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Early Prisoner Release Scheme Extended Indefinitely in England and Wales

Eleni Courea , Guardian: A scheme that allows prisoners to be released early because of a lack of space has been extended for an "undefined period". Leaked documents suggested the early release scheme – formally named the End of Custody Supervised Licence (ECSL) – has been expanded to more prisons for an extended time. The scheme allows prisoners in England and Wales to be released up to 18 days before the end of their sentence to ease an overcrowding crisis. It was drawn up by ministers in October and can apply to prisoners serving sentences of less than four years. Leaked government guidance seen by Sky News said the scheme had now been "activated for an undefined period" under an "urgent contingency" scheme.

Lisa Nandy, the shadow international development secretary, said there were potential implications for public safety and that Labour wanted "the government to come to the House of Commons urgently to explain what this scheme is. There's a big difference between an early release scheme that was designed to keep the public safe and an early release scheme that is a consequence of chaos, not just in the prison system but in the court system as well."

The deputy prime minister, Oliver Dowden, said: "We want to minimise the use of this scheme … [but] there's unprecedented demand in our prisons. To manage that gap occasionally between supply and demand we need to have these temporary measures but the prime minister and the lord chancellor are committed to minimising their use and I think that's the appropriate course." The shadow secretary of state for justice, Shabana Mahmood, said on X that the extension was "extraordinarily damning. The government cannot continue to extend and expand indefinitely what is supposed to be a temporary early release scheme, with zero transparency," she wrote. "The Tories are treating victims and the British public with contempt. We need answers." Plans for the scheme, first disclosed by the Guardian, were initially drawn up in October and the proposals were to apply to prisoners in England and Wales serving a sentence of less than four years.

Glenanne Gang: Ex-Police Officer Will Not Be Prosecuted Over 10 Murders

Julian O'Neill & Eimear Flanagan, BBC News: A former police officer will not be prosecuted in connection with 10 Troubles murders after a decision by the Public Prosecution Service (PPS). The killings were linked to the Ulster Volunteer Force (UVF) Glenanne gang. The PPS said the available evidence "was insufficient to provide a reasonable prospect of conviction".

Eugene Reavey, whose three brothers were among the 10 victims, said he had expected charges to be brought and now intends to challenge the PPS decision. "Now I have to go and tell all of my family members that this guy is not going to be prosecuted," he told BBC News NI. t's just one of those things that the Reavey brothers didn't matter. They were just murdered in the Troubles and nobody wanted to know."

In a statement, the PPS said the test for prosecution had not been met in respect of the unnamed former RUC officer, who it referred to only as "Officer A". Martin Hardy, assistant director of the PPS, said the key evidence against the ex-RUC man consisted of "a small number of documentary records containing allegations made by another person that Officer A was involved in the above incidents". These allegations are, however, not in the form of witness evidence. Therefore any prosecution of Officer A would require a hearsay application seeking the admission in evidence of these documentary records," he said.

Victims' group, the Pat Finucane Centre, said the decision not to prosecute the former Royal Ulster Constabulary (RUC) officer was disappointing, adding that the murders were not properly investigated at the time. Alan Brecknell, son of Silverbridge bomb victim Trevor Brecknell, described the decision not to prosecute in his father's case as "deeply disappointing but not surprising. The RUC was well aware of the identities of those who carried out these attacks, while at the same time making sure not to carry out anything resembling a proper investigation," Mr Brecknell said. Rarely has the phrase justice delayed is justice denied rung more true."

The Reaveys were aged 17, 22 and 24 at the time of the fatal shootings and their brother Eugene Reavey has led a long campaign seeking the truth about their murders. But the campaigner said he was not officially notified of the PPS decision before the information appeared online on Wednesday afternoon. "Officially I've been told nothing. I heard from a third party source that one of the RUC officers that was to be charged in connection with the murder of my three brothers is now not going to be charged at all. It is very disappointing that after 48 years, nearly 49 years almost now, that I find myself at the end of my tether almost with this investigation and it turns out to be a bum steer. I'm not really fussed if they spend any time in jail or behind bars. All I wanted was for the truth and to have those guys named and shamed in their own community." Mr Reavey said he would be speaking to his solicitor about the issue "because we will definitely be challenging this decision".

Court of Appeal Rules That the Illegality Defence Does Not Bar Insanity Cases

Doughty Street chambers: Judgment of the Court of Appeal in Lewis-Ranwell v G4S Health Services (UK) Ltd and Others has beenhanded down. The Claimant, Alexander Lewis-Ranwell, had killed three men whilst experiencing a psychotic episode. He was tried for murder and found not guilty by reason of insanity.

In the days before the killings, the Claimant had been twice arrested and released by the police, including, on the day before the killings, for assaulting an elderly man with a saw. Whilst under arrest, the Claimant behaved erratically and violently and was apparently very mentally unwell. The Claimant claims damages against the police and three further Defendants responsible for providing mental health services to him whilst in police custody on the basis that it was negligent to release him, rather than to take appropriate steps to safeguard his (and others') wellbeing.

Three of the Defendants sought to strike out the claim, relying on the illegality or ex turpi causa defence which had succeeded in previous cases where psychotic claimants had been convicted of diminished responsibility manslaughter (Clunis v Camden & Islington HA [1998] QB 978; Gray v Thames Trains Ltd [2009] UKHL 33; Henderson v Dorset University NHS Foundation Trust [2020] UKSC 43). The Defendants' application had failed before Garnham J in the High Court ([2022] EWHC 1213 (QB)). Their appeal to the Court of Appeal has now been dismissed (Underhill LJ and Dame Victoria Sharp in the majority, Andrews LJ dissenting).

After a comprehensive review of domestic and foreign authorities, Underhill LJ, in the leading judgment, applies the now orthodox analysis described by the Supreme Court in Patel v Mirza [2016] UKSC 42. He accords full weight to public policy considerations including ensuring (i) consistency in the law and (ii) public confidence and concludes that this does not require dismissal of the claim. Consistency: he accepts the Claimant's "straightforward case" that the verdict of Not Guilty by Reason of Insanity is an acquittal. The Defendants had argued that although the Claimant was not

criminally liable, the fact he had committed a criminal/ unlawful act was sufficient to engage the ex turpi causa defence. Underhill LJ considered that whilst the argument was superficially appealing, it does not accord with the fundamental justice of the matter nor reflect the basic perception in the previous authorities that there is a requirement for moral culpability.

Dame Victoria Sharp agreed, focusing on the principled difference in criminal law between the defences of diminished responsibility manslaughter and insanity and the bright line between the two which was recognised in Clunis, Gray and Henderson. As to the wider public confidence principle, Underhill LJ states, at [104]: "…the values of our society are not reflected by debarring a claimant from seeking compensation in this kind of case. It is necessary… to go beyond "instinctive recoil" and to consider what justice truly requires in a situation which most humane and fair-minded people would recognise as far from straightforward. Taking that approach, although of course those who are killed or injured must always be treated as the primary victims, it is fair to recognise that the killer also may be a victim if they were suffering from serious mental illness and were let down by those responsible for their care" The Defendants sought permission to appeal to the Supreme Court. That application was rejected by the Court of Appeal.

Foreign Governments Target Nationals Living Abroad

Human Rights Watch: Killings, Removals, Other Abuses Threaten Rights; Bold Policy Urgent Response Needed. Governments across the globe are reaching beyond their borders and committing human rights abuses against their own nationals or former nationals to silence or deter dissent. Methods of "transnational repression" include killings, abductions, unlawful removals, abuse of consular services, the targeting and collective punishment of relatives, and digital attacks. Governments should identify transnational repression as a specific threat to human rights, offer protection for victims, and take steps to ensure they are not complicit.

Governments across the globe are reaching beyond their borders and committing human rights abuses against their own nationals or former nationals to silence or deter dissent, these abuses leave individuals unable to find safety for themselves or their families. Governments and international institutions should take tangible steps to combat what is often referred to as "transnational repression" without inadvertently harming human rights in the process.

"'We Will Find You': A Global Look at How Governments Repress Nationals Abroad," is a rights-centered analysis of how governments are targeting dissidents, activists, political opponents, and others living abroad. Human Rights Watch examined killings, removals, abductions and enforced disappearances, collective punishment of relatives, abuse of consular services, and digital attacks. The report also highlights governments' targeting of women fleeing abuse, and government misuse of Interpol.

"Governments, the United Nations, and other international organizations should recognize transnational repression as a specific threat to human rights," said Bruno Stagno, chief advocacy officer at Human Rights Watch. "They should prioritize bold policy responses that are in line with a human rights framework and uphold the rights of affected individuals and communities." Transnational repression can have far-reaching effects, causing a serious chilling effect on the rights to freedom of expression, association, and assembly for those who are targeted, or who fear they could be targeted.

Cases reviewed by Human Rights Watch show how governments have targeted human rights defenders, journalists, civil society activists, political opponents, and others they deem a threat. One dissident was told by government authorities, "we will find you, and we will kill you." Soon after, he disappeared and his whereabouts remains unknown. Many victims are asylum seekers or refugees in a new country. Officials from their home governments told one victim that they will "end up

dead" if they speak out. Targeted people's families who stayed in their home country may also become victims. One individual targeted said, "If they can't get you, they will get your relatives."

Some victims have found themselves back in the hands of the governments they once fled after being unlawfully extradited or deported back to their country of nationality. Governments also carry out abductions and enforced disappearances. Individuals have been abducted outside their homes or even while on commercial flights. Forcible disappearances have led to other grave rights abuses, such as torture or extrajudicial execution. Governments have sought the return of individuals through the International Criminal Police Organization, Interpol, by issuing a "Red Notice," a non-binding request to law enforcement in all Interpol member countries to locate and provisionally arrest a person. They have issued politically motivated Red Notices, including in ways that are against Interpol's rules and standards, under baseless charges, to enlist other governments to locate the individuals they are targeting abroad.

Governments have targeted family members of dissidents who are still in their home country as retaliation for a person's activities abroad. Relatives have been harassed, threatened, arbitrarily arrested and detained, barred from foreign travel, or even killed. Used spyware to surveil a rights defender or harass an individual online who was openly critical of the government. These digital forms of transnational repression involve severe rights abuses including the violation of the right to privacy.

Governments should put victims at the forefront of their response to these forms of repression, Human Rights Watch said. They should be particularly mindful of the risks and fears experienced by refugee and asylum communities. They should denounce cases of transnational repression when it is safe to do so, investigate and prosecute those responsible, and pursue legislation if current laws are inadequate. The United Nations should establish a special rapporteur on transnational repression to report on trends and efforts by governments to address it. Interpol should set benchmarks on human rights for member states to meet in order to issue Red Notices, and subject governments with poor human rights records to further scrutiny when they submit Red Notices. "Human Rights Watch's research illustrates the vast rights implications of transnational repression for victims and their families across the globe," Stagno said. "Governments should dedicate resources to understand how transnational repression occurs on their soil and take needed steps to better protect those who initially came looking for safety."

UK Urged to End 'National Threat' of Violence Against Women and Girls

United Nations: The United Kingdom must take action to end all forms of violence against women and girls, having labelled it a "national threat", a UN independent human rights expert on the issue said on Wednesday 21st February 2024. Concluding a 10-day visit to the country, Special Rapporteur Reem Alsalem noted that a woman is killed by a man every three days in the UK, and one in four women there will experience some form of domestic violence in her lifetime. "Entrenched patriarchy at almost every level of society, combined with a rise in misogyny that permeates the physical and online world, is denying thousands of women and girls across the UK the right to live in safety, free from fear and violence," she said in a statement summarizing her preliminary findings and observations.

The Special Rapporteur noted that a number of realities undermine the UK's ability to realise the full potential of its legislation and policies on violence against women. They include the dilution of the link between these policies and the UK's international human rights obligations; a general critical discourse and positioning on human rights, particularly in relation to migrants, asylum seekers and refugees; and the fragmentation of policies on male violence against women and girls across devolved and non-devolved areas.

"Many countries will look to the UK for inspiration, as well as examples of innovation and good practice on how to make life safer for women and girls, and accountability for crimes committed against them," she added. However, the Special Rapporteur noted that a number of realities undermine the UK's ability to realise the full potential of its legislation and policies on violence against women. They include the dilution of the link between these policies and the UK's international human rights obligations; a general critical discourse and positioning on human rights, particularly in relation to migrants, asylum seekers and refugees; and the fragmentation of policies on male violence against women and girls across devolved and non-devolved areas. "The UK can do more to translate its political recognition of the scale of violence against women and girls into action," she said, before offering several recommendations, such as bringing together all legislative and programmatic strands of intervention on the issue, upgrading and formalising responsibility for discrimination and violence against women and girls in government, and anchoring it in human rights commitments.

Grassroots Groups Struggling: Ms. Alsalem expressed concern about how grassroots organisations and specialised frontline service providers working with women and girls are struggling to meet the needs of the most vulnerable, both foreign and national, who fall through the cracks and are not covered by statutory service providers. These groups "are struggling to survive in an increasingly challenging context of rising living costs, a deepening housing crisis and a critical lack of funding," she said. "The situation of NGOs working on gender equality and violence against women and girls has reached a crisis point and is simply untenable," she added, urging the UK authorities to restore predictable and adequate funding to frontline organisations.

Assange's Appeal Application - If They are Out to Get You?

Tim Dawson, the IFJ's deputy general secretary, reports on the WikiLeaks founder's appeal against extradition to the United States. Julian Assange's plea for leave to appeal his extradition to the United States provided cause for both hope and concern. Heard over two days in London's Royal Courts of Justice, on 20 and 21 February 2024, it could be the last time his case is considered by a European court. Assange is fighting extradition to face 17 changes under the Espionage Act, and one of computer hacking. If convicted, he could be sentenced to 175 years in prison, albeit with some qualified commitments that he will not face the severest solitary confinement.

Assange has been held in Belmarsh prison on the outskirts of London awaiting the outcome of these proceedings for the past five years. His extradition hearings starting exactly four years ago. There has been nearly six weeks of court sittings since then, and Assange has been present for almost every hour that his fate was under consideration. Four years ago, his engagement in the detail of the arguments was evident from his frequent interventions. This time, however, ill health prevented him from appearing, even by video link. How serious is his condition is unknown. News that he recently broke a rib during a coughing fit suggest significant unwellness. His wife Stella's faltering speech to the large group of supporters who gathered outside the court on the first day telegraphed the effects of unimaginable pressure.

Given the clinical assessments that have been heard before in court, it is hard to feel anything other than concern – a point well made by IFJ president Dominique Pradalié earlier this week. Perhaps news of these proceedings themselves will provide a fillip? Their purpose was to determine whether the bulk of the original arguments made against extradition, that were rejected by Judge Baraitser in the original hearing, merit reconsideration. Much of the case presented in court was a synopsis of that laid out in the original hearings. Assange's legal team had not been optimistic when they learned that the case would be in the hands of Judges Victor Johnson and Dame Victoria Sharp. Some complained of an establishment stitch up.

It was Judge Johnson's questioning, however, that swung the mood music. The morning of the second day of the hearings was given over to barristers acting for the United States to make their case for immediate extradition. Over two and a half hours Clair Dobbin KC presented the arguments. Dobbin is a ferocious court-room performer, but on this occasion appeared to unravel – just a little. She devoted much energy to arguing that Assange is not a 'respectable' journalist, because he had published the Iraq and Afghan War logs unreacted, unlike, say, the New York Times.

At this, Judge Johnson intervened. "But (Assange) was not the first to publish this material and they others have not been prosecuted," he said. This point forms a significant element of Assange's case that he was being singled out for punishment. Although the classified material was originally leaked to WikiLeaks, a bizarre series of cock ups followed. It was nabbed by a rival leaks platform, Cryptome, which published the logs in full as WikiLeaks worked desperately to redact names from them. Cryptome's publisher, an American who lives in New York City, has not been the subject of legal proceedings. Dobbin's retort was quick: "Cryptome couldn't have published if Assange had not first obtained the leak." From that moment on, however, her footings appeared less certain.

A little later she made the case that Assange would enjoy the protection of the First Amendment of the US constitution – the one that guarantees the right to free speech. Whether or not this offers protection to those who, like Assange, are not US citizens has been an issue of contention. Judge Johnson intervened again. "Do we have any evidence that a foreign national is entitled to the same First Amendment rights as a US citizen," he asked? After a yawning silence Dobbin conceded that: "I don't think there was anything." A little later, in response to further questioning from the judge, Dobbin accepted that had Assange's actions been directed at British classified material, then he would be liable to prosecute under the Official Secrets Act. This admission means that Assange is far more likely to be due protection under the European Convention on Human Rights – which in turn calls into question the Home Secretary's decision to allow the extradition. How much one should read into Judge Johnson's inquiries is hard to know – but they suggest, if nothing else, that he is approaching the case with an open mind.

Much of the first day's hearings were consumed with a dispute over the 2003 Extradition Treaty between the UK and the US. This contains a seemingly unambiguous clause that rules out extradition for "political offences". In earlier hearings, the US has successfully argued that this apparent guarantee is meaningless, because it was not adopted into UK law, by Parliament. "Only Parliament can grant people rights," has been the repeated assertion of James Lewis KC for the US. Assange's team came at this question from a slightly new angle. Edward Fitzgerald KC argued that such a protection was so long-standing, that it was akin to an ancient right. "For centuries, every extradition treaty this country has signed has included this provision," he insisted. He said that it was preposterous that such a protection could be removed because various pieces of domestic legislation had been silent on the issue.

The closing statement on Assange's behalf from Mark Summer KC provided a robust restatement of the concerns this case raises. Assange had revealed "state crimes", the US is planning "state retribution" and finally this: "You can't ignore what we all now know that (Trump) was plotting to kill (Mr Assange). This application is being treated as though it was issued in good faith while all the while the US was plotting to kill him." The judges retired and indicated that their decision will be at least a couple of weeks. In the meantime, Assange remains in jail and is, in the words of his lead counsel "ailing". Much the best solution would be for the US to agree some kind a plea deal, as its diplomatic representatives have already indicated might be possible. Perhaps the prospect of the public laundering of so much dirty washing will sharpen minds in Washington's Department of Justice?

UK Public Say - Pregnant Women and New Mothers Should Not Be Sent to Jail

Eve Livingston, Guardian: The British public backs reforms to how pregnant women and mothers are sentenced in courts, a new poll shared with the Observer has found. Polling conducted this month by Survation, on behalf of the campaign group Level Up and the women's charity One Small Thing, found 53% of respondents believed a mother with a baby should not be sent to prison with her infant if a community-based alternative was available. Only 28% disagreed, with the rest answering "don't know". A similar majority believed the long-term effects on a child should be a key consideration when sentencing a mother. There is currently no obligation for judges to consider pregnancy or maternity in sentencing decisions. The findings follow the end of a consultation by the Sentencing Council for England and Wales on revised guidelines for community and custodial sentences. A number of recent high-profile cases have highlighted issues of pregnancy and maternity in custody. In 2019, Aisha Cleary, a newborn baby, died in Surrey's HMP Bronzefield when 18-year-old Rianna Cleary was left to give birth alone in a prison cell without assistance. In 2020, 31-year-old Louise Powell gave birth to a stillborn daughter, Brooke, alone on a toilet in Cheshire's HMP Styal when a prison nurse did not respond to emergency calls. Official figures show stillbirth is seven times more likely when a woman gives birth in prison.

Dr Shona Minson, research fellow at Oxford University and leading expert on maternal sentencing, said evidence showed women as a whole were less likely to commit further offences when sentenced within the community. "A short sentence of imprisonment can mean a woman loses her home, job and children. If she is also pregnant, her baby and herself are put at risk as a prison is not a safe place for mother or baby due to the limited healthcare available," Minson said. "These risks make a custodial sentence a disproportionate punishment for a pregnant woman."

Sophie*, 40, spent part of her pregnancy six years ago in prison and lived in its mother and baby unit for the first 14 months of her son's life. "I look back and think of the stress I carried throughout my pregnancy when my baby was developing. He must have felt that stress every single day. How was that fair on my child? For a pregnant woman or mother, the punishment of prison is doubled. We were like caged animals: you felt like if you put a foot out of place, the officers would take your baby away. They shine a torch in your room at night if your baby cries. It's a suffocating, stressful environment." Sophie's son is now six and has behavioural issues which she attributes to the stress of infancy in prison. She does not know how to tell him about the first 14 months of his life.

Esther Sample, head of policy, research and influencing at One Small Thing, said the imprisonment of women and mothers saw "lives torn apart across generations. This is needless and preventable, and alternatives exist such as diversion schemes, problem-solving courts, support from women's centres, or Hope Street, our pilot residential community in Hampshire. The community justice sector needs to be prioritised and invested in so we can prevent the cycle of trauma that imprisonment creates for mothers and their children."

Janey Starling, co-director of Level Up, said: "While sentencing must be based on evidence, not public opinion, it should be encouraging to courts to know that the public do not want to see mothers and babies in prison where community alternatives are available. The Sentencing Council must introduce new measures that bring an end to the needless harm that so many pregnant women, mothers and babies endure in prisons. Prison will never be the best start in a child's life and even short sentences can have a lifelong negative impact." A Ministry of Justice spokesperson said improvements had been made. "This includes employing specialist mother and baby liaison officers in every women's prison, conducting additional welfare checks and stepping up screening and social services support."

Victims and Prisoners Bill - Mental Health/Human Rights/Criminal Justice Bodies Unite

Prison Reform Trust: An influential cross-sector coalition of mental health bodies, human rights charities and criminal justice organisations have joined forces to call for reforms to address the ongoing injustice of the IPP sentence – described by the former Supreme Court Justice Lord Brown as "the greatest single stain on our criminal justice system".

Members of the coalition include the Royal College of Psychiatrists, the British Psychological Society, Amnesty International, Justice, Liberty, UNGRIPP, the Probation Institute, the Centre for Crime and Justice Studies, Inquest, the Howard League for Penal Reform, and the Prison Reform Trust. The coalition is calling on peers to support 17 amendments relating to IPPs tabled for the committee stage debate on the victims and prisoners bill. The debate on the amendments is expected to begin on Monday 26 February. A joint briefing supported by members of the coalition has been sent to peers ahead of the debate on the amendments.

The amendments have been tabled by a distinguished cross-party group of peers including the former Home Secretary Lord Blunkett, the former Lord Chief Justice Lord Thomas, the former Shadow Solicitor General Lord Garnier, Lord Moylan, Lord Carter, Lord Hodgson, Baroness Fox, Baroness Chakrabarti, Baroness Burt, Baroness Blower, Earl Attlee, Lord Hope, and the Lord Bishop of Gloucester. The amendments include provision to introduce resentencing in line with the principal recommendation of the Justice Committee's inquiry on the IPP. They also include measures to improve the sentence progression of IPP prisoners, reverse the Parole Board release test for certain IPP prisoners, and improve the treatment of people sentenced to Detention for Public Protection (the equivalent of the IPP sentence for juvenile offenders).

Clause 48 of the bill, introduced during the bill's report stage in the House of Commons, makes welcome changes to the process for the review and termination of an IPP licence, including bringing forward the point at which someone serving an IPP in the community becomes eligible for a licence review from 10 to 3 years, and introducing provision for the automatic termination of an IPP licence. Amendments tabled by peers would make further improvements to these arrangements as well as introducing a new power of executive release of recalled IPP prisoners.

Dr Josanne Holloway, Chair of the Forensic Faculty at the Royal College of Psychiatrists, said: "The Victims and Prisoners Bill is a chance to make real progress in ending one of the biggest injustices of our criminal justice system. Serving an Imprisonment for Public Protection (IPP) sentence can have a devastating impact on someone's mental health. They have all served longer than the usual tariff for the offence, often for continuing mental health difficulties and live with the daily uncertainty of not knowing if their sentence will ever end. A hardship which is worsened by the fact that the very sentence they are serving is unjust. The effects of these sentences can often lead to people being recalled often because of lack of needed support on release. Therefore, it is important for those who are returning to their homes to have the right additional support available in the community. We hope the government accepts these amendments and makes urgent and effective action to resolve this worry situation."

Professor Nic Bowes, Chair of the British Psychological Society's Division of Forensic Psychology, said: "The British Psychological Society welcomes the proposed reforms to the IPP licence. Research studies have shown that IPP sentences are psychologically harmful, leaving people in a chronic state of anxiety and hopelessness, with a detrimental impact on mental health. Increasing the prospect that an IPP sentence will end is a positive step towards restoring hope, which is a crucial factor in desistance from crime. We remain concerned about the psychological harm of IPP sentences to those who have never been released from prison, and we support the range of amend-

ments that seek to address their circumstances. We also support the Justice Committee's call to form an expert working group to examine a resentencing exercise. Independent expert scrutiny would ensure a carefully planned and evidence-based method of righting the historic wrongs of IPP. Forensic psychologists would make an important contribution to this working group."

Tom Southerden, Amnesty UK's Legal Programme Director, said: IPP sentences are a stain on the justice system and were found by the European Court to violate fundamental human rights as long ago as 2012. For the thousands of people still stuck in this system it has become a living nightmare. It's clearly past time for a root and branch reform of how the justice system deals with these people, and while the government's proposals in the Victims and Prisoners' Bill are a welcome step they don't go nearly far enough. We urge all Peers to support the range of amendments that have been tabled that will provide real relief for people condemned to suffer this cruel, inhuman and degrading punishment."

Tyrone Steele, Deputy Legal Director at JUSTICE, said: "Too many people are losing hope while living out IPP sentences years or decades longer than their crime warranted – sentences so indefensible that the Government abolished them. Righting this wrong would give people their futures back and help ease pressure on our overloaded prison system. We urge Peers to support these amendments to help end this shameful chapter in our legal history."

A spokesperson for UNGRIPP said "Everyday we hear about the extreme damage the IPP sentence does to people serving the sentence and their families. This treatment has been allowed to continue for more than 18 years. The torture of the IPP needs to stop! While many of these amendments do not go far enough, they are a step closer to ending the injustice of the IPP sentence."

Helen Schofield, Chief Executive, Probation Institute, said: "A review of IPP provision is long overdue. The Probation Institute strongly urge members of the House of Lords to support the proposed amendments in the interests of justice and humanity."

Richard Garside, Director of the Centre for Crime and Justice Studies, said: "All parties have promised not to use IPPs as a political football. To wipe this stain off our criminal justice system for good, all sides in parliament are going to have to work together."

Deborah Coles, Executive Director of Inquest, said: "INQUEST has assisted the bereaved families of at least 28 people who died imprisoned on indeterminate sentences. The harm they cause to prisoners and their families is irrefutable. Despite widespread evidence of the injustice of the sentence and the fact that it was abolished in 2012, thousands of people sentenced to an IPP before 2012 continue to languish in prison whilst others released in the community live with the endless threat of recall. INQUEST's casework has highlighted the undeniable link between the IPP sentence, hopelessness, self-harm and suicide. We stand in support of a re-sentencing exercise for all prisoners on an IPP sentence and want to see the sentence abolished retroactively to prevent further harm and deaths."

Andrea Coomber KC (Hon.), Chief Executive of the Howard League for Penal Reform, said: "Each week, the Howard League receives letters from IPP prisoners describing the despair that comes with a sentence apparently without end. In our visits to prisons, we find men who feel forgotten, alone, and indignant at the injustice of it all. Some say they are resigned to die in jail. "That this sentence is allowed to continue to devastate lives is a travesty. Thousands of families have been torn apart by the IPP scandal, and we hope the House of Lords will support these amendments that will finally and effectively allow IPP prisoners the justice they have so long been fighting for."

Pia Sinha, Chief Executive of the Prison Reform Trust, said: "By taking bold steps to reform the process for the review and termination of an IPP licence, the current justice secretary has gone further than many of his predecessors in seeking to address the ongoing stain of the

IPP sentence. But the injustice faced by thousands of IPP prisoners and their families requires more radical action still. An influential cross-party group of peers has tabled a series of amendments to the victims and prisoners bill to take forward reforms in a number of important areas. With the backing of organisations from across the mental health, human rights and criminal justice sectors, we hope peers will be persuaded to support these amendments and help bring a distressing chapter in British legal history to a close."

Liberty Force Government Backdown of Hacking Journalistic Materials

Venita Yeung, Justice Gap: The government has agreed to enact stringent safeguards aimed at shielding journalists' confidential material from unwarranted access by state bodies, following action by Liberty. This decision comes following a prolonged legal challenge spanning seven years. Responding to mounting pressure, the government has urged Liberty to withdraw its legal proceedings, on the promise of amending legislation. Under the current Investigatory Powers Act 2016, intelligence agencies such as MI5 possess the authority to search bulk hacking data for confidential journalistic material, and retain it wout independent authorization. This practice has raised significant concerns about the vulnerability of communications between journalists and their sources, posing a direct threat to freedom of press.

An amendment has been introduced and debated yesterday in the House of Commons, which would mandate intelligence agencies to obtain prior approval from the Investigatory Powers Commissioner before accessing or retaining any confidential journalistic information. This encompasses material that could potentially reveal the identities of journalists' sources. The commissioner is authorized to grant permission for accessing or retaining confidential journalistic material only if the public interest in doing so outweighs the public interest in upholding the confidentiality of such material, and if there are no less intrusive means available for obtaining the information. Megan Goulding, a lawyer representing Liberty, hailed the development as a monumental triumph for journalistic rights and emphasised the critical role of such safeguards in upholding democratic principles. However, she also contended that journalists and sources were still at risk from other bulk surveillance powers. While the introduction of these safeguards marks a significant step towards protecting journalistic autonomy, concerns still linger regarding the broader implications of mass surveillance.

Curators Criticise Decision to Anonymise UK Prisoners' Artistic Works

Rajeev Syal, Guardian: Awards for prisoners' artistic works are anonymising all entrants for the first time on the orders of the Prison Service, prompting criticisms from curators and past winners. Creative writing, artwork and music displayed at the Koestler exhibition at the Royal Festival Hall have previously been labelled with the prisoners' first names.

But HM Prison and Probation Service (HMPPS) has told Koestler Arts, the charity behind the awards, that it no longer wants the names shown, the prisoners' newspaper Inside Time has disclosed. In future, only the prison will be named. The charity, which operates with the agreement of HMPPS, announced the change in its 2024 entry form, stating: "We regret that we can no longer give first names of entrants next to artworks. This is because HMPPS have requested all artists' work be anonymised from September 2023 onwards."

Critics of the decision suspect that the government is reacting to complaints from right-leaning media when notorious criminals have displayed their art. In 2021, the Ministry of Justice withdrew a sketch of a tiger at the exhibition drawn by "Katrina" after it emerged that the artist was Katrina Walsh, jailed for 25 years for murder. The ruling applies to the annual Koestler

exhibition at the Southbank Centre in London and regional displays around the UK. Each is staged with the help of a guest curator, and three former curators told Inside Time they were unhappy with the decision and wanted the Prison Service to reconsider.

The poet, playwright and author Joelle Taylor curated last autumn's London exhibition, which was the first affected by the new rule. "I was disappointed to discover during the exhibition that the artworks had been surgically separated from the artists who created them … It is vital that the service rethinks and understand the transformative quality of seeing oneself as something other than the crime committed. The art belongs to the artist." The poet and ex-prisoner Lady Unchained, who curated a Koestler exhibition in Manchester in 2021, said: "In prison your name is taken and you are addressed by a number. I think this is a sad moment for those who have picked up a pen or a brush to re-find their voice."

An HMPPS spokesperson said that while it recognised the importance of art in prisons, "all displayed artwork is anonymised to protect victims". The awards were founded in 1962 by the novelist Arthur Koestler. Each year, more than 3,500 people in custody or on probation enter their creative work.

Outrage at Conviction of Ibrahima Bah

MOJUK shares the outrage of migrant and refugee advocacy groups such as JCWI, SOAS Detainee Support, Care for Calais and Captain Support UK, at the cruel prosecution of Ibrahima Bah, from Senegal, that has led to his unjust conviction for facilitating illegal immigration and manslaughter. Bah, as IRR document in there regular calendar of racism and resistance, was a teenager in December 2022 when he was forced by people smugglers to pilot a dinghy across the Channel. The boat broke up and at least four people died. Why, migrant support groups ask, was a vulnerable young man on trial, and not the British and French states which make it impossible for people to come to this country safely?

The Captain Support network, which connects those accused of driving boats to Europe with local support networks and lawyers, and was present at Canterbury Crown Court during the three-week hearing, has gone further. It draws attention to the use of racist tropes and racial profiling during a trial that took place in front of an all-white jury, also raising questions about the role the CPS played in the racialised demonisation of Ibrahima Bah. Captain Support UK is right to warn that the prosecution and conviction of Ibrahima Bah represents a 'violent escalation in the persecution of migrants to "Stop the Boats"'. Neglect and inhumanity, particularly towards unaccompanied children, are also part of strategies of persecution and criminalisation. In Northern Ireland, in another case documented in our calendar, Phoenix Law has instigated an important challenge to the Illegal Migration Act, on behalf of a 16 year old Iranian boy, currently living in a children's home, who has been deprived of the right to claim asylum because he arrived by small boat.Start here.

Loyalist Victims' Widows Receive 'Significant' Settlements

Gerry Bradley, BBC News: The widows of two men murdered by loyalist paramilitaries have been awarded "significant" settlements. John Toland and James Loughrey were shot within days of each other in the villages of Eglinton and Greysteel, County Londonderry, in 1976.

Their families always claimed there was collusion and sued the Ministry of Defence (MoD) and Police Service of Northern Ireland (PSNI). On Monday 26th February, the MoD and PSNI settled with no admission of liability. A barrister representing the victims' widows, Mary Loughrey and Marie Newton, confirmed that confidential settlements had been reached.

The defendants are also to pay the two widows' legal costs as part of the resolutions.

In a statement, a PSNI spokesperson said the terms of the settlement are confidential and "out of respect for those involved, we will not publicly discuss or comment on the specifics of the case". An MoD spokesperson said: "The MoD has reached an out-of-court settlement in the civil claims brought by the widows of John Toland and Jim Loughrey. "The settlement is on a full and final basis and without an admission of liability by the MoD."

Criminalisation of People Arriving to the UK on 'Small Boats',

An important new report published by Border Criminologies and the Centre for Criminology at the University of Oxford details how asylum seekers crossing the Channel on small boats are being arrested and imprisoned in the UK. It finds significant procedural and legal injustices are occurring in courts in Kent. The report draws on wide-ranging research and analysis, but the primary source of data comes from physically observing over 100 court hearings in magistrates' and Crown courts in Kent. This is supplemented and corroborated through interviews with lawyers and interpreters working on the cases. It is further informed by the direct testimonies of four people with personal experience of being criminalised for their arrival in the UK. A helpful introductory chapter considers the legal framework behind the arrests and the new offences under the Immigration Act 1971 of 'illegal arrival' in the UK and the facilitation of illegal arrival that were brought in by the Nationality and Borders Act 2022 (NABA).

Foreign Criminals to be Offered Deportation Instead of Prosecution

William Lloyd, Justicd Gap: Justice Secretary Alex Chalk has revealed plans that to offer 'conditional cautions' to low level offenders, where they will be deported from the UK instead of facing trial. This plan aspires to relieve the pressure on both overcrowded prisons, and reduce the court backlog. The proposal, supported by policing minister Chris Philp, seeks to deport offenders without convicting them. This has generated criticism that it violates the human rights of prisoners and that the right to a fair trial is being limited to those born in the UK only. Chalk acknowledged that many of these prisoners have families in the UK from whom they do not wish to be forcibly separated.

The UK Government aims to address prison overcrowding through a commitment to increasing prison capacity and pursuing deportation agreements with countries like Albania, Poland, and Romania. Chalk highlighted the financial burden of housing foreign inmates and outlined plans for new prison infrastructure. Additionally, measures to streamline the deportation process and prevent last-minute appeals have been implemented. While facing criticism, Chalk defended the decision not to release prisoners during the pandemic, prioritizing public safety. He emphasized the importance of upholding principles despite the challenges posed by prison overcrowding: 'Now there are some cases where it's absolutely right that you are going to want to go through the criminal justice process to ensure that that person is properly punished. […] But there will be other cases where it's in the public interest to simply get them out of the country.'

Hundreds of Police Officer Data Breach Claims Struck Out

Police officers who brought data breach and misuse of private information claims where their pre-issue costs alone were £1.2m have seen their claims struck out. Mr Justice Nicklin allowed just 14 of the 446 claimants to continue their cases and even then cast doubt on whether they would lead to damages at trial.The ruling is an indication of the difficulties of bringing data breach claims where there is little or no evidence that the claimants suffered actual harm.