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Review Mandatory Life Sentences For Murder, Says Joint Enterprise Report

Owen Bowcott, Guardian: Mandatory life sentences for murder should be reviewed and the prosecution of "joint enterprise" cases closely monitored because the law lacks clarity, a report by the Prison Reform Trust has urged. The controversial criminal law doctrine permits two or more defendants to be convicted of the same offence even where they had different levels of involvement. Critics have accused police and prosecutors of using it as a "dragnet" to target young people – often from black, Asian and minority ethnic backgrounds. The appeal court has begun considering a number of test challenges which could have implications for hundreds of people in prison convicted under joint enterprise rules. The campaign group Joint Enterprise Not Guilty by Association estimates that there could be as many as 700 individuals whose cases may need to be reviewed under the revised foresight rule. The report published on Tuesday by the Prison Reform Trust and the Institute for Criminal Policy Research (ICPR) of Birkbeck College, University of London, also calls for clearer guidance for judges when sentencing those convicted.

The report recommends that the Crown Prosecution Service (CPS) should monitor and record the alleged basis of legal liability for each defendant in cases where multiple defendants are charged with the same principal offence. The record should include whether each defendant is charged as a principal or accessory. It also calls for the sentencing council to issue improved guidance to judges covering whether a defendant was a principal or accessory and how the courts should deal with offenders whose specific roles with respect to the offence are not known. Additionally, the report suggests, courts, the CPS and other bodies should avoid using the phrase "joint enterprise", as it says this is "now toxic", and consider alternative terminology. "In passing sentence," the report states, "judges have limited capacity to reflect differing levels of culpability of defendants convicted of murder on an accessory basis. The mandatory life sentence for murder should be reviewed."

Jessica Jacobson of the ICPR, one of the authors of the report, said: "At this time of significant change to the joint enterprise doctrine, there is more urgency and more opportunity … [to make] the prosecution process clearer and more transparent." She said this would help those involved in multi-defendant cases – whether as victims, witnesses, relatives or defendants themselves – understand the workings of the prosecution process "and, potentially at least, view it as legitimate". The study, funded by the Nuffield Foundation, examined a sample of 61 CPS case files and associated court transcripts of prosecutions carried out under joint enterprise rules. Of these, 34 involved allegations of robbery, 15 allegations of serious assault and 12 allegations of murder. Almost two-thirds of the 157 defendants were under 25. Of defendants for whom ethnicity was known, about two-thirds were from minority ethnic groups. Commenting on the report, Edward Fitzgerald QC, of Doughty Street Chambers, said: "The injustice of the joint enterprise doctrine, particularly as it applies to murder cases, has now been recognised by the supreme court. "This new study throws light on the problems that the joint enterprise doctrine creates in individual cases and points to the way forward for the future."

'Grotesque Collusion' Between Police & Press on Historic Abuse Cases

Jon Robins, Justice Gap: Peers last week called for a ban on 'media stunts' by the police investigating allegations of historical child sex abuse and expressed concerns about an erosion of the presumption of innocence. In a debate about the need for robust statutory guidelines on the investigation of such cases, the Conservative peer Lord Lexden noted what 'a cultural shift towards believing allegations of abuse'. 'It is but a short step from such practices to the diminution, if not the reversal, of that most basic of our rights: that we are innocent until proved guilty,' he said. Peers expressed their concern about a run of recent cases involving accusations against former head of the Army Lord Bramall, Lord Leon Brittan, the DJ Paul Gambaccini and singer Sir Cliff Richard. Lord Lexden was highly critical of the 'blaze of publicity' following the coverage of the 2014 raid of Richard's home which was, he said, created by the police and the BBC acting in 'grotesque collusion'. 'Many would feel that an explicit ban is needed on the deplorable media stunts in which the police have been involved and on sustained, irresponsible trawling for evidence,' he said.

The debate proposed by Lord Lexden was a motion to 'take note of the case for introducing statutory guidelines relating to the investigation of cases of historical child sex abuse'. Peers were told that as a result of the 2012 revelations about the scale of abuse by Jimmy Savile following the airing of an ITV documentary, there had been an exponential increase in allegations. According to the National Police Chiefs' Council's lead for child protection, Simon Bailey in March 2016 that there had been an 80% rise in child sex offence allegations in the three years to 2015. Over the last 12 months, there were 70,000 investigations with historical complaints making up 25% to 30% of the total. The average cost of each investigation is £19,000. 'If it continues at this rate we will be investigating 200,000 cases at a cost of £3 billion by 2020,' Bailey said. Lord Lexden, who is the official historian of the Conservative party, called Operation Midland, the failed VIP paedophile ring investigation, a 'ludicrous, large-scale police operation undertaken on the word of a fantasist'. When it was launched, detective superintendent Kenny McDonald described claims by a man known only as 'Nick' as 'credible and true'. The high profile investigation lasted 18 months, cost £1.8 million but failed to turn up any significant evidence. 'Just a little light research would have shown that much the same story, minus murder, had been manufactured 20 years earlier,' Lexden said.

The Tory peer Lord Cormack told the House that he could not recall a time when he felt more angry than when he saw a senior Wiltshire Police officer in front of Edward Heath's home in Salisbury appealing for 'victims' to step forward. 'We are dealing with Salisbury in the 21st century and not with Salem in the 17th. There has been too much in recent years of the atmosphere of the witch hunt,' h said. Lord Dear, former chief constable of the West Midlands Police, expressed his concern as to the manner of the investigation into Lord Bramall. He said: '[It] surely is totally inappropriate to turn up at his house in a small market town with marked police cars, with 20 – no less – officers in white scenes of crime suits to carry out a search of his property, in a blaze of publicity.'

Peers also lined up to express their concern about Church of England's treatment of the former Bishop of Chichester, George Bell. The former Bishop of Chichester died in 1958, was revered by many and, according to the historian Ian Kershaw, was 'the most significant English clergyman of the 20th century'. Peter Hitchens called Bell the 'one undeniably great figure' in a recent Spectator profile. Some 37 years after Bell's death a woman known only as 'Carol' made complaints that the he had abused her when she was five years old. Compensation was paid out after a civil compensation claim was settled last October by the Church of England.

Lord Carey, former Archbishop of Canterbury, spoke of his 'distress' at the Church's con-

duct of the case which he reckoned had fallen considerably short of even a civil standard of proof (i.e., balance of probabilities). He reckoned that the the investigation had failed to check contemporary accounts in order to determine the accuracy of allegations, interview surviving relatives or even speak to his chaplain at the time the abuse was claimed to have taken place. Instead the bishop been 'judged a paedophile and a pervert' and the 'trashing of his memory and magnificent career' was well under way. 'Even the civil standard relies on a person having a defence, someone to bat for them, and we have no evidence that the safeguarding officials of the Church of England… who oversaw the supposedly painstaking investigation looked at any evidence,' he said. '… Its procedures have had the character of a kangaroo court and not a just, compassionate and balanced investigation of the facts,' Lord Carey said. He went on to say that there was 'a strong case to be made for a new approach to historic sex abuses'. 'When a complaint is brought, we should not expect the police to regard it as credible and true but to investigate it with an open mind, pursuing the evidence wherever it leads to build a case which the prosecuting authorities believe has a chance of obtaining a conviction.'

Half of Police Officers Facing Gross Misconduct Charges Quit Force Before Case Heard

Guardian: Of the 833 officers added to the "disapproved register" by forces in England and Wales in its first two years, 416 left before their cases were resolved, the College of Policing said. Of the 369 who left in the year between December 2014 and November 2015, 202 were dismissed, 147 resigned and 20 retired, while in the 12 months from December 2013, 215 were dismissed, 219 resigned and 30 retired. The government introduced a bar on officers from leaving the force before misconduct investigations in an amendment to police regulations which came into effect in January 2015. However, this did not apply to ongoing investigations.

Among the officers who left before their hearings were 34 accused of having a relationship with a vulnerable person, 11 who faced allegations of sexual misconduct towards colleagues and 30 accused of domestic abuse. Of the reasons for leaving the service over the two years, through dismissal, retiring or resigning, the highest number – 107 – did so because of a failure to perform their duty, followed by data misuse, at 89, and giving false evidence, at 74. In 2014-15, eight officers were dismissed and three resigned while under investigation over child sex offences, taking the total for the 24-month period to 16.

The figures for officers added to the register have been broken down by force for the first time, with the highest number, 148, leaving the Metropolitan police, the country's largest force, followed by the Ministry of Defence police at 56 and Essex police at 41. The figures were also broken down by rank and showed the number of police constables who left due to misconduct was 697, while there were 92 sergeants, 39 inspectors, nine chief inspectors, three superintendents and three chief superintendents. All 43 forces in England and Wales, along with British Transport police and the Ministry of Defence police, voluntarily contribute to the disapproved register. The majority of those who were placed on the register were reported by colleagues, with internal complaints the source of 91% of cases in 2013-14 and 84% in 2014-15.

The register was introduced to prevent officers from re-entering the service after being dismissed for misconduct or resigning or retiring while subject to a gross misconduct investigation where there would have been a case to answer. College of Policing standards manager, Det Supt Ray Marley, said: "There is a misconception that police do not report wrongdoing by their colleagues and this is clear evidence that they are confronting unacceptable behaviour and using formal misconduct mechanisms to hold their colleagues to account. "The number of officers on

the register represents a tiny percentage of the overall workforce which shows the level of misconduct across the service is low. However, the police are not complacent and will continue to report colleagues they believe have been involved in wrongdoing. The police have more than 6m interactions a year with the public and confidence is rising. This is reflected by the Office for National Statistics which showed the proportion of adults who feel local police are doing a good or excellent job in 2013-14 was 63%, compared to a positive rating 10 years previously of 47%."

Civilians More Likely to be Killed by CIA Drones Than US Air Force

Bureau of Investigative Journalism: Official estimates show civilians more likely to be killed by CIA drones than by US Air Force actions. The reality is likely far worse: Targeted killings or assassinations beyond the battlefield remain a highly charged subject. Most controversial of all is the number of civilians killed in US covert and clandestine drone strikes since 2002. The new White House data relates only to Obama's first seven years in office – during which it says 473 covert and clandestine airstrikes and drone attacks were carried out in Pakistan, Yemen, Somalia and Libya.

The US claims that between 64 and 116 civilians died in these actions – around one non-combatant killed for every seven or so strikes. That official estimate suggests civilians are significantly more likely to die in a JSOC or CIA drone attack than in conventional US airstrikes. United Nations data for Afghanistan indicates that one civilian was killed for every 11 international airstrikes in 2014, for example. But for Obama's secret wars, the public record suggests a far worse reality. According to Bureau monitoring, between 2009 and 2015 an estimated 256 civilians have died in CIA drone strikes in Pakistan. A further 124 civilians are likely to have been slain in Yemen, with less than 10 non-combatants estimated killed in Somalia strikes. Similar tallies are reported by the New America Foundation and the Long War Journal.

So why have civilians been at greater risk from these covert and clandestine US airstrikes? Part of the answer lies in who the US kills. Many of those pursued are high value targets – senior or middle ranking terrorist or militant group commanders. Bluntly put, the higher the value of the target – and the greater the threat they represent to you – the more the laws of war allow you to put civilians in harm's way. The CIA also frequently missed those same high-value targets. A 2014 study by legal charity Reprieve suggested that US drone strikes in Yemen and Pakistan had killed as many as 1,147 unknown people in failed attempts to kill 41 named targets. It's also clear the CIA has been using a very different rule book. In an effort to lower civilian deaths in Afghanistan, international airstrikes on buildings and urban locations were mostly banned from 2008. Yet in Pakistan, more than 60% of CIA strikes have targeted domestic buildings (or "militant compounds") according to Bureau research.

When President Obama apologised for the accidental 2015 killing of US aid worker Warren Weinstein, he revealed that the US had kept the target building under surveillance for "hundreds of hours" – yet had never known there were civilians inside. Many of the women and children credibly reported killed by the CIA in Pakistan have died in similar circumstances – though few of their deaths have ever been conceded. Then there have been the more shocking tactics employed by the CIA. There was the deliberate targeting of funerals and rescuers, again first revealed by the Bureau. And the widespread use of so-called signature strikes during the Obama years – the targeting of suspects based not on their known identities, but on their behavioural patterns. In the most notorious such incident, at least 35 civilians died when the CIA targeted a tribal meeting in 2011 – an action which significantly damaged US-Pakistani relations. None of those deaths appear have been included in the White House's

casualty estimates. Missing too are the 41 civilians – including 22 children – slain in a JSOC cruise missile strike on Yemen in 2009. These two events alone indicate more civilian deaths than all of those now admitted across seven years.

The CIA has long played down the number of civilians killed in its drone strikes. It was the Bureau which first challenged John Brennan after he claimed there had been no civilian deaths from CIA strikes for 15 months. The public record showed otherwise. Even leaked CIA documents demonstrated Brennan's economy with the truth. US Special Forces have also long hidden the true effect of their actions. Leaked cables obtained by Wikileaks revealed that under Obama, Centcom conspired with Yemen's then-president to cover up US involvement in the deaths of civilians. And four years later, JSOC's bombing of a Yemen wedding convoy led (anonymous) CIA officials to criticise the elite unit – even as the Pentagon publicly denied any civilian deaths. Today's official White House estimates should be read in the context of these continued evasions and untruths. Though welcome as a general step towards improved transparency – and with new rules which may reduce the risk to civilians – they do little to reconcile the continuing gulf between public estimates and official claims.

Five of the Worst Atrocities Carried Out by the British Empire *Source: Indpendant*

At its height in 1922, the British empire governed a fifth of the world's population.

1. Boer Concentration Camps - During the Second Boer War (1899-1902), the British rounded up around a sixth of the Boer population - mainly women and children - and detained them in camps, which were overcrowded and prone to outbreaks of disease, with scant food rations. Of the 107,000 people interned in the camps, 27,927 Boers died, along with an unknown number of black Africans.

2. Amritsar massacre - When peaceful protesters defied a government order and demonstrated against British colonial rule in Amritsar, India, on 13 April 1919, they were blocked inside the walled Jallianwala Gardens and fired upon by Gurkha soldiers. The soldiers, under the orders of Brigadier Reginald Dyer, kept firing until they ran out of ammunition, killing between 379 and 1,000 protesters and injuring another 1,100 within 10 minutes.

3. Partitioning of India - In 1947, Cyril Radcliffe was tasked with drawing the border between India and the newly created state of Pakistan over the course of a single lunch. After Cyril Radcliffe split the subcontinent along religious lines, uprooting over 10 million people, Hindus in Pakistan and Muslims in India were forced to escape their homes as the situation quickly descended into violence. Some estimates suggest up to one million people lost their lives in sectarian killings.

4. Mau Mau Uprising - Thousands of elderly Kenyans, who claim British colonial forces mistreated, raped and tortured them during the Mau Mau Uprising (1951-1960), have launched a £200m damages claim against the UK Government. Members of the Kikuyu tribe were detained in camps, since described as "Britain's gulags" or concentration camps, where they allege they were systematically tortured and suffered serious sexual assault. Estimates of the deaths vary widely: historian David Anderson estimates there were 20,000, whereas Caroline Elkins believes up to 100,000 could have died.

5. Famines in India - Between 12 and 29 million Indians died of starvation while it was under the control of the British Empire, as millions of tons of wheat were exported to Britain as famine raged in India. In 1943, up to four million Bengalis starved to death when Winston Churchill diverted food to British soldiers and countries such as Greece while a deadly famine swept through Bengal. Talking about the Bengal famine in 1943, Churchill said: "I hate Indians. They are a beastly people with a beastly religion. The famine was their own fault for breeding like rabbits."

SWAWC - Submission to United Nations Universal Periodic Review (UPR)

Introduction: South Wales against Wrongful Conviction (formerly South Wales Liberty) is a voluntary support group. Our role is to offer support and advice to people maintaining wrongful conviction and their families and friends. We naturally have many human rights concerns about the criminal justice system and the appeal process but the focus of this submission addresses the key issue of inhumane treatment of prisoners. Three of our members attended an information day on the United Nations Universal Periodic Review (UPR) in Cardiff on 28th April 2016 hosted by the British Institute of Human Rights (BIHR) and we submit the following evidence for the UPR via the BIHR. We believe that the current treatment of some prisoners in the UK, most notably in terms of segregation, isolation and lack of time out of cell, hence lack of stimulation, fresh air and exercise, amounts to an infringement of the UK's obligations under the Convention against Torture (ratified by the UK in 1988) and an infringement of: -

Article 5 of the UN Universal Declaration of Human Rights "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". The following argument considers that torture and inhumane treatment can be defined in terms of both physical and psychological deprivations. It comprises three sections: 1. Time out of Cells 2. Conditions in Segregation and Close Supervision Centres 3. Our Requests to the United Nations Universal Periodic Review (UPR)

1. Time out of Cells - HM Inspectorate of Prisons has long recognised the dangers of excessive confinement. The Inspectorate noted in 2007: "The amount of time spent outside cells is also critical to the mental health and wellbeing of prisoners. For those reasons, the public sector Prison Service has a key performance target (KPT) of 10 hours a day during weekdays for time out of cell. In nine prisons, (surveyed for the report) the best outcome for an unemployed prisoner amounted to less than four hours a day out of cell – and on a worst case could be less than an hour. It is clear that this aim has never been met and there is no doubt that the situation has continued to deteriorate as indicated by HM Chief Inspector of Prisons Report of 2014–15. Purposeful activity outcomes were at their lowest level since we first began to collate these annually in 2005–06, and were only good or reasonably good in around a quarter of prisons. Plans for the introduction of new standardised core days and increased activity had been thwarted by acute staff shortages. Prisoners, especially young adults, were spending even more time locked in their cells. There were insufficient activity places in many prisons, and too many of the places that existed were unfilled, with prison staff not always supporting prisoner attendance.

Prisoners who had the least time unlocked were often either unemployed or on the basic regime. Figure 14 (below) from the 2015 Inspection Report illustrates the extent of extreme cellular confinement with an average of 21% of prisoners spending less than two hours a day out of cell. Figure 14: How long do you spend out of your cell on a weekday? Spend more than 10 hours out of cell (weekday) (%) Spend less than two hours out of cell (weekday) (%) / Locals 10 26 '/ Category B trainers 11 11 Category C trainers 18 16 High security 13 7 Young adults 6 36 Open 56 2 Average 14 21. This pattern was reflected recently in the very concerning Inspection Report of Wormwood Scrubs Prison in London in December 2015 when among many concerns noted was that "most prisoners still had less than two hours a day out of their cells" (emphasis added) This situation is exacerbated and the consequences more stressful by overcrowding – the five most overcrowded prisons in May 2016 being between 187% and 157% overcrowded .

The UK's National Prevention Mechanism Report makes the following observations "Human rights standards deem acceptable the practice of separating prisoners based on the likelihood of their exercising 'a bad influence', but any restrictions imposed on persons

already deprived of their liberty must be the minimum necessary and proportionate to the legitimate objective for which they are imposed. At their most severe, isolation practices can amount to solitary confinement, which is defined as follows: 'Solitary confinement is the physical isolation of individuals who are confined to their cells for 22 or more hours a day. Where this lasts for a period in excess of 15 consecutive days it is known as prolonged solitary confinement. In many jurisdictions prisoners are allowed out of their cells for one hour of solitary exercise. Meaningful contact with other people is typically reduced to a minimum. The reduction in stimuli is not only quantitative but also qualitative. The available stimuli and the occasional social contacts are seldom freely chosen, are generally monotonous, and are often not empathetic."' These reports noted that in some prisons in the UK access to fresh air could be limited to 30 minutes and that lack of time out of cell may be particularly applied to "unemployed" prisoners, those on the "basic regime" and those with mental health problems.

Conclusion: Currently around 20% of prisoners in the UK are subject to confinement with less than two hours a day out of cell, for the majority if not all of the week, and that this can be a long term situation. Given the definition of solitary confinement above and the figures provided on lack of time out of cell for many prisoners it is clear that the United Nations, Standard minimum rules for the treatment of prisoners (1955) are not being met. The psychological and physical affects that must follow this amount to inhumane treatment and infringes Article 5 of the UN Universal Declaration of Human Rights.

2.Conditions in Segregation Units and Close Supervision Centres. While we believe the situation described in section 1 above is entirely unacceptable it can partly be attributed to overcrowding and poor staffing levels. However conditions in Segregation Units and Close Supervision Centres (Special Units designed to hold disruptive prisoners) exacerbate this situation to the point of psychological torture and severe threats to health and physical wellbeing. In the case of these units this is a situation created by design and can in no way be justified by circumstances. It is our view that the extreme nature of these regimes: a) Amounts to psychological torture and inevitable physical and mental deterioration. b) Has been perpetuated rather than addressed by government and prison service policy over many years and there is no current intention apparent to improve the situation. This may be best illustrated by two graphic descriptions of life in Close Supervision Centres: In 2003 former Chief Inspector of Prisons Sir David Ramsbottom wrote a book "Prisongate: The shocking state of our prisons and the need for radical reform". Page 113 describes the life of an inmate in a Close Supervision Centre as follows: "Prisoner R had been kept in total seclusion on …the segregation unit of the Close Supervision Centre……for 206 days when we saw him in August 1999…throughout….he had been denied access to work, education, hobbies, gym or the chapel. The furnishings in his cell consisted of a concrete plinth on the floor, on which he put his mattress, a cardboard chair and table, a small fixed mirror and a prison issue notice board. He was not allowed a radio. He barely saw another person….unlocked …for his daily exercise in a small caged yard in which he was left alone…..After what was invariably less than an hour he was taken back to his cell and locked in" (Ramsbotham 2003: 113).

The following letter published in the prison magazine "Inside Time" April 2016 was written by the brother of a man held in a Close Supervision Centre and demonstrates that the extreme nature of the treatment suffered in these units and not improved since Sir David's description in 1999: 54 months In complete isolation. Anonymous - HMP Isis. I was reading an article regarding the recently released Guantanamo Bay detainee Shaker Aamer and his allegations of torture in

the presence of a British MI5 agent. I was intrigued to read the official British response, which was that they do not agree with or condone, and I •quote 'cruel, inhumane or degrading' treatment or behaviour. Since 2010 my brother has been held as a CSC prisoner, excluding 14 months at Broadmoor Hospital, to date-it has been 54 months in complete isolation. In this time he has been unable to integrate with a single person and for the vast majority of this time he has been escorted for his daily 30minutes exercise, 10 minute shower and 10 minute phone call surrounded by 8-10 officers dressed in full riot gear including shields. All this while handcuffed. My brother has had no access to any meaningful activities whatsoever. He has had his legal paperwork tampered with, much of his personal property 'deliberately broken or 'go missing' and been assaulted by officers many, many times. Whilst at Broadmoor Hospital he was diagnosed with severe mental health issues such as paranoid psychosis, paranoid delusional disorder and Asperger's syndrome. Nobody should have to spend 4 years 6 months in segregation, let alone someone with extreme mental health issues. Is this not cruel, inhumane and degrading'?

This current example illustrates how these facilities are being used to create detention conditions that amount to psychological torture and inevitable physical deterioration. Moreover in this case, as no doubt with others, the conditions are prolonged and applied to a person with severe mental health problems. A recent publication (2015) on behalf of the Prison reform trust: Deep Custody: Segregation Units and Close Supervision Centres in England and Wales by Dr Sharon Shalev and Kimmett Edgar highlights, among others, the following concerns: Segregation and Close Supervision Centres (CSCs) entail social isolation, inactivity and increased control of prisoners – a combination proven to harm mental health and wellbeing. 20% of those segregated spent between 14 and 42 days in isolation. 9% of those segregated spent between 14 and 42 days in isolation. The average stay in CSCs was 40 months (over 3 years in the conditions described above) Over half the prisoners interviewed for the study reported three or more mental health problems including anxiety, depression, anger, difficulty in concentration, insomnia and an increased risk of self-harm. Regimes in units were impoverished, comprising little more than a short period of exercise, a shower, a phone call and meals. In most units exercise periods lasted 20-30 minutes well short of the 60 minutes minimum stated in the European Prison Rules for the Treatment of prisoners (the Mandela Rules) About half of the prisoners in CSCs did not understand why they were there and the majority did not know what they needed to do to progress and that the opportunities to demonstrate a reduction in risk were limited. Two thirds of prisoners interviewed were clear that the monitoring mechanism of the Independent Monitoring Boards has not helped them. It is clear that the standards that the UK government deems to be acceptable do not meet international human rights standards.

Norway for example clearly demonstrates a much higher standard even in relation to the most dangerous and notorious of criminals: Anders Breivik's Human Rights Violated In Prison, Norway Court Rules. Norway has violated the human rights of the right wing extremist Anders Breivik by exposing him to inhuman and degrading treatment during his imprisonment for terrorism and mass murder, a Norwegian court has ruled. Breivik, who killed 77 people in July 2011 in the country's worst acts of violence since the second world war, took the Norwegian authorities to court last month, alleging that the solitary confinement in which he had been held for nearly five years breached the European Convention on human rights.

Although Breivik is detained in a three-cell complex where he can play video games, watch TV and exercise, Judge Helen Andenaes Sekulic of the Oslo district court ruled that the Norwegian state had broken article 3 of the convention. The prohibition of inhuman and

degrading treatment "represents a fundamental value in a democratic society", she said in a written decision. "This applies no matter what – also in the treatment of terrorists and killers." The judge ordered the government to pay Breivik's legal costs of 331,000 kroner (£35,000).

Conclusion to Section 2. The conditions in UK Segregation and Close Supervision centres amount to cruel and inhumane treatment and psychological torture. While segregation may be necessary in extreme circumstances the prolonged nature of such confinement and the conditions and restrictions currently operating cannot be justified under human rights law and specifically infringe Article 5 of the UN Declaration of Human Rights.

3. Our Requests to the United Nations Universal Periodic Review (UPR).We urge the UPR to consider the current use of Segregation and Close Supervision Centres in UK prisons and the nature of the conditions currently prevailing. Furthermore to note that there has been no progress and more likely deterioration rather than improvement in recent years. We urge the UPR to put pressure on the UK government to radically reform or abolish these facilities in line with human rights standards and to ensure the prevention of torture, cruel or inhuman treatment is ended in UK prisons. We urge the UPR to put pressure on the UK government to fulfil its once stated commitment of a minimum of 10 hours a day out of cell and to ensure that all prisoners are given access to purposeful activity and that the current position of 20% of prisoners having less than two hours a days out of cell is immediately addressed.

We are grateful for any support that the UPR can give in addressing the current infringements of fundamental human rights described in this submission.

Source: South Wales against Wrongful Conviction June 2016 www.swawc.org.uk

Chilcot Report: Key Points From the Iraq Inquiry

The Chilcot inquiry has delivered a damning verdict on the former prime minister Tony Blair's decision to commit British troops to the US-led invasion of Iraq in 2003. It says:

The UK Chose To Join The Invasion Before Peaceful Options Had Been Exhausted: Chilcot is withering about Blair's choice to join the US invasion. He says: "We have concluded that the UK chose to join the invasion of Iraq before the peaceful options for disarmament had been exhausted. Military action at that time was not a last resort."

Blair Deliberately Exaggerated The Threat Posed By Saddam Hussein: Chilcot finds that Blair deliberately exaggerated the threat posed by the Iraqi regime as he sought to make the case for military action to MPs and the public in the build-up to the invasion in 2002 and 2003. The then prime minister disregarded warnings about the potential consequences of military action, and relied too heavily on his own beliefs, rather than the more nuanced judgments of the intelligence services. "The judgments about Iraq's capabilities ... were presented with a certainty that was not justified," the report says.

George Bush Largely Ignored Uk Advice On Postwar Planning: The inquiry found that the Bush administration repeatedly over-rode advice from the UK on how to oversee Iraq after the invasion, including the involvement of the United Nations, the control of Iraqi oil money and the extent to which better security should be put at the heart of the military operation. The inquiry specifically criticises the way in which the US dismantled the security apparatus of the Saddam Hussein army and describes the whole invasion as a strategic failure.

There Was No Imminent Threat From Saddam: Iran, North Korea and Libya were considered greater threats in terms of nuclear, chemical and biological weapons proliferation, and the UK Joint Intelligence Committee believed it would take Iraq five years, after the lifting of sanctions, to produce enough fissile material for a weapon, Chilcot finds. Britain's previous strategy of containment could have been adopted and continued for some time.

Britain's Intelligence Agencies Produced 'Flawed Information': The Chilcot report identifies a series of major blunders by the British intelligence services that produced "flawed" information about Saddam's alleged weapons of mass destruction, the basis for going to war. Chilcot says the intelligence community worked from the start on the misguided assumption that Saddam had WMDs and made no attempt to consider the possibility that he had got rid of them, which he had.

The UK Military Were Ill-Equipped For The Task: The UK's military involvement in Iraq ended with the "humiliating" decision to strike deals with enemy militias because British forces were seriously ill-equipped and there was "wholly inadequate" planning and preparation for life after Saddam Hussein, the Chilcot report finds. The Ministry of Defence planned the invasion in a rush and was slow to react to the security threats on the ground, particularly the use of improvised explosive devices (IEDs) that killed so many troops, the report says.

UK-US Relations Would Not Have Been Harmed If Uk Stayed Out Of War: Chilcot rejected the view that the UK would lost diplomatic influence if it had refused to join the war. "Blair was right to weigh the possible consequences for the wider alliance with the US very carefully," the report says. But it adds: "If the UK had refused to join the US in the war it would not have led to a fundamental or lasting change in the UK's relationship with the US.

ECtHR Calls for Rethink of Article 18 to Meet the Challenges of 'Political Justice'

Gherson Immigration: In Tchankotadze v Georgia, a Georgian Official's claim that criminal proceedings had been brought against him for 'ulterior motives', was rejected by the European Court of Human Rights ("ECtHR") but judges called for a re-examination of the controversial Article 18 jurisprudence, and in particular the standard of proof the applicant is required to meet. Article 18 states that 'restrictions permitted under [the] Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.' The provision means that even if a right (such as the right to liberty enshrined in Article 5) is lawfully interfered with, then there will still be a breach of the convention if that interference is in bad faith or politically motivated. It is a 'parasitic'right in the sense that it can only be asserted in conjunction with another right.

The problems with the jurisprudence on Article 18 can be found in the very foundations of ECtHR. The ECtHR can only impose its judgments on states who are Members of the Council of Europe, an international organization that they can join and leave voluntarily. It is a court that must ensure that the states it adjudicates on are sufficiently appeased to maintain their membership of the Council of Europe in order to ensure its own relevancy and survival. It is an inherently political judicial institution. The structural flaws with the ECtHR led to it holding that there is a very high burden of proof on the applicant to prove a violation of Article 18. Article 18 requires the ECtHR not to sanction a states action but its motives, and the court stated that 'the whole structure of the Convention rests on the general assumption that public authorities in the member States acted in good faith'. It therefore ruled in Tymoshenko v Ukraine that an applicant must 'convincingly show that the real aim of the authorities was not the same as proclaimed'. It is a standard of proof that has been described as 'exacting' and is very difficult to meet. The number of times that the Court has found a violation of Article 18 is consequently very small.

The problematic jurisprudence on Article 18 has led to commentators calling for a Grand Chamber decision on the matter to resolve the issue and now judges in the Court in Tchankotadze v Georgia have given their support for this approach. In their Joint

Concurring Opinion, Judges Sajó, Tsotsoria and Pinto De Albuquerque stated that the 'standard of proof for Article 18 violations is prohibitively high' and called upon their fellow judges to 'reconsider this matter at the earliest possible opportunity'. Judge Kuris stated that he had 'to put it mildly, very serious doubts' about the standard of proof he was required to apply, which was 'mountain high'. With judicial voices joining the chorus calling for a change in the approach to Article 18 it seems only a matter of time before the Grand Chamber rules on it. It remains to be seen how the approach to the standard of proof will change and how the Court will balance it's judicial obligations and political considerations.

Does the Underrepresentation of Black and Ethnic Minorities in Britain's Police Force Matter

Sheroy Zaq, Duncan Lewis Solicitors: The Slavery Abolition Act received Royal Assent on 28 August 1833 and was intended to act as a catalyst towards ensuring that over time, Black, Asian and Minority Ethnic ('BAME') individuals were never again to be deprived of their life or liberty as a result of their race. Almost two centuries later, on 31 January 2016, the Prime Minister of the UK stated the following in the Sunday Times: "If you're a young black man, you're more likely to be in a prison cell than studying at a top university."

It cannot be said that the treatment of BAME individuals in the UK has not improved at all over the last two centuries. However, it is plain that institutional racism continues to persist, particularly when one considers the disproportionate treatment of BAME individuals by the police when compared to their white counterparts. The complexity of the arguments at hand is not to be understated. Many would argue that BAME individuals are more likely to get stopped and searched or arrested as a result of the lack of diversity within the police force, which has historically received widespread criticism for possessing a distinct lack of BAME officers. The statistics provide overwhelming support to the argument that BAME individuals are drastically underrepresented within the UK's police force. The potential nexus between that underrepresentation and the impact it has upon the UK's BAME population is also a cause for concern.

According to the Home Office's most recent statistics, the police forces of Cheshire, Durham, North Yorkshire and Dyfed-Powys do not have a single black police officer within their ranks. The highest level of BAME representation within any of the UK's police forces is 11.7% in the Metropolitan Police Service, patrolling a city within which BAME individuals amount to 40.2% of the population. Not a single one of the police forces in England and Wales even comes close to accurately reflecting the ethnic composition of the localities that they purportedly represent. The police force needs to have a greater understanding of the intricacies and nuances within the communities that it serves – it simply cannot do so if it is not an accurate reflection of those communities. BAME individuals, many of whom come from areas within which police brutality, racial stereotyping and poverty are primary concerns, will never feel as though the police force (as it is currently composed) is capable of understanding their concerns. The distinct underrepresentation of BAME individuals within the police force has undoubtedly played a part in reinforcing the "them and us" mentality that currently exists within many of the UK's BAME communities.

That being said, there is some doubt as to whether a representative police force would by itself go to diminishing the extant feeling of despondency towards the police amongst BAME communities in the UK. Tensions between BAME communities and the police force are deep rooted and have evolved over a period of decades. These tensions have manifested themselves in a variety of ways, the most significant of which was arguably the 'England Riots' of 1981 in Brixton, Handsworth, Chapeltown and Toxteth. Perhaps it is overly simplistic to suggest that these tensions would be

ameliorated if BAME individuals were adequately represented within the police force. The argument that certain individuals from BAME communities may feel a heightened sense of resentment if they noticed "one of their own" working for the police force does hold some weight. BAME police officers are often branded as traitors by sections of their own communities for taking employment with the police and are deemed to have short-memories, forgetting the manner in which their parents and grandparents were abhorrently abused by that very same police force upon entry into the United Kingdom. That is not to say that all BAME individuals were subjected to historic racial abuse at the hands of the police force, but the underlying sentiment undoubtedly remains within segments of the UK's BAME population today. The repugnant acts of racial abuse and discrimination that were commonplace within the UK's police force some decades ago still resonate with many BAME communities in 2016, and the deleterious impact of those memories will continue to thrive if the police force does not take steps to address the underrepresentation of BAME police officers as a bare minimum.

The lack of diversity within the police force would not be considered to be a cause for concern if was not perceived to have a direct impact upon the rates of arrest of BAME individuals. A recent publication by the Institute of Race Relations entitled 'The Statistics on the UK's Criminal Justice System' highlights these concerns and the numbers paint a perturbing picture. In summary, the report concluded that people from BAME groups are more likely to be stopped-and-searched than white British people. Analysis of all stop and searches in 2014-2015 by StopWatch, indicated that people from all BAME groups are twice as likely as white people to be stopped and searched. Black people specifically are 4.2 times as likely as white people to be stopped and searched by the police.

Regional forces such as the Metropolitan Police recorded higher arrests of the UK's BAME population when compared to their white counterparts. As stated above, BAME officers make up 11.7% of the Metropolitan Police Service, patrolling a city within which BAME individuals amount to 40.2% of the population – many would advance the view that the arrests of BAME individuals in London would reduce if the composition of the police force was made to be more reflective of the communities that it polices. There are of course opposing standpoints. The most pertinent in this instance is perhaps the 'Chicago School' theory, essentially arguing that the greater the social bonds between a youth and society, the lower the odds of involvement in delinquency. This would perhaps attribute a higher rate of crime to the UK's BAME population as a result of a disconnect between particular BAME communities and the rest of British society.

The UK can no longer turn a blind eye to the composition of the police force. Statistics such as those listed above are published year upon year, and condemned just as frequently. They are shared on Facebook, Twitter and LinkedIn with a hashtag designed to show some form of empathy. The level of gratification amongst not only our police force, but also within our society as a whole, has ensured that there has been no improvement to date despite the fact that these issues have been readily identified and criticised for decades. BAME communities need the composition and appearance of the UK's police force to change, but that alone will not solve the problem. It is hoped that with this change, there will be a shift in attitude concerning the manner in which BAME communities are policed. The police force is meant to be the primary protector of the general population. In 2016, we regrettably find ourselves in a situation where a large proportion of that population still feels as though it needs to be protected from the police.

About the Author: Sheroy Zaq is a Trainee Solicitor within the Prison Law department at Duncan Lewis. He is committed to ensuring that all prisoners are provided with access to justice and the opportunity to progress through the prison system, placing a clear emphasis

on assisting vulnerable prisoners in need of a heightened degree of care.

You Cannot Sacrifice Justice on the Altars of Cost, Speed and Expediency

Julian Young, Justice Gap: Five years on, how would today's pared-down criminal justice system cope with disorder on the scale of the 2011 riots? It wouldn't, says defence solicitor Julian Young. It is five years since almost unprecedented violence erupted on the streets of London and other cities and towns in England. Some participants were fuelled by what happened to Mark Duggan, some were motivated by wanting to enrich themselves unlawfully or have a go at the police and the authorities. The criminal justice system rose to meet the challenge of dealing with large numbers of suspected offenders with its usual professionalism. In other words, we muddled through without proper facilities or plans. The courts ran through the nights with out-dated facilities and exhausted Benches, staff and lawyers doing their very best in the circumstances. The lessons of the old and unlamented 'night courts' scheme seem to have been ignored. What, if anything has been learned since those momentous events of 2011? I'm afraid that the answer is … very little, if anything.

There are no written and clearly set out plans for dealing with such a series of emergencies (or, if there are, I fear that the defence community was not consulted and the plans have not been disseminated); no plans for additional lawyers to be able to attend police stations and courts at exceptionally short notice. The number of courts and police stations has been cut to the bone, meaning longer travel times (unpaid) for all concerned, lawyers as well as relatives of the accused. Facilities in courts are woeful. Just go to the defence advocates' room at, say, Highbury Corner Magistrates' Court to see the conditions we have to endure. There are insufficient qualified prosecutors, insufficient facilities for charging phones and lap tops, the expensive and much-vaunted court wifi frequently breaks down or is patchy, cells are almost inaccessible, and defence lawyer's rooms are cramped, and with glass between the client and the lawyer so that forms and documents cannot be signed, photocopiers are not available to defence lawyers – the list is almost endless. In addition, from CPS to defence there has been a steady reduction in funding – and a working criminal justice system is essential to a good and healthy society.

We have learned that, as the Lord Chief Justice eventually confirmed, when push comes to shove, professionals will pull together and make the creaking criminal justice system work. But it takes professionalism and goodwill between all parties: court, prosecution and defence. Professionalism is a given; goodwill, with Criminal Procedure Rules which are applied over-rigorously, with open discourtesy and a visible lack of respect towards the defence lawyers by some members of the Judiciary, is more difficult to define and is flying out of the window as the administrators seek financial savings and swift movement of cases through the system, regardless of other considerations and the constraints on defence lawyers' ability to prepare cases fully.

What will happen if there is a repeat of those events? The police will arrest suspects; there will be longer delays in lawyers gaining access to fewer and fewer police stations; there will be fewer competent interviewing police officers giving rise to further delays; more cases will be shoe-horned into fewer courts, instead of being spread around the various magistrate's courts; lawyers will be faced with defendants being produced in court in large numbers together, with little time for all parties to consider evidence, the issues, etc; papers will not be available for the defence lawyers to consider and seek instructions upon; court interviewing facilities will be cramped and inadequate; and public confidence in the criminal justice system will diminish. Is that what we really want? Is that how the UK's criminal justice system once, and perhaps still, a beacon to the civilised world, wants to be known? I think and hope not. The civil servants, with the pressures put upon them for financial savings, would point to the words of Sir Humphrey Appleby: "You can't put the nation's interest at risk just because of some silly sentimentality about justice." I have said it before, and will repeat

this ad nauseum: you cannot sacrifice justice on the altars of cost, speed and expediency.

Prison Sentences

Michelle Donelan: To ask the Secretary of State for Justice, for what reasons the abolition of section 225 of the Criminal Justice Act 2003 was not applied retrospectively for prisoners serving sentences for imprisonment for public protection.

Dominic Raab: Generally, sentences already imposed are not substantively altered by subsequent legislation. The coalition government considered that it would not be right, or appropriate, to alter retrospectively sentences that had been lawfully imposed, particularly because in this case those sentences were imposed with public protection issues in mind. Consequently, once prisoners serving sentences of imprisonment for public protection have served their minimum term they are not released on licence until the Parole Board judges it safe to so. The number of IPP prisoners has reduced over the past year. However, the Justice Secretary has asked the Chairman of the Parole Board to see what further improvements could be made in the approach to handling these offenders. We continue to prioritise IPP prisoners for places on courses and provide other interventions to help them reduce their risk and progress towards release.

Flagrant Breach of Fair Trial Rights Bars Extradition to Italy

The extradition of a terrorist suspect to Italy was barred since his trial amounted to a flagrant breach of Article 6 of the European Convention on Human Rights. Represented by Malcolm Hawkes, VS was wanted to serve a 12-year prison sentence for multiple offences of armed robbery, murder and terrorism committed between 1980-1981. He was tried and convicted in his absence in 1989 on the sole basis of evidence from co-accused whose evidence could not be challenged. Under the Italian law in force at the time, the defence could not cross-examine prosecution witnesses, who did not even have to swear that their evidence was true. These witnesses were able to obtain discounted sentences in exchange for their testimony. Despite a change in the law in Italy in 2005, which enabled those convicted in absentia to obtain re-trials, the court rejected evidence from the Italian Ministry of Justice that VS could also benefit. The court accepted Prof. Andrea Saccucci's evidence that the Italian Supreme Court expressly prevents those convicted in absence before 2005 from re-opening their trials or appealing. Consequently, there was no remedy for the flagrantly unfair proceedings which led to VS' conviction and sentence. Accordingly, the matter was discharged. These proceedings followed VS' discharge in 2000 under a near-identical extradition request. On that occasion, the court concluded that his extradition would not be in the interests of justice. In Italy v VS, Malcolm was instructed by Giovanna Fiorentino of Lansbury Worthington Solicitors.

Muslims Report Discrimination in Prisons as Fear of 'Extremism' Grows

David Batty, Guardian: Inmates who practise their Islamic faith in jail are being targeted as suspicious, new research finds: Over the past year a spate of headlines has warned of the threat of Islamist extremism infecting the prison system, with claims by senior politicians that high security jails have become terrorist training camps. However, new research has found no evidence to support this, and warns that a preoccupation with radicalisation is warping perceptions of prisoners' behaviour and relationships. Similarly, ex-offenders contend that institutional Islamophobia results in prison officers perceiving Muslim prisoners who adhere to their faith as inherently suspicious. The number of Muslims in prison in England and Wales has more than doubled in the past 12 years to just over 12,000 in December 2015 (about 14% of the prison population). But this

is not attributable to either the growth of the UK Muslim population (4.8% are Muslim according to the 2011 census), nor terrorism offences. Bill McHugh, justice director of not-for-profit criminal justice consultancy,PublicCo, suggests the rise is down to magistrates' ignorance of and prejudice towards Islam. "I used to see families in court who felt it was the offender not the offence that was being judged," he says. "They're associated with terrorism when they're up for shoplifting." Only 130 Muslim prisoners – just over 1% of the total – are convicted Islamist terrorists. Last year the justice secretary Michael Gove commissioned a review on how to tackle extremism in prisons, amid concerns that 1,000 Muslim inmates were at risk of radicalisation.

Ryan Williams, a religious studies academic at Cambridge University's prison research centre, who has examined the role of Islam in three UK maximum security prisons, says concerns about radicalisation often reflect a failure to understand prison culture and its impact on inmates' behaviour. In a draft paperpresented at the Canadian Sociological Association annual conference, last month, he wrote that there is a muddling of "issues around extremism, religious identity, and the specific conditions that bring about certain interpretations and enactments of Islam. Within prisons, everyday Muslim practices of praying, reading the Qur'an, or even reading commentary from Muslim scholars about God's creation and evolutionary theory can raise concerns over extremism." The findings reflect research by Maslaha, a social enterprise that works to improve conditions in Muslim communities, in the UK and internationallyand the Transition to Adulthood Alliance, which looked at the experiences of young Muslim men incarcerated in lower category prisons and young offender institutions in England. A group of Muslim ex-offenders from Leicester in their early 20s interviewed for the report, Young Muslims on Trial, published in March, say their friendships and the everyday practice of their faith were misinterpreted negatively.

Suleman Amad, 24, who served a one-year sentence at Glen Parva young offender institution in Leicestershire for the supply of class A drugs, says that Muslims sticking together was perceived as gang culture. "I wouldn't see it as a gang," he says. "It's just naturally Muslims tend to stick together because you have that relationship within your faith ." This affinity is heightened by the lack of Muslim prison staff, says Amad, who has graduated from Nottingham University with a degree in criminology since his release. "What I picked up straight away was a lack of Muslim representation [among staff]. There was nobody I could relate to. The first Muslim person I came across in prison was an imam a few weeks into my sentence. Before that I'd not come across anyone I could talk to around [my faith and culture] and was sensitive to these topics." This lack of cultural sensitivity was also reflected in the racist abuse Muslim prisoners received from prison officers, says the Maslaha report. One officer on seeing a prisoner was wearing a topi, a type of prayer cap, reportedly said: "how come you're wearing a condom on your head today?". Amad says: "[Prisoners] with beards and topis, the staff would joke around and say 'terrorist' or other extreme words and they would see it as banter. The staff don't realise when that line is crossed."

Raheel Mohammed, the director of Maslaha, says: "Prison officers are public servants. We wouldn't expect doctors, nurses or teachers to engage in racist banter like that, so we shouldn't expect it of anyone in the criminal justice system." Amad adds that suspicions over displays of religious devotion are misplaced. "We grow our beards in prison because one, it's a mission to get your hands on a razor and two … they can take everything away from you but they can't take my religion away from me. I was probably a lot closer to my religion in custody than I am right now. Just on the fact you're alone, you're by yourself. The only thing you have is that faith."

Tell Mama, an organisation that monitors anti-Muslim attacks, which usually deals with 40-45 reports a month, says it received 33 within 72 hours of the Brexit result. And police

logged a fivefold rise in race-hate complaints including Islamophobic incidents in the following week. Amad believes the inflammatory rhetoric around Islamist extremism in prison and wider society has overshadowed the positive impact Islam can have on offenders' rehabilitation. "I remember seeing people in custody [who] on the outside would be the most gangster person ever and they'd come to custody and they've grown a big beard on their face. They've got a prayer hat on all the time. They've become like a model citizen because they've found religion. " Many Muslim prisoners told Maslaha they were banned from Friday prayers for minor infractions as if practising their faith was a privilege like watching TV. Mohammed contends this is in breach of the Prison Service instruction on faith and pastoral care, which states bans should only be imposed for exceptional and specific concerns for … mental or physical wellbeing, previous serious misbehaviour during worship, or if the governor judges they are likely to cause a disturbance or be a threat to security or control. Amad says some prison officers seemed to be scared of groups of Muslims, especially at Friday prayers. "No one else would get banned from prayers except for the Muslim people," he says. "There was one guy who walked over the grass and he got banned for three weeks."

Ministers and commentators who believe prisons pose an Islamist terror threat sometimes cite a landmark 2011 study of Whitemoor high security prison, where more than 50% of prisoners are now Muslim. It identified tensions relating to extremism and radicalisation, and found conversions to Islam were high. But comparatively little attention has been paid to the other findings, such as Muslim prisoners reporting feeling alienated and targeted, and faith offering them meaning, hope and dignity. The researchers, led by Alison Liebling, professor of criminology and criminal justice and director of at the University of Cambridge's prisons research centre, found that religion appealed to many prisoners serving long and often indeterminate sentences where restrictions had been placed on meaningful activities. The findings led Liebling to conduct a further study, with Williams, due to be published later this year, looking at the problem of trust between staff and prisoners in three further maximum security prisons. These were Frankland in County Durham, Full Sutton in East Yorkshire, and Long Lartin in Worcestershire. Williams says claims that Muslim gangs and "emirs" are running prison wings are inaccurate and misleading. He identified influential Muslim and non-Muslim prisoners who used their influence to keep the peace on the wings. But rather than being "terrorist kingpins", he says they fitted the profile of the US criminologist Gresham Sykes's "real man", a category of prisoner identified in 1958 who is aloof and self-retrained, but who helps to maintain order. "The emir had admirable traits and was able to make the right decisions that would benefit the stability of the wing. This had to include promoting good relations between Muslims and non-Muslims," writes Williams in his draft paper.

Similarly, the issue of Islamic conversion in prison is more complex than reports of coercion in the media suggest, says Williams. Some prisoners converted because they felt being part of a larger network would offer them more protection or better access to black market goods; others did so for personal and spiritual exploration, he continues. "Coercion was neither described by converts nor by other Muslim prisoners. There's also some very positive effects of converting to Islam. One prisoner who had social phobias had these lessened through going to Friday prayers. It got him used to it through the ritual practice." Williams says the bonds that develop among Muslim inmates are largely dependent on the prison environment, with so-called gangs and emirs tending to emerge in those prisons with heavy-handed security.

Amad has written a guide for probation officers working with young adults and believes that the prison service needs to listen to the experiences of Muslim ex-offenders rather than con-

sulting community leaders. He says: "We can better relate to other young British Muslims because we were born and grew up here. When they hear it from us they don't have that excuse of 'what do you know?'". Mohammed wants criminal justice staff to hear a more accurate narrative about Islam. "If we're saying that criminal justice professionals are influenced by what they read in the papers or by the general feeling in wider society, then we need to give another story," he says. Responding to the latest research, a Ministry of Justice spokesman says: "Islamist extremism is one of the biggest threats facing this country. The MoJ and National Offender Management Service are already taking forward urgent work in this area." He adds that a summary of the findings of the Gove-commissioned report will be published "in due course".

US: 31 Deaths in Immigration Detention *Human Rights Watch*

Newly released United States government records summarizing investigations of the deaths of 18 migrants in the custody of US immigration authorities support a conclusion that subpar care contributed to at least seven of the deaths, Human Rights Watch said today. The death reviews, from mid-2012 to mid-2015, reveal substandard medical care and violations of applicable detention standards. Two independent medical experts consulted by Human Rights Watch concluded that these failures probably contributed to the deaths of 7 of the 18 detainees, while potentially putting many other detainees in danger as well. The records also show evidence of the misuse of isolation for people with mental disabilities, inadequate mental health evaluation and treatment, and broader medical care failures. "In 2009, the Obama administration promised major immigration detention reforms, including more centralized oversight and improved health care," said Clara Long, US researcher at Human Rights Watch. "But these death reviews show that system-wide problems remain, including a failure to prevent or fix substandard medical care that literally kills people." The death reviews, released by Immigration and Customs Enforcement (ICE) in June 2016, cover 18 of the 31 deaths of detainees that the agency acknowledges have occurred since May 2012. ICE has not released its reviews of the other 13 deaths in that time period. The US maintains the capacity to hold 34,000 noncitizens in civil detention at any one time, in an expansive network of more than 200 facilities including county jails, private detention centers, and a handful of federal lockups. Most of the hundreds of thousands of people held in this system each year are subject to harsh mandatory detention laws, which do not allow for an individualized review of the decision to detain them during their immigration proceedings.

Our Kafkaesque Courts Complicit in Widespread Disclosure Failures

Robin Murray, Justice Gap: 'We now live in a society in which a person can be accused of any number of crimes without knowing what exactly he has done.' In courts in England and Wales, lawyers are often expected to advise their clients on their plea without sight of any adequate evidence despite the Criminal Procedure Rules requiring this. What is all the more disturbing is the evident complicity of a court system in assisting prosecutors to side-step their duty under the rules to provide basic information supporting a charge even where this must be available. This is deeply important given the often very poor police summary of evidence that the Crown attempt to pass off as 'initial information'. Earlier this week, HM chief inspector of the Crown Prosecution Service, Kevin McGinty, told the House of Commons justice select committee that failures by the police and prosecutors to disclose evidence were to be the subject of a joint criminal justice inspection. Time and time again the same courts that will rigorously and selectively enforce rules against the defence somehow feel it is entirely permissible to ignore this institutionalised failure to supply evidence

that under the rules the Crown are obliged to provide. This is often material that must be have been supplied to them by the police under file-sharing arrangements. For example, if the Crown has decided that a charge and prosecution are justified they must usually have had sight of some witness statements before the date of the first hearing. Normally at the very least there is a statement from the complainant. It is – I suggest – not the non-availability of this evidence but a policy decision by the CPS not to disclose this available documentation. There is a divide in the judiciary between modernisers like Lord Leveson who wish all participants in the criminal justice system to engage with and benefit from the use of Information technology and others who seem to feel it is perfectly reasonable for the defence practitioner to invest their limited resources into IT but to gain no benefit from it (such as early service of evidence). The Criminal Procedure Rules (CrimPR 8.3. (iii)) provide for this – but it does not happen. The reactionary forces in the judiciary maintain the fiction that, although the rules provide for service of 'available statements' and relevant documentary or digitalised exhibits, that if the Crown prosecutor does not possess them in court then that evidence actually residing on a server elsewhere is 'not available'. That is, I believe, a ridiculous view in this digital age when the advocate is a finger-click away from access to material held by prosecution head office.

In addition to this, those seeking to obstruct fair and fast disclosure call upon judicial comments in old cases relating to disclosure under old disclosure regimes and old rules of procedure which have very little bearing on the present Criminal Procedure Rules 2015, the latter which encourage early disclosure. To be blunt old law and precedents must be read in the context of the modern rules and the latter must prevail. There would be little point in the new Criminal Procedure Rules if, where inconsistent with older judicial decisions, they were rendered ineffective. If the courts show partiality by continually permitting inadequate service and nevertheless insisting on a plea being taken, this is an attempt by extra parliamentary means to reverse the burden of proof. To combine this with bullying – such as threatening a loss of discount on subsequent sentencing – is reprehensible, especially as the new sentencing guidelines provide 'exceptions' to loss of discount, for example, where it was 'necessary for him to receive advice and/or to see evidence in order for him to decide whether he should plead guilty'. Without this evidence, the case should be put back or adjourned.

I should point out that it is not, under a poorly funded legal aid fixed fee regime, in the defence advocate's interests for a case to be adjourned. Recently I acted on a case where a client in custody denied making harassing phone calls. From day one, we called for service of the telephone records but they arrived 30 minutes before the trial was to start. I was called from the cells right on time. My attempts to seek further time to discuss this evidence with the client were treated by the clerk and the chairman with frankly what I can only say is hostility. I was allowed 10 minutes, but by the time I returned the client had injured himself in distress and was taken to hospital. The failure of the Crown to serve in time had suddenly become my fault in the eyes of the court. This will be familiar to many defence lawyers made to feel like naughty children whilst doing their job according to professional and ethical standards.

I have to be frank. The way some in the judiciary treat defence lawyers faced with poor initial evidence or subsequent late disclosure is disgraceful. If only they did their job and took to task the prosecution (as an organisation not as individuals) the defence would not have to make applications to adjourn more properly made by those responsible for the failure. It seems that the Criminal Law Solicitors Association campaigning is beginning to have some impact in the corridors of power. I hope so. All we ask is for the Criminal Procedure Rules to be

enforced properly fairly and in accordance with the European Convention on Human Rights. If the legal establishment does not believe in their own rules then they should abandon the pretence and say so, not slyly facilitate the prosecution's disregard. We don't want to go the way of Soviet courts where criminal law became a 'reliable' instrument of rule. Our system should be a reliable instrument of justice not some Kafkaesque nightmare where 'a person can be accused of any number of crimes without knowing what exactly he has done'.

HMP Lindholme – A Mixed Picture With Some Improvements But Serious Concerns

Serious concerns still needed addressing at HMPLindholme, but its deterioration had been halted and work, training and education had improved, said Peter Clarke, Chief Inspector of Prisons. As he published the report of an unannounced inspection of the training prison near Doncaster. In past years HMP Lindholme was managed as part of a cluster of South Yorkshire prisons, but in 2013 it was reconstituted as a separate institution. It is a designated 'working prison' and holds just over 1000 longer-term adult male prisoners. At its last inspection in 2013, inspectors criticised a prison that was preoccupied by a possible takeover by the private sector. Staff-prisoner relationships were weak and drugs and alcohol were having an impact. This more recent inspection found that the deterioration previously seen had been arrested, but big risk factors were still to be addressed. Lindholme was providing reasonably good work, training and education and was a more respectful prison, but inspectors had very serious safety concerns and structural and organisational issues were undermining its resettlement responsibilities.

Inspectors were concerned to find that: 23 recommendations from the last inspection were not achieved and 12 only partly achieved: Vulnerable prisoners and victims of bullying should not be routinely segregated on normal location.They should have a support plan and access to association and activities, and their underlying safety issues should be addressed, Not achieved - There should be plans for victims of assaults and bullying which identify how they can be supported and kept safe, Not achieved - The quality of assessment, care in custody and teamwork (ACCT) assessment, planning and care should be improved and this should be reflected in the quality of case records, Not achieved (recommendation repeated. - Closed visits should be imposed only for visits-related activity, Not achieved (recommendation repeated, 1.30). - All use of force dossiers should include a fully completed F213 (injury to prisoner) form, Not achieved. - A formal reintegration and care planning process for segregated prisoners should be introduced, Not achieved (recommendation repeated, 1.47). An in-depth substance use needs analysis should be conducted to update the drug and alcohol strategy and develop substance use interventions of sufficient intensity and ease of access to meet the needs of the prison's population, Not achieved (recommendation repeated, 1.54). - Staff case note entries should be regular and meaningful and a system of regular quality checks should be introduced, Not achieved. - All staff should know where the emergency equipment is kept and all first-aid equipment should contain a standardised range of products that are checked regularly. Sufficient officers should be trained in first aid and resuscitation skills, Not achieved. - A full range of health promotion literature should be available for prisoners who do not speak English or who have difficulty in reading, Not achieved. - The larger wings should have a discipline officer managing the medicine queues, Not achieved. - The employability skills that prisoners develop at work should be recognised and recorded, Not achieved. - Specialist resettlement support should be made available and the services available should be monitored to establish how many prisoners are helped, Not achieved. - A regular and comprehensive needs analysis of the diverse population should be used to develop the reducing reoffending strategy and action plan, Not achieved. - The quality of the risk of harm analysis and management plans should be improved, Not achieved. - Prisoners should be supported in achieving their sentence plan targets, including meaningful contacts with their offender supervisor which are focused on offending behaviour and the management of the risk of harm, Not achieved. - Support for indeterminate-sentenced prisoners, particularly those on the category D site, should be improved, Not achieved. - Prisoners should not have to wear prison clothes and a high-visibility vest during visits, Not achieved.• many safety outcome measures were poor despite prison managers taking the need to improve safety seriously; • the level of assaults was almost twice that at similar prisons and much higher than during the previous inspection in 2013; • over half of prisoners surveyed said they had felt unsafe at Lindholme; • reported levels of victimisation were very high and recorded levels of self-harm, some linked to NPS, were far higher than at similar establishments; • since the previous inspection in 2013 there had been six deaths in custody, two of which occurred immediately following the inspection and were apparently self-inflicted; • the influx of drugs, including NPS, was destabilising the prison and despite the prison working hard to combat the problem, nearly two-thirds of prisoners said it was easy to get illegal drugs; • the prison had no resettlement function, was not served by a community rehabilitation company (CRC) and was unable to provide adequate resettlement planning and support; and • many prisoners presented a high risk of harm to others, yet offender management was poor, risk management was insufficient and prisoner contact and motivational work was only reactive if it happened at all. • Inspectors made 49 recommendations.Peter Clarke said: "This is a mixed report. That said, it was clear that the prison was led by a focused and committed governor and management team, aided by a much better approach now being adopted by staff. Lindholme was a recovering prison and we were confident that improvement could continue. The priorities were clear to us: a robust strategy to stop NPS and, linked to that, to reduce violence; significant improvements in offender management and proper arrangements to provide resettlement services."

Rolf Harris Nicknamed 'Willy Wonka' by Fellow Inmates

Jailed Australian entertainer Rolf Harris is being called Willy Wonka by prisoners he is locked up with because he keeps giving them lollies and chocolate bars. The convicted sex offender is serving a jail term of almost six years at HMP Bullingdon, in Oxfordshire, after a British jury found him guilty of indecently assaulting girls as young as seven. The Mirror reports Harris has been providing sweets and chocolate to the inmates during games of dominoes. And they're not the only things Harris has reportedly been giving out. According to The Sun Harris has been handing out signed pictures to prisoners.The pictures are so in demand that inmates apparently form a line outside his cell to receive one of the drawings.

Hostages: Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan.