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Double-Knockback for Terry Smith

As any determinate or indeterminate prisoner will tell you, the prospect of facing a Parole Board in order to secure open conditions or release is a daunting task. Whether it is a telephone Parole Board Hearing during the restrictive Covid-19 pandemic or by video-link conference, either way, the spotlight is upon "you" where you are quizzed about all sorts of issues, including the basis of your hideous and longstanding miscarriage of justice to what you are now doing to sufficiently reduce your perceived core risk factors to satisfy the Parole Board that you are safe to be released back into the community.

On 12 May 2020, I attended my first 12-year, on-tariff Parole Board hearing where despite my solicitor jumping ship seven days before the hearing, by the grace of God --- and the help and assistance of a remarkable lawyer friend. I managed to obtain the eloquent services of a pro bona barrister David Martin Sperry (DMS), who was more used to the front row benches at the Old Bailey and the Criminal Court of Appeal than conducting a remote telephone Parole Board Hearing.

As with any barrister worth his salt, he quickly grasped and presented the facts, including positive details that Mr Smith had obtained a first-class BA Honours degree whilst being in prison. He persuasively argued it did not make sense to send Mr Smith to the Progression Regime at HMP Warren Hill as he had not failed at anything during his 12-year tenure in prison and therefore was ultimately worthy of progression to open conditions or release. I distinctly recall during his closing speech to the Parole Board where he declared: "If Mr Smith looked into a mirror 25 years ago, what would he see? He would have seen an armed robber. However, if Mr Smith looked into a mirror today, what would he see? He would see a first-class academic, as BA Honours degrees do not grow on trees. You have to work damn hard to obtain one!" The two-person Panel agreed with DMS by recommending that Mr Smith be transferred to open condition where he could enrol and complete his mature student Master's degree in "Film and TV Production" from there.

The Secretary of State (SofS) for Justice or its "delegated authority", the Public Protection Casework Section (PPCS), had other less palatable ideas, however, as they made me wait four-and-half months for the "stamp", whilst other potential progressive prisoners were flying through the process to their open conditions. It was one of the most unjust and unfair events I have ever had to experience in prison, and there have been many. After being kept in cruel limbo for four-and-half months, I was given the now obligatory knockback where the SofS recommended that I be transferred to a Progression Regime at HMP Warren Hill. In the meantime, however, I decided to judicially review the "Parole Board Review" of the SofS on the basis that it was unfair, unreasonable and indeed irrational, as it relied upon a prison van escape that occurred --- and I kid you not --- on 20 November 1984, some 38 years ago. When the Generic Parole Policy Framework timeframe for the inclusion of such breaches of the prison rules was twoyears.

While waiting for the self-prepared and organized Judicial Review to come to fruition at the Administrative Court in the Strand, dismissed over one year later. I volunteered for the Progression Regime during the harsh Covid-19 pandemic restrictions and noted immediately that I was distinctly out of place. As the Progression Regime was for prisoners for one reason or another who had become stuck-in-the-mainstream-prison system. Nevertheless, I dived headlong into the Enhanced Behaviour Monitoring Course and the increasingly obligatory HRC-20 HMPPS Psychological Assessment and even enrolled and completed an in-cell level 2 Aspects of Citizenship qualification.In addition, not one to sit around during the prolonged Covid-19 bang-up, in line with the Enabling Environment Standards, I even researched and composed my fifth book entitled: "Wrongly Convicted Lives Matter" strap-lined: "An Insider's Insight into Miscarriage of Justice and the Development and Erosion of Law in Britain" is based upon an inspirational idea I had acquired from Mark George QC. I am still awaiting the services of~publisher for the 104k word book as my publisher has retired any offers; please get in touch.

On 31 January 2022, now two years over the IPP tariff, I attended my second Parole Board Hearing with a full Panel, including a Senior Psychologist. All three witnesses, the HMPPS Senior Psychologist (HRC-20), Community Offender Manager and the Prison Offender Manager, were all supportive of open conditions. We were asking for release, but open conditions were on the table. Of equal importance, however, the Director of a Voluntary Sector Specialist Services company, who had been visiting me for over six months, had offered me a role at the company as a Development Manager and Bid Writer/Fund-Raiser. This extra support layer was available on a release or under open conditions. Seven days after the Parole Board Hearing, the Panel denied immediate release but recommended "open conditions" yet again. It was all looking good, seeing as I had complied with the SofS wishes and "excelled" at the Progression Regime, until the SofS made my family and I wait a further six (6) months for the "stamp". Despite the Generic Parole Policy timeframe being 28-days to receive your reply for the "stamp", as the months passed, I resigned myself to further bad news.

On 5 August 2022, the dreaded "Brown Envelope" arrived and the glum look on the OMU Officer's face while hand-delivering the letter said it all. I said: "It is okay, Guv, just give me the letter and you can go!" It is incredible that at a time of personal crisis, such as this, I was thinking about the Priso~ Officer's awkward feelings and thoughts rather than my own. I read the "Outcome of Parole Board Review" (OPBR) decision letter, and to my amazement, it said, in line with the previous Parole Board Review (September 2020), that "the Parole Board had not provided a wholly persuasive case to be transferred to open conditions at this time."

More shockingly, it had recommended that I volunteer to enrol on a Progression Regime which gives prisoners the opportunity to build evidence, in an environment that requires them to take personal responsibility for their lives and their progress, to allow them to evidence to the Parole Board that their risk can be safely managed in the community." (OPBR, p.3, para 2).

However, there was one overriding problem with this advice, as I had already been in a Progression Regime for the last 21 months on the very advice of the SofS after the previous refusal to sanction and support a transfer to open conditions (Sept 2020). Without my knowledge, a Prison Governor had noted the massive error and emailed the PPCS raising the mistake. The PPCS replied, proclaiming that it was a "generic mistake", but there was no apology.

On 10 August 2022, some five days later, I was summoned to the OMU Dept and hand given another "Brown Envelope" with the adjunct that it was a "Revised SofS Letter". I opened and read the edict, similarly dated 5 August 2022, which had erased the request to go to a Progression Regime and now declared that I had shown " continued compliance and engagement with the Progression Regime," and more substantively, I had "completed core risk reduction work". The principal argument is that if this compelling information had been taken into account at the time of the original "Parole Board review;...r" decision-making process in early August 2022 --- just like it had been by the Parole Board in January 2022 --- it would have quickly cleared the bar for open conditions. Of course, I spoke to my prison lawyer, who stated that he wants to Appeal or Judicial Review the latest adverse decision from the SofS. I hope and pray that the lawyer

keeps to his word and JR's the decision because one thing is luminously clear. The salient reasons for the open conditions knockback by the SofS for a second time are massively at variance with the actual reasons being put forward and point ineluctably towards a profoundly unjust and unfair executive decision with political undertones.

Moreover, any primary GCSE student studying Law would be able to comprehend clearly. The decision-making process adopted and employed in the Parole Board Review by the SofS is fundamentally flawed. Since when can the administration executive take into account favourable issues of the prisoner after the final decision has been given and still reach the same negative outcome? Taken altogether, the independent Parole Board have recommended twice that I progress to open conditions, and twice, the SofS has blocked progress in favour of closed conditions. Consequently, during this Kafkaesque ordeal, I have faced a sevenfold whammy of human injustice and unfairness.

Firstly, being wrongly convicted upon manufactured and omitted evidence at Chelmsford Crown Court after a retrial where the first jury could not agree on a verdict. Secondly, being sentenced to an inhumane, arbitrary, unlawful and now abolished IPP prison sentence, which paradoxically is still live and active. Thirdly, post-wrongful conviction, formal complaints were tendered against rogue detectives and senior Loomis managers, where I discovered through FOIA and SAR provisions that they went on to resign and retire en bloc immediately. Fourthly, where I was unceremoniously booted out of the police complaints process, and the rogue detectives and senior Loomis managers went on to retire and seek further employment in other police forces. Fifthly, where I was blacklisted by specific members of the legal profession who became part of the massive cover-up process. Sixthly, after having an Application to the miscarriage of justice watchdog, the CCRC they have point blank refused to investigate the police/Loomis retirements and resignations. Moreover, seventhly, I am now being denied progression by the SofS as an over-tariff IPP prisoner who has sufficiently completed the requisite core risk reduction work to facilitate open conditions.

Small wonder seventy-two (72) IPP prisoners have sadly taken their own lives whilst serving the profoundly disgraceful IPP prison sentence from 2005 to 2022. Any support is appreciated.

Terence G.M Smith A8672AQ HMP Warren Hill Hollesley Suffolk IP12 3BF.

Inquest Jury Finds Neglect by Prison Staff Contributed to Prisoner's Murder

Deighton Pierce Glynn: The inquest into the death of 43-year-old Brett Lowe concluded on Monday 22 August 2022, with the jury finding that Brett's death was preventable and there was gross failure to take basic steps to safeguard Brett, with prison staff consistently failing to execute their responsibilities. They concluded that Brett's murder at the hands of his cellmate was contributed to by neglect. The jury found that Brett took every opportunity available to him to alert staff to the risk to his own life and that staff failed to intervene at any time in the chain of events. The jury also highlighted systemic issues contributing to Brett's death, including issues with leadership, culture and training.

On 16 July 2018 two men arriving at Nottingham Prison were allocated the shared cell D206 on the prison's induction unit, D wing. One of these men was Ferencz-Rudolf Pusok, who would go on to murder Brett only two days later in the same cell. The jury heard that D wing was in a state of pandemonium at that time. The Governor at the time, Phil Novas told the inquest that Nottingham was the worst prison he had worked in in his 32-year career.

Overnight the prisoner sharing with Pusok felt seriously threatened by Pusok's behaviour. He came to fear that Pusok was going to "hot water" him, after he repeatedly boiled the kettle during the night. The man kept himself awake all night so he could fend off any attack. The following morning, on 17 July 2018, he told the officer who unlocked him what had happened and

requested a cell move. His concerns were not documented or acted upon at all and he was placed back into the cell with Pusok. He was moved off the wing later for unrelated reasons.

Brett arrived at the prison later that evening. He was a remand prisoner and was awaiting his trial date. He was put into cell D206 with Pusok. Brett awoke in the middle of the night to find Pusok attempting to strangle him. He activated his cell bell at 03:41 and reported that his cell mate had attempted to throttle him. The responding officer described that Brett had "fear in his eyes" and told the jury that Pusok made no attempt to deny what he had done, simply sitting "with an evil look in his eyes." The only action taken was to report this verbally to a Senior Officer. No action was taken to separate them. No record was made of the incident. No reference was made to the incident in the morning handover.

As soon as he was unlocked on 18 July Brett reported what had occurred to a Senior Officer who agreed to a cell move, but rather than action that move he told Brett to go to the wing office to facilitate a move by himself. At the office Brett again alerted staff to the incident and requested a cell move but he wasn't moved, no further investigation of the incident took place, and nothing was recorded to indicate the severity and heightened risk. Brett was locked back in the cell with his cell mate at about 9am. Sometime between 09:00 and 10:20, while locked in the cell, Brett sustained serious injuries as result of a horrific assault by Pusok. He was discovered at 10:21 lying unresponsive on the cell floor. He died that day as a result of ligature and strangulation injuries inflicted by Pusok, who would go on to plead guilty to Brett's murder. No motive was ever provided for the vicious murder.

The jury found that Brett's death was preventable had reasonable actions been taken but opportunities were missed due to failures of communication; lack of staff accountability and a failure to provide a safe environment for Brett. They found that systemic issues regarding staffing, leadership, document reporting, training, communication, culture & risk assessments all contributed to Brett's death. The current Governor of Nottingham, Paul Yates told the Coroner that the OSG on duty overnight on 17-18 July has been dismissed for gross misconduct and that disciplinary proceedings will be reviewed regarding others following the conclusion of the inquest.

Brett's family said: "Our lives have been on hold for so long now waiting for answers about how this was allowed to happen. I expected the witnesses to focus on my brother but all I heard was people trying to avoid accountability and save their own skins, including some of them lying on oath. I am angry that Brett was so viciously and pointlessly murdered and I'm angry that Bret was let down by so many people in the prison. It was their job to keep him safe and they didn't, even when he told them what was happening and asked for help. How could they just ignore him? If just one of them had done something he would be here now."

Immigrants/Asylum Seekers Locked In Cells Without Legal Representation

Ella Hopkins, Each Other: New research from Bail for Immigration Detainees (BID) has found that 89% of detainees held in prisons have difficulty accessing legal representation. 74% have reported being locked in their cell for 22-24 hours per day. Allegations raise concerns that immigrants' human rights are not being protected. People held in Immigration Removal Centres (IRC) have long been entitled to 30 minutes of free immigration legal advice but this does not extend to people held under the immigration act in prisons. In February 2021, the High Court found that the lack of legal advice for immigration detainees in prisons was 'discriminatory and unlawful'. The judgment found that the difference in treatment between detainees in prisons and detainees in IRCs constituted 'unlawful discrimination' contrary to article 14 of the European Convention on Human Rights.

Locked in cells for 22-24 hours a day: Annie Viswanathan, Director, Bail for Immigration Detainees,

said: "Not only does the Home Office lock individuals up without trial and threaten them with permanent exile from the UK, but people are detained in prisons where they are denied the legal representation that would enable them to exercise their fundamental right to challenge these decisions. The stakes could not be higher, with children forced to grow up without a parent and severe and lasting damage caused to vulnerable people as a result of detention. Meanwhile, the majority of people are locked in their cells for more than 22 hours per day, every day. According to the Migration Observatory, there has been an increase in the number of people who have been compensated for being unlawfully detained. The Migration Observatory stated: "In recent years, the Home Office has issued an increasing number of compensation payments for wrongful detention. In the year ending March 2021, there were 330 proven cases of wrongful detention, for which a total of £9.3m was paid in compensation."

Left with no legal representation: Many detainees reported the impact detention has had on their mental health. Those who were able to contact lawyers were told that their cases would not be taken for several reasons. They include, the lawyer not having capacity, not providing legal aid, being too far away from the prison, or not dealing with immigration cases. Person one, who will remain anonymous, explained their struggles with accessing legal representation. They stated: "Without legal advice, I have been relying on other prisoners to fill out paperwork and to translate. I have been unable to appeal against my deportation order as neither I or others understand some of the legal questions. My bail, though granted has come to nothing due to lack of accommodation and I have no one to challenge probation over this I have been a resident in the UK for 22 years but without legal help, I am unable to argue anything."

Unlike in Immigration Removal Centres (IRCs), there is no 'advice scheme' for those detained in prisons to book an appointment with a lawyer. It is up to the prisoner, who is unlikely to have access to the internet, to contact a legal aid solicitor to get representation. A second individual detained, described being locked away from the outside world and asked how they would be able to contact their family. Person two stated: "In prison, I cannot copy my original document or receive invitation calls from a solicitor who might have the capacity to take my case. This reduced my chances of getting representation. In this prison, I cannot get my phone numbers from reception. I'm locked away from the outside world and cannot contact friends and family to get help or representation. How do I contact my friends for help?" The right to respect for your private and family life (Article 8) is protected under the Human Rights Act (HRA). The HRA is a central piece of legislation that ensures we can all live a safe and secure life. The government has announced plans to reform the HRA into a new Bill of Rights, which lawyers and campaigners are concerned will shift more power in favour of the government, and weaken the protections we have available to us. Article 8 includes, not being able to correspond with your family, without being 'unreasonably interfered with by the government'.

Not knowing when your life will continue: In 2020, 26% of people left the UK, either voluntarily or under Home Office enforcement, as opposed to 64% in 2010. It shows a long-term fall of people leaving immigration detention to be returned to their country of 'nationality or habitual residence'. Approximately half of the individuals who are detained have registered for asylum in the UK. A third person was able to contact their loved ones during detention. Person Three stated: "If you don't have family or friends on the outside, it is nearly impossible to fight your case from prison and the solicitors that do take legal aid, won't work with people in prison."

Health professionals, parliamentary groups and campaigners have argued that the uncertainty surrounding a person's length of detention is harmful to detainees and their families. In 2019, the House of Commons Home Affairs Committee argued for legislating a maximum limit on individual periods of detention. It followed the same argument that HM Chief Inspector

of Prisons put forward in 2017. Now, BID is calling on the government to end immigration detention. Viswanathan stated: "With an increase in the number of people held in prisons for immigration reasons and an increase in the severity of prison lockdown regimes, we call on the government to urgently end the use of prisons for immigration detention."

A government spokesperson from the Home Office stated: "The public rightly expects us to remove those who have no right to be in the UK, including dangerous foreign criminals. We make every effort to ensure that a foreign national offender's removal by deportation coincides, as far as possible, with their release from prison on completion of sentence. Regarding access to legal advice, they stated: "Immigration detainees held under immigration detention powers in prisons have full access to legally-aided legal advice, as well as a special weekly payment to cover phone charges for detainees in prisons to seek legal and immigration advice."

Pearce and Another v Parole Board

In 2009, the Respondent, then aged 27, committed offences of sexual assault by penetration and sexual assault of two women whom he met in the street. He pleaded guilty to these offences. The Court was told about previous convictions including one for a sexual assault on a 13 year old girl in 2005. On 13 October 2010 he was sentenced to imprisonment for public protection with a minimum term of 3½ years (less time spent on remand) which expired on 7 November 2013. He is now aged 38 and remains in prison. His imprisonment has been reviewed on four occasions. Most recently, the Parole Board in May 2019 refused to direct his release and instead directed his transfer to open prison conditions (the "Decision").

The Respondent challenged that decision by way of judicial review on the basis that the Board, following the Guidance on Allegations (the "Guidance"), took into account unproven allegations about other alleged sexual assaults by the Respondent against other women and girls. The High Court dismissed the Respondent's claim and held that the Decision and the Guidance was lawful. On appeal, the Court of Appeal held that the Guidance was unlawful but the Decision was nevertheless lawful, as it had made findings of fact on which it based its assessment of future risk. The Board now appeals to the Supreme Court that the Court of Appeal erred in holding that the Guidance was unlawful.

The issue is: When a panel of the Parole Board assesses the risk to the public arising from the potential release of a prisoner, can it only take into account allegations if they are proved on the balance of probabilities? Permission to appeal Granted.

Double Punishment: Prisoners' Disqualification From Receiving State Pension

ECHR: The applicant, P.C., is an Irish national who was born in 1940 and lives in Dublin. Owing to pay-related social-insurance contributions made during his time in work, Mr P.C. was eligible for a State pension at the age of 66. On 25 March 2011 he was convicted of 60 counts of sexual assault and 14 counts of rape, for which he received a 15-year prison sentence. Pursuant to the Social Welfare Consolidation Act 2005, individuals in prison or detention were not allowed to receive many of the social payments set out in that law, including the State contributory pension. Mr P.C. issued proceedings against the State, arguing, in particular, that the stopping of his pension had left him destitute, and claiming 100,000 euros (EUR) in lost income, citing several Convention Articles. In 2016 the High Court dismissed the case, holding, in a wide-ranging judgment, that the contributory pension was not a property right, and citing, among other things, the need to have flexibility in the social-security system. The court entirely rejected the discrimination argu-

ment vis-à-vis prisoners in receipt of private pensions, which were clearly private property, stating overall that the measure was proportionate. The applicant appealed to the Supreme Court.

The Supreme Court delivered two judgments in the case in 2017 and 2018. In the first, it found it established that the non-payment of the contributory pension applied only to those who were "fully criminally culpable". It was therefore a form of punishment that was being applied extra-judicially. As "the process of trial, adjudication and sentence are integral aspects of the administration of justice in criminal matter, consigned by the Constitution to the courts", the Supreme Court found for the applicant. It did not proceed with the ordering of remedies. The Government made an interim payment to the applicant of EUR 7,500. In the second judgment, the court decided on the remedies. It invalidated the relevant provision of the Social Welfare Consolidation Act (section 249(1)(b)). But that did not mean that the applicant was automatically entitled to compensation. It held that if the applicant were entitled to receive benefits while in prison, that would create a new legislative entitlement that ran directly counter to the legislature's intent – there was no lawful way the State could have made the payments to the applicant. It awarded the applicant EUR 10,000 in total (including the interim payment already made). Overall, pension payments were withheld from 25 March 2011 to 28 November 2017.

Relying on Articles 14 (prohibition of discrimination) and 13 (right to an effective remedy), and Article 1 of Protocol No. 1 (protection of property), the applicant complained of having been disqualified from receipt of his pension, of being discriminated against on several grounds, and of not having an effective remedy for these allegations. Applicant Alleged Three Types of Discrimination: With regard to the allegation of age discrimination, the Court noted that the stopping of social-security payments had applied to benefits for people of working age too and so could not be directly discriminatory against prisoners of retirement age. As for indirect age discrimination, it would be necessary to show that the measure had had a disproportionate effect on older people. The applicant had spoken of his personal situation, but had given no evidence that related to the group in question, whereas the evidence in the domestic proceedings had shown that older prisoners had been able to take on work in prison. The Court found the question of age discrimination unsubstantiated.

Concerning discrimination linked to source or level of income, the Court noted that everyone irrespective of their income level was disqualified from receiving their State contributory pension while serving a prison sentence. The applicant claimed indirect discrimination, as the measure had had a disproportionate effect on people who had no other source of income. However, the Court held that the different impact between the removal of the State pension from prisoners with and without other sources of income was not related to any aspect of their personal status within the meaning of Article 14, and therefore did not fall under that provision. Lastly, the Court examined discrimination based on status as a convicted prisoner, which certainly could be an "other status" within the meaning of Article 14, as compared with other people denied their liberty.

It determined that the holding of individuals in secure psychiatric facilities under civil law was for the purpose of treatment; convicted prisoners were detained under criminal law mainly for a punitive purpose. Therefore these two groups were not in a comparable position, ruling out a claim of discrimination in this respect. When compared to the situation of remand prisoners, the Court stated that the defining differences between that group and the applicant's – the presumption of innocence and immediate release (as opposed to rehabilitation, conditional release and so forth) – meant that, as with psychiatric patients, their situations were not analogous and so he could not complain of a difference in treatment. The Court overall concluded that there had been no discrimination and therefore no violation of Article 14 taken in conjunction with Article 1 of Protocol No. 1.

Other Articles: As regards the applicant's complaint under Article 1 of Protocol No. 1 taken

alone, as the applicant had had his pension payments withheld at a time when he had been disqualified by law from receiving them, they could not be considered a "possession" under this Article. The Court therefore rejected this complaint. Concerning Article 13 of the Convention, the Court reiterated that the effectiveness of a remedy did not depend on the certainty of a favourable outcome for the applicant. Noting that the applicant had raised this complaint under the Constitution, it reiterated that States had discretion ("margin of appreciation") in determining constitutional questions. It underlined that in this case the applicant's challenge to the disqualification had been successful and that he had received a payment. Even if the redress granted had not been in line with what he had sought, the State had not failed in its obligation to make effective remedies available. It consequently rejected the complaint as manifestly ill-founded.

Council Attempts to Block Union's Judicial Review Over Strip Ban

Emma Guy, Each Other: The United Sex Workers (USW), the sex worker's branch of the United Voices of the World union (UVW), has submitted a court application to be part of a judicial review of the strip club ban by the City of Edinburgh Council (CEC). On 31 March 2022, the City of Edinburgh Council voted in favour of a 'nil-cap' on 'Sexual Entertainment Venue' licenses' (SEVs). The vote moves to shutting down all strip clubs in the city by April 2023 and forbidding any new ones to open. Now, the council is moving to block a judicial review, brought forward by the women who will lose their jobs if the nil cap policy is enforced.

"Our voices need to be heard" The council is trying to block USW from participating, meaning that workers who will be directly impacted by the council's ban, won't be able to put their cases across. Lawyers for USW, the sex workers' branch of the UVW union, have applied to the Court of Session (Scotland's Supreme Civil Court) on the union's behalf to be part of a judicial review of the council's decision to ban strip clubs. The council has opposed that application and the administration will ask the court not to allow the union to participate. Suzi, a stripper in Edinburgh and UVW member, stated: If the council is so certain about the lawfulness of the cap, why not let UVW and those of us affected take part in the judicial review?"

Bristol Council recently voted to keep strip clubs open. USW ran a successful two-year campaign in Bristol to keep the strip clubs open in the city, culminating at the end of July with the city's Council, voting 10-1 against a proposed ban. Layla, a Bristol-based stripper and UVW member, said: "With a large percentage of unionised workers, we were able to work collectively to mobilise a highly publicised response to a nil cap consultation and shift various councillors' opinions on the issue. We stand in solidarity with Edinburgh dancers and will work with them to have this horrific ruling overturned."

USW wants to be able to put forward arguments against the ban including that the nil-cap is indirect gender discrimination. Nil-cap policies may constitute indirect gender discrimination under Section 19 of the Equalities Act 2010 prohibits indirect discrimination against those with a protected characteristic – in this case, women. It may also apply to the right to be free from discrimination under the Human Rights Act (HRA). The union has raised over £20,000 so far

Edinburgh Council is also calling for the union to be 'potentially liable' for the council's legal costs. UVW has applied for a 'Protective Expenses Order' (PEO). A PEO would allow the union to participate in the review without the risk of being found liable for legal expenses which could be over £100,000. However, CEC has opposed this application, arguing the union should be liable for CEC's costs if the review is not successful. The union, which represents low-paid workers, has already raised over £20,000 in donations to launch the judicial review.

Danielle Worden, a legal caseworker for UVW, said: "The Council's opposition to our

application to simply just participate in the challenge demonstrates how desperate they are to block the workers most affected from having a voice. We are confident that this desperation is due to the Council knowing the nil-cap is unequivocally discriminatory and unlawful, as demonstrated by Bristol Council's recent refusal to impose a nil-cap." A spokesperson for the City of Edinburgh Council stated: "It's important to note that SEVs can still apply for a licence and the committee would consider them against the policy agreed."

Protest at HMP Belmarsh in Support of Kevan Thakrar

John Bowden, reporta: On the 27th of August, family, friends and supporters of prisoner Kevan Thakrar protested outside HMP Belmarsh maximum-security prison in South London to show solidarity with his struggle against the inhumane conditions inflicted on him. More than 12 years in solitary confinement and more than a year in the solitary confinement/ segregation unit in HMP Belmarsh, where prison guards persistently brutalize prisoners, particularly Muslim prisoners of colour.

The protest was vocal and loud, and protesters blew whistles, shouted support for Kevan and let off coloured flares, whilst guard's glared malevolently at us when entering and leaving the prison. They eventually called the police, claiming that protesters had hurled smoke bombs over the prison wall, which a police review of CCTV exposed as a total lie.

Kevan has shown incredible courage and fortitude during his long struggle whilst in solitary confinement and has become deeply politicized by the experience. Moreover, he is now the voice of all prisoners and the most oppressed, which is why we need to support him and strengthen him with our solidarity.

Another protest in support of Kevan is planned for outside the Ministry of Justice, and we intend to let the prison authorities know that Kevan is not alone and that his struggle is our struggle.

Creeping Authoritarianism – The Next Threat To Our Civil Liberties

Richard Norton-Taylor, Declassified UK: While the mainstream media has been preoccupied by the Conservative Party's infighting over who will be Britain's new prime minister, sinister but barely noticed plans are being drawn up with profound threats to our civil liberties. It is creeping authoritarianism in a very British way – the government is steadily but quietly eroding democratic accountability, including the right to challenge arbitrary executive diktats. As Boris Johnson's premiership draws to a close, the Conservative government has set in motion four Bills before Parliament to limit the role of the independent judiciary, increase secret courts, repeal the Human Rights Act, and restrict the freedom of the press.

The Bills contain dangerously loose and deliberately ambiguous language – what for instance, is "legal but harmful" online content? Some cabinet members would even like to extract the UK from the European Human Rights Convention, an international treaty that is enshrined in Northern Ireland's Good Friday Agreement. The government defends its plans with truly Orwellian arguments. Suella Braveman, the attorney general, asserted last month in a speech to the right-of-centre Policy Exchange think tank that there is a "serious risk that the fight for rights undermines democracy".

With sinister echoes of 1984, she tried to turn Orwell on his head, blaming "fringe campaign groups…often with vastly inflated salaries and armed with a Newspeak dictionary". Braverman says they have "created mighty citadels of grievance across the public sector and made huge inroads into the private sector". To fight this supposed threat, the government plans to restrict judicial reviews, which are court hearings that allow citizens to challenge the legality of decisions taken by the executive. "Judicial review is what protects us, the individual, from the overbearing might of the state.

It exists to ensure that, however venal, corrupt or malign the politicians who govern us, we are treated equally and according to the law", said the best-selling author known only as The Secret Barrister. They warned: "The government's claims to be restoring trust in democracy by rolling back these checks and balances mask an audacious power grab, allowing them to govern unlawfully and without accountability". Ministers want to cherry pick decisions by the courts they do not like, including those by the Investigatory Powers Tribunal, which covers the activities of the security and intelligence agencies. The Judicial Review and Courts Bill reflects growing intolerance among ministers of individuals and what they call "lefty lawyers" questioning the way the government has taken decisions and the way judges have responded. One notable case was the ruling by the Supreme Court ruling that Boris Johnson's decision in 2019 to prorogue – suspend – Parliament was unlawful. The proposed "bedroom tax", the "VIP lane" for suppliers of Personal Protection Equipment (PPE) during the Covid pandemic, and police operations using facial recognition technology, are among many decisions declared unlawful as result of judicial reviews.

Abolishing Human Rights - Home secretary Priti Patel was furious at court challenges to her proposal to deport asylum seekers to Rwanda. It catalysed long-harboured plans to replace the Human Rights Act with a British Bill of Rights. This will make it more difficult for individuals and groups to challenge ministers' decisions in the courts by claiming breaches of the European Convention on Human Rights. The Human Rights Act has enabled bereaved families to demand full inquests, for example into the deaths of army recruits at Deepcut barracks, and independent inquiries into the abuse – and in one case, death – of Iraqis detained by British forces. Martha Spurrier, director of the civil rights group, Liberty, has described the Bill of Rights as a "power grab" by the government. She says: "The Human Rights Act protects everyone from injustice and abuse of power, and allows us to stand up to the government and institutions like the police or local councils when they get it wrong". Spurrier adds: "From the families of Hillsborough victims to military veterans, people use the Human Rights Act every day to stand up for their rights and get justice. But under the Government's plans, it will become much harder for people – including disabled people and survivors of violence against women and girls – to access justice." "The Human Rights Act protects everyone from injustice and abuse of power" To limit human rights-based claims in the courts, the government is proposing to add a "permission stage" before they can be heard, erecting a new barrier to justice. Before a case can get off the ground, individuals would have to show they had faced a "significant disadvantage" caused by the violation of their rights.

National Security and Online Safety - The National Security Bill – some of whose dangers Declassified has already highlighted – further increases the government's ability to shield its activities from independent and democratic scrutiny. Sections 5 and 6 of the Bill refers to "prohibited places", described as the country's "most sensitive places. Unauthorised entry" into such places for whatever purpose, "prejudicial" or not, could be a criminal offence as would photographing and "inspecting" them on the internet. Such measures could include photographing demonstrations outside military bases or locations deemed "sensitive", as well as military convoys. The list of "prohibited" sites could be expanded without alerting parliament while prosecutions could be heard in secret. Then there's the government's Online Safety Bill, which on the face of it should be a welcome measure to protect children from abuse and sexual predators. However it includes hidden dangers, giving too much power to large tech companies and their commercial interests, not least in allowing them, rather than the courts, to determine what is "harmful" yet "legal" and encouraging a culture of self-censorship with a

chilling effect on freedom of expression. After initially suggesting that criminal prosecutions could be triggered if content of material would have a "real and substantive risk" of causing harm to a "likely audience", it now says material would be considered harmful if it presents "a material risk of significant harm to an appreciable number of children/adults".

Flushed With Pride! The Government is trialling a scheme to carry out regular drug tests on sewage samples from prisons, to work out which illegal substances are being used in each jail, and in what quantities. The findings will be used to target extra security. Unlike Mandatory Drug Tests (MDTs), sewage testing does not reveal which individuals are using the drugs – but in larger prisons, it could reveal which wings or cellblocks they are being used in. Sewage testing in prisons began during the Covid pandemic, when samples were taken to check for the presence of the virus. It gave health chiefs an indication of infection rates in each jail. Last year, without publicity, a pilot scheme at 13 prisons in England and Wales adapted the technique to test for drugs. The experiment was judged a success – and now the Cabinet Office has agreed £930,000 of funding for a second round of pilots. If these produce more positive results, then sewage testing could begin in all English and Welsh jails. Prison chiefs believe sewage testing may prove better than MDTs because it tests all prisoners, not just a few; prisoners cannot get around it by providing false samples; and it does not require staff to supervise the collection of samples. The Ministry of Justice told Inside Time: "HM Prison and Probation Service (HMPPS) is assessing whether testing prison waste water for banned substances can help governors clamp down on drug use behind bars, building on technology used to test for Covid-19 in jail sewage systems.

First TV Cameras in Old Bailey: An Old Bailey judge has made history by delivering her sentencing remarks live on television. Judge Sarah Munro QC was filmed as she passed sentence on a 25-year-old man, diagnosed with autism and brought up in care, who had been convicted of manslaughter for stabbing to death his 74-year-old grandfather. She jailed him for life with a minimum of 10 years and eight months in custody. Laws allowing cameras into Crown Courts, including the Old Bailey, were passed by Parliament in 2020 but implementation was delayed by the Covid pandemic. Only the judge's sentencing remarks can be broadcast, and the camera cannot show other people in the courtroom. Supporters of televising court say it will educate the public about the legal process, but critics say it could upset victims and encourage witnesses and lawyers to play to the cameras.

Increase in Self-Harm by Foreign National Prisoners: "The board must note the increase, in recent months, of self-harm by foreign national prisoners, who feel that deportation to their home countries is taking too long and they do not understand the reason for the long delay." Despite monthly immigration surgeries on all wings, "legal advice on immigration issues was not always easily accessible for many prisoners. This resulted in a high level of frustration."

Crimes Written in the Stars: An American psychic has claimed that the star sign people are born under can determine the type of crime they are most likely to end up in prison for. Writing on her Insightful Psychics website, Melissa Martinez says she has used FBI data on crimes and birth dates to determine that Cancer is the star sign most likely to commit crimes, while Gemini is the least likely. She says of each sign: - Cancer – Notorious for being passion killers - Taurus – Usually involved with money laundering - Sagittarius – Thieves, robbers and con artists -

Aries – Tend to be hired for their crimes - Capricorn – Get involved with organised crime - Virgo – Hackers and burglars - Libra – "Generally corrupt folks" - Pisces – Dabble in drug-related crimes - Gemini – Seen as thieves and con artists - Leo – Tend to commit crimes for the sheer recognition - Scorpio – Contract killers - Aquarius – Hustlers, con artists and hackers. Martinez (who is herself a Cancer, but isn't believed to have killed anyone) concludes: "It's been established that zodiac signs and crimes go hand in hand … The zodiac sign a person is born under may directly connect them to the kind of crime they're liable to commit."

Hundreds have Spent 15 Years in Jail Under Abolished Indefinite Sentences

Almost one in five of the 1,549 prisoners serving uninterrupted indefinite sentences in England and Wales have now spent 15 years behind bars, openDemocracy can reveal. The revelation will add to pressure on the incoming justice secretary to deal with the legacy of the now discredited 'Imprisonment for Public Protection' (IPP) sentence, which was abolished in 2012 but left thousands still serving jail terms with no end date. The job is tipped to go to former Northern Ireland chief Brandon Lewis if Liz Truss wins leadership of the Tory Party today as expected. In 2020, there were just two people who had served 15 years of an "uninterrupted" IPP sentence, with that figure rising to 71 last year. But as of 31 March this year, that had risen steeply to 281 (18% of the 1,549 total). Some 1,103 people (71%) have been inside for a decade, Ministry of Justice data shows. The MoJ data, obtained under the Freedom of Information Act, does not include anyone who has been released and then recalled to jail under any of the strict conditions – including use of cannabis – attached to the IPP sentences. It means the true figure for those who have served 15 years cumulatively is likely to be even higher.Hundreds Have Spent 15 Years in Jail Under Abolished Indefinite Sentences Including those who have been recalled, there are around 3,000 people behind bars on IPPs. Families and campaigners say the toll of being locked up for so long, and of fearing recall even after release, has had devastating consequences. IPP sentences were issued to low-level offenders despite being intended when introduced in 2005 only for those perceived to pose a serious threat to the public. They were abolished in 2012, with the Labour home secretary who oversaw them saying they had been a mistake – but there was no reprieve for those who had already been jailed. A former supreme court justice has described IPP sentences as "the greatest single stain on our criminal justice system".

EDM 352: Sentences of Imprisonment for Public Protection

That this House expresses concern that too many men and women are trapped in the prison system with no fair prospect of release under the discredited Sentences of Imprisonment for Public Protection (IPP), expresses further concern that it is ten years since the IPP sentence was abolished and still the sentence is not working; notes there are 1,554 unreleased IPP prisoners as at March 2022 and I,392 are recalled mainly for administrative issues and the numbers are rising so much so that it is predicted that the recall rate will outweigh the unreleased by 2026; further notes 72 IPP prisoners have taken their own lives not including those that have taken their own lives in the community once released, believes the IPP sentence is harmful to prisoners and has caused mental health illness for many IPP prisoners because they have no release date and no hope; and calls on the Government to resentence all IPP prisoners and ensure the help and support is out there to enable people to reintegrate back into society and become a worthy member of their community.

Tabled on 05 September 2022 by John McDonnell - https://rb.gy/pcconp

Put Your MP to Work – Ask Them to Sign EDM 352