

MOJUK: Newsletter 'Inside Out' No 337 (18/09/2011)

The Chief Inspector said: "The improvements in prisons over the last five years are very welcome. Nevertheless, going to even the best run prison for only a short time is a very severe punishment indeed. I have found no holiday camps. But for many short-term prisoners, the reality will be being locked up in a small shared cell with an unscreened toilet for twenty hours a day - with too much access to drugs and negative peer pressure and too little access to work and resettlement help."

The report notes:

- most prisoners in most types of prisons report feeling safe and this was borne out by inspection findings;
- the integrated drug treatment system was having a positive impact where it had been introduced; and
- health care was generally improving.

But concerns remained about:

- too little work, training or education - particularly for young adults;
- inadequate resettlement support which was the worst performing area and a squeeze on small voluntary organisations who contribute to this;
- the unacceptably high availability of drugs despite efforts to combat this;
- the continuing high level of unmet mental health need in all forms of custody and particularly amongst women prisoners; and
- the negative perceptions of prisoners from minority groups, particularly Muslim prisoners.

Nick Hardwick said:

"Our current inspection programme has given us a good insight into how prisons are coping with the influx of prisoners resulting from the recent disturbances. There has been some disruption and stresses. It has been a challenge to keep young people safe in particular - both in the existing population and among new arrivals. There have been tensions between prisoners, some potentially serious incidents and significant numbers of young people placed on self-harm prevention procedures. It is a credit to the staff involved that there have not been more serious incidents.

"Although we have only looked at a small cross section of prisons and young offender institutions, up to now they have had the capacity to physically absorb the additional numbers. But capacity is more than just a question of how many prisoners can be squeezed into the available cells. The concern my report highlights is that there will not be sufficient capacity to do anything useful with many of them when they are there."

In a year of change for the Inspectorate and the bodies it inspects, April 2010 to March 2011 saw 97 inspections of prisons, police custody suites,

Hostages: Glen Cameron, Warren Slaney, 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.

"I will not rot in prison any longer as if nothing has happened"

First of all I would like to thank MOJUK for publishing issue 330 regarding my Brother-in-law John Twomey. I enclose a copy (see part 2) of something on paper to try and stress how I feel about the way in which I've been mistreated by the British 'Justice' system.

I have served two years in custody for a crime I did not commit. I was very much in thinking that the way in which I was convicted (i.e. no jury and a single judge) would cause public outrage, but that couldn't be further from the truth.

I now think that it is time to start some form of campaign to protest my innocence. I owe it to my family, myself and ultimately to the citizens of Great Britain many of which who fought so hard to uphold and protect the long standing laws of this country. I'm starting my campaign with MOJUK and now I have started there will be no stopping me.

I seek all the advice I can get in this field as I never dreamed I would have to tackle and endure a situation like this, and, from what I have heard MOJUK's knowledge is a good starting point to help me on this journey.

I am not racist in any shape or form but I do feel strongly that if this had happened to four Muslim terrorists or four Irish members of the I.R.A. there would have been all hell let loose, creating public awareness - something that I have not yet been able to achieve.

Somehow there must be a way to let the British public know what has happened to me and my three co-defendants, one as you know is my Brother-in-law John Twomey. I can't stress enough how important this matter is for me and how this is just the beginning for me. I will not rot in prison any longer as if nothing has happened. MOJUK, I do hope you can help me to get this across to the public and raise awareness about the corruption and abuse of the British justice system that has taken place through people like Judge Treacy, who, has wrongly convicted me and ruined mine and my family's life

Yours Faithfully, Glen Cameron

Part 2: My name is Glen Cameron and I am writing to confirm my brother-in-law's testimony in the article in the MOJUK 'Inside Out' issue N°330 (Bulletin Friday 22nd July).

I would like to stress certain aspects of this travesty of justice that specifically apply to me. At the time of writing this I am 52 years of age and prior to my wrongful conviction in this case I had no previous convictions whatsoever.

In 2005 the initial trial of those accused in this robbery case took place. There were some acquittals and no one was convicted. I was not part of this trial. In 2007 a second trial took place, again I was not involved in this trial though I was arrested whilst it took place.

In June 2008 the prosecution finished presentation of their case in the third trial and it was at this time I first became aware that 'justice' was not to prevail in this case other than as a perversion of justice!

The third trial was the first time I had ever stood in a dock, so I was not conversant with what was going on and was when the trial Judge Roberts asked the prosecution Russell Flint what my part in the crime was. The prosecution had previously indicated they were not proceeding against me as a participating robber and inferred to the Judge that they wished to

'play it by ear'. The Judge did not find this acceptable, and adjourned for lunch advising the prosecution to return with, at the minimum, a gist of the case against me. This they failed to do; when the court was reconvened, spurious allegations of jury nobbling were made and astonishingly without any evidence Judge Roberts aborted the trial.

To date no one was ever charged, accused or even interviewed over jury tampering allegations and by no one I include all 12 members of the jury.

Subsequently these unfounded allegations were used to rewrite the Magna Carta and order a trial in front of a single judge for the first time ever in England. Before the trial began proper, defense council tried to appeal to the Supreme Court that a jury-less trial was unlawful but the Supreme Court refused to countenance it on the grounds they had no jurisdiction to hear the appeal.

Even in the highly emotive atmosphere of the Nuremburg war crimes trials a panel of judges were installed ensuring the allies could not be accused of emulating 'the peoples courts' introduced by those now standing in the dock, some of whom were actually acquitted.

You would have expected that given such a legal precedent being set, that as at Nuremberg, great caution would have been exercised to demonstrate some measure of fairness in our trial; far from it! Unlike the Nuremberg trials conducted in front of the eyes of the world our farce of a trial was hidden away in a practically deserted courtroom in the 'Royal courts of justice'.

In my case it soon became apparent that this was to enable a single judge to speculate and imagine what part I may have played in a crime and not even the most partial judge in the land would have been able to present this theorizing, unsupported by any real evidence to any jury.

This judge not only condemned me and destroyed my good character; he used his personal theory unsupported by any evidence to convict me. To add insult to injury he then sentenced me to approximately three times as long in jail as the man who had previously admitted instigating and planning the crime in which I had played no part.

Glen Cameron, A9462AQ ,HMP Whitemoor, Long Hill Road, March, PE15 0PR

Remand in Custody [where parent is main carer for children]

Kerry McCarthy: To ask the Secretary of State for Justice what recent discussions he has had with the Secretary of State for Education on (a) steps to require that pre-sentence reports consider family circumstances and (b) the feasibility of introducing a statutory obligation on the judiciary to check whether arrangements have been made for children whose parents or carers are remanded in custody. [70573]

Mr Blunt: Officials from a range of Government Departments, including the Ministry of Justice, the National Offender Management Service (NOMS) and the Department for Education, are working together to contribute to the cross-Government to support families with multiple problems, including the children and families of offenders.

The Children Act 2004 requires inter agency co-operation to safeguard/promote the well being of the child and NOMS specifications set out that Probation Staff have a responsibility to identify the safeguarding needs of children and promote their welfare of an offender's children when preparing pre sentence reports. A statutory obligation on the judiciary has been considered, and been discussed at Official's level with the senior judiciary and voluntary and community sector groups. Raising awareness is our main focus and a statutory obligation is not being further considered at this time.

Kerry McCarthy: To ask the Secretary of State for Justice if he will consider introducing a statutory obligation on the judiciary to inquire as to whether arrangements have been made for children whose parents or carers have been remanded in custody. [70574]

and have established a business advisory group to help us to deliver prison industries that operate on a commercial basis so that much more work can be delivered at no cost to the taxpayer and can contribute to victims' services while competing fairly in open markets.

Jessica Lee: Does my hon. Friend agree that having prisoners do real work will help not only by tackling the culture of idleness in prisons, but by giving prisoners valuable vocational skills that we all hope they will put to good use upon their release?

Mr Blunt: My hon. Friend is absolutely right. There will be substantial benefits from bringing this policy to scale, which I am optimistic we can do. There will be benefits to victims from the resources generated by the work that prisoners do; to the taxpayer from relieving the cost of the regime; and to the stability of the prison regime, as she mentioned. However, there will also be a substantial rehabilitative benefit to prisoners who will leave prison with a CV that includes skills training in the work in which they have been involved as well as experience in the work itself.

Mrs Jenny Chapman (Darlington) (Lab): We all agree that prison industry is good for rehabilitation, but how many additional prison officers does the Minister think will be needed to supervise movement around the estate and to ensure that prison industries are secure and properly delivered?

Mr Blunt: The hon. Lady is absolutely right. If we are to change prisons from being simply places of security and of warehousing people, where work is wedged in when possible, there will be additional costs to the prison regime. The businesses that go into prisons will have to generate the resources to support that.

Mr Julian Brazier (Canterbury) (Con): In strongly welcoming my hon. Friend's initiative, I urge him to consider the position of young people on remand. As successive prison inspectors have said, it cannot be right to have young people, even though they have not been sentenced, sitting about not required even to undertake any education let alone work.

Mr Blunt: Again, my hon. Friend is right. Remand prisoners pose a particular challenge, in the youth estate as well as the adult estate, because of the speed with which they tend to turn over in those institutions. That makes getting work for them more difficult, but there needs to be a proper focus on programmes for all people in custody following a proper assessment of their rehabilitative requirements.

Kate Green (Stretford and Urmston) (Lab): The Minister will be aware that women in prison are often under-occupied. Will he tell us what special attention he is giving to creating working opportunities for women who are serving custodial sentences?

Mr Blunt: This agenda has to apply to women as well as to men. The sad fact is that, overall, too many of our prisoners are under-occupied, whether women or men, and the same attention must be paid to the women's estate as to the men's estate.

Prisons have improved but arrangements for work and rehabilitation lag behind, says chief inspector

HMCIP for England and Wales Annual Report 2010-11

Offenders sent to prison following the recent disturbances in English cities will enter a system that has improved over the last few years - but too many will have to sit out their sentences with very little constructive to do and little input to prevent them reoffending, said Nick Hardwick, Chief Inspector of Prisons, publishing his first annual report.

The report charts improvement in the treatment of prisoners and the conditions in prisons over the past five years but progress has been inconsistent overall and progress on work and resettlement has been too slow.

Gang Culture [in prisons]

House of Commons/ 13 Sep 2011 : Column 872

10. Dr Thérèse Coffey (Suffolk Coastal) (Con): What steps he is taking to eradicate gang culture within prisons and young offenders institutions. [71315]

The Parliamentary Under-Secretary of State for Justice (Mr Crispin Blunt): Youth and adult custodial establishments have access to a range of accredited programmes that address offending behaviour, including gang-related issues. Programmes include engaging community and voluntary sector groups to help deliver solutions to gang-related issues, and the National Offender Management Service and the Youth Justice Board support this work. The Government are developing a cross-departmental programme of action to tackle gangs and gang violence. An inter-ministerial group will report to Parliament in October.

Dr Coffey: I thank the Minister for that answer, which goes part of the way to addressing these issues. However, when I visited the Warren Hill young offenders institution in my constituency last year after there had been a riot, one of the reasons cited for the riot was the growing emergence of gang culture and the fact that when people are placed in young offenders institutions, proximity takes priority over gang dispersal. I would like him to look at this policy again.

Mr Blunt: I am very grateful to my hon. Friend for the interest she takes in Warren Hill. I have followed up the discussions that we have had and I assure her in relation to gang violence that there is no absolute, rigid rule that proximity should take precedence. When placing young people and adults into custodial establishments, both the YJB and NOMS take proper account of all the factors required and there is emerging good practice around identifying gang affiliations.

Keith Vaz (Leicester East) (Lab): As the Minister knows from the evidence that has been received about the recent riots in London and other cities, a number of people involved in gangs were part of those riots. Will he ask his Department to deal with organisations such as User Voice, which consists of ex-offenders who were in gangs, which are willing to work with the Ministry of Justice and assist it in its projects?

Mr Blunt: The right hon. Gentleman has made an excellent suggestion, which I am very happy to pass on to officials in the Department.

Mr Philip Hollobone (Kettering) (Con): Many of the foreign national prisoners in our jails are members of foreign national EU gangs that commit organised crime in this country. What is the Justice Department doing to tackle this aspect of gang culture in our cities and in our prisons?

Mr Blunt: Of course, where evidence and intelligence of that kind are received, they will be acted on to make sure that those gangs cannot operate within the prison estate and that gang members are properly dispersed by the placement decisions taken by NOMS. We will also want, as we do with all foreign national prisoners, to try to make sure that those people go home to serve their sentences.

Prisoners (Work in Custody)

House of Commons/ 13 Sep 2011 : Column 872

Jessica Lee (Erewash) (Con): What recent progress he has made in making prisoners work while in custody; and if he will make a statement.

The Parliamentary Under-Secretary of State for Justice (Mr Crispin Blunt): We have made clear our intention to make prisons places of work and industry. We are already making good progress towards longer prisoner working weeks at a number of prisons, including 13 early-adopter sites that are implementing regimes designed to facilitate increased working hours. We are continuing to develop a framework that will enable us to maximise this approach across the prison estate. To achieve this, we are looking at the experience of other countries

Mr Blunt: () A statutory obligation on the judiciary has been considered,()and discussed at official's level with the senior judiciary and voluntary and()community sector groups. Raising awareness is our main focus and a()statutory obligation is not being further considered at this time.

The Children Act 2004 requires inter agency co-operation to safeguard and()promote the well being of the child. Probation staff working in court or()preparing pre-sentence reports have a responsibility to consider the impact of()custody on an offender's children. If there is a likelihood of custody then()children's services will be alerted to ensure arrangements are in place to () safeguard the well being of any children.

Officials are currently working to ensure that this system of assessment and () referral is as robust as possible by establishing minimum standard () specifications for both pre-sentence report assessment and court practice. *House of Commons / Sep 2011 : Column 819W*

HMP Woodhill CSC Admits to Holding Mentally Ill Prisoners

A senior prison service representative has officially confirmed that mentally ill prisoners are being held in a harsh control-unit designed to punish disruptive prisoners.

Claire Hodson, operational manager of the Close Supervision Centre (CSC) at Woodhill Prison in Milton Keynes, has written in response to an open letter that I circulated earlier this year that some prisoners held in the CSC "often present with highly complex needs which can include the presence of a mental disorder, the use of self-harm either as a coping mechanism or as a maladaptive coping strategy, as well as diagnoses of one or more personality disorders. Thus it is not unexpected that some individuals will present with high levels of self-harming behaviours due to their clinical needs. I cannot confirm the number or type of diagnoses of mental illness within the CSC prisoner population due to matters of confidentiality other than to say that the presence of a mental disorder is not uncommon within this population". She concludes by saying that the Independent Monitoring Board is fully aware that prisoners suffering from mental illness are held within the CSC.

It's important to remember what the official rationale was for the original creation of the CSC and how it's very punitive regime and method of controlling prisoners is still defined and motivated by this rationale and ideology. Claire Hodson herself describes the type of prisoner "referred" to the CSC as "those involved or alleged to be involved in single serious acts of violence or where concerns regarding the risk they present to others have been supported by ongoing or escalating violent incidents". This represents the official view that amongst the prisoner population there are some that are so dangerous, predatory and unmanageable that the only way to prevent them harming others and/or seriously disrupting ordinary prison regimes is to clinically isolate them in conditions of strict "supervision" or control. Such prisoners are considered the "worst of the worst" and therefore wholly deserving of "special measures" such as segregation within a unit or regime based on punishment-based behaviour-modification techniques. Demonising and de-humanising such prisoners is considered necessary in the interests of greater overall control of the prisoner population, and convenient as a way of reducing the structural ills of the prison system to the actions and behaviour of a small minority of dangerous troublemakers.

Supposedly the purpose of the CSC is to reduce the possibility of such prisoners creating trouble and possibly collective unrest in the mainstream prison population and as a measure of control is completely devoid of any rehabilitative or reformatory content and designed just to incapacitate and punish. Within the CSC solitary confinement is used as a means of control

and the fundamental experience of the prisoners held there is one of complete social isolation, sensory deprivation and total powerlessness.

Claire Hodson in PR-speak claims that within the CSC a “specialist multi-disciplinary team is in place to provide appropriate care and management to help to manage and reduce individual risk to both staff and others. The care provided is based on individual needs”. Information provided by prisoners themselves within the CSC suggests a quite different daily reality of solitude and powerlessness, and an austere regime based on punishment and retribution enforced by a goon squad of prison officers. The entire modus operandi of the CSC is one of non-appeasement and non-negotiation within a behaviourist-orientated environment intended to subdue and defeat the will and spirit of the prisoners held there.

What characterizes the CSC regime most fundamentally is its use of solitary confinement. Sharon Shalev in her study of American Supermax jails wrote: “Throughout the long history of its use in prisons, health practitioners and researchers have observed the adverse effects of solitary confinement on prisoners' health. They are so severe that international experts have identified solitary confinement as psychological torture. The cumulative findings of various reports present unequivocal evidence of the damaging effects of solitary confinement, particularly for those with pre-existing mental health dis-orders, and indicate that it may also actively cause mental illness”.

In June this year a mentally ill prisoner held in the CSC cut off both his ears, horrific evidence that those with less resilient personalities are being pushed beyond the extremes of endurance by the CSC regime.

Categorizing mentally disturbed prisoners as control problems and then subjecting them to a regime deliberately calculated to inflict mental pain is a human rights crime and should not be tolerated by a supposedly civilised society in whose name it is being committed. All prisoners with a diagnosable mental illness currently held within the CSC should be transferred to a more appropriate mental health facility and it is the direct responsibility of the people like Claire Hodson to see that it happens.

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Human rights: the assault continues

By Frances Webber, IRR 08/09/11

The government is poised to cut down the reach of human rights law, paving the way for easier deportation of foreign national prisoners.

The government's announcements in the wake of the riots that non-British citizens convicted of riot-related offences will be deported 'at the earliest opportunity'[1] is part of a new attempt to strip foreign national prisoners of the minimal protection against double punishment afforded them by international human rights law. And already, moves are in progress among foreign ministers of the forty-seven signatory states to the Human Rights Convention to shift power from the European Court of Human Rights to the states' own domestic courts in matters of immigration and deportation. From November, the UK chairs the Council of Europe - and it will seek to use its chairmanship to push ahead with the reforms, which would allow the UK to adopt a much tougher line on the human rights criteria for deportation - without the oversight and corrective influence of the European Court.

Human rights court to lose powers?

The adoption of the Human Rights Convention in 1950 and the setting up of the European Court of Human Rights were arguably the greatest achievements of the Council of Europe. But

A disturbing theme that pervades Prison Inspection reports, is the persistent failure by prison after prison to treat disabled prisoners with 'A duty of care'.

Inquiry into disability-related harassment reports

Adam Wagner UK Human Rights Blog, September 13th 2011

The Equality and Human Rights Commission has published Hidden in plain sight, a report into disability-related harassment and how well this is currently being addressed by public authorities.

The report, which finds a “systemic failure by public authorities to recognise the extent and impact of harassment and abuse of disabled people” can be downloaded here, the “easy read” version here and the executive summary here. I have also reposted the Executive Summary via Scribd below. The Inquiry found, amongst other things:

* Cases of disability-related harassment which come to court and receive media attention are only the tip of the iceberg. Our evidence indicates that, for many disabled people, harassment is a commonplace experience. Many come to accept it as inevitable.

* Disabled people often do not report harassment, for a number of reasons: it may be unclear who to report it to; they may fear the consequences of reporting; or they may fear that the police or other authorities will not believe them. A culture of disbelief exists around this issue. For this reason, we describe it as a problem which is ‘hidden in plain sight’.

* There is a systemic failure by public authorities to recognise the extent and impact of harassment and abuse of disabled people, take action to prevent it happening in the first place and intervene effectively when it does. These organisational failings need to be addressed as a matter of urgency and the full report makes a number of recommendations aimed at helping agencies to do so.

* Any serious attempt to prevent the harassment of disabled people will need to consider more than organisational change, although that will be an important precondition to progress. The bigger challenge is to transform the way disabled people are viewed, valued and included in society.

Cost of prison accommodation per place

Category B	£36,818	Category C	£35,718	Male local	£37,637
Male open	£30,677	Male open YOI	£46,003	Semi open	£37,542
Cluster	£36,195				
Female closed	£54,039	Female local	£59,096	Female open	£47,858
Male closed YOI (age 15 to 21)	£48,738	Male YOI (age 15 to 17)	£79,551		
House of Commons Hansard / 12 Sep 2011 : Column 1022W					

Miscarriage of Justice Day Saturday 8th October 2011

Arches Project, Adderley Street, Birmingham, B9 4EE

We know you cannot attend in person but make sure that a family member or friend does
No charge, no need to book – just tell them to come along
Everyone opposed to miscarriages of justice welcome - Doors open 10:00 am with workshops - Getting the best out of solicitors / obtaining case documents - Starting a Miscarriage of Justice campaign.

Speakers confirmed so far: Kevin McMahon will introduce United Against Injustice

Paddy Joe Hill: What has changed in the last 20 years?

Michelle Diskin, sister of Barry George (wrongly convicted of the murder of Jill Dando)

Sam Raincock, Cell Site Analysis expert - Hosted by West Midlands Against Injustice

- prisoners spent too long locked in their cells and there were activity spaces for only around half of the population.

Introduction from the report: Belmarsh is a large, complex establishment, providing a local prison function for ordinary prisoners from south-east London courts, together with very secure conditions for some of the most high-risk prisoners in the system. Juggling the risks and needs posed by both populations is not easy and we have sometimes found the balance to be wrong, with the understandable focus on security inhibiting appropriate management for the majority population. This unannounced inspection found a slightly better balance and a number of areas of improvement. However, perhaps inevitably with such a complex jail, there was still much more to do.

Belmarsh receives a huge range of prisoners, many vulnerable and a small number exceptionally dangerous but, despite this, early days in custody were generally well managed. However, safety remained a concern with a significant number of violent incidents, although the prison had taken some important steps to tackle the issue. Those at risk of self-harm were well cared for, as were most vulnerable prisoners, although gaps in provision for them remained. There were weaknesses in the arrangements for first night treatment of the significant numbers of prisoners requiring detoxification.

Security was pervasive and, while more proportionate than previously, there were still examples of it unnecessarily limiting the regime of lower-risk prisoners. Use of force was high and we were not assured it was always used as a last resort. The small number of prisoners held in the highest security conditions faced restrictions commensurate with the risks they posed, although we noted some lax supervision. There was also a need for better multidisciplinary case management to mitigate the inherent threat to mental health posed by this extreme form of custody.

Accommodation was mostly reasonable, although the high security unit was bleak, and there was good access to showers and phones. Staff-prisoner relations varied greatly between units and the personal officer scheme was generally ineffective. There was scope to develop diversity work further, although work with foreign nationals was good. Application and complaint systems were weak. The chaplaincy provided an excellent service, including offering impressive support to Muslim prisoners – a population whose treatment has previously been of concern to us. Health care, by contrast, required improvement.

Prisoners spent too long locked in their cells and there were activity spaces for only around half of the population. Too much of the available work was mundane and low skilled, but there was a reasonable amount of vocational training available. Education was reasonable. There was a good library and a well resourced PE department, but access to both was limited.

While documentation was out of date, there had been some progress on resettlement work. Assessment arrangements, particularly for unconvicted and short-sentenced prisoners, required improvement but offender management and public protection arrangements were good. Work along the resettlement pathways was slightly better than on our previous visit, but work to address debt and accommodation problems remained poor.

Belmarsh is among the most complex prisons in England and Wales, juxtaposing the management of a transient population of ordinary, lower-risk prisoners presenting all the needs faced by any local prison, with some of the most high-risk and high-profile prisoners in the system. Achieving a balance in working with the very different risks and needs is a huge challenge, with which the prison continues to struggle. Nevertheless, while setting out a range of issues on which further work is needed, we also identify a number of commendable improvements, particularly in safety, purposeful activity and resettlement. [End]

justice secretary Ken Clarke has announced that he intends to use the UK's chairmanship of the Council to 'redraw the relationship with national courts' and reduce the role of the European Court. And home secretary Theresa May is to argue for a 'new definition' of article 8 of the Convention, which protects the right to family and private life, which will ensure that foreign criminals cannot block their deportation.

The groundwork for such changes has already been laid, in proposals for reform to deal with the huge and growing backlog of cases to the Court. In April, a High Level Conference of the Council of Europe's Committee of Ministers met in Izmir, Turkey, following a meeting in Interlaken, Switzerland, which adopted streamlined screening procedures. The declaration adopted in Izmir went much further, leaving open the possibility of charging fees to those seeking to apply to the Court, and erecting further procedural obstacles, which drew strong opposition from hundreds of civil society groups and international NGOs, fearful that the changes would restrict access to the Court. An ominous feature of the Izmir declaration is the clause noting that the Court was not 'an immigration appeals tribunal' and should not intervene in asylum and immigration cases except in 'the most exceptional circumstances'. This followed a speech by Clarke at the conference, in which he argued that domestic courts and parliaments should be given much more freedom to interpret and apply the Convention in their own way.

Double punishment

The idea that foreign national prisoners enjoy special rights and protections is laughable. But in the UK, the fact that deportation of foreign national prisoners is a double punishment which is frequently more severe and devastating than any prison sentence, has been obscured in the right-wing and tabloid clamour against their 'human rights', which has already led to legal changes in the past five years which make it more difficult to resist deportation,[2] and to greater willingness among judges to defer to Home Office assessments of the need for deportation in individual cases.[3] The hostility to the Human Rights Act and the campaign to dilute or abolish it, and to prevent foreign national prisoners relying on article 8 to prevent their deportation, rests on a number of misconceptions and misrepresentations.

As eminent lawyer Geoffrey Bindman recalled in an important recent defence of the Act,[4] the Convention is not some nasty foreign invention. Its key drafters were British, and Winston Churchill was a strong supporter. Opponents of the Act frequently cite the blocking of the deportation of Learco Chindamo (killer of headmaster Philip Lawrence) as an example of the 'madness of human rights'. But what stopped the deportation of Chindamo, a young Italian national, was EU free movement law, which stipulates that only those EU nationals who present a serious current risk to public order or national security can be deported. It had nothing to do with human rights law. And contrary to tabloid rants, article 8 gives no absolute guarantees against deportation. It merely requires decisions which separate families to be for the right reasons - such as preventing crime or disorder, or protection of the rights of others - and to be proportionate to those aims. This means that judges have to consider the effect of deportation on innocent family members, as well as the effect of not deporting on the public.

Proposal to sideline family life

But in July, Dominic Raab MP proposed an amendment to the UK law which would stop judges having the power even to consider such matters as family ties, or how long someone had lived in the UK. This would mean that someone with thirty years' residence, with children and grandchildren born here, could be deported for, say, an offence of theft or assault, on top of serving a prison sentence, with no regard at all to the effect on the family or the likelihood of reoffending. At present, such

an amendment would be incompatible with the Human Rights Convention and with the European Court's case law - which is why the government is arguing in Europe for the right to interpret the Convention in its own way, without interference by the Court.

Protection against torture under threat?

Even more worrying is the government's repeated argument to the Court that it should be able to deport terrorist suspects even where there is a real risk of torture. Thanks to the recent revelations about British involvement in extraordinary rendition to Libya,[5] we know that this happens anyway, under the cloak of secrecy. But for several years, the government has sought to make the process legal by getting the European Court to endorse the return of those it considers really serious threats to national security. The Court has always said no: the ban on sending people back to torture is absolute. But the Court might lose the power to intervene in deportations to torture, if the government's attempts to reduce its jurisdiction in favour of national courts and parliaments bear fruit. Any attempt to restrict the jurisdiction of the Court would need the approval of the Council's Parliamentary Assembly and would have to be drafted as a Protocol. But many member states' ministers support the British attempt to dilute the Court's jurisdiction.[6] There is real concern that, in the absence of a strong and European-wide campaign, the diminishing protection against violation of migrants' human rights will be reduced to vanishing point. [End]

Attica Prison Revolt 1971 - Sound before the fury

Nicki Jameson, FRFI

Forty years ago, on 9 September 1971, prisoners at Attica Correctional Facility, New York State, rose up and took over the gaol. They declared 'We are men! We are not beasts and we do not intend to be beaten and driven as such'. In this article, first published in Fight Racism! Fight Imperialism! in June/July 1992 on the 21st anniversary of the uprising Nicki Jameson pays tribute to the prisoners' struggle.

They held D Yard for four days, organised committees to run food, bedding, sanitation, security, and health care and engaged in a continuous process of democratic, revolutionary debate with a sophisticated loudspeaker system over which any prisoner could address the assembly. Some of the proud, defiant speeches of prisoners such as Flip Crowley and LD Barkley have been immortalised in the moving and inspiring film Attica and the book A Time to Die written by New York Times journalist, Tom Wicker, present at Attica among the outside observers insisted upon by the prisoners.

The prisoners who took over Attica took 39 guards hostage to force the prison authorities to negotiate. They were well treated, provided with food, cigarettes, bedding and water. Black Muslim prisoners mounted a constant guard to prevent any freelance acts of revenge by angry prisoners.

'The brothers were not "advocating violence," Flip said. "We are advocating communications and understanding." He mentioned Soledad, Kent State, Jackson State. Attica was not different; the brothers of Attica were calling only for what "oppressed people are advocating all over the world ... We do not want to rule, we only want to live."

' "So we have come to the conclusion ... after close study ... after much suffering ... after much consideration..." In silence so deep that his voice rang back from the surrounding walls, Flip was marching to the inevitable point, taking his listeners with him so that they knew before the words came, what they would have to say: "That if we cannot live as people, then we will try to die like men!" (Tom Wicker: A Time to Die pp96-7)

'The entire prison populace – that means each and everyone of us here – has set forth to change forever the ruthless brutalisation and disregard for the lives of the prisoners here and

and, despite some improvements in policy and procedure, these levels remained too high and many prisoners still felt unsafe. Matters were not helped by poor quality first night accommodation which did little to put new arrivals at ease. More positively, vulnerable prisoners and those at risk of self-harm were now better cared for. Security was proportionate and there had been some notable successes in stemming the flow of drugs into the prison. Use of force and segregation had fallen since our last visit, but governance of both required improvement and the segregation unit was not fit for purpose.

The variation in quality of accommodation remains a distinguishing feature of Haverigg. We have previously called for the closure of the worst units, notably Fairfield, but it remained in use, and the quality of Blencathra unit was a little better. Other accommodation was reasonable but levels of cleanliness across the prison, particularly in dining areas, were poor. Staff-prisoner relationships also varied. Diversity was underdeveloped, and the lack of structured support for the much increased number of foreign national prisoners was a particular concern. There was an effective chaplaincy and health care had improved.

In contrast to some of the persistent weaknesses at the prison, the quantity and quality of purposeful activity had continued to improve. Time out of cell was reasonable for most prisoners and very good for some, although too many prisoners were not being encouraged to take up available activity places. Generally, the range and quality of learning and skills provision had improved. Library and PE provision were also good.

Resettlement had improved, with appropriate strategies and offender management arrangements, although there was inadequate planning and minimal appropriate provision for the large increase in category D prisoners. Public protection arrangements and work with indeterminate sentenced prisoners were satisfactory. Work along most of the resettlement pathways was reasonable, although there were few offending behaviour programmes and no use of release on temporary licence.

The Inspectorate has frequently been critical of HMP Haverigg, which is a hugely difficult prison to manage effectively. Accordingly, it is commendable that this report identifies improvements in safety, purposeful activity and resettlement. There is, of course, a huge amount of work still required before Haverigg becomes a fully effective training prison, not least responding appropriately to the much increased populations of foreign national and category D prisoners. However, the overall message is one of improvement and, for this, managers and staff deserve credit.

Report on a full unannounced inspection of HMP Belmarsh, 6–15 April 2011 by HMCIP. Report compiled June 2011, published Tuesday 13th September 2011

Inspectors were concerned to find that:

- safety remained a concern with a significant number of violent incidents
- while security was more proportionate than previously, there were still examples of it unnecessarily limiting the regime of lower-risk prisoners;
- however, the small number of prisoners held in the highest security conditions faced restrictions commensurate with the risks they posed, although we noted some lax supervision;
- There was also a need for better multidisciplinary case management to mitigate the inherent threat to mental health posed by this extreme form of custody.
- use of force was high and inspectors were not assured it was always used as a last resort;
- staff-prisoner relations varied greatly between units and the personal officer scheme was generally ineffective;

grievous bodily harm and when he was in his early 20s sold cannabis in Cardiff to supplement his income. However he denied he was White's "pimp" and said they argued over her work. He wanted her to stop but she thought of it as an easy way to make money. Miller told the court that he had moved to Cardiff from London and was known as "Pineapple" in the city's dock area where he and White lived because he wore his dreadlocks in a top knot and drank pineapple juice. He told the court he had not seen White for some days before her body was discovered and had been searching for her. Miller said that when police told him that White had been murdered he felt as if "someone had got a hammer and smashed it across my face", adding: "I burst out crying." He said he had co-operated with police, handing over his clothes and saying he was prepared to give a sample of his DNA. Miller said he felt "crushed", adding: "One minute you're with someone you love. Then they disappear."

Miller was arrested over White's murder in December 1988. Nick Dean QC, prosecuting, has said of the police questioning: "Short of physical violence, it is hard to imagine a more hostile and intimidating approach."

Miller said he would remember how he was treated until he went to his grave.

Former South Wales police officers Graham Mouncher, Richard Powell, Thomas Page, Michael Daniels, Paul Jennings, Paul Stephen, Peter Greenwood and John Seaford deny conspiring to pervert the course of justice. In addition Mouncher denies lying under oath in court. The trial continues and is expected to continue for several weeks. [End]

Report on an unannounced full follow-up inspection of HMP Haverigg, 16–25 March 2011, by HMCIP. Report compiled June 2011, published Tuesday 13th September 2011

Inspectors had some concerns:

- despite some improvements in policy and procedure, levels of violence and bullying remained too high and many prisoners felt unsafe;
- while use of force and segregation had fallen, governance of both required improvement and the segregation unit was not fit for purpose;
- some very poor quality accommodation remained in use; We have previously called for the closure of the worst units, notably Fairfield, but it remained in use, and the quality of Blencathra unit was a little better.
- staff-prisoner relationships varied, and there was a lack of support for the much increased number of foreign national prisoners, was a particular concern;
- there was inadequate planning and minimal appropriate provision for the large increase in category D prisoners
- There is a large amount of work to still required before Haverigg becomes a fully effective training prison, not least responding appropriately to the much increased populations of foreign national and category D prisoners.

Introduction from the report

Haverigg is a category C training prison in a remote part of Cumbria. Its isolated location makes it unpopular with prisoners, its straggling and diverse accommodation is hard to supervise and it is not unusual for drugs to be thrown over its long perimeter fence. Nevertheless, it is commendable that this unannounced follow-up inspection identified some significant improvements, albeit from a very low base which means that Haverigg still has a long way to go before it can be regarded as a fully effective training prison.

We have frequently expressed concerns over levels of violence and bullying at Haverigg

throughout the United States. What has happened here is but the sound before the fury of those who are oppressed.' (LD Barkley introducing the prisoners' Five Demands. Quoted Wicker p28.)

The system the prisoners were confronting will sound familiar to anyone who knows about conditions in US, or indeed British, gaols. Attica was grossly overcrowded: nearly 2,300 men lived in accommodation designed for 1,600. Fifty-four per cent of prisoners were black and 100 per cent of guards were white. Only white prisoners got 'good jobs'. Black magazines and books were censored or stopped. When Puerto Rican prisoners requested books in Spanish, they received Mexican comics. All references to prison conditions were censored out of newspapers received by inmates. Black Muslims were persecuted, treated as 'subversives' and forced to eat pork. The prison diet in general was disgusting, contained almost no vegetables or fruit and was budgeted at 63 cents per day per prisoner.

There was no remotely adequate medical care. The prison doctor ran a morning sick call from behind a mesh screen without giving examinations and usually prescribed aspirin or nothing and dismissed most prisoners as malingerers. Chronic and serious illnesses went completely untreated and the mentally ill had as little care as the physically unwell.

Political consciousness

Against this background of repression, political consciousness amongst prisoners was developing rapidly. US political prisoner, Ed Mead, writing on the twentieth anniversary of the uprising, describes the mood:

'There had been political study groups in most of the major wings and prisoner consciousness had been developed to a point where the entire population could act as a single fist. Sam Melville, an Attica prisoner, had been publishing a little underground paper he wrote by hand, with as many carbon copies as he could make. It was called the Iced Pig.

'Well thought-out demands had been drawn up and submitted to the state's corrections bureaucracy for resolution. When no action was taken by officials, prisoners backed their demands with a ten-day peaceful work strike. The strike ended with a shopping cart full of pious promises that were never honoured. Then on 21 August 1971, when George Jackson was murdered in San Quentin, Attica cons wore black armbands and boycotted the mess-hall for a day. All of these actions reflected a high degree of political unity.' ('Remembering Attica, 20 years on' Prisoners' Legal News September 1991.)

Five demands

Wicker and other liberal commentators have implied the prisoners' demands were muddled or too extensive but the 'Five Demands' issued on Day One are clear revolutionary demands and are backed up by the '15 Practical Proposals' added later which set out conditions for basic humane treatment of prisoners and could have come from any decent radical manifesto for prison reform.

The five demands are for amnesty from reprisals, transportation to a non-imperialist country, direct intervention by the Federal government so it, and not the state authority, has jurisdiction over the prison, the complete reconstruction of Attica and the presence of a team of named observers to mediate negotiations. Only the last demand was met.

When it was clear the prisoners would not give up their demands, the state turned to violence. 13 September 1971 can only be described as a massacre. The National Guard launched a massive attack with helicopters, rifles and CS gas to retake the prison by force. Twenty-nine prisoners were killed, including Sam Melville and LD Barkley, who was 21 and had been gaoled for a minor cheque forgery and on release returned to prison for breaching parole by driving without a licence. Ten of the hostage guards died in the crossfire. There was

no medical treatment for the hundreds of wounded; no blood, plasma, or other equipment had been prepared for the prisoners and the only medical personnel present, other than those who rushed the hostages away to hospital, were two vets who happened to be on the premises.

The surviving prisoners were forced to strip naked and lie face down in the mud of the yard. All their property was taken and destroyed. Watches and glasses were smashed. They were then made to run a gauntlet of guards who beat them with clubs and truncheons.

Just as the British gutter press went wild at completely unsubstantiated rumours of mass murder and emasculation of sex offenders during the 1990 Strangeways uprising, the US press, spurred on by the Corrections Department, spread the story that the ten dead hostages were murdered by the prisoners who had cut their throats.

It was also announced that one hostage had been castrated. State autopsies proved what was obvious to the dead guards' distraught families, that they died from gunshot wounds. The mutilated body of the castrated hostage which an officer told the press he had discovered 'with his testicles in his mouth', was, of course, never produced.

A leading figure in the uprising, Frank 'Big Black' Smith, was 'identified' while lying naked in A Yard as the man who had castrated the hostage. Like the other leaders, he was marked on the back with a chalked X. He was then systematically tortured by guards who 'lay me on a table and they beat me in my testicles. And they burned me with cigarettes and dropped hot shells on me ... They broke glass up in the middle of the hallway and they made people run through the gauntlet. They had police on each side with the clubs they call nigger sticks and they was beating people.'

Attica Brotherhood

This year Attica has been in the news again. Prisoners who survived the massacre and continue to call themselves the Attica Brotherhood, took out a civil law suit in 1974 against the prison and the police on behalf of 1,281 inmates. It took 18 years to get to court and on 4 February 1992 a jury returned a guilty verdict on the lowest lackey of the four defendants. Former Deputy Warden at Attica, Karl Pheil, was found guilty on two counts of overseeing brutal reprisals against prisoners. Not guilty verdicts were returned on Corrections Commissioner, Russell G Oswald, former warden Vincent Mancusi and Major John Monahan, the former Commissioner of the New York State Police who led the raid on the prison. Both sides are now appealing against portions of the verdict.

The USA is a violent society as recent events in Los Angeles have demonstrated yet again but the assault on Attica was particularly violent for specific reasons. At the time the US state was engaged in a massive operation aimed at smashing totally all forms of organised resistance by oppressed peoples: the Black Panther, Black Muslim and Young Lords Hispanic movements were all heavily represented and supported among the brothers at Attica. The state was determined to stop not only these revolutionary movements but the even more dangerous potential threat of cross-race working class unity being created in the gaols

The lessons of Attica

US prisoners have continued to debate the lessons of Attica. Ed Mead blames the weakness of the US left for the ease with which the state was able to employ such violence:

'The rebelling prisoners seemed to be aware of their weaknesses, as they immediately called upon cons in other New York prisons and the progressive community to back their play. This call was made through the mass media, the presence of which was a precondition to negotiations.

'While the media and observer team were successful in terms of winning a substantial amount of public opinion in favour of the prisoners, the men in D Yard needed more than moral

support. No other prison went down. And the left did nothing to support the brothers

'Of course ultimate responsibility for the massacre at Attica belongs in the lap of then governor Rockefeller, whose whole family maintains its position in the ruling class by the murder (eg the 1914 Ludowe, Colorado massacre of miners) and exploitation of poor and working people. Even so, Rockefeller would have been hard pressed to order the attack if those claiming to be supportive of the struggle had actively been so. Besides leaving the prisoners vulnerable by not joining them in the yard, the radicals and left leaders failed to mobilise the extensive progressive community in New York City.' (Prisoners' Legal News)

Other prisoners' publications prefer to concentrate on the memory of Attica as an inspiration for continued struggle: 'We remember Attica because it was the single greatest act of defiance and independence by prisoners ever recorded, in the US. As an essay published in the Black Panther newspaper noted on the first anniversary of Attica:

"The prisoners' uprising at Attica was a statement of life, of human concern for survival with dignity, addressing all-too-clearly the backwardness and armed forces of racism, exploitation and death." Notwithstanding the brutal repression present at Attica, the Attica prisoners said NO! We will not be treated as animals anymore. Attica was liberated for four and a half days. This is what we remember Attica for; this is what Attica ultimately stands for. Liberation. Power. Resistance. Above all, let us never forget, Attica equals resistance.' [End]

Man wrongly accused of murder gives evidence against police

Eight former officers on trial for conspiring to build a false case against Stephen Miller in 1988 Cardiff murder of Lynette White *Steven Morris, guardian.co.uk, 08/09/11*

A man wrongly jailed for the murder of his girlfriend broke down in tears in court as he described the "nightmare" he had lived in the 22 years since he was arrested over the killing. Stephen Miller, one of three men imprisoned for the murder of Lynette White, sobbed as he gave evidence at the trial of eight former police officers accused of conspiring to build a false case against him and two other men. Miller once again insisted that he had not seen 20-year-old White, who was working as a prostitute, on the weekend she was stabbed to death.

He told Swansea crown court on Wednesday 7th September, that he had not even known of the existence of the squalid flat in Cardiff where White took clients and where her body was found in February 1988. Miller broke down in tears as he recalled the moment police told him his girlfriend had been killed. "I was in a daze, a nightmarish daze," he said. "One moment I'm speaking to her, the next she's dead." He told how he had gone from being a witness to a suspect. "It went pear-shaped," he said. "I've been dealing with this nightmare for 22 years."

Miller and his friends, Yusef Abdullahi and Tony Paris, were jailed in 1990 over the murder of White, 20, before being freed on appeal two years later. The men were dubbed the Cardiff Three, and their case came to be seen as one of the most notorious miscarriages of justice in recent years. Another man, Jeffrey Gafoor, was later convicted of killing White alone and is in jail serving a life sentence for her murder.

The jury at Swansea has heard that South Wales police officers were under huge pressure to solve White's murder and leading detectives in the case became convinced that Miller, Abdullahi, Paris and two other men, were behind the killing. It is alleged that the officers manipulated evidence against the suspects and put pressure on witnesses to tailor their stories to match their belief of the men's guilt.

Miller, now 44, admitted he had a criminal record. As a teenager he was convicted of