

MOJUK: Newsletter 'Inside Out' 333 (21/08/2011)

some mixing but only with vulnerable prisoners. This had been rejected by the detainees as stigmatising. The situation required an informed review.

It was also of concern that many of our recommendations from the previous inspection had not been achieved. In particular, there were still no operating standards specific to category A detainees and we were not assured that additional restrictions on movement around the unit and on the regime imposed since our previous inspection were appropriate and proportionate. More positively, some new staff training had begun and the Muslim chaplain provided some useful cultural awareness briefings, although there was still too little mentoring and support for staff working in this specialised environment.

The unit itself remained clean but basic. Detainees reported that they felt safe and interactions between staff and detainees were observed as being mutually respectful. Given the isolated nature of the unit, time out of cell was insufficient. Access to purposeful activity was limited but fitness facilities on the unit were good. Faith services were very good. Access to legal advice was excellent, access to phones and mail was good and detainees said that their domestic visitors were well treated.

The risks to the mental and physical health of detainees of such lengthy, ill-defined and isolated confinement are significant. It was therefore appropriate that health services had improved, although there were still gaps in mental health provision and there remained a need for comprehensive care planning, particularly as increased restrictions on the unit had reduced potential protective factors to mental wellbeing.

The Long Lartin Detainee Unit holds individuals considered a serious threat to national security it is inevitable that they will face rigorous controls and restrictions. Nonetheless, while detainees' treatment and conditions were satisfactory in some respects, too little attention was paid to their uniquely isolated and uncertain position. In particular, it was of concern that additional restrictions had been imposed, for example over mixing with the main prison population, without apparent individualised risk assessment. The Prison Service needs to ensure a better balance is struck between security and humane care, and between separation and integration. *Nick Hardwick HMCIP*

Bodybuilder dies after being shot with Taser three times by police

Dale Burns died after being shot with a 50,000 volt Taser gun as police tried to stop him rampaging through his flat. The 15-stone father-of-two may have been pumped up on steroids when he was zapped THREE times as officers attempted to restrain him. An investigation was launched by the Independent Police Complaints Commission into the tragedy – believed to be the first of its kind in Britain. Police are thought to have initially used pepper spray in a bid to subdue the taxi driver – but when that failed they used the high-powered Taser on him. Later he complained of feeling unwell and was taken to Furness general hospital, where he died at 9pm. Read more: <http://www.mirror.co.uk/news/top-stories/2011/08/18/body-builder-dies-after-being-shot-with-taser-three-times-by-police-115875-23351976/#ixzz1VM1zE8DW>

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,

Aftermath of the recent troubles

Conviction and sentencing - Double Punishment

Some of you will be aware and some may not that any foreign national, convicted of a criminal offence and sentenced to 12 months or longer, is by law automatically served with a 'Notice of intention to deport' and deportation is now usually carried out.

Even those foreign nationals in the UK, who have acquired or taken out British Citizenship (naturalization) are not exempt.

Acquired citizenship is not an innate right it is a licence and can be revoked by the Home Secretary if she deems a persons conduct has not been conducive to the public good. She now routinely revokes acquired citizenship for any and all offences with a sentence of two years or more.

So to be clear, any foreign national, convicted of rioting etc and sentenced to 12 months or more, will be subject so a secondary punishment - Deportation.

This secondary or Double Punishment should be vociferously opposed.

The violence of the violated

A. Sivanandan director of the Institute of Race Relations comments on the recent riots.

Everyone is clutching at explanations for the riots - gangs, greed, family breakdown, lack of respect. But I would like to go into their deeper causes.

Society is completely polarised between rich and poor, mediated through a culture of consumerism and quick fixes.

Almost a third of the population is mired in poverty and deprivation. And this affects the younger generation much more directly and violently than any other section. Directly, through unemployment, cuts in education, youth facilities and mentoring schemes - they are neither socialised by work nor by community.

Violently, because they are policed over and criminalised by stop and search laws and an anti-youth surveillance culture. They have nothing to look forward to - no economic mobility, no social mobility. And they have nothing to look back on, disconnected as they are from the previous generation. The system is trying to blame the parents but they themselves have been deprived of the wherewithal to bring up their children in a decent environment. (The only thing that trickles down is poverty.)

Hence the rebellion of the youth is neither community-based nor politically-oriented - which is what distinguishes them from the disturbances of 1981 and 1985. Those were uprisings based on community organising. These are riots mobilised on a Blackberry.

I have been asked if this has happened because multiculturalism has failed. On the contrary, multiculturalism has succeeded at the point of riot: the rioters came from all communities.

We have a political culture which has been manipulated by Murdoch and the press. We've got a feral elite of politicians, press, police and banks running the whole system. And there's so much anger right across society-not just in these kids. This is not the end of rebellion, it is the beginning.

A. Sivanandan, Institute of Race Relations, 16 August 2011

Are Human Rights to Blame for the Riots?

Many explanations have been proposed for the recent British riots, including poor policing, Twitter and violent video games. Yesterday, the Prime Minister suggested that the Human Rights Act is to blame.

In a major speech, he said that when considering questions of attitude and behaviour, “we inevitably come to the question of the Human Rights Act and the culture associated with it”. What is “exerting such a corrosive influence on behaviour and morality”? No less than “the twisting and misrepresenting of human rights in a way that has undermined personal responsibility”.

I have four points to make about the speech.

First, this is a pretty bold statement. The Prime Minister does not explain in any detail how the causal chain runs between legislating the protection of human rights to the collective looting of a Footlocker shop. His case is not quite as tenuous as historian David Starkey’s indictment of rap music, but it is pretty thin.

And it is hard to see how the main bugbears of human rights detractors, such as the inability to deport foreign criminals as a result of family rights, have anything at all to do with the riots, even in the most tenuous sense.

Secondly, the Prime Minister may be right but not in the way that he intended. If there is any connection to be drawn between the riots and “the twisting and misrepresenting of human rights”, a case could be made that it is mainstream politicians’ longstanding opposition to the Human Rights Act that has done real damage.

Cameron says that we are “proud to stand up for human rights”. But when was the last time he or a senior politician publicly supported the decision of a judge in a human rights case? The Prime Minister has been variously “uneasy”, “appalled” and “physically sick” over recent rulings. Alex Salmond, his counterpart in Scotland, has been just as scathing; he said that the UK Supreme Court made judgments “in favour of “the vilest people on the planet”, prompting today’s resignation of Lord Steel from his post advising the Scottish government. It is hard to see how respect for the rule of law – lacking in the first days of the riots – is encouraged by such comments.

Many politicians have campaigned to scrap the Human Rights Act for years. They have been cheered on by journalists in the tabloid press and Daily Telegraph who have consistently maligned and misrepresented human rights law. This corrosive hum of discontent has obscured many of the good things human rights law has achieved, including prompting the laws which convicted the phone hackers.

Thirdly, whatever the Prime Minister says and however much he rages against rights culture, very little will change during this administration. As The Economist’s Bagehot points out, “politicians confident that they can actually change something tend to avoid phrases like: “We’re working to develop a way through the morass by looking at...”

The Coalition’s Bill of Rights Commission, the Prime Minister’s answer to the problem posed in his speech, is effectively impotent as it has no remit to recommend full or even partial withdrawal from the European Convention or European Court of Human Rights. This was an early concession to the Liberal Democrats, and given its adversarial composition – effectively four members who like and four members who dislike the Human Rights Act – it is hard to see how the Commission will reach any creative solutions to the problems which have emerged since the Human Rights Act began operating in 2000. As the Prime Minister said, change will be “frustratingly slow”.

Finally, any politician who claims to be “proud to stand up for human rights” should

Despite all this, managers and staff were working hard to make the prison a safer and more decent place. There was now a little more purposeful activity and some exciting, if nascent, ideas to work with local authorities to improve resettlement outcomes. It goes without saying that there is much more to do. Indeed the scale of the issues facing Pentonville means that it is also essential that the prison is supported by an effective London-wide strategy - but there is now at least a positive sense of direction. *Nick Hardwick HMCIP [End]*

Unannounced follow-up inspection of the detainee unit at HMP Long Lartin

4/6 April 2011 by HMCIP. Report compiled June 2011, published Thursday 18th August 2011

‘Too little attention was being paid to the uniquely isolated and uncertain position of detainees held without trial.’ Nick Hardwick HMCIP

The Detainee Unit at HMP Long Lartin is a prison within a high security prison. It holds a small number of individuals suspected, but not convicted, of involvement in international terrorism and held under immigration or extradition law. Some have been held for many years as they contest removal from the UK. All are held in the highest security conditions. Previously, inspectors have raised concerns about holding a small number of detainees, who already inhabit a kind of legal limbo, in a severely restricted environment for a potentially indefinite period.

Inspectors were concerned to find that:

- the detainees were no longer able to mix with the wider prison population, although sentenced terrorists faced no such restriction and not all detainees posed the same level of risk;
- while the governor had offered to allow some mixing with vulnerable prisoners, the detainees had rejected this as stigmatising;
- also of concern that many of our recommendations from the previous inspection had not been achieved.
- In particular there were still no operating standards specific to category A detainees and we were not assured that additional restrictions on movement and on the regime imposed since our previous inspection were appropriate and proportionate;
- there was too little mentoring for staff working in this specialised environment; and
- time out of cell was insufficient, given the isolated nature of the unit.
- The risks to the mental and physical health of detainees of such lengthy, ill-defined and isolated confinement are significant.
- there were still gaps in mental health provision
- increased restrictions on the unit, reduced potential protective factors to mental wellbeing.

Introduction from the report

The Detainee Unit at HMP Long Lartin is a prison within a high security prison. It holds a small number of individuals suspected, but not convicted, of involvement in international terrorism and held under immigration or extradition law. Some have been held for many years as they fight removal from the United Kingdom and all are held in the highest security conditions.

We have previously raised concerns about holding a small number of detainees, who already inhabit a kind of legal limbo, in a severely restricted environment for a potentially indefinite period. We were therefore concerned to find that the detainees were no longer able to mix with the wider prison population. These restrictions had apparently been made on security grounds, although the rationale appeared obscure as sentenced terrorists faced no such restriction in the main prison and not all detainees posed the same level of risk. The prison governor had recently offered to allow

- violence reduction and anti-bullying systems were weak;
- while some aspects of care for those at risk of self-harm were good, other areas were underdeveloped; - four apparently self-inflicted deaths since the last inspection
- some accommodation was overcrowded, with unscreened toilets and poor showering facilities;
- services for foreign nationals were underdeveloped;
- despite some ambitious plans, there was still too little activity to occupy all prisoners and many prisoners remained unemployed; and
- there were too few services to help prisoners reintegrate successfully into the community

Introduction from the report: Pentonville is an iconic prison, but not always for the right reasons: its four central wings are over a hundred and fifty years old, it has a large and transient population drawn from some of London's poorest boroughs, and its prisoners have amongst the highest incidence of mental ill-health and substance abuse of any local prison in the country. Despite these almost insuperable challenges, this unannounced follow-up inspection found that Pentonville was making some progress but inevitably there was much more to do.

Reception remained immensely busy and staff had little time to address all the immediate issues presented by prisoners. Similar pressures on first night and induction arrangements meant that much work remained to be done to ensure the safety of prisoners in their most vulnerable early days in custody. The atmosphere in the prison was generally calm but violence reduction and anti-bullying systems were weak. Tragically, there had been four apparently self-inflicted deaths since the last inspection and, while some aspects of the care for those at risk of self-harm were good, other areas were underdeveloped.

Many men arriving at Pentonville were dependent on drugs and/or alcohol and treatment arrangements had improved with the introduction of the integrated drug treatment system. There had also been some success, working with the police, to reduce the flow of illicit drugs into the prison. Security was mostly proportionate and use of force was not excessive. The segregation unit was basic but decent. Staff-prisoner relationships appeared reasonable, but were not supported by an effective personal officer scheme. The environment was generally clean but some accommodation was overcrowded, with unscreened toilets and poor showering facilities. Race issues were well managed but some other areas of diversity, particularly services for foreign nationals, were underdeveloped. Faith provision was comprehensive. There was an impressive health care centre and most services were good.

Time out of cell varied, but was reasonable for those with activities to attend. Despite some ambitious plans, there was still too little activity to occupy all prisoners and many prisoners remained unemployed. Opportunities to access education had expanded significantly but too few prisoners achieved qualifications. Access to the library had improved and more prisoners were now able to take part in PE.

The strategic management of resettlement required improvement, but some promising partnership working was underway with some neighbouring local authorities. While offender management and public protection were satisfactory, progress on resettlement had been slow. There was still no custody planning for remand and short sentence prisoners and, while some basic needs assessment took place, there were too few services to help prisoners reintegrate successfully into the community.

Pentonville is amongst the most challenging local prisons in the country to run. Its ageing and crowded fabric offers limited scope for change or development, its population is not only transient but also hugely needy - and sometimes challenging - and resources are declining.

remind the public that nearly every protection under human rights law – for example the rights to privacy, freedom of expression and freedom of religion – need not be enforced by a public authority if a policy legitimately and proportionally protects the public.

This is a reasonable get-out clause for public authorities and particularly the police, who have a wide discretion to do things like publish photographs of alleged rioters. So human rights, if properly enforced and not misrepresented, should allow for the protection of the public whilst still ensuring that the state has not “abused and eroded fundamental human freedoms and historic civil liberties“. That is a quote from the Coalition’s 2010 Programme for Government. May 2010 is starting to seem like a long time ago.

Adam Wagner, UK Human Rights Blog, August 16, 2011

The stench of a police state

International Committee of the Fourth International (ICFI)

The events of the last 17 days are a warning to the working class in Britain and internationally. The state repression and right-wing hysteria unleashed in response to youth rioting in London and other cities reveal the preparations of the ruling class for police-state forms of rule.

The riots were triggered by the police execution of Mark Duggan, a black 29-year-old father of four, in Tottenham, north London on August 4, followed by an unprovoked police assault on a peaceful protest over his killing two days later. Almost a fortnight later, no officer has been identified, let alone charged, for these crimes.

Instead, the political elites who sanctioned the looting of public funds to bail out the banks and the super-rich, and who covered up the illegal phone hacking of Rupert Murdoch’s media empire, have sought to whip up a lynch mob atmosphere against the “criminality” and “immorality” of working class youth.

Cheered on by the Labour Party, Prime Minister David Cameron and his Conservative-Liberal Democrat government have organized vicious state repression, authorizing the use of water cannons and plastic bullets and the possible use of the army against further social unrest.

Basic democratic rights have been thrown to the winds. The presumption of innocence has been jettisoned as police carry out mass arrests, with those detained subject to show trials presided over by courts acting directly at the behest of the authorities.

Some 3,000 people, the majority aged between 16 and 24, have been rounded up in sweeps across the capital and elsewhere, with police battering down the doors of people’s homes for what are, in the main, petty misdemeanours. The names and photographs of people not even charged with any offence—let alone found guilty—are broadcast daily by the media. Juvenile defendants, some as young as 11, have been stripped of their right to anonymity.

Magistrates have been told they can “ignore the rule book” on sentencing norms, following what the chair of one London magistrates court inadvertently described as a government “directive.” Over 1,500 people have to date been dragged before courts—in some instances sitting for 24 hours at a time—where, with paperwork barely completed and a shortage of solicitors, the most vindictive and punitive sentences are being handed down.

Even though many of those appearing in court have no previous convictions, over two-thirds have been denied bail. Mothers and pregnant women have been incarcerated for six months for handling stolen goods. So too has a student, with no criminal record, for stealing bottles of water worth £3.50.

They are just the first of many others facing summary justice. Hundreds more young people are being remanded for months at a time to await trial before crown courts that can

impose more draconian punishments, including up to ten years for rioting.

Collective punishment is the order of the day, with reprisals underway against the family members of those allegedly involved in the disturbances. Without any proof of guilt, mothers and young children are being served with notices of eviction from their council housing, while plans are made to strip people accused of involvement in the riots of their welfare benefits, even if they are not convicted of any offence.

Last week it was revealed that as the disturbances swept London, police broke into encrypted social messaging networks, gaining access to the mobile phones of hundreds of people and their messages. They had even prepared to close down BlackBerry messaging and Twitter. Simultaneously, the government brought in MI5 and the giant eavesdropping national security centre GCHQ to access electronic communications.

This same ruling elite sings the praises of the social media to undermine governments in other countries when it suits its foreign policy interests. It promoted the so-called "twitter" revolution in Iran as part of US-backed efforts to overthrow President Mahmoud Ahmadinejad and install a more pro-Western regime. On its own turf, however, it reacts ruthlessly to any form of communication not controlled by the state.

All this is legitimized by the branding of working class youth as "feral rats" and "wild beasts." Anything now passes as acceptable discourse, as representatives of both the right and "left" of official bourgeois politics denounce a "criminal underclass," supposedly generated by the welfare state and "multi-culturalism." Similar statements can be found in the fascist manifesto issued by Anders Behring Breivik before he slaughtered 76 people, mainly youth, in Norway last month.

On the BBC, the historian David Starkey recently proclaimed that the proto-fascist Tory politician Enoch Powell was correct when he warned in the 1960s that immigration would lead to civil unrest. Powell's mistake was to consider that this would be the result of inter-racial violence, Starkey asserted, when what has actually happened is that white working class youth "have become black," taken over by a "black" culture that has "intruded in England," which is "why so many of us have this sense literally of a foreign country."

Though Starkey characteristically uses racial terms to denote the targets of his hatred, he clearly is using the term "black" to denounce all working class youth.

This hostility is shared by the liberal establishment and the corrupt purveyors of identity politics. One-time civil liberty advocates such as Ian Dunt, editor of politics.co.uk, declare that their previous injunctions against authoritarian measures must be abandoned. Having caught "a glimpse of the breakdown of society," Dunt writes, we "must show we understand the need for tougher sanctions."

Ken Livingstone and Dianne Abbott, prominent representatives of Labour's so-called "left," call for greater police numbers and the use of water cannons, while its minority commentators, who for years have milked racial politics to feather their nests, demand greater repression. Derrick Campbell, chief executive of race equality in Sandwell, West Midlands, calls for youth to be birched.

The hysteria sweeping the political elite cannot be attributed solely to last week's unrest. The bourgeoisie is aware that it has entered a second stage in the global crisis of capitalism that will exacerbate the class divisions already exposed across Europe, the Middle East and internationally, producing enormous shocks and upheavals.

They see in the disturbances in England only a foretaste of what is to come and are pan-

icked by their own political unpreparedness. In private, they have asked themselves again and again how much longer the Labour Party, the trade unions and the life-style "left" can contain popular opposition to deteriorating social conditions and savage spending cuts. In the eruption of social anger among the youth they see a frightening precursor to a much broader movement of the working class.

Their reaction to the riots makes clear that their response to the eruption of class struggles against the economic catastrophe caused by the failure of the capitalist system will be to junk democratic rights and rely on naked state violence.

The most far-reaching political conclusions must be drawn. Only the revolutionary overthrow of capitalism can provide a way out for the working class and the youth from a future of poverty, unemployment, war and dictatorship.

Julie Hyland for ICFI

Prisoners: Self-harm - HMP Woodhill, Close Supervision Centre

Lord Ramsbotham to ask Her Majesty's Government, further to the Written Answer by Lord McNally on 23 June (WA 349), whether disciplinary action was taken following the report into the incident of self-harm at HMP Woodhill on 18 April commissioned by the Governor.

The Minister of State, Ministry of Justice (Lord McNally): The investigation into the incident was completed on 5 July 2011. The governor concluded, in the light of the findings of the investigation, that no grounds existed on which to justify disciplinary action. The investigation made a number of recommendations and these are being taken forward by the governor.

Lord Ramsbotham to ask Her Majesty's Government whether guidance about the supervision of prisoners with a history of self-harm was followed at the Close Supervision Centre at HMP Woodhill; whether specific recommendations were made after a prisoner cut off one of his ears; and whether those recommendations were followed prior to the same prisoner cutting off his second ear.

Lord De Mauley: Following the incident in April 2011, the prisoner concerned was placed on assessment, care in custody and teamwork procedures (ACCT is the care planning system for prisoners identified as being at risk of self-harm and/or suicide). These procedures were reviewed by a multi-disciplinary team in June when it was decided, based on a risk assessment of the prisoner, that they were no longer required. Specific recommendations arising from the investigation into the incident in April had been accepted and were being implemented at the time of the second incident of self-harm in July.

Lord Ramsbotham to ask Her Majesty's Government what action is being taken following the incident in which a prisoner in HMP Woodhill cut off both his ears; and whether details of such action will be published.

Lord Wallace of Saltire: The governor has arranged for an investigation to be undertaken into the recent incident of self-harm where the prisoner cut off his ear. This investigation will take into account the findings and recommendations of the recently concluded investigation into the earlier incidence of self-harm involving the removal of his other ear.

Unannounced full follow-up inspection of HMP Pentonville, 24 February – 4 March 2011, by her HMCIP. Report compiled June 2011, published Wednesday 17th August 2011

Inspectors were concerned to find that:

- reception remained extremely busy and staff had little time to address all the immediate issues presented by prisoners;
- there were similar pressures on first night and induction arrangements, affecting prisoners in their most vulnerable early days in custody;