sions of the German courts revoking the suspension of his prison sentence on probation had violated his right to be presumed innocent. The decisions had been based on the courts' finding that he had committed a new offence despite the fact that he had not yet been convicted of that offence. The application was lodged with the European Court of Human Rights on 11 January 2010.

Decision of the Court, Article 6 § 2: The Court observed that the German courts had based their decisions to revoke the suspension of Mr El Kaada's sentence on probation in particular on the fact that he had initially confessed before an investigating judge. The German courts had considered his confession credible, even though at the time of their decisions revoking the suspension of the sentence he had already withdrawn it, basing their assessment on witness accounts. The appeal court had confirmed the first-instance court's conclusion that Mr El Kaada had committed the burglary, stating that it was of the "firm conviction" that he had again committed an offence. That wording was in line with the relevant section of the Juvenile Courts Act, on which the revocation of the suspension of the sentence was based. Under that provision, it was a precondition for the courts to revoke the suspension of a prison sentence that the young offender "commits a criminal offence during the period of probation". The appeal court's findings had thus amounted to a clear declaration that he was guilty of burglary before he was convicted of it by the competent trial court in a final judgment in accordance with the law.

In a previous case against Germany? the Court had found a violation of Article 6 § 2 on account of the courts' decision to revoke the applicant's sentence on the ground that he had committed further criminal offences during his probation period, which amounted to a finding of guilt before he was convicted in criminal proceedings by the competent court. The decision in that case had been based on the relevant provision of the German Criminal Code, applicable to adult offenders, whose wording was almost identical to the relevant section of the Juvenile Courts Act applied in Mr El Kaada's case. In its judgment in the previous case, the Court had already noted the German Government's declared intention to consider whether an amendment to the relevant provision of the Criminal Code was necessary to ensure that the revocation of a suspended sentence in similar circumstances as in that case did not conflict with the presumption of innocence as guaranteed by Article 6 § 2 of the Convention. However, there had not been any changes to the relevant provisions, and the proceedings in Mr El Kaada's case revealed that the interpretation of the relevant section of the Juvenile Courts Act was not compatible with Article 6 § 2.

The Court concluded that the reasoning of the German courts revoking the suspension of Mr El Kaada's sentence had breached the principle of presumption of innocence. There had accordingly been a violation of Article 6 § 2 of the Convention. Just satisfaction (Article 41) - The Court held that Germany was to pay Mr El Kaada 7,500 euros (EUR) in respect of non-

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 & Miran 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.

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MOJUK: Newsletter 'Inside Out' No 556 (19/11/2015) - Cost £1

CCRC to Review 2006 Conviction of Kevin Nunn

The CCRC is to review the 2006 conviction of Kevin Nunn for the murder of his girlfriend. Forensic Science Service files and Crown Court files have been obtained, and the commission is to consider new forensic testing following the recommendations of scientist Rosalyn Hammond. Dr Hammond (who was part of the Stephen Lawrence scientific team) reported "there is a very high probability that re-examination of the material in this case will produce new evidence... There are many reasons why useful results may be obtained now where they were not previously." In February 2005 Dawn Walker's body was found on a footpath beside the River Lark in Suffolk. It is not known how she died; the pathologist thought it likely that she died of hypothermia, though she could also have been asphyxiated. Whoever murdered her had spent a considerable time with her. Sperm from an unknown male was found on her thigh though there was no evidence of a sexual assault. No forensic evidence was found to implicate Kevin Nunn. At trial, the defence learned that sperm on the victim's leg had been forensically tested but a DNA profile could not be obtained. The defence told the jury Kevin Nunn had a vasectomy. The prosecution said the sperm may have innocently got onto the victim's leg after she put her towel down on a bench in a male changing room the day before she disappeared.

Post-conviction Kevin Nunn's solicitor asked the police for access to this sperm exhibit for new testing but Suffolk Constabulary refused saying it should be preserved in case of scientific developments. It has since been argued that that time has come but the force has shifted its position, now citing reasons of costs and concern for the victim's family. Other new work could be done now: the killer had left evidence at the scene. New work could now establish beyond all doubt who killed Dawn Walker. With the help of Inside Justice, Kevin Nunn's family and lawyers have been trying to get access to the samples for more than five years, but Suffolk Police have continued to refuse to hand them over. A challenge to this refusal was rejected by the Supreme Court in 2014. However the Supreme Court was clear that though the legal challenge failed and always would, stated emphatically, 'It is always open to police and prosecutors to accede to representations made on behalf of convicted persons. Police and prosecutors should exercise sensible judgment when such representations are made and, if there appears to be a real prospect that further enquiry will uncover something of real value, there should be co-operation in making those further enquiries.'

At last, after ten wasted years, Kevin's case is moving forward," said solicitor James Saunders. "It now isn't a question of whether there'll be further scientific work, but what forensic testing will be conducted. The CCRC have exercised their legal powers to take the materials from Suffolk Police and, thank heavens, Kevin's fate is no longer in their gift."

"It is so very difficult to sum up how our family are feeling right now after receiving the news from the CCRC," Kevin Nunn's sister Brigitte told Inside Justice. "Our family have spent ten long years trying to prove Kevin's innocence. Suffolk Police have been deliberately obstructive and continued to deny us access to the truth. We can now perhaps allow ourselves to see at last a light at the end of a very dark tunnel." *Source: Inside Justice, 12/11/2015*

Messages of Solidarity/Support

Kevin Nunn, A9710AF, HMP Garth, Ulnes Walton, Leyland, PR26 8NE

Sergeant Mark Cooley Sacked for Twice Kicking Handcuffed Man in the Face

Sam Tonkin, Daily Mail: A police sergeant has been sacked for twice kicking a handcuffed man in the face as he and fellow officers tried to restrain the suspect. The second blow that struck Daniel Rogan was so hard that a police officer who witnessed it 'thought for a split-second that he had broken his neck'. She has since resigned after claiming some officers had accused her of 'being a snitch' and had refused to speak to her for giving evidence against Sergeant Mark Cooley. A misconduct panel found that the police officer of 14 years kicked Mr Rogan in the head on two separate occasions during an arrest at a flat in Stechford, Birmingham, in August 2013, despite Sgt Cooley denying the accusations. He was dismissed from his post at West Midlands Police.

The panel heard that Mr Rogan lost a tooth and needed hospital treatment after the arrest at a flat in Gillies Court, Lyttleton Road. He had been at the funeral of his grandmother earlier in the day but was drunk and became abusive when confronted by officers, the panel was told. He was also said to have then resisted arrest. Pc Nicola Lea, who has since tendered her resignation from the force, claimed to have witnessed the two kicks aimed at Mr Rogan. Giving evidence, she said: 'It was as if he (Sgt Cooley) was about to kick a football. 'He (Mr Rogan) was fully restrained and posed no threat whatsoever. He was handcuffed and officers were holding him down.' On the allegation that he was kicked a second time, Pc Lea said: 'From the top of the stairs he kicked him in the head again and his head rocked back. 'I thought for a split-second that he had broken his neck.' Mr Rogan subsequently lodged a formal complaint to West Midlands Police.

Speaking afterwards the 38-year-old, from Stechford, said: 'When I arrived at the hearing I thought it was me against the whole police force, because I had no idea that another officer had witnessed what happened. I was shocked when I found out that she gave evidence about witnessing the kicks. To be honest, I thought all of this had been forgotten about until I was told that I needed to come to the hearing. I just want to thank the officer for being brave enough to come forward. I really believe that without her they would have taken the word of officers over me every single time. I have been believed and that really means a lot to me. I am very grateful. I don't hate the police, we need the police, but I hope this makes them think twice about the way they behave.'

Republican Prisoners Critique of the Joint HMCIP/CJINI Report

The joint HMIP/CJINI report released on Thursday 5th November 2015 is ample proof, if needed, of what Republican Prisoners have repeatedly stated in relation to the nature of the individuals and organisations who have long attempted to degrade and undermine Republican Prisoners within Maghaberry jail. The report gravely condemned the jail to an unprecedented degree and criticised issues which directly impact upon Republican Prisoners such as excessive controlled movement and the 'oppressive' use of electronic grilles and turnstiles. Although the report critiques the management of, and the conditions in, the jail generally, there are however a number of points which need highlighted regarding misrepresentations surrounding the treatment of Republican Political Prisoners specifically.

Foremost, the report addresses the fact that Republican Roe House has a disproportionate amount of staff and management resources, which is portrayed to be to the detriment of the broader prison population. This is raised on a number of occasions throughout the report, stating that Republican Prisoners avail of 'better' staffing levels and better unlock times than that of the wider prison population. This is misleading and suggests that Republican Prisoners receive preferential treatment. The report fails to make clear that the staffing levels "required" for Republican Roe House are a result of a backroom deal between the POA and jail management. This staff to prisoner ratio has been criticised in every critical report from 2004, including previous

self-harm had risen and were higher than at comparable prisons, but good structures were in place to support and monitor those in crisis. • Inspectors made 82 Recommendations

Nick Hardwick said: "Lowdham Grange is an effective prison that is undoubtedly doing some meaningful work with long-term, high-risk offenders. The prison has many good features and the very positive approach to work and learning, as well as risk of harm reduction, is commendable. Prisoners are being helped to progress through their sentence. The lack of safety in the prison is at odds with the other strengths of the prison but the statistics speak for themselves. The prison has not been inactive in trying to deal with these problems but there is evidence to suggest that some of its responses have been reactive and unsophisticated. More work needs to be done at wing level to support the rehabilitation work of the prison and to encourage prisoners by incentivising them and continuing to support them as they are reconciled to the long sentences they face."

Suspension of Previous Sentence Before Conviction in New Proceedings Breached Presumption of Innocence

In Chamber judgment! in the case of El Kaada v. Germany (application no. 2130/10) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 6 § 2 (presumption of innocence) of the European Convention on Human Rights. The case concerned Mr El Kaada's complaint that the decisions of the German courts revoking the suspension of a prison sentence previously imposed on him had violated his right to be presumed innocent. The Court noted in particular that the German courts had stated their "firm conviction" that Mr El Kaada had again committed an offence during his probationary period. Their findings had amounted to a clear declaration that he was guilty of the offence in question before he was convicted of it by the competent trial court in a final judgment in accordance with the law.

Principal facts: The applicant, Rachid El Kaada, is a German national who was born in 1988 and lives in Gladbeck (Germany). In October 2009 Mr El Kaada was arrested and questioned, without his counsel being present, on suspicion of having committed a burglary at a hotel. Having been informed of his right to remain silent and to consult a defence counsel at any time, he admitted to having committed the offence. Several days later, at a court hearing for the review of his continued detention on remand, in the presence of his counsel, he retracted his confession, maintaining that he had admitted the offence only to obtain his release from detention on remand. During subsequent proceedings, the court which had previously imposed on him in 2008 a suspended sentence of two years' imprisonment for a number of offences revoked the suspension on probation. The court noted in particular that it had suspended the sentence on the condition that Mr El Kaada would not reoffend during the probationary period and that he had breached that condition, having regard to his confession of having committed the burglary.

Mr El Kaada appealed, stressing in particular that he had retracted his confession and claiming a breach of his right to be presumed innocent. The appeal court rejected his appeal, holding in particular that the retraction of the confession was not credible, as witness statements supported the suspicion that he had committed the burglary. In December 2009, following a decision of the first-instance court, his detention on remand was interrupted in order for him to serve the sentence imposed in 2008. On 23 December 2009 the Federal Constitutional Court declined to consider his constitutional complaint against the decisions to revoke the suspension of his prison sentence. In January 2010 the trial court convicted him of burglary and sentenced him to one year's imprisonment by a judgment which became final in June 2010.

Relying on Article 6 § 2 (presumption of innocence), Mr El Kaada complained that the deci-

appointed governor in August, three months after the inspection was carried out.

He told the BBC that significant improvements have already been made. He said he expects a much more positive report when the inspectors return in January. "What you have to remember about the inspection is that it was a snapshot in time, at a time the establishment was seen to be having a number of particular concerns," he said. "The words the inspectors used are not how I would describe Maghaberry today." Phil Wragg is no stranger to tough prison regimes. He spent six years at HMP Belmarsh, a category A maximum security prison in south London. He will need all of that experience to tackle the problems at Maghaberry. It has been the subject of a series of critical reports in recent years, but the one published last week was by far the most critical ever published about a prison in Northern Ireland. *BBC News,12/11/2015*

Returned to Jail After 16 Years on the Run *Bee News*

Spencer White disappeared from HMP Ford in July 1999, shortly after he was sentenced to three years behind bars for kidnapping an adult. He managed to evade authorities by starting a new life in Ireland - but was captured in the Canary Islands after deciding to take a short holiday two months ago. The police stopped him when he arrived at Lanzarote Airport, as he was the subject of a European Arrest Warrant. White pleaded guilty to escaping lawful custody at Chichester Crown Court last month. The 39-year-old, from Chichester, has been ordered to serve his original jail term of two years and four months for the kidnapping offence. He was also sentenced to an additional 16 months' imprisonment for absconding. A Sussex Police spokesman said: "He has not been returned to HMP Ford." PC Lewis Dines, who investigates absconders for the force, said he was "delighted" that White has been returned to prison after disappearing off their radar. His capture and additional sentence sends a message that we will not give up seeking absconders - and when we put them back in front of the court, they can expect further imprisonment," the officer added.

HMP Lowdham Grange – Many Strengths, but Safety Had Deteriorated

HMP Lowdham Grange was doing some good work with the long-term prisoners it held, but it needed to improve safety, said Nick Hardwick, Chief Inspector of Prisons. As he published the report of an unannounced inspection of the training prison near Nottingham. HMP Lowdham Grange holds longer-term category B prisoners from across the country. Many prisoners there have committed serious offences. Two-thirds are over the age of 30 and nearly all are serving sentences of more than four years. Over 40% of the population are serving indeterminate sentences, and more than 100 are serving life sentences. At its last inspection in 2011, inspectors commended the prison as impressively safe, decent and purposeful. This more recent inspection found that overall the prison continued to ensure some very positive outcomes for those held, but safety had deteriorated and the prison had yet to deal with the levels of violence.

Inspectors were concerned to find that: 16 recommendations for the last inspection had 'Not been Achieved' and 12 only 'Partly Achieved'. • levels of violence between prisoners and towards staff were high and too much of it was serious; • nearly half of prisoners surveyed said they had felt unsafe at Lowdham and a quarter felt unsafe in the prison during the inspection; •the incentives and earned privileges scheme was applied rigidly and in a counterproductive manner that arguably discouraged positive behaviour; • the use of disciplinary procedures had nearly doubled since the last inspection and use of force was both high and higher than at comparable prisons; • the use of special accommodation and mechanical restraints on those in self-harm crisis was wrong and alternatives should be sought; and • levels of

HMIP/CJINI and prison review reports such as that of Anne Owers. These staffing ratios were brokered as a sop to the POA and subsequently implemented by the jail administration.

The jail is determined to maintain the politically motivated restrictive regime and unlocks in Roe House, and so presents a facade of necessity in retaining such a disproportionate amount of staff, thus giving justification to the failed controlled movement policy. Whilst the report notes that the Republican wing is subject to separate treatment, it fails to properly address the fact that such a situation exists only because Republican Prisoners are the only prisoners subjected to such severe controlled movement. This difference in treatment exists because Roe House is the only wing comprised of political prisoners in the jail; prisoners who are subjected to an oppressive criminalisation programme which utilises such methods as controlled movement, degrading forced strip searches, and the persistent denial of access to progressive education. This is a premeditated act and is part of the overall effort to break the will of, and depoliticise, Republican Political Prisoners.

The recommendation to address the impact of the current regime in Republican Roe House on the broader prison population, by separating the location, management and resources of the Republican Prisoners from the rest of the prison, will only fundamentally resolve the inherent and significant problems if the core issues are properly addressed. The removal of the widely criticised controlled movement policy, and by extension the conflict-fuelling staffing ratios, would negate any detrimental impact for the rest of the jail population. However, the report has instead offered a get-out clause to the jail; recommending that if the jail wishes to continue with such a practice, which the inspectors have themselves criticised, it should be done in a fashion which will not impact the wider population. The 'solution' does not resolve the core issues of conflict and therefore is once again only papering over the cracks. Moreover, if the jail management were to adopt this approach then movement and regime would in fact regress, which only ever exacerbate the potential for conflict within the jail.

The report speaks disparagingly of the number of Judicial Reviews (JRs) taken by Republican Prisoners in Roe House, claiming that they took up much of the Jail management's time and attention. However, the report fails again to footnote that some of the improvements which it later mentions, including on reducing the levels of unnecessary searching throughout the jail, and the discriminatory nature of the Tier System, were improved and exposed as a result of legal action and the use of judicial reviews by Republican Prisoners. Furthermore, the blame for the time taken to deal with JRs does not rest with Republican Prisoners, as it was the jail management who decided to mount defences against these JRs – out of public funds – despite the strength of the cases against them. This included mounting a defence against a JR regarding jail staff refusing to identify themselves for the purposes of complaint, despite having previously given undertakings to do so at a previous judicial review in 2009. Apart from the diverted time and resources of management, someone took the decision to fight a judicial review that the jail had previously conceded to – at a massive cost to the public purse.

In regards, to the vexed issue of 'complaints' the report makes a number of wrongful assertions. The report claims that inspectors believed the number of complaints emanating from Republican Prisoners to have been a co-ordinated effort to overwhelm the complaints system. Republican Prisoners lodge more complaints than the broader prison population because of the acute repressive measures that we face. The report refers to over 250 'stage 2' complaints which simultaneously arrived from Roe House; however, it does not state that these complaints arrived in such volume only because the jail had chosen to respond to 'stage 1' in bulk, and in an obstructive and generic manner. The initial responses which Republican Prisoners receive to complaints are rarely within Internal Complaint

Process (ICP) timescales; and very rarely responded to specifically or substantively as has been repeatedly recommended by the Prisoner Ombudsman, making escalation to 'stage 2' a necessity. This is supported later in the report which describes responses they reviewed as perfunctory and poor. Yet, the HMIP/CJINI team have opted to ignore such matters and base their views on statements and from those in jail management responsible for the mess. It should be noted that Republican Prisoners have been forced to again initiate legal proceedings recently because of the jail management refusing to accept or address serious complaints, which is not only a breach of the jail's own ICP and Prison Rules.

Whilst the report does mention the conditions of the punishment block, it has failed to address the isolation of Republican Prisoners within it. And whilst the report has lauded the supposed reduction in body-searches, it has failed to question the continued use of forced strip-searching despite extensive criticism of both these matters by international bodies. It must be recorded that addressing the Isolation policy would have required an examination of MI5 influence within the jail, something it seems unwilling, and failed, to do. The report has also failed to address the continued role of 'security officers' working within the jail under the direction of the NIO/MI5. This murky relationship between the MI5 and DUP/POA nexus in lobbying for the maintenance of the current regime in Roe House has been totally ignored despite substantial criticism having been made of these matters in previous reports. Indeed this nefarious influence is best described in numerous reports from outside independent bodies such as a highly critical report by the Committee for the Administration of Justice (CAJ) in their document: "The Policing You Don't See".

Whilst abdicating responsibility for such matters, the joint HMIP/CJINI report is also complimentary regarding certain developments. It should be recalled that these developments were not brought about by good will or by progressive individuals within jail management. Issues such as the random searches which the report claims have now ended, were only highlighted and then ended after serious and persistent legal action by Republican Prisoners. The searches to which the report refers as having ceased when going to other areas of the jail (such as the punishment block) were only ceased after similar action and imminent Judicial Review by a Republican Prisoner in isolation, Gavin Coyle, who has suffered for close on 1600 days under such unjustified conditions.

In regards to so-called "threats" which the report attributes to Republican Roe House, it seems that Nick Hardwick and Brendan McGuigan have simply accepted the lies and propaganda peddled by the jail administration without question. Republican Prisoners have addressed on countless occasions the falsification of threats by the jail administration which is aimed at impeding progressive change. No one has properly interrogated the so-called evidence presented by the jail management. The jail management have contrived to create tensions so as to justify controlled movement, isolation and forced strip-searches. They have yet to present any evidence of the use of threats; there is no factual basis to this. What is fact though is that two senior governors, Andy Tosh and David Savage, were exposed on 5th November 2015 as having falsified a threat from a Republican Prisoner, which has been captured on CCTV, and has since been reported to the Prison Ombudsman and legal representatives.

In regards to the education and library aspect of the report, Republican Prisoners do not have any access to a library. For over a year access has been denied to even speak to the jail librarians. There are presently three 'therapeutic' classes on Roe 4, which consist of Art, Hobbies and haircutting. Irish, English and Creative Writing teachers have all been removed long ago with no responses to Republican Prisoners' complaints or requests from the jail management as to when they'll return. The Education and Training Inspectorate (ETI), which was part of the

investigation into the incident. Violation of Article 2 (investigation) - No violation of Article 2 (right to life) Just satisfaction: EUR 10,000 (non-pecuniary damage) and EUR 2,000 (costs and expenses)

Ex-Prisoner Forced to Move to Teesside despite £100,000 Price on his Head

Kenny Carter, who has been released from prison after 27 years, says he is being forced to move to Middlesbrough - despite a £100,000 price having been put on his head by Teesside gangsters. Kenny Carter, 45, from Merseyside, was released from prison three months ago after most of his adult life behind bars. He was convicted of murdering cellmate Darren Brook, who was found hanging in the cell they shared at Durham Prison in 1990. Now Mr Carter may seek a judicial review within days to block the move to the North-East - otherwise he said he will refuse to go because he has old enemies in Teesside. Mr Carter said his parole board agreed three months ago he could be released from prison to live in Merseyside, where he has friends and family, but a stint in a treatment centre did not work out and he was moved to an emergency parole hostel. But his Middlesbrough-based probation officers have now decided that he needs to move to a more permanent place in a hostel in Teesside, and have served him with a "travel order" which means if he refuses he could face going back behind bars. He has to move on Wednesday or face arrest, unless a legal challenge is successful.

He lived in the Teesside area before he was sent to prison and still has one family member there but says his support is in Merseyside and that is where he has been doing well since his release. Mr Carter told The Northern Echo: "I made a lot of enemies when I was first in prison. There was a lot of violence. But I am a changed man. If I go back to Teesside there will be absolute mayhem. I had a price on my head, £100,000, and the police even came into prison in 1994 to warn me about it. These things never get lifted. There are major gangsters in the North-East who are my enemies."

His solicitor Sarah Brook, of RMNJ prison law solicitors in Birkenhead, Merseyside, said Mr Carter had got back on his feet since his release and was doing well. She said: "He spent 27 years in prison so arguably is living in a very different world now. He has got previous negative associations with the North-East so understandably he is upset at the prospect of having to go there." A Ministry of Justice spokesperson said: "We don't comment on individuals. Any location is risk-assessed by police and other agencies to ensure it is safe and suitable for the offender's circumstances." *Northern Echo*

HMP Maghaberry: Regime Change for Republican Prisoners

The regime for dissident republicans at Northern Ireland's high-security prison will change as part of plans to address serious concerns raised in a highly critical report. The prison service is discussing the possibility of a new unit at Maghaberry. It will also hold other high risk and dangerous prisoners. An inspection report last week described the prison as "unsafe, unstable and in a state of crisis". It also said that the regime for dissident inmates was part of the problem. They account for less than 5% of the overall prison population, but a much greater proportion of the resources, with staff from other areas is often diverted there. "They consume a disproportionate amount of management attention," said Brendan McGuigan of Criminal Justice Inspection. "Giving preference to maintaining the regime for separated prisoners over every other area in the prison is unfair and has a negative impact on more than 900 men who make up the majority of the prison population. This position is untenable and a radical new approach is needed."

There are currently 32 dissident republican inmates at Maghaberry. They are held behind an internal security fence in separate blocks called Roe House. The man in charge of Northern Ireland's high security Maghaberry prison says he is confident he can address serious concerns raised in a critical report. Inspectors labelled the prison, near Lisburn, as the most dangerous in Europe, describing it as unsafe, unstable and in a state of crisis. Phil Wragg was

LASPO litigants in person by saying: 'Where the appellant is unrepresented this requires all those involved in the appeal process to take on burdens that they would not normally have to bear.' Back in 1995 Lord Woolf said: 'Only too often the litigant in person is regarded as a problem for judges and for the court system rather than the person for whom the system of justice exists'. How have the courts changed in the last 20 years? 'By the mid 1980s criminal legal aid was getting out of control and steadily the Treasury was saying to the Lord Chancellor that they weren't willing to continue funding it unless concessions were made in other areas,' Sir Henry replies. He continues: 'There was more or less a compact 100 years ago that the litigants would pay for the courts' staff, then in 1983 it became the rule that they would also pay for the court buildings. Then the Treasury finally triumphed in 1992 when the Lord Chancellor was on his knees as criminal legal aid was spiralling totally out of control and agreed that civil and family litigants would pay for the judges as well.' Sir Henry says that he is 'very depressed to hear what is happening now' but – he adds – 'pleased that others who are in the field at the moment are equally as depressed and also willing to do something about it'.

Çamlar v. Turkey (no. 28226/04) - Violation of Article 6

Adnan Levent Çamlar, is a Turkish national who was born in 1965 and lives in London. The case concerned his allegation that the trial in Turkey resulting in his conviction for drug trafficking had been unfair. In April 1997 Mr Çamlar was arrested in London on suspicion of drug trafficking. He was found not guilty by the UK courts in September 1998. In June 1997, Mr Çamlar was indicted in Turkey for the same offence. A number of hearings took place in his absence in the Izmir State Security Court. Mr Çamlar returned to Turkey and at a hearing in September 1999 he denied his involvement in the offence and contested incriminating statements made in his absence. His request to have certain witnesses heard on his behalf was denied. In March 2003, Mr Çamlar was found guilty and sentenced to 24 years' imprisonment. Mr Çamlar appealed this judgment arguing that his conviction had been based on unchallenged evidence. The Court of Cassation upheld his conviction in March 2004. In June 2005, Mr Çamlar requested a review of his case and in December 2005 the court reduced his sentence. The Court of Cassation, however, subsequently quashed this judgment, holding that the first-instance court should hold a hearing. Following several hearings before the Izmir Assize Court, held in Mr Çamlar's absence as he had in the meantime returned to the United Kingdom, he was sentenced to 20 years and 10 months' imprisonment. The Court of Cassation upheld judgment in April 2009. Relying in particular on Article 6 (right to a fair trial), Mr Çamlar notably complained about the lack of independence and impartiality of the Izmir State Security Court – which had a military judge sitting on the bench. Violation of Article 6 – on account of the lack of independence and impartiality of the Izmir State Security Court Just satisfaction: EUR 6,000 (non-pecuniary damage) and EUR 2,000 (costs and expenses)

Hakim İpek v. Turkey (no. 47532/09) - Violation of Article 2

Hakim İpek, was born in 1962 and lives in Diyarbakır (Turkey). The case concerned the wounding of Mr İpek by gunfire during violent clashes between demonstrators and police and the failure to identify the perpetrators. Mr İpek filed a complaint with the public prosecutor, alleging that two police officers had fired at him. The public prosecutor discontinued the proceedings finding that there was no evidence, and in particular no video-recordings, to show that the security forces had been involved in the contested acts. On an appeal by Mr İpek, the Siverek Assize Court ordered an additional investigation and came to the same conclusion. Relying in substance on Article 2 (right to life), the applicant alleged that he had been wounded by police officers and that the authorities had not carried out an effective

HMIP/CJINI Inspection, and the Prisoner Ombudsman, are both fully aware of these matters.

Finally, this report has only confirmed for the general public much of what Republican Prisoners have been highlighting for some time. However, the HMIP/CJINI Inspection report has failed to adequately address, or make comprehensive and binding recommendations on matters pertaining to Republican Political Prisoners within Maghaberry Jail. The authors of the report have abdicated responsibility for challenging the involvement of the MI5 and DUP/POA nexus inside and outside of the jail, which has been critically highlighted in a number of other reports. Rather than call for and end to controlled movement and the current overly restrictive regime in Roe House, they have instead opted to recommend that if the jail will not heed their recommendations regarding Republican Roe House, then they should continue the mistreatment in such a fashion that the rest of the jail will not be unduly affected.

Republican Political Prisoners would contend that a full and independent inquiry and detailed examination of all the underlying issues, including the role of MI5 in conjunction with the DUP/POA within Maghaberry jail, is required now more than ever. Sadly, given the cover provided to David Ford and Sue McAllister by Brendan McGuigan (CJINI) in particular in media interviews following release of the report, it seems at least half of the Inspection Team has been compromised and no one is going to be held to account. The fact remains, regardless of the HMIP/CJINI having not yet accepted it, that the time of tinkering has long since passed. *Irish Republican Prisoners Welfare Association*

Jamie Sneddon CCRC Referal – Conviction Quashed but No Compensation

1. On 5 October 2000 the claimant was convicted at Croydon Crown Court of theft. The jury could not agree on an additional count of unlawful wounding contrary to section 20 of the Offences Against the Person Act 1861. Following a retrial which finished on 6 December 2000 the claimant was convicted of that additional offence. He was sentenced to 21 months imprisonment for the wounding with two weeks concurrent for the theft. His initial application for permission to appeal was refused, but in 2008 his case was referred to the Court of Appeal (Criminal Division) by the Criminal Cases Review Commission ["CCRC"]. On 6 February 2009 both convictions were quashed: [2009] EWCA Crim 430. The victim of the assault and theft, Ian James, had admitted lying in the course of his evidence in a number of material respects. He had been prosecuted for perjury and on his plea of guilty was sentenced to 18 months' imprisonment on 4 December 2007.

2. On 24 April 2009 the claimant applied to the Secretary of State for Justice pursuant to section 133 of the Criminal Justice Act 1988 ["the 1988 Act"] for compensation on the grounds that he was the victim of a miscarriage of justice. That application was originally refused on 6 August 2009 because the Secretary of State did not accept that there had been a miscarriage of justice for the purposes of that statutory provision. He applied a test which required the new fact to prove conclusively that the claimant was innocent. Judicial review proceedings were issued promptly to challenge the decision on the grounds that the Secretary of State had applied too narrow a test. Pitchford J gave permission on 30 December 2009.

3. We are considering the substantive application almost six years later because the claim was twice stayed to await the outcome of appeals in other cases which considered the meaning of "miscarriage of justice" for the purposes of section 133 of the 1988 Act. The first was R (Adams) v. Secretary of State for Justice [2011] UKSC 18; [2012] 1 AC 48. The second was R (Ali) v. Secretary of State for Justice [2013] EWHC 72 (Admin); [2013] 1 WLR 3526 at first instance and [2014] EWCA Civ 194; [2014] 1 WLR 3202 in the Court of Appeal. However, on 24 August

2011, after these proceedings had been commenced, the Secretary of State maintained his decision applying the interpretation of "miscarriage of justice" favoured by the Supreme Court in Adams, which was different from the interpretation he had applied in the 2009 decision.

Conclusion: 3 (i) The decision of the Secretary of State concluding that the claimant had no right to compensation under section 133 of the 1988 Act, remade on 24 August 2011 was lawful. (ii) If the Secretary of State's decision had been unlawful, and the matter had been remitted to him for a fresh decision, he would have been bound to determine the question applying the new statutory definition of "miscarriage of justice" inserted by section 175 of the 2014 Act. (iii) Section 31(5) of the Senior Courts Act 1981 would not enable this court to substitute a decision applying the original definition after section 175 came into force. I would dismiss the claim.

Charges Dropped Against Alleged Hatton Garden Raider *Telegraph*

One of the men accused of stealing more than £10 million of valuables in the Hatton Garden jewellery raid has walked free from jail after charges were dropped. The Crown Prosecution Service offered no evidence against Paul Reader after he denied allegations at Woolwich Crown Court. He is understood to have walked free from Belmarsh prison hours later. Other members of the accused gang go on trial next Monday. A total of 73 safety deposit boxes were ransacked over the Easter weekend when thieves broke into the vault after drilling a hole 20in (51cm) deep into the vault wall. The Met police later apologised for its lack of action when it failed to follow up a phone call from a security firm after an alarm went off at the building at midnight on Good Friday. Reader, 50, of Dartford Road, Dartford, was charged with conspiracy to commit burglary between April 1 and 7 and conspiracy to convert criminal property. But all charges against him have now been abandoned, the CPS said.

Bloody Sunday Murder Inquiry 'Could be Derailed' *Telegraph*

A murder investigation into the Bloody Sunday killings could be derailed after seven former soldiers began legal action against the police in the High Court. Solicitors acting for the former paratroopers have applied for a judicial review of the way the Police Service of Northern Ireland is conducting its inquiry following the arrest of a 66-year-old former Lance Corporal on Tuesday. They claim the murder investigation is being pursued for "political reasons" and have questioned its legality. It comes as the PSNI warned soldiers they may lose their anonymity if they are charged with murder or other offences, as they will be treated in the same way as any other criminal suspects.

Soldiers who opened fire on civil rights marchers in Londonderry in 1972 are terrified of reprisals if their identities become known. They were granted anonymity by the 12-year-long Saville Inquiry. On Wednesday solicitors acting for seven men – referred to by Lord Saville as soldiers B, N, O, Q, R, U and V – served emergency proceedings against the PSNI in the High Court in London as a response to the arrest of L/Cpl "J", who is being questioned over three deaths after being held on suspicion of murder. It is understood that lawyers acting for the seven men have argued that it would be illegal to arrest any of the soldiers at their homes without notice and remove them to custody in Northern Ireland. They have requested that the soldiers are given 24 hours' notice of any arrest, so that they can attend a local police station by appointment. They have also argued that the murder investigation, launched in 2012, is politically motivated and should be subject to judicial review. L/Cpl J, the first member of the British armed forces ever to be arrested over Bloody Sunday, in which 14 people died, was bailed on Wednesday night. The PSNI said earlier this year it expects to arrest seven former soldiers.

and their disproportionate effect on vulnerable and marginalised communities. Speaking to wwww.thejusticegap.com, he said: 'The cuts have had a disastrous effect on the rights of ethnic minorities. There are people who are having a rotten time suffering from discrimination in the work place and suffering from discrimination at the hands of the police and so on. They are already having problems in a world of welfare cuts where incomprehensible laws are being created.'

By way of an example of the impact of the recent cuts in funding for the courts, Sir Henry cites hearby dates – i.e., the amount of time between an appeal being filed and being heard. Following a reform of the justice system in the mid-90s, the hearby dates in the Court of Appeal have steadily been reduced. In August this year however these were suddenly increased to 15 or 19 months (depending on whether permission was granted with or without a hearing). This extension takes into account an increase in cases but, rather than allocating more funding to deal with the extra cases, there will be greater delay in the already lengthy appeal process. That, says Sir Henry, was 'all to do with funding'. He also flags up the 30-40% turnover of court staff he had once observed in a single year in Central London. 'I always had the highest possible opinion of court managers. But they are battling against enormous odds compared with comparable organisations both in the public and private sector.'

Sir Henry chaired the Bar's first ever computer committee in 1985 and was a founder member of the Information Technology and the Courts Committee. To what extent can technology assist in making savings? 'I remember a very experienced district judge telling me that she spends about a quarter of her time sorting out the papers,' he replies. 'If you consider a district judge earns on average £100,000 a year, if they are spending a quarter of their time sorting out muddled papers then that is a fairly phenomenal waste of taxpayers' money. In the UK we don't have a constitutional right of access to courts so, right from Victorian times, the Treasury has regarded justice as something that was being sold by the state. Therefore, if the state was selling something, it ought to get the full cost of what it was selling.'

Sir Henry Brooke has also been a mediator and says that, unlike most court cases, mediation offers individuals the opportunity to feel they have been heard. Whilst the courts are struggling to accommodate so many litigants in person, he reckons that judges are doing their best with what they are given. 'I come across horrific cases that need a lawyer but the attitude of ministers is that there will always be someone around to help or you can handle it on your own,' says Sir Henry, who is patron of the Zacchaeus Trust which helps vulnerable debtors. 'Well lots of people can't do it on their own. People are having real problems in this environment of welfare cuts. Every day incomprehensible legislation is being made even more incomprehensible and, whereas previously legal aid lawyers and law centres were there to help, legal aid has been scrapped. This has had a disastrous effect.' As a sitting judge, Sir Henry would regularly visit prisons. The Coalition government under the April 2013 LASPO cuts removed legal aid for much of prison law. The then Lord Chancellor Chris Grayling described his plans to cut legal aid for prisoners as 'ideological'. 'I do not think prisoners should be able to go to court to debate which prison they sent to,' Grayling told MPs.

What does he make of the cuts? 'The former Lord Chancellor put his faith in the prisons complaints system when he deprived prisoners of any legal aid in relation to the way they were being treated in prisons,' says Sir Henry. 'However, you have got to have tribunals and adjudicating bodies that command trust from the people using them and it is even more important when you have got people locked up for long periods. Prisoners do not trust the fairness of the complaints system.'

Another Court of Appeal judge, Lady Justice Black, recently expressed the problems faced post-

ble, but the safety of the public must always be paramount?

Baroness Evans: I thank the noble and learned Lord for that comment. He is absolutely right—the Parole Board can ensure that these prisoners are released only when it determines that the risk has been reduced and they can be safely managed in the community. These are extremely complex cases, and we have to be mindful of ensuring that prisoners feel they are progressing, but, equally, that the public are kept safe.

Lord Ramsbotham: My Lords, can the Minister tell the House how recent the risk assessments are to which she referred? In my experience, some are very old and the prisoners have changed in the time since that assessment was made.

Baroness Evans: The detailed analysis of the prisoners who fail to progress to open conditions post four or five tariff reviews happened very recently. That analysis has just finished, and the central team that undertook it is now passing on recommended actions and plans to the staff working with those prisoners. Progress will be kept under review. The next stage of the central team's work is to review the larger group of IPPs who have had three negative post-tariff parole reviews. So this is ongoing work. *House of Lords Debate, 11th November*

Crime Officer Stephen Beattie 'Lied' About Qualifications *BBC News*

A police employee lied about his qualifications, mishandled evidence and was generally poor at investigations, two reports have found. Scenes of crime officer Stephen Beattie worked for Northumbria, Staffordshire and Cleveland forces before being suspended in 2011 and later resigning. More than 350 of his cases, including suspicious deaths and arsons, have been reviewed. The Crown Prosecution Service has said no criminal charges will be brought. Both Cleveland Police, which Mr Beattie joined in 2002, and Staffordshire, where he had worked since 1996, investigated him with the Independent Police Complaints Commission (IPCC) managing the inquiries. The reports have now confirmed Mr Beattie: • had no academic qualifications in arson investigation despite claiming to be a level two fire investigator • incorrectly handled exhibits at scenes of suspicious or unexplained deaths • regularly performed poorly and exaggerated his level of expertise. But the reports concluded that none of his actions significantly impacted the results of his investigations. IPCC commissioner Cindy Butts said: "Stephen Beattie repeatedly lied about his qualifications and made judgements in cases that were both outside his remit and his level of expertise. Cleveland Police and Staffordshire Police have conducted meticulous investigations examining hundreds of cases and we know that, thankfully, his poor performance did not have a significant impact on the cases he was involved in." Mr Beattie did receive an official caution in relation to a fraud offence. Cleveland Police concluded that if he was still employed he would have a case to answer for gross misconduct while Staffordshire concluded he would have a case to answer for misconduct.

'Treasury Regards Justice as Something Sold by the State' *Alec Cisneros, Justice Gap*

Interview: 'We don't have a right of access to courts that is guaranteed in a written constitution,' says Sir Henry Brooke. 'From Victorian times, the Treasury has regarded justice as something that was being sold by the state.' According to the former Court of Appeal judge, the 'Treasury dogma' of full costs recovery in the civil and family courts – i.e., that court users should pay their way – explains successive governments' attempts to save money by making cuts to the courts and wider justice system. That said, Sir Henry has 'some sympathy with ministers, who are under pressure from the Treasury to make savings'. Sir Henry – a former Lord Justice of Appeal and Vice-President of the Court of Appeal – has over the last 30 years seen the impact of such cost-saving initiatives

diers, though it has previously suggested that number could go as high as 20. On Wednesday it said: "We are not treating suspects in this case any differently from suspects in any other case." Currently the PSNI does not name any suspects, leaving the decision of whether to name them down to the province's Public Prosecution Service when they appear in court. But Northern Ireland is about to adopt the system used in England and Wales, where suspects are named when they are charged. The new rule will come into force within months, raising the prospect of Paras being named by police if they are charged with offences next year. A PSNI spokesman said it would be "inappropriate to comment" on the legal challenge.

'I Blocked a Bailiff – and Paid the Price'

When a bailiff from one of Britain's biggest firms of debt collectors called at gymnastics instructor Ronald Grant's flat last November little did he realise that his life was about to be turned upside down. Within 15 minutes it descended into a hallway brawl, followed by Grant's arrest, interrogation, and the police charging him with common assault. As a result of the incident, Grant claims his life has been wrecked and he has lost his income. Yet he had acted reasonably. What's more, the bailiff was trespassing and should have been arrested following the brawl, according to a later assessment by the Crown Prosecution Service, which led to all charges against Grant being dropped. A police conduct review also found police officers had misjudged the powers of entry available to bailiffs.

Grant's case – the bailiff was collecting council tax arrears on behalf of Wandsworth council – comes amid a sharp rise in the use of bailiffs by cash-strapped local councils which, campaigners say, are increasingly targeting the "working poor". In some London boroughs bailiff visits are up 50% over the past year, says a recent report, Too Poor to Pay, by the Child Poverty Action Group and Zacchaeus 2000 trust. The bailiff firm, JBW, which sent its "enforcement agent" to Grant's Wandsworth home, vigorously disputes the CPS and police assessment, insisting its agent was not trespassing. In a statement, it said: "The CPS finding of trespass is unfounded and has not been established in a court of law." After receiving the investigating officers' report by the Metropolitan police, Grant made a formal complaint in July to the Independent Police Complaints Commission which is currently examining the case.

What is remarkable about the brawl and Grant's subsequent arrest was that it was not over his failure to pay his own council tax, although he was in arrears. The initial encounter between Grant and the bailiff concluded amicably. It was when the bailiff asked to go to the upstairs flat, also allegedly in arrears on council tax, that the situation turned ugly. Grant blocked the bailiff's entry, telling him he should press the outdoor bell and wait for his neighbour to come down. But the bailiff insisted he had a right of entry. A recording made by the bailiff of what happened next is peppered with inaudible moments, so the full picture is not clear. In a transcript made by the police Grant says: "You are not allowed to force your way into my house" while the bailiff says: "This ain't your building". Grant says: "You just pushed yourself past me", while the neighbour then intervenes, telling the bailiff to leave Grant alone, and ordering him off the premises. "He's trespassing. Now get out," says the neighbour, while the bailiff replies: "It's not trespassing." The bailiff then calls the police, alleging he had been assaulted by Grant. But Grant alleges the opposite, claiming that the bailiff had "slammed me into the wall holding me by my neck."

The police arrived swiftly, arresting Grant and not the bailiff. "During my arrest, a 5ft mum next door was leaving to take her infants to school and, at the time, had not even met me personally. There was now a police car, four police officers and a police van on the scene. The house on my other side had just been sold for £1.5m and the family was unloading their goods into their house. It was not my idea of a good first encounter with my next-door neighbours and I did

comment to the arresting officers how embarrassing this was but they said 'don't worry about it'." Things then went from bad to worse. "I had a job in Fulham and my arrest caused me to be a 'no show' and I lost the job," he says. At the police station, Grant was charged with common assault, and told to attend court on 12 February this year. But while he was traumatised by the episode, and claims he lost further work while nervously awaiting the trial, the CPS had already decided there was no case to answer. Indeed, it ruled fully in Grant's favour, suggesting he had been entirely within his rights to use "reasonable force" to eject the bailiff.

In a case analysis, later obtained by Grant, the CPS said: "The defendant quite rightly, and well within his rights, says that [the bailiff] will have to ring the bell and be given access by the occupier. This is both reasonable and within the law. Essentially, [the bailiff] was a trespasser and the defendant is within his right to use reasonable force." It goes on to say that JBW's recording only "corroborates the scuffle" but does not help with what actually happened. However, in a statement, JBW says: "The enforcement agent was legally at the premises in order to execute a liability order for unpaid council tax. He was not a trespasser at this time. There will be no apology from JBW and no offer of compensation will be forthcoming." Grant says he has looked into finding a lawyer to take legal action, but he can't access legal aid. "They want me to put down a tab of £5,000 to take on my case. I don't have that kind of money."

Bailiffs regularly record visits to households on audio devices – but can put obstacles in the way of householders to obtain a copy of what was said. When Grant sought a copy from JBW, its chief executive Jamie Waller said Grant would have to go in person to JBW's offices in Darlington, 260 miles away. He said: "The recordings will need to be listened to on site which is in line with our data release policy. I have copied in our audit and compliance director who will make the arrangements for you to visit our Darlington offices." The name Jamie Waller will be familiar to some TV viewers. He was the star of a BBC1 show, Cops Cars and Bailiffs in 2008. But, last year, his JBW Group failed in a high court bid to stop a Panorama investigation into debt recovery being broadcast. It had tried to get an injunction after it learned of undercover filming of staff working for the company. JBW has multiple contracts with government departments and local authorities, including 70% of councils in London. Its website says it has operational offices in London, yet it said that Grant should travel 260 miles from his south London flat to obtain his data. We asked The Information Commissioners Office if such a request from a bailiff is reasonable. It said: "Basically it is up to the bailiff to provide a copy of the information to the requester. A requester wouldn't normally be expected to go such a distance to the offices to collect it." JBW subsequently told the Guardian it "can email the recording so that there is no inconvenience caused to the applicant".

Puzzling discrepancies emerged from the transcript provided by JBW and sent to the Guardian, and a transcription of the same recording made by the police and seen by the Guardian. In JBW's transcript the bailiff is recorded as saying: "Hello there, are you Mr Ronald Grant" and says that Grant responded: "He's not in". But when the police listened to the tape, they recorded Grant responding: "Yes, who's talking?" Later, the bailiff on the JBW transcript says: "If you can excuse out of the way, I'm not, I'm not going to walk past you." But in the transcript made by the police, the bailiff says: "If you can excuse out of the way, I'm going to walk past you." The "This ain't your building" statement made by the bailiff, and said after Grant says: "I didn't invite you into my building" is in the transcript made by the police, but is absent from the JBW transcript. JBW stands by the transcript, which, it says, was listened to by a former policeman working for the group. It said in a statement: "JBW maintains, having

reduced by 18% since January. The noble and learned Lord is absolutely right that the Secretary of State has the power to amend the release test. He is extremely mindful of the concerns expressed and of his powers, but there are no plans to use those powers at present.

Lord Wigley: My Lords, the Minister will recall the passion that our colleague the noble and learned Lord, Lord Lloyd, brought to this issue. Since he retired in March there has been a change of Government and of Minister. Could we please have a change of policy, too?

Baroness Evans: Along with the noble Lord, I pay tribute to the much missed noble and learned Lord, Lord Lloyd. I hope that the noble Lord sees that we take this extremely seriously. As I mentioned, we have started to tackle the unacceptable backlog—but more needs to be done. Through the indeterminate sentences prisoner co-ordination group, we have also looked at improving processes. Waiting times for transferring IPP offenders to open prisons has fallen from around nine months to six to eight weeks. We are prioritising places on offender behaviour programmes and interventions. We are encouraging offender managers to draw up sentence plans that consider a variety of interventions. NOMS has also undertaken a series of reviews which we are looking to implement, particularly for prisoners who have had four or five post-tariff reviews and still failed to progress. I understand the concerns raised by noble Lords but we are taking action.

Lord Beecham: My Lords, on 3 December 2014, I asked the noble Lord, Lord Faulks, what courses to promote rehabilitation were available for IPP prisoners other than those sex offenders for whom he had confirmed that, "the Government have increased the number of commissioned completions of courses".—[Official Report, 3/12/14; col. 1317.] With his customary deftness and elegance, the noble Lord avoided answering the specific question. I ask the Minister the same question: what is the position in relation to the provision of these essential courses for other IPP offenders?

Baroness Evans: The noble Lord will be aware that it is not mandatory for IPP prisoners to complete specific courses and programmes before they can be considered for parole. In fact, the sentencing planning guidance reinforces the Parole Board's general obligation to consider the offender's risk level, so that it can also look at broader evidence such as training and education, specialist support and demonstrating a sustained period of stable behaviour.

Lord Dholakia: My Lords, one of the successes of the coalition Government was the abolition of the IPP, which applies to current and future offenders but not to those already in the system. Will the Minister confirm that there are serious delays in the assessment process, including delays at parole hearings, resulting in inmates remaining in our prisons often years after their release dates? What steps are being taken to end this injustice? Surely, if the Secretary of State is serious about reducing the prison population, he should deal with the anomaly that the abolition of IPP sentences has created for those in custody now.

Baroness Evans: As I said, we have taken steps to improve the efficiency of the Parole Board, and we allocated an additional £1.2 million of funding to help it deal with the backlog, which is improving: since January, there has been an 18% reduction. But we accept that there is more to be done, and we will focus our energy to make sure that the backlog continues to decrease.

Lord Cormack: My Lords, given the widespread concern on this issue, and given that the protection of the public is something we must also take closely into account, will my noble friend and her friends in the department arrange for a confidential briefing for Members of this House on why some of these people are serving such very long sentences?

Baroness Evans: I am certainly happy to speak to my noble friend Lord Faulks about that when he returns. I am sure he would be happy to do that.

Lord Morris: Does the Minister agree that the delay in considering cases is reprehensi-

abuse of inmates by prison employees, the suit claims, including stories such as New York Jail Guard Sentenced for Sexually Abusing Seven Prisoners and Kitchen Supervisor Gets Prison Time for Sexually Abusing Two Prisoners. The corrections department eventually delivered some issues with blacked-out sections. A spokesperson did not immediately respond to a request for comment, but spokesman Andrew Wilder told the Associated Press that the "handful" of blacked-out sentences were consistent with department policy and "prudent". Officials have wide discretion to prohibit materials, although federal regulations instruct wardens only to reject publications found "to be detrimental to the security, good order, or discipline of the institution or if it might facilitate criminal activity". That rule is generally interpreted as referring to guides to anything that might threaten safety or facilitate crime: manuals for making bombs or weapons, instructions for brewing drugs, maps of the prison, etc. Many prisons also have rules regarding sexual content, and Arizona officials determined the articles violated prison rules on sexual content and inciting riots, the suit claims.

State officials around the country have used broad censorship powers to set a number of idiosyncratic restrictions on what inmates can read. In 2011, Alabama banned a Pulitzer prize-winning book on southern history and Connecticut banned pornography, and until 2012, a South Carolina jail banned all books save the Bible. Last year, the UN received a report that accused US prisons of "widespread censorship". The report by two free-speech groups said that Texas, in particular, violates prisoners' rights, with nearly 12,000 works banned, including some by George Orwell ("racial content"), Gustave Flaubert and William Shakespeare ("sexual content" both). Texas also bans Arrival of the Gods: Revealing the Alien Landing Sites at Nazca, citing "homosexuality".

392 Prisoners Have Served More Than Five Times Their Tariff

Prisoners: Imprisonment for Public Protection Sentences

Lord Brown: How many of those still serving Imprisonment for Public Protection sentences have now been imprisoned for more than five times their tariff sentences, and whether their imprisonment will continue indefinitely unless and until the Parole Board is satisfied that it is no longer necessary for the protection of the public that they should be confined.

Baroness Evans: Of those prisoners serving sentences of imprisonment for public protection at the end of September 2015, 392 had served more than five times their tariff. IPP prisoners will continue to be detained until the independent Parole Board is satisfied that the risks they pose to the public are safely manageable in the community.

Lord Brown: I am grateful to the Minister for that Answer. She confirms that there are in our overcrowded and expensive prison system already several hundred prisoners serving well beyond the appropriate term representing punishment for their offending. Some 392 have done more than five times their tariff term, and many hundreds more have also served well beyond their term. This is of course a form of preventive detention—internment—entirely alien to our traditional criminal justice approach. In 2012, that whole system was finally abolished and power was given to the Lord Chancellor to amend the test to ensure that those people previously sentenced could finally secure their release. The previous Lord Chancellor failed in that regard. When will this Lord Chancellor finally decide to bring this terrible scourge to an end?

Baroness Evans I thank the noble and learned Lord for his question. Of course, I am well aware that noble Lords across the House have raised this issue on numerous occasions. We are taking measures to attempt to address the situation. One positive thing I hope that noble Lords will accept is that the Parole Board is tackling the backlog in oral hearings, which has been

reviewed the audio, that its transcript is a true and accurate representation as to what can be heard on the file and can be disclosed." The trauma of the incident has left Grant feeling he can no longer stay in his home. "As a child I was looked after by Wandsworth social services. It was a very traumatic time and I am yet to feel at peace. I got this place from the leaving care team but I think I need to leave and start again somewhere else."

What you need to know if the bailiffs knock at your door

A crackdown on bailiffs was ordered by ministers last year amid concern that the tactics used by some rogue operators – such as blagging their way into homes or lying and intimidation – were leaving householders confused about their rights Research by the Money Advice Trust in 2012 found that the most commmon complaint was about bailiffs threatening to return with a locksmith. The next biggest complaint was about lack of protection from the police. With baillifs increasingly being used for council tax arrears, Citizens Advice said it is called on to help with around 1,000 bailiff problems a week. The Too Poor to Pay report by the Zacchaeus Trust and Child Poverty Action Group last month said: "In our view, bailiffs remain a totally unsuitable enforcement method for council tax support claimants. A referral to a bailiff immediately adds £75 to the claimant's debt, quickly followed by a further £235 on the first visit. This simply serves to inflate an already unpayable debt. Bailiffs not only increase the claimant's debts, they frequently act in an aggressive and intimidating manner, which can cause serious emotional and mental distress."

The advice on the government's website is explicit:

- You usually don't have to open your door to a bailiff or let them in;
- Bailiffs can't enter your home by force – such as pushing past you;
- They can't enter if only children under 16 or vulnerable people are present;
- They can't enter between 9pm and 6am;
- They can't enter through anything except the door.

Bailiffs are allowed to enter your home using force to collect unpaid criminal fines, income tax or stamp duty, but only as a last resort. They can also take things from outside your home, such as your car, and if you don't pay the debt they are collecting you could end up owing even more money. According to the police, if you are living in a flat a bailiff can enter the main entrance to the block as long as they do so without using force – this is regarded as peaceful entry. In essence, this could mean that the main door is unlocked or that another person let them in. But once inside the block, they must leave if another residents requests that they do so.If the bailiff refuses to leave, he or she is committing the civil offence of trespass. In law, if a treapasser refuses to leave a property when asked the owner/representative is entitled to use "reasonable force" to evict him or her.

Victory for the Cuban Five - Refusal of Entry Into the UK - Clear Breach of Article 10

1. (Sehwerert, R on the application of) v Entry Clearance Officer & Ors) - The appellant is one of five Cuban nationals, known as the "Cuban Five", who were convicted in the United States of America in June 2001 on charges relating to their activities as intelligence agents for the Cuban government. The appellant himself was sentenced to 15 years' imprisonment, which he has now served. Serious concerns have been expressed over many years by international human rights organisations, among others, about the convictions and sentences imposed and especially about the fairness of the trial. In 2014 a group of UK parliamentarians invited the appellant to meet with them in the Palace of Westminster to discuss the case. The appellant applied for entry clearance to visit the United Kingdom for that meeting, but the application was refused pursuant to paragraph 320(2) of the Immigration Rules by rea-

son of his conviction and sentence. The refusal has been maintained in the course of the present proceedings. The issue in the proceedings is whether the refusal of entry clearance is lawful; in particular whether it is compatible with article 10 of the European Convention on Human Rights.

2. Much of the legal framework for consideration of the case is provided by the decision of the Supreme Court in R (Lord Carlile of Berriew and Others) v Secretary of State for the Home Department [2014] UKSC 60, [2015] AC 945, which also concerned a refusal of entry into the United Kingdom to take up an invitation from a group of UK parliamentarians to attend meetings with them in the Palace of Westminster. There are, however, important differences in the circumstances of the two cases which mean that the result in the present case is not dictated by the outcome in Lord Carlile of Berriew.

49. Taking all the circumstances of the present case into account, I am satisfied that the refusal of the entry clearance sought by the appellant amounts to a disproportionate interference with the article 10 rights of the intervener MPs. I reach that conclusion after taking into account, and giving weight to, the Secretary of State's own assessment to contrary effect. In my judgment, the considerations relied on by the Secretary of State do not provide a sufficient justification for even the limited interference with article 10 rights that is in issue in this case.

50. For the reasons given, I would grant the appellant permission to apply for judicial review of the refusal of entry clearance, I would direct that the substantive claim for judicial review be retained for determination by this court, and I would proceed to allow the claim, holding that on the material before the court the refusal of entry clearance is in breach of article 10.

Police Taser Victim Calls For Ban After Negligence Ruling Against Force

Vikram Dodd, Guardian: A man who suffered a cardiac arrest after being Tasered by police has said officers should be banned from using the stun guns after a court ruled he was the victim of excessive force. James McCarthy won a judgment on Tuesday that Merseyside police acted unlawfully when they fired an electrical current into his body for 11 seconds, leaving him motionless on the ground and suffering cardiac arrest. McCarthy was not prosecuted over the incident that led to the police intervention at a Liverpool hotel in 2012, when he was 23. During the incident McCarthy was Tasered twice. Manchester county court found that Merseyside police acted unlawfully the second time he was Tasered because the 11-second duration of the charge was too long. The court also found police acted negligently because they were too slow to get help for the injured man and knew the potential risk of cardiac arrest for someone who had been Tasered.

McCarthy says that as a result of the incident he still suffers from memory loss. He had to stop running a joinery business because he could no longer remember the skills he had learned. He told the Guardian his life had been ruined: "It's been terrible, the worst time of my life. It caused many problems, blackouts, anxiety, depression. I have had to rebuild relationships with my friends and family. The Taser was 100% responsible for that." He added: "I don't think police should have Tasers. They do kill and cause cardiac arrest; they should be banned." McCarthy said of the victory in court: "It means I have had justice and might mean others can get justice." A further hearing will establish damages and the extent to which the police assault and negligence were to blame for McCarthy's injuries. His solicitor said the judgment was the first in the country to blame police for negligence after use of a Taser. Merseyside police said they would consider an appeal. Police chiefs nationally will study the judgment to see whether courts are starting to have greater doubts about Taser use, or whether the criticisms were specific to this case. The judge, Darryl Allen QC, said the officer was right to fire the Taser the first time, and hence that use was lawful. He also ruled that the officer acted lawfully in deciding to fire the Taser at McCarthy a second time. But it amounted to an assault because of the length of time a shock was inflicted on

McCarthy, he ruled. "I find that the force used, namely the uninterrupted 11-second discharge, was unreasonable, excessive and disproportionate to the threat posed by the claimant," the judgment says. After McCarthy was Tasered a second time he fell to the ground and was motionless. The judge found police owed him a duty of care, but instead left him for two-and-a-half minutes. "For the avoidance of doubt, I find that it was reasonably foreseeable that failure to monitor and respond to the claimant's condition following Taser 2 might result in personal injury to the claimant," the court said in its judgment.

The use of Tasers by police in England and Wales is controversial. Critics say they are dangerous and point to other incidents where they have been linked to injury or death. Police say they are a crucial method for officers to defend themselves and safer than using firearms. Tasers deliver a 50,000-volt shock to incapacitate people. They have been linked to at least 10 deaths in England and Wales over the past decade. In 2013 Jordan Lee Begley, 23, died two hours after a Greater Manchester officer targeted him with a stun gun at his home after police were called to reports of an argument.

Sophie Khan, the solicitor representing McCarthy, said: "This is the first case in the country where the police have been held liable for negligence after the use of Taser. It is hoped that the police will learn from this judgment that Tasers are dangerous and cause life-threatening injuries. "My client suffered a cardiac arrest at the scene and now suffers from permanent memory loss due to the delay in commencing emergency paramedic care. The use of Tasers needs to be curbed to prevent any incident like this happening again." The incident happened after officers were called to reports of a group of men fighting at a Premier Inn in Albert Dock at around 2.50am on 30 September last year. Merseyside police confirmed that McCarthy had not been charged over the incident and that the officers involved had not faced any disciplinary action. The Independent Police Complaints Commission found that the firing of a Taser into McCarthy for 11 seconds was reasonable. A spokesperson for the National Police Chiefs Council said: "Our Taser guidance is continuously reviewed, as with all police policy and guidance, and we will look at the findings of this case in due course."

Arizona Lawsuit Says Prisons Denied and Censored Inmates' Access to News

Alan Yuhas, Guardian: The Arizona department of corrections (ADC) faces a lawsuit in federal court from a prison news publisher that accuses the state agency of censorship and violating inmates' rights. The Human Rights Defense Center filed suit against the department in Phoenix district court on Tuesday, alleging that prison officials refused to give inmates certain issues of Prison Legal News (PLN), a monthly publication, because of articles about sexual abuse by prison employees. "They do not appear to be wholesale barring publications, but it looks like they have very broad policies that contravene the first amendment," said Lisa Ells, an attorney with the magazine. "They're looking at the types of articles, and if they don't like them they're censoring them." "What we have is the furthest thing from sexually explicit text," Ells said. "It is non-salacious, not titillating, factual reporting of legal holdings." Ells said that Arizona had not yet responded to the suit nor said what authority it might invoke to defend its practices.

Ells said that based on materials received by the ACLU, the Arizona agency appears to also have censored certain issues of National Geographic, Newsweek and the Economist. "It would appear that it's quite a large problem that's affecting both the prisoners and many large publishers." PLN editor Paul Wright said in a statement: "Rape and sexual abuse by corrections employees is an unfortunate reality ... Rather than censor our reporting on such incidents, including court rulings in lawsuits brought by prisoners who were sexually abused by prison employees, the ADC's efforts would be better spent ensuring that its staff members do not rape or victimize prisoners."

Officials refused to deliver the journal when issues contained articles describing sexual