit, on the 27th March 1998 at the invitation of my Aunt. I was initially refused entry by immigration officers at the airport but eventually they granted me a 24 hours leave and allowed myself access to the UK soil. During this time I took the decision to stay illegally on the basis that my Aunt was going to resolve the issues in respect to the legitimacy of my immigration status.

Around 5 months later, on the 5th August 1998, I was arrested in Birmingham, on suspicion of offences committed in London. I was subsequently transported to London and interviewed under

very grave allegations. The risk of displeasing our allies or offending other states … cannot justify our declining jurisdiction on grounds of act of state over what is a properly justiciable claim."

In both the Rahmatullah and Belhaj cases, the Ministry of Defence and the Foreign Office say the doctrines of state immunity and "foreign act of state" should prevent the courts from hearing claims for compensation and declaring that the British government was responsible for their unlawful treatment. Government lawyers have indicated they will challenge the judgments in the supreme court. Last year the supreme court described Rahmatullah's treatment by UK and US forces as unlawful and a possible war crime. "The, presumably forcible, transfer of Mr Rahmatullah from Iraq to Afghanistan is, at least prima facie, a breach of article 49 [of the fourth Geneva convention]," it said.

Kat Craig, a director of the legal charity Reprieve, which is also representing the Pakistani, said: "Yunus Rahmatullah suffered some of the most shocking abuses of the 'war on terror'. Now we know the government's attempt to avoid accountability for his ordeal is without merit. The government must accept this, and be prepared to answer for its past actions." Lawyers for Belhaj and Rahmatullah are likely to appeal on a separate issue – a ruling in the British courts that individual British officials or soldiers cannot be sued in the UK as a result of the detention of the Libyans and Iraqis.

Google Case Over Online Abuse Settled *BBC News*

A UK businessman who took Google to court over malicious web postings about him appearing in its search results has reached a settlement with the firm. Daniel Hegglin said he had been wrongly called a murderer, paedophile and Ku Klux Klan sympathiser by an unknown internet troll. Mr Hegglin's lawyer told a High Court judge that Google had made "significant efforts" to remove abusive material. Mr Hegglin had wanted Google to block the anonymous posts from its search engine results. Google had asked him to provide a list of web links to be removed. Hugh Tomlinson QC told Mr Justice Jay at a High Court hearing: " I am pleased to report that the parties have now settled the matter. "The settlement includes significant efforts on Google's part to remove the abusive material from Google-hosted websites and from its search results. Mr Hegglin will now concentrate his energies on bringing the person responsible for this campaign of harassment to justice." The details of the settlement, reached on Sunday, have not been disclosed.

Netherlands Accountable for Inadequate Investigation into Fatal Shooting of Civilian in Iraq

The case concerned the investigation by the Netherlands authorities into the circumstances surrounding the death of an Iraqi civilian who died of gunshot wounds in Iraq in April 2004 in an incident involving Netherlands Royal Army personnel. In Grand Chamber judgment Jaloud v. the Netherlands (application no. 47708/08) in the case the European Court of Human Rights held, unanimously, that there had been: a violation of Article 2 (right to life – procedural obligations) of the European Convention on Human Rights, as regards the failure of the Netherlands authorities to carry out an effective investigation into the death of Mr Jaloud's son.

The Court established that the complaint about the investigation into the incident – which had occurred in an area under the command of an officer of the armed forces of the United Kingdom – fell within the jurisdiction of the Netherlands within the meaning of Article 1 of the Convention (contract parties' obligation to respect the rights guaranteed in the Convention). The Court noted in particular that the Netherlands had retained full command over its military personnel in Iraq. The Court came to the conclusion that the investigation had been characterised by serious shortcomings, which had made it ineffective. In particular, records of key

security. Warrants to intercept communications must be authorised by a Secretary of State. Where there is a possibility that privileged communications may be intercepted, the statutory code of practice on the interception of communications sets out additional safeguards. Any warrant application which is likely to result in legally privileged communications being obtained should include, in addition to an explanation of why it is necessary, an assessment of how likely it is that communications which are subject to legal privilege are to be intercepted. It should also state whether the purpose (or one of the purposes) of the interception is to obtain privileged communications. The Secretary of State is able to impose additional conditions if he or she considers it necessary, such as regular reporting to allow them to exercise discretion over whether the interception should continue to be authorised.

The safeguards for intrusive surveillance are the same as those for interception. The case must include an assessment of how likely it is that legally privileged material may be obtained, the authorising officer or Surveillance Commissioner is able to impose additional conditions if he or she consider it necessary, such as additional reporting.

In cases where legally privileged communications have been obtained, the matter should be reported to the Interception of Communications Commissioner or Surveillance Commissioner (for intrusive surveillance) and the material made available for inspection if requested. The Commissioners can and do inspect this material. *House of Lords / 19 Nov 2014 : Column WA123*

Yunus Rahmatullah Tortured by US/UK Troops Can Sue for Damages

Tortured over a 10-year period after being captured by British special forces in Iraq and handed over to US troops in 2004. Yunus Rahmatullah was released by the US without charge in May. The high court has dismissed the government's claim that Britain's relations with the US would be damaged if a Pakistani citizen who says he was tortured by British and American troops was allowed to sue for damages in court. British courts would be failing in their duty if they did not deal with the claims even if that involved the court finding that US officials acted unlawfully, Mr Justice Leggatt ruled today Wednesday 19th November 2014. "If it is necessary to adjudicate on whether acts of US personnel were lawful … in order to decide whether the defendants violated the claimant's legal rights, then the court can and must do so," he said. He added: "For the court to refuse to decide a case involving a matter of legal right on the ground that vindicating the right would be harmful to state interests would seem to me to be an abdication of its constitutional function."

The ruling also affects claims made by three Iraqi men of abuse by British soldiers at various detention facilities in Iraq prior to handover to US forces. One of the men alleges he suffered severe sexual abuse at the notorious Abu Ghraib prison, after his handover to the US. Sapna Malik of law firm Leigh Day, which represents Rahmatullah, said: "It is now high time for the British government to abandon its attempts to evade judicial scrutiny of its conduct in operations involving the US in Iraq and Afghanistan so that justice may finally be served for what has passed and lessons learned for the future."

Wednesday's ruling comes in the wake of a recent appeal court ruling that a separate rendition case – brought by Libyan politician Abdel Hakim Belhaj, and his wife, Fatima Bouchar, against former foreign secretary Jack Straw and MI6 – should be heard in the British courts, despite similar claims by the government that to do so would damage US-UK relations. The Libyan couple were abducted and secretly rendered to Tripoli in a joint MI6-CIA operation in 2004. They say in detailed court statements that they were tortured by Muammar Gaddafi's security forces. The court of appeal ruled last month: "There is a compelling public interest in the investigation by the English courts of these

caution at Brixton police station. In total I was subjected to fourteen interviews spanning a five-month period. In summary I was charge with 3 x murders 2 x attempted murders, robbery and possession of firearms. The police stated that the crimes were connected to crack cocaine wars.

I later attended Crown Court for trial on the 22 November 1999, and on the 21 December 1999 I was found guilty on the following counts 2 x murders, 2 x attempted murders, and three counts of possession of firearms, and two counts of robbery. I received two life sentences. My trial representatives submitted an application for leave to appeal but a single Judge refused it on the 16th October 2000.

I later asked the Criminal Cases Review Commissioner to review my case, as the evidences that was used to convicted me was flawed. Sadly they failed to investigate the issues I had raised which were the contributing factors to my convictions. I continue to assert my innocence of the offences of which I was convicted, and I remain adamant that I am a victim of a terrible Miscarriage of Justice! The full story appeared in 'Inside Out' No 338

Hyrone Hart: A5976AL, HMP Whitemoor, Longhill Road, March, PE15 0PR

Patrick Pearse Jordan - Coroners Verdict Quashed

Disclosure and Deployment of Material – the Chief Constable appealed Mr Justice Stephens' ("the trial judge") decision that Mr Jordan had a legitimate expectation that all material provided to the Coroner would also be provided to the family, whether relevant or not, subject to Public Interest Immunity ("PII");

Coroner's Questions and Directions – Mr Jordan submitted that the Coroner's questions failed to direct the jury to the issues in contention and that his direction fell short of the required standard and that he misdirected the jury. The trial judge dismissed the application in respect of these matters. Mr Jordan appealed those decisions;

Risk of Bias – Mr Jordan submitted that there was a real risk of bias and that the Coroner had not put in place sufficient safeguards to diminish that risk and to make it desirable to have a jury in this inquest. The jury was not able to reach a unanimous verdict on any of the contentious matters but the Coroner accepted this outcome as a verdict. The trial judge found that such an outcome did not constitute a verdict. The Coroner appealed on both issues.

'Absence of a satisfactory coronial system adversely affects the work of the Coroner's Service'. The Northern Ireland Court of Appeal has delivered its reasons for upholding a High Court Judge's decision to quash the verdict of the jury in the inquest into the death of Patrick Pearse Jordan and to order a new inquest before a new Coroner. The Court also commented on the absence of a satisfactory coronial system to deal with legacy cases and suggested an approach to deal with these cases.

The Lord Chief Justice said that in considering whether or not a jury has failed to agree upon a verdict the Coroner ought ordinarily to determine whether or not the outcome of their deliberation has culminated in an expression, however brief, on the disputed factual issues at the heart of the case. If they have not, the Coroner must then address himself to the obligation to consider whether or not, in the exercise of his discretion, he should discharge the jury and summon another jury to consider the matter afresh. In such circumstances the inquest shall proceed in all respects as if the proceedings which terminated in the disagreement had not taken place. The Lord Chief Justice continued that if a second or third jury were similarly to fail to express a conclusion on the disputed factual issues at the heart of the case after further exhaustive investigation, the Coroner might properly come to the conclusion that whilst the process had been capable of producing the means to bring about a verdict, on this occasion it simply was not possible to obtain a result beyond the extent to which the jury had gone and that

any further inquest would simply lead to the same conclusion. In this instance the Coroner might sensibly conclude that any further inquest would simply lead to the same conclusion and accept the determinations of the jury as a verdict as far as it had gone however limited that might be. The Lord Chief Justice said that equally there might be circumstances where there was such a paucity of objective evidence that no jury could conceivably come to a determination on the disputed factual issues at the heart of the case. Their verdict should be accepted by the Coroner as a valid verdict as no purpose would be achieved by attempting the impossible at a further inquest.

The Court of Appeal concluded that the Coroner misdirected himself and did not address the crucial issue of whether or not the jury had agreed upon a verdict which represented an expression on the disputed factual issues at the heart of the case. The Lord Chief Justice said the fact that the jury had made some findings did not mean necessarily that a verdict had been brought within the terms of the legislation and case law. He commented that the court cannot be certain what the Coroner's conclusion would have been had he directed himself to the appropriate principles once he had heard the conclusions of the jury but it was at least conceivable that he would have been driven to conclude that the jury had not satisfied the principle whereupon he would then have had to address his mind to the decision as to whether he would discharge the jury and instruct another given the failure of the jury to bring in a verdict or hold a further inquest without a jury: "It seems clear the Coroner did not adopt this approach. Accordingly we are not satisfied that this jury has complied with its obligation ... to bring in a verdict or that the Coroner has complied with his obligations."

Police Reform - Independent Disciplinary Hearing Panels *Theresa May: House of Commons*

The integrity of the men and women who work in the police service of England and Wales is critical to public trust in policing. Real or perceived misconduct or corruption dents that trust and makes policing by consent more difficult. The vast majority of police officers behave appropriately and conscientiously, which makes it even more important to root out misconduct and malpractice and hold those responsible to account. I want to ensure that the systems and processes that deal with misconduct by police officers are robust, independent and transparent to the public. In July I commissioned Major-General Chip Chapman to review the police disciplinary system. His report has been completed and I will consult on his recommendations for wide-ranging reform shortly. That consultation will also include proposals to fundamentally reform the police complaints system and further protections for police whistleblowers.

The consultation I am launching today focuses on specific reforms that can be made in the short term that will have a significant impact in making the current system more robust, independent and transparent until such point when more fundamental reforms can be implemented. To improve justice, I am consulting on a power for disciplinary hearing panels to remove or adjust the compensation payments due to chief officers on termination of their appointment where a disciplinary finding is made against them.To introduce greater independence into the way police disciplinary hearings are conducted and ensure judgements are legally sound, I am consulting on the introduction of legally qualified chairs to conduct police disciplinary hearings.

To strengthen protections for police whistleblowers and ensure they can come forward with confidence, I am consulting on proposals to ensure whistleblowers will not be subject to disciplinary action for taking the necessary steps to report a concern and that any reprisals against them will be taken seriously. Finally, to improve transparency and accountability to the public and ensure that the robust response that the police take to misconduct is both visible and

open to public scrutiny, I am consulting on holding police disciplinary hearings and appeals in public. I hope that all those with an interest in these matters will respond to the consultation.

Sobriety Bracelet Punishment for Alcohol-Related Crimes *Patrick Wintour, Guardian*

People who are convicted of criminal damage or common assault committed under the influence of alcohol could be forced to wear a “sobriety bracelet” for four months, as an alternative to going to prison. David Cameron has announced that the Conservatives will give judges the power to use alcohol abstinence orders if the party is returned to government next year. Instead of going to prison, offenders will then be forced to wear an electronic tag, which tests sweat for alcohol, for up to 120 days. The tag is fitted around the ankle and automatically samples the wearer’s perspiration every 30 minutes. Information is transmitted to a base station, where the data is downloaded and checked by officials. Offender who fail to keep off alcohol could be hit with a fine or, ultimately, a custodial sentence. US courts already use the bracelets. The actor Lindsay Lohan was famously ordered to wear one after missing a probation hearing following a conviction for drink-driving.

The abstinence orders are already being trialled in London, Cheshire and Northamptonshire after being proposed by Cameron in 2012, but the Tories will pledge in their election manifesto to use them across England and Wales. The first one was handed out at Sutton magistrates court in August to an offender convicted of using abusive language and provoking unlawful violence. Speaking at the G20 summit in Australia, the prime minister said: “Alcohol-related crime causes misery for millions of people every year and costs our country billions of pounds. While overall crime has fallen under this government, we need to do more.” Conservative sources said the Home Office envisaged up to 5,000 offenders a year would be ordered to wear the tags, at a cost to the taxpayer of £15m. They say that abstinence orders in America have reduced reoffending in some states by up to 14%. American courts have ordered the devices to be fitted to thousands of defendants released on bail and awaiting trial for alcohol-related offences, as well as people on probation and underage drinkers. Judges in the UK would have the discretion to hand down orders for offences such as threatening behaviour, assault, criminal damage and drink-driving. Most offenders will be made to wear the bracelets for 60 to 90 days, with a maximum punishment of 120 days.

The police, led by the Metropolitan police commissioner, Sir Bernard Hogan-Howe, have been pushing for the use of sobriety bracelets, saying it would help cut crime in the capital. The police commissioner said 80%-90% of night-time arrests by the Met were associated with excessive alcohol. “It is important for us to use technology and to use these preventative measures around two areas – one around alcohol and certainly around drugs because the two most aggravating factors around crime tend to be those areas,” Hogan-Howe said in December 2011. You can literally smell the problem in the air” by walking around police cells at night, he said. “So many of the those being held are drunk. The point is if you can reduce the alcohol intake over time, it may well be that we have got a great benefit we can offer our society and maybe young people.”

Government Spying on Privileged Legal Communications

Lord Lester of Herne Hill to ask Her Majesty’s Government what are the prescribed legal limits to the use of the power to conduct electronic surveillance of conversations between lawyers and their clients; and what are the safeguards against the misuse of those powers.

Parliamentary Under-Secretary of State, Home Office (Lord Bates) (Con): Interception of communications and intrusive surveillance can only be carried out by a very limited number of authorities in the interest of national security, for the prevention or detection of serious crime or to safeguard the economic well-being of the United Kingdom where it relates to national