advice" and that "an abstract declaration would be far less effective than the oversight of the Parliamentary Committee charged with ensuring, amongst other things, that legality does not give way to expediency."[47-9]

Challenging a policy that is neither confirmed nor denied: A final hurdle facing the Claimant was the Defendant's refusal to formally confirm if it did provided intelligence to the US for use in drone strikes, in accordance with its policy of neither confirming or denying such matters to protect national security. The question was whether this precluded the grant of permission, given the need to base the claim on a firm factual premise. The court held that in this case the "mere assumption that targets are identified with the aid of intelligence from GCHQ" was not a sufficient factual basis for a declaration. [9-11; 35-6]

No judgment on actions of foreign state: Ultimately, the Court found that the real aim of this litigation was to persuade the court to make a public pronouncement condemning the activities of the US. However, this was not one of the exceptional cases where the court was obliged to resolve a question of international law and judge the actions of another sovereign state.

A declaration from the court was inappropriate given the lack of a firm factual premise and that any judgment on the potential criminal involvement of UK intelligence services in US drone strikes as accessories would inevitably require a judgment on the culpability of the US as the perpetrators of the attacks. Ultimately, parliamentary committees tasked with monitoring GCHQ were best placed to consider any concerns about the dissemination of intelligence to the US for use in drone strikes. The Claimant has indicated that he intends to appeal this judgment.

Michael McKevitt and Liam Campbell to European Court of Human Rights

Two men held liable for the Omagh bombing are seeking to go before the European Court of Human Rights to overturn the ruling, it has emerged. The pair are jailed Real IRA leader Michael McKevitt and Liam Campbell. Lawyers for the two men have based the challenge on their inability to cross-examine an FBI spy whose evidence was central to the case against them. The disclosure comes as two other men originally held responsible prepare to face a retrial at Belfast High Court.No-one has been criminally convicted of the Real IRA bomb attack that devastated the County Tyrone market town in August 1998, killing 29 people including a woman pregnant with twins. McKevitt, Campbell, Colm Murphy, and Seamus Daly, were all held liable for the bombing in a civil ruling in 2009.The Court of Appeal subsequently upheld Mr Murphy and Mr Daly's challenges to the verdict and ordered them to face a retrial which gets under way next week. Legal papers prepared on behalf of McKevit & Campbell for the ECtHR application, focus on the role and credibility of Dave Rupert, an American trucking boss-turned FBI spy who infiltrated dissident republican ranks.

Hostages: David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Sam Hallam, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Miran Thakrar,Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Simon Hall, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

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MOJUK: Newsletter 'Inside Out' No 407 17/01/2013)

State Use 'Secret Evidence' To Keep John Bowden Behind Bars

It is relatively rare that prisoners, originally sentenced for non-political offences, become so politicised whilst in jail, that their release is opposed by the prison authorities for exactly that reason.

In the case of life sentence prisoners who have served the "tariff" part of their sentence (or the length of time the judiciary stipulates they should remain in jail), the legal criteria determining their release, or not, are clear and straightforward: Has the prisoner served a sufficient period of time to satisfy the interests of punishment and retribution? Does the prisoner remain a risk to the community? Can the prisoner be safely and effectively supervised in the community post-release?

Of course the prison authorities would never openly admit that apart from the above criteria, there is another "risk factor" that would prevent a life sentence prisoner's release: Their identification with a progressive or radical political cause. Opposing a life sentence prisoner's release, purely on the basis of their having exposed and organised against human rights abuse in the prison system, would of course make a complete mockery of the claim that, apart from its punishment function, prison also exists as a place of reform and rehabilitation, a place where supposedly brutal and anti-social criminals are made better people by a system administered by humane and just-minded individuals. The entire legitimacy of the prison system is based on the premise that, essentially it exists to protect the public from individuals who represent a threat , so denying that some life sentence prisoners are kept locked-up solely because they embrace an ideology that actually believes in a society and world free from violence, exploitation, and inequality, is imperative if the myths and fallacy used to justify the existence of prisons is to remain intact.

The prison system actually employs a whole legion of compliant 'Criminal Justice' system "professionals", like social workers, probation officers, and psychologists to provide, if necessary, the politically neutral lexicon of "risk-factors" and "Personality Disorder" to legitimize the continued imprisonment of life sentence prisoners, who in reality are viewed as politically motivated and likely to become politically involved on the outside if released. The narrative of my own life and experience from brutalised and violent young criminal to politically conscious pris-

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oner activist, and how the prison system continues to respond to that, is illustrative of how that system actually considers politicised life sentence prisoners far, far more worthy of continued detention than those who might genuinely pose a risk to the community.

In 1982, I was sentenced, alongside two other men, to life in prison for the killing of a fourth man during a drunken party on a South London council estate. At the time, I was 25 years old, and a state-raised product of the care and "youth justice" system. The prison system that I entered in the early 1980's was a barbaric and de-humanising place, where in terms of the treatment of prisoners, the rule of law stopped dead at the prison gate. My almost immediate response to prison repression was one of total defiance and resistance, that was met with physical and psychological brutality in the form of regular beatings, (in 1991 a civil court in Birmingham found that prison guards in the notorious Winson Green jail had subjected me to a sustained and gratuitous beating-up within minutes of my arrival at the jail), and many years held in almost clinical solitary confinement. Far from breaking my defiance, such inhuman treatment only deepened my determination to fight the system, and to use the only method truly effective in that regard – solidarity with other prisoners. As the years passed, I began to politically contextualise the struggle I was involved in against the prison system, and understand it as a part of a much wider struggle that transcended prison walls and essentially characterised all societies and places where the powerful brutalised and de-humanised the powerless.

The length of time that my original trial judge recommended I should remain in jail has now long passed, and yet I remain in a maximum security prison, and what can best be described as a campaign by the prison system to keep me here intensifies with the approach of my second parole hearing in over 30 years.

It is essentially my contact with prisoner support groups on the outside, or "subversive" and even "terrorist" groups, as the prison authorities have defined and described them, that is now claimed in some prison system reports, as the main "Risk-Factor" preventing my release. Of course , if necessary, for the purpose of officially legitimising my continued imprisonment, for the convenience of the Parole Board, the usual array of morally compromised and corrupt social workers and prison-hired psychologists will attest to the fact that my enduring "anti-authoritarianism" is just a symptom of my psychopathy and continuing risk to the public. But if there are any doubts that I remain in prison, first and foremost, because of my efforts to expose the prison system for what it truly is, then a document sent to the Parole Board by the Scottish Prison Service on the 2nd December last year, lays them firmly to rest.

The document, an "intelligence report" compiled by the Security Department at Shotts Prison in Lanarkshire, was comprised of two parts, one that I was allowed to read, and another part described as "Non-Disclosure", which means secret information that I would not be allowed access to. It is rare for "Non-Disclosure" intelligence reports to be submitted to the Parole Board, and it represents a total negation of any pretence of open and natural justice, very much like the secrecy employed to imprison "terrorist suspects" without legal due process. Obliged as it is to officially inform prisoners if "Non-Disclosure" evidence is to be used against them at parole hearings, I received a letter from an "Intelligence Manager" at Shotts Prison in late December of last year, informing me that a portion of "intelligence" on me was so detrimental to "public interest" if it was revealed that it had to be kept secret. I was, however, informed that the "intelligence" related to articles written by me that were critical of the prison system and then placed on political websites. One seriously wonders how the posting of articles and information on the internet that expose abuses of power by the prison system, would so endanger "public interest", unless of course we replace "public interest" with the more

eration of the actions of other states under international law, the court may be compelled to undertake that task. However, he identified an "important caveat", given that identifying a right should involve consideration of : "what exercise of the right would entail. Thus the restraint traditionally shown by the courts in ruling on what has been called high policy – peace and war, the making of treaties, the conduct of foreign relations – does tend to militate against the existence of the right.(Gentle [8(2)])" [23] He also recognised that it may be necessary to determine questions of international law for the purposes of considering a legitimate defence under domestic criminal law. In R v Gul (Mohammed) [2012] 1 Cr App R. 37, the Defendant sought unsuccessfully to defend terrorism charges on the basis that he was encouraging self-defence against coalition forces invading Iraq, contending that those forces were not entitled to combatant immunity in the absence of any international armed conflict.[25]

Combat immunity: In the instant case the Claimant contended that it was necessary to decide on the nature of the United States' attacks to determine whether employees of GCHQ would be entitled to combatant immunity. Thus, the court was not being asked to sit in judgment on a sovereign state but was obliged to consider how international law would classify the actions of the United States for the purpose of determining issues of domestic criminal law.

The court rejected this contention, concluding that it was being asked to give an advisory opinion on "a difficult point of criminal law, depending upon sparse and unproven facts". Such opinions are rarely given and the particular difficulty here was that whether conduct amounts to a criminal offence is peculiarly sensitive to the facts of the particular case. Any declaration made would, without engaging with the factual circumstances, be "useless, inaccurate and misleading", offer no meaningful guidance as to future conduct and risk including lawful activity within the scope of criminal conduct.[31]

However, the fundamental objection to the grant of a declaration was that it would involve and would be regarded "around the world" as "an exorbitant arrogation of adjudicative power" in relation to the legality and acceptability of the acts of another sovereign power. Any consideration as to whether a GCHQ employee is guilty of a crime or encouraging or assisting crime in these circumstances would be regarded by the US as an accusation of murder. [55]

The lack of a published policy: The court also rejected the contention that the Defendant obliged to publish a policy addressing the legality of dissemination of intelligence to be used in drone attacks. It was not persuaded of the relevance of the published policy for intelligence officers on the detention and interview of overseas detainees. This policy and the extent to which it had accurately addressed secondary liability under s.134 of the Criminal Justice Act 1988 (assisting torture), had been considered by the court in R v (Equality & Human Rights Commission) v Prime Minister [2012] 1 WLR 1389. However, Moses LJ considered that the guidance illustrated the difficulty of attempting to transform difficult concepts such as the difference between knowledge, belief and suspicion into a written policy or court declaration.[42-5]

Ultimately, the court did not determine the question of whether GCHQ employees would have a defence of combatant immunity to criminal charges, given that "there is no risk they will ever be prosecuted and where the existence of facts likely to found a criminal charge is a matter of imaginative conjecture."[46]

The only means of redress?: The Claimant accepted that there was no likelihood of prosecution and argued that a declaration would be the only way that the legality of passing intelligence to the US for use in drone strikes could be determined. However, the court noted that GCHQ activities are monitored by parliamentary committees, with access to the "best

High Court Refuses To Condemn Us Drone Strikes

(Khan) v Secretary Of State For Foreign & Commonwealth Affairs [2012] EWHC 3728

In this unsuccessful application for permission to apply for judicial review, the Claimant sought to challenge the Defendant's reported policy of permitting GCHQ employees to pass intelligence to the US for the purposes of drone strikes in Pakistan. The Claimant's father was killed during such an attack in March 2011.

The Claimant alleged that by assisting US agents with drone strikes, GCHQ employees were at risk of becoming secondary parties to murder under the criminal law of England and Wales and of conduct ancillary to war crimes or crimes against humanity contrary to international law. The Claimant sought declaratory relief to that effect and also sought a declaration that the Defendant should publish a policy addressing the circumstances in which such intelligence could be lawfully disseminated. [paragraph 6]

The Defendant's objected to the grant of permission on four bases [4]: • that the court would be required to adjudicate upon the acts of foreign sovereign states;

- that the Claimant was seeking a declaration as to whether future conduct would be proscribed by domestic criminal law;
- that the court should not give an advisory opinion; and
- that the case could not be tried at all given the absence of a statutory closed material procedure in judicial review proceedings since AHK v Home Secretary [2012] EWHC 1117 (Admin). (The court did not determine this issue given the refusal of permission.

The court's approach – what was the Claimant "really after"?

Lord Justice Moses observed that in R (Gentle) v Prime Minister) [2008] 1 AC 1356, the court sought to 'lift the cloak' of a claim for a public inquiry under Article 2 of the European Convention on Human Rights. The real aim of the litigation was an investigation into why the Attorney General allegedly changed his mind to give the wrong advice as to the legality of the invasion of Iraq.

In this case, Moses LJ considered that the court must also cast a "critical eye" on the claimant's description of the issues and identify what he was "really after". He considered that the intention in this claim was to persuade the court to do what it could to stop further strikes by drones operated by the United States. That what the claimant was "really after".[13]

Judgment on the acts of a foreign state The court noted that domestic courts are precluded from sitting in judgment on the acts of a foreign state, or adjudicating upon the "legality, validity or acceptability of such acts, either under domestic law or international law" (Kuwait Airways Corporation v Iraqi Airways Co (Nos 4 and 5) [2002] 2 WLR 1353). To do so would imperil international relations. Further, a state could not protest that it was not responsible for the conduct of its courts – the judgment of the court would be regarded as the judgment of the country (see R v (Campaign for Nuclear Disarmament) v Prime Minister [2002] EWHC 2777 (Admin) per Simon Brown LJ).[15-16]

The Defendant asserted that expressing a definitive view on the legal issues raised by this claim would indeed risk damage to the UK's relationship with its most important ally and thus national security.

The Claimant contended that there was no absolute principle that the court could not resolve international disputes. For example, in R v Home Secretary, ex parte Adan [2001] 2WLR 143, the court was obliged to consider whether France and Germany were misapplying the Refugee Convention order to determine the Claimant's asylum rights.[21]

Moses LJ accepted that if a domestic right or obligation can only be vindicated by consid-

precise "state interest". The purpose behind the use of "Non-Disclosure" evidence in my case is obvious – To convey to the Parole Board the clear message that my current "risk" is not so much about a danger to the public, but much more about my willingness to publicly expose the brutal nature of the prison system, with the assistance of "subversive groups" on the outside. The part of the "Intelligence Report" that I was allowed full access to confirms this.

Virtually every single one of the "entries" in the part of the report I was allowed access to focuses on what it describes as my "internet activity" and links to "subversive groups" on the outside: "Bowden continues to leak information through a social networking site." - "Website features articles relating to Bowden asking people to protest and fight for freedom." - "Bowden continues to be involved in internet activity and there are plans to have a day of action in support of Bowden." - "Intelligence provides that Bowden sends correspondence out of prison that is then posted on the internet."- There is also a reference to what was described as my attempt to set up a debating society in the prison's Education Department to "platform his current political views, which are focused on poverty."

This is the evidence that the prison system claims justifies my continued detention after more than three decades in prison. Not a single entry in the "intelligence report" suggests I pose a genuine risk to the community or am likely to re-offend in a criminal way, and yet the Parole Board, a wholly white middle-class body, will inevitably rubber-stamp my continued imprisonment in compliance with the prison system's wishes.

The two men who were originally imprisoned with me in 1982 were released almost twenty years ago, and I, as a direct result of my struggle to empower and organise prisoners in defence of their basic human rights, remain buried in a maximum security jail, probably until I die.

I will of course continue to write and distribute articles exposing and criticising the brutality of prison as a weapon of social control and ruling class violence, and also highlighting my own victimisation as a consequence of that.

John Bowden: HMP Shotts, Cantrell Road, Shotts, ML7 4LE, June 2012

Older Prisoners JSC Call for Evidence - But Not From Older Prisoners

[Bollocks to the Justice Select Committee, MOJUK gives *Keith Rose his say]

The Justice Select Committee, chaired by Sir Alan Beith MP, is launching a call for written evidence for its new inquiry into older prisoners. Specifically, the Committee will seek to explore: - Whether responsibilities for the mental and physical health and social care of older prisoners are clearly defined. - The effectiveness with which the particular needs of older prisoners including health and social care, are met; and examples of good practice. - What environment and prison regime is most appropriate for older prisoners and what barriers there are to achieving this. - The effectiveness of training given to prison staff to deal with the particular needs of older prisoners, including mental illness and palliative care. - The role of the voluntary and community sector and private sector in the provision of care for older people in leaving prison. - The effectiveness of arrangements for resettlement of older prisoners. - Whether the treatment of older prisoners complies with equality and human rights legislation. - Whether a national strategy for the treatment of older prisoners should be established; and if so what it should contain. Please be aware that the justice committee is unable to investigate individual cases. Why the fuck not?

*Category OAP: A couple of weeks ago, I was dragged kicking and screaming onto an over 50s wing. After admiring the deep furrows my fingernails had left in the concrete floor, I

picked myself up, dusted myself off and entered the spur. Making my way through a forest of Zimmer frames, past a row of very smelly old men in bath chairs drooling onto the tartan rugs covering their knees ••• but that's enough about the staff ••• what about the prisoners?

The first thing that struck me was the number of over 50, over 60 and yes, over 70 year old, Category A prisoners. What utter nonsense! Whitemoor, like all Dispersal prisons was built to prevent the escape of IRA prisoners, and professional criminals, typically armed robbers. Category A prisoners were, without exception, serious terrorists or young, professional, big time criminals, not a bunch of pensioners who couldn't get over a wall, unless it was fitted with a Stannah stair lift.

How has the farce of old men, often infirm, being designated Category A, clogging up High Security prisons when others with 30, 35, 40 year sentences or whole life tariffs housed in Category B establishments, come about?

At one time, when governors had an influence on Category ratings, a typical prisoner would spend so much time as say, 'High Risk Category A, then after a period of prolonged assessment, (usually around a quarter of sentence or tariff), by staff and management having daily contact, the prisoner might progress to Standard Risk Category A. After further periods of risk assessment, the prisoner could potentially progress through the Category system to release.

The above system was easily understood and managed by staff who knew most about the prisoners in their charge, by having daily contact with them.

Over the past 20 years the prison population has doubled from around 43,000 to 91,521 on the 1st January 2013. There have been many changes, one of which is the introduction of the Incentive & Earned Privileges (IEP) system.

The IEP system was at introduction, quite easy to understand. Prisoners were awarded points, depending on their behaviour, by staff in daily contact with them. Points were awarded (or deducted) for.a variety of reasons ranging from cell tidiness to participation in education etc. A prisoner's conduct would place him into one of 3 self explanatory classes, Basic, Standard or Enhanced. Like the Category system above, the IEP scheme was simple and managed by staff having daily contact with each prisoner.

So what went wrong? Why do High Security, Dispersal prisons have to make provision for elderly, often very infirm prisoners in their 50s, 60s, 70s and believe it or not even 80s, who remain classified Category A?

The villains of the piece are obvious to any prisoner, the psycho-babes. Trainee psychologists who are given powers far beyond their intellect or ability by an even bigger bunch of fools who have let them usurp all decision making powers from governors and staff who, incredibly, have actually met the prisoners about whom they are writing Category A reports.

There is also a sinister, nasty, vindictive side to psycho-babes who are thwarted by prisoners who will not jump through hoops like performing dogs, or participate in their worthless courses, which have been proven, and re-proven to be dismal failures in reducing re-offending rates.

The following reports on individual prisoners are factual events experienced by prisoners at Whitemoor who are being kept artificially Category A, in spite of their age and/or infirmities by the Interventions (psychology) department here. The spiteful & vindictive acts recorded are the retaliation measures taken against each non-conforming prisoner by a psychologist.

In the first case, the lifer concerned was asked to create a poster promoting educational courses. He duly produced a poster which was entered in a competition. He was therefore astonished to read a LAP (Local Advisory Panel) report into his Category A status in which a psychologist described the poster as having cannibalistic & paedophiliac overtones. The prisoner has neither tendency, so

of the teenager burst into tears in the public gallery as he was handed a two year prison sentence by the judge, who appeared under the impression that he had admitted rape.

Despite a 40-minute sentencing hearing outlining the case on Monday, the judge at Gloucester Crown Court was relying on an earlier indictment he had been given, oblivious to the fact it had changed. Sources said the prosecution had referred to the earlier charge of rape and the judge was unaware that Donohoe had admitted to the lesser offence.

Donohoe's solicitor advocate, Andrew Hobson, had to point out that his client had not been convicted of, or admitted, rape but had pleaded guilty at an earlier hearing to having sex with a 13-year-old girl. Mr Hobson, of Hine Solicitors, told the judge: "I'm terribly sorry, but this is not a rape case. I felt it appropriate to draw this to your attention as he is being sentenced for an offence he has not pleaded guilty to or been found guilty of." The Recorder thanked Mr Hobson, revoked the sentence and gave Donohoe a three years' supervision order instead, adding that he must attend 70 sessions on a sex offender programme. The court heard that both Donohoe, then an "emotionally immature" 17, and the girl were drunk when the offence was committed in December 2011 and she had no intention of reporting the matter until a member of her family found out about the incident.

Judge Can Convene Marian Price Court Hearing In Hospital

Belfast Telegraph, 09/01/13 A district judge said he had the power to convene a preliminary inquiry court hearing involving republican Marian Price, in the hospital where she's being treated. Ms Price has been in custody since her arrest in May 2011 after then-Northern Ireland Secretary of State Owen Paterson revoked her prison release licence. Yesterday (09/01/13) Judge Barney McElholm said that provided that "private, appropriate, secure and suitable accommodation" could be made available by the hospital authorities, such a hearing could go ahead.Ms McGlinchey, who has been charged with addressing a meeting held to support the IRA, has been in deteriorating mental and physical health since her arrest.

Her solicitor Peter Corrigan told Mr McElholm that it would be "wrong to hold a preliminary inquiry hearing in a pseudo court situation in hospital" and he said the charge which his client denied should be dropped. "The deterioration in her physical and mental health has been exacerbated by the prosecution of the charge against her, it was not unusual for court hearings to take place in hospital. I want the doctors to be advised about the nuts, bolts and practicalities of what such a hearing would be. I want doctors to understand she couldn't give evidence nor could she be cross-examined. "I want the doctors to be advised of the exact type of hearing and for them to come to a conclusion about her ability to take part from a medical viewpoint." But a prosecution lawyer told the court that if "all the appropriate measures" in relation to transportation and security were in place, there was no reason why the hearing could not proceed. The judge adjourned his decision on whether or not the hospital hearing would go ahead, but would give it "as soon as possible".

Guildford Four member Gerry Conlon, who spent years in jail after being falsely convicted of a bombing in England was in court for the hearing. He said keeping her in prison was an abuse of process. "To think that a process of law is being usurped by politicians in order to hold a woman, without her lawyers being able to see the accusations against her, is an abuse of justice, it is a human rights issue. If there is evidence to say someone has committed a crime it should be placed before the court, their lawyer should have access to it and the accusations should be made open and public. Justice has to be fair, open and transparent and that it is why I am here. It is not fair, it is not open and it is certainly not transparent."

Support: Marian Price McGlinchey, Hydebank Wood, Hospital Rd, Belfast, N. Ireland BT8 8NA

The reoffending rates are actually quite good: 50% for a standard probation order, falling to 35% if the person completes an accredited programme. Given that offenders are complex beings and are 10 times more likely than the general population to have been excluded from school or taken into care, have on average two or more mental illnesses and the majority are addicted to drugs or alcohol and have literacy problems, it is not surprising that reoffending rates are significant.

The government's plans outlined this week are extraordinary thin on detail, and the timetable for delivery is far too hurried. The government has said nothing about what training operatives from Serco or G4S will receive. To date, there seems to be no mechanism for determining what happens if an offender moves from being low or medium to high risk. Crucially, there is also no mechanism to resolve any disputes about risk assessment between the private and public sector.

If this plan goes ahead, the provision of probation services will be fragmented. There will be communication issues between agencies, and any escalation of risk might be missed by the private companies. It is also difficult to see how the private sector will be able to negotiate protocols on sensitive data with the police, and public protection compromises seem inevitable.

The supervision of offenders is complex work. The government's solutions are simplistic, and do not take into account the difficult nature of the work, or the need for local structures and liaison with local agencies. Fragmentation will create silos, and silos will lead to mistakes. All in all, this puts the public at risk.

Changes to Prison Capacity Announced

The Government is to start feasibility work on what would be Britain's biggest prison as part of a major programme of updating Britain's prison estate. The new prison could hold more than 2,000 prisoners. As part of the improvement programme, four new houseblocks will also be built. The current intention is that these new places will be built at HMPs Parc in South Wales, Peterborough in Cambridgeshire, The Mount in Hertfordshire and Thameside in London. In total they will be able to hold up to 1,260 prisoners and they will replace older, more expensive prison capacity.

The new developments will allow the Ministry of Justice to close six smaller, older and more expensive prisons, and to close parts of three others. The prisons affected are HMPs Bullwood Hall, Canterbury, Gloucester, Kingston, Shepton Mallet and Shrewsbury, with some accommodation at HMPs Chelmsford, Hull and Isle of Wight also closing.

Justice Secretary Chris Grayling said: 'We have to bring down the cost of our prison system, much of which is old and expensive. But I never want the Courts to be in a position where they cannot send a criminal to prison because there is no place available. So we have to move as fast as we can to replace the older parts of our prison system. That's why we are moving ahead with immediate plans for new prison capacity, as well as closing older and more expensive facilities.' The programme is part of the Government's drive to build new capacity to replace older prisons and so bring down the cost of operating the prison system. It is expected to save £63 million a year.

Judge forced to Revoke Jail Term After Sentencing Teenager For Wrong Crime

Terri Judd, Indpendent, 08/01/13. In what one onlooker described as a "strikingly bizarre state of affairs", Recorder David Lane QC appeared to have sat through the entire hearing without realising the charge faced by 18-year-old Daniel Donohoe. Friends and relatives

now refuses to speak to the psychologist concerned whom he refers to as "the creature". As a result of this refusal, he remains an IEP Standard prisoner with psychology recommendations that he should be reduced to Basic for 'failing to engage with psychology'. He is nearly 60.

Another prisoner, over 60, has had 3 massive heart attacks, suffers from severe osteoarthritis, acute angina and has just suffered a cancer scare. He does not engage with psychology, so remains Category A, in spite of having spent nearly 5 years on bail, answering every condition, even when he knew bail was to be revoked. How is his Category A status justified?

The third case prisoner is over 60, and has steadfastly maintained his innocence since his conviction 12 years ago. He arrived at Whitemoor an Enhanced prisoner, a level he has enjoyed for the bulk of his time inside. At his induction, he made it clear he was an innocent man and would not speak to psychology. The psychology response was to reduce him to standard, and when he still refused to speak to the psychologist, she demanded he be reduced to basic. Staff to their credit refused to comply with this vindictive act. Foiled by the staff reaction, the psychologist then stated that he was a danger to children as in the house where his alleged crime was committed there lived two boys, 17 & 19 years old.

The psychologist then called him to the office to "discuss his danger to children". He with great dignity said, "You should be thoroughly ashamed of yourself", and walked away. He remains Category A & Standard IEP in spite of being a model prisoner, and suffering 2 strokes in the last year.

The final example is that of a prisoner, over 60, who suffered a stroke in 2008 and thus was able to alert the prisoner above to his second stroke. This prisoner has spent 23 years as Category A, due to an escape in 1995, but in 2004, a Senior Forensic Psychologist stated there were no courses he met the criteria for and should be progressed. 4 months later, a trainee psychologist, he has yet to meet, disagreed, and recommended him for every course she could think of. He was then assessed for all, but met the criteria for none. The psychologist involved in all these cases recently opposed Whitemoor's LAP recommendation that he should be downgraded to Category B as "he needs to have insight into his crime". As this prisoner has maintained his innocence for the past 23 years, he is hardly likely to change his stance now. As a side issue, in her report notes, the psychologist demonstrated her incredible incompetence by casually killing off the prisoners daughter & father, to his and their great surprise.

Chris Grayling has stated that he is going to promote Restorative Justice programmes in the prison estate as they are proven to work. Psychology courses are very expensive failures. Induction prisoners at Whitemoor were recently told by psychologists that Restorative Justice courses like Sycamore Tree were not accredited. When this lie was challenged, psychology stated they were not accredited by psychology. Of course not, they work!

When did psychology take over all management decisions regarding Category, progression & IEP status? Who decided that trainee psychologists could blackmail, harass and bully prisoners and overrule management decisions? Why are their often childish opinions taken seriously by Prison Service HQ?

If something is a complete failure, any sensible organisation dispenses with it. Who is promoting the psychology myth of infallibility? How much longer can this bankrupt country afford psycho-babes, swelling the prison population?

Keith Rose: A7780A, HMP Whitemoor, Longhill Road, March, PE15 0PR

Plebgate - The Allegation The Police Lied. This Is What They Do

Of all the names that featured in the media in 2012, the one I least want to hear of in

2013 is that of Andrew Mitchell. Andrew Mitchell presents'as a prat, indeed he presents as an arrogant, pompous, condescending, evil-tempered prat. He admits swearing at police, but in his obscenity littered, bad-tempered rant denies using the toxic word, "pleb". [Pleb: C18; abbrev. of Plebian; noun; informal, derogatory. A member of an inferior or lower order social class].

Mitchell claims that the police lied, he swore but did not use the word, pleb, and it is claimed use of that word caused him to be fired. Mitchell further states that the Plebgate affair has destroyed his lifelong belief in the honesty of bobbies everywhere, his belief that a coppers word was sacrosanct. That begs the question where has he spent his life, Pluto?

Mitchell's bleating about being fired from his job as Chief Whip (Bully-boy) for the Conservative party has resulted in a top-level investigation being set up by the Met, headed by Commissioner Bernard Hogan-Howe. It is claimed that up to 800 Met officers will be required to complete a duty statement as part of the investigation. What a waste of time (I Newspaper 05/01/13).

Let me conduct my own somewhat briefer investigation into the Plebgate affair. Did Mitchell use the word, pleb? Who knows? Who cares? CCTV footage which shows he only has 22 seconds in which to have his rant does give him sufficient time to utter the words, "****ing plebs, and more besides. The word, pleb, is more likely to be in the vocabulary of an arrogant Tory than in the vocabulary of PC Plod. Indeed in the 'helping the evidence along' email used to bolster and embroider the police log, the email sending officer misspelt the word, pleb! [I newspaper 20/12/12].

Moving on to the allegation the police lied. This is what they do, Mitchell, it is part of their job description, and is something they do in every court in the land on a daily basis. Your peers have let them get away with lies and routine perjury for decades, so stop whimpering about it now.

You've lost your job, tens of thousands have lost years of freedom and/or had lives contaminated by police lies, but of course, they're only plebs, not members of a ruling elite, a Tory cabinet, not above the law as you think you should be. Swearing at police is a public order offence, so why weren't you arrested? Part of the CCC? (Cameron's Criminal Cronies AKA Chipping Norton Set).

As a member of the government, I'm surprised that you have not heard of Hillsborough and 400+ fabricated police statements. Perhaps you have led a sheltered life and have not heard of the Birmingham 6, Guildford 4 et al. You may be naive enough to believe there were no working cameras in Stockwell tube station when Jean Charles de Mendes met his death, and that the carriage cameras were also faulty. You may he so callow that you believe the police killings of Azelle Rodney, Anthony Grainger, Mark Duggan were entirely in accordance with police statements. How was life on Pluto?

You, Mitchell, are now getting preferential treatment, an investigation into why you lost your job, as if that was of great import to the rest of humanity. Its not, you're not, but what a contrast to the plebs. Joe Public's word counts for nothing against that of a police officer, in court or elsewhere.

If you truly represented the people you would seek action against routine police lies, instead of pushing your own plate forward. Grow a pair, the police lie, deal with it, move on. Give us a rest.

Keith Rose: A7780A, HMP Whitemoor, Longhill Road, March, PE15 0PR

Report on an announced inspection of HMP Bullwood Hall

Inspection by HMCIP 3 – 6 Sept 2012, report compiled October 2012, published 11/01/13

HMP Bullwood Hall is small, and holds up to 234 prisoners all foreign national prisoners. At its last inspection, inspectors noted progress being made in most areas. This inspection again found the prison to be a safe place with good purposeful activity available for prisoners, but

reduction in reoffending. We now intend to apply payment by results to the majority of rehabilitation work conducted with offenders in the community, as part of a broader package of reforms. This 'rehabilitation revolution' will stimulate innovation and open the delivery of services to a wider range of providers with the skills needed to change an individual's behaviour and reduce future reoffending. We intend that these services should cover offenders released from prison, including those sentenced to less than 12 months in custody.

Privatising Probation Makes No Sense – And Will Put The Public At Risk

Why sell and fragment a service that has met or exceeded its targets? The only reason must be money and ideology Harry Fletcher, guardian.co.uk, Wednesday 9 January 2013

After months of speculation, the coalition has finally published its plans for privatising probation through outsourcing. Essentially, up to 70% of probation's core work will be put out to competitive tender. Companies likely to bid for the work include Serco, Sodexo and maybe even G4S. The voluntary sector has also been asked to play a part in the sale, but because the schemes are likely to be based on "payment by results", the vast majority are unlikely to be able to compete, as they have no spare capital to risk on such schemes.

The government has said that the public probation service will retain its work with high-risk offenders – approximately 50,000 of them – and also retain the responsibility for giving information in reports to the courts. It however didn't explain how this change will be organised either nationally, regionally or locally. It is at this stage uncertain who will be responsible for recalling individuals to prison for breaching probation orders.

The timing of the announcement is truly jaw-dropping. In 2011, the probation service in England and Wales was awarded the British Quality Foundation's gold medal. In giving the award it said: "They are on the right path to achieving and sustaining excellence and being the best providers of these essential services."

Last year, the probation service met or exceeded all of the Ministry of Justice's set targets. Figures show that victim feedback in 2011-12 was positive in 98% of cases; that 49% of offenders were in employment at the termination of their orders; that 89% had accommodation; and that 82% of orders or licences were successfully completed during the period. In terms of timeliness of court reports, the service was set a target of 90% – and was successful in 99% of cases. And as far as cutting reoffending goes, the actual rate was better than the national predicted rate. In all but five probation areas, three-quarters of orders or licences were successfully completed.

I therefore suspect that the true motivation behind the announcement is to drive down costs, as well as to affirm an ideological commitment to the private sector. In 2012, community service (or "unpaid work" as it is now known) was privatised to Serco in the London area. So far, staff cuts since the transfer are exceeding 20%. That is how the government will make its savings, and the companies their profit.

During the course of the last few weeks, the government has claimed that reoffending rates of people on probation are far too high and cite the example of short-term prisoners who constantly reoffend and find themselves back in prison. Last year, 70,000 prisoners received custodial sentences of 12 months or less, and two-thirds were back in custody within weeks of their release. Yet ironically, the probation service has no statutory responsibility for this group, nor does anybody else for that matter. It is therefore grossly unfair to accuse probation of not working by referring to these particular statistics.

rates over the past decade. In 2010, nearly half (47.5%) of prisoners were reconvicted within 12 months of release. Failing to divert offenders away from crime has a huge impact. The cost to the Ministry of Justice of dealing with these offenders is considerable, with total expenditure on prisons and offender management standing at £4 billion in 2011-12. But it is not only expenditure on offender management; the National Audit Office estimated that the wider economic cost was as much as £13 billion in 2007-08.

The proposals in this paper extend provision to a greater number of offenders and increase the focus on rehabilitation. Given the challenging financial context, we will need to increase efficiency and drive down costs to enable us to do this. I therefore intend to begin a process of competition to open up the market and bring in a more diverse mix of providers, delivering increased innovation and improved value for money. To ensure that the system is properly focused on reducing reoffending and deploying more effective interventions, providers will in future only be paid in full when they reduce reconviction rates in their area.

We will not take any risks in protecting the public and the public sector probation service will retain ultimate responsibility for public protection and will manage directly those offenders who pose the highest risk of serious harm to the public—this group will include MAPPA cases. They will also continue to carry out risk assessments for each offender, advise the courts and Parole Board and handle breach cases. The probation service performs a vital role in protecting the public and managing risk—I am determined to preserve that.

The great majority of community sentences and rehabilitation work will, however, be delivered by the private sector and voluntary organisations, which have particular expertise in this area. I am also keen to ensure that probation professionals currently within existing structures have scope to play a full role in the new rehabilitation provision. Providers will be commissioned to deliver community orders and licence requirements for most offenders in broad geographic areas, and will be paid by results to reduce reoffending. They will be expected to tackle the causes of reoffending and help offenders turn their lives around, for example, by providing mentors and signposting to housing, training and employment, and addiction and mental health services.

Our reforms will make use of local experience, and integrate with existing local structures. We want to introduce a system which allows for closer alignment of the variety of services which offenders use, through co-commissioning with other Government Departments, police and crime commissioners, and local authorities. Potential providers will have to evidence how they would sustain local partnerships in contracts.

These proposals will make a significant change to the system, delivering the Government's commitment to real reform. Transforming rehabilitation will help to ensure that all of those sentenced to prison or community sentences are properly punished while being supported to turn their backs on crime for good—meaning lower crime, fewer victims and safer communities.

Prisoners: Rehabilitation House of Commons / 9 Jan 2013 : Column 361W

Sir Nick Harvey: To ask the Secretary of State for Justice what progress he has made on the expansion of the payment by results model to prisoner rehabilitation schemes; and if he will make a statement.

Jeremy Wright: We are running 14 pilot projects testing payment by results in different parts of the justice system. In each case, providers will only be paid in full if they achieve a specific outcome. In the case of the two pilots involving offenders released from Doncaster and Peterborough prisons, some or all of the provider payments will be dependent on a

there were concerns about the way prisoners were prepared for release, needed to do more to reduce their risk of reoffending

Inspectors concerned to find that: - the negative perceptions of prisoners may have reflected broader anxieties about their immigration status and the possibility of removal;

- it was clear that the prison did not meet the identified offending behaviour needs of some who arrived there
- there were no offending behaviour programmes, management of risk was often poor;
- This was despite the fact that significant numbers of those held were allowed to stay and were returned to the community
- A prisoner's immigration status and the processes that this required always took precedence over offender management.
- management of risk was often poor, and contact with those whose risks were meant to be managed was fitful
- a comparatively high number of detainees were held beyond the end of their sentence and were often told far too late in their sentence that continued detention was likely;
- some wings were subject to night sanitation arrangements where access to toilets was controlled remotely using an electronic cell and queuing system.

Introduction from the report: Bullwood Hall is a small category C training prison in Essex holding up to 234 prisoners. Although for many years a female establishment, it has since 2006 fulfilled a specialist function holding only foreign national prisoners. When we last inspected we observed a generally successful institution where progress was being made in most areas. This announced inspection again found the prison to be safe and purposeful although we have identified a number of significant concerns about the way prisoners were prepared for release.

Outcomes in respect of safety were good. Prisoners were treated properly on reception, there was little evidence of violence, and the vulnerable were well cared for. The perceptions of prisoners about safety were more negative than we expected, although the evidence suggested that these feelings reflected broader anxieties about their immigration status and the possibility of removal at the end of sentence. Illicit drug use was low and services for substance misusers were particularly noteworthy.

The prison environment was reasonably good, although some wings were subject to the night sanitation arrangement where access to toilets was controlled remotely using an electronic call and queuing system. We have criticised this system in other prisons as degrading, and it remains far from ideal, although managers had taken steps to mitigate the impact on some wings. The management and promotion of equality were reasonable, although some structures, such as consultation arrangements, needed to operate more consistently. We were also concerned that a comparatively high number of detainees were held beyond the end of their sentence and were often told far too late in their sentence that continued detention was likely.

Staff-prisoner relationships were satisfactory and prisoners were generally appreciative about the quality of health care they received, although we identified areas where improvement was needed. The quality of activity was good. Prisoners had plenty of time out of cell and there was enough for all to have something to do. Provision was based on an assessment of need, with some good educational opportunities and good take-up by prisoners. Vocational training options were more limited.

Our principal concern at Bullwood Hall was the lack of work done to reduce the risk of reoffending. The prison had a reasonable resettlement strategy, but it was clear that the prison did not meet the identified offending behaviour needs of some who arrived there. There were

no offending behaviour programmes. A prisoner's immigration status and the processes that this required always took precedence over offender management. This was despite the fact that significant numbers of those held were allowed to stay and were returned to the community. The management of risk was often poor, and contact with those whose risks were meant to be managed was fitful. The responsibility for this lay not just with the prison but also with the National Offender Management Service for failing to resource, require and then support resettlement services for all prisoners, regardless of nationality. Whether prisoners were returning to their own country or being released into the community in the UK, they should receive support to reduce the risk of reoffending and to help them resettle successfully. This is in their own interest and in the interests of the communities to which they are returning.

Overall this is a positive report. Bullwood Hall holds prisoners in a safe and generally respectful environment and occupies them purposefully. The problems that impacted most on prisoners inevitably related to their immigration status. Bullwood Hall would be an even better place if these issues could be addressed, and if priority could now be given to the offending behaviour work that should be done before release.

G4S Condemned Again, This Time HMP Birmingham

[Note: HMP Birmingham is still holding Cat D prisoners, who should be in Cat D prisons, working towards their release. Keeping them in HMP Birmingham, does not allow them to do rehabilitation work, and until this work is completed, they will not get released from prison unless they sue their way out.]

HMP Birmingham: 'More sex offender space needed' BBC News, 09/01/13

The justice minister has been urged to provide extra space at HMP Birmingham to cope with the rising number of sex offenders being sent there. The Independent Monitoring Board said the jail was struggling to cope with more historical sex offence cases being solved, a rise in internet pornography convictions and more rape prosecutions. It has now written to Chris Grayling asking for him to investigate urgently. The Prison Service said the report would be "fully considered". "We are increasing the availability of treatment programmes available across the estate for sex offenders."

In its report, the board said the prison was "experiencing difficulty" in working with the Prison Service to transfer sex offenders to other jails for help in dealing with their specific problems. The board said the prison's G wing now exclusively housed sex offenders and that bullying had reduced because of it. However, it said there were so many sex offenders at the prison they were now having to be kept elsewhere in the jail until space on G wing became available.

The prison, which can cater for up to 1,450 adult male prisoners at a time, became the first UK jail to be taken over by a private company in October 2011 when G4S secured a 15-year contract. In the first annual report since the prison was privatised, the board said the transition into the control of G4S had "not been easy"

However, it said that although it had been "challenging" for management and staff, most had "we are pleased to say, accepted the challenge". It said that taking over a newly-privatised Victorian prison could not be compared to managing a "purpose-built new establishment", adding that it was too early to evaluate the impact privatisation had had on the jail. Also in the report, the board said it was concerned at the number of category D prisoners being kept at the higher-security category B jail. It said more spaces had to be made available in open prisons to help prepare prisoners for their release.

The board has also called on Mr Grayling to find replacement beds for the prison hospital. The report said: "They were never fit for purpose in the first place, and this has been an ongoing problem raised in our reports for several years, with ministers promising in 2008 that

replacement beds would be purchased, funding having been secured."

Lincoln Prison House of Lords/ 9 Jan 2013 : Column WA101

Baroness Stern to ask Her Majesty's Government whether the action taken at Lincoln Prison, reported by HM Chief Inspector of Prisons in his report on Lincoln Prison published in October 2012 that prisoners who were too frightened to leave their wings to go to work but refused to name the perpetrator of violence against them were punished by being sent to the segregation unit, was in line with Government policy on combating violence in prisons.

The Minister of State, Ministry of Justice (Lord McNally): NOMS accepts that the performance at HMP Lincoln was declining at the time of the inspection. The inspectorate report concluded that Lincoln was not effectively applying NOMS violence reduction policies and that conclusion has been fully accepted. NOMS is fully committed to zero tolerance to violence in our prisons. Violence is not acceptable in any form. Everyone has to right to be in a safe environment free from abuse, harm or oppression. However any sanctions applied in support of this aim must always have the authority of and be compliant with prison rules.

Since the inspection a new governor has been appointed and he has introduced various measures to improve safety, decency and the regime. This includes monitoring and taking appropriate action to address and reduce incidences of violence and bullying.

2) Baroness Stern to ask Her Majesty's Government what action they propose to take in the light of the conclusions by HM Chief Inspector of Prisons in his report on Lincoln Prison published in October 2012 that the administrative detention of two foreign national prisoners without the authority of a court beyond the expiry of their sentence because of the impossibility of returning them to their home country "cannot be right".

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): The UK Border Agency only detains foreign national offenders (FNOs) with a view to deporting or removing them from the UK, and has no wish to detain them for any longer than necessary. Deportation can be delayed through the use of judicial challenges or by the individual's failure to comply with the re-documentation process.

Every decision to detain an FNO is considered in terms of the potential risk of harm to the public if a foreign criminal is released and is reviewed every 28 days. Those who are detained have always been able to apply to an independent immigration judge for bail.

Transforming Rehabilitation House of Commons / 9 Jan 2013 : Column 19WS

Chris Grayling: This Government are committed to an ambitious programme of social reform, even at a time of financial constraints. Major changes have already been delivered in welfare and education to tackle the challenge of endemic welfare dependence and educational underperformance, particularly in deprived areas. In the coalition agreement, the Government also promised ”to introduce a rehabilitation revolution” to tackle the unacceptable cycle of reoffending, and today I am publishing a consultation paper entitled “Transforming Rehabilitation: a revolution in the way we manage offenders”.

This publication describes my proposals to reform the way in which offenders are rehabilitated in the community through a new focus on life management and mentoring support. I am also planning, for the first time, to extend rehabilitation to those released after serving sentences of less than 12 months, who currently get no support but have the highest reoffending rates.

Reoffending has been far too high for far too long. Despite significant increases in spending on probation under the previous Government, there has been little change in reconviction