

investigate this part of the applicants' complaint.

The Court noted with concern, however, that, as in other cases against Bulgaria where officers of specialised units had been involved, the police officers were not identified and questioned as they had been wearing masks and the investigation authorities refused to identify them. Aside the fact that the Court had serious reservations about using masked and armed police officers at all in such a context (a family setting where armed resistance was highly unlikely), it considered that the officers should have been identified and questioned, seeing that there had been a challenge to the manner in which their operation had been conducted. Furthermore, they should have been required to have on display some anonymous means to identify them, such as a number or letter. In the applicants' case this was not done and such a shortcoming meant that a certain category of police officers had virtual impunity with the result that the investigation could not possibly be considered effective. Other shortcomings in the investigation included the fact that the decision to not open criminal proceedings had essentially been based on statements by a police officer and investigator who had not even been present during the alleged violence. Indeed, neither the applicants nor any other witnesses have ever been questioned.

Other serious shortcomings were reflected in Bulgarian criminal law itself as a complainant had to allege that they had been physically harmed by an agent of the State for an investigation to be opened, the legislation being silent on the issue of psychological trauma, with the exception of "threats" as defined by national law. Such a lacuna in the criminal law allowed those allegedly responsible for psychological suffering, in this case of a young child, to escape accountability.

The Court therefore held that the criminal investigation into the applicants' alleged psychological ordeal at the hands of the police had not been effective, in violation of Article 3.

The Court further held that it was not necessary to examine the applicants' complaint under Article 13 separately. Article 41 (just satisfaction)

In respect of non-pecuniary damage, the Court held that Bulgaria was to pay Aleksandar and Zhivka Hristovi 4,000 euros (EUR), each, and their daughter EUR 6,500. It held that all three applicants be paid EUR 2,500 for costs and expenses.

Pat Finucane's family's anger over inquiry decision

The family of a Belfast solicitor murdered by a loyalist gang that included state agents have said they are angry and insulted over the government's decision not to hold a new public inquiry into the killing. "That Patrick Finucane's family has been kept in the dark so long is an outrage. That the government has proposed another pointless review of case files, instead of the independent, transparent inquiry they deserve.

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.

Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844

MOJUK: Newsletter 'Inside Out' No 341 (16/10/2011)

Killers attacked fellow inmate at HMP Whitemoor

Fenland Citizen, 06/10/11

Two convicted killers face even longer behind bars for brutally stabbing an inmate at HMP Whitemoor. Dean Cullen (24), and Dean Agbegah (44), were already serving life sentences at the prison in March for murder when they decided to target a fellow long-serving inmate on B-Wing following a disagreement over some stolen chicken. The pair hatched a plot to attack him on October 9, 2009. Armed with a blunted knife and a potato peeler, the pair followed the victim into his cell when he returned from having a shower at 9.15am. They attacked him, stabbing him a number of times including to his eye, throat and back.

The victim also suffered a number of defence wounds to his hands and arms as he tried to fight off the brutal attack. The peeler snapped during the stabbing, while the knife was still lodged in the victim's back as he went to get help. He managed to stagger out of his cell after Cullen and Adebegah left and was taken to Peterborough District Hospital where he was treated for life-threatening injuries. The handle of the peeler was discovered by prison staff wedged between pipes behind the wardrobe in the victim's cell. Agbegah's blood-stained clothing was found in a wash bag in his cell.

Cullen, who was jailed for life in 2006 for punching, kicking and stamping a man to death in Norwich, and Adebegah, who was given a life sentence in 2005 for strangling his sister in London, were both charged with attempted murder. Both were cleared of that charge but convicted of grievous bodily harm with intent following a three-week trial at Cambridge Crown Court. Cullen was given a five-year indeterminate sentence while Agbegah was sentenced to six years indeterminate - both to run concurrent with their life sentences. The sentences will impact on their parole date.

Detective Sergeant Matt Swash said: "This was a brutal attack where both men set out to cause a great deal of harm to the victim.

He was stabbed a number of times and had severe defence wounds to his arms as he tried to protect himself. His injuries were horrific and it is only through sheer luck that he managed to survive." All three inmates are now serving their sentences at separate jails.

Wanted texts, poems, pictures, drawings, comics, art created by prisoners

We are writing to introduce you to the idea of crafting a "Prison-Zine" and to ask you if you would like to participate in that. Here comes what it's all about:

We are (at this stage) 4 young people from Germany who are engaged in anti-prisons struggles for different reasons. None of us has ever been to prison for a seriously long time but all of us have experiences with imprisonment/prison and the judiciary - going from detentions to spending a couple of months in prison. What we share is the call for the abolition of all coercive institutions and the systems producing and supporting them. We are engaged in different sorts of activism for a solidary society without prisons and borders.

The issue prison is always also about isolation. Prisoners get separated from their relatives, friends and other social contacts. Just as well the people "outside" don't really get to know what daily life in prisons really means and what the ones behind the walls think and feel.

We want to publish a booklet collecting the thoughts, feelings and experiences of people

in prison from different countries. The aim is to do something against the predominant isolation and make visible the situation of people in prison to those outside so to encourage them to question the idea of coercive institutions more broadly. Most important for us is, that the imprisoned get a voice and report about their situation themselves. The booklet is thought to be read by prisoners just as well as by non-prisoners.

We concretely look for texts, poems, pictures, drawings, comics, art created by prisoners and want to ask you if you would and could add something to the booklet. You can choose the format yourself. It doesn't have to be a text. The content is of your own decision, too.

No matter whether you want to write about actual experiences in prison or publish general thoughts on the topic, we are looking forward to your contribution. However it's crucially important to us that the contributions do not contain statements discriminating unprivileged and / or discriminated groups of people.

As we want to collect as many contributions as possible, there will be a limitation of space. We came to the agreement that 2 A4-pages should be the limit. We are also going to publish the articles in the internet (of course only if it's okay with you) where there will be space for longer articles, too.

As the booklet is going to be released in Germany, we will at least translate the writings into German. But it's important to us, that you write in those languages, which you feel most comfortable to express yourself in. Also, we are still looking for translators. If you have any questions, ideas, wishes or comments, we would be happy if make yourself heard. If you have contact with other prisoners, who might be interested in this project, let them know or give us a contact, so we can get in touch with them. Thank you for reading and best wishes.

Prison Zine: c/o KuBiZ, Bernkasteler Str. 78, D-13088 Berlin, Germany

"Curiouser and getting curiouser!" the number of people charged with the murder of Haroon, Shazadi and Adul. When the incident was originally reported only one car was said to have been involved, yet to date eight persons have been charged with murder, numerous others have been arrested and released and one man arrested and detained with obstructing the course of justice. Must have been a bloody big car and if anymore are arrested and charged the car will have to be upgraded to a bus. What is extremely worrying about this is there could have been only one driver; you can't get nine people behind the steering wheel of a vehicle. Sounds like 'Joint Enterprise' is about to strike again!

Tariq Jahan charge: Father of riot death victim accused of attack BBC News

A man who appealed for calm after his son was killed during the August riots has been charged with assault. Tariq Jahan, 47, is accused of breaking a man's jaw and knocking out two of his teeth in an alleged road rage incident, a month before his son died

Mr Jahan made a heartfelt plea to the public not to retaliate after his son Haroon and two friends died when they were hit by a car during riots. A Crown Prosecution Service spokesman confirmed Mr Jahan had been charged with assaulting a man on 6 July. He said: "He has been charged with GBH without intent and will appear before magistrates in Birmingham on Monday." Haroon, 21, and brothers Shazad Ali, 30, and Abdul Musavir, 31, died in the early hours of 10 August when they were struck by a car in the Winson Green area of Birmingham. They were trying to protect homes and businesses in the area from looters. It was feared that revenge attacks following their deaths would spark a wave of violence. Mr Jahan received a Pride of Britain special recognition award this week for the compassion, dignity and calm he showed in the aftermath of his son's death. [End]

was witnessed by the applicants and two independent witnesses.

Immediately remanded in custody, Aleksandar was examined by a prison doctor the next day. The ensuing medical report stated that he was in good health. No note was made of any bruising or injury. He was released on bail in May 2004 and, ultimately, in March 2007 was found guilty of aiding and abetting forgery of banknotes and sentenced to six years' imprisonment.

Meanwhile, Zhivka Hristova lodged a complaint about the incident in April 2004. An investigation was launched during which the investigator and female police officer were questioned. The investigator stated that he had entered the apartment and seen Mr Hristov handcuffed and guarded by police officers. He had not seen any signs of a fight or violence or heard the applicants complaining of ill-treatment. Aleksandar Hristov's criminal case file was also examined as well as the medical register of the detention centre where he was initially held. In November 2004 the prosecuting authorities refused to bring criminal proceedings as they found that the police officers had been carrying out a special operation to arrest members of a criminal organised gang and that there was no evidence that they had used unnecessary force against the applicants or threatened them. Mrs Hristova appealed, submitting in particular three medical certificates of March and May 2004 to prove that she and her daughter were suffering from stress disorders. That appeal as well as two subsequent appeals were all rejected, the authorities refusing to open criminal proceedings due to lack of evidence. They found in particular that stress disorder could not be regarded as evidence of ill-treatment and that the applicants had only lodged their complaint about ill-treatment two months after the incident when they could have complained to the officials present during the search.

Complaints, procedure and composition of the Court

The applicants alleged that on 17 February 2004 police officers had beaten Aleksandar Hristov during his arrest and threatened the whole family. They relied on Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy).

The application was lodged with the European Court of Human Rights on 28 November 2005. Judgment was given by a Chamber of seven,

Decision of the Court

Article 3 (prohibition of inhuman and degrading treatment) Alleged beating of Mr. Hristov

The applicants insisted that Aleksandar's injuries had been noted in the register of the detention centre on the day of his arrest. However, that document, which has been submitted to the Court, makes no mention of any bruises or injuries. Furthermore, Mr Hristov had not claimed that he was denied access to a doctor on the day of his arrest or that the doctor who examined him the following day, whose report had not noted any bruising either, was unreliable. Nor could the Court attach importance to the witness statements relied on by the applicants as, although apparently coherent and detailed, they had been made more than two years after the incident and only by people with links to the family, namely Zhivka Hristova's mother, a neighbour and their lawyer. The Court therefore concluded that it had not been proved beyond reasonable doubt that Mr Hristov had been ill-treated and held that there had been no violation of Article 3.

Alleged police intimidation and threats

The applicants' allegation that masked police officers had intimidated and threatened them at gunpoint had been detailed and coherent. Indeed, it had been shown that the Hristovi's daughter, only five years old at the time, had been deeply affected by what she had experienced during the incident. It was therefore the Bulgarian authorities' duty to effectively

The report found that: - Probation Trusts had responded well to the strong lead given by the National Offender Management Service (NOMS), the Ministry of Justice and other partners and had developed a sound strategic framework;

- funding made available to support the work undertaken and develop new initiatives; and
- women's centres offered a great resource for women likely to offend or reoffend.

However, inspectors were concerned to find that:

- despite some excellent work done with women offenders, some offender managers lacked the awareness necessary to work with women effectively and allowed process and performance measures to dominate their thinking; and
- too many women are still serving short prison sentences for breach of a community order imposed for offences which would not normally of themselves have attracted a custodial sentence.

The probation service has acknowledged that a different approach needs to be taken when dealing with this particular group of offenders and has made inroads into effecting the necessary change through the development of local policies and partnerships. This report contains a number of recommendations to help them to sustain their efforts so that the good work achieved so far does not go to waste but becomes embedded into routine practice.

Chief Inspector of Probation, Liz Calderbank, said on behalf of all inspectorates: "The Probation Service has acknowledged that a different approach needs to be taken when dealing with this particular group of offenders and has made inroads into effecting the necessary change through the development of local policies and partnerships. This report contains a number of recommendations to help them to sustain their efforts so that the good work achieved so far does not go to waste but becomes embedded into routine practice."

Unidentified Police - Helpful ruling from the European Court of Human Rights

There have been numerous complaints too many to number, about UK police not carrying, visible identity in riots/disturbances, crowd control. The ruling below is quite clear, that where police officers do not, 'have on display some anonymous means to identify them, such as a number or letter' then the police officers would have 'virtual impunity' from investigation into any wrongdoing on their part, and any 'investigation could not possibly be considered effective'.

Masked police officers deployed to make an arrest should display anonymous means of identification

Chamber judgment in the case *Hristovi v. Bulgaria* (application no. 42697/05), which is not final", the European Court of Human Rights held, unanimously, that there had been:

A violation of Article 3 (prohibition of inhuman and degrading treatment) of the European Convention on Human Rights on account of the lack of an effective investigation into the applicants' allegations of police intimidation. The case concerned police intimidation of a family during an operation on 17 February 2004 to arrest Aleksandar Hristov, suspected of forging banknotes.

Principal fact: The applicants are Aleksandar Hristov and his wife and daughter, Zhivka and Victoria Hristovi. They are Bulgarian nationals who were born in 1967, 1968 and 1998, respectively, and live in Burgas (Bulgaria).

The family alleged that on 17 February 2004 masked police officers burst into their flat, kicked and beat up Aleksandar Hristov and threatened to kill everybody. In particular, one of the officers had pointed a gun at Mrs Hristova and her daughter, five years old at the time, ordering her to make the child stop screaming. A female officer then arrived on the scene to see Mr Hristov already handcuffed. After that, an investigator arrived to carry out a search of the family's apartment. The search

Kingsley Brown death: 'No closure' for family

BBC News, 7th October 2011

Seven months after a 29-year-old man died in a West Midlands hospital his family are still waiting to hear how he died. Kingsley Brown was detained under the Mental Health Act in March after West Midlands Police officers attended an incident on Icknield Port Road, Birmingham. Mr Brown was transferred to a unit in the city and then moved to a hospital where he died four days later.

The Independent Police Complaints Commission (IPCC) is conducting an investigation while a separate inquiry is being carried out by Birmingham and Solihull Mental Health Trust.

Mr Brown's sister, Kadesha Burrell Brown, who organised a march to West Midlands Police headquarters in July in memory of her brother, told BBC News the family had "no answers and no closure". Because of the IPCC investigation, Mr Brown's body has not been released by the coroner so no inquest can be held and the family do not yet know his exact cause of death

"We want to know what happened so we can put the pieces of the puzzle together" Ms Burrell Brown said the family go to the coroner's office in Birmingham once a month to be updated on the case. She said: "We are being kept in the picture but the way it is unfolding is that until the IPCC investigation is completed and they decide on whether to bring any criminal charges or not, we have no answers ourselves. They [the IPCC] told us it could take about six to nine months and we are in the seventh month now - it's been going on for so long and this kind of thing can take years. We want to know what happened so we can put the pieces of the puzzle together."

After Mr Brown's death, West Midlands Police said the force was to be investigated by the IPCC "following the death of a 29-year-old man who had had dealings with the police". Officers attended an incident in the Winson Green area of Birmingham on Sunday 27 March and detained Mr Brown under the Mental Health Act. "Three days later, officers were called to support medical staff at a mental health unit in the same area of the city following reports of a disturbance involving the same man," a spokesman said.

The force said it supported the IPCC investigation and did not "underestimate the impact this incident has had" on relatives and the community.

Ms Burrell Brown, a Birmingham University student, said her brother's two children, aged five and nine, had received counselling since his death. She said she remembered her brother's "outstanding personality". I remember him as a quiet, collective person. He was never in a hurry, even the way he walked was slow. He had an outstanding personality once you got to know him. To hear about him being detained under the Mental Health Act was completely shocking. There is no history of it in the family, we were really surprised by that."

On 2 July she organised a march from Hockley to the force's headquarters at Lloyd House in the city centre. She said the family has now been told one autopsy report has been completed but they are waiting for another to be completed. We accept if the IPCC bring charges then the inquest will be on hold," she said. It's just a waiting game - we're waiting to find out the timeline around his death. Until then, we have no closure."

A spokesman for the IPCC said: "To date around 100 witness statements have been obtained from medical professionals, ambulance staff and members of the public, and the vast majority of witnesses have already been interviewed by IPCC investigators. We have interviewed ten police officers relevant to the investigation who had some contact with Mr Burrell. Footage from CCTV cameras at four locations has been recovered and reviewed, and hundreds of documents have been seized as part of the independent investigation." [End]

Unicef criticises Britain for jailing children over riots

UN children's fund says figures showing 45% of under-18s detained over riots had no criminal history are very worrying

Shiv Malik, guardian.co.uk, Sunday 9 October 2011

Unicef has criticised the UK judicial system for locking up children allegedly involved in the August riots and warned ministers that they are likely to be in breach of their UN obligations to children's rights. The UN children's fund said official figures showing that 45% of all under 18s detained on charges of rioting and looting had no previous criminal history were "very worrying", and represented a possible breach of the 1989 UN convention on the rights of a child.

The agency is tasked with upholding the international treaty which Britain signed up to in 1991. Under article 37, remand must only be used as a last resort in criminal proceedings, where there are no alternatives to stop a child reoffending.

Two other UK-based agencies, the Howard League for Penal Reform and the Children's Rights Alliance for England (CRAE), said they believed custodial arrangements, especially for children who had not yet been put on trial, breached the convention.

The latest Ministry of Justice figures show that more than 40% of the 269 children whose court hearings were not completed by mid-September were remanded in custody. This compares with an average remand rate of 10% last year. Of those on remand, 60% had no previous convictions and 45% had had no contact with the judicial system at all, including official reprimands or warnings. Despite declining rates of child incarceration rates, UK agencies warned that Britain still imprisoned more children than any other country in western Europe and after the riots the child population in prison jumped by up to 8%.

Remand figures reveal wide regional variations. Only one of the 50 youths awaiting sentence in Manchester was remanded in custody, while in London the figure was 85 out of 219. Of the children brought to court for riot offences, 90% were male.

Unicef's UK branch said in a statement: "The UN convention on the rights of the child [CRC] is clear in article 37 that the detention of children should only happen as a last resort in criminal proceedings. The fact that 45% of the children detained on charges of rioting and looting are completely unknown to the UK's criminal justice system is, therefore, very worrying. "People who were assaulted, mugged or whose property was destroyed by the rioting will have been scared and know that their rights have been badly violated. However, our justice system must not violate the rights of children in response to these terrible events. It is vital that it adheres to the CRC when considering the punishment of children who commit crimes."

The Unicef statement continued: "We believe that society needs to understand the deeper causes behind the involvement of children, not simply blame them. Far from being a cause of antisocial behaviour, we believe that respecting rights builds strong societies, strong values and citizen engagement. "We must also make sure that following any criminal punishment the children concerned are helped and supported to return to their communities and develop into adults who contribute to our society not become repeat offenders."

"The riots are a concern and responsibility for us all. We urge those in charge of responding to the riots not to blame children's rights, but to respect them." Without a full legal review, Unicef said it would not be able to determine whether the UK was in an official breach of the convention, but the organisation's 2008 report on child detention in the UK was highly critical, saying that high rates of detention and remand represented failures to fully implement the CRC.

Commenting on the Unicef report, the director of campaigns at the Howard League, Andrew Neilson, said that his organisation believed that the UK government was in breach of

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

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

Adie McLellan: A0543AG HMP Wayland, Griston, Thetford, IP25 6RL

Prisoners Maintaining Innocence - Prisoners over Tariff

Hi Y'all, I am attending *meeting below and will make an intervention on prisoners over tariff. Am asking for information which I can present to meeting. Are you over tariff, could the Prison service be said to lack a 'Duty of Care' in making sure you progress through the system. What impediments are you experiencing to getting a definite release date.

Are you a Cat D prisoner stuck in Cat C prison, no places available in any Cat D prisons, any examples of same, how long you been in Cat C, when will you be expected to get a place in a Cat D prison. Just need the basic facts. Please pass this message to your solicitors. Ask them to Email: JohnO@mojuk.org.uk

*Kate Hoey is hosting an invited meeting organised by Progressing Prisoners Maintaining Innocence on Tuesday November 1st 4 - 5.30 p.m. Room C, 1 Parliament St. SW1 regarding the issue of over tariff prisoners. Juliet Lyon from the Prison Reform Trust will start the discussion. Among those attending will be Lord David Ramsbotham and Professor Andrew Coyle. Fr. Gerry McFlynn from PPMI will be chairing: Gerry is Director of the Irish Commission for Prisoners Overseas.

Progress made with women offenders, but more work needed, say Inspectors

Thematic Inspection Report: Equal but different? - Published Thursday 13th October 2011

An inspection of the use of alternatives to custody for women offenders

A Joint Inspection by HMI Probation, HMCPSP and HMI Prisons

The criminal justice system has an underlying principle that everyone must be treated equally. However, this, does not necessarily mean that everyone should be treated the same. The underlying circumstances which may have led men and women to offend can be very different. To achieve equitable outcomes for male and female offenders, different approaches need to be taken.

Improvements have been made in the work done with women offenders, but this progress needs to go further and faster, said independent inspectors, as they published the report of a joint inspection on alternatives to custody for women offenders.

The report, Equal but Different? reflects the findings of HM Inspectorate of Probation, HM Crown Prosecution Service Inspectorate and HM Inspectorate of Prisons. The inspection focused on women who had either been sentenced to a community order or released from prison on licence. Its purpose was to consider the extent to which non-custodial options are being put forward and taken up in respect of women offenders. The inspection was carried out in six Probation Trusts in England.

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

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

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

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

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

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

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

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

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

the convention. "It is very hard to see how a fourfold increase in the use of custodial remand can be squared with our commitment under the UN convention to use custody for children as a last resort," he said. "Children are by definition vulnerable in prison, and those on remand even more so. We should not disregard the fact that these children are innocent until proven guilty, and even if convicted many would not expect to receive custodial sentences," he said.

Carolyn Willow, the national coordinator for CRAE and an expert on the convention also believed that Britain was in breach of its obligations. Since the UK was a signatory but had not brought the convention into statute, however, there was no legal recourse for children failed in this way. "The UK is on the worst child incarcerators in the western world ... Last year, 75% of children in custody were incarcerated for offences that did not involve violence against the person," she said. "We shouldn't let all the tough-talking distract us from ministers' obligations under international law and the fact that children who end up in custody are among the most disadvantaged in our country."

A Ministry of Justice spokeswoman said: "Sentencing is a matter for the independent judiciary ... When custody is used, it is generally as a last resort for the most serious or persistent young offenders where it is necessary to protect the public. "To provide a consistent base for these decisions an independent body of experts, the Sentencing Council, set guidelines for them to use." The MOJ spokeswoman added that new legislation was also underway to help tackle the problem: "We are taking forward measures in our Legal Aid, Sentencing and Punishment of offenders Bill to restrict the use of remand for those young people unlikely to receive a custodial sentence if convicted."

Report on an announced inspection of HMP Wayland, 6–10 June 2011 by HMCIP.
Report compiled August 2011, published Tuesday 11th October 2011

Inspectors had some concerns:

- changes to the drug treatment system had been badly introduced and caused significant disruption to the prison and risk to individual prisoners;
 - strategic management of health care was poor and partnership arrangements were weak;
 - staff shortages and the chaotic administration of medication had a negative impact on the prison regime as a whole;
 - offender management arrangements were weak and inconsistent.
 - Alleged bullies who needed to be relocated were sometime placed on the induction wing with new arrivals
 - More prisoners than at comparator prisons said they had felt unsafe at some point during their time at Wayland and this was particularly true for prisoners from black and minority ethnic groups
 - Prisoners appeared to have lost confidence in the IOTS and were abusive and threatening at the medication hatch
 - Staff-prisoner relationships were poorer on the older wings
 - offender management arrangements were weak and inconsistent
- Introduction from the report

HMP Wayland is a category C training prison that holds just over 1,000 adult male prisoners. The prison has expanded rapidly in recent years and there have been some significant changes to its population; Wayland no longer holds sex offenders or many foreign national prisoners. Overall, our inspection found a prison settling down after a period of considerable change and, in most areas, producing some good outcomes for prisoners. There were, however, some major exceptions to this generally positive picture and these need to be addressed as a matter of urgency.

Wayland was generally a safe prison. Arrangements for a prisoner's first few days were adequate but prisoners had long waits with little to do in reception before being moved to first night cells that had broken furniture and graffiti. The induction programme covered the necessary information but prisoners spent too long locked in their cells between sessions. Alleged bullies who needed to be relocated were sometime placed on the induction wing with new arrivals. More prisoners than at comparator prisons said they had felt unsafe at some point during their time at Wayland and this was particularly true for prisoners from black and minority ethnic groups. However, at the time of inspection levels of bullying, though a concern, were not high and investigations into alleged bullying were thorough and resulted in action. There were imaginative efforts to involve families in anti-bullying work. Use of force was low. Care for prisoners at risk of suicide and self-harm was good.

The segregation unit was clean with decent staff-prisoner relationships, but there was little opportunity for prisoners to take part in education, association or exercise. Reintegration planning was poor and half of the prisoners who had been held in the segregation unit in the last year had been transferred to other prisons.

For prisoners on the integrated drug treatment system (IOTS), a comprehensive opiate dose reduction regime had been recently introduced in line with National Treatment Agency guidance. However, the sudden way that the new regime had been introduced was a cause of considerable concern. There had been little consultation or communication with prisoners and relevant professional staff and, in some cases, previously agreed care plans and case review conclusions appeared to have been disregarded. Many prisoners told us that their requests for symptomatic relief medication had been disregarded. Prisoners were frustrated and anxious. Four assessment, care in custody and teamwork (ACCT) documents had been opened as a result, the needs of prisoners with a dual diagnosis had not been adequately met and there was an increased risk that prisoners would harm themselves by topping up their supply with illicit drugs. Prisoners appeared to have lost confidence in the IOTS and were abusive and threatening at the medication hatch. Vacant IOTS posts needed to be filled as a matter of urgency and an individualised opiate dose reduction regime introduced to replace the current inflexible regime.

There were wider problems with the provision of health services in the prison. Strategic management of health care was poor and partnership arrangements were weak. Staff shortages had a detrimental effect on the care of prisoners and chaotic arrangements for the administration of medication had a negative impact on the regime of the prison as a whole. I spoke to prisoners at the end of long, angry morning dispensing queue who had already missed the opportunity to go to morning activities and still had a long wait to get their medication.

In other respects, the quality of accommodation, services and cleanliness were mixed. We saw graffiti and litter strewn outside areas on the older wings. Staff-prisoner relationships were poorer on the older wings too - although generally good elsewhere. Most prisoners said they had a member of staff they could turn to if they needed help. Prisoners from a black and minority ethnic background reported less positively than the population as a whole in most areas and work on the other diversity strands was underdeveloped.

The main strength of the prison was the good provision of purposeful activity. Most prisoners could get out of their cells for 8.5 hours a day and those on the enhanced wings had considerably more time than this. Despite this, opportunities for association were too limited. The range and quality of work and education was good but insufficient take-up of available

gave for his whereabouts on the night Dalton was murdered: that he was with her and his father at the Golden Bridge Chinese restaurant. She was charged with conspiracy to pervert the course of justice. She says she was released 10 days later. She also gave a statement that undermined her son's alibi. Along with every other witness arrested at the time, Wakefield has never been prosecuted for any offence relating to the case.

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

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

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

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

According to Sanders, on the night of 8th February 1995, she accompanied McClellan to Terry Norman's flat dress in Brereton Avenue, Grimsby. There, she said, she saw Greg Dalton in a near comatose state. She explained that Norman Crowder had prepared a syringe for Dalton with which he injected himself. She described how with Dalton still alive but unconscious the other three men attempted to finish him off with, first a preparation of Diconal, and then a syringe containing an air bubble. The coroner's report stated that Dalton would have died almost immediately from the heroin.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mandy Tasker, by contrast, was far more lucid. 'They told me they wasn't interested in Vicki,' Tasker said. 'It was Adie they was after.' McLellan's mother Barbara Wakefield, was arrested shortly after her son. Up until then, she had supported the explanation that McLellan

education places meant some prisoners were not fully occupied throughout the week and too many were underemployed as orderlies on the wings. Literacy and numeracy work needed further development and the problems with the administration of medication disrupted education and training as prisoners missed sessions or arrived late.

Resettlement activities presented a divided picture. On one hand, offender management arrangements were weak and inconsistent. The use of home detention curfew and release on temporary licence was limited and category 0 prisoners waited an unacceptably long period of time before transferring to open conditions. On the other hand, there was a good range of resettlement interventions. Despite some staffing reductions, performance was at or above target in most areas and prisoners received effective help with housing and employment needs. Provision to encourage contact with children and families was well developed.

Most prisoners at Wayland were safe and lived in decent conditions. They could take part in a range of good quality work, education and training activities and, for the most part, they received effective help with their practical resettlement needs. These good arrangements were put at risk by poor health care, the very poorly implemented introduction of an opiate dose reduction regime and weak planning of prisoners' sentences to reduce the risk that they would reoffend on release. These weaknesses need to be quickly addressed if the prison is to continue its progress and avoid slipping back.

Criminal Justice: Access to Lawyers

House of Lords / 11 Oct 2011 : Column WS97

The Government have decided not to opt in at this stage to the directive on the right of access to a lawyer in criminal proceedings and on the right to communicate upon arrest.

The Government have taken this decision in accordance with the commitment in the coalition agreement, which states that we will approach legislation in the area of criminal justice on a case by case basis, with a view to maximising our country's security, protecting Britain's civil liberties and preserving the integrity of our criminal justice system.

The Government agree that a European directive in this area is a good idea in principle. We believe that it could benefit UK nationals who become subject to the criminal justice systems of other member states. Such a directive could also build greater trust and confidence among the competent authorities of all EU member states who may be expected to accept and act upon decisions or judgments made in other member states. However, a number of provisions in the proposal, as published by the European Commission, go substantially beyond the requirements of the European Convention on Human Rights (ECHR) and would have an adverse impact on our ability to investigate and prosecute offences effectively and fairly. Given the extent of our concerns on the detail of this directive, we cannot at this stage be confident that all of them will be addressed in the process of negotiations.

Given the importance we attach to the principles of this directive, we intend to work very closely with our European partners to develop a text that takes greater account of the practical realities of the investigation and prosecution of crime and reflects the flexibility which member states need in order to meet the requirements of the ECHR in a way that is consistent with the nature of their justice systems. In the event that our concerns about the initial draft of the directive are satisfactorily dealt with during the negotiations, we will give serious thought to whether we should apply to opt in to it once it has been adopted, as our protocol to the Treaty on the Functioning of the European Union allows. We will consult Parliament about any decision to apply to opt in to the final text.

[End]

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

Crime and passion - sleeping with the enemy

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

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

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

Family history, of course, is seldom straightforward story, to unravel the twisted bonds in which these two-year-old girl is now entwined is to untangle a grim drama of sex, drugs and murder. At its core is a picture of contemporary Britain far removed from the official mood of optimism abroad in the country. It's an image blurred by a narcotic haze of disaffection as well as police efforts to draw a veil over the case. But look hard enough the questions began to outnumber the answers. Why, for example was McLellan convicted and not his former girlfriend, Saunders? Why did he receive a recommendation to serve a minimum of 20 years to a crime that even the prosecution acknowledged was provoked? What was PC Chapman impact on events?

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

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

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

Initially, the police thought it was an accidental overdose. Dalton's death had been reported by Terry Norman, in whose house he had attended a 'drugs party' with another man, Anthony Crowder. However, when a toxicology report confirmed abnormally high levels of

heroin, the police began to suspect foul play. They were aware of Dalton and McLellan's history and they were also familiar with McLellan's reputation as a drugs dealer.

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

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

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

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

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

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