Court Refuses to Order Prison 'Bully' to be Moved *Mark Leech, Converse 12/10/12*

A convicted murderer has failed in a High Court bid to force prison bosses to move a "bullying" gang "enforcer" to another jail. The murderer complained that he was at "risk of serious physical harm" and objected to the presence of the "bully" on human rights grounds. But a High Court judge refused to order prison a boss to transfer the "bully", who had been convicted of firearms offences.

Mr Justice Haddon-Cave said "Human rights legislation is not intended to permit a view of the world solely through the prism of 'self', without regard to the rights of others." And such action was not necessary, appropriate or reasonable he had to balance the rights of both inmates – and said "No man is an island, particularly in the prison community' mis-quoted from John Donne's poem.

The judge said in the absence of exceptional circumstances, a transfer would interfere with the human rights of the "bully". He rejected the murderer's argument that because the "bully" had "behaved badly" in the past his rights or need should be given "less weight".

The murderer claimed that while in prison he had been assaulted, subjected to a "history of threats and aggression" – and left with a "stress disorder". He argued that Ministry of Justice officials had breached his right to protection in prison by unfairly putting the "bully" in the same jail. Ministry of Justice officials denied wrongdoing by prison bosses. Lawyers for ministers accepted that the enforcer was violent but said there was no evidence that he posed a "real physical" risk to the murderer. And they said any general risk he posed was being "appropriately managed". They said the "bully" was unaware of the action, not legally represented, and told the judge that a transfer in such circumstances would be "manifestly" wrong.

Lawyers for the murderer said the "bully" was a member of the "notorious Midlands 'Burger Bar Boys' criminal gang" and part of a "prison gang which defined itself by reference to Islam". They said, in written papers given to the judge, that a prison profile noted how he was "believed to be an enforcer" for the prison gang, was "violent" and "believed to conceal home-made weapons". The judge was told that the "bully" had a "serious record for violence". He had assaulted prison staff and was rated high risk by jail bosses, said lawyers. A prison officer had said he used "his Muslim brothers", who were "basically a gang", to "bully prisoners", they added. Lawyers said a staff note reported how the "enforcer" had tried to "scare and intimidate" the prisoner by saying "his Muslim brothers will get him". They said security information referred to the "enforcer" offering the prisoner "safety" by "becoming a Muslim". A prison intelligence report noted that the "enforcer" was "bullying people on the wing" and people were "scared to walk around the wing", lawyers said.

And lawyers quoted from a 2008 report by HM Chief Inspector of Prisons, which said: "Muslim gangs; if you have a problem with one, you have a problem with them all. If you're not in a gang you're in trouble. People are converting to Islam for protection."

The judge ruled that neither prisoner should be identified.

Hostages: Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, 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, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Miran 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, 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 Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

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Report on an Unannounced Full Follow-up Inspection of HMP Wakefield

Inspection 8–17 May 2012 by HMCIP, report compiled August 2012, published 12/10/12no

'No one truly knows a nation until one has been inside their jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones' Nelson Mandela

HMP Wakefield is a high security prison that holds about 750 men, many of whom are serious sex offenders. The Close Supervision Centre (CSC) within the prison is a nationally managed resource and holds seven of the most challenging prisoners in the entire system. Progress in the behaviour and rehabilitation of prisoners at Wakefield is often slow and small advances require enormous effort.

The most significant concern identified at its 2009 inspection remained. Almost half the men at Wakefield were in denial about their offence - to some degree refusing to take responsibility for their offending. There were no programmes available to tackle the behaviour and attitudes of men in denial and little effective work was done with them. This risked entrenching negative attitudes and undermining the work being done with the section of the population who did admit the need to change. The Prison Service should consider whether it is right to place such a concentration of men in denial in one establishment. However, there is accepted expert opinion that it is possible to make useful interventions with men who are in complete denial and HMP Wakefield should be attempting to prepare and motivate men to change.

Inspectors were concerned that:

- CSC, the gated, cagelike cells were small and stark with limited natural light. The unscreened toilets were located directly in front of observation panels. Exercise yards consisted of bare, individual cages.
- Most of the men held had lived in these conditions for about 3 years; one for as long as 11.
- a small number of serious complaints about staff that had not been properly investigated
- records we examined did not provide the necessary assurance that the use of force had been necessary and proportionate.
- the prison had been unable to address the physical environment of F Wing, which housed the CSC and segregation unit and remained very poor;
- a high rate of diversion/misuse of prescribed medication, a significant factor in bullying incidents;
- allegations of victimisation by prisoners or staff were sometimes not handled well;
- there were insufficient activity places to meet the needs of the whole population and around a third of prisoners were behind their doors during the working part of the day.

Introduction from the report: HMP Wakefield is a high security prison that holds about 750 men, many of whom are serious sex offenders. The Close Supervision Centre (CSC) within the prison is a nationally managed resource and holds seven of the most challenging prisoners in the entire system. It is no surprise, therefore, that progress in the behaviour and rehabilitation of men at Wakefield is often slow and small advances require enormous effort. As it is with the men it holds, so it is with the prison as a whole: this follow-up inspection found HMP Wakefield was making slow but tangible progress in the face of considerable challenges, some of which were outside the prison's direct control.

The most significant concern we identified at our last inspection in 2009 remained.

Almost half the men at Wakefield were in denial about their offence - to some degree refusing to take responsibility for their offending. There were no programmes available at Wakefield to tackle the behaviour and attitudes of men in denial and, as a consequence, little effective work was done with them. This risked entrenching negative attitudes and undermining the work that was being done with the section of the population who did admit to the need to change. The Prison Service should consider whether it is right to place such a concentration of men in denial in one establishment. That does not reduce the responsibility of HMP Wakefield itself to do some work with these men. There is now accepted expert opinion that it is possible to make some useful interventions even with men who are in complete denial, and the prison should be attempting to prepare and motivate men to change.

The prison had also been unable to address the physical environment of F Wing, which housed the CSC and segregation unit and remained very poor. In the CSC, the gated, cagelike cells were small and stark with limited natural light. The unscreened toilets were located directly in front of observation panels. Exercise yards consisted of bare, individual cages. There was some exercise equipment in a separate room. Limited education and visits could take place in a closed visits-style room in which a reinforced window separated the prisoner from whoever was speaking to him. Most of the men held had lived in these conditions for about three years; one for as long as 11 years.

The environment of the segregation unit was also poor. Some cells were damp, ventilation was inadequate, the roof needed repair and toilets were in an unacceptable condition. At the time of the inspection, most men had been in the segregation unit for at least a month and the longest had been there eight months. The regime was limited: adequate perhaps for men segregated for short periods but not sufficient for longer stays.

In the face of these conditions, the progress that staff had made was laudable. Relationships between staff and prisoners in both the CSC and segregation were professional and respectful. It was a real achievement that some men who had been held in the CSC had been able to move to less restrictive conditions. Mental health support was excellent and management and governance of both units was good.

Other aspects of the prison, both good and bad, were more directly the responsibility of the prison itself. The prison was reasonably safe. The numbers of self-harm, bullying and use of force incidents were low. Most prisoners reported feeling safe and this was confirmed by our own observations as we moved around the prison. Security arrangements were appropriate for a Category A prison and less intrusive than we sometimes see. There were good arrangements to support prisoners at risk of suicide. However, as in other high security prisons, we were concerned about the high rate of diversion and misuse of prescribed medication, and this was often a significant factor in bullying incidents. This could not be picked up by the drug testing system in use and the low positive testing figures did not accurately reflect the level of drug abuse in the prison. This issue had not been fully gripped and dealt with.

Allegations of victimisation by prisoners or staff were sometimes not handled well. The response to bullying was too often to move the victim rather than address the behaviour of the bully and we also identified a small number of serious complaints about staff that had not been properly investigated. Some records we examined did not provide the necessary assurance that the use of force had been necessary and proportionate.

However, overall relationships between staff and prisoners were good (although there were a number of significant exceptions). Other than F Wing, the environment was decent.

national prisoners against the decision to deport was successful (425 in total) — primarily on article 8 grounds. In the same year, 5,235 foreign national prisoners were deported from the UK.

As of April next year and the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act, it will be impossible for foreign national prisoners who wish to challenge deportation proceedings to get legal advice from a solicitor unless they are able to pay for it themselves. "It is not right to subject someone to a serious sanction of deportation without giving them the means to understand the situation and to assert the rights provided for them by law," commented DAS director Nigel Caleb. Quite. By the way, all deportations papers served by the UKBA are written entirely in English. The 2006 crisis led directly to the introduction of the UK Borders Act 2007 with a new regime of automatic deportation for any non-EEA national (including those granted indefinite leave) who gets a custodial sentence of 12 months or more. So rather than the facts of individual case determining a decision to deport, it is the length of prison sentence.

The so-called crisis has also fundamentally changed the attitude of the Home Office staff from senior managers to caseworkers, Steve Symonds of the Immigration Law Practitioners' Association told delegates at the DAS event. According to Symonds, in nine out of 10 cases where detainees are released, they are released as a result of the decision of a court. "That is obviously because the UKBA and its casework staff cannot countenance the idea that they release someone," he said. Symonds made the case for scrapping the automatic deportation provisions. He called it "a stupid policy position which does not give any more power to deport anybody, but which prevents sensible consideration of the circumstances of every individual rather than just the homogenous mass". It is a proposal that is hard to disagree with, bit it won't be introduced until more enlightened times.

Was Decision Not to Extradite Gary McKinnon - Blatantly Racist?

In MOJUK's opinion it was, the comparators between the cases of Gary McKinnon and Babar Ahmad and Talha Ahsan are identical, all three are British but not all three are white or of the same religion. Though all three cases have be running for many years, all three have not spent equal time in jail. Babar and Talha have not worded it as strongly as MOJUK but they have stated the decision was 'A clear demonstration of double standards."

Theresa May UK Home Secretary made a statement to parliament 16/10/12 as to why she would not authorize the extradition of Gary McKinnon. "I have decided to introduce a *forum bar. This will mean that where prosecution is possible in both the UK and in another state, the British courts will be able to bar prosecution overseas, if they believe it is in the interests of justice to do so.' . . . . I have been conscious, however, of Sir Scott Baker's concern that the introduction of the existing forum legislation would lead to delays and satellite litigation. So rather than commence the existing provisions, I will bring forward, as soon as parliamentary time allows, a new forum bar that will be carefully designed to minimise delays."

However this magic wand (Forum Bar) had not as yet been enacted into UK law, though it has been on the books since last year, so there is absolutely no reason why she could not have given 'Forum Bar' treatment to Babar and Talha!

Statement from Babar and Talha: "We strongly welcome the decision not to extradite Gary McKinnon. We would not want his family to experience the pain and suffering we have all been enduring since Babar was extradited," they said. "However, questions do need to be asked as to why, within two weeks, a British citizen with Asperger's accused of computer-related activity is not extradited, while two other British citizens, one with Asperger's, engaged in computer-related activity are extradited. A clear demonstration of double standards."

Foreign National Prisoners do Not Deserve Blanket Judgments *Jon Robins*

As of April next year and the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act, it will be impossible for foreign national prisoners who wish to challenge deportation proceedings to get legal advice from a solicitor unless they are able to pay for it themselves.

"Super-selectivity" is the kind of concocted word beloved of politicians and policy wonks. I hadn't heard it until a couple of weeks ago when Rob Whiteman, chief executive of the UK Border Agency (UKBA), used it to describe the government's immigration policy at the Detention Advice Service's 20th anniversary conference. Whiteman argued that, within this newly labelled policy, foreign national prisoners were regarded as a specific category of people who really, really should be deported – presumably, super-super-selectivity. He was referencing a speech earlier this year by then immigration minister Damian Greene to the Conservative think-tank Policy Exchange when the minister talked of super-selectivity or (in the alternative) "double-plus selectivity" (yes, seriously). In the context of the 10,861 foreign nationals in our prisons, "super-selectivity" means one thing: "you're not staying here". Such blanket judgments – treating a class of people as "a homogenous mass" as Juliet Lyon, director of the Prison Reform Trust, neatly put it at the conference – need to be challenged.

The notion that the European Convention on Human Rights is routinely abused in defence of foreign nationals also needs to be challenged. "It's shameful that child killers and rapists can abuse human rights laws to escape deportation," said Charlie Elphicke, the Conservative MP for Dover & Deal recently. "What about the right to family life of the families they have destroyed?" Foreign national prisoners achieved pariah status following the "crisis of 2006 when it was revealed that more than 1,013 were released without being considered for deportation – an issue so toxic that it led to the swift departure of Charles Clark as home secretary.

According to the Prison Reform Trust, foreign national prisoners in UK prisons come from 156 countries and over half are from 10 (Jamaica, Poland, Ireland, Nigeria, Pakistan, Romania, Lithuania, India, Vietnam and Somalia). They aren't all child killers and rapists, nor are all of them violent – 46% of foreign national women are inside for drug offences (compared to 21% of British nationals) and 16% for fraud and forgery offences. According to the female prison welfare project Hibiscus, half of foreign national women have children under the age of 18. The total number of foreign nationals in our prison nearly doubled between 2000 and 2010 — compared to a 20% increase in British nationals. In 2009, some 11,268 untried foreign nationals went into custody – that's a staggering 136% increase since 1999 (by contrast there has been a 28% decrease in terms of untried receptions of British nationals).

Foreign prisoners are also treated differently – or at least strongly feel that they are. At the DAS conference, Martin Kettle, policy lead on foreign national prisoners at the HM Inspectorate of Prisons, went through the results of a survey of 5,352 British national and 750 foreign national prisoners on perceptions of life in prisons. Apparently, 81% of British national prisoners knew where they were going when they were coming to a prison compared to 66% of foreign nationals; 75% of British nationals felt safe on their first night compared to 69% of foreign nationals; and 17% of British nationals as against 22% of foreign nationals felt unsafe at that point in time. Kettle spoke of the 'damage of uncertainty': "If you walk into an immigration removal centre you can feel it in the air."

The immigration regime was tightened in July specifically to prevent the abuse of article 8 rights – the new rules state that it will only be "in exceptional circumstances that the public interest in deportation is outweighed". A report by the Chief Inspector of Borders and Immigration last November found that between February 2010 and January 2011 about a third of appeals lodged by foreign

Other aspects of a reasonably respectful environment were also in place. Health care had much improved since our last inspection. Equality and diversity arrangements were reasonable but the perceptions of prisoners from some minority groups remained worse than those of the population as a whole.

There was a good learning and skills strategy and the quality of activities on offer was good. However, there were insufficient activity places to meet the needs of the whole population. About 9% of prisoners were unemployed and some cleaners were underemployed. We found about a third of prisoners locked behind their doors during the working part of the day.

As noted above, resettlement outcomes were seriously undermined by the lack of appropriate programmes to address the behaviour of the significant number of sex offenders in denial. Other aspects of offender management and resettlement were much better. Public protection arrangements were generally very good and community offender managers spoke positively of their relationships with the prison. Planning to meet prisoners' practical resettlement needs was reasonable and most men went to approved premises on release.

The most significant concerns we have identified in this report require decisions by the National Offender Management Service at a national level: how best to manage sex offenders in denial and to ensure that the conditions of imprisonment for even for the most challenging prisoners does not fall below a basic acceptable level.

These will not be easy problems to resolve. However, despite these difficulties HMP Wakefield has been able to make slow progress. Reducing the flow of diverted medication, continuing to strengthen professional staff prisoner relationships and getting more prisoners occupied by making better use of the activity resources available are vital to sustaining and accelerating that progress.

Rapist Should Not Have Been Sentenced to Whole-Life Term *Cahal Milmo, Indpendent, 11/10/12*

Five of the UK's most notorious criminals appeal against their life sentences

One of Britain's most dangerous criminals, a serial rapist who terrorised elderly women in a London suburb for more than a decade, should not have been sentenced to a "whole-life" tariff in prison, prosecutors conceded yesterday. Michael Roberts, who was labelled the Bermondsey Beast for his string of attacks on women within a mile of his south London home, was told by a judge in January that his "depravity knows no bounds" and he would never be released from jail.

But prosecutors at an appeal against life sentences being brought by five of the country's most high-profile prisoners yesterday conceded that the tariff imposed on Roberts of imprisonment without the prospect of release had been "wrong in principle". If the concession is upheld by the panel of five judges at the Court of Appeal, which includes Lord Justice Leveson, it would mean Roberts, 46, who is one of a small group of "life- means-life" prisoners, will face a new hearing to have his tariff reset.

The appeal case is widely seen as a test for the principle of a whole-life term before a number of cases being brought by British prisoners, including the killer Jeremy Bamber, come before the highest chamber of the European Court of Human Rights (ECHR) next month.

Yesterday's 10/10/12) hearing was brought by David Oakes, 51, and 40-year-old Danilo Restivo, both killers, who along with Roberts are the subject of whole-life orders. Kiaran Stapleton, 21, who shot dead Indian student Anuj Bidve in Manchester last year, is seeking to have his 30-year minimum term reduced. A fifth unnamed prisoner is also appealing against a whole-life term. Stapleton, Oakes and Roberts all watched the proceedings via a video link from prison.

David Perry QC, for the Crown, said it wanted the whole life terms of Oakes, who "sadis-

tically tortured" his former partner before shooting her and their two-year-old daughter, and Restivo, a hair fetishist convicted of the murder and mutilation of his neighbour, to be upheld. He said: "Our submissions are intended to reflect that a whole-life order is reserved for rare cases of exceptional gravity, where a whole-life order is made for the purpose of pure punishment, and not for public protection."

In the case of Roberts, who was caught 15 years after his crimes after a cold-case review, Mr Perry emphasised that despite the Crown's concession on the rapist's whole-life term "we are not seeking to minimise the seriousness of the offences".

Lord Justice Leveson, who presided over the public inquiry into press standards, underlined that the proceedings were not about "letting people go". The criminal law allows prisoners to apply for parole only after their minimum term has expired and once they are deemed to no longer present a risk to the public.

The judge said that if an offender was not safe to release, then they should stay in prison "for as long as it takes and if that is forever, then so be it".

Judgment in the case was reserved but the court's findings will be an opportunity to clarify the sentencing of the most serious criminals before the ECHR considers the issue. Bamber, along with two others, is seeking to have his whole-life sentence declared "inhuman and degrading" punishment contrary to human rights legislation. A lower chamber ruled in favour of the Britain's whole-life rules earlier this year.

Most dangerous: Michael Roberts, 46 Named the "Bermondsey Beast" after his attacks between 1988 and 1990 in south London. He raped and beat his victims, reciting a prayer after one assault. - Kiaran Stapleton, 21 Nicknaming himself "Psycho", Stapleton murdered Indian student Anuj Bidve on Boxing Day in Salford last year, selecting him from a group and shooting him at point-blank range. - David Oakes, 51 The killer "systematically tortured" his former partner Christine Chambers before shooting her and their two-year-old daughter in Braintree, Essex. He turned the gun on himself but survived. - Danilo Restivo, 40 Born in Italy, Restivo was convicted in relation to the killing of a 16-year-old girl in his home town before he came to live in Bournemouth in 2002. In November that year, he murdered his neighbour, Heather Barnett, grotesquely mutilating her body.

Coronial law – R (Wilkinson) v HM Coroner for Manchester South

This case raises the issue of whether evidence of the commission of the criminal offence of causing death by careless driving contrary to section 2B of the Road Traffic Act 1988 is capable of justifying a verdict of "unlawful killing" at an inquest. There is a divergence of view on the issue amongst coroners and it is an issue that needs to be resolved.

Held: the coroner was wrong to leave the offences of causing death by dangerous driving and causing death by careless driving to the jury as possible bases for a verdict of unlawful killing.

Documents From National Archives Could be key Factor in Quashing 40-year-old Convictions

Shrewsbury 24 case: Heath government discussed prosecution of union pickets

Duncan Campbell, guardian.co.uk, Thursday 11 October 2012

Surviving members of the Shrewsbury 24, including actor Ricky Tomlinson, believe that a letter from the then attorney general, Sir Peter Rawlinson, to the then home secretary, Robert Carr, could be a key factor in having their 1973 convictions quashed.

A letter obtained under the Freedom of Information Act shows that there was discussion

the ingredients of the offence of murder were proved in relation to the 2003 conviction for manslaughter, but the jury had accepted that the appellant might have lost his self control as a result of provocation by the deceased. Nevertheless, the conviction involved deliberate homicide. He considered the terms of Schedule 21 of the 2003 Act, and asked himself whether the seriousness of the current offence fell within the "particularly high" category within paragraph 5. He noted that while paragraph 5(2) made no reference to a previous homicide in the list of circumstances which would normally fall within that category, the list itself was inclusive rather than exclusive. In the end, because of the previous conviction, and the circumstances in which it occurred, he took the view that the seriousness of the instant offence was indeed particularly high, resulting in a starting point of 30 years.

It was submitted that this approach was wrong and that the previous conviction did not bear on the seriousness of the instant offence. Although the previous conviction was a seriously aggravating feature bearing on the sentencing decision, it was not a murder, and as other types of unlawful killing are not included in the cases listed in paragraph 5(2), even though the list is not exclusive, it could not be used as part of the process of deciding the category of seriousness which applied to the present case. The cases set out in paragraph 5(2) are confined to the facts of the offence itself, rather than the situation of the offender. Schedule 21 provides the legislative policy laid down by Parliament, outside which it is inappropriate for the judge to travel. The starting point should therefore have been 15 years and then, because of the aggravating features, including the previous conviction for homicide, the minimum term should have been fixed at 'just below' 30 years.

The court said that in the evaluation of seriousness consideration must be given to every previous conviction in accordance with the provisions in s.143(2) of the 2003 Act: "If the defendant convicted of murder has already been convicted of murder on a previous occasion, Schedule 21 expressly establishes that such a case will "normally" fall within the cases of exceptionally high seriousness attracting a whole life order. It does not follow from the absence of any specific reference to a previous conviction for manslaughter, whether in paragraph 4(2) or paragraph 5(2), that such a case cannot be treated as one of particularly high seriousness merely because it is not specifically identified as a case which would "normally" be so treated. Murder committed by a man at large on licence following conviction for manslaughter on an earlier occasion in virtually identical circumstances of violence may be assessed as an offence of particularly high seriousness. That, we note, does not mean that every case of murder committed by a defendant with a previous conviction for manslaughter must be so treated. The earlier conviction may be an old one; the second killing may not be a virtual carbon copy of the first; it may be in relative terms a conviction for an offence which happened many years previously. All we are deciding is that a previous conviction for manslaughter may lead the judge to treat a subsequent offence of murder as an offence of particularly high seriousness. In our judgment, in the circumstances of this case, the judge was entitled to do so".

It was further submitted that if the 15 year starting point had been applied, even allowing for the aggravating features, the 33 year minimum term arrived at because the judge had taken the 30 year starting point would have been lower. In the court's judgment, given the aggravating features identified by the judge, including the previous conviction for manslaughter, he was entitled to conclude that this was an offence of particularly high seriousness, and that a 30 year starting point should apply. That conclusion would have reflected all the relevant aggravating features. Some discount from the starting point should have been allowed for his further conclusion that there was insufficient evidence to justify the case being treated as a planned or premeditated murder. They concluded that setting this consideration against all the remaining features of this particular offence, the minimum period of 33 years was too long, and should be replaced by a minimum term of 28 years.

But the story does not end with Golden Dawn. Mass murderer Anders Beiring Brevik declared himself inspired by the Serbian Christian cause, as does Roberto Fiore, another fascist who flies the flag of a 'Greater Serbia'. He was notorious for fleeing Italy in the 1980s to avoid prosecution following the massacre at Bologna railway station which left eighty-five dead and two hundred wounded. After Fiore, who had fled to London, was convicted in absentia for subversive conspiracy and membership of an armed gang, Her Majesty's Government repeatedly refused to countenance Italian extradition requests. (It is widely suspected that Fiore was recruited by MI6, and was given full rein to continue his 'Third Position' fascist activities, particularly in Libya, in exchange for information.) When in 1998 the Italian appeal court declared that Fiore's sentence had expired under the statute of limitations, Fiore returned to Italy and resumed his fascist career, even enjoying a stint in the European Parliament as an MEP from 2008-2009 as a representative for the coalition Social Alternative (Alternativa Sociale). Now, he leads Forza Nuova, and hangs out with the Serbian Radical Party which subscribes to the idea of a Greater Serbia and glorifies Ratko Mladi? and Radovan Karad?i? as 'Serbian heroes'.

It is hard to know where Europe's complicity with human rights abuses starts and ends. We extradite one set of citizens to torture states, while we appear to shield another set of citizens from prosecution altogether. 'After such knowledge, what forgiveness?'

R v Khaleel - 33 Year Sentence Reduced on Appeal to 28 Years

The appellant was convicted of murder and sentenced to life imprisonment with a minimum term of 33 years. The victim, Mr. Zubrot, was found lying dead in his home, a post mortem examination established that death had been caused by large stab wounds to the back of the head and neck, with multiple stab wounds to the neck and throat.

There was evidence of association between the appellant and the deceased prior to his death. The deceased enjoyed short term relationships with men of Asian or Mediterranean extraction and he and the appellant had met on three previous occasions. During at least one of them they had returned together to Mr Zubrot's flat. The appellant's interest in the deceased may well have been commercial. On the day of the murder they walked together and returned to the victim's home. Quite what led to the killing was unclear. It looked as though the appellant took his victim by surprise from behind, cutting his throat and jugular vein in two, while stabbing him in the neck. Afterwards the appellant disappeared from the scene, taking the murder weapon, a knife, with him.

At the time of this murder the appellant was on licence, having been released from prison following his conviction for a homicidal attack which had taken place in January 2003, in strikingly similar circumstances. On this occasion the appellant was convicted of manslaughter on the grounds of provocation and sentenced to 8 years imprisonment. The issue in the appeal arises from the way in which the judge reflected the impact of this first homicidal attack when assessing the seriousness of the offence and the appropriate minimum term.

The judge was prepared to accept that the murder of Mr Zubrot was not carried out for gain, and proceeded on the basis that there was no clear evidence that the appellant had taken a knife to the scene, and he could find no obvious planning or premeditation. On the other hand, he took into account the nature and ferocity of the attack, which he regarded as a cold blooded execution, as a seriously aggravating feature of the offence.

The judge addressed the previous conviction on the basis that the deliberate previous killing by an offender was a highly aggravating factor affecting the seriousness of the instant offence. All

at the highest level of the Heath government over the decision to prosecute trade unionists, in one of the most controversial cases of the last four decades. The letter was unearthed from the National Archives at Kew under the 30-year rule by researcher, Eileen Turnbull. It now forms part of the evidence assembled for the Criminal Cases Review Commission (CCRC) in a bid to overturn the convictions of union pickets arrested during the first-ever national building workers' strike in 1972. The strike lasted twelve weeks and resulted in a pay rise but the union's picketing tactics enraged the construction industry and the government.

Five months after the strike ended, the 24 were arrested and charged with offences ranging from conspiracy to intimidate to affray. They were convicted at Shrewsbury crown court in 1973 and six were jailed, with Tomlinson (two years) and Des Warren, (three years) receiving heavy sentences. Their case became a cause celebre for the left and the union movement.

In his letter, dated 25 January 1973, Sir Peter tells Carr that the strike had produced "instances of intimidation of varying degrees of seriousness" and he had to decide whether they should be prosecuted. But he added that "the intimidation consisted of threatening words and ... there was no evidence against any particular person of violence or damage to property." Sir Peter said that Treasury counsel, to whom the director of public prosecutions had referred the cases, "took the view that the prospects were very uncertain, and in the result I agreed with him that proceedings should not be instituted."

He added that the accused would have the right to a jury trial which "past experience shows" the defendants would certainly choose. One has therefore to consider the prospects of conviction by a jury rather than by a magistrates's court and you will appreciate that accordingly different considerations apply," he concluded. "First, the delay involved in bringing the case to trial would lend an air of unreality about the proceedings long after the strike has been settled and this would be likely to work in favour of the accused. Secondly, juries tend to treat mere words more leniently than actual violence.

Thirdly, a jury would be likely to be influenced by the political factor that conviction might revive a strike atmosphere." Despite this assessment, three weeks later the 24 were charged. The Conservative government at the time had close links with the building industry and was always suspected of being under pressure from that quarter to act.

Turnbull said that the letter and other documents clearly show that the decision to prosecute was taken for political reasons. "Its significance is that the highest law officers in the land ... were of the view that they did not have the evidence to prosecute." She said that other relevant documents were being held back under section 23 of the Freedom of Information Act, which applies to national security.

"This was a building workers strike," she said. "It was not, and could never be described as a threat to national security. We believe that the missing documents will show by whom and why the decision was taken to prosecute the pickets."

Tomlinson, now a successful actor in films and television such as The Royle Family and Brookside, said: "we have maintained our innocence for forty years. We have always known that there was political interference by Ted Heath's Conservative government in respect of the charges brought against us." He added that a lack of evidence clearly did not matter: "they decided to throw the conspiracy charge against us which was a way of getting around the evidence problem."

A spokesman for the CCRC confirmed that the case, which is being handled by the solicitors, Bindmans, was under active review. Sir Peter died in 2006, Robert (later Lord) Carr earlier this year and Des Warren in 2004.

Youth in Solitary Confinement in Jails and Prisons Across the United States

Young people are held in solitary confinement in jails and prisons across the United States, often for weeks or months at a time. The isolation of solitary confinement causes anguish, provokes serious mental and physical health problems, and works against rehabilitation for teenagers. Locking kids in solitary confinement with little or no contact with other people is cruel, harmful, and unnecessary: normal human interaction is essential to the healthy development and rehabilitation of young people; to cut that off helps nobody.

In 2011, more than 95,000 young people under age 18 were held in prisons and jails. A significant number of these facilities use solitary confinement – for days, weeks, months, or even years – to punish, protect, house, or treat some of the young people held there.

Because young people are still developing, traumatic experiences like solitary confinement may have a profound effect on their chance to rehabilitate and grow, the groups found. Solitary confinement can exacerbate short- and long-term mental health problems or make it more likely that such problems will develop. Young people in solitary confinement are routinely denied access to treatment, services, and programming required to meet their medical, psychological, developmental, social, and rehabilitative needs.

In fiscal year 2012, which ended in June, more than 14 percent of all adolescents were held in at least one period of solitary confinement while detained. The average length of time young people spent in solitary confinement at Rikers Island was 43 days. More than 48 percent of adolescents at Rikers have diagnosed mental health problems.

Young people interviewed for the report repeatedly described how solitary confinement compounded the stress of being in jail or prison. They spoke about cutting themselves with staples or razors while in solitary confinement, having hallucinations, and losing touch with reality. Several said they had attempted suicide multiple times in solitary confinement.

Those allowed outside described only being allowed to exercise in small metal cages, alone, a few times a week. Several said they could not get books, magazines, paper, pens or pencils, or attend any classes or programming. For some, the hardest part about solitary confinement was being denied visits and not being able to hug their mother or father.

The solitary confinement of young people under age 18 is itself a serious human rights violation and can constitute cruel, inhuman, or degrading treatment under international human rights law, Human Rights Watch and the ACLU said. Conditions that compound the harm of solitary confinement, such as denial of educational programming, exercise, or family visits, often constitute independent, serious human rights violations.

A number of corrections officials have begun to recognize and speak against the use of solitary confinement, saying that it is costly, ineffective, and harmful. *Human Rights Watch, 11/10/12*

Move from Youth to Adult Services in the Criminal Justice System Should be Less Disruptive

Work to help 18-year-olds in the criminal justice system move from youth services to adult services needed to improve, said independent inspectors, as they published the report of a joint inspection of transition arrangements.

In both custody and the community, there needed to be more effective processes and greater use of professional judgement so that young people were better informed and involved, continuity was maintained and work with young people to reduce reoffending and promote rehabilitation wasn't disrupted. A change of services at 18, with the potential for disruption if not handled well, occurred during the peak period for reoffending.

ernment could send its own citizens to a country in the full knowledge of the living hell they would most probably endure, literally entombed in the special solitary confinement regime of a supermax prison. Here, incarceration is within a concrete single cell with remote-control solid-steel doors designed to cut off all sound and visual contact with others. And punishments are meted out via electric shock devices such as stun guns and cattle prods, restraint chairs and the 'five-point restraint' which leaves prisoners 'strapped to a steel bed and lying in their own waste for up to 48 hours'.

Whether Babar Ahmad, or Talha Ahsan (who suffers from Asperger's Syndrome and is gifted with a unique and surreal poetic mindscape – as recognised by, among others, the Koestler Trust) were guilty of providing material support for terrorism from 1997-2004 and other crimes of conspiracy through their website Azaam.com, should have been a matter for a British court to decide. For Britain is a country which, for as its prime minister now assuredly knows, prides itself on Magna Carta. - 'No Freeman shall be taken or imprisoned, or be disseized of his Freehold, or Liberties, or free Customs, or be outlawed, or exiled, or any other wise destroyed; nor will We not pass upon him, nor condemn him, but by lawful judgment of his Peers, or by the Law of the land'

The double standard" The sense of injustice grows when the cases of these three Muslim citizens are juxtaposed to cases of non-Muslim men who have not even been charged with providing material support for terrorism, despite compelling evidence. Many of the Muslims who have been rendered to torture states in the name of the war on terror appeared on the radar of the intelligence services because they were believed, prior to September 11, to have raised funds for or actively supported the 'jihad' in Afghanistan (during the Soviet Occupation, or subsequently worked alongside the Taliban), Chechnya (remember the devastating Russian offensive and siege of Grozny), or fought in Bosnia, or aided the resistance to Israeli occupation in the Palestinian Territories.

What of the white/indigenous soldier adventurers of Europe's far Right, some of whom dabbled in exactly the same asymmetric wars (in their case, on the side of the military powerful), but are not considered pariahs, or extradited to legal black holes as 'enemy combatants'?

Whilst researching the IRR report Pedlars of Hate: the violent impact of the European far Right I began to see a pattern amongst our intelligence services and police: failure to bring prosecutions against far-right extremists, and even, as is currently being exposed in the ongoing German parliamentary investigation into the National Socialist Underground, collusion with neo-nazis via totally inappropriate informer schemes. I began to ask myself why were there no prosecutions against those fascists who provided material support for Serbian terror in Bosnia or who 'glorified' the ethnic cleansing of Muslims at Srebrenica? Nowadays, EU apparatchiks are deeply concerned about the rise of Golden Dawn in Greece, especially now that the level of collusion between the police and the neo-Nazis is becoming so apparent. But where was the EU and intelligence services' concern when neo-Nazis in Greece and elsewhere were glorifying the massacre of 8,000 men women and children in Srebrenica, the worst massacre in Europe since the second world war? Surely, our politicians and intelligence services were not unaware of claims that a 100-strong unit of Greek volunteers (the Greek Volunteer Guard, some of whom, it is alleged, were supporters of Golden Dawn) fought in Bosnia on the side of the Bosnian Serbs and that some may even have participated in the Srebrenica Massacre, reportedly, on Ratko Mladic's instigation, hoisting a Greek flag over the town. Today, Golden Dawn has eighteen seats in the Greek parliament; it is not unknown for members to carry out acts of violence, even in front of TV cameras – and yet somehow they avoid arrest and prosecution.

b) involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device

3.11 The definition of residential premises includes prison cells.

3.12 'Secret' surveillance is defined in section 26(9(a) as any surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place. It should be noted that where staff wish to deploy the use of overt CCTV to constantly monitor a prison cell for example for the prisoner's own safety (and not for the purposes of preventing or detecting serious crime) this may be authorised within the provisions of Prison Rule 50A.

Information obtained by 'Secret' surveillance is shared securely with identified stakeholders.

3.13 Product from 'Secret' surveillance cannot be used, disclosed or shared with another agency without authorisation by the Authorising Officer or another person outlined in the Restricted PSI. A record of any use of the product must be obtained.

3.14 Authorising Officers must comply with the disclosure requirements of the Criminal Procedure and Investigations Act (CPIA) and should seek advice from the CAB if uncertain whether to disclose product or not.

3.15 Staff must neither confirm nor deny (NCND) a 'Secret' surveillance operation unless authorised to do so by an appropriate senior manager or required to do so by law.

3.16 Further information is set out in the restricted PSI.

European Collusion in Human Rights Abuse Liz Fekete, IRR, 11/1012

How is it that Muslim citizens accused of support for terrorism are not charged but extradited, while far-right supporters of terrorism roam free?

On 24 September, as part of a forty-strong delegation of observers, I was in Morocco at the appeal hearing in the Rabat-Salé court of the Belgian-Moroccan dual national, Ali Aarrass. Aarrass' conviction and fifteen-year sentence on terrorism charges rested solely on evidence extracted under torture. No representatives of the Spanish or Belgian governments were in court that day to observe the appeal of a European citizen, despite both governments' complicity in his subsequent torture. (Spain had extradited Ali, a resident in Melilla, to Morocco, in contravention of a UN request to stay his removal, while Belgium had done nothing to protect the basic human rights of its citizen.) In a statement after the verdict, which merely upheld the conviction (while reducing the sentence to twelve years), Aarrass' lawyers pointed out that the judges had 'failed to maintain even the appearance of a fair hearing. Two of the judges were obviously sleeping, while the presiding judge was consulting his mobile phone.' Furthermore, Ali Aarrass's evidence was cut short and he was not allowed to describe the torture he had been subjected to.

Collusion with torture: No words can express the powerlessness I felt in that court, knowing that a man sitting in the same room, in a glass cage, had been tortured, brutalised by appalling acts to sign a confession into crimes he had consistently denied, and was locked in an inhumane system I can only describe as a nighmarish hell. I imagine what I felt was something akin to the sense of personal failure that US death penalty campaigners must feel every time they stand outside a prison, knowing that someone inside has been condemned. So that when I woke up on the morning of 6 October, and heard the news that both Babar Ahmad and Talha Ahsan had been extradited to the United States of America, after the Director of Public Prosecutions, Keir Starmer, had refused, once again, to bring a prosecution against them in the UK, my thoughts immediately turned to the families and legal team of these two British citizens and to the defenders of their basic rights. Like them, I was horrified that our gov-

The report, Transitions: an inspection of the transition arrangements from youth to adult services in the criminal justice system, reflects the findings of HM Inspectorate of Probation, the lead inspectorate, HM Inspectorate of Prisons, the Care Quality Commission, Estyn, Healthcare Inspectorate Wales and Ofsted, who carried out this inspection in six locations in England and Wales. Inspectors looked at the work that takes place to help young people as they move from working with youth-based to adult-based services to find out what front line practitioners were doing to promote an effective transition between the various services and how it could be improved.

Although inspectors found examples of individual good practice, the report also found that work to promote effective transition did not always receive sufficient attention.

- Not all young people in the community who were eligible for transfer to adult-based services were identified - so transfer, when initiated, was undertaken too late and with insufficient information;

- Young people were not always as informed or involved as they should have been, and some young people reported that in custody, they felt unprepared for the reality of a move to an adult establishment;

- There was a lack of work with those in health and education, employment and training to ensure that services needed by the young person were continued;

- There was insufficient timely sharing of information between the youth-based and adult-based services to enable sentence plans to be delivered without interruption;

- In custody, insufficient forward planning and communication led to a gap in sentence planning and delivery of interventions after young people had transferred to an over-18 YOI/prison.

During the course of the inspection, the Youth Justice Board took the lead in establishing a forum to bring together all the government departments involved to promote improvements. Inspectors found some signs that transition work was starting to receive greater attention and that national and local protocols were starting to make some difference.

Chief Inspector of Probation, Liz Calderbank, said on behalf of all inspectorates:

'Transitions matter. They are important rites of passage which, if successfully negotiated, can advance a young person's journey to adulthood. For young people who offend, this period can be problematic and signify changes in key relationships, often at a time of peak reoffending. Effectively handling the many transitions that young people in the criminal justice system have to make is challenging but of paramount importance.' Ministry of Justice, 11/10/12

Manchester Man Jailed Over Anti-Police T-Shirt Worn After PC Killings

A man who wore a homemade T-shirt containing an offensive anti-police sentiment in the immediate aftermath of the deaths of PCs Fiona Bone and Nicola Hughes has been jailed for a total of eight months. Barry Thew, 39, of Radcliffe, Manchester, was sentenced at Minshull Street crown court in Manchester to four months in prison, after admitting a section 4a public order offence – displaying writing or other visible representation with intention of causing harassment, alarm or distress.

Thew also admitted breaching a suspended sentence imposed for a previous offence of cannabis production for which he was ordered to serve another four months concurrently. The court heard that at 2.15pm on 18 September, less than three-and-a-half hours after the officers were killed, he was seen in Radcliffe town centre wearing a white T-shirt with the handwritten message on the front and back. He was arrested and taken into custody after complaints from outraged members of the public.

Prison Service Instruction 22/2012: 'Secret' Surveillance of Prisoners

[Below is the public version but not the extended version, which is Secret]

Regulation Of Investigatory Powers Act: National Security Framework - Ref: NSF 4.6

Issue Date 16/07/2012 / Effective Date 30/07/2012 / Expiry Date 16/07/2016

1.1 The Regulation of Investigatory Powers Act (RIPA) came into force in 2000 and provides prisons with a power to use 'Secret' surveillance. The legislation and associated Codes of Practice provide the framework for the use of 'Secret' surveillance and the application within prisons is set out in this PSI.

1.2 This PSI replaces the previous version of PSO 1000 - National Security Framework Function 4 regarding 'Secret' surveillance.

1.3 A restricted PSI is being issued to governors, which contains more detailed instructions. Governors must only share that PSI with staff engaged or likely to be engaged in the use of 'Secret' surveillance.

1.4 This instruction covers 'Secret' surveillance by public authorities (directed surveillance) and 'Secret' surveillance in a dwelling (includes a cell) or private vehicle (intrusive surveillance).

Desired Outcomes

1.5 All prisons will use 'Secret' surveillance where it is necessary and proportionate to do so for the purposes of preventing or detecting crime/serious crime, preventing disorder, or on the grounds of public safety.

1.6 All prisons will have trained staff in the key roles to ensure that 'Secret' surveillance is undertaken in accordance with the law.

1.7 Use of 'Secret' surveillance will be an integral part of the intelligence gathering system within prisons.

1.8 'Secret' surveillance will assist with the maintenance of control in prisons and allow Managers to take informed decisions.

1.9 Compliance with RIPA across the whole prison estate and for this to be confirmed annually by the Office of Surveillance Commissioners (OSC).

Application

1.10 This PSI is applicable to all establishments although it should be noted that in Contracted Out prisons, the application and authorisation process is slightly different.

Mandatory Action

1.11 'Secret' surveillance must only be undertaken in accordance with the law.

1.12 Overt CCTV cameras must not be used for pre planned target use against prisoners or visitors unless supported by an appropriate RIPA authorisation.

1.13 At all times, there must be at least one trained Authorising Officer available to consider an application for 'Secret' surveillance of a public place (directed surveillance).

1.14 All applications for 'Secret' surveillance must be on 'Secret' surveillance form 1 unless the urgent oral application provisions are being used.

1.15 All applications must contain a URN obtained from the Central Authorities Bureau (CAB) in Security Group before being submitted to the Authorising Officer.

1.16 An application to undertake 'Secret' surveillance in a prisoner's cell or within a private vehicle must be submitted to the CAB to quality assure before submission to a Secretary of State for authorisation except where such activity is required in immediate response to a hostage incident in a cell.

1.17 RIPA powers must not be used if the grounds for the 'Secret' surveillance are not allowed for by the legislation. Therefore if 'Secret' surveillance is sought to investigate a matter that will be subject to disciplinary matters only (e.g. secondary employment) RIPA powers must not be used.

Resource Impact: 1.18 There may be a minor cost in updating local instructions but no new policy is being introduced so in effect this PSI is cost neutral, particularly in establishments with appropriate systems in place.

Policy and Strategic Context: 2.1 The Human Rights Act (HRA) 1998 incorporated into UK law the rights set out in the European Convention on Human Rights (ECHR). One such right is the right to respect for private and family life (Article 8). Where NOMS seeks to obtain private information by means of 'Secret' information it is likely that this right will be engaged. The authorisation procedures in RIPA are designed to ensure that any interference with this right is likely to be justifiable as being in accordance with law, necessary in pursuit of a legitimate aim, and proportionate.

2.2 NOMS has powers to use directed surveillance for the purposes of the prevention or detection of crime, preventing disorder, or on the grounds of public safety.

2.3 NOMS has powers to use intrusive surveillance for the purpose of the prevention or detection of serious crime only.

2.4 Alongside this PSI, which is written in order to be available to all staff, is a restricted PSI that will be sent to governors only for distribution to staff engaged in 'Secret' surveillance applications, gatekeepers, and Authorising Officers, and other staff as necessary on a need to know basis.

3.1 'Secret' surveillance forms part of the intelligence gathering opportunities for prison managers.

3.2 Detailed policy and operational procedures are set out in a restricted PSI.

3.3 There must be no 'Secret' surveillance unless the proper application process has been followed and an authorisation given by an appropriate Authorising Officer, listed in the 'Secret' surveillance order or codes of practice as having power to carry out the role.

3.4 Reviews, renewals, and cancellations must be carried out in a timely manner.

3.5 Arrangements must be in place at the time of the application for the management and storage of material from 'Secret' surveillance.

3.6 All who are engaged in the 'Secret' surveillance operation must be fully briefed and must sign a declaration that they have seen a written copy of the authority and that they understand what is permitted through the authorisation.

3.7 Product from 'Secret' surveillance cannot be shared with another Agency or used in evidence without authority of the Authorising Officer or in certain cases, the Head of Security Group in HQ.

3.8 Records must be maintained by the Central Authorities Bureau (CAB) in Security Group. The CAB also provides Unique Reference Numbers (URN) for all applications before the application is considered by the AO.

3.9 Directed Surveillance is defined in section 26(2) of the 2000 Act as surveillance which is Secret', but not intrusive, and undertaken:

* for the purposes of a specific investigation or specific operation
* in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation)
* otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under Part II of the 2000 Act to be sought for the carrying out of the surveillance

Intrusive Surveillance

3.10 Intrusive surveillance is defined in section 26(3) of the Act as 'Secret' surveillance that:

a) is carried out in relation to anything taking place on any residential premises or in any private vehicle; and