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Guards at UK Detention Centre Choked, Abused and Forced Migrants Naked From Cells

Joe Middleton, Guardian: Officers at a UK detention centre choked, abused and forced migrants naked from their cells amid a "toxic culture" where detainees were mistreated in "prison-like" conditions, a bombshell inquiry has revealed. An 800-page report into conditions at Brook House Immigration Removal Centre in West Sussex found guards used physical violence to "punish" detainees, while "unacceptable, often abusive" behaviour was dismissed as "banter". In one "terrifying" incident detailed in the report, a detention officer at the formerly G4S-run site near Gatwick airport placed his hands around a distressed detainee's neck and said: "You fucking piece of shit, because I'm going to put you to fucking sleep." Other shocking incidents included men being forcibly moved from their cells when naked or near-naked, while officers were found to repeatedly use dehumanising language, including mocking phrases such as: "If he dies, he dies".

The report, which looked at conditions at the centre between April and August 2017, also found: 19 breaches of human rights laws relating to torture and inhuman or degrading treatment: Examples of staff using "abusive, racist and derogatory language" towards detainees: Evidence of men being held in "harsh" and "prison-like" conditions, including being forced to share dirty cells with poor ventilation and unscreened toilets: Examples of staff inflicting pain "inappropriately" and using equipment such as riot shields and balaclavas in an "intimidating" way

Chair Kate Eves said she "rejected the narrative" from the Home Office and G4S that the incidents at Brook House were the result of a "small minority" of G4S staff. She also said she had been "particularly troubled" by the evidence of some of those staff who remain working at Brook House, noting a "lack of reflection even amongst those who now hold senior positions. This casts doubt over how far the cultural changes that have been described to me have really taken root. I fear that there is still some way to go," she said. Ms Eves called for wide-ranging changes to ensure "people do not suffer in the same way as those at Brook House did", including the introduction of a 28-day time limit for detention. She also called for renewed orders on the use of force, and urged the Home Office to issue an immediate instruction to contractors "that force must be used only as a last resort, using approved techniques". Ms Eves warned that more detainees in immigration centres could face inhumane treatment unless her 33 recommendations are implemented in full. "I believe that if the recommendations aren't implemented wholesale and that there's not a public accountability for how those recommendations are going to be implemented that there is very much a risk that the same could happen (again)." In particular, she pressed the need for a 28-day time limit on detention. She said: "The time limit of 28 days on immigration detention in a prison-like environment is incredibly important. All the evidence that I've seen demonstrates that. I'm not the first person to have made that recommendation. I think it is very important that that is taken account of."

Labour's shadow immigration minister Stephen Kinnock said some of the evidence to the inquiry was "utterly harrowing" and showed the government had "delivered neither control nor compassion". Campaigners also condemned the government over the findings. Medical Justice, a charity that works with detainees to uphold their legal and medical rights, said the evidence from the inquiry showed that the Home Office had presided over "inhuman and degrading treatment of people in

its care". Director Emma Ginn said: "It's a travesty that it's taken a public inquiry for detained people's harrowing testimony to be taken seriously. They have at last been vindicated. "Urgent action is needed; the evidence could not be clearer." Amnesty UK said the Brook House Inquiry findings are a "damning indictment of how immigration detention is run in this country".

The inquiry was launched in November 2019 following a BBC Panorama programme in September 2017 that aired harrowing undercover footage of the alleged abuse of detainees by detention officers. The report found 19 incidents over a five-month period that were capable of amounting to mistreatment under Article 3 of the European Convention on Human Rights. This Article states that: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment." Ms Eves said: "That I found this number of incidents took place within such a limited timeframe of five months is of significant concern. Under the Home Office, and its contractor G4S, Brook House was not sufficiently decent, secure or caring for detained people or its staff at the time these events took place. An environment flourished in which unacceptable treatment became more likely."

Ms Eves noted dangerous restraint techniques being used and examples of derogatory comments, including from staff to a man who was recovering from medical treatment following a drug overdose. One detainee, who had been identified as extremely vulnerable to self-harm and suicide, was subjected to threatening language and denied access to shower which prevented him from taking part in a cleansing ritual that was part of his religion, the report said Ms Eves noted the often heightened vulnerability of someone who might end up in such a detention centre. There is no higher role for the state than as a guardian of those who are detained and in its care. For people who do not have citizenship, their precarious status makes them inherently more vulnerable, and factors such as language barriers or poor health can intersect to make them yet more susceptible to harm."

The report was critical of the site itself, which was designed to the specifications of a category B prison, including "tall razor wire fencing", despite the detainees not being prisoners. Witnesses giving evidence to the inquiry described it as "unfit for purpose" and said that it did not have the facilities to house detainees for "more than a few days", despite many spending a significantly longer time there. There was overcrowding at the facility and detained people often lacked access to the internet with "unnecessary restrictions imposed on websites and, too often, computers were broken". Drug use was a "significant problem" at Brook House, in particular the psychoactive substance spice. There was a "sense of defeat" from staff about how to treat the problem and how to deal with detainees who had taken the drug.

The report contains 33 recommendations that, if implemented, could provide "a more humane, compassionate, and professional environment for immigration detention". One of the key recommendations made is that the government should introduce a new policy that detainees should only be kept at immigration removal centres for a maximum of 28 days. This raises questions about the viability of the Home Office's plans to expand the use of immigration detention in the UK. The recommendation comes only weeks after the passing of the Illegal Migration Act, which gives the home secretary the power to detain people indefinitely. The chair has urged the Home Office and other recipients to publish their responses to the report in six months. She added: "It is my sincere hope that more than mere lip service will be paid to this report. The events that occurred at Brook House cannot be repeated."

G4S has since stopped running Brook House, with outsourcing giant Serco having taken over. A Home Office spokesperson said the abuse was "unacceptable", but said the government had since made "significant improvements to uphold the welfare and dignity of those detained". "We remain committed to ensuring safety and security in all immigration removal centres and to learn lessons

from Brook House to ensure these events never happen again," the Home Office said.

A G4S spokesperson said: "G4S has provided its full support to the Brook House Inquiry and will carefully consider the Inquiry's recommendations. "The vast majority of employees at Brook House Immigration Removal Centre were focused on the wellbeing of the detained people and carried out their duties to a high standard, often in exceptionally challenging circumstances. We were appalled when, in 2017, a number of former employees acted in a way that was contrary to our values, policies and their training and for this we are sorry. This behaviour was unacceptable and the company took swift action, including dismissing a number of individuals and commissioning an independent review carried out by Verita."

EU: 'Sex-Workers' Resolution Passes - Most Harmful Parts Removed

Human Rights Watch: Most Parliament Members Reject or Abstain From EU-Wide Criminalization: The European Parliament passed a resolution against "prostitution" on September 14, 2023, but removed some of its most harmful parts, Human Rights Watch said today. Parliament adopted a non-binding report, Regulation of Prostitution in the EU: Its Cross-Border Implications and Impact on Gender Equality and Women's Rights, but rejected "calls for an EU-wide approach based on the Nordic/Equality model."

The Nordic model criminalizes the purchase of sex, and its implementation has led to spikes in murder, police abuse, exclusion from social services, and sexual violence for sex workers in European countries that have adopted it. In a successful last-minute procedural move, the European Parliament removed the most harmful references to the Nordic model from the final text. By "splitting" or "separating" votes, certain passages of a motion can be voted on separately and removed from the final text of the report. Sex workers and their allies strongly advocated removing this provision. "Calling for the purchase of sex to be a criminal offense puts the health and safety of women, queer people, and migrants at risk," said Erin Kilbride, women's rights and LGBT rights researcher at Human Rights Watch. "The fact that the majority of parliament members did not vote in favor of this dangerous resolution signals that they recognize what the data makes clear: criminalization leads to violence against the very people it purports to help."

A coalition of sex workers rights defenders and their allies, including Human Rights Watch, urged European parliament members to reject the resolution in the run-up to the vote, calling the report "biased and harmful for people selling sex and other vulnerable groups." The health journal The Lancet also urged parliament members to reject the "misguided" proposal. Although it passed, the majority of members rejected it or abstained, with 234 votes in favor, 175 against and 122 abstentions. This points to a growing understanding of the dangerous impacts of criminalization on sex workers and their rights, Human Rights Watch said.

Several United Nations agencies oppose criminalization, including the Joint United Nations Programme on HIV/AIDS, the World Health Organization, the UN Population Fund, and the UN Development Program. Civil society organizations including Human Rights Watch, Amnesty International, and the International Planned Parenthood Federation also oppose criminalization. An extensive body of evidence demonstrates that criminalization of buying sex harms the rights of sex workers. The 2016 introduction of client criminalization in France caused clients to fear arrest, which forced sex workers into more dangerous locations for street-based work. Ten sex workers were killed in France in a six-month period in 2019.

Research commissioned by the Northern Ireland Department of Justice found "no evidence" that the Nordic model decreased the demand for sexual services after its introduction in 2015, while

in the Republic of Ireland a Department of Justice-funded report found 20 percent of sex workers interviewed had been sexually exploited by police and that criminalization "drastically marginalized" an at-risk population. In April, Human Rights Watch wrote to the Spanish Congress of Deputies, urging members to reject a similar proposed bill that allowed for criminalization and harassment of sex workers using an overly broad definition of pimping. Spain has not yet acted on the bill.

The new European Parliament resolution still contains harmful and misleading statements about sex work, Human Rights Watch said. It makes repeated calls to punish clients, including making it a criminal offense in all EU countries to solicit, accept, or obtain a sexual act from a person in exchange for remuneration, despite extensive evidence of the violent, discriminatory effects of such laws. It also includes dubious claims that trafficking for sexual exploitation is increasing across the EU and "countries that follow approaches like the Nordic/Equality model are no longer big markets for human trafficking for that purpose." The latest available data sets from the European Commission and Eurostat, respectively, disprove both claims. "The vote demonstrates that despite the onslaught of anti-rights attacks on sex workers and other marginalized groups, Europe is increasingly in favor of rights-respecting solutions to violence against our communities," said Sabrina Sanchez, director of the European Sex Workers' Rights Alliance. "The results show we are not the minority, and that many across the EU believe sex workers deserve human rights."

CCRC: Reaching Children in Care Who Might Have Suffered a Miscarriage of Justice

At the CCRC, we're committed to reaching anybody who thinks they might have suffered a miscarriage of justice. A big part of our outreach work is making children in care aware of our services, as many young people who have been dealt a tough start in life can also fall on the wrong side of the law – including some potentially unjust convictions or sentences.

Did you know that: 1) Children with experience in care are 6 times more likely to be criminalised than other children 2) Just over half of care experienced children will have a criminal conviction by the age of 24 3) 59% of children in custody are care experienced 4) Children who in care are 10 times more likely to receive a custodial sentence than the average young person 5) There are potentially a lot of children in care who might want to request that we review their case.

Care experience children are also known to be more likely to put in situations where they come into contact with the police, and be subject to additional restrictions and requirements in care settings, which may lead them to come into conflict with the law. We also learnt how care experience children are also more likely to be targeted by criminal gangs, and maybe victims of child criminal exploitation and be involved in such things as county lines.

We have done a lot of work in recent years to reach this traditionally under-represented group, including training youth charities and visiting Young Offenders' Institutions, as well as setting up an Instagram channel aimed at young people. As a result, the number of applications we receive from people aged 25 and under to the CCRC has risen by 62% in the last two years, from 83 to 135. They now account for 9.4% of all CCRC applicants – compared to 7.3% in 2020/21. But more can be done – and we are committed to working with stakeholders to reach more potential applicants. As the CCRC's Head of Applicant Outreach, I had the privilege of being invited to the launch of Dare to Care: A Legal Guide to Representing Care Experienced Young Children on Wednesday 13 September. This House of Commons event was hosted by Emily Thornberry MP and the Drive Forward Foundation. I heard how the Drive Forward's Care Experienced Policy Forum has been working with youth justice experts to

create a new guide for solicitors and barristers when representing care experienced young people. The Director of Public Prosecutions Max Hill KC shared his reflections on reducing the criminalisation of children in care. Amongst the organisation we have worked with include The Children's Society, where the CCRC have provided free training on how we can help young people convicted of crimes in relation to child exploitation and county lines, and we have contributed to the Children's Society's toolkit on child exploitation for other professionals. Convictions from young people in relation to modern day slavery and child exploitation cases are specific types of cases which the CCRC are committed to raising awareness of and reviewing, but we will go look into any young person's case, regardless of the crime, to see whether there is any possible reason we could send that case forward for an appeal.

Trial Collapses Following Failings in Internal Investigation

In R v B, a theft and money laundering trial involving an allegation against an employee of a major British bank, the prosecution have offered no evidence following legal argument and a disclosure review. B, a woman of good character who had worked for the bank for nearly 20 years, was accused of theft of £100k and laundering the proceeds. The prosecution case was based solely on an internal investigation conducted by the bank. Following legal argument in relation to the limitations of that investigation and the failure of the police to take possession of the entirety of the bank's material, the bank produced further material during the course of the trial. Following review of that material, the prosecution accepted that there were documents which undermined the audit trail in relation to the original losses, which the bank was unable to explain. The prosecution further accepted that the investigation itself had been flawed.

Prisoner Escapes

Time series for escape and absconds. In the 13 years from April 2010 to March 2023 there were no escapes from category A prisons and 8 escapes from category B prisons. The prisons were HMP Pentonville, HMP Wandsworth, HMP Dovegate, HMP Peterborough and HMP Bedford. There have been no absconds from a category A or category B prison in this period. In the 13 years prior to 2010, there were nearly 146 escapes from prisons – nearly ten times the number since 2010.

'No One Will Believe You': Children in Care Encouraged to Plead Guilty

Monidipa Fouzder, Law Society Gazette: An empty fridge because staff were eating the food. Watching a young girl try to take her life. A revolving door of strangers. Fights between young people. Being shrugged off as attention-seeking. Worrying about homelessness. Unable to sit exams that will help them get a job because of the trauma they experienced. The kitchen being locked at certain times. Confronted by police wearing riot shields following an argument with a carer, going into the bathroom and punching a door in frustration. Arrested for assault even though it was the staff member who assaulted them.

These are just some of the real-life examples shared by 'care-experienced' young people at a parliamentary event last week to unveil a practical guide for defence lawyers, 'Dare to Care: Representing care experienced young people'. One person told the event, hosted by shadow attorney general Emily Thornberry MP, that his barrister encouraged him to plead guilty because, he was told, no one would believe him.

Solicitor Laura Janes, who co-authored the guide with Garden Court Chambers' Kate Aubrey-Johnson, represented a 14-year-old without a decent care plan, who was remanded

in custody for more than 10 months. Janes had to remind the local authority of its legal obligations. With Janes' help, the boy received a community sentence instead of a custodial one and was able to celebrate his 15th birthday in the community.

The event heard that care experienced young people are up to six times more likely to be criminalised than other children. In 2022, only 1% of children in England were in care, but 59% of children in custody in England and Wales were care experienced. The guide has been designed to support defence lawyers in understanding the relevant framework and reduce unnecessary criminalisation. Lawyers will hear the voices of young people throughout the guide, Janes said. 'The more you hear voices, the more you will understand. We want every lawyer in contact with a client under 25 to take the time to find out whether or not that person is care experienced. They're not always going to tell you. They may not themselves know it's relevant. It's almost always going to be hugely relevant.' Aubrey-Johnson said: 'The terrifying thing is nothing in this guide is new law. All the protections that already exist, they are just not being used.'

Death From Overdose Whilst in Police Custody - Violation of Article 2

The applicants, Rosalba Ainis, Nancy Calogero and Giuseppa Dammicela, are three Italian nationals who were born in 1974, 1994 and 1946 respectively and live in Milan. They were the mother, daughter and partner of C.C. In the early morning of 10 May 2001 C.C. was arrested along with three other individuals in an anti- drug-trafficking operation while he was leaving his flat in Milan. C.C. appeared to be in poor psychological and physical condition, possibly owing to consumption of drugs. He was allowed to rest half-in and half-out of a police car. He was dry retching, with clear liquid trickling from his mouth.

At 3.30 a.m. C.C. was transferred, handcuffed, to a holding cell in the Milan police headquarters. At 5.50 a.m. he asked to use the toilet. He began to vomit and collapsed; the report noted saliva coming from his mouth and blood from his nose. The officer who had taken him to the toilet stated that he had not paid "continuous attention to [C.C.], as [I had been] busy booking and taking photographs of other individuals". An ambulance was called, with C.C. appearing to be in a cyanotic state, with breathing difficulties and convulsions. At 6.07 a.m. an ambulance arrived. C.C. was pronounced dead at 6.16 a.m. at Fatebenefratelli Hospital.

An autopsy was performed, which found brain and lung swelling caused by fluid blood, congestion in the internal organs, and petechial spots compatible with a natural death characterised by respiratory difficulties or death by asphyxiation. The pathologist was not able to determine the exact cause of death. A later report issued in 2003 concluded the cause of death had been acute cocaine intoxication taken at a time "very close to his death".

In April 2003 prosecutors decided not to open an investigation as there was no evidence a criminal act by a third party had been committed. The applicants sued the Ministry of the Interior on the grounds of failure to provide assistance to a person in danger (omissione di soccorso) and failure to adequately supervise (omessa sorveglianza). The Milan District Court found the Ministry responsible, concluding that the police had either failed to search C.C.'s person at the time of arrest, or that the supervision of him had been inadequate, as he had either been in possession of a large amount of cocaine at the time of his arrest, or had acquired it while at the police headquarters. It added that there had been a responsibility on police officers in this case to have sought court permission to conduct an intimate body search. The court awarded 100,000 euros (EUR) in damages to C.C.'s mother and EUR 125,000 to his daughter.

However the Milan Court of Appeal overturned that decision, finding no civil liability on the part of the Ministry. It highlighted – without specific reasoning – that although the immediate cause of C.C.'s death had been the ingestion of a large quantity of cocaine shortly before his death, it had also been caused by the ingestion of cocaine at the time of the arrest and that the fatal attack had occurred suddenly "because it [had] found fertile territory in a body which had been put under severe strain by a previous ingestion – or ingestions – of drugs". In 2011 the Court of Cassation ruled that it could not revisit the reconstruction of the facts as set out by the Court of Appeal and that the latter court had reached its conclusions in a logical and reasoned manner.

Decision of the Court - The Court reiterated that the right to life is one of the most fundamental provisions of the Convention, and that the authorities were obliged to account for the treatment of individuals in police custody owing to their vulnerable position. It reiterated that, in respect of injuries and death occurring during detention, the burden of proof may be regarded as resting on the authorities to provide a satisfactory and convincing explanation. It stated at the outset that, although there was insufficient evidence to show that the authorities had known or ought to have known there had been a real and immediate risk that C.C. would ingest a lethal dose of cocaine, they had had a duty to take basic precautions to minimise any potential risks to his health and wellbeing, particularly given that he had been unwell and in an impaired state, cocaine had been seized on his person at the time of his arrest, and he had been known to the police as a drug addict.

At no time had C.C. received medical attention following his arrest. There was no record of his having been searched at the Milan police headquarters. As concerned the Government's argument that an intimate search of C.C.'s body would have raised issues under other Convention articles, the Court affirmed that it would be excessive to search everyone arrested, but that nevertheless had not released the authorities from any obligations in the matter, in particular to ensure that in this case C.C. had not been carrying drugs when he had arrived at the Milan police headquarters. The Court was unable to conclude that any such steps had been taken. Furthermore, it was unclear whether C.C. had been properly supervised, and not all the officers involved had not been questioned by prosecutors in the case. The Government failed to rebut the allegations of the applicants with adequate arguments or evidence.

The Court concluded that the authorities had not provided C.C. with sufficient and reasonable protection of his life, in violation of Article 2 of the Convention. Just satisfaction (Article 41) The Court held, by 6 votes to 1, Italy was to pay the applicants jointly 30,000 euros (EUR) in respect of non-pecuniary damage and EUR 10,000 in respect of costs and expenses.

Childhood in Care Raises Risk of Entering English Youth Justice System Eightfold

Daniel Lavelle and Simon Hattenstone, Guardian: The largest ever study of care experience and the youth justice system in England has revealed that children who have lived in care are eight times more likely to have received a youth justice caution or conviction than those who have not. Using data collated by the Ministry of Justice (MoJ) and the Department for Education, the study monitored the experiences of almost 2.3 million children born in England between 1996 and 1999. Their data was recorded between the ages of 10 – the minimum age of criminal responsibility in England – and 17. It revealed that 33% of care-experienced children received a youth justice caution or conviction, compared with 4% of those without care experience. This figure was even higher for some care-experienced minority ethnic groups including black Caribbean (39%), mixed white and black Caribbean (42%), Travellers of Irish heritage (46%) and Gypsy/Roma (50%).

The study, led by Dr Katie Hunter, a lecturer in criminology at Manchester Metropolitan University, and supported by Lancaster University, was funded by Administrative Data Research UK. Of the children monitored, 2,241,250 did not have care experience and 50,070 did. Care-experienced people accounted for 2% of the overall dataset but 15% of those with youth justice involvement and 32% of those who received a custodial sentence. Nine per cent of black and mixed ethnicity care-experienced children received custodial sentences – almost twice as many as white care-experienced children. The proportion of those with no care experience who received a custodial sentence was less than 0.5%. Hunter said minority ethnic care-experienced children faced a "double whammy" of disadvantage.

Children with experience of care were far more likely to be "juvenile prolific offenders" – defined by the MoJ as individuals who have received four or more youth justice cautions or convictions. Care-experienced children with a criminal record had an average of seven cautions or convictions, compared with three for those without care experience, while those who identified as black and mixed ethnicity received on average eight and nine youth justice cautions or convictions respectively. Children with a criminal record who had been in care were more than twice as likely to be given a custodial sentence as those who had not. Indian and Pakistani children with care experience were least likely of all ethnic groups to have experience of the youth justice system (16%), but this was still four times higher than children who have not experienced care.

Hunter pointed to a number of reasons why care-experienced children were more likely to have a criminal record and to be over-represented among prolific offenders: they are often criminalised for behaviour that would not result in a youth justice intervention if it had occurred in a non-care setting; children can face excessive surveillance in care; police can unfairly target certain categories of children, including those from broken families. Care-experienced children are also more likely to have mental health and drug problems and to struggle at school, all of which increase the likelihood of being criminalised. Hunter said these disadvantages could be exacerbated by instability and a lack of support available within the care system.

During the period covered by the study, there was a sharp fall in the number of children cautioned or convicted in England. Approximately 39% of care-experienced individuals born in 1996 received a criminal record, compared with 26% of those born in 1999. The drop was steeper for those without care experience, with youth justice involvement halving from 6% to 3% across the four birth years, so the gap between the two groups widened during this period. While care-experienced children born in 1996 were seven times as likely to be cautioned or convicted as their non-care-experienced peers, those born in 1999 were nine times more likely.

Anne Longfield, the chair of the Commission on Young Lives and a former children's commissioner, said: "The disproportionate number of care-experienced children who receive a youth justice caution, conviction or custodial sentence is shocking. This is further proof that many of the systems that are supposed to protect and support our most vulnerable young people, particularly black and minoritised children, are instead failing them. "Without better investment in and reform of children's mental health services, children's social care, family support and the education system, we are writing off the life chances of thousands of young people before they even reach adulthood."

David Graham, the national director of the Care Leavers' Association, said: "The figure of 33% of such children having contact with the youth justice system is far higher than previous estimates. It is a terrible indictment of the failure of local authorities to parent and support children in their care. If birth parents were told there was a one-third chance their children would end up in the youth justice system, they would do whatever it took to stop this happening. It is time for the government to wake up to this situation and take concrete steps to support children in care to lead positive and thriving lives."

Venezuela Sends 11,000 Troops to Retake Prison

Antoinette Radford, BBC News: Venezuela has sent 11,000 troops to regain control of one of its biggest prisons that had been overrun by a powerful criminal gang. The Tocoron prison, in the north of the country, was under the control of the Tren de Aragua mega-gang for years. Members were able to roam freely around the prison, which had hotel-like facilities including a pool, nightclub and a mini zoo, local media reported. Officials said the 6,000 inmates would be transferred to other prisons. In a statement posted to X, formerly Twitter, the Venezuelan Interior Ministry congratulated officers for regaining the prison and dismantling "a centre of conspiracy and crime". The leader of the Tren de Aragua gang, Hector Guerrero Flores, was serving a 17 year sentence inside the prison for murder and drug trafficking. However, he was so powerful that he reportedly used to come and go freely from the prison before becoming a full-time inmate, according to Carlos Nieto, from a coordinator with A Window to Freedom.

UK: Still no Article 2-Compliant Inquiry Into Murder of Pat Finucane and Others

Ministers' Deputies - Supervision of the Execution of the European Court's Judgments

1475th meeting, 19-21 September 2023 (DH): The Deputies Decisions

1. Welcomed presence of Parliamentary Under Secretary of State at the Northern Ireland Office;

2. Recalling that these cases concern procedural violations of Article 2 of the Convention due to various shortcomings in the investigations into the death of the applicants' next-of-kin in Northern Ireland in the 1980s and 1990s, either during security force operations or in circumstances giving rise to suspicion of collusion in their deaths by security force personnel; As Regards Individual Measures

3. Reiterated their profound concern that over four years have passed since the Supreme Court judgment finding that there has still not been an Article 2-compliant inquiry into Mr Finucane's death in 1989 and that there is still no clear indication of how the Secretary of State proposes to proceed; exhorted the authorities again to provide their full and clear response to the Supreme Court judgment, including a decision on the measures they intend to take as soon as possible;

4. Reiterated also their profound regret that the inquests in the cases of McKerr and Kelly and Others have still not been completed, nor been listed for hearing; called upon the authorities to take all measures to expedite proceedings so that they can be concluded before 1 May 2024 when they will have to be terminated and transferred to the Independent Commission for Reconciliation and Information Recovery (ICRIR), risking further delays;

5. Decided, without prejudice to the Committee's evaluation of the general measures, to close the examination of the Shanaghan and McCaughey and Others cases by adopting Final Resolution CM/ResDH(2023)272; As Regards General Measures

6. Recalling their decisions adopted at their examinations of the cases at the 1443rd meeting (September 2022) (DH), the 1451st meeting (December 2022) (DH), the 1459th meeting (March 2023) (DH) and the interim resolution adopted at their last examination at the 1468th meeting (June 2023) (DH);

7. Recalling their concerns about the Northern Ireland Troubles (Legacy & Reconciliation) Bill's compatibility with the European Convention and their repeated calls upon the authorities to sufficiently amend the Bill, if progressed and ultimately adopted, to allay those concerns;

8. Noting with interest the amendments to the Bill tabled by the government since their last examination of the cases which, in particular strengthen the participation of the next-of-kin of victims and public scrutiny in the work of the ICRIR;

9. Noted however that a number of issues relating to independence, disclosure and the initiation of reviews remain uncertain; urged the authorities therefore to provide additional information on the planned practical and other measures to ensure that these issues are fully addressed, including: to ensure the independence of the ICRIR appointment process; to further strengthen in practice the procedural safeguards for victims and their families; to develop clear disclosure protocols from all relevant authorities to the ICRIR; and to ensure referral to the ICRIR of all cases that might engage Articles 2 and 3 of the European Convention;

10. Deeply regretted furthermore that, while the cut-off date has been extended to May 2024, the proposal to terminate pending inquests remains in the Bill; expressing profound concern that, if effective handover measures are not put in place, this may lead to further delay and distress for individuals, including some of the individual applicants in this group of cases, urged the authorities to consider taking additional practical measures to ensure that as many inquests as possible can conclude before 1 May 2024 and that all of the preparatory work done on these pending cases is not lost in any transfer to the ICRIR;

11. Underlining again the importance for the success of any new investigative body, particularly if aimed at achieving truth and reconciliation, of gaining the confidence of victims, families of victims and potential witnesses, acknowledged the steps taken by the authorities in an attempt to engage with victims and stakeholders over the past twelve months; noted with deep regret nevertheless that despite those efforts, support for the ICRIR remains minimal; strongly encouraged the authorities to take all necessary additional measures to garner public trust and the confidence of victims, their families and all stakeholders;

12. Reiterated their serious concern about the proposed conditional immunity scheme which risks breaching obligations under Article 2 of the European Convention to prosecute and punish serious grave breaches of human rights, and seriously undermining the ICRIR's capacity to carry out effective investigations within the meaning of Article 2 of the Convention; deeply regretted therefore the authorities' decision not to support the House of Lords' amendment to remove the scheme from the Bill and its subsequent rejection; strongly urged the authorities to consider repealing the immunity provisions;

13. Invited the Chair of the Committee of Ministers to send a letter to the United Kingdom authorities in order to raise the concerns above;

Sweden Extradition Request Discharged on Article 8 Grounds

A Tunisian national, represented by Katrina Walcott, has been discharged from a Swedish extradition request. The requested person was subject of a conviction warrant, arising from multiple convictions for theft committed in Sweden, occurring in 2018 and 2020. The requested person was due to serve 1 year and 4 months in Swedish prison. Following his convictions, the requested person and his young family relocated to Tunisia, his country of origin. Whilst they were in Tunisia, he and his wife experienced mistreatment due to their beliefs. Consequently, the requested person and his family relocated to the UK in November 2021 and made a claim for asylum from Tunisia, during which time, the warrant was issued.

The defence challenged the request on the sole ground of the Article 8 rights of the requested person and his and extradition subsequently being disproportionate. Particular emphasis was placed on the requested person's wife's inability to cope without her husband, due to her diagnosis of complex PTSD, Major Depressive Disorder and other anxiety related disorders, developed following her mistreatment in Tunisia. Clinical psychologist, Dr Sarah Heke, prepared a detailed report and gave live evidence in relation to this. The defence also cited the physical health condition (cystic fibrosis) of the requested person's son, and the care he provides to him. In discharging the request on the Article 8 grounds, District Judge Sternberg, noted that the health of the wife and son of the requested

person, which was a compelling factor, post-dated the Swedish Courts' sentencing decisions. As such, the court were not able to conclude the sentencing court in this jurisdiction would likely impose a custodial sentence rather than a community-based sentence, which was deemed relevant to the proportionality exercise in this case (citing the judgment of Lord Judge in HH [§ 132]). Accordingly, the extradition of the requested person was disproportionate in the circumstances, and when balanced with the rights of the requested person's family.

INQUEST: Response to Met and Home Secretary Comments on Police Accountability

Last week it was announced that a rare step has been taken to bring murder charges against the Metropolitan Police firearms officer who fatally shot Chris Kaba. Since then, comments have been made by the Home Secretary Suella Braverman and subsequently the Metropolitan Police Commissioner on the police accountability system.

Deborah Coles, Director of INQUEST, said: "Police cannot be judge, jury and executioner and must not be above the law. Already we know that accountability for officers involved in wrongdoing and deaths is exceedingly rare. Mark Rowley's asks to the Home Secretary, including overturning two recent Supreme Court judgements, would make accountability for police use of force virtually impossible. Effectively giving firearms officers a licence to kill. That cannot be in the public interest.

INQUEST and the bereaved families we work with know that the current lack of accountability exists despite clear evidence of disproportionate, dangerous and unnecessary use of force in many cases. In calling for a review, the Home Secretary seems to have forgotten the Casey Review published in March, which laid bare the uniquely toxic culture within the firearms unit in the Met. Addressing this should be the priority for the Home Secretary and the Commissioner

Prison Watchdog Says One in 10 Jails in England and Wales Should be Shut Down

Rajeev Syal, Guardian: Charlie Taylor, the chief inspector of prisons, told the Guardian that about 14 Victorian jails were so poorly designed, overcrowded and ill-equipped that they could not provide proper accommodation for inmates. They include HMPs Wandsworth, Pentonville, Liverpool, Leicester, Lewes, Exeter, Bristol and Leeds, where prison officers are struggling to make the best of bad conditions. As a result, thousands of prisoners were being held in vermin-infested buildings with too few staff and inadequate facilities for retraining and education, Taylor said.

Taylor's comments come amid intense scrutiny of the 135 adult and youth prisons in England and Wales after the high-profile alleged escape of Daniel Khalife, a 21-year-old former soldier awaiting trial on terror charges. They also follow the Guardian's disclosure that a German court refused to extradite a man accused of drug trafficking because of concerns about jail conditions in Britain. Khalife, who is now back behind bars and has pleaded not guilty to escaping, went missing on 6 September from HMP Wandsworth in south London, which was given the lowest score – "of serious concern" – in HM Prison and Probation Service performance ratings this summer. The jail is overrun with rats and suffers from a severe staff shortage and a high number of untrained or ill workers. Damian Hinds, the prisons minister, said that 80 prison officers – nearly 40% of those expected – had not turned up for their shift on the day of the alleged escape.

In his first interview since being reappointed as the prisons' watchdog on Monday, Taylor said the conditions in Wandsworth were particularly poor, but were part of a pattern in inner-city jails built more than 100 years ago. "There are a lot of inner-city local prisons that won't be closed any time soon. But they really struggled to fulfil their purpose. Wandsworth was built for around 1,000 prisoners and I think has 600 over; Pentonville [in north London] was built for around

450 and I think there [are] about 1,200 prisoners in that jail. So there are an awful lot of jails that have got just far more prisoners than … they were originally designed for. "But also the infrastructure of some of those jails really struggles. You're probably talking about 10% of jails that struggle to be fit for purpose."

Asked whether he believed that about 14 prisons – just over 10% of the total – should be closed in an ideal world, Taylor said "yes". Taylor, a former headteacher who has been scrutinising jails for three years and has his own set of keys so he can move freely through the prisons estate, said he would shut down most of the Victorian institutions in an ideal world. "They tend to be built with very small footprints because they're built in inner cities. And they definitely haven't got enough activity places when the population is double the number that the prison was originally built for," he said. He said the constant demand for cells at Wandsworth meant that on his last visit a burnt-out cell could not be repaired before a new prisoner was moved in. Taylor said: "We saw a cell that was ready for a first-night arrival, potentially your first night in a jail cell, having been burnt out by the previous occupant. It was just hideous. If the prison was not overcrowded, what you would say is: 'We'll take that out of commission and paint it and fix it up.' But it's just one out, one in."

Taylor is particularly concerned by the lack of training and education, exacerbated by too few prison officers on the landing floor, which in turn leads to inmates spending longer in their cells. This year, Taylor's reports found that 36 out of 37 men's prisons inspected in 2022-23 were not good enough for "purposeful activity" such as education, employment and activity that keeps prisoners meaningfully occupied. "If they are not in the habit of getting up and going to work or college every morning, then it will come as no surprise if they commit more crime when they come out," he said. Solving the overcrowding crisis was vital to give staff the time to work with prisoners, Taylor said.

Official Ministry of Justice figures show there were 87,685 prisoners across the male and female estates in September. As of August 2023, 77 prison establishments were officially overcrowded, according to Taylor's office. His comments were echoed in an annual report released on Monday into HMP Pentonville. The prison's independent monitoring board found that population pressures were affecting all aspects of prison life, including a lack of full-time education and with many prisoners spending an hour a day outside their cells. Alice Gotto, the chair of the independent monitoring board at Pentonville, said it remained "an unfit place for prisoners to live or to be rehabilitated".

Entering an expected election year, Taylor cautioned politicians against promising to increase sentences without first addressing what the country wants from its prison system. "Sentencing is a matter for the courts and ministers decide policy. But I think there should be a bigger conversation about what we want from prisons," Taylor said. "What is our expectation of what we are going to get? Because, apart from a handful, the prisoners we lock up are coming out at some stage." The Prison Service plans to have another 8,000 prison places by May 2025. A spokesperson said: "The latest figures show that the majority of prisons are performing well and, where there are issues, we are providing intensive support for those jails to drive long-term improvements, recruit extra staff, bolster security and boost training and work opportunities for prisoners so we can better protect the public. "We are also pressing ahead with the biggest expansion of prison places by any government in over a century – delivering 20,000 additional spaces including six new, modern prisons. Around 5,500 new places have already been delivered including HMP Fosse Way [in Leicester], which opened in May."