

This time she was dealt with by "a different kind" of police officers, who shouted at her and told her they had a witness who could contradict her version of events.

Angela Psaila, who she was staying with, was then brought into the room. She would not look at Ms Vilday and kept her head down as she said Ms Vilday had been there. "I was shocked," said Ms Vilday. "I asked them what had they done to Angela but they did not respond. She was taken straight out of the room." Ms Vilday said she was left alone "for hours" and then taken into a room by Det Insp Moucher, who on his retirement had the rank of chief inspector. He was going on and on at me, that he had a witness. I was going mad with him. He was adamant I had been there. He showed me photographs of half caste children and said this will happen to my son when I go to prison. Little kids, beaten up." By then she said "my head had gone and I didn't know what to do." She added: "I cracked and I said I had been there. He (DI Moucher) was happy. He left and went into another room. I could hear bottles of champagne as if they knew they were going to crack the case that night. I could hear other voices, like a little party. I could hear corks being popped and hurrying."

Ms Vilday said she was led to another room, where she made a statement that would help to put three innocent men in jail. Ms Vilday said that up to this stage she thought then Det Insp Richard Powell had been in charge of the investigation. She described him as having been fair and said he had "never done anything wrong to me."

The Cardiff Three were convicted of murder in 1990 and jailed for life. They were released in 1992 when the Court of Appeal quashed the convictions. Two others also stood trial in 1990 and were found not guilty.

*Source BBC News Wales*

#### **A dead man, a crucial question: should police have shot Mark Duggan?**

Mark Duggan, whose shooting by police sparked London's riots, did not fire a shot at police officers before they killed him, has been confirmed by the Independent Police Complaints Commission. Releasing the initial findings of ballistics tests, the police watchdog said a CO19 firearms officer fired two bullets, and that a bullet that lodged in a police radio was "consistent with being fired from a police gun". One theory, not confirmed by the IPCC, is that the bullet became lodged in the radio from a ricochet or after passing through Duggan. The IPCC commissioner Rachel Cerfontyne said: "Any concerns expressed by the wider public about a perceived lack of information from the IPCC should be considered in the context that I am only willing to share information once I have had it independently verified and once the people who are directly involved in this case – including Mr Duggan's family and community leaders – have been fully informed." ( There will be more on this anon )

**Hostages:** Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Sam Hallam, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, Talha Ahsan, George Romero Coleman, Gary Critchley, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Jordan Towers, Peter Hakala, 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, Frank Wilkinson, Stephen A Young, 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 & Keith Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Timothy Caines, Ray Gilbert, Ishtiaq Ahmed.

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## **MOJUK: Newsletter 'Inside Out' No 332 (14/08/2011)**

### **Human rights groups to boycott inquiry into British torture and rendition**

Liberty says Gibson torture inquiry will be 'waste of time and money' because it lacks credibility and transparency *James Meikle and agencies, guardian.co.uk, Thursday 4 August 2011*

The Gibson inquiry will look into allegations Britain's secret services were complicit in the torture and rendition of terror detainees, such as Guantánamo Bay.

Lawyers and human rights groups are to boycott the inquiry into the UK's alleged role in torture and rendition since the 9/11 terror attacks, saying it lacks credibility and transparency, and arrangements for it are "secretive, unfair and deeply flawed".

Key sessions will be held in secret and the cabinet secretary will have the final say over what information is made public. Those who alleged they were subject to torture and rendition will not be able to question MI5 or MI6 officers, and foreign intelligence agencies will not be questioned.

The decision not to participate, reported by the Guardian last month, was confirmed in a joint letter to the solicitor for the inquiry, which will be run by the retired judge Sir Peter Gibson. Ten groups including Liberty, Reprieve and Amnesty International said they did not intend to submit any evidence or attend any further meetings with the inquiry team. They said the inquiry's protocol and terms of reference showed it would not have the "credibility or transparency" to ensure "the truth about allegations that UK authorities were involved in the mistreatment of detainees held abroad" was brought to light.

The human rights groups said the inquiry would not comply with the government's international obligations to investigate torture. Lawyers representing former detainees have also complained about the nature of the inquiry, which was initially welcomed when it was announced by David Cameron last year.

Former detainees and their lawyers will not be able to question intelligence officials and all evidence from current or former members of the security and intelligence agencies, below the level of head, will be heard in private. The inquiry will not start until the end of a current police investigation.

The human rights groups say in their letter: "We are particularly disappointed that the issue of what material may be disclosed to the public will not be determined independently of government and, further, that there will be no meaningful participation of the former and current detainees and other interested third parties. As you know, we were keen to assist the inquiry in the vital work of establishing the truth about allegations that UK authorities were involved in the mistreatment of detainees held abroad. Our strong view, however, is that the process currently proposed does not have the credibility or transparency to achieve this."

A second letter, written jointly by Imran Khan and other lawyers representing former Guantánamo Bay detainees, said: "We consider it impossible to advise those whom we represent that the structure and protocols now confirmed for the Gibson inquiry can achieve what are essential ingredients for a public inquiry into grave state crimes,"

Detainees would not even know "if the individuals being questioned are the right ones". The lack of input for detainees, "simply serves to demonstrate that there is no comprehension on the part of the government of the gravity of the crimes which representatives of the state may have committed", they said. "We had hoped as lawyers to assist in a transparent exercise of vital

importance. It is a matter of profound regret that our assessment is that the inquiry does not provide the means by which this can be realised. In the absence of there being any alteration to the protocols, our advice is compelled to be that it is inappropriate for our clients to submit evidence."

Several high-profile human rights lawyers signed Khan's letter, including Louise Christian, Irene Nembhard, Gareth Peirce, and Tayab Ali.

Amnesty's UK policy advisor, Tara Lyle, said: "This is a desperately needed inquiry into extremely serious allegations but the arrangements for it are secretive, unfair and deeply flawed. We need an inquiry that is as open and effective as possible, not this semi-secret process that lacks scope and ambition. Those that suffered terrible abuse are set to be let down by this inquiry, while the general public is likely to be denied the opportunity to learn what went wrong during this dark chapter in our history."

Shami Chakrabarti, director of Liberty, said: "If this inquiry proceeds without the participation of the victims it will be nothing more than a waste of time and public money. Until a credible, independent process is established this shameful chapter of the war on terror continues."

Malcolm Rifkind, the former foreign secretary who chairs the intelligence and security committee, denied the inquiry was secretive and said the campaigners were being unrealistic. He told BBC Radio 4's Today programme: "I cannot recollect an inquiry that's been proposed to be so open as we're having in this particular case. When was the last time the head of MI5 and the head of MI6 – the prime minister has made quite clear – can be summoned to this inquiry and be required to give evidence?" There had to be "some element of trust" when the authorities were dealing with top secret information, he added.

A statement from the inquiry said the decision by solicitors and human rights groups was regrettable and said it was hoped they would reconsider. "The inquiry will go ahead," the statement said. "It will examine the relevant documentation held by government. It will hear the key government witnesses. The inquiry offers the detainees and anyone else with evidence relevant to its terms of reference the only opportunity for them to give evidence to an independent inquiry. The detainees and the NGOs have alleged the involvement or awareness of the UK government and its security and intelligence services in relation to the mistreatment and rendition of detainees held by other countries. The inquiry would welcome such evidence."

### **UK's secret policy on torture revealed**

Ian Cobain, guardian.co.uk, 04/08/11

Exclusive: Document revealing how MI6 and MI5 officers were allowed to extract information from prisoners being illegally tortured overseas has been seen by the Guardian.

The interrogation policy – details of which are believed to be too sensitive to be publicly released at the government inquiry into the UK's role in torture and rendition – instructed senior intelligence officers to weigh the importance of the information being sought against the amount of pain they expected a prisoner to suffer. It was operated by the British government for almost a decade.

A copy of the secret policy showed senior intelligence officers and ministers feared the British public could be at greater risk of a terrorist attack if Islamists became aware of its existence. One section states: "If the possibility exists that information will be or has been obtained through the mistreatment of detainees, the negative consequences may include any potential adverse effects on national security if the fact of the agency seeking or accepting information in those circumstances were to be publicly revealed. For instance, it is possible that in some circumstances such a revelation could result in further radicalisation, leading to an increase in the threat from terrorism." The policy adds that such a disclosure "could result in damage to the reputation of the agencies", and that this

Instead of choking off supply it addresses demand. Trading in drugs would remain a criminal offence, but users would be offered help rather than threatened with punishment. This is not theory. It has worked in Portugal which in 2001 abolished criminal penalties for personal possession of marijuana, cocaine and heroin. Prison was replaced by therapy. It was not only cheaper, it has worked better. Illegal drug use among Portuguese teenagers has declined. Rates of HIV infection caused by sharing dirty needles have dropped. And the number of people seeking treatment for drug addiction more than doubled. It is an approach which clearly merits consideration in the UK.

### **16 hours a day on curfew**

*Ministry of Justice, 08 August 2011*

Tougher community sentences will see offenders forced to spend longer in their homes - up to 16 hours each day for a whole year, Minister for Prisons and Probation Crispin Blunt confirmed today. Extending the maximum daily curfew time from 12 to 16 hours, and the period for which they can be imposed from six to 12 months, will better protect communities and ensure offenders face meaningful punishments that help stop them reoffending. Curfews not only restrict liberty but they can bring order to chaotic lives. These new proposals are part of the Government's plans to reform sentencing and tackle the root causes of offending.

Minister for Prisons and Probation Crispin Blunt said: 'These tougher curfew conditions will keep offenders off the street for longer, stop them socialising in the evenings and keep them away from situations that could land them in trouble again. This is part of our proposals to reform the Criminal Justice System and will help to keep communities safe whilst important work is done with offenders to turn them away from a life of crime.'

The increased powers will allow courts to vary curfew hours from day to day, for example during the week and at weekends, and to divide them into different blocks within the day. About 24,000 individuals are being electronically monitored at any one time. If an offender breaches the terms of their curfew, he or she can be sent back to court for further punishment.

Since 2005 two suppliers have successfully operated electronic monitoring services in England and Wales - these contracts are soon due for re-competition and will focus on the Government's drive to raise standards in public protection and help to further cut re-offending. Other measures being taken forward in the Legal Aid, Sentencing and Punishment of Offenders Bill include a review of Imprisonment for Public Protection sentences, with a view to replacing them with a tougher determinate sentence regime and a greater use of life sentences. We are also looking to introduce a new offence of aggravated knife possession, with a mandatory prison sentence of at least six months.

### **Cardiff Three case: Police Corruption Trial, Witness Leanne Vilday's 'baby fear'**

A key witness in the original Lynette White murder trial claimed she changed her story after a detective warned her baby son would be beaten up if she was jailed. Swansea Crown Court heard Leanne Vilday "cracked" after DI Graham Mouncher showed photos of "beaten up" children. Mouncher was 'going on and on at me,' said Leanne Vilday

Eight ex-police officers deny conspiracy to pervert the course of justice. Two other people deny perjury.

Ms Vilday told jurors she had made 16 statements saying she had been at the home of Michelle Actie in the early hours of 14 February 1988, when Ms White was stabbed to death at the flat where she worked as a prostitute in James Street, Butetown, Cardiff. But on 6 December 1988, Ms Vilday was picked up "yet again" and taken to Butetown police station.

were good training opportunities in the workshops but it was disappointing to see the excellent Timpsons workshop operating at well below capacity.

Victims of bullying behaviour were not adequately protected. Processes to identify and respond to both individual incidents and patterns of violent behaviour and to support victims were ineffective. The level of use of force remained high and our examination of records of incidents showed that de-escalation was not always used. Reviews and records of the use of force were not sufficiently rigorous and neither we nor the prison could be assured that all use of force was proportionate and necessary.

The segregation unit lacked direction. The regime was poor and there appeared to be little attempt to tackle and resolve any of the underlying reasons for prisoners' behaviour. One prisoner with obvious communication difficulties, lying in on his bed with a blanket over his head and an uneaten meal beside him, told me he would refuse to go back to normal location because he was being bullied. Segregation staff did not appear to be aware of his concerns or have attempted to resolve them and it seemed all too likely that confrontation would occur when it was time for him to return.

The prison did not respond adequately to the needs of the diverse population it held. In addition to the concerns about prisoners with disabilities and foreign national prisoners referred to above, black and minority ethnic prisoners were disadvantaged in significant areas of the prison and this needed to be addressed as a matter of urgency. Performance in other diversity strands was also weak and diversity was not visibly promoted in the prison.

Health care offered a generally better picture. The Jones Unit provided a high level of inpatient care in a good environment for prisoners with a physical illness. Mental health services were good and when transfers to secure mental health units were required they were not unduly delayed.

In our survey, 40% of prisoners, against a comparator of 23%, said that the food was good or very good. We received few complaints about the food.

Resettlement was the best area of the provision and some good resettlement services were provided. Work on accommodation/education/training/employment and substance misuse was encouraging but all areas of resettlement would be strengthened by a strategy based on a needs analysis and opportunities for prisoners to engage with resettlement services earlier in their sentences.

Were told that some resettlement services would be discontinued. It was not clear whether this was budgetary or other reasons. This compounded disruptions or cancellations to many aspects of the prison regime, described in this report, were caused by staff shortages and redeployments.

The treatment and conditions of simply too many prisoners at Wandsworth was demeaning, unsafe and fell below what could be classed as decent. I did not detect sufficient willingness in the prison to acknowledge and address these concerns. I hope the Prison Service management will now act decisively to reverse the prison's decline. *Nick Hardwick HMCIP*

### **Drugs: The case against criminalisation**

The Liberal Democrat party conference (In September) is to debate a motion calling on the Government to consider the case for decriminalising the possession of drugs for personal use. The proposal will cause an outcry in the usual quarters but it is a suggestion worthy of serious consideration. The global war on drugs is not succeeding. At best the flow of narcotics is temporarily stopped here and there. But the underlying problem remains.

The decriminalisation of drugs for personal use would tackle the problem from the other end.

could undermine their effectiveness.

The fact that the interrogation policy document and other similar papers may not be made public during the inquiry into British complicity in torture and rendition has led to human rights groups and lawyers refusing to give evidence or attend any meetings with the inquiry team because it does not have "credibility or transparency".

The decision by 10 groups – including Liberty, Reprieve and Amnesty International – follows the publication of the inquiry's protocols, which show the final decision on whether material uncovered by the inquiry, led by Sir Peter Gibson, can be made public will rest with the cabinet secretary. The inquiry will begin after a police investigation into torture allegations has been completed.

Some have criticised the appointment of Gibson, a retired judge, to head the inquiry because he previously served as the intelligence services commissioner, overseeing government ministers' use of a controversial power that permits them to "disapply" UK criminal and civil law in order to offer a degree of protection to British intelligence officers committing crimes overseas. The government denies there is a conflict of interest.

The protocols also stated that former detainees and their lawyers will not be able to question intelligence officials and that all evidence from current or former members of the security and intelligence agencies, below the level of head, will be heard in private.

The document seen by the Guardian shows how the secret interrogation policy operated until it was rewritten on the orders of the coalition government last July.

It also:

- Acknowledged that MI5 and MI6 officers could be in breach of both UK and international law by asking for information from prisoners held by overseas agencies known to use torture.

- Explained the need to obtain political cover for any potentially criminal act by consulting ministers beforehand.

The secret interrogation policy was first passed to MI5 and MI6 officers in Afghanistan in January 2002 to enable them to continue questioning prisoners whom they knew were being mistreated by members of the US military.

It was amended slightly later that year before being rewritten and expanded in 2004 after it became apparent that a significant number of British Muslims, radicalised by the invasion of Iraq, were planning attacks against the UK. The policy was amended again in July 2006 during an investigation of a suspected plot to bring down airliners over the Atlantic.

Entitled "Agency policy on liaison with overseas security and intelligence services in relation to detainees who may be subject to mistreatment", it was given to intelligence officers handing over questions to be put to detainees. Separate policy documents were issued for related matters, including intelligence officers conducting face-to-face interrogations. The document set out the international and domestic law on torture, and explained that MI5 and MI6 do not "participate in, encourage or condone" either torture or inhuman or degrading treatment.

Intelligence officers were instructed not to carry out any action "which it is known" would result in torture. However, they could proceed when they foresaw "a real possibility their actions will result in an individual's mistreatment" as long as they first sought assurances from the overseas agency. Even when such assurances were judged to be worthless, officers could be given permission to proceed despite the real possibility that they would be committing a crime and that a prisoner or prisoners would be tortured.

"When, notwithstanding any caveats or prior assurances, there is still considered to be a real possibility of mistreatment and therefore there is considered to be a risk that the agencies' actions could be judged to be unlawful, the actions may not be taken without authority at a

senior level. In some cases, ministers may need to be consulted," the document said.

In deciding whether to give permission, senior MI5 and MI6 management "will balance the risk of mistreatment and the risk that the officer's actions could be judged to be unlawful against the need for the proposed action". At this point, "the operational imperative for the proposed action, such as if the action involves passing or obtaining life-saving intelligence" would be weighed against "the level of mistreatment anticipated and how likely those consequences are". Ministers may be consulted over "particularly difficult cases", with the process of consulting being "designed to ensure that appropriate visibility and consideration of the risk of unlawful actions takes place". All such operations must remain completely secret or they could put UK interests and British lives at risk.

Disclosure of the contents of the document appears to help explain the high degree of sensitivity shown by ministers and former ministers after the Guardian became aware of its existence two years ago.

Tony Blair evaded a series of questions over the role he played in authorising changes to the instructions in 2004, while the former home secretary David Blunkett maintained it was potentially libellous even to ask him questions about the matter.

As foreign secretary, David Miliband told MPs the secret policy could never be made public as "nothing we publish must give succour to our enemies".

Blair, Blunkett and the former foreign secretary Jack Straw also declined to say whether or not they were aware that the instructions had led to a number of people being tortured.

The head of MI5, Jonathan Evans, said that, in the post 9/11 world, his officers would be derelict in their duty if they did not work with intelligence agencies in countries with poor human rights records, while his opposite number at MI6, Sir John Sawers, spoke of the "real, constant, operational dilemmas" involved in such relationships.

Others, however, are questioning whether – in the words of Ken Macdonald, a former director of public prosecutions, "Tony Blair's government was guilty of developing something close to a criminal policy".

The Intelligence and Security Committee, the group of parliamentarians appointed by the prime minister to assist with the oversight of the UK's intelligence agencies, is known to have examined the document while sitting in secret, but it is unclear what – if any – suggestions or complaints it made.

Paul Murphy, the Labour MP and former minister who chaired the committee in 2006, declined to answer questions about the matter.

A number of men, mostly British Muslims, have complained that they were questioned by MI5 and MI6 officers after being tortured by overseas intelligence officials in Pakistan, Bangladesh, Afghanistan and Guantánamo Bay. Some are known to have been detained at the suggestion of British intelligence officers. Others say they were tortured in places such as Egypt, Dubai, Morocco and Syria, while being interrogated on the basis of information that could only have been supplied by the UK.

A number were subsequently convicted of serious terrorism offences or subjected to control orders. Others returned to the UK and, after treatment, resumed their lives. One is a businessman in Yorkshire, another a software designer living in Berkshire, and a third is a doctor practising on the south coast of England. Some have brought civil proceedings against the British government, and a number have received compensation in out-of-court settlements, but others remain too scared to take legal action.

reported on good progress in a prison that had been of concern for some time.

There was no attempt to subvert this follow-up inspection. However, the prison's progress had halted and overall outcomes for prisoners were significantly worse than at the time of the last inspection. In particular, the safety of prisoners held in Wandsworth is now a matter of serious concern.

HMP Wandsworth is a large, Victorian, category B prison serving the courts of South London. There is no doubt it holds a challenging population with multiple problems, many of whom are held for only short periods. We were told that morale in the prison had suffered after the progress made by the time of the last inspection was undermined by the prisoner swap. Nevertheless, Wandsworth compared badly with similar prisons facing similar challenges and we were concerned by what appeared to be unwillingness among some prison managers and staff to acknowledge and take responsibility for the problems the prison faced.

The level of self-harm and the number of self-inflicted deaths were high. There had been about 700 ACCT documents opened in 2010, 120 in the first two months of 2011 and 60 open at the time of the inspection. Typically, there were about 32 incidents of self-harm each month and about 60 open ACCT documents at any given time. There had been 11 deaths in custody between January 2010 and the time of this inspection; four of these had apparently been self-inflicted. Key areas of risk were the inconsistent quality of ACCT procedures and the practice of moving prisoners who were stabilising from drugs or detoxing from alcohol out of the first night centre, where they could be closely monitored, before stabilisation was complete. We were also concerned that poor staff-prisoner relationships, the lack of a predictable regime, deficiency of association, and insufficient activity contributed to feelings of isolation and alienation that might have led to self-harming behaviour.

Only 58% of prisoners (against the 70% comparator and 73% at the time of the last inspection) said they had a member of staff in the prison they could turn to if they had a problem. We observed frequently indifferent and sometimes abusive staff interactions with prisoners. Prisoners struggled to get assistance with low level domestic issues or answers to simple queries. The formal application and complaints systems were overwhelmed and ineffective. Inspectors were inundated by prisoners asking for reasonable help with small things because the prison staff did not assist. The induction process was poor and many prisoners lacked basic knowledge about the routines and rules of the prison.

Prisoners with any sort of specific individual need were particularly disadvantaged. We found prisoners with mobility difficulties located on residential landings which did not allow them access to showers. One prisoner with a disability had been remanded at the prison for more than three months and told us he had not had a shower in that time. There was no strategy to meet the needs of foreign national prisoners. Despite the presence of U KBA staff in the prison, liaison arrangements did not appear to be effective. Many foreign national prisoners were held beyond the end of their sentence - one for three years. We were told by the independent advice service that inaccurate information had led to some detainees being incorrectly held. Most cells were shared and had inadequately screened toilets. First night cells were not cleaned of graffiti; some of what we saw was racist. At best, prisoners were locked in their cells for 16.5 hours a day (but even that was not every day of the week); at worst, prisoners were out of their cells for just two hours a day. Association was often cancelled and when it did occur there was little for prisoners to do and we observed little interaction with officers. Exercise in the fresh air was limited to 30 minutes a day but this was cancelled in bad weather and recreational use of the PE facilities was poor. The core day was not adhered to. There

week that they were innocent of the 1994 shooting in Coltman Street, west Hull.

But, speaking to the Mail for the first time since the hearing, Robert Coles, 55, the father of Lyndon, said the campaign was not over. And he renewed his challenge to Humberside Police to sue him over allegations he has made about evidence that led to the two men being framed. Mr Coles said: "We know our sons are innocent." The families are now planning to lobby Home Secretary Jack Straw for changes in the way complaints against police officers are investigated. "There should be a specially trained group of people, with no axe to grind, who do not know the officers being investigated," said Mr Coles. "We are disappointed at the outcome. As parents we have done everything we can through the legal channels. But it does not end here. My argument is with the justice system and it starts in the police force, with the questioning of suspects."

Mr Coles claimed earlier this year that he moved from his home in Clarendon Street, west Hull, after being threatened with a shotgun during his own investigations. And he claims that the trial jury was confused by conflicting evidence. "Nine key witnesses later retracted their evidence. It grieves us that their retractions were ignored," he said.

A spokeswoman for Humberside Police today declined to comment on the Appeal Court's decision. She said: "As a file is still outstanding as to whether or not there are any disciplinary issues, it would not be appropriate to comment further."

### **HMP Wandsworth - Serious Concerns**

Report on an unannounced full follow-up inspection of HMP Wandsworth, 28 February – 4 March 2011, by HMCIP. Report compiled June 2011, published Wednesday 10th August 2011

"The treatment and conditions of simply too many prisoners at Wandsworth was demeaning, unsafe and fell below what could be classed as decent. I did not detect sufficient willingness in the prison to acknowledge and address these serious concerns." Nick Hardwick

Inspectors were specifically concerned to find that:

- the level of self-harm 32 incidents per month and 4 self-inflicted deaths were high;
- poor staff-prisoner relationships, lack of a predictable regime, deficiency of association/insufficient activity contributed to feelings of isolation/alienation that might have led to self-harming;
- staff interactions with prisoners were frequently indifferent and sometimes abusive;
- victims of bullying behaviour were not adequately protected and processes to identify and respond to incidents and patterns of violent behaviour were ineffective;
- prisoners with mobility difficulties were located on landings which did not allow them access to showers;
- there was no strategy to meet the needs of foreign national prisoners and many were held beyond the end of their sentence;
- some prisoners were out of their cells for just 2 hours a day & association often cancelled;
- there appeared to be little attempt in the segregation unit to tackle and resolve underlying reasons for prisoners' behaviour;
- black and minority ethnic prisoners were disadvantaged in significant areas of the prison;
- the induction process was poor and many prisoners lacked basic knowledge about the routines and rules of the prison.

*Introduction from the report:* Our last inspection of HMP Wandsworth in June 2009 was marred by an attempt to subvert the process by moving 'difficult' prisoners between Wandsworth and Pentonville so they were not present in either prison during the inspection. This action by managers at the prisons overshadowed the inspection findings at Wandsworth, which otherwise would have

Scotland Yard has examined the possibility that one officer from MI5 and a second from MI6 committed criminal offences while extracting information from detainees overseas, and detectives are now conducting what is described as a "wider investigation into other potential criminal conduct".

A new set of instructions was drafted after last year's election, published on the orders of David Cameron, on the grounds that the coalition was "determined to resolve the problems of the past" and wished to give "greater clarity about what is and what is not acceptable in the future".

Human rights groups pointed to what they said were serious loopholes that could permit MI5 and MI6 officers to remain involved in the torture of prisoners overseas.

Last week, the high court heard a challenge to the legality of the new instructions, brought by the Equality and Human Rights Commission. Judgment is expected later in the year.

### **How to get rid of foreign prisoners** *Frances Webber, Institute of Race Relations 4 August 2011*

Why should a Bill going through the Nigerian senate concern us? Because it ties in with British efforts to empty UK prisons of foreign national prisoners by sending them home - without their consent. Prisoner transfer agreements with foreign governments are generally seen as benign attempts to bring British prisoners home from excessive sentences in horrible conditions in nasty foreign prisons. But for the past few years, under pressure from right-wing Tories, the government has made strenuous attempts to reach agreements with countries such as Nigeria to enable prisoners serving sentences here to be compulsorily repatriated to complete their sentences in their home countries, so as to save costs, reduce the foreign national prisoner (FNP) population and make space for British prisoners. In 2009, only forty-one foreign prisoners in total were removed under voluntary transfer agreements which Britain has with over a hundred countries. The older agreements, such as those with Sri Lanka and Brazil, all stipulate that the prisoner concerned must either request the transfer or at least agree to it. But newer agreements, such as that concluded with Ghana in 2008 and with Rwanda in 2010, do not require prisoners' consent before transfer. And in November 2009, the government ratified the Council of Europe Protocol which allows for transfer of prisoners to the thirty-four Council of Europe member states without their consent.

It is agreements with Nigeria and Jamaica which would be the big prize for the government, as these countries have the largest number of their nationals in British prisons - around 1,000 from Jamaica and 850 from Nigeria out of the roughly 8,000 convicted foreign prisoners in British prisons. At present, prisoners are transferred to Nigeria on a case-by-case basis, only if both governments and the prisoner all agree. In July 2009, the government even offered millions of pounds of funding to improve prisons in Nigeria, to persuade the Nigerian government to enter the agreement under which 400 Nigerian prisoners in British jails would be returned to Nigerian prisons - without their consent. The Nigerian government refused. (WikiLeaks (<http://wikileaks.org/>) revealed that the funding offer was made after the Nigerian government refused to negotiate unless Britain dropped an extradition request against James Ibori, a member of the ruling People's Democratic Party, wanted by the UK authorities for corruption and money laundering. Ibori was extradited to the UK in April 2011.) Previously, the government had made a similar offer of funding for prison building to the Jamaican government in exchange for agreement over repatriating prisoners, but negotiations broke down over responsibility for prisons' running costs, and as with Nigeria, there is a purely voluntary and informal agreement at present.

Now, the agreement with Nigeria seems to be in prospect again - evidenced by the fact that the Nigerian government is pushing through legislation to remove the requirement for prisoners' consent from its transfer rules. A few opposition senators complained that prisoners' fundamental rights would

be infringed by compulsory transfer, but the measure was passed by the senate on 26 July.

Sending prisoners to their home countries to serve out their sentences is good for their rehabilitation, as well as for British taxpayers, say government ministers.[1] This ignores the fact that many foreign prisoners have been in the UK for decades, have strong family and other ties here and should be rehabilitated here. A real concern is that compulsory transfer will severely impact on rights of access to justice. Although the Council of Europe's compulsory transfer protocol requires a deportation order before transfer, this is not a feature of all agreements. And even if a deportation order is required, the existence of compulsory transfer, as well as putting pressure on Home Office officials and immigration judges to make and uphold deportation decisions, also adversely affects prisoners' ability to fight deportation. Currently, liability for deportation is assessed at the end of a sentence, and is informed by prison reports on a prisoner's progress towards rehabilitation as well as indicators of ties such as family and other visitors to the prisoner. That would change if deportation preceded transfer to serve the sentence at home: no evidence of reform or rehabilitation would be available to counter the facts surrounding the conviction. The concern is that deportation would be rubber-stamped even for those with strong human rights reasons for staying.

But in the UK, few MPs seem concerned at the implications of compulsory transfer for FNPs. A debate in Westminster Hall in June last year saw no one speak except Tories, and no disagreement with Kettering MP Philip Hollobone's sentiment, 'We want these nasty people back in their countries of origin. I am not particularly fussed as to whether they are repatriated, deported or removed - I just want them there, not here.'

*Melvyn 'Adie' McLellan*, has given MOJUK permission to publish in full the article below, which first appeared in 'The Observer Review' 14th September 1997

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### **Crime and passion - sleeping with the enemy**

The father of Vicki's first child has just been jailed for murder. The father of her second is the policeman who helped put him away . . . .

On Humberside, which has the highest rate of teenage pregnancies in the country, the stereotype of a nuclear family was long ago exploded. Even so, the unusual domestic setting surrounding 12-year-old girl from Grimsby looks, by anyone's standards, to be something of a time bomb. Her father is a drug dealer, Melvyn 'Adie' McLellan, who was initially sentenced to life in prison for killing a man. Her mother is Vicki Saunders, who was the prosecution's main witness at McClellan's trial. And her stepfather, and Saunders current boyfriend, police constable David Chapman, who played a key role in putting the child's father and father away.

Last week, the little girl also gained a half sister as Saunders and Chapman celebrated the birth of their first child. Clearly this is a blended family, to use currently approved language, with a potent mix. Sibling rivalry and visitation rights are phrases with a darker meaning here. The potential for future friction between daughter and stepfather goes way beyond disagreement over what time to return from the disco,

Family history, of course, is seldom straight forward story, to unravel the twisted bonds in which these two-year-old girl is now entwined is to untangle a grim drama of sex, drugs and murder. At its core is a picture of contemporary Britain far removed from the official mood of optimism abroad in the country. It's an image blurred by a narcotic haze of disaffection as well as police efforts to draw a veil over the case. But look hard enough the questions began to outnumber the answers. Why, for

When I met Vicki's Sander's mother and sister, Kerry, outside the family home near Grimsby Town's football ground, they both told me that there were four separate heroin dealers at work in their unprepossessing little street.

Understandably sensitive about the whole issue of drugs, their instinct was to point the finger of responsibility elsewhere - at the dealers and, specifically Adie McLellan. A small, neat, made-up woman, Mrs Sanders traces all of her daughter's problems to meeting McLellan. 'I wouldn't have anything to do with him' she said. 'My husband and I have strong principles. Vicki's just like me. I don't know how she got involved with him.'

They met in a disco, in fact, and the word is that McLellan was not the first boyfriend Sanders had who was involved in drugs. At the time, she was working in the KP crisp factory but, according to Barbara Wakefield, McLellan's mother, 'she got bored with it. That's why she got pregnant. That's the only reason she got pregnant.'

For her part, Wakefield thinks Sanders was a bad influence on her son, that together they were a dangerous combination. 'He could get the drugs and she wanted them.'

I asked Kerry, who says she no longer uses drugs, what attracted her to the drug scene. 'I started on amphetamines after I had a kid,' she said brightly. 'I wanted to lose weight.' Her boyfriend, she says, who happens to be the father of Mandy Tasker's child, is also now going straight, following a prison sentence for drug dealing. She was going to tell me more about her experiences in what one might call Grimsby's drugs underworld were it not so unglamorously visible. The next day, though, she informed me that Sergeant Biggs had advised her not to speak to me. And so she didn't.

Whatever happened on the night of 8 February 1995 - and the truth may never fully be known - it's certain that it would not have taken place in the absence of hard drugs. Equally, it could be argued that hard drugs would not be nearly so prevalent on Humberside if a generation did not sense in their lives an unremitting absence.

McLellan is currently attempting to gain some sort of access to his daughter, whom he has not been allowed to see since the night he was arrested. The young girl has also not seen her paternal grandmother, the woman who looked after her for six months owing to Sanders' problem with drugs. Barbara Wakefield once asked Adie McLellan why he gave up his girlfriend and son for Vicki Sanders. 'He started crying,' she recalls, 'and said: "We have fun, Mam. " In the hollowed-out heart of Grimsby, 'fun' can result in terrible consequences.

**\* Battle to free men goes on:** "In 1996 Lyndon Coles and Robert Bradley were sent to life in prison for the shooting of Shane George in 1994. Lyndon and Robert are innocent of this crime, because Humberside police convicted them both on circumstantial evidence which they conjured up!!"

6 December 2010: The Hull Two name the actual killers and describe what led to the killing of Shane George in 1994: "Alan Gough paid Andrew Pearson and David Hogg to knee cap Shane George! Hogg then took it upon his self to kill him as he wanted to know what it felt like to kill a man, they then went to Steve Watson's house and hid the gun there, Steve Watson panicked and rang his brother George Watson, who then got the gun and hid it... in the Bude Road area as it was on his way home and he couldn't travel far as he was banned from driving at the time, and didn't want to get pulled!!! These are true facts!!"

The families of two Hull men serving life sentences for murdering petty criminal Shane George today vowed to continue their fight to clear their names.

Lyndon Coles, 35, and Robert Bradley, 29, failed to convince the Court of Appeal last

Terry Norman's flat dress in Brereton Avenue, Grimsby. There, she said, she saw Greg Dalton in a near comatose state. She explained that Norman Crowder had prepared a syringe for Dalton with which he injected himself. She described how with Dalton still alive but unconscious the other three men attempted to finish him off with, first a preparation of Diconal, and then a syringe containing an air bubble. The coroner's report stated that Dalton would have died almost immediately from the heroin.

Sanders claimed she was so shocked by what she saw that she persuaded McLellan to leave and they both returned home where, still disturbed, she took some Diconal and went to bed. She did not mention any of the events that took place at Brereton Avenue when she was arrested in March 1995 because, she said, she was worried that she would be held responsible by the police - an anxiety that, as it turned out, was completely misplaced. She also did not mention it for the next nine months for the same reason.

That PC Chapman, Sander's future partner, was the man who finally elicited her confession is not an issue that unduly concerns Humberside police. They point out that the relationship between Sanders and Chapman did not start until three months after she gave her statement and that, anyway, Chapman had no significant part in the murder investigation. 'It was all handled completely ethically,' Divisional Commander Andrew Everett told me.

By March, Chapman had left his wife and children and moved in with Sanders, a woman with a criminal record and a long history of drug abuse; a woman who by her own admission had lived for three years of McLellan's earnings from drug dealing; a woman who for nine months withheld information of a murder at which she was present.

The close proximity of two antagonistic cultures - drug enforcement and drug taking - was to prove embarrassing in court. After Chapman and Sanders came out as a couple, Tasker secretly recorded a conversation she had with Sander's sister Kerry. On the tape, which was played to the jury, Tasker and Kerry Sanders talk about an evening when they had 'Hot Knives' ( a process of inhaling cannabis resin through a plastic bottle by heating it over a stove) with Chapman. At one stage, Kerry Sanders says that Chapman had 'got a tenner deal' and was 'that f=d' he couldn't see how big the resin was he was smoking.

On being questioned, Kerry Sanders claimed that she had only said these things to go along with what Tasker had been saying in the conversation and that in fact, she had never seen Chapman take drugs. The policeman himself, who was attached to the drug squad at the time, also denied ever smoking cannabis. Chapman, who is 38, was transferred from Grimsby police station after his relationship with Sanders became public. He and Sanders and the two children are thought to be living in a small industrial town further up the Humber. Neither were prepared to talk about the case. Vicki Sander's mother told me that Chapman is now working undercover.

It is not true to portray Grimsby simply as some dysfunctional northern crime capital. Last week, for example, the advertising hoarding for the Grimsby Evening Telegraph screamed the reassuring headline: 'Grimsby Youth Killed Cat.'

As Detective Inspector Geer put it, referring to the M18-M180 corridor that links the town to the rest of the country: 'Grimsby is at the end of a 60 mile cul-de-sac.' In one sense, it is protected by its isolation from the sort of urban crimes that afflict other parts of the country - guns are rare and there is no gangland to speak of. But the very fact that it is so cut-off may partially explain the very real drugs problem that does exist here. Deaths through overdoses are now running at around one per month, which in a community of this size (Grimsby itself has a population of 40,000) is a troubling statistic.

example was McClellan convicted and not his former girlfriend, Saunders? Why did he receive a recommendation to serve a minimum of 20 years to a crime that even the prosecution acknowledged was provoked? What was PC Chapman's impact on events?

For a 26-year-old who will be nearly 50 before he is due to see the outside world again, McLaren appears remarkably relaxed. A large man with slicked back hair, and soft handshake and a small lazy eyes, he greets me in a bare interview room in Leicester prison with quiet composure. He coolly runs through his story only slipping into a sneer when he mentions PC Chapman. 'He's an old, bald bloke, I don't know what she [Sanders] sees in him.'

Humberside police say that while Chapman was involved in the drugs operation that led to McLellan's arrest, he played no part whatsoever in the murder investigation other than in the limited capacity of witness management. This, as we shall see, is a narrow description of Chapman's contribution, to say the least. And given the outcome of events, accuracy on this matter is unquestionably vital.

McLellan acknowledges that he had been involved in a longstanding feud with the murdered man. Gregory Dalton, an occasional heroin user in Grimsby; and that the antagonism between them dated back to their schooldays. In court, it was claimed that their relationship seriously degenerated after Dalton firebombed McLellan's car and Sanders' face was burnt in the process. McLellan also says, and the police and prosecution agreed, that Dalton and two associates attacked him with a hammer on 7 February 1995. Two days later, Dalton was found dead with a massive quantity of heroin in his blood stream.

Initially, the police thought it was an accidental overdose. Dalton's death had been reported by Terry Norman, in whose house he had attended a 'drugs party' with another man, Anthony Crowder. However, when a toxicology report confirmed abnormally high levels of heroin, the police began to suspect foul play. They were aware of Dalton and McLellan's history and they were also familiar with McLellan's reputation as a drugs dealer.

At certain times, when seeking to persuade the judge and jury that McLellan was a bit-time hood with the muscle to order a 'contract' killing, he was portrayed as the fishing town's 'Cofather', as an officer jokingly put it to me. This may in no small part explain the 20-year tariff the judge imposed on McLellan's sentence. Since his conviction, the police line, as another officer told me, is that he was nothing but 'a big estate lout' who made a small living selling drugs to his friends. Humberside police are proud of their record on fighting drug-related crime. "we don't have dealers friving BMW's in Grimsby," says Sergeant Andy Biggs, of the local drugs squad. McLellan drove a Ford Escort, but it was enough to impress his friends.

In any event, McLellan, Norman, Crowder and Sanders were arrested in March 1995 in connection with Dalton's death, although they were all subsequently released without charge. And that's how things stood for the next nine months. In the meantime, Vicki Sanders gave birth to McLellan's daughter and life continued as before in this dull corner of Grimsby just behind the docks. It was, however, a strange and numbing kind of normality.

In court, the jury heard about a series of empty lives given shape only by a web of sex and drugs transactions. As one prosecution witness Beverley Brydges, herself a long-time drug abuser, told me: 'Adie's friends had threesomes for drugs.' Another young woman, Mandy Taster, said that when she was a regular user of Ecstasy, amphetamines and Diconal, she had affairs with McLellan and Sanders both separately and together. 'We had the occasional threesome,' she recalls. 'Vicki was very outrageous, a flamer and a half.' The jury also heard that Sanders, a slight young woman with a pretty smile and a high street perm, had a series of lesbian affairs with a variety of women includ-

ing McLellan's ex-girlfriend (and mother of his first child) and her own sister, Kelly Sanders. Sanders denied sleeping with her sister.

Something of Sander's state of mind at the time is captured in the statement she gave to the police in December 1995: 'I have [used] - and up to date still use Temazepam and occasionally Diconal tablets . . . Temazepam is a sleeping tablet which makes me sleepy and sometimes makes me forget things. Diconal is a strong pain killer and it also makes me very sleepy or drowsy. I know that is an opiate sort of drug. When you take Diconal you sort of "drift off " and forget things and where you are. They also make you feel numb all over.

This glum passage forms part of two statements, amounting to some 34 pages, that Sanders gave in December 1995 and January 1996. Apart from details of her own personal pharmaceutical intake, Sanders also recorded McLellan's dealings: 'Ecstasy, LSD, amphetamine, Temazepam, cannabis and, for a short period round about Christmas 1994 to February or March 1995, he was involved in the supply of heroin.' Further more, she described how McLellan had 'hired' Norman and Crowder with the promise of money and heroin to kill Dalton with a lethal dose of drugs. (Norman and Crowder were also later found guilty of murder and sentenced to life.) All this information she gave not to a high-ranking detective nor, indeed, any type of detective. The policeman who took these statements both before and after McLellan was charged with murder was humble constable, PC David Chapman.

On day when the wind whips in from the North Sea, the smell of rotting fish from the docks where McLellan once worked as a 'lumper' packs the air like a punch. It's a stark: environment whose rawness could possibly account for the local no-frills preference for intravenous drug use; a tradition that for a variety of reasons - heroin is relatively cheap at £10 a wrap - suddenly spread from a cluster of die-hard addicts to the younger community at large at the turn of the decade.

'Everybody in on heroin in Grimsby,' says McLellan. Travel through the cramped streets near Cleethopes and it's a statement that can seem only a minor exaggeration. Detective Inspector Bill Geer, a bearded Frank Dobson look alike, used to be a sergeant in Humbside drugs squad in the eighties. 'It was just a handful of people then,' he recalls, 'who financed themselves with burglaries and fraud. When I came back [to Humberside police force] in '95 it had spread right across the large estates.

'Go round on Thursday evening and everybody's out on the doorstep as if waiting to pay the milkman. But they're not waiting for the milkman. Word's got out that there's some brown [heroin].

It's a problem, says Geer, that saps the quality of life of the whole community. It might be said that 'quality of life' is not an expression that springs immediately to mind when walking among the dilapidated two-up, two-downs south of Cleethorpes Road. But if Grimsby is to arrest the accelerating cycle of despair that revolves around hard drugs, unemployment and crime, it has to start somewhere.

And one thing everyone is agreed on is that tackling drugs requires the input of the whole community. Where once suspicion was the starting point between the schools, social services and the probation service on the one hand and the police on the other, now the buzz word is 'liaison'. Humberside has developed a 'multi-agency' strategy of education of drug consumers backed up by law enforcement to combat the dealers. In other words, tough on drugs, tough on the causes of drugs.

Eddie Ronayne, a jolly Liverpudlian who is the chair of the Drugs Reference Group at North East Lincolnshire Council (motto 'better because we're closer to the people'), is optimistic about this new joint-initiative. 'Ten years ago, we wouldn't talk to each other,' he says. 'It wasn't kosher.'

However, he inadvertently acknowledges a flaw in the logic of the carers dealing with the demand sided while the enforcers take care of supply. 'We used to talk about pushers at the school gates. Now we realise that it's the kids who are pulling them in. 'Which is an original if rather bleak version of that old capitalist saw: You can't buck the market.

The difficulty for the police in gathering evidence is how to get customers to testify against their dealer when to do so would cut off their supply. How can they get evidence against a dealer when it in his customers' best interest? In the McLellan case, they gained supporting statements by rounding up everyone who bought drugs from him. No charges were made against anyone who was interviewed.

The list of prosecution witnesses who either made statements or testified against McLellan reads like an A-Z of Grimsby drug abusers. I traced a number of them down and the story they told was monotonously similar.

In the back yard of his father's house one friend and former customer of McLellan told me how he came to give an incriminating statement. 'The police pulled me. I didn't know anything about Dalton. I was on heroin at the time and all I wanted to do, was go and see my doctor. I made it all up.'

Of course it's impossible to know whether this man was telling the truth. In spite of his protestations during out meeting that he was 'off drugs' he scratched himself and lost track of conversation in such a way as to suggest that the 'off' period was not due to last long.

Mandy Tasker, by contrast, was far more lucid. 'They told me they wasn't interested in Vicki,' Tasker said. 'It was Adie they was after.' McLellan's mother Barbara Wakefield, was arrested shortly after her son. Up until then, she had supported the explanation that McLellan gave for his whereabouts on the night Dalton was murdered: that he was with her and his father at the Golden Bridge Chinese restaurant. She was charged with conspiracy to pervert the course of justice. She says she was released 10 days later. She also gave a statement that undermined her son's alibi. Along with every other witness arrested at the time, Wakefield has never been prosecuted for any offence relating to the case.

Now a number of Sander's former friends are contradicting what they said in their statements. Again, with this is the women i spoke to, all of whom had small children in tow, the problem was the same - how reliable was their retraction? But equally one might ask how reliable were their original statements?

Either way, there must be doubts about the trustworthiness of drug users whose liberty and habit are at risk when co-operating with the police. In reply all to this criticism, he in Humberside police argue that each statement was meticulously checked and it is the sheer weight of corroborative statements that guarantees authenticity.

Trevor Cox, McLellan's lawyer, nevertheless argues that the manner in which the statements were gathered and the background of those who gave them makes McLellans' conviction unsafe. His concern is increased by another case he is appealing involving Humberside police. Last year 1996, \*Lyndon Coles and Robert Bradley were found guilty of the murder of Shane George in Hull. The prosecution, says Cox, rested almost entirely on the testimony of drug addicts, who have since retracted their statements.

With McClellan, says Cox, the case against him boils down largely to one witness, a habitual drug abuser whom the police had once previously arrested for dealing, Vicki Sanders. Without Sanders says Cox, 'Adie would not have been charged. And if McClellan is guilty it is very difficult to see how Sanders is entirely innocent.'

According to Sanders, on the night of 8th February 1995, she accompanied McClellan to