

## Investigation call over Ian Huntley jail attack

By Dave Higgins, The Independent, 05/10/11

A judge has called for an urgent review of systems at high-security prisons after hearing how a psychopathic inmate slashed Soham killer Ian Huntley across the neck and then killed another child murderer at a second jail. Mr Justice Coulson made his comments after sentencing Damien Fowkes, 36, to life in prison for the attempted murder of Huntley and the manslaughter of paedophile and child-killer Colin Hatch. The judge ruled Fowkes will serve a minimum of 20 years before he is considered for release. Fowkes was already serving a life sentence for armed robbery.

Hull Crown Court has heard how Fowkes attacked Huntley in the healthcare unit at Frankland Prison, in Durham, in March last year, leaving him with a gaping wound. Fowkes was then transferred to Full Sutton Prison, near York, where he barricaded himself into a cell with Hatch as prison officers waited outside for fear he would kill his prisoner if they entered. He killed Hatch anyway by strangling him with a ligature.

Today, the judge expressed his concerns, especially following the death of another prisoner at Frankland - child rapist Mitchell Harrison, 23, who was killed at the weekend. He said: "It is troubling that these two attacks were carried out in two different high-security prisons. I am particularly concerned that the killing of Hatch took place with prison officers outside the cell but apparently powerless to save him. I am also aware that, over the last few days, another prisoner has been killed at HMP Frankland. Whilst everyone is acutely aware of the costs of monitoring vulnerable and high-risk prisoners, from what I have seen in this case it appears that the management systems currently in place require urgent review."

The judge said the "notoriety" of the two victims had no bearing on the outcome of the case, which he stressed was a combined sentence for both attacks. He said: "Whilst I am aware that the view has been expressed in some parts of the press that the killing of Colin Hatch and the attempted murder of Ian Huntley were somehow lesser offences - deserving lesser sentences - because of the crimes that they had themselves committed, such a view is manifestly wrong, both as a matter of common sense and as a matter of law. For the avoidance of doubt, can I stress that that would be so whether the Human Rights Act were in force or not."

Yesterday, the judge heard that it was Huntley's "good fortune" that the 7in (18cm) wound Fowkes inflicted with a razor melted on to a piece of plastic cutlery missed vital parts of his anatomy. Prosecutors described how Fowkes chased Huntley around the healthcare unit at the jail, where he worked as a cleaner, brandishing two home-made weapons. Huntley was in hospital for three days and needed 21 stitches in the wound.

Following the attack at Frankland, Fowkes was moved to Full Sutton where he killed Hatch. Hatch was jailed in 1994 for the sexually motivated murder of seven-year-old Sean Williams in north London, while he was on licence for an attack on another boy.

**Hostages:** Hyrone Hart, Glen Cameron, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Sam Hallam, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, 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 340 (09/10/2011)

### Police ignored pleas for ambulance, say family of man who died in custody

Jacob Michael was beaten, restrained with pepper spray, handcuffed and held down by 11 officers, say neighbours *Shiv Malik, guardian.co.uk, Friday 30 September 2011*

A family whose son died in police custody have said that arresting officers ignored their pleas to make a potentially life-saving call for an ambulance as the young man lay in the street, having been pepper-sprayed and batoned. Ann and Jake Michael, from Widnes, Cheshire, watched Jacob being restrained by 11 officers and urged police three times to call for medical help, they said during their first interview since his death on 22 August.

Some witnesses to the arrest told the Guardian that Cheshire police officers hit the 25-year-old man with batons after he was restrained with handcuffs.

Jacob was arrested 30 metres from the family home after dialling 999 from the small house in Lacey Street and hanging up without saying a word. He had arrived home in an agitated state after a weekend of partying, and he was rambling about being threatened with a gun, his parents said during the interview.

According to the Independent Police Complaints Commission (IPCC), which is investigating the death, two officers from Cheshire police arrived at the family home at 5.10pm, citing welfare concerns after receiving the abandoned emergency call.

Ann Michael happily invited the officers inside, but said the mood became "threatening" when they asked her son to open his bedroom door. "He didn't believe these were the police," his father said. Instead, Jacob rang the local police station, using his mobile, to confirm their identities, something the IPCC has confirmed. This irritated the officers, according to his parents. "They were so aggressive, saying, if you don't open the door, we're going to break it down. Very scary. Threatening," Mr Michael said. One officer was "getting bored" with their son's behaviour, said Mrs Michael, so he broke down the door and released pepper spray into his face. "Straight away, pepper spray. And my lad says 'please don't, I'll do anything, please don't'," said Mr Michael. The parents described the way their son was pinned against his wardrobe, waving his hands in the air in an attempt to fend off the noxious spray. His parents said Jacob then ran through the officers, out of the house, screaming for "help" and shouting "call the police", as police chased him. The noise drew nearly 50 people out of their homes, on to the street, according to eight of those local people spoken to by the Guardian.

Dominic Smith, 21, had been sitting outside his house, smoking a cigarette, when he saw Jacob running shirtless up the street, then to the junction of his road where he was pulled down by officers. One neighbour who saw the arrest said officers hit Jacob with batons as he ran; others said he was struck with batons after he was on the floor, with hands restrained behind his back and legs tied with fluorescent straps in two places. More police arrived, neighbours said, and the IPCC confirmed that 11 officers attended the scene. Smith said one officer had his knee on Jacob's head, pushing his face into the road. Diane Owen, another neighbour, said the mass of police then piled on top of him. Nothing could be seen of Jacob except his trainers.

One officer returned to the bedroom and began searching it while Jacob was being held

down on the street, his father said, adding that the officer said he had found a small hammer in one corner of the room, claiming that this is what the officers had been threatened with. Back on the street, Owen said that some time after 5.15pm Jacob was "thrown" into the police van "like a piece of meat".

His parents said Jacob had a previous criminal record for non-payment of fines, about seven years ago, but there was no reason now for the police to have suspected anything.

The IPCC said Jacob was arrested for alleged affray. However, the commission has not yet explained why officers entered the young man's room after police initially had concern for his welfare.

Mr Michael said he and his wife repeatedly begged police to call an ambulance. "My wife told them ... that when they get to the police station to have a doctor to see him first thing. He looked so unwell, he was motionless, after they hit him with batons," Mr Michael said. "My son rang the police for help but basically they came here and pepper-sprayed him in his own bedroom," said Jacob's father. "All he needed was a doctor, not the police."

Last month, Cheshire's assistant chief constable, Philip Thompson, said: "There is no evidence that the use of pepper spray was the sole factor or indeed a contributory factor to Mr Michael becoming unwell some time after his arrest."

The pathologist's initial report has been inconclusive about the cause of death; a toxicology report is expected to reveal more. The family have commissioned an independent pathologist, who is expected to report in the coming weeks. Meanwhile, they will bury their son on Thursday.

The IPCC has told the parents that when Jacob arrived at Runcorn custody suite he had to be carried from the van by officers and civilian staff. "I believe they were carrying a dead weight. I believe my son died in the van or [soon after] in the police station," said Mr Michael.

The Michaels also said an IPCC investigator has seen CCTV footage from the custody suite's foyer, which shows their son being held flat on his stomach with his face pressed into the floor for six minutes, still handcuffed. The IPCC also told the parents that another police officer alerted those restraining Jacob that the colour had drained away from his face. Only then was an ambulance called.

But more than simply expressing their anger, Ann and Jake Michael want answers. "All we want is the truth," Mrs Michael said. "What was up with him, what happened to him and what contributed to his death. And we have to know that ... We've got to live with it for the rest of our lives."

Cheshire police said it is unable to comment because of the IPCC investigation.

No officers have been suspended by Cheshire police over the event.

### **Insult added to injury!**

Prisoner Phing Woon Pun has to find £535 because his untaxed car was found by the roadside, 13 months after he had been jailed for six years. Despite his imprisonment the Driver Vehicle Licensing Agency took the 49-year-old, of Penn Close, Capel St Mary, to court for keeping a vehicle without a valid licence. Pun, who ran the former Temptations Chinese Buffet in Carr Street, Ipswich, did not turn up to contest the offence when it came before South East Suffolk Magistrates' Court. The case was proved in his absence and Pun was fined £350. He was also stung for £60 prosecution costs and vehicle excise back duty of £125. Pun was jailed in April last year. However, his untaxed Mercedes CLK500 was found in Winding Piece Walk in Capel St Mary on May 25 this year. The previous tax disc had expired on November 30, 2010 – seven months after he had been sent to prison. Colin Adwent, Evening Star, Ipswich, 01/10/11

### **Colin Norris case: Nurse's murder convictions 'unsafe'?** BBC News, 04/10/11

A Scottish nurse may have been wrongly convicted of the murders of four women, a BBC investigation suggests. Colin Norris was found guilty of poisoning five patients with insulin, one of whom survived, at two hospitals in Leeds in 2002. Norris was jailed for life in 2008 but new evidence is to be referred to the Criminal Cases Review Commission. Norris was convicted of the murder of four elderly women and the attempted murder of a fifth after a five-month trial in 2008. Despite no direct evidence linking Norris to any of these patients, he was on shift when they all had similar hypoglycaemic episodes - that is when the blood sugar drops to dangerously low levels. Norris was sentenced to at least 30 years in prison.

The prosecution argued that naturally-occurring hypoglycemia was so rare that a cluster of four or five cases must mean foul play. New studies suggest naturally-occurring hypoglycaemia is much more common than the jury were led to believe.

But Prof Vincent Marks, one of the world's foremost experts on insulin poisoning, has carried out a forensic international review of all the new medical research. He believes there was insufficient evidence for insulin in four of the cases. Prof Marks said: "I was surprised at how very common it is in this particular group of elderly, sick people. In one very detailed survey, of thousands of patients, it was up to 10%. It's not that rare after all." Prof Marks added: "These patients all had other risk factors which included emaciation, starvation, infection, cardiac failure, renal failure - they were all at very high risk of developing spontaneous hypoglycaemia. Looking at all the evidence, all I can say is I think Colin Norris's conviction is unsafe."

A second expert, Dr Adel Ismail, believes that a crucial blood sample taken from the fifth patient suggesting insulin poisoning could also be wrong. Dr Ismail said: "One additional sample taken a few hours earlier or later than the one, the single one, which is used, would have been immensely helpful, and, it wasn't done which is very unfortunate. The entire case was built on a foundation which is unsound." The BBC has uncovered evidence of other similar cases of hypoglycaemia which occurred in the hospital where Norris worked but while he was off duty.

His lawyer, Jeremy Moore, believes there were serious flaws in the investigation and the convictions need to be quashed. He said: "It seems that they trawled through hospital records looking for evidence of patients that might have died suspiciously but it seems they only cherry-picked those cases when Colin was on duty and ignored any others that might have occurred in the hospital." An application to hear a fresh appeal is to be sent to the Criminal Cases Review Commission.

A spokesman for West Yorkshire Police said: "Norris was arrested, prosecuted and on the basis of the evidence presented to the court he was convicted and sentenced."

### **Report on an unannounced full follow-up inspection of HMYOI Warren Hill**

9 - 13 May 2011 by HMCIP. Report compiled July 2011, published Tuesday 4th October 2011  
Inspectors had concerns:

- It was disappointing that young people were still routinely strip-searched on arrival
  - more work was needed to address bullying
  - some young people spent much too long in segregation
  - relationships between staff and young people were good, although we saw examples where poor behaviour went unchallenged
  - needed further work to address negative perceptions among black/minority/ethnic young people
  - too many young people were returned to their wings for misbehaviour in class and a more nuanced approach was required
- [ End ]

### **Family plan to sue over Streatham prisoner's death in jail** YourLocalGuardian, 30/09/11

The family of a vulnerable inmate who killed himself days after being transferred to Wandsworth prison may sue the prison service after an inquest ruled there were massive failings in his care. Christopher Wardally, 25, was found hanged in his Onslow Wing cell on June 12, 2009, after being moved between seven prisons in the four years before his death. His death has already led charities to call for faster prison reforms and for further investigation into two of the country's top prison governors who were implicated in the case.

In recording a narrative verdict at Westminster Coroner's Court on Wednesday, September 21, jurors said Wardally, who suffered from schizophrenia and lived in Haybridge Avenue, Streatham, was failed by the prison service in the days and months before he died. In its majority ruling it said Wardally "killed himself while the balance of his mind was disturbed", the jury also outlined a series of care failings, which it said were "contributory circumstances" to his death.

After the ruling, Wardally's mother, Kathleen, said she was considering suing for compensation. "He could have been helped when he was asking for help. If they had sent someone earlier maybe he would still be alive today."

The inquest heard Wardally, who had a history of mental health issues, was anxious to return to Wandsworth prison as he feared being targeted by north London gangs in Pentonville prison. Despite a serious suicide attempt on April 22, and June 1, he was not considered to be at serious risk of self-harm. The court also heard Mr Wardally should have been returned to Wandsworth prison "as a matter of urgency" on May 26, after he was accidentally sent to Pentonville, following a court appearance.

A report into his death by the Prisons and Probation Ombudsman (PPO) revealed he was scheduled to be transferred back to Wandsworth on June 6, the day its prison inspection finished. It also revealed that decision was sanctioned by Wandsworth's former governor Ian Mulholland and former Pentonville governor Nick Leader, who exchanged emails about Wardally. Both governors were cleared of any wrongdoing in an internal prison investigation – three other managers were given advice and guidance. But the PPO report, which made 35 recommendations after highlighting serious flaws in Wardally's care, highlighted inconsistencies in the governors' stories.

After the inquest Kathleen Wardally's solicitor, Ben Conroy, said he would be looking at compensation claims against the prison service – and possibly health services – for failures. He said while the inquest found no evidence Wardally was one of a group of prisoners due to be moved back to Wandsworth after a prison inspection, prison governors at Wandsworth and Pentonville "definitely had the inspection in their minds". He said: "The inspection was in the minds of those governors responsible for making decisions about Christopher Wardally."

The prison service refused to comment on the case but said it had implemented all 35 PPO recommendations. It refused to say whether the governors would face any more action. In a statement, it said: "We will consider the inquest findings to see what lessons can be learned."

### **Two in court over Frankland Prison murder**

Michael Parr, 32, and Nathan Mann, 23, were arrested after the body of Mitchell Harrison was found in a cell at the prison on Saturday 1st October 2011. A post-mortem examination revealed Harrison died from multiple injuries, although police have declined to go into detail about the circumstances of the attack. Harrison, 23, was jailed for raping a 13-year-old girl in Cumbria in 2010, he was also put on the sex offenders register for life.

Neither accused entered a plea and the case was referred to Newcastle Crown Court

### **Strict liability for offence of under-age sex does not offend presumption of innocence**

Rosalind English, UK Human Rights Blog, September 28th 2011

C v United Kingdom Application no. 37334/08

The Strasbourg Court has rejected as manifestly ill-founded a complaint that the offence of strict liability for rape of a child under 13 violated the right to a presumption of innocence under Article 6 and respect for private life under Article 8.

This admissibility decision touches a sensitive nerve in the relationship between Strasbourg and national authorities by exploring the extent to which the Convention rights should influence prosecutorial policy. Section 5 of the 2003 Sexual Offences Act creates an offence of strict liability, which means that penile penetration of a child under the age of 13 is an offence whether or not the victim gave consent and irrespective of the belief of the perpetrator regarding the victim's age. This is because the law regards the attitude of the victim of this behaviour as irrelevant to the commission of the offence; even if a child under 13 is fully capable of understanding and freely agreeing to such sexual activity, the law says that it makes no difference. He or she is legally disabled from consenting. Although absence of consent is not an ingredient of the offence, presence of consent is, material in relation to sentence which under Section 5 of the 2003 Act can range from absolute discharge to life imprisonment.

The applicant, a 15 year old boy, was charged under the 2003 Act for having sex with a child under the age of 13. He pleaded guilty on the basis that he reasonably believed that the complainant was also 15 and had consented to sex, but this was to no avail. The prosecution did not accept the basis of his plea and he was subsequently convicted of rape under Section 5.

The Court of Appeal dismissed his appeal under Article 6(2), which in its view did not prevent a State from creating offences of strict liability. However the Court did take the circumstances into account and quashed the applicant's custodial sentence and replaced it with a conditional discharge for a period of 12 months. The House of Lords held, similarly, that Article 6 (1) and (2) guaranteed fair procedure and the presumption of innocence but did not place any obligation on States as regards the substantive contents of domestic law, including the mental or other elements of offences under domestic criminal law.

They also doubted that the applicant's right to private life under Article 8 was engaged. Whilst the concept of private life could include sexual life, this did not mean that every sexual act that an individual performed or wished to perform was capable of engaging Article 8. But even if it were, his prosecution, conviction and sentence were proportionate in the pursuit of the legitimate aims of the protection of health and morals and of the rights and freedoms of others. Baroness Hale was particularly forceful in her exposition of the rationale underpinning the offence: it is there to protect underage children from sexual predation, whether they appear to want it or not. As for Article 8, it protects

... the physical and moral integrity of the complainant, vulnerable by reason of her age if nothing else.... The state would have been open to criticism if it did not provide her with adequate protection. This it attempts to do by a clear rule that children under 13 are incapable of giving any sort of consent to sexual activity and treating penile penetration as a most serious form of such activity. This does not in my view amount to a lack of respect for the private life of the penetrating male.

The applicant complained under Article 6 (1) and (2) of the Convention that his conviction of the offence under the 2003 Act was not compatible with the presumption of innocence. He also complained that the criminal proceedings amounted to a disproportionate interference with his right to respect for private life under Article 8.

Complaint inadmissible: Referring to its own case law, the Court noted that it has always interpreted Article 6(2) as permitting the creation of offences of strict liability provided it did so within "reasonable limits", striking a balance between the public interest and the rights of the defence (Salabiaku v. France (1988)). However Salabiaku had no application to the impugned offence since Section 5 does not provide for presumptions of fact or law to be drawn from elements proved by the prosecution. The Court therefore did not consider that Parliament's decision not to make available a defence based on reasonable belief that the complainant was aged 13 or over could give rise to any issue under Article 6.

The Court did not address the government's submission that Article 6(1) of the Convention, read together with Article 6(2), was concerned with procedural fairness and not with the content of the substantive law.

As for Article 8, the Court was prepared to accept that the sexual activities at issue fell within the meaning of "private life" (S.L. v. Austria (2003) ). The Court therefore concluded that the criminal proceedings against the applicant, which resulted in his conviction and sentence, constituted an "interference by a public authority" with his right to respect for private life. In reaching this conclusion the Court has closed the gap left open by the House of Lords on this important question.

However, it agreed with the domestic court's finding that the State is under a positive obligation under Article 8 to protect vulnerable individuals from sexual abuse and that the UK was well within its margin of appreciation in deciding how to do this.

#### **Prison leaves 17,000 children separated from their mothers** Alan Travis, Guardian, 30/09/11

The Howard League for Penal Reform says the separation of children from their jailed mothers is causing long-term emotional, social and psychological damage. More than 17,000 children are forcibly separated from their mothers every year in England and Wales as a result of imprisonment, according to new figures.

The Howard League for Penal Reform says two-thirds of women jailed last year were convicted of non-violent offences and could have been punished in the community instead, sparing 11,000 children the agony of enforced separation. The group's report, Voice of a Child, says that 17,240 children under 18 were separated from their mothers in England and Wales in 2010 through imprisonment. Frances Crook, chief executive of the Howard League, is presenting its findings to a special session on prisoners' children in Geneva of the United Nation's committee on the rights of the child.

The latest Ministry of Justice figures show that more than 4,250 women were in prison in England and Wales last Friday. The Howard League says that more than half entered prison on remand awaiting trial and of that number, 60% were not found guilty or did not receive a subsequent custodial sentence.

Crook said that the separation of 17,000 children from their mothers was causing long-term emotional, social, material and psychological damage with little or no dedicated support: "If a single mother is sent to prison she will, at least temporarily, lose her children and children become effectively parentless," she said. "Visiting hours in prison are mainly morning or afternoon slots; the time when people are at work and children are at school. Evening and weekend visits remain rare and the situation is likely to get worse as budget cuts mean that family days in prisons are being scrapped. Visiting mum in prison is one of the most distressing things a child can experience." Crook said that the real answer was to end the imprisonment of women and instead hold those convicted of violent offences in local secure units instead.

The report found that:

- in some cases, more reliable and thorough recording of information might have enabled a clearer picture to emerge of the risks an individual faced; and
- in other cases, although information was recorded, it was not shared with those who could have usefully contributed to identifying and alleviating the problems.

The report also calls for an improved understanding of violence reduction and how to improve feelings of safety in prisons and reiterates the importance of protecting prisoners at specific risk of victimisation.

Nigel Newcomen said: "The need for better sharing of information is a recurring theme in our investigations into deaths in custody. In particular, some self-inflicted deaths might have been avoided if there had been improved recording and sharing of information relating to violence, intimidation and bullying. We come across many examples where seemingly small pieces of information were known about a prisoner, but a lack of awareness of the relevance of this information meant that staff did not appreciate the important role that sharing it could play in improving a prisoner's safety."

#### **Justice for John Twomey**

Peaceful March, Sunday 16th October, Assemble 12:00 noon, Trafalgar Square, London SW1  
March to 10 Downing Street to hand in a petition concerning his trial  
Enquires/further information: Sean Twomey 079 5764 3866 / seanlt@ymail.com

#### **If the only skill you can learn in prisons is emptying dustbins or washing clothes, no wonder those released reoffend!**

Longer working hours for prisoners at HMP Bristol Ministry of Justice 03/10/11

HMP Bristol is piloting increasing the number of hours inmates work in its workshops by 50 per cent. Thirty prisoners working at the prisons Waste Management Unit now do 33.25 hours per week instead of 22, a move towards lengthening their working day and eventually full working weeks. A similar pilot is also being trialled at the prison's laundry unit, with a group of 15 prisoners.

Nikki Secker, Head of Business Development at the Category B prison, explains that working longer hours gives the prisoners more time to gain skills that they can use in the outside world on release. She also believes the pilots show it is possible to innovate in any prison establishment - even those that hold more high risk offenders: 'We're a Category B prison, and if we can successfully implement longer working hours here, then it means it can happen elsewhere too.'

Teamwork: Nikki and her colleagues at HMP Bristol have set up a project team that meet weekly to develop initiatives to monitor and evaluate the pilots. The Working Prisons Project means work has become an integral part of the regime at HMP Bristol. It has also helped establish other cell-based projects, working with vulnerable prisoners who find work in the workshop environment difficult. 'By opening small workshop units on residential wings, and offering in-cell work, we have been able to engage with prisoners who have previously not engaged with the regime and staff to the level we aim for,' Nikki says. She also says this has allowed the prison to bid in a more competitive manner for new commercial contracts, such as assembling plumbing equipment or Christmas decorations 'We can now offer a viable option for businesses, enabling real income generation,' she says. 'A creative approach by prison staff and the desire to ensure that HMP Bristol demonstrates its ability to adapt to changing times, has meant we have been able to develop the project quite quickly too,' she adds.

• The collusion investigation was then suspended after a senior UDR officer claimed it was damaging morale within the regiment.

Over the last 30 years hundreds of innocent civilians mostly Catholics were killed by loyalist paramilitaries leaving many victims searching for the truth into the level of state collusion into the deaths of their loved ones. It is also clear from these documents that this was not just the case of a few bad apples but was state sanctioned as part of a counter-insurgency strategy to combat the IRA and was covered up at the highest levels of governance.

In addition it remains unclear the extent of infiltration and manipulation of armed republican groups (including those still wedded to armed struggle) by security agencies towards manufacturing the current political arrangements.

A British Army report following a 1973 report into infiltration of the UDR by 'Protestant extremists' stated 'The best single source of weapons and the only significant source of modern weapons for protestant weapons has been the UDR'. Despite these damning internal reports highlighting corruption and collusion the British Government still continued to arm, train and equip the UDR as a local militia in Northern Ireland.

While these documents shed an important light on a dark chapter in our recent history, they only reveal part of our history in the 1970s.

Questions still need to be answered in relation to the extent of state collusion into the 1980s, 90s and today, as well as the continuing use of agent provocateurs and informers by the RUC/PSNI. It remains to be seen whether victim campaigners will get the closure and truth they deserve.

For the last 30 years the North has been used as a lethal laboratory by British state intelligence agencies and its army apparatus in state repression and counter-insurgency strategy. We do not need to look afar to modern day military occupations in Iraq and Afghanistan to the role of British Imperialism in Ireland over the last couple of centuries leaving a legacy of sectarianism, division and generational trauma.

Evidently these documents once again reveal that far from being a neutral broker between two sectarian tribes the British state was an active protagonist engaged in ruthless state terrorism and collusion in its own backyard. In the meantime it is our duty to support all victims regardless of their politics in their campaign for truth and justice.

*The documents can be read at <http://www.patfinucanecentre.org/>*

### **Better information-sharing on violence and intimidation needed to help prevent prison suicides, says Ombudsman**

Prison staff need to record and share more information about violence and intimidation to improve prisoner safety, said Nigel Newcomen, Prisons and Probation Ombudsman, publishing a report into the impact of intimidation, violence and bullying on those who take their own lives in prison.

The report, Learning from PPO Investigations: Violence reduction, bullying and safety, has been produced as a result of the finding that 20 per cent of the PPO's investigations into self-inflicted deaths in custody found evidence that the deceased was subject to bullying or intimidation by other prisoners in the three months prior to their death. This does not necessarily mean that these prisoners took their lives solely because they were concerned for their safety. The vulnerabilities that may make a prisoner susceptible to harm by others are often similar to those that make them vulnerable to harming themselves.

This report looks at 42 investigations into self-inflicted deaths, and finds that staff responses to allegations of bullying, assaults and other related incidents could have been better in 17 cases.

The chief inspector of prisons has said that half of the women in prison have children under the age of 16, and more than a third have children under the age of five. There are 12 women's prisons in Britain, but just seven have mother and baby units with only 69 places available.

A Ministry of Justice spokeswoman said that the prison service recognised that jail sentences can be distressing for the children and families of female offenders. "That is why we want to increase confidence in community sentences – to demonstrate they are a viable option for non-violent offenders with caring responsibilities." She said that in cases where prison was the appropriate sentence, establishments promoted family contact and tried to overcome the disadvantages that being away from home might create: "Eligible prisoners can apply for day or overnight leave to maintain and develop relationships with their children and help them resettle in the community on release," she said.

### **Prisoners Fightback - Issue 223 October/November 2011**

1. Close Supervision Centre becomes place of punishment for mentally ill prisoners

Prisoners who should be in secure mental health hospitals are being held in a prison unit, designed to hold prisoners considered dangerous or disruptive. A prisoner in the unit has been banned from phoning his family following an accusation that he passed information about the regime to The Guardian/Observer. The unit's operational manager has confirmed that it holds prisoners with mental health problems and that self-harm levels are high. More prisoners are to be transferred to the unit, where safety levels have been questioned. Eric Allison reports.

The Close Supervision Centre (CSC) at Woodhill prison in Milton Keynes is one of three such units. The CSC system was established in 1998. Described as prisons within prisons, they were set up to house the most dangerous and disruptive prisoners transferred from mainstream prisons. The units are heavily staffed and prisoners intensively supervised. In July, Woodhill's regime was criticised after Lee Foye, who had cut his ear off three months earlier, was able to slice off his other ear with a razor blade, provoking questions over the safety of those held there.

That incident occurred while the prison governor was holding an inquiry into the first episode of self-harm, which happened after Foye, who had already previously injured himself, was allowed into a shower room with a razor blade.

The admission that Woodhill holds prisoners with mental health problems came in a letter from Claire Hodson, operational manager of the CSC, who was responding to a letter from John Bowden, a prisoner in Perth and a regular contributor to FRFI, who raised questions about the regime at Woodhill. She said some prisoners '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 one or more personality disorders. Some prisoners will present with high levels of self-harming behaviours due to their clinical needs'. Hodson says confidentiality prevents her confirming the number or type of mental illness within the CSC other than to say that 'the presence of mental disorder is not uncommon within the unit'.

Prisoner Kevan Thakrar says he is being victimised for blowing the whistle on the treatment of Lee Foye and other inmates. Staff have told him to 'shut his mouth in future'. He describes the regime at Woodhill as 'punitive-based mental torture, with staff trying to provoke inmates into reacting violently, thus justifying their presence in the unit'. Kevan's trial for alleged attempted murder and GBH of three guards in HMP Frankland, is due to start mid October.

Relatives of other prisoners in the CSC at Woodhill have also contacted me and I receive regular disturbing reports about the regime there. Staff violence against prisoners appears to

be a regular feature. Lee Foye was said to have been attacked by staff before he first self harmed and in July, the website, Justice for Dano Sonnex reported Dano suffering 'another beating'. Dano's cousin Lisa Hawkins Grant told FRFI:

"The treatment being inflicted upon these inmates in the CSC units is appalling. The establishment would have everyone believe that they are the most dangerous in the prison system and also describes them as having mental health problems. If this is the case, why are they not assessed properly when they first enter the CSC? Instead, the staff provoke the prisoners to react violently so they can retaliate with horrific assaults. They are also subjected to regular strip-searches which could also be termed as sexual assault. What role, if any, does the medical staff take once they see the injuries inflicted upon these inmates? Who can they complain to? Prisoners are charged with assaulting officers yet it takes weeks before anyone deals with their complaints about assaults on them. They are placed in high control cells only being let out in handcuffs and surrounded by officers in riot gear, to make one short phone call per day. Why is the governor allowing this treatment to go on?"

Indeed. Where are the watchdogs in all this? When Lee Foye first cut off his ear, I reported the matter to Thames Valley Police, asking them to investigate. They eventually replied that, as no crime had been reported, they would not investigate. And both the Chief Inspectorate of Prisons and the Prison and Probation Ombudsman's offices more or less said it was none of their business. I did not bother contacting the Independent Monitoring Board at Woodhill, whose silence, about the regime in the CSC, has been deafening.

Sean Duggan, chief executive of the Centre for Mental Health, which researches and analyses mental health treatment in the criminal justice system, says a CSC is not the environment to keep someone with a severe and enduring mental illness. He says such people should be transferred to NHS secure care, where security and therapy can be combined: 'The levels of need among [CSC prisoners] should be investigated and action taken to offer them the same care and support as they would receive anywhere else'.

## 2. Support the prisoners of the August riots!

Since the August rebellion in English cities over 1,000 people have been remanded in custody or sentenced to prison terms. These prisoners are being singled out for concerted attack at every level. Some government spokespersons and media reports are concentrating on the statistic that the majority of those arrested have previous cautions or convictions, using this to imply that this makes them hardened criminals undeserving of any sympathy. Other commentators, including the Chief Inspector of Prisons Nick Hardwicke, are highlighting the apparent vulnerability of the new influx of prisoners, particularly juveniles, claiming that they will either be forced to join gangs for their own protection, or physically assaulted, and victimised, possibly ending up on suicide watch.

Fight Racism! Fight Imperialism! (FRFI) believes that these prisoners deserve our solidarity and support. We see this mass incarceration as an act of political vengeance by the ruling class against the people's spontaneous response to police murder, state repression and inequality. The men, women and children now being remanded and sentenced are political prisoners of the British capitalist state.

Remand prisoner Pete Simpson opened a dialogue about the August events in the prisoners' newspaper Inside Time, writing: 'Having been arrested on suspicion of being involved in the August riots it is clear to me that the latest whitewash inquiry has begun in the media. Politicians, journalists, historians, police and even the royals have been using air-time and column inches to sell

quite stressful. It's quite an onerous job..... I think, [there is] quite a lot of stress involved" (BBC, 16 October 2005, emphasis added). There were apparent disagreements between the MoD and Captain Masters who was responsible for investigating "the actions and behavior of military personnel". (The Independent 17 Oct 2005).

The attack on the 19th of September to "rescue" the two SAS men was launched under the command of Brig John Lorimer. In a statement, Lorimer said that the purpose of the raid was to ensure the safety of the two SAS men.

On October 12, CGS General Sir Michael Jackson was in Basra for consultations with Brigadier John Lorimer. CGS General Michael Jackson, had previously approved the rescue operation of the elite SAS men: "Let me make it clear that it was important to retrieve those two soldiers." (quoted in The Times, 12 Oct 2005).

Three days later, following General Jackson's visit to Basra, Captain Master was dead: "Captain Ken Masters, the top British military police investigator working in Iraq, was found hanged at his barracks in Basra [on October 15]."

No subsequent RMP investigation into the Basra "rescue" following Captain's Masters' untimely death was undertaken. No police investigation was carried out into the unusual circumstances surrounding the death of Captain Masters. It was an open and closed case.

The matter passed virtually unnoticed in the British media. Nonetheless, the Daily Mail (17 Oct 2005), dismissed the suicide thesis: "Little is known of his private life and it is said to be unlikely that the pressures of work would have led him to commit suicide."

Apologizing for War Crimes From Bloody Sunday in January 1972 in Derry, Northern Ireland to Croatia, Kosovo and Basra, Iraq in September 2005. Last year in June 2010, General Sir Michael Jackson "apologised for Bloody Sunday" in a TV interview broadcast by the BBC.

"The former head of the British Army, General Sir Mike Jackson, has offered a "fulsome apology" for the events of Bloody Sunday, following the publication of the Saville report into the events of 30 January 1972 in Londonderry. The findings called the fatal shootings of civilians by British soldiers a "catastrophe" for Northern Ireland. Prime Minister David Cameron has said the killings of 13 marchers was "unjustified and unjustifiable".

Prime Minister David Cameron said "He was "Sorry". Apologizing for War Crimes? What are the legal implications? Indictment or "Self-indictment"?

## Secret Documents reveal British state collusion

By Sean Matthews - Workers Solidarity Movement 28/09/11

New documents uncovered by the Pat Finucane Centre in Derry reveal the endemic collusion between the British army regiments and loyalist paramilitaries in Northern Ireland. The declassified official documents uncovered highlight that the Ulster Defence Regiment's (UDR) Belfast battalion was heavily infiltrated by the Ulster Volunteer Force (UVF) in the late 1970s.

The 'For UK Eyes Only' documents show that:

- Army chiefs feared that 70 soldiers in one UDR unit were linked to the UVF in west Belfast, including one member of the notorious Shankill Butcher gang;
- One UDR unit was suspected of siphoning-off £47,000 to the UVF while UDR equipment was regularly stolen from another unit to support the loyalist terror group;
- UVF members were regularly allowed to socialise at the UDR's Girdwood barracks social club;
- Army chiefs considered secretly testing firing UDR soldiers' weapons to check whether they had been used in sectarian murders;

2000) displayed token efforts to protect Serb and Roma civilians; those who fled Kosovo during his mandate were not encouraged to return under UN protection. In post-war Kosovo, the massacres of civilians was carried out by the KLA (and subsequently by the KPC). Both NATO and the UN turned a blind eye to the KLA's targeted assassinations.

Upon completing his term in Kosovo, General Sir Michael Jackson was appointed Commander in Chief, U.K. Land Command (2000-2003). And in February 2003, barely one month before the onslaught of the Iraq war, he was promoted to Chief of the General Staff (CGS) As Chief of General Staff General Michael Jackson played a central role in the 2003 Iraq military campaign in close liaison with his US counterparts. He also played a key role in the military occupation of Southern Iraq, led by British forces based in Basra.

"Bloody Monday", September 19, 2005 in Basra, Iraq

On Monday September 19, 2005, two British undercover "soldiers" dressed in traditional Arab garb, were arrested by the Occupation's Iraqi police driving a car loaded with weapons, ammunition and explosives. Several media reports and eyewitness accounts suggested that the SAS operatives were disguised as Al Qaeda "terrorists" and were planning to set off the bombs in Basra's central square during a major religious event.

The two SAS soldiers were "rescued" by British forces in a major military assault on the building where they were being detained: "British forces used up to 10 tanks " supported by helicopters " to smash through the walls of the jail and free the two British servicemen." The incident resulted in 7 Iraqi deaths and 43 injured.

"Compensation" to the Families of the Victims

Instead of investigating and prosecuting those responsible for the Basra massacre led by British forces. the British government confirmed that it "will pay compensation for injuries and damage caused during the storming by the army of a police station in Basra in the operation to release two SAS soldiers" (The Scotsman, 15 Oct 2005).

The wording was reminiscent of the Bloody Sunday massacre: no prosecution, no investigation, no justice, but "compensation" as a cover-up to war crimes.

Captain Ken Masters of The Royal Military Police (RMP) in Basra had the mandate to investigate the circumstances of the "rescue" operation. To this effect, he also indicated that he would cooperate in his investigations, with the civilian Iraqi authorities.

The Royal Military Police (RMP) is the corps of the British Army responsible for the policing of service personnel, both in the U.K. and overseas.

As part of his RMP mandate, Captain Masters was to investigate "allegations that British soldiers killed or mistreated Iraqi civilians". Specifically in this case, the inquiry pertained to the British attack on the prison on 19 September, where the 2 SAS soldiers were being detained for subsequent interrogation. The attack had been authorized by CGS General Sir Michael Jackson and British Defence Secretary John Reid.

"Compensation to the families of alleged Iraqi victims who died during the fracas depended on the official investigation being carried out by Captain Masters [of the Royal Military Police in Basra] and his team." That investigation was never carried out. Captain Ken Masters of the RMP allegedly "committed suicide" in Basra on the 15th of October 2005.

According to the MoD "the circumstances [of his death ] were not regarded as suspicious." [emphasis added] The MoD report suggested that Captain Masters was suffering from "stress", which could have driven him to commit suicide. In the words of a Defense analyst quoted by the BBC: "Capt Masters was part of quite a small outfit and his job would have been

their version of events to the public. The range of opinions as to the causes are vast and vary from easily defeated theories such as David Starkey's racism, to others that have remained unchallenged as is often the case with those whom the establishment favours. However, when we challenge the establishment we can see the inconsistencies. Some examples of this include the attempted squashing and editing of documents when the MPs' expenses scandal started, the News International phone-hacking scandal and the suggestion it was all down to one 'rogue' royal correspondent, the deaths of Jean Charles De Menezes, Ian Tomlinson, and now Mark Duggan. In all these cases, as will happen with the cause of the riots, we have seen a release of misinformation followed by a truer version of events when the truth can no longer be contained.

We need to stop this nonsense and ask the actual rioters why they took to the streets instead of simply suggesting it was "greed", "gangs" and general "mindlessness". So, before we get another whitewash inquiry, a questionnaire is aiming to survey as many rioters as possible and those in prison can take part by writing to: Riot Survey, 62 Fieldgate St, Whitechapel, London, E1 1ES. Please remember to include your address.'

As well as writing to the 'Riot Survey', you can also write to us at FRFI. Our newspaper has a long, proud history of supporting prisoners and publishing material written by them. We send the paper free to anyone in prison who requests a copy and we want to hear your stories (without prejudice to any court proceedings of course) about what has happened to you, and in particular about your treatment in the courts and prison.

We'd also like to encourage other prisoners who already receive Fight Racism! Fight Imperialism! to show solidarity with the prisoners of the August riots if you come into contact with them. Support these brothers and sisters; encourage them to write to us at FRFI; give them details of good lawyers if they do not have proper legal representation; help them understand and survive the prison system if they are new to it. Unity is strength.

3. We are all Troy Davis - 21st century lynching in the US

On 21 September 2011 the US state of Georgia legally murdered 42-year-old black prisoner Troy Davis. Troy was convicted of the 1989 killing of white police officer Mark MacPhail and had always maintained his innocence. A national and international campaign against his execution was supported by Amnesty International, former US President Jimmy Carter, Archbishop Desmond Tutu and the Pope, and one million people had signed a petition calling for clemency. On the night of his death protesters gathered outside the prison in Jackson, Georgia, many wearing T-shirts and holding placards proclaiming 'I am Troy Davis'. All this was not enough to save his life. The execution was due to take place at 7pm, local time, and there was a temporary reprieve while the Supreme Court deliberated on and rejected a last-minute petition. President Barack Obama refused to intervene in the case, stating it would not be 'appropriate'. Troy Davis was put to death by lethal injection at 11pm.

Troy was convicted in August 1991, entirely on the basis of witness testimony, which contained inconsistencies even at the time of the trial. There was no forensic or any other kind of evidence against him. Since then, all but two of the non-police witnesses have retracted or contradicted their testimony and many have stated in sworn affidavits that they were pressured or coerced by police into testifying or signing statements against him.

During the 20 years between Troy's original conviction and his death there have been numerous appeals and legal challenges. Three previous execution dates were set aside, following various submissions. Throughout this process Troy had the support of his family, legal team and campaigners, all of whom spoke out not only about his individual innocence, but in

order to highlight the racist nature of the US death penalty. After the execution, lawyer Thomas Ruffin described the execution as 'racially bigoted' and a 'legal lynching', and pointed out to the press that: 'In the state of Georgia 48.4% of people on death row this morning were black males, and in Georgia they make up no more than 15% of the population.'

The continuing racist nature of the US death penalty, ever since the days of slavery days, is widely known. The first detailed study to clearly expose this in modern times was in fact carried out in Georgia in 1972. The Baldus Study established that black defendants were 1.7 times more likely to receive the death penalty than white defendants and that murderers of white victims were 4.3 times more likely to be sentenced to death than those who had killed black people. In the past 30 years, similar studies across the 'death penalty states' of the US have repeatedly come up with similar conclusions. Nationally, black and white people are victims of homicide in roughly equal numbers, yet 80% of those executed have been convicted of killing white people.

Alongside Britain, the US has appointed itself the world's policeman, the arbiter of international right and wrong. The execution of Troy Davis demonstrates yet again how Obama's government has no more right than that of any of his predecessors to lecture any other country on its judicial system or human rights record. End the racist death penalty!

Nicki Jameson, Articles from Fight Racism! Fight Imperialism! [www.frifi.co.uk](http://www.frifi.co.uk)

### **War Crimes: Bloody Sunday in Derry, Northern Ireland to Croatia, Kosovo and Iraq**

The Role of General Sir Michael Jackson by Prof. Michel Chossudovsky

Almost forty years later: The 5000 page Saville Commission Report into the 1972 Bloody Sunday massacre in Derry, Northern Ireland, while calling for compensation to the victims' families, fails to identify who were the perpetrators, both within H.M government and the British Army.

"The North's Public Prosecution Service (PPS) is continuing to scrutinise the Saville report to determine whether there is sufficient evidence to bring charges against British soldiers involved in Bloody Sunday on January 30th, 1972. While progress has been made on the issue of compensation there have been no substantial developments in relation to the possibility of British soldiers being charged. The PPS confirmed yesterday that the 5,000-page report by Lord Saville into Bloody Sunday remains under examination but that it is not yet in a position to rule on whether or not criminal cases can be taken against British soldiers involved in the shootings over 39 years ago." (Irish Times, September 22, 2011).

The payment of compensation is intended to whitewash Her Majesty's government.

Were these spontaneous killings or were members of the First Battalion of the Parachute Regiment obeying orders from higher up? While the possibility of bringing criminal charges against British soldiers has been raised, the broader issue of "Who" within the British military and intelligence apparatus ordered the 1972 killings in Derry has never been addressed.

What was the underlying command structure of the First Battalion of the Parachute Regiment which carried out the massacre? General Sir Robert Ford was the Commander of Land Forces in Northern Ireland in 1972. The First Battalion of the Parachute Regiment was under his jurisdiction. Lieutenant Colonel Derek Wilford was commander of the First Battalion of the Parachute Regiment (1 PARA), which constituted an elite special force unit of the British Army. Wilford described by the BBC as "a well-respected high-flying officer" was exonerated by the 1972 Widgery Tribunal.

While attention has been placed on the role of Lieutenant Colonel Derek Wilford, the role of his adjutant, Captain Michael Jackson (who at the time had links to the Army's Intelligence

Corps) has been obfuscated since the outset of the investigation in 1972. Jackson was allegedly also instrumental in the cover-up.

Captain Michael Jackson was second in command (Adjutant) of the First Battalion of the Parachute Regiment. He started his military career in 1963 with the Intelligence Corps. The Int Corps is a unit of military intelligence and counter-intelligence attached to the British Army, which played a key role in Northern Ireland. The so-called "14 Intelligence Company" also referred to as "14 INT" or "The Det" "was a British Army special forces unit, established during the Troubles, which carried out surveillance operations in Northern Ireland".

Under the orders of Lieutenant Colonel Derek Wilford, Captain Michael Jackson and thirteen other soldiers of the parachute regiment opened fire "on a peaceful protest by the Northern Ireland civil rights association opposing discrimination against Catholics. In just 30 minutes, 13 people were shot dead and a further 13 injured. Those who died were killed by a single bullet to the head or body, indicating that they had been deliberately targeted. No weapons were found on any of the deceased." (Julie Hyland, "Head of NATO Force in Kosovo was Second-in-command at "Bloody Sunday" Massacre in Ireland", World Socialist Website, 19 June 1999).

Both Wilford and Jackson were rewarded rather than prosecuted for their role in the 1972 massacre. Wilford, who subsequently retired from the Armed Services, was awarded the Order of the British Empire by H.M. Government in October of 1972, less than a year following the January 1972 massacre.

Michael Jackson's role in Bloody Sunday did not hinder his military career. In fact quite the opposite. He ascended to the highest rank of the British military, before retiring in 2006 from the rank of Commander of the General Staff (CGS). In 1982 he became Commander of the 1st Battalion of the Parachute Regiment, and Brigade Commander in Northern Ireland in the early 1990s. From his stint in Northern Ireland, he was reassigned under United Nations auspices to the theatre of ethnic warfare, first in Bosnia and Croatia and then in Kosovo.

In the immediate wake of the 1995 ethnic massacres in the Krajina region of Croatia largely inhabited by Serbs, General Michael Jackson was put in charge as IFOR commander, for organising the return of Serbs "to lands taken by Croatian HVO forces in the 1995 Krajina offensive". (Jane Defense Weekly, Vol 23, No. 7, 14 February 1996).

And in this capacity Jackson "urged that the resettlement [of Krajina Serbs] not [be] rushed to avoid tension [with the Croats]" while also warning returning Serbs "of the extent of the [land] mine threat." (Ibid)

Following his stint in Bosnia Herzegovina and Croatia, Lieutenant General Mike Jackson led the June 1999 land invasion of Yugoslavia and was posted to Kosovo as KFOR Commander. In Croatia, Bosnia and Kosovo, General Michael Jackson applied the counter-insurgency skills acquired in Northern Ireland. In Kosovo he actively collaborated with the Kosovo Liberation Army (KLA) headed by Commander Agim Ceku. Ceku and Jackson had worked together in Croatia in the mid-1990s. Agim Ceku was Commander of the Croatian forces which conducted the Krajina massacre under "Operation Storm". Meanwhile, Jackson was responsible for the repatriation of Krajina Serbs, under UN auspices.

In turn, Military Professional Resources Inc (MPRI), a mercenary outfit on contract to the Pentagon was responsible for advising the Croatian HVO forces in the planning of "Operation Storm". The same mercenary outfit was subsequently put in charge of the military training of the Kosovo Protection Corps (KPC) largely integrated by former KLA operatives.

While General Michael Jackson during his tenure as KFOR Commander in Kosovo (1999-