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"Let us Strike Out Now and Clear its Foul Stench From Our Justice System"

The words of Lord Garnier, the former government minister, speaking in a House of Lords debate on the dreadful Imprisonment for Public Protection (IPP) sentence. Discredited and discontinued in 2012, IPP was never abolished retrospectively. To this day, more than 3,000 prisoners remain caught in its coils. Over 600 of those prisoners have served more than ten years over the sentence length originally imposed by the court (the so-called tariff). A September report by the House of Commons Justice Committee described IPP as "irredeemably flawed" and called for wholesale reform, including a resentencing exercise for those still under the IPP regime. This would involve converting all existing IPP sentences, which are open-ended, into determinate sentences with an agreed end-date.

We welcome the Justice Committee report, including the resentencing recommendation, and call for the government to act swiftly and decisively to implement its recommendations. We would also go further. For one thing, it cannot be right that, thanks to IPP, prisoners are languishing in prison for years after they have served the tariff originally set by the court. They should be released without delay, and certainly in advance of a resentencing exercise that, even if agreed, could take years to be completed. We also argue that those subjected to the IPP sentence should be offered state reparations, on the basis of failures to provide programmes or to meet known mental health needs, and in recognition of the unjustified time in confinement. The IPP was probably the worst sentencing 'innovation' introduced by the last Labour government. We need to learn the lessons and do our utmost to prevent a similar sentence being introduced in the future.

Suspended Prison Sentence For Topless Protest in a Church: Violation of Article 10

In Chamber judgment 1 in the case of Bouton v. France (application no. 22636/19) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 10 (freedom of expression) of the European Convention on Human Rights. The case concerned the criminal conviction of the applicant, a feminist activist who at the time was a member of Femen, for acts of "sexual exposure" (exhibition sexuelle) committed in a church (La Madeleine) in Paris during a "performance" by way of protest against the Catholic Church's position on abortion. She received a suspended prison sentence. The Court began by reiterating that the imposition of a prison sentence for an offence in the area of political speech would be compatible with freedom of expression as guaranteed by Article 10 of the Convention only in exceptional circumstances, as, for example, in the case of hate speech or incitement to violence. The sole aim of the applicant, who had not been accused of any insulting or hateful conduct, had been to contribute to the public debate on women's rights.

The Court found that the criminal sanction imposed on her for the offence of sexual exposure had not sought to punish an attack on freedom of conscience or religion but rather the fact that she had bared her breasts in a public place. While the circumstances related to the place and the symbols she used had to be taken into account, as contextual elements, in order to assess the diverging interests at stake, the Court concluded that the domestic courts had not been required, having regard to the charge, to weigh in the balance the applicant's right to freedom of expression against the right to freedom of conscience and religion under Article 9 of the Convention.

Lastly, while the domestic courts had not ignored the applicant's statements during the criminal investigation, they had confined themselves to examining the fact that she had bared her breasts in a place of worship, without considering the underlying message of her performance or the explanations given by Femen activists about the meaning of their topless protests. In those circumstances the Court found that the grounds given by the domestic courts had not been sufficient for it to consider that the sentence imposed on the applicant, in view of its nature and the severity of its effects, was proportionate to the legitimate aims pursued. The Court concluded that the domestic courts had not struck a balance, in an appropriate manner, between the interests at stake and that the interference with the applicant's freedom of expression, in the form of a suspended prison sentence, had not been "necessary in a democratic society". There had thus been a violation of Article 10 of the Convention.

Tory Criticises Games Consoles In Prisons

I*nside Time:* A Conservative politician has claimed it is "an insult to victims" that prisoners are buying games consoles out of their own money. Russell Findlay, the Conservative spokesperson on community safety in the Scottish Parliament, accused authorities of "splurging money on allowing prisoners to play video games rather than properly punishing them". He was speaking in response to a story in the Scottish Daily Mail revealing that 667 games consoles had been bought at Scottish prisons since 2017 at a total cost of £115,483. The figure includes consoles bought by individual prisoners and paid for out of their wages, as well as consoles bought from the "common good fund" – which comes from sources such as profits on canteen purchases – for use in communal areas. A Scottish Prison Service spokesperson told the newspaper: "Games consoles are either purchased by those in our care, or through the common good fund." The spokesperson pointed out that governors decide what items prisoners can have in their possession, and that games consoles used in prisons cannot have connectivity such as Wi-Fi or Bluetooth.

Immigration Detainees Held In Prisons Struggle To Obtain Legal Representation

Electronic Immigration Network: HM Inspectorate of Prisons (HMI Prisons) have published an important new review looking at the experience of immigration detainees in prisons. For the review, HMI Prisons visited eight prisons and interviewed 45 immigration detainees and 33 key members of prison staff, including on-site Home Office staff, during March and April 2022. The findings by HMI Prisons from the review are critical and concerning. In summary, HMI Prisons finds that immigration detainees held in prisons are substantially disadvantaged in terms of legal safeguards compared with those held in immigration removal centres (IRCs), the progression of their cases is inadequate, and the prolonged detention of people under immigration powers is inexcusable. One of the 45 detainees interviewed was found to have been held for 2 years and 9 months, which HMI Prisons called an unacceptable length of time to hold anyone in administrative detention.

HMI Prisons said: "This review suggests that, in many cases, being held in a prison means that detainees have poorer access to fundamental legal rights and support than those held in IRCs. This disparity has day-to-day consequences for detainees, including feelings of confusion and hopelessness and a lack of access to much needed support. If detainees are unable to fairly access the legal process and their vulnerabilities are not monitored and addressed effectively, there is an increased risk that they will come to harm while in custody and that the integrity of the decision-making in their immigration cases will be undermined … [T]he pro-

longed detention of people under immigration powers, especially when it is because of inefficiencies in Home Office case-working procedures, is inexcusable given that so many prisons are already overcrowded." HMI Prisons noted that perhaps the review's most concerning finding was that vulnerable immigration detainees in prisons, including torture victims, were not routinely identified and not considered for release in the same way as in IRCs.

Neither Home Office nor prison staff understood or applied the Adults at Risk in Detention policy that was intended to protect the most vulnerable detainees. Communication between the Home Office and prisons was often poor, and information-sharing was weak. Prisons were generally unaware of which immigration detainees were classed by the Home Office as adults at risk in detention, nor were they informed of important changes in detainees' cases. The lack of an equivalent to Detention Centre Rule 35 meant that vulnerable detainees, including victims of torture, were not routinely being identified and the Home Office was not considering their release in the same way as they were obliged to for those held in IRCs. Detainees found it difficult to contact Home Office staff based in prisons. Many detainees reported difficulties in arranging face-to-face contact with Home Office staff, and those who were able to arrange it told us that they struggled to get timely and meaningful updates on their case.

Professional interpretation was often not used when prison and Home Office staff communicated with immigration detainees. Detainees reported that this was particularly problematic when it came to discussing complex legal matters, the progress in their cases, and legal documents. There was a poor understanding of the National Referral Mechanism (NRM) among prison and Home Office staff. Several detainees we spoke to had experiences of trafficking and been referred to the NRM, but they remained in prison without access to any specialist support. The support available to immigration detainees in prison from NGOs and outside organisations was variable at best. While some establishments had good links with NGOs and community organisations who could provide tailored support to immigration detainees and foreign national prisoners, there was little support available in others, and detainees were not provided with any information about how to contact organisations.

On access to legal representation, HMI Prisons notes that this was an issue raised by many of the 45 detainees interviewed for the review. Nearly half of the detainees (21) had no legal representation for their immigration case, and just seven detainees said they were receiving legal aid to fund their representation. Up-to-date and accurate information on firms providing legal aid-funded advice for immigration matters was not routinely provided in the majority of prisons that were visited by HMI Prisons. Trying to identify a legal representative who was willing to work on their case was a significant problem for detainees. One of the detainees said he contacted over 40 different solicitors without success. A policy was introduced in November 2021 allowing 30 minutes of free legal advice for immigration detainees in prisons, but HMI Prisons found that the majority of detainees had not been informed of this entitlement. Only nine detainees said they had been made aware of it. Prison and Home Office staff were also found to have a patchy knowledge of the service and of detainees' entitlement to it.

HMI Prisons said: "The issues surrounding access to legal advice were significant for the immigration detainees we spoke to. An inability to access and contact legal representatives – and significant variation in the knowledge of prison staff and the support provided in different establishments – created a risk that detainees were unable to fairly challenge the Home Office's decision to remove them. In addition, the lack of understanding of changes to detainees' entitlements to legal aid among staff meant that detainees in prisons were disadvantaged when compared with those held in IRCs." The review also highlights the problems caused by a lack of contact with

Home Office staff in prison and inadequate progress of cases. HMI Prisons stated: "This lack of communication was an ongoing feature of immigration detention for many of our interviewees. Prison and Home Office staff recognised that case progression was often slow, but there was little infrastructure in place to ensure that detainees could regularly seek updates or ask questions. Most detainees we spoke to said they wanted to speak to someone from the Home Office about their case but that face-to-face conversations, if they happened at all, were infrequent and that the Home Office staff who worked in prisons did not know the details of their case progression."

Home Office staff acknowledged the problems, but pointed to structural problems with the system, including delays in case working and delays in the wider criminal justice system. Delays and a lack of communication led to frustration and confusion among detainees. One detainee told HMI Prisons: "I feel like the Home Office don't know anything about me and they don't see any of the things I have done. I want them to come and see me, it would be helpful if they can explain to me why this is happening, right now I am in the dark and I don't know what is going on with my life… I spend my nights without sleep because I am not knowing what is happening and I don't know when it will end." According to Sky News, the Home Office said it is already implementing the report's recommendations. Sky News included a brief quote from a Home Office spokesperson, who said: "Foreign criminals who remain in prison ahead of removal include dangerous individuals who have committed serious crimes. The government has improved access to legal advice and ensures we carefully consider a person's vulnerabilities."

First Prisoners Begin Apprenticeships Outside Prison

Inside Time: The first prisoners to take up apprenticeships began work last week after the law was changed to make it possible. One man from Thorn Cross open prison started working as a chef de partie at The Partridge pub near Warrington, Cheshire, which is owned by the Timpson retail group, whilst taking a Level 2 apprenticeship in hospitality. Another prisoner began work with construction giant Kier. Apprenticeships, which combine work with training to provide a way in to a career, normally require a contract of employment – meaning that up to now, prisoners have been unable to take them up. The law was changed earlier this year so that residents of open prisons can begin apprenticeships while serving their sentences. According to the Ministry of Justice, up to 300 prisoners who are eligible for day release and nearing the end of their time in custody are expected to be recruited as apprentices by 2025. Other employers planning to hire them include pub chain Greene King, Co-op, Premier Foods and Sheffield City Council. Roles will include highway maintenance, hospitality and cheffing.

Prison education provider Novus and its sister company Total People, an apprenticeships provider, worked with Timpson Group to arrange the pub placement. Richard Suttle, governor of Thorn Cross prison, said: “As an open prison we are committed to supporting the completion of work placements as part of a sentence that will enable prisoners to acquire the skills that will help them secure the stable employment upon their release that we know is so critical to breaking cycles of reoffending. “As such we are delighted to be one of the first prisons to be supporting one of our prisoners to undertake an apprenticeship and are looking forward to working in partnership with Novus, Total People and Timpson Group to ensure this new training route for prisoners is a success and can be made accessible to as many suitable prisoners as possible.” Rob Butler, the Prisons Minister, added: “Getting prison leavers into work is absolutely crucial – it provides them a second chance to lead a more positive life and cuts crime. Apprenticeships are a direct route into gold-standard training in vital industries – encouraging ex-prisoners to stay on the straight and narrow while supporting businesses of all sizes and contributing to economic growth.”

Government Says 'No' to Equal Pay for for Prisoners Attending Education Classes

Inside Time: A plea by MPs for prisoners taking education courses to receive the same pay as those employed in workshops has been dismissed by the Government. The call for equal pay was a key recommendation of the all-party Commons Education Committee when it published a report in May calling for reforms to boost the status and quality of education in English and Welsh jails.

However, in its response to the report published last month, the Government said it would remain up to governors to set pay rates for education and work. Other reforms which the MPs called for, but ministers have ruled out, include: Scrapping the 'six-year rule' which prevents long-term prisoners from starting degree courses by restricting eligibility for student loans to those within six years of release; Setting a date by which all prisons will be able to support broadband; Granting powers to the education inspectorate Ofsted to take regulatory action against prisons which provide poor education. The Government accepted some of the committee's recommendations. The law is being changed to make prisoners eligible to take up apprenticeships, and specialist support staff are being appointed at every prison to help prisoners with learning disabilities, autism or acquired brain injury.

Robert Halfon, the Conservative MP who chairs the committee, welcomed aspects of the Government's response but added: "However, some opportunities for reform have been missed. Without sufficient loans, equal pay for education as work, and full broadband, prisoners may be cut off or disincentivized from education. Prison education is proven to help offenders get out of prison for good. The Government has everything to gain by following through with these measures, support people back into work, and reduce the cost to the Treasury of re-offending rates."

Jon Collins, chief executive of the Prisoners' Education Trust, said the Government's response "mostly describes changes that are already underway and restates announcements that have already been made". He added: "On the biggest issues facing prison education – the lack of funding and slow progress in making digital technology available to prisoners – it has nothing new to say. The Education Select Committee was right to call for urgent action to improve prison education, but today's response does not deliver the scale of change needed."

During its inquiry, the committee questioned 31 witnesses – including the Prisons Minister, the head of the Prison Service, representatives of the four education providers which hold contracts to teach prisoners, and a panel of ex-prisoners. Witnesses told the MPs that some prisoners are deterred from furthering their education in prison because they can earn more money in a prison workshop. In their report, the MPs concluded: "Many witnesses pointed out that prison education was too often paid at a lower rate than unskilled prison work, acting as a disincentive … While some prisons had changed their policy to ensure no-one was financially worse off for choosing education, this was not the case across the board."

The report concluded: "We recommend that the Ministry of Justice ensures that pay for education is equal to the pay for prison work, to ensure that prisoners do not lose out by choosing education." However, in its response, the Ministry of Justice said that while it accepted the principle that pay rates should encourage prisoners to take up education, "Governors already have the necessary freedom to set local pay rates to reflect their prisoner population needs, type of prison and regime priorities, and the jobs/educational/vocational training that are available. We do not propose to set additional rules on pay which governors must follow."

Pay rates for prisoners are not routinely made public. According to documents seen by Inside Time, one men's prison – HMP Coldingley, in Surrey – pays men on Level 1 courses or substance misuse courses a maximum of £11.25 per week. Men on higher-level courses can earn up to

£15.75 per week, which is equal to the pay for those with skilled workshop jobs. In explaining why the six-year rule will be retained, the Ministry of Justice said: "Loan support is available only for prisoners who are within six years of their release date, in order to strike a balance between supporting prisoners reasonably close to their release date and ensuring that the taxpayer has a reasonable expectation that the prisoner benefiting from the loan would be able to repay it."

Collins said it was "very disappointing" that ministers had ruled out scrapping the six-year rule, adding: "This sensible change would have helped people in prison to access a university degree while serving their sentence, improving their chances of finding work on release. The Department for Education should urgently rethink this short-sighted decision." Regarding the decision not to set a date for all prisons to have broadband, Collins added: "The Government has committed to rolling out in-cell technology to closed prisons, but the current plans only cover a handful of establishments. This rollout needs to go further, faster."

Another of the MPs' recommendations – based on a suggestion from Inside Time Editor Ben Leapman, given in evidence to the committee – was that the Government should launch "a pilot scheme establishing specialised prisons with a focus on education, run in partnership with a local university, a further education college, or other recognised quality educational providers". In its response, the Ministry of Justice said it accepted this recommendation – but claimed it was already being carried out, citing the examples of construction academy at HMP Leeds and a rail track course at Thorn Cross. In response to the committee's call for every prison to signal the importance attached to education by appointing a Deputy Governor of Learning, the Ministry of Justice said that by January 2024 all jails will have a Head of Education, Skills and Work – a governor-grade position with a place on the Senior Management Team. Applicants will need to have a teaching qualification or relevant experience.

UK Government Cracks Down on Palestinian Activism

Abdallah Barakat, Justice Gap: The Crown Prosecution Service (CPS) is preparing for a long succession of trials involving at least 40 activists from Palestine solidarity movements. Elbit Systems, Israel's largest private arms company with a UK subsidiary HQ in London, has faced opposition from activists for years. The company's factories manufacture drones for the Israeli military, which are used to kill civilians in the Occupied Palestinian Territories. As a result of recent efforts by the Palestine Action campaign, the company was forced to permanently close two factories in the UK.

Due to start in the last two weeks, trials against activists opposing the company are being postponed. Eight activists were due to stand trial for conspiracy to blackmail. Two others were to appear for a three-day trial for criminal damage, after locking on the entrance of Elbit's London HQ, preventing access, and spraying the building in blood-red paint. A further three had their trial postponed due to the CPS' failure to submit evidence. This string of postponed trials came after the CPS dropped criminal damage and aggravated trespass charges against five activists due to an 'unrealistic prospect of conviction'. In 2015, a case against nine individuals protesting against Elbit collapsed due to the CPS' inability to disclose details of licences for arms exports to Israel; either due to Elbit's unwillingness to testify in court, or due to the government being unwilling to disclose information. While activists persist, they fear the recent court of appeal judgment on the Colston 4 case will tip the scales against them in future trials. The judgment limits the use of human rights arguments as a viable defence when facing a charge of criminal damage. At least 40 activists have trials scheduled in the coming months. This is only a minor aspect of the UK's suppression of Palestinian activism, and a small element of the backdrop to the government's recent approach to curtailing political actions and demonstration rights.

Four Inmates Killed and 61 Injured in Iran Prison Fire

Lamiat Sabin, Emily Atkinson, Independent:The inmates, who were held in the prison in ehran on robbery convictions, died of smoke inhalation after the blaze started on Saturday 16th October. At least 61 people were injured, including 10 that were hospitalised – with four in serious condition, the Iranian judiciary said on Sunday 16th October. The fire was extinguished after several hours and no detainees escaped although a number of them tried, the Iranian state media reported. The blaze broke out after a fight between prisoners, the reports added in an apparent attempt to separate the incident from protests that have been raging across Iran triggered by the death of a young woman in police custody. Gunshots were heard at the prison while plumes of smoke rose from the building and alarms sounded, videos posted online and local media reported. Hundreds of people, including many political prisoners, are incarcerated at Evin, where charities have reported repeated abuses of human rights.

The unrest at Evin prison came during the fifth week of anti-government protests across Iran that erupted after Mahsa Amini died last month at the age of 22 following her arrest by Iran's "morality police". Public anger over Ms Amini's death saw girls and women removing their mandatory headscarves and cutting their hair on the street in protest. At least 233 protesters have been killed since demonstrations swept Iran on 17 September, estimates from the US-based rights monitor HRANA show. The group said 32 of those dead were below the age of 18. The protests continued on Sunday 16th October, including in the cities of Tabriz and Rasht, to a heavy deployment of riot police. "Iran has turned into a big prison," videos posted on social media showed students at a Tehran university chanting. "Evin prison has become a slaughterhouse." Other videos showed fires being lit at road intersections in several cities, including the capital and Piranshahr where car drivers honked their horns and anti-government slogans could be heard. Dozens of protesters were also seen in a poor neighbourhood of Tehran, before being dispersed by security forces mounted on motorbikes and shooting tear gas cannisters in the air.

Sucessfully Chalenge Against Secretary of State

Karl Oakley is serving a life sentence for manslaughter. He is currently detained in HMP Erlestoke, a category C prison. He challenges the decision of the Secretary of State for Justice, communicated on 29 June 2021, to refuse to accept the Parole Board's recommendation that he be transferred to open conditions. Permission to apply for judicial review was granted by Steyn J on 13 June 2022. In this case, the key conclusion of the Parole Board with which the Secretary of State disagreed was that "there is no further work for you to undertake in closed conditions". Mr Grandison accepts that the Secretary of State needed a very good reason for departing from this conclusion. The concession was, in my view, rightly made. If the Parole Board had been saying "Mr Oakley could in principle do this further work in either closed or open conditions but we think his level of risk is low enough that he should be transferred to open conditions before he starts it", it might be said that the conclusion involved an evaluative judgment on which the Parole Board enjoys no particular advantage over the Secretary of State. But the Parole Board was not saying that. When their decision is read as a whole, they were expressing the view that – on the evidence before them and given Mr Oakley's unusual constellation of problems, including his ASD, the fact that he had already completed a number of courses and the limited availability of other relevant provision in the closed estate – the further work which Mr Oakley needed to complete could not be undertaken in the closed estate. This was a conclusion of fact reached by a partly expert panel after considering expert evidence and after questioning and assessing

the evidence of the single witness who took a contrary view. Mr Grandison submitted that there was a very good reason for departing from the Parole Board's view on this question – namely their failure to follow, or even refer to, the Directions. Where a Parole Board recommendation fails to refer to the Directions, and as a result misdirects itself as to the test to be applied, or fails to have regard to a mandatorily relevant consideration, that will be a good ground for departing from it, as Whipple J made clear in Stephens.

In this case, however, the main passages on which Mr Grandison relies are not in the operative part of the Directions at all, but in the Introduction. Paragraph 3 observes that the "main" facilities, interventions and resources for addressing and reducing core risk factors exist "principally" in the closed estate. Nothing in the Parole Board's decision is inconsistent with that observation; its conclusion was that, on the particular facts of Mr Oakley's case, no such facilities, interventions or resources suitable for him were available in the closed estate. Paragraph 5 directs the Parole Board to concentrate on assessing whether the prisoner has made "significant progress" in changing his/her attitudes and tackling behavioural problems in closed conditions. Although the recommendation does not use the phrase "significant progress", their recommendation sets out in great detail the progress made on the various courses Mr Oakley had attended. The panel concluded that, with the proper support in place, he could be safely managed in open conditions. Although he had on occasion displayed verbally aggressive behaviour, "this had not led to any incidents of physical violence for many years". Reading the recommendation as a whole, it is clear that the panel considered that Mr Oakley had made significant progress in changing his attitudes and tacking his behavioural problems in closed conditions.

Whether Mr Oakley had made "sufficient" progress and whether his risk had reduced "to a level consistent with protecting the public from harm" (see para. 7(a) of the Directions) were evaluative questions. Again, although the Parole Board did not recite these forms of words, they must have answered both questions in the affirmative: see their conclusions that he could be "safely managed in open conditions", did not pose an "imminent risk" in open conditions and did not "represent an abscond risk". As to the obligation to consider the nature of any offences against prison discipline and the prisoner's attitude and behaviour to other prisoners and staff (para. 9(e) and (f) of the Directions), both were considered in the body of the recommendation.

The Directions are, accordingly, a red herring in this case. The Parole Board's failure to refer to them did not lead to any misdirection or failure to have regard to a mandatorily relevant consideration. They do not supply a reason for the Secretary of State to depart from the Parole Board's recommendation. In any event, it may be noted that they were not mentioned by the Secretary of States' in his reasons for doing so.

What then was the Secretary of State's reason? The kernel of it is to be found in the single sentence in paragraph 7 of the letter of 29 June 2021, quoted at para. 17 above: that further work to develop more consistent coping strategies, increase tolerance to stress and improve emotional regulation should be completed prior to a move to open conditions. In my judgment, this did not engage with the Parole Board's view, reached after hearing the experts questioned, that there was no such further work to be completed in closed conditions. It may be that the Secretary of State had a proper basis for doubting that conclusion. If so, the decision letter does not reveal it. The decision is inadequately reasoned and, for that reason, unlawful.

Relief: The ordinary relief where a decision is found unlawful because it is inadequately reasoned is a quashing order. The effect of such an order is that the decision-maker has to retake the challenged decision applying the law as set out in the court's judgment. Mr Hetherington at one stage suggested (albeit tentatively) that, if on the evidence there was no

proper basis for departing from the Parole Board's decision, I should also grant a mandatory order requiring the Secretary of State to accept the recommendation of the Parole Board.

There are two major difficulties with that form of relief. First, the challenge has succeeded on the ground that the decision is inadequately reasoned. It is not possible to say that there was no basis for departing from the decision, only that none was shown. Secondly, decisions as to transfer have to be taken on up-to-date information. Matters may have moved on since 29 June 2021. The Secretary of State must be entitled, and indeed obliged, to have regard to any relevant developments of which he is aware before re-taking the challenged decision. For these reasons, the proper form of relief is an order quashing the decision and remitting the matter to the Secretary of State to reconsider the decision according to law.

Oladeji Omishore: Family Announce Legal Action Against Police Watchdog

The family of Oladeji Omishore have announced that they are threatening legal action against the Independent Office for Police Conduct (IOPC). They are challenging the IOPC decision not to hold a criminal or conduct investigation into Oladeji's death following Metropolitan police contact, which they believe is unlawful and irrational. The proposed action is a judicial review challenging the IOPC to apply its own criteria on investigations correctly and rationally, with the aim of ensuring that the police watchdog carries out a more robust investigation in this case. Without a criminal or conduct investigation, officers involved in deaths are only treated as witnesses, rather than as subjects of investigations. Their evidence is unlikely to be scrutinised and challenged to the extent that it would be under a conduct or criminal investigation. The officers in this case remain on active duty. This legal action follows the publication of a review into Metropolitan police culture by Louise Casey, which concluded the force must take a "zero-tolerance" approach to misogyny and racism and enable offending officers to be sacked more easily.

Oladeji, known as Deji, died on 4 June 2022. The 41 year old fell into the River Thames following use of Taser by two Metropolitan Police Officers on Chelsea Bridge. He was experiencing a mental health crisis. The IOPC are conducting an investigation into his death, but do not consider that a more thorough conduct investigation (which could lead to disciplinary action against officers involved) or a criminal investigation (which could lead to criminal charges) is required. In a joint statement, the family said: "Deji was only a few moments' walk from his home and appears to have been vulnerable and frightened. The two Metropolitan police officers who confronted him used repeated force on hi which we consider was excessive and unjustified. We want those officers to explain why they did not use their training to de-escalate the situation, and safeguard Deji, instead of taking the actions that led to his tragic death. We wish to pursue a judicial review claim against the IOPC for their continuing decision to treat the two officers as witnesses to the investigation and not subjects of the investigation, and not to classify the investigation as a conduct or criminal investigation. The damning Casey review of Metropolitan police culture, published on the 16th October, solidifies our concern that more must be done to ensure police are held to account for misconduct. We are asking all those who support our cause to stand with us in taking this action which, if successful, would set a standard and ensure improved access to justice for many more families and more thorough scrutiny of policing."

Deborah Coles, Director of INQUEST, said: "It is in both the interest of both the public and bereaved families that police officers are subject to robust investigation of the highest standard. They are public servants and must be held to account at an individual and corporate level when things go so badly wrong. It is vital that conduct or criminal investigations are commenced urgently after a death, to ensure scrutiny is thorough and that officers are rightly

treated as subjects of investigations, not just witnesses. This is an issue which has impacted bereaved families for years. This legal action from the Omishore family is an important step in challenging this systemic issue in the investigation of deaths in police contact."

Kate Maynard of Hickman and Rose solicitors, who represent the family, said: "The threshold to treat officers as subjects and declare a conduct investigation is low. The IOPC only needed to consider there to be an indication that the officer may have committed a criminal offence or have behaved in a manner that would justify them facing disciplinary proceedings. The failure of these officers to diligently exercise their duties and responsibilities and the excessive use of force are obvious potential disciplinary infringements for investigation. The failure to interview the officers as subjects of investigation under caution, and to properly test their evidence under a misconduct notice, risks becoming a material flaw in the investigation, as has happened in other cases. The family is taking a stand to set a gold standard for other cases. "

Rehan Malik v Governor of HMP Hindley

The background to this case is that the Applicant was extradited to Germany on an accusation European Arrest Warrant in April 2019 having been unsuccessful in legal proceedings which included a judgment of McGowan J on 19 December 2018: Malik v Germany [2018] EWHC 3479 (Admin). In Germany, he was then tried, convicted and sentenced. Arrangements were then made pursuant to the Repatriation of Prisoners Act 1984 for the Applicant to be brought back to England and Wales to serve that German prison sentence here. A warrant under section 1 of the 1984 Act was issued on 28 September 2021, his return to the UK was on 28 October 2021 and a section 6 replacement warrant was issued on 26 January 2022. His sentence expiry date is 12 April 2025 and his half-time conditional release date is 21 July 2023.

Two substantive applications have been made to this Court. Each of them directly concerns the liberty of the individual. The first is an application issued in June 2022 for habeas corpus on the grounds that the Applicant is unlawfully detained. Two prominent legal arguments feature in that application. The first is an argument that aspects of the extradition process involving a German public prosecutor as purported issuing authority, an issue on which the Luxembourg Court ruled on 27 May 2019 (see Minister for Justice and Equality v OG & PI C-508/18 & C-82/19 PPU) EU:C:2019:456 , have a legally vitiating consequence for the extradition, whose domino effect renders unlawful the Applicant's subsequent and current incarceration.

In all the circumstances, I am making an Order which will be designed to achieve the following. (1) The application for bail is adjourned to the scheduled hearing on 27 October 2022. (At that hearing the Court will progress the substantive applications to the extent that it is able in the circumstances as they then are.)

In the meantime: (2) The Respondent's solicitors are to notify this afternoon the Bar Standards Board and Law Society providing a gist and subsequently this judgment.

(3) Mr Shrimpton and Mr Mirza (and Harper Law) shall have until 4pm on Monday 17 October 2022 to provide any further materials in the light of the judgment today of the court.

(4) The BSB and Law Society have until 4pm on Wednesday 19 October 2022 to file any observations or materials to assist the Court should they wish to do so.

(5) The Respondent shall have until 6pm on Wednesday 19 October 2022 to file any observations or materials in light of this judgment and anything that has been received by the Court.

(6) Mr Shrimpton and Mr Mirza (and Harper Law) have until 4pm on Thursday 20 October 2022 to file any observations or materials in reply.

(7) The Court will deal on the papers by way of a written determination with the question of rights of

audience and if appropriate any issue arising out of the "on the record" matter.

(8) Liberty to the parties to apply to Fordham J for any variation of the directions of any further directions to be considered in the first instance on paper. I will ask for assistance in the drawing up of an order to embody all of that. I ought to make clear that it was accepted, by all those who addressed me today, that the rights of audience question (and anything relating to "on the record") could and should be addressed by the Court on the papers and determined on the papers with a ruling to be released giving the Court's decision and reasons. So, in all those circumstances the application for bail is adjourned and I make the order in the terms outlined. I will ask for assistance in the drawing up of an order to embody all of that. I ought to make clear that it was accepted, by all those who addressed me today, that the rights of audience question (and anything relating to "on the record") could and should be addressed by the Court on the papers and determined on the papers with a ruling to be released giving the Court's decision and reasons. So, in all those circumstances the application for bail is adjourned and I make the order in the terms outlined.

HMP Pentonville - Decency and Rehabilitation are a Pipe Dream

Commenting on the findings of conditions at HMP Pentonville by HM Inspectorate of Prisons Peter Dawson, director of the Prison Reform Trust said: “The government should hang its head in shame over this damning report. Decency and rehabilitation are a pipe dream while conditions like this still exist. But there is no plan to end overcrowding and no plan to replace the many prisons that are as old and as disastrously unfit for purpose as Pentonville. Expecting people to live and work in such conditions is a disgrace. It’s time for ministers to explain when they will act to end this national scandal once and for all.” So why do I call the situation at Pentonville a “disgrace”? The answer is simple and the chief inspector has called it right. Over 1,100 prisoners in a prison designed for 520, three-quarters of those people unemployed and spending all but an hour or so of every day locked in a shared cell designed for one, lunch served at 10.30 in the morning and an evening meal at 4 in the afternoon. Cells occupied despite having no furniture except a bunk, cockroach infestation, most prisoners unable to take a daily shower.

Prisoners' Release MP Virendra Sharma:

To ask the Secretary of State for Justice, what assessment he has made of the potential impact of the use of escorted day release for people convicted of serious crimes on (a) public safety and (b) the welfare of those convicted. Rob Butler: For offenders detained in prison, the Prison Rules provide for the temporary release of sentenced prisoners for specified purposes. By providing opportunities to work, learn and build family ties, temporary release from prison helps prevent offenders from returning to crime when they leave prison. Release on temporary licence (ROTL) will only take place after careful risk assessment and is subject to stringent conditions, which are robustly enforced. Prisoners breaching conditions can be immediately returned to prison, disciplined and may face re categorisation to a higher security prison and refusal of subsequent R OTL applications. Where a Hospital Order is made by a court as an alternative to a prison sentence, the court may also impose a restriction order under section 41 of the Mental Health Act, if it considers it necessary to do so to protect the public form se rious harm. While a section 41 restriction order is in force, patients are subject to special controls by the Secretary of State for Justice meaning the clinician treating the patient must obtain the consent of the Secretary of State for Justice for certain key decisions, such as transferring the patient to a different hospital or allowing access to the community. This is to ensure that the patient is managed safely and that public protection is a priority in the patient’s progress through the hospital system. Decisions made in relation to leave are made following rigorous risk assessments that consider, among other things, the risk of harm posed by the patient to themselves and to the public.

Conviction Overturned Following CCRC Referral Due to Concerns About Witness

The Court of Appeal has overturned a CCRC referral for conspiracy to commit common assault and actual bodily harm. The 2004 conviction of Mr Uthayathas Balasubramaniam, which was referred by the CCRC in December of 2021, was overturned by the Court on 14 October 2022. The case relates to the death of Sellathurai Balasingham on 6 November 2001 who was attacked and beaten to death by a group of men near to his home in South London. Mr Balasubramaniam was one of a number of men charged with his murder. Following several appeals and re-trials, the Court of Appeal overturned the convictions of all but one of Mr Balasubramaniam’s co-defendants in 2011. During those proceedings new information came to light, including questions regarding the credibility of a witness.

Miscarriage’s of Justice - Behind The Headlines

It seems everyone has an opinion, especially those armchair ‘experts’ who state with absolute certainty a person’s guilt or innocence, never having seen a single paper in the case their information gained from lurid and wildly inaccurate newspaper headlines and gossip and their opinions formed by their own personal prejudices and agenda. Trolls, poison pen’ journalists’ and pseudo academics undermine and attack cases hiding behind claims that they are helping miscarriages of justice cases. Others exploit those desperate for justice, vulnerable people are conned out of money, exploited by those who claim to have all the answers when they have none, it sometimes seems that those who shout the loudest have nothing to say. It is most often a long and lonely path fighting injustice when ,suddenly out of the blue it seems ,new information comes to light, but this is often a result of many years work behind the scenes. If you want to know the truth behind the headlines if you want to hear from those intimately involved in these cases, then you must attend the United Against Injustice Conference Saturday 29 October 2022.

CCRC Annual Report 57 Convictions Overturned : Totaly Misleading

Dozens of people who suffered miscarriages of justice had their convictions quashed or sentence reduced this year, the Criminal Cases Review Commission (CCRC) has revealed 57 convictions or sentences overturned by courts in the last year, however 47 of these convictions, involved convictions against Post Office workers

Parole Board (Amendment) Rules 2022

That this House regrets that the Parole Board (Amendment) Rules 2022 introduce a “single view” procedure which (1) will prevent forensic psychologists, prison and probation officers, and other specialists working for or commissioned by His Majesty’s Prison and Probation Service from making recommendations to the Parole Board on the release or transfer of prisoners to open conditions, (2) has potentially profound implications for the sentence progression of individuals subject to Parole Board oversight, and (3) has been made by the made negative procedure, with no external consultation or parliamentary debate. The second ground for regret is that the Government have simply failed to establish that there is a problem which justifies the package of changes made. In other words, there is no evidence of the problem the changes purport to solve. These changes may well result in increased risk to the public, as the Parole Board is denied the benefit of expert opinion and the opportunity to see how prisoners respond in conditions of lower security. As we know, having the benefit of expert opinion and proper risk assessment is important to ensure that prisoners are prepared for reintegration into society.