briefly explain what went wrong in your own particular case.

On the 17th March 2015, the Conclusions and Recommendations of the House of Commons Justice Committee Report on the Criminal Cases Review Commission was published. The Government responded as follows: The Ministry of Justice have said they are "content with the current success rate of 60%- 80% (of appeals being successful following referral) required by the Key Performance Indicators". However, this figure has never been a requirement! This erroneous belief could indicate why the Ministry is unlikely to agree that the CCRC can be less cautious in applying the "real possibility (that the conviction wouldn't be upheld were a reference to be made)" test.

More promisingly, however, the Government is considering the Committee's recommendation that the Law Commission review the grounds for allowing appeals so some convictions could be quashed in the absence of fresh evidence or fresh legal argument if there is serious doubt about the verdict; and that this should be accompanied by reviewing the effects of this on the real possibility test applied by the CCRC. However, the Law Commission will not be planning a new programme until late 2016 so little is likely to happen about this until then.

The original recommendations said that "Between 2009110 and 2014115 funding to the CCRC fell from £6.511 million to £5.250 million"; but the Government focussed on some increase over the past three years (although not enough to offset the overall decrease over the past decade). The Government have said they won't consider any increase in funding until the current changes in the CCRC's operations have had time to take effect. The Government has asked to see evidence from the CCRC to see whether it is necessary to bring forward legislation to add a time limit for public bodies to comply with Section 17 requests and sanctions for failing to comply. The Government supports the Commissions' view that the CCRC should be able to compel private bodies to provide necessary information through the courts. A Private Members bill providing the CCRC with additional powers was laid in June 2015 and is due to have its second reading in December 2015. The Government not only supports this Bill but has also said it will look for another suitable opportunity if the Bill does not succeed.

It was recommended that the CCRC should take steps to engage more fully with applicants, including meeting with the applicant in many cases; and that Case Review Managers should be assigned to investigations more intelligently to make best use of their areas of skill and knowledge. The Government felt that this is a matter for the CCRC and do not consider it appropriate for them to comment on how staff are managed or directed. It was recommended that the CCRC should have a formal system for supplying feedback on the issues which cause miscarriages of justice to all areas of the criminal justice system.

Hostages: Mark Alexander, Anis Sardar, 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 Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, 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 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 550 (08/10/2015) - Cost £1

CCRC Refers Rape Conviction of Ched Evans to Court of Appeal

The Criminal Cases Review Commission has referred the conviction of Ched Evans to the Court of Appeal. Mr Evans appeared at Caernarfon Crown Court in April 2012 charged with rape. He pleaded not guilty but was convicted and sentenced to five years' imprisonment. Mr Evans sought leave to appeal. His application for leave to appeal was heard and dismissed by the full court in November 2012. He applied to the Criminal Cases Review Commission in July 2014. The Commission received further submissions from Mr Evans' legal representatives in January and April 2015. Following an in depth, ten-month long investigation, the Commission has decided to refer the case to the Court of Appeal. The referral is made on the basis of new information which was not raised at trial, and which in the view of the Commission, could have added support to Mr Evans's defence at trial and therefore raises a real possibility (see note one) that the Court of Appeal may now quash the conviction. It will now be for the Court to hear a fresh appeal to decide the case. The reasons for the referral are set out in detail in a 49-page document prepared by the Commission and called a Statement of Reasons. That Statement of Reasons has today been sent by email to the Mr Evans' legal team. It has also gone the Court of Appeal and to the Crown Prosecution Service. The Commission is not at liberty to make the Statement of Reasons public (see note 2).

Richard Foster, Chair of the Criminal Cases Review Commission, said: "The decision of the Commission is not a judgment on guilt or innocence in relation to Ched Evans, nor is it a judgment about the honesty or integrity of the victim or any other person involved in the case. Our role is to consider applications to see if, in our judgment, there is any basis on which to ask the court to hear a fresh appeal – that is our statutory responsibility. In this case we have identified new material which was not considered by the jury at trial and which in our view might have assisted the defence. In those circumstances, it is right and proper for the matter to be before the Court so that they can decide whether or not the new information should affect the verdict in this case." Mr Evans is represented by Draycott Browne Solicitors.

What about the victim? The Commission is very aware of the potential impact that its work can have in relation to victims of the crimes for which CCRC applicants are convicted. In any case where there is a high level of media interest, and/or where a referral is made, the Commission is at pains to keep the victim informed about the progress at key point in the CCRC process. We have been particularly mindful of the targeted abuse suffered by the victim in this case and have sought to act accordingly. Since this application arrived in July 2014, we have been careful to keep her informed about stages of the Commission's review so that, as far as it has been in our power to do so, she has learned about developments in the case from us rather than from any other source. As is usual whenever the Commission refers a case for appeal, we ensured that she was informed of the decision through a trusted source before the referral was made. The Commission would like to draw attention to the fact that the identity of the victim is protected by law and that it is a criminal offence to publish material that leads to her identification.

What happens when a case is referred? When a case is referred by the Commission to the Court of Appeal, the CCRC Statement of Reasons is sent to the applicant, to the Court and

to the prosecuting authority (so that it can decide if /how to oppose the appeal). A referral by the Commission means that the Court of Appeal is obliged to hear a full appeal. There is no need for an application for leave to appeal as long as the grounds for the appeal form part of the Commission reasons for referring the case. (If an appellant wishes to add grounds of appeal that do not form part of the Commission's Statement of Reasons, they must seek the Court's leave (permission) to do so. Once a CCRC referral is made, the Commission plays no further part in the case. It is not involved in the subsequent appeal. The listing and hearing of the appeal itself is a matter for the Court of Appeal and the parties to the appeal.

What is the range of possible outcomes at Court? The Court can: Uphold the conviction (also know as dismissing the appeal) - Quash (overturn) the conviction - Quash the conviction and order a retrial the ordering or retrials is relatively rare when an appellant has already served the sentence has been served.

High Court Finds Met Police Officers Racially Abused and Attacked Teenagers

On 2 October 2015, having heard evidence over three weeks of trial, Mr Justice Gilbart upheld a claim against the Met Police brought by Omar Mohidin and Basil Khan arising out of an incident on 1 June 2007 involving officers of the MPS Territorial Support Group. He found:

"I am wholly satisfied that Omar Mohidin was forced into the van, and then abused and sworn at in the van by PC [Mark] Jones in a threatening, intimidating and very aggressive manner. Part of the abuse was racist. - "I am abundantly satisfied that [Basil Khan] was then hit by PC Jones and abused, including racist abuse, and then forced to the floor and handcuffed, where he was left to kneel, in a manner intended to further humiliate him. I also find that PC Jones grabbed him around the neck, making it difficult for him to breathe. "I also accept that Sergeant [William] Wilson [PC Jones' supervising officer] struck him and abused him…[and] allowed Jones to hit and scream abuse at him. "I do not accept that [Mr Khan] made any threats to kill or injure any police officer [as alleged by PC Jones and PS Wilson]. I do not accept any of the evidence which alleges that Basil Khan struck PC Jones. "All three [PC Jones, PS Wilson, and PC Giles Kitchener, who was also in the van] have lied about what occurred once Basil Khan was put in the van."

Mr Khan said: "From the very beginning these officers lied about what happened and they carried on with those lies all the way through 8 long years to this trial before the High Court Judge. Those lies have finally been exposed and the truth of what happened on that day is set out plainly for all to see." Mr Mohidin said: "If not for the bravery of PC Onwugbonu1 in reporting what happened to us, our long journey to achieving justice would have been all the harder. Our society would be very much better if all police officers had his courage and integrity."

Mr Khan and Mr Mohidin were represented by Megan Philips and Michael Oswald, both of Bhatt Murphy Solicitors, and Phillippa Kaufmann QC and Raj Desai, both of Matrix Chambers. Michael Oswald said: "More than eight years after these terrible events, our clients have finally been able to achieve the accountability and vindication they have long sought. However, the burden of bringing these officers to account should never have fallen on their shoulders. It is a sad indictment of the systems supposed to ensure police accountability that the officers were able to escape criminal sanction, and that PC Jones and PS Wilson were able to resign from the MPS without ever being disciplined for their actions.

1. Mr Khan and Mr Mohidin are both available for comment and interview. Arrangements can be made by emailing Michael Oswald of Bhatt Murphy: m.oswald@bhattmurphy.co.uk.

rape, manslaughter to murder, etc.) This is something we will re-contact him about soon. He also said "I do not share (the view) that to prevent false allegations the Criminal Injuries Compensation Scheme should not give financial compensation to victims of sexual offences. The Criminal Injuries Compensation Authority obtains information from the police and, if appropriate, medical professionals, before deciding whether to award compensation". We understand his view on this, however, our argument is not whether real victims should receive compensation but rather about removing the incentive to make false allegations by offering compensation to the lying accuser. He goes on "The Prison Service recognises (the) concern about the access to the Sex Offenders Treatment Programme (SOTP) for offenders who deny their offence. A revised strategy regarding the interventions to be used in these circumstances is currently being developed." This is great news as it means we are finally moving towards a situation whereby those prisoners who are currently punished for 'failing to achieve' the unachievable goal of attending SOTP will be able to 'successfully' attend a different course. Here at SAFARI we continue to recommend that prisoners agree to attend any courses requested of them in prison, but just ensure they always tell the truth during them. So, for example, if during the course you are asked what prompted you to commit a specific crime, and you did not actually commit that crime, just say so. Attendance (and ideally participation as much as is possible) is the important part.

The Ministry of Justice have said: "The presumption of innocence is a fundamental principle of our criminal justice system. If there is not sufficient evidence to prove the alleged offence then the case will not succeed. It is a fallacy that there is no proof in cases where the uncorroborated evidence of a witness is the only evidence. Oral evidence of a witness subject to real-time cross-examination in the courtroom is just as capable of providing proof as any other kind of evidence. The government is committed to the maintenance of a system that delivers faster and fairer justice for all citizens. Other safeguards against the conviction of the innocent include the high standard of proof whereby it is for the prosecution to prove its case beyond reasonable doubt, the right to legal representation, the right to call any witnesses to challenge and test evidence through cross¬examination, and the right to seek leave to appeal against conviction or sentence. In the last resort, a convicted person may apply to the Criminal Cases Review Commission (CCRC)."

The comment that "The oral evidence of a witness, subject to real-time cross-examination in the courtroom is just as capable of providing proof as any other kind of evidence" seems, to us, to be facile. Someone who has made a false accusation, convincing enough for the police and CPS to go ahead with the case, is far more likely to continue lying under cross¬examination than they are either to admit having made it up, or to say anything which casts doubt on their initial statement. As a last resort they can always burst into tears - often enough by itself to convince a jury that they are a victim. A false accusation may not be enough to convict by itself, but equally, being cross¬examined by the defence rarely produces anything other than more lies. And the "high standard of proof" is simply not as high in sex cases as in others as much depends on someone's word.

It's now time for us all to start writing to the newspapers as the next stage of our campaign. The aim is to have our letters & Emails published. This brings the issue of false allegations into the public eye. As Desmond Swayne MP said, we need to "bring to the forefront of public conscience the miscarriages that do take place" - newspapers are very powerful at doing that.

So what can you write about? Well, the goal here is to bring to the public's attention the sheer number of people who have been falsely accused of committing a crime and yet found guilty. Unlike previous letters to MPs which we advised not to include details of your own personal story, newspaper articles are different - they should show there is a problem and then

In Safari Issue 105, We Asked Readers to chase up responses from MPs to our call for changes in the legal system to protect the falsely accused; and we provided template letters to help you do this. Many of you took part and we thank you for that; you are helping to make a difference. Copies of MP replies have been coming in to us from readers and make interesting and useful reading. Keep them coming please. Responses mainly fell into two categories: On one hand, many MPs simply do not believe that the legal system is failing many falsely accused people. Those MPs need to be educated. Others were generally supportive of our campaign and felt that justice for everyone - including the falsely accused - is vital. Some of the responses we've seen from MPs follow.

Minister Of State, Desmond Swayne MP, advised us that to achieve changes in the law we "need to find ways of bringing to the forefront of public conscience the miscarriages that do take place" and agreed with our suggestions of contacting other people, arranging for petitions to be signed, holding demonstrations, writing to the papers, etc. in an effort to achieve this. He did, though, go on to say "I retain my confidence in the system however." SAFARI is already working on contacting other people (with readers' support), we have an on-line petition which - if you haven't already got all your friends and family to sign - we ask that you do so now at http://tinyurl.com/SAFARI34. There are over 600 signatories to date, which, considering most people don't realise there is a problem, is quite impressive. Newspapers are our next target, and we're considering how demonstrations or rallies might work.

It is vital that we get the wording of proposed new laws right. Ex-MP David Rendel has said: "As an ex-MP myself, I am very aware that badly worded changes in the law can sometimes have the opposite effect to that which was intended." So we're working on that, simplifying and clarifying the goals we seek to make adoption of the new laws more likely. Candidate in the 2015 election, Janet Richards, said: "We must do everything we can to make sure these cases are as few as possible. I agree with the general principles outlined in your email." Paul Flynn MP said: "I have supported a small number of constituents in the past who were probably wrongly accused. I appreciate that this is a very serious problem in a significant number of cases." There are 650 MPs; assuming all have a 'small number' of cases like this, there must be thousands of cases UK¬wide. Clearly it's time for MPs to act. David Warburton MP said: "I must say that I was extremely struck by your message and strongly agree with its central argument - that no consideration must be allowed to undermine the presumption of innocence, and that no other principle of justice must be allowed to outweigh it. As you say, there are enormous (and in some cases insuperable) difficulties associated with the idea of proving innocence, and that when sexual crime is part of the equation, an already impossible situation can be made worse." He also said he was delighted to meet with his constituents to discuss this in more detail and arrange that their views are communicated directly to Justice Secretary, Michael Gove MP.

It must be remembered that any innocent, but convicted, person receiving more than two and a half years sentence can never (short of winning an appeal against conviction) have their convictions considered 'spent'. They may be on the Sex Offenders' Register for at least 15 years, and can only get removed after then if they can demonstrate that they are 'no longer a risk'. So it's not possible for that person ever to just 'get on with their life'. A sentence of two and a half years or more - especially for those accused of sexual crime - is effectively a life sentence.

Lord Edward Faulks (Minister of State for Civil Justice and Legal Policy) said "During the course of the trial, it is sometimes necessary for the prosecution to apply to the court to make changes to the charges." This was in response to SAFARI's request that details of an alleged offence (location, date, time, etc.) should not be allowed to be changed at trial, although we think Lord Faulks is thinking about changing the alleged offence itself (eg. Changing 'attempted rape' to actual

2. Amongst the various police officers who witnessed the treatment of Mr Mohidin and Mr Khan, one, PC Amechi Onwugbonu, reported his fellow officers' wrongdoing to his superiors. There ensued an investigation by the MPS managed by the IPCC, which led to the officers facing criminal prosecution in October 2009. However, the officers were acquitted of all charges after key pieces of evidence were not placed before the jury.

Grand Chamber Hearing - Hutchinson v. the United Kingdom

The applicant, Arthur Hutchinson, is a British national who was born in 1941 and is detained in Her Majesty's Prison HMP Durham In September 1984 Mr Hutchinson was convicted of three counts of murder, rape and aggravated burglary, the trial judge sentencing him to a term of life imprisonment with a recommended minimum tariff of 18 years. In December 1994 the Secretary of State informed Mr Hutchinson that he had decided to impose a whole life term and, in May 2008, the High Court found that there was no reason for deviating from this decision given the seriousness of Mr Hutchinson's offences. Mr Hutchinson's appeal was dismissed by the Court of Appeal in October 2008. - Relying on Article 3 (prohibition of inhuman or degrading treatment) of the Convention, Mr Hutchinson alleges that his whole life sentence amounts to inhuman and degrading treatment as he has no hope of release.

The application was lodged with the European Court of Human Rights on 10 November 2008. In its Chamber judgment of 3 February 2015, the European Court of Human Rights held, by six votes to one, that there had been no violation of Article 3 of the Convention. It observed in particular that, in a previous judgment2 of 9 July 2013, it had found that the domestic law concerning the Justice Secretary's power to release a whole life prisoner was unclear. In that case, the Court was therefore not persuaded that the applicants' life sentences were compatible with Article 3 and held that there had been a violation of Article 3. However, the UK Court of Appeal had since explicitly addressed those doubts and held that the Secretary of State for Justice was obliged under national law to release a person detained on a whole life order where "exceptional grounds" for release could be shown to exist, and that this power of release was reviewable by the national courts. Having regard to this clarification, the Chamber concluded that whole life orders were open to review under national law and therefore compatible with Article 3 of the Convention. On 1 June 2015 the case (no. 57592/08) was referred to the Grand Chamber at the request of Mr Hutchinson.

HMP Maghaberry 'Not Fit for Purpose *Irish Examiner*

Northern Ireland's main high-security prison is "not fit for purpose", Assembly members have been told. Sinn Fein MLA Meave McLaughlin said concerns were mounting about Maghaberry Prison, which houses some of the region's most dangerous criminals. "There are increasing growing concerns that Maghaberry is not fit for purpose," she said.

Rejecting the claims during Question Time, Justice Minister David Ford said the appointment of a new governor and 35% reduction in staff sickness levels had addressed some of the major issues identified at the jail. Mr Ford said: "I don't accept that Maghaberry is not fit for purpose. I do accept that it appears likely that the Criminal Justice Inspection report, a snapshot report from an unannounced inspection sometime ago, is likely to show that there were significant concerns at the time." As well as life sentence prisoners, rapists and armed robbers, Maghaberry includes segregated wings for both dissident republican and loyalist paramilitary inmates. Problem with drugs and overcrowding have been well-documented.

The minister described Maghaberry as the "most complicated" prison in the UK but said the

appointment of Phil Wragg, a former governor of HMP Belmarsh, has had a positive impact. Mr Ford added: "Many members will be aware of significant work which has been done since that inspection to enhance the service which is provided at Maghaberry. "The fact that Phil Wragg, currently acting as governor, has previously governed Belmarsh, one of the other most complex prisons in the UK, though not as complex as Maghaberry is, I think, an indication of the understanding he has of those issues and I think there is good work already being done."

Prisoners' Legal Letters Opened by Prison Staff, Admits Ombudsman

Alan Travis, Guardian: Prisoners' confidential legal letters to and from their lawyers and the courts have been wrongly opened by prison staff in half of cases investigated by the prisons ombudsman in the past year. The prisons and probation ombudsman, Nigel Newcomen, carried out 32 official investigations into complaints about the handling of confidential correspondence with prisoners in England and Wales, and found in half of them private legal letters to and from prisoners had been in opened by mistake by prison staff. The ombudsman said in a special bulletin that most of the cases involved human error but he was "extremely troubled" to find in one case legal letters that had been handed in properly sealed by the prisoner in line with the rules were being repeatedly opened before they were sent out of the prison.

In another case, letters from the Royal Courts of Justice, the Equalities and Human Rights Commission, Medway court and the Prisoners Advice Service were being routinely opened by prison staff. Following complaints, the prison apologised to the inmate and told him the mistakes were due to new staff starting in the censorship department. Prisoners have a right to confidential correspondence with their lawyers and the courts and a range of other bodies, including the ombudsman, under prison rule 39. They can only be opened by prison staff on a case-by-case basis if there are suspicions that the letter contains illicit items or are from an organisation or person not recognised under rule 39. The prison service rule stresses that there must be strict compliance with procedures on confidential and privileged mail.

Newcomen said he had received 32 official investigations into complaints about rule 39 letters between April 2014 and June 2015 and had ruled in favour of the prisoner in 16 of them. Newcomen said: "There are detailed rules for handling confidential mail, designed to ensure that prisoners are able to communicate with their legal advisers without fear of disclosure or interference, and that they are able confidentially to communicate with independent scrutiny bodies without fear of reprisals from staff. While I am in no way complacent, it is perhaps reassuring that, of the complaints I have upheld, most appear to be isolated incidents of human error where letters had been incorrectly opened. I found little evidence of deliberate or sinister tampering or of repeated failures at a prison. Prisoners need to be able to have confidence that their confidential communications will be respected. Even infrequent errors will undermine this."

World Drug Problem Violates Human Rights in Five Key Areas *UN HIgh Commission*

The global drug problem violates human rights in five key areas – the right to health, the rights relating to criminal justice and discrimination, the rights of the child and the rights of indigenous peoples, a senior United Nations official said today. "It is clear that the world's drug problem impacts the enjoyment of a wide range of human rights, often resulting in serious violations," said Flavia Pansieri, Deputy High Commissioner for Human Rights. It is, nevertheless, a positive development that human rights are increasingly being taken into account in the preparations for the General Assembly's Special Session on the world drug problem to be held in April 2016," she said.

Service, is well established, deriving from the Prosecution of Offences Act, 1985. However, this legislation gives courts the power to impose costs, rather than a duty, and practice directions to sentencers in 2014 make it clear that: 'An order should be made where the court is satisfied that the defendant or appellant has the means and the ability to pay. The order is not intended to be in the nature of a penalty' This seemed a reasonable sort of arrangement to ensure that costs were fairly distributed, giving enough discretion to the courts to ensure that justice was served.

The new charges are mandatory and sentencers must disregard ability to pay and the impact of the charge when passing sentence. (According to the MoJ factsheet on the charges: 'The court will not be able to take the charge into account when they decide on the appropriate sentence.') Defendants can pay off their debt in instalment, however, and the fines officer of the court can remit the fine (ie write it off) after a year if the defendant has complied with the conditions of repayment. Defendants themselves can apply for remission after two years. The charges are high – and place a trial in the Crown Court well beyond the reach of most defendants, especially when they also have to pay a mandatory victim surcharge ranging between £20 and £120. (This surcharge, introduced at a flat rate of £15 in 2007, was ratcheted up to its current levels in 2012.) Leaving the considerable issues of affordability aside, the new charges create an objectionable incentive for offenders to enter a guilty plea even when they are innocent – the difference in costs between an uncontested case in the lower courts and a Crown Court trial being £1,050. Crown Court trials will become the territory of the affluent defendant, and of those who face a long sentence upon conviction, and have little to lose in contesting the case.

Right to a fair trial: Although the government lawyers must have crawled over case law covering the European Convention of Human Rights, article six these charges don't appear to me to be guaranteeing the right to a fair trial – as the right exists only so long as you can pay for it. Apologists for the charges will doubtless say that payment is in arrears and in instalments, but that is hardly convincing. The fact that the charge is mandatory, with no judicial discretion to waive it, is the feature that may render it liable to challenge. The charges will be seen by most defendants as arbitrary, onerous and basically unfair. They will create a 'legitimacy deficit' in the system, which will be sensed most keenly by those whose commitment to the rule of law is most tentative. It pushes our justice system one step closer to that in American cities, where the courts relentlessly raise revenue from the urban poor for not only serious crimes but for minor regulatory offences. In time, too, as more of the 'respectable middle classes' are required to stump up these fees – for motoring offences that they wish to challenge, for example, or for regulatory offences in connection with their businesses – dissatisfaction will spread.

Leaving aside the question of basic fairness, the system is likely to prove rapidly unworkable. The people who appear before the criminal courts are very largely drawn from the poor and the socially marginalised. Offenders pleading guilty to less serious crimes in the lower courts may be able to pay their £150 – albeit in instalments – assuming that they are sentenced to a community penalty, rather than a fine. If the charge (plus the victim surcharge) is simply added to a fine, the risk of non-payment – and eventual imprisonment for breach – is compounded.

The government plans to review the charging regime in 2018. It is to be hoped that they should do so much sooner. In my view, the costs in terms of damage to legitimacy will outweigh both the financial benefits accruing to the Treasury, and any – somewhat improbable – rehabilitative benefits for offenders that flow from them being held to account for their court costs. The House of Commons' Justice Select Committee is currently reviewing the system, and it will be interesting to hear what they make of it.

Convicting the Innocent Neither Reduces Crime or Protect Victims.

these needs were likely to become greater; • offender management was not sufficiently central to the work of the prison - there was a large backlog of risk assessments (OASys) and offender supervisors had too little contact with prisoners they were responsible for; • processes to address the behaviour of men who denied their offences were not sufficiently effective.

Nick Hardwick said: "HMP Isle of Wight held a complex sex offender population, most of whom had been convicted of serious offences but who were now themselves often vulnerable because of age or disability. For the most part the prison dealt with this complex task professionally, but further work was required to develop a more sophisticated approach to managing and reducing the risks these men posed, both within the prison and, importantly, when they were eventually released." Inspectors made 89 recommendations and only found 3 Examples of good practice

Is UK's Record on Welcoming Asylum Seekers Really so Honourable?

Hugh Muir, Guardian **:** Easy to overdose on orthodoxies. One such is the notion that throughout its history, Britain has an honourable record in absorbing newcomers, providing refuge to refugees and gradually becoming a diverse society. That's pretty much my take on things, but it's good to receive a contrary view, if only for the purposes of stress testing.

Such a challenge recently came my way in the form of a broadside from Pavle Popovic, a masters student at the University of Leiden in Holland, whose thesis concerns the exodus of Sino-Vietnamese refugees and the reluctance of Margaret Thatcher to open the door to them. Your view of things is too rose-tinted, he said. Everyone talks about happy endings, but not about the official hostility that always greets any actual or pending influx, and the racism many groups have encountered on arrival. "Thatcher was wholly uninterested in the asylum seekers," insisted Pavle. "When ministers proposed resettling the refugees to her, she infamously remarked that it was: 'quite wrong that immigrants should be given council housing whereas white citizens were not'. When Britain finally became fully involved in the Indo-China crisis, it was not due to humanitarian motives but because its colony, Hong Kong, had become overladen with asylum seekers and 'illegal' Chinese immigrants."

Self-interest was the driver, he said, and the same motive lay behind Britain's decision to accept Ugandan Asians expelled by Idi Amin. "Their eventual resettlement in Britain was only because the attorney general reminded the incumbent Conservatives that they had an obligation to; many of the Ugandan Asians held British passports. The government selected the most skilled for resettlement and considered sending the unskilled and elderly to India." We need to be more honest about our actions and motivations in the past, he said, because they affect how we deal with these things in the present day. He's right in his way. The national interest does inevitably drives decisions. The issue is what constitutes the national interest. I like the quote from Edward Heath as he explained why his government decided to receive the Ugandan Asians: "We hold that it is in the interest of the British people that the reputation of Britain for good faith and humanity should be preserved," Heath said. As to how we reach that point, I always quote Churchill, on America: they do the right thing having exhausted the alternatives, he said.

Criminal Court Charge: 'Arbitrary, Onerous And Basically Unfair' *Mike Hough, Justice Gap*

The Criminal Court Charges slipped into the statute book in April 2015 with surprisingly little comment from the liberal reform lobby. Now, upon conviction almost all adult offenders face a charge to cover court costs: in the magistrates' courts, £150 or £180 for a guilty plea (depending on offence type) and £520 for a trial; and in the Crown Court, £900 for a guilty plea and £1,200 for a trial. The principle of charging defendants for various costs, such as those of the Crown Prosecution

Ms. Pansieri made the remarks during her presentation of the report by the High Commissioner for Human Rights during a panel discussion on issues related to human rights and drug policy taking place on the side lines of the 30th session of the Human Rights Council underway in Geneva, Switzerland. She said "the report addresses the impact of the world drug problem in five main areas: the right to health, rights relating to criminal justice, the prohibition of discrimination including, in particular against ethnic minorities and women, the rights of the child and the rights of indigenous peoples."

On the right to health, she said the report therefore encourages States to embrace harm reduction approaches when dealing with drug dependent persons. Today, such measures, including syringe exchange programmes and opioid substitution therapy, are available in slightly less than half of countries worldwide," she said. Ms. Pansieri said the report also endorses the UN's call on States to consider decriminalizing possession and use of drugs "because criminalization of possession and use has been shown to cause significant obstacles to the right to health."

On issues relating to criminal justice, she said an estimated 33 countries or territories continue to impose the death penalty for drug-related offences, resulting in approximately 1,000 executions. While in some States, convictions for drug-related offences result in disproportionately harsh sentences for relatively minor offences, and adversely affect a range of rights or entitlement to benefits, she noted that "ethnic minorities and women may be particularly subject to discrimination in law enforcement efforts. Children should be protected by focusing on prevention," she said, "and should receive accurate and objective information on drugs in a child-friendly and age appropriate manner."

And finally, concerning the rights of indigenous peoples, "they have the right to follow their traditional, cultural and religious practices, and where drug use is part of these practices, it should in principle be permitted. It is my sincere hope that in the outcome documents of the General Assembly's Special Session on the world drug problem, human rights will be addressed in a constructive and specific manner so that human rights violations relating to the world drug problem are addressed, and that protection of human rights can be better integrated into State law and practice in the years to come," she stated.

Central African Republic 500 Prisoners Escape In Bangui

Hundreds of inmates at a prison in the Central African Republic have escaped as a wave of violence left dozens dead. After a Muslim taxi driver was killed, clashes erupted on Saturday between Christian militia and Muslim groups. Members of a Christian militia known as the anti-Balaka attacked the prison on Monday, freeing hundreds of soldiers and militiamen. CAR has been wracked by violence since a mainly Muslim rebel group, the Seleka, seized power in March 2013. The Seleka group was then ousted, sparking a wave of violent reprisals against the Muslim population, thousands of whom fled their homes At least 500 people escaped from the Ngaragba jail in the capital, Bangui on Monday evening 28/09/2015. "There is no-one in the prison," Reuters quoted a senior security source as saying.

'Criminalisation of Protest' Must be Fought *Ian Johnston, Independent*

Pink Floyd guitarist David Gilmour – whose son Charlie was sentenced to 16 months in prison for violent disorder during student demonstrations in 2010 – has attacked the "criminalisation of protest". Speaking after his solo album Rattle That Lock reached number one in the charts, Gilmour said restrictions on peaceful protest were becoming more widespread under this Government.

In 2010, Charlie Gilmour was seen swinging on a Union Jack hanging from the Cenotaph in London and also jumped on to the bonnet of a car carrying Royal protection officers escort-

ing the Prince of Wales and the Duchess of Cornwall, who were in another car. He was also accused of kicking a shop window and setting fire to some newspapers near the Supreme Court. After pleading guilty to violent disorder, he was given a 16-month sentence, serving four months in prison before being released to house arrest.

David Gilmour told BBC Radio 4's The World This Weekend that the title track of his new album was "about suggesting that people might stand up and be counted against the criminalisation of protest in this country. It is saying, 'don't allow this to become the norm'. I think this Government has stamped down on normal protest in a way that is heinous." However, the guitarist said it was "nothing really to do with Charlie's experience. The whole way of kettling people who have committed no crimes, imprisoning people who have committed the minorest of misdemeanours and using catch-all laws and charges to imprison people is a terrible thing and it's becoming more widespread under this Government," he said. "Rattle That Lock" includes the lines: "Whatever it takes to break, gotta do it/ From the burning lake or the eastern gate/ You'll get through it … Rattle that lock, lose those chains."

Gilmour is a member of the Liberty Choir, which visits Wandsworth Prison in London to sing for and with inmates. "When they are released, they are welcomed back into a community and enjoy the thrill of singing with a large group of people. I think it's a really important thing," he said. On his current music, he said he hoped it would stand the test of time. "I don't think there's any particular difference between what I'm doing now and what I have done in the past with Floyd – it all comes from the same place." He admitted he did not follow the current music scene. "For me, it's my music that I spend almost all my time listening to and working on," he said. But he admitted that the Scissor Sisters' cover of Pink Floyd's "Comfortably Numb" was "terrific", even if it was "nothing like our version, of course".

Jamaican Prisoners Held in UK Jails to be Repatriated *Rowena Mason, Guardian*

Hundreds of Jamaican prisoners will be repatriated to their homeland to serve their sentences in a new jail to be built with £25m of UK foreign aid money, David Cameron will say. On his first official trip to the Caribbean island, the prime minister will announce on Wednesday a deal with Jamaica to transfer prisoners to their country of citizenship without the need for their consent.

Under the terms of the agreement, Jamaican prisoners who have received sentences of four years or more, and who have more than 18 months left to serve, will be deported from 2020. It is expected this will apply to about 300 people at that date, when a new 1,500-bed prison in Jamaica has been built from development cash. The prisoner transfer agreement adds to deals that have been struck with Albania, Nigeria, Somaliland, Rwanda and Libya. However, the government considers an agreement with Jamaica particularly important because its citizens make up the third-largest prison population of foreign nationals.

There were more than 600 Jamaican citizens in UK jails as of June this year, with seven in 10 serving sentences related to drugs or violence. Claiming the deal would save money in the long run, Cameron said: "It is absolutely right that foreign criminals who break our laws are properly punished but this shouldn't be at the expense of the hardworking British taxpayer. That's why this agreement is so important. It will mean Jamaican criminals are sent back home to serve their sentences, saving the British taxpayer millions of pounds but still ensuring justice is done."

The deal is the culmination of almost a decade of negotiations between the UK and Jamaican governments. Former Labour prime minister Gordon Brown said in 2007 that Jamaican prisoners would be sent to serve their sentences in their country of citizen-

carry a knife that day, or might use it to kill or harm, because he may not have thought about what Ferguson was thinking or planning," Professor Baron-Cohen wrote in his report.

Alex is now a Category A prisoner. When I get letters from him I cry a lot because I'm proud of him for coping, for not telling me he's frightened, when I know he is. But I cry too because I am filled with immense pain, because he shouldn't be in there.

In October 2014 Alison Saunders, Director of Public Prosecutions and Mike Penning, then justice minister, defended the joint enterprise law to MPs. They were happy with how it is used, they said. Asked about some of the overwhelming evidence against its use, Mr Penning could only respond: "Nothing is perfect." I will be 66 when Alex comes home, my lovely vulnerable boy labelled a murderer because of something someone else did in a 47-second, spontaneous affray.

Jayden Parkinson: Police Officers Receive Final Written Warnings *BBC News*

Three Thames Valley Police officers have been disciplined over an inquiry into the disappearance of murdered teenager Jayden Parkinson. Two officers received final written warnings - the highest sanctions available - for breaching standards of professional behaviour. One officer admitted misconduct and received a written warning. They relate to the force's response to Jayden going missing from Oxford on the day she was killed, 3 December 2013. The misconduct also concerns contact the police had with the 17-year-old before her death. Ben Blakeley, 23, from Reading, Jayden's ex-boyfriend, strangled her and buried her in an occupied grave in Didcot, where she was discovered on 18 December. Last month a civilian staff member was found to have "no case to answer" over the same investigation. The misconduct proceedings followed an enquiry by the Independent Police Complaints Commission (IPCC). The force's head of professional standards Det Ch Supt Tim De Meyerr said the officers' conduct had "fallen short of the standards expected". He said they would now receive training and development. None of the Thames Valley Police employees have been named, but the force said a copy of its report may be published once misconduct proceedings had been concluded.

HMP Isle of Wight – More Work Needed to Manage and Reduce Risk

HMP Isle of Wight managed its complex population well, but needed to do more to reduce the risks some prisoners posed, said Nick Hardwick, Chief Inspector of Prisons. Today he published the report of an unannounced inspection of the training prison. The prisons on the Isle of Wight have undergone substantial change over the years. For a long time there were three adjacent prisons: HMP Parkhurst, HMP Albany and HMP Camp Hill. In 2009 the three prisons merged to become HMP Isle of Wight, holding a mix of sex offenders and mainstream prisoners. In 2013 the old Camp Hill site closed. HMP Isle of Wight now holds just over 1,000 men, almost all of whom are sex offenders. Most were serving long sentences for serious offences and many were elderly and sometimes frail. The mix of physically and mentally vulnerable men and serious offenders that the prison held made the task of reducing the risk of reoffending while holding the men safely an unusually complex one.

Inspectors were concerned to find that: • 34 recommendations from the last inspection 'Had Not Been Achieved' • there were few violent incidents but more prisoners said they had been victimised by other prisoners and staff than in comparable prisons, and prisoners reported unusually high levels of violent and sexual assaults; • not all staff were sufficiently aware of the risks that some men posed; • although the management of equality issues was good overall, the prison was unable to adequately meet the needs of all the men with disabilities and

to make out her words I kept repeating myself. Guilty verdicts came back for all the boys except Younis Tayyib. That night Charlotte and I wanted to fall asleep and never wake up, because we knew that if we did the awful reality would hit us again. A year on we still wake to such mornings. We get up, go to work, fight the tears. Then I feel guilty because I am lucky; my son is still alive.

A month later, sentencing Alex to 19 years, the judge said he was guilty of "knowing" that someone else had a knife and of "knowing" they might use it. The prosecution argued "friends tell each other everything". Janhelle also got 19 years while Cameron Ferguson got 23, after the court heard he "was on a frolic of his own". For the first few months after the verdict I felt like the world, the Government and every person I passed on the street had turned against us. It was Charlotte who kept me going. Nightmares, horrific and vivid, were so bad that we had to sleep side by side. Waking was no better.

A judicial system as back to front as this mocks justice. The trauma of witnessing it returns to me in waves of angry tears. I tortured myself with questions about what more I could have done. Should Alex not have defended his friend? Undoubtedly he should have been more cautious about his friendships. But Alex would never listen to me. Like most children he had the "terrible twos" but his tantrums seemed to go on and on. He was seven when his father and I separated and the tantrums became meltdowns. He was bullied terribly at primary school to the extent that he "accidentally" broke his leg. Eventually we placed him in a small private school but they struggled with him. He never settled. Gradually I lost confidence, torn between my instinct and the conflicting views of family and "experts", who blamed his "bad" behaviour on his parents' divorce, a lack of sleep, my lack of discipline, or the fact that I worked. I was exhausted. I returned to education to study psychology to help me understand. Alex was nine when I started my PhD into school bullying. I was not able to get him help; I simply predicted the path ahead.

At 13 he was expelled. I pleaded for help but no one listened. Meanwhile he was hanging out on the streets. Everyone said: "You need to talk to him." I felt inadequate because I couldn't even get him to sit down and talk. He would change the subject or, if pressed, get upset and leave. Often I would end up crying, pleading with him to stop. He'd look panicked and puzzled, hug me and say "Why are you crying, Mum?" as though he really didn't know.

When we launched a campaign to free Alex, letters from Parliament and from young people similarly jailed began arriving. Support has been overwhelming and unexpected. I realised then that just maybe some good might come out of this. I hadn't expected to feel part of a caring society again. Last December Alex's appeal was refused. It felt as if they had taken him from us again. We are now appealing against the refusal.

It was at this time that a woman emailed, after reading a description of Alex in an article, suggesting he might have autism. I was working at the Institute of Psychiatry. Using my contacts I identified a number of autism experts. Most said I needed a letter of referral for a private assessment, but the prison service refused one. Desperate, I wrote to Professor Simon Baron-Cohen at Cambridge University, one of Britain's leading autism experts. He replied agreeing to do an assessment on a pro-bono basis. We were ecstatic. Finally a ray of hope.

I will never forget the day we received his report. "There is no doubt in my mind that Alex has AS [Asperger syndrome]." It described him as a very vulnerable young man. People with AS find it hard conforming to social norms, planning, making good decisions, reading cues and understanding social situations – all of which can get them into trouble. They cannot easily interpret or predict the intentions of others in real time, particularly in fast-moving, spontaneous situations. "It is unlikely Alex would have assumed Cameron Ferguson would

ship if both they and each country agreed, but this voluntary deal spent years unratified by the Jamaican parliament. Cameron then affirmed his commitment to building prisons in other countries in order to secure transfer agreements in 2013, citing Jamaica and Nigeria as examples. But Jamaica formally refused to sign a compulsory prisoner transfer agreement the following year, saying it was unconstitutional. Now that a deal has finally been agreed, it could still be challenged under human rights laws by Jamaican prisoners who have family ties in the UK and do not want to return

Punitive Court Fines 'Undermine Respect for the Law' *Owen Boycott, Guardian*

The imposition of mandatory, punitive fines in English and Welsh criminal courts has undermined respect for the law and introduced US-style plea bargaining that results in false convictions, an influential legal thinktank has warned. The fresh criticism from the Centre for Justice Innovation is the latest in a groundswell of opposition to the criminal courts charge – financial penalties imposed on the convicted by the former justice secretary Chris Grayling.

The charge, introduced in April, ranges from £150 for those pleading guilty in a magistrates court to £1,200 for those found guilty after a crown court trial. It is levied on top of the victims' surcharge, fines and prosecution costs. Neither judges nor magistrates have discretion to drop the financial demand. More than 50 magistrates in England and Wales have resigned in protest at the charge, according to the Magistrates Association. Many doubt if much of the charge will ever be collected since a significant number of defendants are too poor to pay.

Parliament's justice select committee is beginning an inquiry into the charge. The Ministry of Justice has promised to review its impact, but not until after it has been in operation for three years. In its submission to the committee released on Wednesday, the Centre for Justice Innovation says: "The criminal court charge runs the risk of undermining defendants' perceptions of fairness in the court process. This, in turn, will undermine their trust in the justice system and their willingness to obey the law in the future. Therefore, the criminal courts charge could perversely be storing up trouble for the future – by making courts less fair, it undermines courts' authority and defendants' respect for the law."

Heavy financial penalties are also deterring defendants from fighting cases, the organisation argues, saying: "The criminal court charge is making defendants change their pleas in order to avoid running the risk of incurring excessive penalties. "This has the hallmarks of a plea bargaining system …. We draw the [justice select] committee's attention to evidence from the USA [where formal plea bargaining is common practice] that plea bargaining can lead to wrongful convictions, purely on the basis of defendants making rational decisions in the 'shadow of the trial'." Phil Bowen, a former Home Office and MOJ official who is director of the centre, said: "Recent cases in courts around the country suggest it's making innocent people plead guilty to avoid hefty charges they can't pay. We urgently need to review whether the charge is introducing US-style plea bargaining via the back door."

Prof Mike Hough, of the Institute for Criminal Policy Research at Birkbeck, University of London, who addressed the Centre for Justice Innovation meeting, said: "The charges will be seen by most defendants as arbitrary, onerous and basically unfair. They create a 'legitimacy deficit' in the system, felt most keenly by those whose commitment to the rule of law is most tentative. "What's more, although the government lawyers must have crawled over case-law covering Article 6 of the European convention on human rights, these charges don't appear to me to guarantee the right to a fair trial – as the right exists only so long as you can pay for it. Apologists for the charges will

doubtless say that payment is in arrears and in instalments, but that's hardly convincing."

A Ministry of Justice spokesperson said: "It is right that convicted adult offenders who use our criminal courts should pay towards the cost of running them. Offenders can pay in affordable instalments linked to their ability to pay. Magistrates and judges do not have to order prompt payment in full." The only discretion a judge or magistrate has is that they can cancel the charge after 12 months if the offender has made the best effort possible to pay it and does not reoffend. Earlier this week, a senior magistrate in Leicester, Nigel Allcoat, who pulled £40 from his own shirt pocket to pay the court fine for a destitute asylum seeker resigned his position after being suspended by authorities.

Man Accused of Shooting Dies in Prison

A man who was on remand accused of shooting a teenager in the legs in Wythenshawe has died in prison. Adam Coombes of Crowland Road, Newall Green, was being held on remand at Forest Bank after allegedly shooting Ashley Florence, 18, in Wythenshawe. A prison service spokesman said the 23-year-old was found "unresponsive" in his cell on Monday 28/09/2015. An investigation has now been launched.

Inmate walked out of open prison

An inmate jailed for firearms offences walked out of open prison to spend two nights with his wife at a luxury hotel. Douglas Ward, enjoyed a break at the £110 a night Cley Hall Hotel, in Lincoln, after he was reported missing from HMP North Sea Camp over the August bank holiday. He was rumbled when hotel staff began to grow suspicious and found his Facebook profile said he lived in Strangeways.

Flight Attendant Sues G4S After Witnessing Death of Jimmy Mubenga

Former British Airways flight attendant is suing G4S for more than £100,000 after witnessing the death of Jimmy Mubenga, a deportee who suffocated while being restrained by security guards employed by the firm. Louise Graham, a former BA purser, told Central London county court she was "left in pieces" after watching the three G4S guards grapple with Mubenga as he let out "harrowing howls" before he fell silent. Graham, 54, who left the airline due to the incident after more than 20 years in the industry, is now suing G4S after she had a "mental breakdown". G4S Care and Justice Services (UK) Ltd said she was too far removed from the tragic sequence of events to be entitled to sue.

Verne Immigration Removal Centre – Very Difficult to Visit

It's difficult not to think about location. Bus number 1 from Weymouth city centre goes towards Portland Island, the southernmost point in the county of Dorset. The island is tied to the mainland by a long barrier beach: formation made up of sand, slit and pebbles. Chesil Beach stretches alongside the road; water glitters dotted with sailing boats, kites and windsurfing boards. On a sunny day it feels quite cheerful. Walkers alongside the road, people getting on and off the bus to appreciate the beauty of this stretch of the Jurassic Coast. On a rainy day the bus is almost empty. Whatever the day, if you look up and towards the left, from a distance you will see a big stone gate, the entrance to the Verne citadel.The Verne Immigration Removal Centre is the newest addition to the UK detention estate, and a big one. Since September last year 580 migrants can be housed on a site of a former military barracks. Built in the second part of the 19th century, the citadel became a prison in 1949 and was turned into an immigration removal centre in 2014. In our survey, only 19% of detainees said they had a visit from family or friends since arriving at the centre, against comparator 43%. The visits area has been refurbished and is very comfortable. However detainees have few visits by friends and family

material is so sensitive it could potentially damage national security. At the High Court in Belfast on Friday, Mr Justice Stephens said the application will be heard in February.

Freddie Scappaticci, the grandson of an Italian immigrant who came to Northern Ireland in search of work, denies he was an army agent. An initial request to include him in the legal action was refused, but that decision was later overturned on appeal. In his judgement overturning the initial decision, Mr Justice McCloskey said the allegations being made gave rise to "acute public concern and interest... and raise the spectre of a grave and profound assault on the rule of law and an affront to public conscience".

My Son Got Nineteen Years In Prison tor A Knifing he Didn't Commit

Sally Halsall, Independent: Today more than 4,500 young men and women, and even children, are serving long sentences, usually life, for crimes they say they didn't commit; they are languishing in prison with no hope of early parole. My son Alex is one of them. On Wednesday 6 August 2013 Alex (then 20) was shopping in Ealing, west London, with three boys, two of whom – Younis Tayyib and Janhelle Grant-Murray – he had been friends with since he was 11. Alex had known the third boy, Cameron Ferguson, for less than a year. At some point Janhelle and Younis decided to go back to Younis's house, a few minutes away. Outside, Janhelle was confronted by four older boys: brothers Bourhane and Taqui Khezihi, Dapo Tajani and Leon Thompson. All were strangers to him.

Alex and Cameron were making their way to Younis's home. Alex spotted Janhelle was in trouble and ran to help. At 5ft 2in and of slight build Alex was considerably smaller than his friend's assailants. He hovered on the edge, not knowing what to do; picking up someone else's mobile, he threw it at one of them. He also threw a single punch at one of the men, but the judge later ruled this was self-defence. Cameron also joined in. The violence lasted 47 seconds but in that time Cameron had grabbed a knife hidden inside his bag and stabbed Taqui and Bourhane through it before fleeing. The remaining boys, including the victims, left the scene unaware what had happened. Taqui's injury proved fatal.

I still lie awake remembering the night the police called saying Alex had been arrested for murder and hearing Alex's screaming "Mummy, Mummy!" like a small child when I was put through to his cell. I said if he told the truth it would be OK. They would know he didn't do it. I contacted Gloria Morrison who runs JENGbA (Joint Enterprise Not Guilty by Association). The hard facts she gave me ended my hopes that this was a terrible mistake.

The truth quickly dawned. The police didn't care who wielded the knife. They had them all and they would get more or less the same sentence. Alex's sister, Charlotte, and I were devastated. We joined the growing army of JENGbA families fighting for their loved ones. I studied the facts. Most young people charged under the joint enterprise law are found guilty. It's about proving someone knew that someone else might commit the crime. How can you defend against an assumption? As the former Appeal Court judge Sir Anthony Hooper said: "Proving a lack of knowledge is not easy as you can never fully know what another person did or did not know." Anyone with common sense can see that a law like this cannot possibly result in a fair trial or justice.

The Old Bailey trial started in February 2014 and lasted six weeks. Midway, Cameron Ferguson changed his plea to guilty and admitted the stabbings. We were overjoyed. Surely Alex would come home now? After four days' deliberation the jury announced their verdict. Looking on, my daughter and I held each other. The young juror who usually smiled at us had been crying. Instantly I knew. I couldn't hear the verdict. It felt like drowning. All I could hear were screams and I felt myself falling.

I looked up and asked Charlotte: "Did they say guilty? Was that for Alex? Are you sure?" Unable

Our steps to date include the recent and highly successful roll out of electronic cigarettes to all prisons. These are available in every prison shop and offer a comparable alternative to traditional tobacco products in cost terms. From next month, prisoners in open prisons will not be able to smoke indoors and will only be able to smoke in designated outdoor areas. Plans are also underway to provide voluntary smoke free areas in all prisons from early next year. However, we need to do more. Two recent academic studies commissioned by NOMS have identified that high levels of second hand smoke in some communal areas are still prevalent in some prisons. The findings of these studies have reinforced our commitment to move towards smoke free prisons as soon as possible in a safe and controlled way. In developing our plans for smoke free prisons, we have learnt from a number of other jurisdictions who have already successfully implemented a smoke free policy across their prison estate. Canada has been smoke-free since 2008, New Zealand since 2011, and parts of Australia since 2013. Broadmoor Secure Hospital also went smoke free in 2007. We have used the lessons from their experiences to inform our strategy, including a long, phased implementation period, in order to move to smoke free safely.

Following these preparations, we are now ready to move forward with these plans in a controlled and careful way. In partnership with the Welsh Government we will begin to implement a smoke free policy in all prisons in Wales (HMPs Cardiff, Parc, Swansea and Usk/Prescoed) from January 2016, and at 4 prisons in England (HMPs Exeter, Channings Wood, Dartmoor and Erlestoke) from March 2016. From now until the smoke free implementation date these prisons will be encouraging and supporting prisoners to stop smoking through a range of smoking cessation support and advice, including nicotine replacement therapy. We will continue to take a sensible and considered approach, using the experience of the first prisons to go smoke free to inform the speed at which we move to smoke free across our remaining prisons. We have no plans to move to smoke free prisons overnight and will only do so in a phased way that takes into account operational resilience and readiness of each prison. The operational safety and security of our prisons will always be our top priority. *Andrew Selous, Prisons Minister*

Bid to Hear Legal Action Against Alleged IRA Army Agent *BBC News*

An attempt to have part of a legal action held in secret against a man alleged to have been the most high ranking agent within the Provisional IRA will be heard early next year. A woman claims she was interrogated and falsely imprisoned by Freddie Scappaticci. He is alleged to have been an army agent codenamed Stakeknife. Margaret Keeley is suing him, the Northern Ireland's police force and the Ministry of Defence (MoD) for damages. The Police Service of Northern Ireland (PSNI) and the MoD want some of the court hearings to be held behind closed doors for "national security" reasons.

Margaret Keeley claims the police and MoD both knowingly allowed her to be interrogated and threatened by a man working as an agent for the state over a two-day period in the New Lodge in Belfast in 1994. She is claiming damages for personal injuries, false imprisonment, assault, battery, trespass to the person and misfeasance in public office.

The PSNI and the MoD are seeking to use what are called "closed material procedures" for the first time a civil case in Northern Ireland. This would allow their lawyers to introduce sensitive information that could only be seen by the judge and a security-vetted "special advocate" who would be appointed to represent Margaret Keeley. The advocate would not be allowed to give her or her legal team precise details about the sensitive material introduced during the secret section of the trial.

The police and the MoD argue that closed hearings are essential because some of the

because of the isolated rural location and the distance from the station. It is an hour's journey from Weymouth to the IRC, by bus and a steep uphill walk of over a mile; there is no courtesy bus.

This feeling of isolation is exacerbated by the inadequacy of public transport and is felt acutely by many men locked up at the Verne. 'You are the only person that has ever visited me,' I have heard that many times this year. The visitors' room is usually quite empty, with just one or two other families, couples or friends talking quietly. There is no support for families wanting to visit loved ones at the immigration detention centres even though for many of them this is the time of high stress, when they are threatened with indefinite separation. So I walk up the hill and cross the stone gate. I am pat-searched and asked to empty out my pockets, my details are carefully recorded and ID checked. Not the most pleasant procedure. Only then I can enter and share stories in a quiet, almost empty visitors room, watched over by a number of CCTV cameras and officers

"The centre still looked and felt like a prison and there was an unnecessary amount of razor wire, much of which had been put up since the centre became an IRC." This quote from the HMIP report published this August describes the Verne well. It looks and feels like a prison. Many men who are locked up here appreciate small but important differences: access to a mobile phone, limited access to Internet, being able to walk around the courtyard during the day and visit friends in different wings, access to the library, the shop, the faith centre. Having own room with a key is an important thing as well. In the end however nothing can change the desperation felt by a person locked up in a place surrounded by fences and barbed wire; the ultimate deprivation of freedom.

So 'how can locking people up in prison not be a punishment?' asks Hamid, when we talk about life at the Verne and UK immigration system. I struggle to answer and yet this is how consecutive governments repeatedly frame immigration detention: a non-punitive administrative measure; non-punitive hence not requiring judicial oversight. What is surprising is that so many of us living in the UK are susceptible to feeble answers given by the ministers. The 'unnecessary amount of razor wire' that was installed at the Verne when it was changing from category C prison into immigration detention criminalises migrants in the eyes of the public but also sends a message to the people inside, message that sometimes angers men I speak to and sometimes genuinely confuses them; what is this security for? I am not dangerous; I just want to live my life. Why am I punished for being a migrant?

I have met many people at the Verne who shared their stories, fears and frustrations with me: a student whose visa was not extended despite the fact that he hasn't finished his degree and his family invested so much to send him to study in the UK; men whose asylum claim was refused but who were too afraid to return to the countries they left seeking safety; men who lived in the UK for years and have partners and children, often all families here, but are who after serving a sentence for more or less petty criminal offence are threatened with deportation to countries they hardly know and haven't considered home for a very long time, or never.

Too many detainees did not have a solicitor. Only 27% of those who had one said that they had received a visit from them against comparator of 45%. HMIP Report 2015, Detention in the UK is indefinite. There is no time limit on how long one will be locked up for. The HM Chief Inspector of Prisons during his visit at the Verne met 39 people detained for over a year and one detained for over five years. Some of the men I visited have been at the Verne for months, having gone through many other detention centers before. Some of them have now been moved to detention centers closer to the airport.

This was months ago. We still talk. We're still not sure what is going to happen next. Limited

legal advice, arbitrariness of bail hearing, arbitrariness of home office decisions causes frustration and exacerbates the feeling that there is no justice for those in detention. The hours turn into days, days into months and sometimes into years, and with no exit date to look forward to, people's mental health deteriorates and the feeling that there is no hope steadily creeps in. It's difficult not to give up when one is completely alone and realises that there is no exit door anywhere to be seen. The feeling of remoteness and loneliness as one takes the steep path up the hill or drive up hairpin turns of Verne Common Road towards the tunnel, which hides the detention centre buildings, makes it is easy to imagine that this is a place where one can be forgotten for a long time.

By Pat, a member of the Verne Visitors Group and Detention Forum volunteer

Met Police Pay Men Over Racism in 2007 Arrest *BBC News*

The Metropolitan Police Service has been ordered to pay more than £14,000 in damages to two men of Arab origin for racially abusing them as teenagers. Basil Khan and Omar Mohidin were 16 when they were hit and racially abused by officers in Edgware Road, north west London in 2007, the High Court heard. The sergeant and a constable involved were acquitted along with four colleagues in a criminal trial in 2009. The High Court ruled the two men were racially abused and awarded damages.

The Met's Deputy Assistant Commissioner Fiona Taylor said the officers' actions had let down the public and all of the force. Officers from the Territorial Support Group stopped the teenagers in June 2007 because they claimed that some of the group had been mouthing obscenities and making gestures at them. Omar Mohidin was held in a police van for about five minutes while officers arrested Basil Khan who was handcuffed, strip searched and held in police custody for almost 20 hours.

Mr Justice Gilbart said Mr Khan had been wrongfully arrested and he accepted PC Mark Jones, who has since left the force, had hit Mr Khan, grabbing him around the neck and making it difficult for him to breathe. The judge awarded Mr Khan £11,900 in damages and said Sgt William Wilson had also struck Mr Khan. The court ruled Mr Mohidin was also falsely imprisoned for a few minutes during which time he was subjected to "racist humiliation", but that his injury amounted at most to feeling upset for a few days. He dismissed Mr Mohidin's claim that he had suffered acute stress disorder as a result of the police action and awarded him £2,500. The judge threw out a third civil damages claim for false imprisonment, assault and race discrimination brought by another man, Ahmed Hegazy.

Gove to Give Prison Governors More Powers To Educate And Reform Guardian

Prison governors could be given greater powers to educate, punish and reform inmates under plans being considered by Michael Gove to relax the grip of Whitehall on the penal system. The justice secretary wants a greater focus on education in prisons and more businesses working with inmates to reduce the risk of reoffending after release. Gove said under the current system "we don't devote nearly enough time to educating them" and giving prisoners the skills needed to succeed on the outside. Under his plans, governors could be given new powers over budgets, education and even the perks offered to prisoners for good behaviour.

The minister was also considering extending a scheme under which inmates are allowed out of jail on licence in preparation for their release, the Times reported. Gove told the newspaper: "Central to this job is making sure that people are less likely to commit crime after they leave prison. We are responsible for these people; we can determine what they do, who they see, what happens to them 24 hours a day, and we don't devote nearly enough time to educating them, to making sure that, when they are being educated, they are getting the proper qualifications and providing them with the skills that they need in order to succeed in the world of work."

His plans for "reform prisons" echo other public service shakeups such as foundation hospitals and academy schools – championed by Gove during his time as education secretary – which have a greater degree of independence. He said: "If you are a headteacher or an NHS manager, you have considerable freedom. The whole thrust of public service reform has been about giving more power to people at the frontline and then holding them accountable for outcomes. The prison system is behind the curve. A great deal of what a prison governor does is constrained by very tight central regulation."

Gove encouraged governors to get more businesses working with inmates, praising the work done by the key-cutting and shoe repair firm Timpson. "We should definitely have more businesses going into prisons – you could have businesses running in prisons. Timpson in some cases train in prisons, in another prison I visited they have a call centre. Some are conducting market research or answering queries." Gove acknowledged some central government involvement would have to remain in the system on issues such as pay and security requirements. "If the worst comes to the worst and something desperately bad happens – like a prison riot – there must be a national response," he said. The justice secretary also confirmed he was looking at plans to sell off inner-city jails on prime land for development in order to fund more modern prisons.

Couple Related To Notorious London Crime Family Fighting Extradition to UK

A husband and wife related to a notorious London crime family are fighting extradition to the UK. Patrick Adams, 59, and Constance Adams, 55, were arrested by Dutch authorities in Amsterdam in August on an European Arrest Warrant issued by Scotland Yard. Police issued an appeal for the pair in May in connection with an attempted murder which took place in 2013. The incident happened at 10pm, just days before Christmas, on December 22 when a 51-year-old man was sitting in his BMW in Islington. He was allegedly approached by a man and a woman and shot in the chest by the man. The victim was in hospital for more than a month before being discharged. The Adams' are due to appear in the main criminal court in Amsterdam today to argue against their extradition. The couple are related to a Clerkenwell-based crime family known as the Adams Family or A-team and Patrick Adams' brother Terry Adams was imprisoned in 2007.

'No More Smoking in Prisons Again! *Andrew Selous, Prisons Minister*

We have no plans to move to smoke free prisons overnight and will only do so in a phased way that takes into account operational resilience and readiness of each prison. The operational safety and security of our prisons will always be our top priority.' I am writing to inform you of my department's intention to implement a full smoke free policy in all prisons in Wales from January 2016 and at four early adopter sites in England (HMPs Exeter, Channings Wood, Dartmoor and Erlestoke) from March. This announcement will be confirmed through a Written Ministerial Statement following recess. Since the introduction of smoking legislation in 2007, our desire has been to move towards smoke free prisons but, given the high prevalence of smoking and the unique environment of prisons, you will appreciate that implementing smoke free prisons is a difficult thing to do. National policy currently allows prisoners to smoke in their cells but not in communal areas. The National Offender Management Service (NOMS) has continued to keep this issue under review and introduced measures to reduce the risk of exposure to second hand smoke while ensuring order and control is maintained. This requires a careful and phased approach as we move towards fulfilling our long standing goal of smoke free prisons.