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Hundreds of Modern Slavery Victims Locked up in England's Prisons

OpenDemocracy: Between March 2023 and June 2024, the Prison Service and the Ministry of Justice received 268 warnings that an inmate was a potential victim of modern slavery and trafficking. Exploited people can be forced to commit crimes such as pick-pocketing, marijuana cultivation or county lines drug-running, as well as other serious offences. The warnings were sent by prison staff who suspected a prisoner was at risk, using the National Offender Management Information System, a database to record personal details about inmates. More than one warning can be recorded for the same person, meaning some survivors could have been imprisoned multiple times during those 15 months.

openDemocracy used Freedom of Information (FOI) requests to uncover the warnings as part of a joint investigation with After Exploitation, a non-profit organisation that works to track the hidden outcomes of modern slavery in the UK. Our findings suggest "there are likely more victims of modern slavery in prison than there are traffickers," said Marija Jovanovich, an academic at the University of Essex's Law School who specialises in researching human trafficking and modern slavery.

While many victims of modern slavery held in prison will be UK nationals, recent changes to the UK's immigration laws allow the government to deny migrant people official recognition of their status as a modern slavery victim when they have been sentenced to at least 12 months in prison. In some cases, this means they can be deported after their sentence.

Jovanovich explained that although international agreements say victims of modern slavery, who can be children or adults, should be "subject to a non-punishment principle if the crimes they committed were compelled as a result of their exploitation", this often does not happen. "There is no firewall between the criminal justice system and protection," she said. "The data shows that the principle is not being applied, whether by police, prosecutors or defence lawyers. The endpoint is victims being put in prison." This was echoed by Maya Esslemont, the director of After Exploitation, who said victims "may be tortured, coerced or threatened with violence against themselves and their families by traffickers in order to ensure compliance, but this vulnerability is not always enough to save survivors from incarceration". "It is incredibly common for victims of criminal exploitation to be punished first and supported second due to poor understanding of vulnerability and exploitation within the criminal justice system," they added.

Modern slavery victims – including those in prison – are legally entitled to specialist support under the Modern Slavery Victim Care Contract, the UK's response to its international obligations laid out in the European Convention Against Trafficking. This support is designed to ensure a vulnerable person is not re-trafficked into slavery and can rebuild their lives following trauma and abuse. For victims, it includes an allocated support worker, safe house accommodation – which is often provided by charities contracted by the government – and financial aid. Incarcerated victims have a right to this support after leaving custody even when the non-punishment principle may not apply, for example if they commit a crime that is not related to their exploitation.

But currently there are no dedicated national services in place to help modern slavery victims in prison to access that support. An FOI by openDemocracy revealed that all prisons in England and Wales instead have a "single point of contact" who is trained to identify potential victims.

The result is that when it comes to getting the help they need, victims can be at the whims of the prison service. Since the start of 2023, nearly 8,000 UK nationals have been identified as potential victims of modern slavery. The majority were children, with 2,600 exploited via county lines activity. Despite this being a recognised form of modern slavery, the Children's Society charity has warned that "children involved are treated as criminals." openDemocracy approached the Ministry of Justice for comment, but did not receive a response.

Denied help: If the judicial system already makes accessing modern slavery support difficult for British victims, the situation is even more precarious for foreign nationals who have survived exploitation and are serving sentences of 12 months or more. A new policy known as the Public Order Disqualification can be used to entirely cut them off from support they would otherwise be entitled to and, in some cases, mean they are refused leave to remain in the UK.

openDemocracy's analysis of Home Office data found that 496 foreign-born individuals have been disqualified from modern slavery support under the new rule, which was introduced in the Nationality and Borders Act, since the start of 2023. Boris Johnson's government passed the Act in 2022 after his home secretary, Priti Patel, claimed the modern slavery system was being "rampantly abused by child rapists, people who pose a threat to national security and failed asylum seekers with no right to be here". At the time, the Office for Statistics Regulation, a non-ministerial government department, raised concerns that her statement was misleading.

It warned that statistics from the National Referral Mechanism – the system that identifies someone as a victim of modern slavery and triggers support – "do not support the claims that people are 'gaming' the modern slavery system, and the source of [Patel's] claim is unclear."

Jovanovich told openDemocracy the Nationality and Borders Act has created "a hierarchy of victims". "It is really problematic because it creates a presumption that everyone who falls within the new law's scope is a threat to public order, excluded from all forms of support, and puts the onus on the victim to prove their need for protection," she said.

Violation of Article 6 § 1 (Right To A Fair Trial) of the European Convention on Human Rights.

The case concerned the alleged lack of impartiality of a Supreme Court judge who was a member of three-judge panels which rejected claims brought by the applicants and whose judicial assistant was the daughter of the lawyer of the respondent party, the Telasi electricity distribution company, in those proceedings. The Court found in particular that the fact that the judge's judicial assistant was the daughter of Telasi's legal representative, coupled with the broad mandate given to judicial assistants in the Georgian judicial system, had created a situation which legitimately could raise doubts as to the impartiality of Judge L.M. The applicants had not known to what extent the judicial assistant had actually been involved in their cases, and the Supreme Court had failed to elucidate the circumstances of her involvement, thereby failing to dispel their doubts concerning the impartiality of that judge. The Court therefore found that their doubts were objectively justified and that they had not been provided with sufficient procedural safeguards in this respect.

Moreover, as regards the recusal requests that concerned not only Judge L.M., but also the other two judges on the panel, the fact that the three judges concerned had decided on the application for their own recusals, although in accordance with an express provision of the Code of Civil Procedure, it itself had raised an issue of potential conflict of interest.

The Court reiterated that under the objective impartiality test, the applicants had to show that there was an appearance of partiality supported by ascertainable facts, rather than to prove that a judge was actually biased or prejudiced. In the Court's view, the participation of Judge L.M. in the adjudication of their cases, given the fact that his judicial assistant was the daughter of Telasi's legal representative, coupled with the broad mandate given to judicial assistants in the Georgian judicial system, had created a situation which could raise legitimate questions as to the impartiality of Judge L.M. The applicants had not known to what extent the judicial assistant had actually been involved in their cases, and the Supreme Court had failed to elucidate the circumstances of her involvement, thereby failing to dispel their doubts concerning the impartiality of Judge L.M. The Court therefore found that their fears had been justified and that they had not been provided with sufficient procedural safeguards in this respect. There had therefore been a violation of Article 6 § 1 of the Convention in respect of both applicants.

Hungary/Europe - No Right to Assisted Dying (Physician-Assisted Death)

In Chamber judgment in the case of Daniel Karsai v. Hungary (application no. 32312/23) the European Court of Human Rights held, by 6 votes to 1, that there had been: *No violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights; and no violation of Article 14 (prohibition of discrimination) in conjunction with Article 8.*

The case concerned the question of the asserted right to self-determined death of the applicant, who is a Hungarian national and has advanced amyotrophic lateral sclerosis (ALS) ■ a type of motor neurone disease with no known cure. He would like to be able to decide when and how to die before his illness reaches a stage that he finds intolerable. He would need assistance, but anyone assisting him would risk prosecution, even if he died in a country which allowed physician-assisted dying. He complained of not being able to end his life with the help of others and of discrimination compared to terminally ill patients on life-sustaining treatment who are able to ask for their treatment to be withdrawn. The Court observed that there were potentially broad social implications and risks of error and abuse involved in the provision of physician-assisted dying. Despite a growing trend towards its legalisation, the majority of the member States of the Council of Europe continue to prohibit both medically assisted suicide and euthanasia. The State thus had wide discretion in this respect, and the Court found that the Hungarian authorities had not failed to strike a fair balance between the competing interests at stake and had not overstepped that discretion.

Nevertheless, the Convention had to be interpreted and applied in the light of the present day. The need for appropriate legal measures should therefore be kept under review, taking into account the developments in European societies and in the international standards on medical ethics in this domain. The Court considered that high-quality palliative care, including access to effective pain management, was essential to ensuring a dignified end of life. According to the expert evidence heard by the Court, the available options in palliative care, guided by the European Association of Palliative Care's revised recommendations, including the use of palliative sedation, were generally able to provide relief to patients in the applicant's situation and allow them to die peacefully. Mr Karsai had not alleged that such care would be unavailable to him. As regards the alleged discrimination, the Court found that the refusal or withdrawal of treatment in end-of-life situations was intrinsically linked to the right to free and informed consent, rather than to a right to be helped to die, and was widely recognised and endorsed by the medical profession, and also laid down in the Council of Europe's Oviedo Convention. Furthermore, refusal or withdrawal of life-support was allowed by the majority of the member States. The Court therefore considered that the alleged difference in treatment of the two categories was objectively and reasonably justified. (<https://shorturl.at/UG1ym>)

The Howls Were Terrifying': Imprisoned in the Notorious 'House Of Mirrors'

Ethirajan Anbarasan, Bangladesh: The man who walked out into the rain in Dhaka hadn't seen the sun in more than five years. Even on a cloudy day, his eyes struggled to adjust after half a decade locked in a dimly lit room, where his days had been spent listening to the whirr of industrial fans and the screams of the tortured. Standing on the street, he struggled to remember his sister's telephone number. More than 200km away, that same sister was reading about the men emerging from a reported detention facility in Bangladesh's infamous military intelligence headquarters, known as 'Aynaghor', or "House of Mirrors".

They were men who had allegedly been "disappeared" under the increasingly autocratic rule of Sheikh Hasina - largely critics of the government who were there one day, and gone the next. But Prime Minister' Sheikh Hasina had now fled the country, unseated by student-led protests, and these men were being released. In a remote corner of Bangladesh, the young woman staring at her computer wondered if her brother - whose funeral they had held just two years ago, after every avenue to uncover his whereabouts proved fruitless - might be among them?

The day Michael Chakma was forcefully bundled into a car and blindfolded by a group of burly men in April 2019 in Dhaka, he thought it was the end. He had come to authorities' attention after years of campaigning for the rights of the people of Bangladesh's south-eastern Chittagong Hill region – a Buddhist group which makes up just 2% of Bangladesh's 170m-strong, mostly Muslim population. He had, according to rights group Amnesty International, been staunchly vocal against abuses committed by the military in the Chittagong Hill Tracts and has campaigned for an end to military rule in the region. A day after he was abducted, he was thrown into a cell inside the *House of Mirrors*, a building hidden inside the compound the Directorate General of Forces Intelligence (DGFI) used in the capital Dhaka.

It was here they gathered local and foreign intelligence, but it would become known as somewhere far more sinister. The small cell he was kept in, he said, had no windows and no sunlight, only two roaring exhaust fans. After a while "you lose the sense of time and day", he recalls. "I used to hear the cries of other prisoners, though I could not see them, their howling was terrifying." The cries, as he would come to know himself, came from his fellow inmates - many of whom were also being interrogated. "They would tie me to a chair and rotate it very fast. Often, they threatened to electrocute me. They asked why I was criticising Ms Hasina," Mr Chakma says.

Outside the detention facility, for Minti Chakma the shock of her brother's disappearance was being replaced with panic. "We went to several police stations to enquire, but they said they had no information on him and he was not in their custody," she recalls. "Months passed and we started getting panicky. My father was also getting unwell." A massive campaign was launched to find Michael, and Minti filed a writ petition in the High Court in 2020. *Nothing brought any answers.*

"The whole family went through a lot of trauma and agony. It was terrible not knowing the whereabouts of my brother," she says. Then in August 2020, Michael's father died during Covid. Some 18 months later, the family decided that Michael must have died as well. "We gave up hope," Minti says, simply. "So as per our Buddhist tradition we decided to do hold his funeral so that the soul can be freed from his body. With a heavy heart we did that. We all cried a lot."

Rights groups in Bangladesh say they have documented about 600 cases of alleged enforced disappearances since 2009, the year Sheikh Hasina was elected. In the years that followed, Sheikh Hasina's government would be accused of targeting their critics and dissenters in an attempt to stifle any dissent which posed a threat to their rule - an accusation she and the government always denied. Some of the so-called disappeared were eventually released or produced in court, others

were found dead. Human Rights Watch says nearly 100 people remain missing, external.

Rumours of secret prisons run by various Bangladeshi security agencies circulated among families and friends. Minti watched videos detailing the disappearances, praying her brother was in custody somewhere. But the existence of such a facility in the capital was only revealed following an investigation by Netra News, external in May 2022. The report found it was inside the Dhaka military encampment, right in the heart of the city. It also managed to get hold of first-hand accounts from inside the building - many of which tally with Michael's description of being held in a cell without sunlight. The descriptions also echo those of Maroof Zaman, a former Bangladeshi ambassador to Qatar and Vietnam, who was first detained in the *'House of Mirrors'* in December 2017.

His interview with the BBC is one of the few times he has spoken of his 15-month ordeal: as part of his release, he agreed with officials not to speak publicly. Like others who have spoken of what happened behind the complex's walls, he was fearful of what might happen if he did. The detainee who spoke openly to Netra News in 2022 only did so because he was no longer in Bangladesh. Maroof Zaman has only felt safe to speak out since Sheikh Hasina fled – and her government collapsed - on 5 August. He describes how he too was held in a room without sunlight, while two noisy exhaust fans drowned out any sound coming from outside.

The focus of his interrogations were on the articles he had written alleging corruption at the heart of government. Why, the men wanted to know, was he writing articles alleging “unequal agreements” signed with India by Ms Hasina, that favoured Delhi. “For the first four-and-a-half months, it was like a death zone,” he says. “I was constantly beaten, kicked and threatened at gunpoint. It was unbearable, I thought only death will free me from this torture.” But unlike Michael, he was moved to a different building. “For the first time in months I heard the sound of the birds. Oh, it was so good, I cannot describe that feeling,” Maroof recounted. He was eventually released following a campaign by his daughters and supporters in late March 2019 – a month before Michael found himself thrown into a cell.

Few believe that enforced disappearances and extra-judicial killings could have been carried out without the knowledge of the top leadership. But while people like Mr Chakma were languishing in secret jails for years, Ms Hasina, her ministers and her international affairs advisor Gowher Rizvi were flatly rejecting allegations of abductions. Ms Hasina's son, Sajeed Wazed Joy, has continued to reject the allegations, instead turning the blame on “some of our law enforcement leadership [who] acted beyond the law”. “I absolutely agree that it's completely illegal. I believe that those orders did not come from the top. I had no knowledge of this. I am shocked to hear it myself,” he told the BBC. There are those who raise their eyebrows at the denial.

Alongside Michael, far higher profile people emerged from the *House of Mirrors* – including two senior members of the Islamist political party Jamaat-e-Islami, a retired brigadier, Abdullahi Aman Azmi and Barrist Ahmed Bin Quasem. Both had spent about eight years in secret incarceration. What is clear is that the re-emergence of people like the politicians, and Michael, shows “the urgency for the new authorities in Bangladesh to order and ensure that the security forces to disclose all places of detention and account for those who have been missing”, according to Ravina Shamdasani, a spokesperson for the UN Human Rights office in Geneva.

Bangladesh's interim government agreed earlier this week, to establish a five-member commission to investigate cases of enforced disappearances by security agencies during Ms Hasina's rule since 2009. And those who have survived the ordeal want justice. “We want the perpetrators to be punished. All the victims and their families should be compensated,” Maroof Zaman said. And those who have survived the ordeal want justice.

Applications for Deprivation of Liberty Safeguards Increase 11% in single Year

New data published by NHS England has shown there were an estimated 332,455 applications for Deprivation of Liberty Safeguards (DoLS) received during 2023-24 - an increase of 11% similar to the previous year, which is closer to the rate of growth seen before the pandemic. Between 2014-15 and 2019-20, the average growth rate was 14% each year. The DoLS are a legal framework applying to individuals who lack the mental capacity to consent to the arrangements for their care. According to the data, the number of applications completed in 2023-24 was estimated to be 323,870, with the number of completed applications having increased over the last five years by an average of 9% each year. The reported number of cases that were not completed as at year end was an estimated 123,790, a decrease of 2% from last year. Looking at the time taken to process applications, the data revealed that the proportion of standard applications completed within the statutory timeframe of 21 days was 19% in 2023-24, which was the same as the previous year. The average length of time for all completed applications was 144 days, compared to 156 days in the previous year.

HMP Rochester Given Urgent Notification After 'Systemic Failure and Decline'

Diane Taylor, Guardian: A Kent prison has become the first of its kind to be issued with an urgent notification after a decade of “systemic failure and decline”, the chief inspector of prisons has confirmed. HMP Rochester is the seventh prison to have received such a notification, but has become the first category C prison, which focuses on training and resettlement, to receive one. The urgent notification process was introduced in 2017 and is a means of raising immediate concerns following an inspection and requires a response and action plan from the secretary of state within 28 days.

In a letter to the justice secretary, Shabana Mahmood, on Friday 30th August, Charlie Taylor, the chief inspector of prisons for England and Wales, set out a long list of identified failings after a damning unannounced inspection from 12 to 22 August found decrepit conditions, rising violence and self-harm, widespread illicit drug use and a dearth of activity to prepare men for release. It was the latest in a series of poor and declining inspections over the last decade.

Inspectorate of Prisons found Rochester was fundamentally failing to get inmates into education, work and training to increase their chances of employment on release, with fewer than a third of those it held being engaged in such programmes, and a “woeful provision” of public protection work. The offender management unit was ineffective and critically short of trained probation staff to manage high-risk prisoners.

Conditions at Rochester were squalid, with decrepit buildings and infestations of rats and mice in the older buildings. Prisoners made cardboard barriers to fill gaps under cell doors to try to keep vermin out of their cells. Wings were chaotic and inspectors found that safety was deteriorating. The rate of prisoner assaults had increased by 67% in the past year and there was more self-harm and two self-inflicted deaths. Use of force was also high and inspectors found some instances that were inappropriate. Drugs were endemic, with 42% of prisoners testing positive in random tests and more than half of men telling inspectors that it was easy to get drugs, including those prescribed to other prisoners. More than half of the prisoners posed a high or very high risk of serious harm, but just under half of those released in the last 12 months were sent to sustainable accommodation.

Taylor said: “Rochester has been a prison of concern for many years, with consistently poor outcomes which stem from failures in leadership, both locally and nationally, and a lack of investment in a crumbling institution. This decade of decline, which has accelerated in the past 18 months, shows a shocking level of neglect. “It is particularly concerning that a category C prison, the workhorse of the Prison Service, should require an urgent notification for our concerns to be taken seriously.” - The Ministry of Justice has been approached for comment.

The Truth as the Defeated in a Trial

Giorgos Kazoleas, Lawyer: Truth and trial are two concepts that seem to follow opposite paths, despite the fact that the former should be the purpose of the latter and despite the fact that the invocation of the truth during the trial is continuous and repeated. In both civil and criminal trials the competition between the participants in the process is usually focused on distorting and misrepresenting the truth in order to make it convenient and ultimately accepted by the final arbiter, who is the judge.

Witnesses are mostly prepared, if not «Fabricated», to testify to what each party wishes to be proven. The truth in their testimony often seems to be lost or degraded in details which, however, are decisive for the needs of the trial. A deviation in the minute of time can affect the verdict, an omission of a seemingly insignificant fact can overturn a judicial conviction. Lawyers are masters at constructing the truth that is favorable each time, the version that will facilitate their client. They often do not even know the real truth themselves (in fact they do not care to know it), which, combined with the duty of defense, frees them from any reservations of presenting the truth according to their interests. Some lawyers have actually constructed the scenario so well that they give the impression that they themselves have believed it to be true.

The opposing parties or the accused (in criminal justice) are ready to fight to convince the judges of their own truth, a truth that contains small or big lies, decisive or insignificant omissions. They have entrusted their fortunes to their lawyers and to their witnesses who will "build" their story. Finally, the judges decide upon what was presented either in writing or orally before them. It appears that the battle of diagnosing the real truth has been actually lost. The judges will fatally end up endorsing the position of the one who handled the game of presenting the truth better in procedural terms ; or at least they will reconcile the opposite positions under a common denominator which will probably not be the complete truth.

In this view of the trial as a human mechanism for administering justice, power plays a prominent role. The strength of each participant, which may consist of wealth or power, or even rhetorical skills, will try to influence the final outcome. In practice, the trial as a battle for the truth seems lost, depending on which interests will prevail. As Erich Fromm aptly wrote, "it sometimes happens that some interests are advanced by the discovery of truth, others by its destruction."

Top Scottish Inspector says Broken' Prison System Sets Inmates up to Fail

Libby Brooks, Guradian: The prison system is "broken", with inmates returning to the community "bored and angry" and "set up to fail", according to Scotland's outgoing chief inspector. Wendy Sinclair-Gieben highlighted a succession of failings in a service she described as "the underdog of the criminal justice system", as she stands down as HM chief inspector of prisons for Scotland at the end of August. "The prison service is underfunded and underresourced for what the public and judiciary expect of it, yet it's a very big organisation having to deal with the most marginalised, violent and mentally ill in society, rehabilitation in Scotland's prisons was "not in a million years" sufficient. "Fundamentally, progression – which is the convicted prisoner's journey through prison out to the community – is broken. The system is broken." Sinclair-Gieben, who worked in prison leadership in Scotland, England and Australia before her appointment in 2018, described "despairing" inmates unable to take their next steps towards parole because of "huge" waiting lists for the offending behaviour programmes they are required to undertake. And she criticised the inadequacy of planning for prisoners who have served their sentences, citing individual cases of reoffenders she had spoken to during her six years in the role. "I met a young woman who had gone out on to a bed and breakfast where she wasn't allowed to stay during the day. She was lonely, nothing to do, no money and inevitably she went back to her friends who got her back into crime and drugs, so she came back into prison. What are we playing at? That's setting someone up to fail."

Home Secretary Required to Accommodate Vulnerable Individual

Finnian Clarke represented ABC, a destitute and highly vulnerable individual from Somalia, in his challenge to the failure of the Secretary of State for the Home Department ("SSHD") to provide suitable accommodation to him pursuant to section 4(2) Immigration and Asylum Act 1999 ("IAA"). In August, the Administrative Court made an interim relief order mandating the SSHD to accommodate ABC in London and he was provided with accommodation that same day.

ABC had been street homeless for around 4 years. He has a history of suicide attempts and suffers from alcohol addiction. After being arrested in March 2024 during a psychotic episode, he was assessed as lacking capacity to weigh up his options for treatment and care in relation to his mental health. He was then detained under s.2 MHA 1983. After being discharged into emergency "step-down" accommodation several weeks later, an application for s.4 IAA accommodation was made on his behalf on 15 July 2024. Despite the Home Office stating that this application was being "prioritised" no decision was made by mid-August, by which time he was imminently due to be evicted into street homelessness.

The Claimant's legal team made an application for interim relief and sought urgent consideration prior to his eviction and imminent homelessness. The Administrative Court agreed that it was at least reasonably arguable that the failure to accommodate the Claimant was unlawful, and made a mandatory order requiring the SSHD to accommodate him. As a result, the SSHD has agreed to provide s.4 accommodation to the Claimant.

Bahrain's King Pardons Over 450 Inmates

Dubai, United Arab Emirates -- Bahrain's king pardoned 457 prisoners Wednesday night to mark his 25th anniversary as the island nation's ruler, with one activist saying many of those freed appeared to be political prisoners. The announcement by the state-run Bahrain News Agency marks another mass release of prisoners in the Persian Gulf kingdom that has experienced repeated crackdowns on all dissent in the years following its 2011 Arab Spring protests. There was no list of names of the prisoners released by the order of King Hamad bin Isa Al Khalifa, who has ruled Bahrain first as its emir in 1999 before Bahrain became a kingdom in 2002. Bahrain's government did not answer questions from The Associated Press, but said the pardon "further demonstrates Bahrain's commitment to criminal justice, with an opportunity today for over 450 individuals to positively re-integrate back into society." Sayed Ahmed Alwadaei, who serves as the director of advocacy for the Bahrain Institute for Rights and Democracy, described many as being political prisoners now freed from the Jaw Rehabilitation and Reform Center. The prison has seen demonstrations and hunger strikes by prisoners over conditions there.

Questions Swirl Around Attempted Jailbreak in Congo

Kinshasa, Congo (AP) — Families of those killed in what authorities called an attempted jailbreak in Congo's biggest prison are demanding answers from the government as activists denounce what they say are inhumane conditions in the nation's overcrowded penitentiaries. Officials have said that 129 people died, including some who were shot by guards and soldiers, and others who died in a stampede trying to escape the Makala Central Prison in the capital of Kinshasa early on Monday 2nd of September. Justice Minister Constant Mutamba called the attempted jailbreak a "premeditated act of sabotage" and promised a "stern response." But rights groups and the opposition called for an independent investigation, accusing the government of using excessive force and covering up the true death toll. One prominent activist said more than 200 were killed.