spective of the prison they are held in, will wear prison clothing while on the basic level. All offenders returned to prison for breaching licence conditions will be placed on the entry level regardless of which level they had reached before release.

Call for the Immediate Release of Stephen Murney

Justice Watch Ireland (JWI) has written to the British secretary of state Theresa Villers and Justice Minister, David Ford, calling for the immediate release of Stephen Murney. JWI has thoroughly assessed Mr Murneys' case and consulted some of the leading Law experts available to which we all individually concluded that there is no case to be answered. Justice Watch Ireland are more than concerned that Mr Murney may be a victim of the most blatant abuse of the Justice system seen in the last decade. We are equally concerned that should this practice of Justice Abuse be allowed to continue it could well threaten the Human Rights of all citizens in the future. JWI call for Stephen Murney to be release on unconditional bail as a matter of urgency. We believe the case to be one of many now being termed 'internment by remand'.

- Stephen was arrested on 29th November to which he was transported to Antrim Serious Crime Suite to be questioned before subsequently being charged overnight to Court on 1st December 2012 on the following charges:-

1.) Collecting Information likely to be to the use to Terrorists

- 2.) Collecting information likely to be to the use of Terrorists
- 3.) Possession of Articles for use in Terrorism

All the above were clearly refuted by his defence team - Stephen made a bail application in front of his Worship District Judge King on 1st December. Bail restrictions imposed on Stephen Murney were draconian: - Stephen was to reside in Meigh, a rural village in County Armagh roughly 11 miles outside the town of Newry.

- Stephen was tasked to sign Police Bail at Newtownhamilton Police Station. Newtownhamilton is approx. 16.5 miles from Meigh taking the main roads B113 + A25.

- Stephen cannot enter the Newry Area, preventing him from accessing his doctor and other essential services.

- Furthermore no direct link by bus or train exists between the town of Meigh and Newtownhamilton - The only possible route available for Stephen to use public transport from Meigh to Newtownhamilton is through the Newry City Bus Depot however Stephen would then be in breach of his conditions.

- Stephen is not allowed any telephone equipment in the house - this therefore impedes him from contacting anybody else to arrange transport. As it stands it is simply impossible for Stephen to meet the current residence condition and the signing on condition imposed

Hostages: **Hostages:** Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, 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, 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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MOJUK: Newsletter 'Inside Out' No 430 20/06/2013)

UN Committee Against Torture Say UK Not So Squeaky Clean on Human Rights

Concluding observations on the fifth periodic report of the United Kingdom, adopted by the UN Committee against Torture report at its fiftieth session (6-31 May 2013)

Principal subjects of concern and recommendations:

7. Incorporation of the Convention in the domestic legal order:The Committee notes the position of the State party that the Human Rights Act incorporates the European Convention of Human Rights, including the prohibition of torture contained therein, in its legislation. The position of the Committee is, however, that the incorporation of the Convention against Torture into the State party's law and the adoption of a definition of torture in full conformity with article 1 of the Convention would strengthen the protection framework allowing individuals to invoke the provisions of the Convention directly before the courts (art. 2). Committee recommends that the State party incorporate all the provisions of the Convention against Torture in its legislation and raise awareness of its provisions among members of the judiciary and the public at large.

8. The Human Rights Act 1998: The Committee welcomes the assurance given by the State party's delegation that the European Convention on Human Rights will remain incorporated in its legislation, regardless of any decision on a Bill of Rights. It is concerned, however, that the Human Rights Act 1998 is the subject of negative criticisms by public figures (art.2). State party should ensure that public statements or legislative changes such as the establishment of a Bill of Rights do not erode the level of constitutional protection afforded to the prohibition of torture, cruel, inhuman or degrading treatment or punishment currently provided by the Human Rights Act.

9.Extraterritoriality: The Committee is concerned by the State party's position on the extraterritorial application of the Convention, in particular that although its armed forces are required to comply with the absolute prohibition against torture as set out in the Convention, it considers that the scope of each article of the Convention 'must be considered on its terms' (CAT/C/GBR/Q/5/Add.1, para. 4.5) (art. 2).

Committee calls upon the State party to publicly acknowledge that the Convention applies to all individuals who are subject to the State party's jurisdiction or control, including to its armed forces, military advisers, and other public servants deployed on operations abroad. Recalling its General Comment No. 2 (2008), the State party reminds the State party of its obligations to take effective measures to prevent acts of torture 'not only in its sovereign territory but also in any territory under its jurisdiction', including 'all areas where the State party exercises, directly or indirectly, in whole or in part, de jure or de facto effective control, in accordance with international law' (para. 16).

10. Ambiguities in the legislation:The Committee is concerned by remaining ambiguities in the State party's legislation, which appear to provide an 'escape clause' to the absolute prohibition of torture. It notes in particular that, despite its previous concluding observations (CAT/C/CR/33/3, para. 4(a)(ii)), the State party has not yet repealed Section 134 (4) and 134(5) of the Criminal Justice Act 1988 which provides for a defence of "lawful authority, justification or excuse" to a charge of official intentional infliction of severe pain or suffering and for a defence for conduct that is permitted under foreign law, even if unlawful under the State party's law (art. 2).

The State party should repeal Section 134(4) and 134(5) of the Criminal Justice Act 1988 and ensure that its legislation reflects the absolute prohibition of torture, in accordance with article 2, paragraph 2, of the Convention, which states that no exceptional circumstances whatsoever may be invoked as a justification of torture.

11. Consolidated Guidance to Intelligence Officers and Service Personnel: The Committee welcomes the publication in 2010 of the Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees (Consolidated Guidance) as an important step toward ensuring transparency and accountability in relation to the actions of its personnel operating overseas and their relationships with foreign intelligence services. The Committee further welcomes the State party's delegation assurance that this framework is 'absolutely not intended as allowing torture to proceed' but to 'prevent it'. It remains concerned, however, that ambiguities in the Consolidated Guidance remain, noting in particular the possibility to seek assurances in situations where actions of foreign security and intelligence services pose a serious risk of torture or other ill-treatment to 'effectively mitigate that risk to below the threshold of a serious risk'(Consolidated Guidance, paras. 17-21) (arts. 2 and 3).

The Committee urges the State party to reword the guidance in order to avoid any ambiguity or potential misinterpretation. The State party should in particular eliminate the possibility of having recourse to assurances when there is a serious risk of torture or ill-treatment, and require that intelligence agencies and armed forces cease interviewing or seeking intelligence from detainees in the custody of foreign intelligence services in any case where there is a risk of torture or ill-treatment. The State party should also ensure that military personnel and intelligence services are trained with regard to the absolute prohibition of torture and ill-treatment.

12. Closed Material Procedures:Notwithstanding the State party's position that the Justice and Security Act 2013 will strengthen the oversight and scrutiny of the security and intelligence agencies, it is concerned that it also extends the use of Closed Material Procedures in civil proceedings where 'national security' is at risk. The Committee notes that the decision was made despite the European Court of Human Rights ruling in A and Al. v. UK that the system of Special Advocate System used in Closed Material Procedures was insufficient to safeguard detainees' rights, as well as other severe criticisms, including from the UN Special Rapporteur on Torture and the majority of Special Advocates (Memorandums to the Joint Committee on Human Rights on the Justice and Security Bill, June 2012 and February 2013). The Committee notes in particular that (arts. 2, 15 and 16):

(a) Special Advocates have very limited ability to conduct cross-examination and cannot discuss full content of confidential materials with their client thus undermining the right to a fair trial; (b) Much of the closed evidence is heavily reliant on information from secret intelligence source and may contain second- or third- hand hearsay or other material and statements that may have been obtained by torture, which would not be admissible in ordinary criminal or civil proceedings except against a person accused of torture as evidence that the statement was made; (c) Closed Material Procedures may adversely impact on the possibility to establish State's responsibility and accountability.

The Committee recommends that all measures used to restrict or limit fair trial guarantees based on national security grounds be fully compliant with the Convention. The State party should in particular: (a) Address the concerns raised with regard to the Justice and

Convicted prisoners who refuse to work do not receive any pay. Unconvicted prisoners can choose whether or not to work; if they do not work, they do not receive any pay. Prisoners of retirement age can choose not to apply for work. Prisoners who are short- or long-term sick are not required to work while they are ill. We are changing the purpose of the Incentives and Earned Privileges (IEP) scheme so that not only are prisoners expected to behave well, but they will also be expected to work towards their own rehabilitation and help other prisoners or staff. Part of this is delivered through work in prisons, but this is not the only purposeful activity prisoners must do. As part of their sentence plan they may be required to take part in education or specific treatment courses. To gain access to privileges while in prison, offenders will have to engage with purposeful activity outlined to them or they will stay on the basic level of the regime. This would mean they would have to wear prison clothes and would not have access to an in-cell television.

Michael Stone Refused Judicial Review

Stone, formerly of Skinner Street, Gillingham, was handed a life sentence with a minimum of 25 years behind bars after he was convicted of two counts of murder and one of attempted murder after a retrial in February 2001. He failed in a challenge of his convictions at the Appeal Court in 2005 and the Criminal Cases Review Commission also dismissed his complaints in 2009.

Despite several failed bids to challenge his conviction, Stone last year sought to resurrect his case by asking a forensic expert to examine towel strips used to tie up the Russells during the murder, claiming "the true killer" might have left traces on them, the judge added. Kent Police said it would be willing to let the expert see the material after they received a written request. However, the force's Serious Crime Directorate then refused disclosure last July insisting there was "no legal basis" as Stone had exhausted all routes of appeal. Stephen Cragg QC, for Stone, argued Kent Police created a "legitimate expectation" it would hand over the material, which he said might contain the DNA of other suspects.

Now a senior judge at London's High Court has rejected calls by Stone for a full judicial review of Kent Police's refusal to give him access to DNA evidence - which he claims could reveal "the true killer". Mr Justice Haddon-Cave said the request – made by a forensic analyst instructed by the killer in March last year – was nothing more than a "fishing expedition" that would not come "within a mile" of casting doubt on Stone's guilt. "The jury at the retrial were well aware and told that there was no DNA evidence linking Stone. The jury convicted him, nonetheless, on the evidence which the Criminal Court of Appeal were entirely satisfied with. The family of the victims and the victim of the attempted murder are entitled to finality. There have been two trials, two appeals, an unsuccessful application to the CCRC, an unsuccessful challenge to the Divisional Court. This should be an end to the matter." *Kent Online, 12/06/13*

Prisons: Uniforms

Sadiq Khan: To ask the Secretary of State for Justice in which (a) publicly-run and (b) privately-run prisons prisoners are expected to wear a uniform at (i) entry level and (ii) any other times.

Jeremy Wright: We have announced an overhaul of the Incentives and Earned Privileges (IEP) scheme which will require prisoners to engage positively in their own rehabilitation as well as complying fully with prison regimes. The changes will apply to adult male prisoners aged 18 or over in all categories of prison, both private and publicly run. Remand prisoners, and those newly convicted, will wear prison clothing during the 14-day entry level period. All male prisoners aged 18 or over who are placed on the basic level of the IEP scheme, irre-

made the decision to revoke his Vietnamese nationality. The SSHD's subsequent decision to deprive him of his British nationality made him de jure stateless as he no longer had nationality under the law of any state see paragraphs 84-87).

The SSHD maintained her decision was lawful as it made B2 de facto stateless, but not de jure stateless. The SSHD argued that the Vietnamese Government had failed to revoke B2's Vietnamese nationality in accordance with the procedures set out in Vietnamese law. As a result, B2 continued to hold Vietnamese nationality under Vietnamese law. The SSHD was therefore permitted to deprive B2 of British nationality as this only rendered him de facto stateless i.e. B2 held Vietnamese nationality, but was not protected by any state, see paragraphs 81-83).

Court of Appeal agreed with the SSHD. The fact that the Vietnamese government had reached its decision on B2's nationality without applying any of the procedures for revoking Vietnamese nationality under Vietnamese law rendered their decision unlawful. Executive control over the operation of Vietnamese nationality law did not obviate the Vietnamese Government's unlawful decision paragraph 91. The British courts were obliged to respect the rule of law and could not uphold a decision by a foreign state which was contrary to that state's law.

Delivering the judgement for the court, Jackson LJ provides the following interpretive guidance at paragraph 92: "If the relevant facts are known and on the basis of those facts and the expert evidence it is clear that under the law of a foreign state an individual is a national of that state, then he is not de jure stateless. If the Government of the foreign state chooses to act contrary to its own law, it may render the individual de facto stateless. Our own courts, however, must respect the rule of law and cannot characterise the individual as de jure stateless."

The Vietnamese Government's failure to revoke B2's nationality in accordance with Vietnamese law meant B2 had remained a Vietnamese national. Therefore, the SSHD's order to deprive his British nationality was lawful as B2 would not become de jure stateless. Abu Hamza v SSHD (SIAC, 5th November 2010) was upheld.

The CA's ruling may be viewed as a missed opportunity to relax the somewhat academic distinction between de jure and de facto statelessness (see UNHCR's 'Massey Report'). In anticipation of this critique, Jackson LJ submits at paragraph 92 of the CA's judgement: "If this outcome is regarded as unsatisfactory, the remedy is to expand the definition of stateless persons in the 1954 Convention or in the 1981 Act, as some have urged. The remedy is not to subvert the rule of law. The rule of law is now a universal concept. It is the essence of the judicial function to uphold it."

The case also raises serious questions about the SSHD's wide discretion and the legal safeguards in relation to citizenship deprivation orders under S.40(2) of the 1981 Act. In the present case, public interest concerns prevented the disclosure of part of the information on which the SSHD decided to issue the order against B2 see judgement paragraph 13). It is hoped that S.40(2) and the cloak provided by public interest concerns do not evolve into an expedient tool to remove 'undesirable' dual nationals.

Prisons: Employment *House of Commons/10 Jun 2013 : Column 96W*

Priti Patel: To ask the Secretary of State for Justice what the stated criteria for exemption from prisoner work are for people who are not earning under the Prisoner Earnings Act 1996.

Jeremy Wright: Convicted prisoners can be compelled to work in accordance with Prison Rule 31. Increasing numbers of prisoners are working. Statistics published in June 2012 show that in 2010-11 public sector prisons delivered around 10.6 million prisoner working hours which increased to over 11.4 million hours in 2011-12.

Security Act 2013 by the Joint Committee on Human Rights and the Special Advocates;

(b) Ensure that intelligence and other sensitive material be subject to possible disclosure if a Court determines that it contains evidence of human rights violations such as torture or cruel, inhuman or degrading treatment;

(c) Ensure that the Justice and Security Act 2013 will not become an obstacle to accountability for State party involvement or complicity in torture, cruel inhuman or degrading treatment and will not adversely impact on the right of victims to obtain redress, remedy, and fair and adequate compensation.

13. Non-Jury trials in Northern Ireland: The Committee notes with appreciation measures taken in Northern Ireland in the context of the security normalisation programme but regrets that the Justice and Security (Northern Ireland) Act 2007 retains the possibility for the conduct of non-jury trials, despite the apparent consensus among a broad range of actors that the problem of juror intimidation in Northern Ireland still needs to be demonstrated (art. 2).

Committee recommends that the State party take due consideration of the principles of necessity and proportionality when deciding the renewal of emergency powers in Northern Ireland, and particularly non-jury trial provisions. It encourages the State party to continue moving towards security normalisation in Northern Ireland and envisage alternative juror protection measures.

14. National Preventive Mechanism:The Committee, fully cognizant of the State party's willingness to promote experience sharing, notes that the practice of seconding State officials working in places of deprivation of liberty to National Preventive Mechanism' bodies raises concerns as to the guarantee of full independence to be expected from such body (art. 2).

Committee recommends that the State party end the practice of seconding individuals working in places of deprivation of liberty to National Preventive Mechanism' bodies. It recommends that the State party continue to provide bodies constituting the National Preventive Mechanism with sufficient human, material and financial resources to discharge their prevention mandate independently and effectively.

15. Inquiries into allegations of torture overseas:The Committee is deeply concerned at the growing number of serious allegations of torture and ill-treatment, including by means of complicity, as a result of the State party's military interventions in Iraq and Afghanistan. It welcomes the State party assurances that it intends to 'hold an independent, judge-led inquiry' and to publish as much as possible of the interim report of the 'Detainee Inquiry' conducted by Sir Peter Gibson to examine the involvement of State security and intelligence agencies in 'improper treatment of detainees held by other countries in counter-terrorism operations overseas'. The Committee is concerned that the State party has not yet set a clear timeline for the establishment of the new inquiry, which may result in the amendment of article 134, Section 4 and 5 of the Criminal Act 1988, and for the publication of the interim report of Sir Peter Gibson (arts. 2, 12, 13, 14 and 16).

Committee recommends that the State party establish without further delay an inquiry on alleged acts of torture and other ill-treatment of detainees held overseas committed by or at the instigation of or with the consent or acquiescence of British official. It should ensure that the new inquiry is designed to satisfactorily address the shortcomings of the 'Detainee Inquiry' identified by a broad range of actors. In this regard, the Committee encourages the State party to give due consideration to the report of the UN Special Rapporteur on Torture on best practices for commissions of inquiry into allegations of this nature (A/HRC/22/52). The State party should ensure that all perpetrators of torture and ill treatment which would be identified in the context of the inquiry are duly prosecuted and punished appropriately, and that effective reparation, including adequate compensation, is

granted to every victim. Furthermore, the Committee urges the State party to speedily publish the fullest extent possible of the interim report of the Detainee Inquiry.

16. Accountability for abuses in Iraq:The Committee notes the establishment of some inquiries into allegations involving the State party's army in Iraq, such as the Baha Mousa Public Inquiry and the on-going Al-Sweady Inquiry. It notes the establishment of the Iraq Historic Allegations Team set up to investigate allegations of abuse of Iraqi citizens by British Service personnel, but remains concerned that its composition and structural independence is further challenged, as close institutional links with the Ministry of Defence remain. In view of the number and persistence of legal claims submitted by Iraqis who allege that they were subject to abuse by British officials in Iraq between 2003 and 2009, the Committee regrets that the State party continue to resist a full public inquiry that would assess the extent of torture and ill-treatment and establish possible command responsibility for senior political and military figures. Furthermore, it is deeply concerned that, to date, there have been no criminal prosecutions for torture or complicity in torture involving State's officials, members of the security services or military personnel, although there have been a number of court martials of soldiers for abuses committed in Iraq against civilians (arts. 2, 13, 14 and 16).

Committee urges the State party to take all necessary measures, including setting up a single, independent public inquiry, to investigate allegations of torture and cruel, inhuman or degrading treatment or punishment in Iraq from 2003 to 2009, establish responsibilities and ensure accountability. In accordance with the Committee's general comment No. 3 on implementation of article 14 by States parties, the State party should also ensure that all victims of torture, cruel, inhuman or degrading treatment obtain redress and are provided with an effective remedy and reparations, including restitution, fair and adequate financial compensations, measures of satisfaction and appropriate medical care and rehabilitation.

17. Appropriate penalties for torture:The Committee is deeply concerned that despite the gravity of the injuries inflicted by British soldiers to Baha Mousa, the investigation and prosecution of his death has led to acquittal or charges dropped for six of them and only one year imprisonment for the corporal who pleaded guilty to inhumane treatment (arts. 4, 13 and 14).

Recalling that penalties that are commensurate with the gravity of the crime of torture are indispensable in order to have a successful deterrent effect, the Committee urges the State party to ensure that torture or complicity in torture committed by State party's officials, members of the security services or military personnel abroad are subjected to appropriate penalties, in accordance with the seriousness of the crime, in line with article 4 of the Convention.

18. Reliance on diplomatic assurances:The Committee notes with concern the State party's reliance on diplomatic assurances to justify the deportation of foreign nationals suspected of terrorism related offences to countries in which the widespread practice of torture is alleged (arts. 3 and 13).

The Committee calls on the state party to ensure that no individual, including persons suspected of terrorism, who are expelled, returned, extradited or deported, is exposed to the danger of torture or cruel, inhuman or degrading treatment or punishment. It urges the State party to refrain from seeking and relying on diplomatic assurances 'where there are substantial grounds for believing that [the person] would be in danger of being subjected to torture' (art. 3). The more widespread the practice of torture or cruel, inhuman or degrading treatment is, the less likely it will be that a real risk of such treatment can be avoided by diplomatic assurances, however stringent any agreed follow-up procedure may be. Therefore, the Committee considers that diplomatic assurances are unreliable and ineffective and should not be used

and Daly being able to overturn the decision. However, a fresh challenge is now being prepared, with trial transcripts being sought by their lawyers. Dermot Fee QC, for Murphy, told the Court of Appeal his client was in the process of seeking legal aid. He said: "Because he is out of the jurisdiction, there has to be a formal accountancy report. That is being obtained."

Brett Lockhart QC, for the victims' relatives, expressed disappointment that the appeal was formally lodged just before the time limit ran out. He pointed out that the legal battle has been going on for 12 years. Predicting the case could be completed in a two-day hearing, Mr Lockhart added: "At the moment I'm struggling to understand the grounds of appeal." But after defence counsel suggested it could take twice as long, judges agreed to allow one week for submissions. Lord Justice Higgins said: "We will fix it for the week commencing November 25."

SSHD Succeeds in Terror Suspect Citizenship Deprivation Appeal *By Freemovement*

Court of Appeal (CA) has in case of B2 v Secretary of State for the Home Department (SSHD), [2013] EWCA Civ 616 (24/05/13) allowed the Home Secretary to deprive a British-Vietnamese dual national of British citizenship following his alleged involvement in terrorism related activities. The case, on appeal from SIAC, establishes how our courts should interpret foreign nationality laws which are decided exclusively by the executive arm of the foreign state without judicial supervision. The respondent, referred to as 'B2', was born in Vietnam in 1983 and moved to the UK with his parents in 1989, where they successfully claimed asylum. The family acquired British citizenship in 1995. B2 and his family did not take any steps to renounce their Vietnamese nationality. At the age of 21 B2 converted to Islam. It is alleged that he received terrorist training from Al Qaida while living in Yemen between December 2010 and July 2011. Following his return to the UK, the SSHD served B2 with an order to deprive him of his British citizenship. The order was made pursuant to <http://www.legislation.gov.uk/ukpga/1981/61/section/40>s.40(2) of the British Nationality Act 1981 (the 1981 Act), which provides that the SSHD may make an order to deprive a person of citizenship status if she is satisfied that the deprivation of citizenship is conducive to the public good. Following the SSHD's S.40(2) order, B2 was served with notice of intended deportation to Vietnam. The Vietnamese Government was informed. After initially declining to accept that B2 was a Vietnamese national, the Vietnamese Government adopted the position that B2 had lost his Vietnamese citizenship prior to the SSHD's S.40(2) order.

Section 40(4) of the 1981 Act prohibits the SSHD from making an order depriving a person of citizenship status, if she is satisfied that the order would make a person stateless. In Abu Hamza v SSHD (SIAC, 5th November 2010) it was determined that the word 'stateless' in S.40(4) of the 1981 Act refers to de jure stateless persons. De jure stateless persons are persons who do not have nationality under the law of any state. This can be distinguished from de facto stateless persons, which refers to persons who possess a nationality, but are not protected by any state (see CA judgement at paragraphs 28-33).

B2 argued that the SSHD's decision to remove his British nationality was unlawful as it rendered him de jure stateless. Drawing on .Article 1 of the Convention Relating to the Status of Stateless Persons 1954, which defines a stateless person as a person who is not considered as a national by any state under the "operation if its law", B2 submitted that as the operation of Vietnamese nationality laws is decided exclusively by the executive, he had lost his Vietnamese nationality under Vietnamese law once the Vietnamese Government had

their actions are normal. The staff all live locally in areas that are 99.5% white and the prison is connected to everyone in some shape or form. The number one governor was a principal officer in this prison in the 1990s with dirt on his hands. Then you've got security staff, who hate Muslims and are not shy to say so, and managers, whose idea of resolving complaints is to send an attack-dog senior officer to threaten the complainant.

These are the people who control Full Sutton and feed off each other in order to suppress the truth. Prisoners do not even bother to submit race complaints any more and for the most part are of the view that you would get more sense and justice if you were to have a conversation with the sheep and cows in the farms surrounding this prison than you do by talking to the staff inside the prison.

So, you've got a place with very few jobs to go around, without much hope, with people being stored up like a big warehouse for years on end, with no purpose or end goal, and the powers-that-be projecting one image for the prison, while the reality is a totally different thing.

Bail – S v Winchester Crown Court – Facts:

The Judge indicated that a further application for bail would be considered if it could be established that an available surety, in this case, the Claimant's brother, could, as a matter of law, be put under an obligation to ensure compliance with a condition of bail designed to prevent the Defendant re-offending. In this case that would mean a condition for the Claimant not to engage in any commercial activity. The learned judge indicated that if such a condition were enforceable, bail would be granted. The Judge subsequently decided that no such power existed and bail was refused. Held: given that the Bail Act deals explicitly and is intended to deal explicitly and in comprehensive detail with all issues concerning bail, it is simply inappropriate and inconsistent with the legislative intention for the power of bind over to be exercised as a kind of stop gap for a lacuna which, on a proper analysis of the meaning and intent of the legislation, does not, in any event, exist in this area.

Colm Murphy/Seamus Daly Appeal Scheduled for November

Appeals by two republicans found liable for the Omagh bomb atrocity will be heard in November. Senior judges have set aside one week for the challenges by Colm Murphy and Seamus Daly. Earlier this year the pair were held responsible for the Real IRA massacre following a civil retrial at the High Court in Belfast. A judge identified compelling and overwhelming evidence of their involvement in the August 1998 attack. Twenty nine people, including the mother of unborn twins, were killed in the blast. Hundreds more were badly injured.

Murphy, a Dundalk-based contractor and publican, and former employee Seamus Daly, from Culaville, County Monaghan, were sued by some victims' relatives in a landmark legal action. They faced a second trial after successfully appealing against being held liable in an initial ruling in 2009. During the second hearing it was claimed that Murphy supplied mobile phones to the bomb team. Daly was allegedly linked by a call made on one of the phones just after the explosion. In March, Mr Justice Gillen ruled that both men were liable "on the balance of probabilities". He identified compelling circumstantial evidence that two mobiles linked to Murphy were used in the attack. The same verdict was returned against Daly, based on his conversation on one of the "bomb run phones" less than an hour after the explosion. Daly's guilty plea and conviction for Real IRA membership in November 2000 was also taken into account. The ruling left both defendants liable for an award of damages previously set at £1.6m.

At the time, the Omagh families' senior barrister claimed there was "zero" prospect of Murphy

as an instrument to modify the determination of the Convention.

19. Transfer of detainees to Afghanistan: The Committee takes note of the temporary moratorium ordered by the High Court of England and Wales on the transfer of detainees to Afghan authorities due to the risk of torture and ill-treatment and welcomes the assurance provided by the State party that it will not transfer detainees where it judges there is a real risk of serious mistreatment or torture (art. 3).

Committee recommends that the State party adopt a clear policy and ensure in practice that the transfer of detainees to another country is clearly prohibited when there are substantial grounds for believing that he or she would be in danger of being subjected to torture. It further recommends that the State party recognize that diplomatic assurances and monitoring arrangements will not be relied upon to justify transfers when such substantial risk of torture exists.

20. Deportations to Sri Lanka:The Committee notes that, in view of the allegations and evidences that some Sri Lankans Tamils have been victims of torture and ill-treatment following their forced or voluntary removal from the State party, the High Court ordered on 28 February 2013 the suspension on the removal of Tamil failed asylum seekers to Sri Lanka. The Committee is nevertheless concerned that the State party has not yet reflected this evidence in its asylum policy (art. 3).

Committee recommends that the State party observes the safeguards ensuring respect for the principle of non-refoulement, including consideration of whether there are substantial grounds indicating that the asylum-seeker might be in danger of torture or ill-treatment upon deportation. The Committee calls upon the State party to submit situations covered by article 3 of the Convention to a thorough risk assessment, notably by taking into consideration evidence from Sri Lankans whose post removal torture claim were found credible, and revise its country guidance accordingly.

21. Shaker Aamer: The Committee notes with great concern the case of Shaker Aamer, the last UK resident held in Guantanamo Bay, who has been detained without charges for more than eleven years and whose condition is rapidly deteriorating, particularly in the context of the current hunger strike. The Committee regrets that despite the State party's 'best endeavours' to secure his release, there are no encouraging signs of this happening soon (arts. 2 and 16).

Committee urges the State party to consider all possible measures to ensure the prompt release and return to the United Kingdom of Shaker Aamer, who has been detained without charges for more than eleven years. In this context, the State party should follow-up on its June 2012 request to the Secretary of Defence of the United States of America to exercise a 'waiver', as contained within the National Defence Authorisation Act 2012, to enable to release of Shaker Aamer.

22. Universal Jurisdiction: The Committee notes with satisfaction the reference made in the State party's strategy for the Prevention of Torture (2011-2015) to the obligations under the Convention to ensure that there are no "safe havens" for individuals accused of torture and welcomes legislative changes which widen the competence of UK courts to prosecute international crimes. The Committee is however concerned that, in parallel, legislation has been passed (Police and Social Responsibility Act, 2011), making it more difficult for private arrest warrants to be issued where a suspect is present in the State party's territory (art. 5).

Committee recommends that the State party takes all necessary steps to effectively exercise the universal jurisdiction over persons allegedly responsible for acts of torture, including foreign perpetrators who are temporarily present in the United Kingdom. In addition, the Committee recommends that the State party fill the "impunity" gap identify by the Human Rights Joint Committee in 2009 (HL 153/HC 553) in adopting the draft legislation (Torture

(Damages) No. 2), that would provide universal civil jurisdiction over some civil claims.

23. Transitional justice in Northern Ireland: The Committee welcomes the development by the Northern Ireland Office and Northern Ireland Department of Justice of a 'package of measures' to deal with the past in Northern Ireland, including the establishment of mechanisms to carry out historical investigations into deaths related to the conflict, including victims of torture and ill-treatment. It notes, however, reports of apparent inconsistencies in the investigation processes where military officials are involved, which delayed or suspended investigations, thus curtailing the ability of competent bodies to provide prompt and impartial investigations of human rights violations and to conduct a thorough examination of the systemic nature or patterns of the violations and abuses that occurred in order to secure accountability and provide effective remedy. In addition, the Committee is concerned about the State party's decision not to hold a public inquiry into the death of Patrick Finucane (arts. 2, 12, 13, 14 and 16).

Committee recommends that the State party develop a comprehensive framework for transitional justice in Northern Ireland and ensure that prompt, thorough and independent investigations are conducted to establish the truth and identify, prosecute and punish perpetrators. In this context, the Committee is of the view that such a comprehensive approach, including the conduct of a public inquiry into the death of Patrick Finucane, would send a strong signal of its commitment to address past human rights violations impartially and transparently. The State party should also ensure that all victims of torture and ill-treatment are able to obtain adequate redress and reparation.

24. Historical Institutional Abuse Inquiry: While welcoming the establishment in May 2012 of the Historical Institutional Abuse Inquiry, which will investigate the experiences of abuse of children in residential institutions in Northern Ireland between 1922 and 1995, the Committee regrets that some victims, such as women over 18 who were confined in Magdalene Laundries and equivalent institutions, as well as clerical abuse survivors, will fall outside the remits of the inquiry (arts. 2, 12, 13, 14 and 16).

Committee recommends that the State party conduct prompt, independent and thorough investigations into all cases of institutional abuse that took place in Northern Ireland between 1922 and 1995, including women over 18 who were detained in Magdalene Laundries and equivalent institutions in Northern Ireland, and ensure that, where possible and appropriate, perpetrators are prosecuted and punished, and that all victims of abuse obtain redress and compensation, including the means for as full rehabilitation as possible, in accordance with the Committee's general comment No. 3 on implementation of article 14 by States parties.

25. Use of evidence obtained by torture: The Committee notes the House of Lords' judgment in the case of A and others v. Secretary of State for the Home Department (No.2) [2005] not to allow evidence obtained by torture to be admissible in legal proceedings. It is concerned, however, that the burden of proof on the admissibility of torture material continues to lie with the defendant/applicant (art. 15).

Committee calls on the State party to ensure that, where an allegation that a statement was made under torture is raised, the burden of proof is on the State. In addition, the State party should never rely on intelligence material obtained from third countries through the use of torture or cruel, inhuman, or degrading treatment.

26. Electrical discharge weapons (Taser): While taking note of the guidance for England and Wales, which seeks to limit the use of electrical discharge weapons to situations where there is a serious threat of violence, the Committee expresses concern that the use of electrical discharge

serious health problems as a result of all this. Recently there have also been some new developments in my case and the CCRC is currently reviewing it. This should have been done seven years ago if this firm had done as promised.

I have spent thousands of hours and thousands of pounds borrowed from family to pursue this issue, and I keep meeting obstacles because, I believe, I am an unrepresented prisoner with little legal expertise. I have tried to seek alternative legal representation before, but I suspect that no solicitor is willing to sue another solicitor. I am writing to you in the hope that someone will be willing to help me. I do not even need a solicitor - just someone who is willing to write letters to the court, who can do some internet research for me and who has a bit of civil court knowledge.

George Black, A3887AE, HMP Whitemoor, Longhill Road, March, Cambs PE15 0PR

Justice for Mahdi Hashi

FRFI is supporting the campaign by the family and friends of Mahdi Hashi, a 24-year-old Somali youth worker from Kentish Town, north London. Mahdi disappeared in December 2011, while on a trip to Somalia, and turned up a year later in court in Brooklyn, New York. He is now being held in a US prison on terrorism charges..

Mahdi's family fled civil war in Somalia when he was six and have lived in London since. When Mahdi was 16, he and fellow youth workers were asked to become spies for MI5. Mahdi refused and lodged an official complaint, whereupon MI5 agents told him: 'you either work for us or you are guilty of being a terrorist'.

In July 2012 Mahdi's family received a letter from the Home Office saying Mahdi had been stripped of his British citizenship 'for the public good', as the Security Service claimed he had 'been involved in Islamist extremism' and presented 'a risk to the national security of the United Kingdom due to [his] extremist activities'. There is no evidence of any such involvement. According to Mahdi's lawyers, he was detained in Djibouti in June 2012, where he witnessed the torture of cellmates and was told to sign a confession or be tortured too. He was eventually rendered to the United States, where he remains imprisoned. *Nazia Mukti/FRFI*

Racist Full Sutton - A View From Inside Inmate SM, HMP Full Sutton

HMP Full Sutton is a high security prison in East Yorkshire. In April 2013 the Chief Inspector of Prisons published its report into an unannounced inspection of the prison in December 2012. The report noted that: 'the perceptions of black and minority ethnic prisoners and Muslim prisoners about many aspects of their treatment and conditions were much more negative than for white and non-Muslim prisoners. For example, significantly fewer told us staff treated them with respect and significantly more said they felt unsafe'.

Despite almost every black or Muslim prisoner who spoke to the inspectors telling them that Full Sutton is institutionally racist, their report is far more concerned that the prison address this 'perception' of racism, than actually do anything to tackle the racist attitudes and behaviour of prison staff. One of the three 'Main concerns and recommendations' of the report is described as: 'Concern: Black and minority ethnic and Muslim prisoners reported much more negatively about their treatment and conditions across a range of indicators than white and non-Muslim prisoners. Recommendation: The prison should take further action to understand and, if possible, improve black and minority ethnic and Muslim prisoners' negative perceptions of their treatment and conditions.'

I am currently housed at Full Sutton and what I see is a prison with staff that are so racist and have been carrying out their work from a racist angle for so long that half of them think

ecutions and convictions of cases of torture and ill-treatment, as well as on means of redress, including compensation and rehabilitation, provided to the victims. It should also provide information on educational trainings and programmes, including interrogation techniques, provided to all officials, including law enforcement, security and prison officials.

36. Other issues: The Committee invites the State party to ratify the core United Nations human rights treaties to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

37. The State party is requested to disseminate widely the report submitted to the Committee and the Committee's concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.

38. The Committee requests the State party to provide, by 31 May 2014, follow-up information in response to the Committee's recommendations related to (a) inquiries into allegations of torture overseas; (b) observing the safeguards ensuring respect for the principle of non-refoulement; (c) ensuring the prompt release and return to the UK of Shaker Aamer; and (d) adopting comprehensive measures of transitional justice in Northern Ireland and conducting prompt, thorough and independent investigations, as contained in paragraphs 15, 19, 20, 21, and 23 above.;

39. The State party is invited to submit its next report, which will be the sixth periodic report, by 31 May 2017.The Committee invites the State party to agree, by 31 May 2014, to follow the optional reporting procedure in preparing its report. Under this procedure, the Committee would send the State party a list of issues prior to submission of the periodic report and the State party's replies to the list of issues would constitute, under article 19 of the Convention, its next periodic report.

George Black Seeks Assistance With Case Against Negligent Solicitors - Can You Help?

I am writing to you in the hope you will be able to help me. The problem I have is to do with a civil court action in the Central London County Court.

In 2005 I acquired the services of a solicitors' firm to represent me in my appeal. After two years this firm had ignored me and then forgotten my case. When I complained, they tried to deny representing me and would not return any of my property. This prevented me from seeking any further legal representation, due to having no case papers.

I then complained to the Legal Complaints Service (LCS) and the solicitors were found guilty of three counts of negligence. However, the LCS was unable to order to the solicitors to return my property. I appealed to the Legal Ombudsman with the exact same result. The solicitors' stance throughout was to call me a liar and a whinging prisoner.

During the investigation the LCS did not collect all the evidence I told them existed. As a result, I had to collect it myself. I then commenced County Court civil proceedings in 2009. The firm continued to maintain a stance of denial. As the case progressed, I had a case conference with the judge and the defendant's barrister and disclosure lists were provided. In 2011 the defendant found all my legal papers and sent them to a new solicitor.

I am still trying to proceed with the case, even though the Central London County Court has lost all the papers on three occasions, and I have not heard anything from the court since 2011. This firm deliberately withheld my case papers for five years and has caused me immeasurable damage and stress, as well as incalculable damage through loss of evidence that can now never be obtained due to data protection time limits on preserving evidence.

I have been held in segregation for the last three and a half years and have developed

weapons almost doubled in 2011 and that the State party intends to further extend their use in the Metropolitan Police area. In addition, it is deeply concerned at instances where electrical discharge weapons were used on children, persons with disabilities and in recent policing operations where the serious threat of violence was questioned (arts. 2 and 16).

State party should ensure that electrical discharge weapons are used exclusively in extreme and limited situations where there is a real and immediate threat to life or risk of serious injury, as a substitute for lethal weapons, and by trained law enforcement personnel only. The State party should revise the regulations governing the use of such weapons, with a view to establishing a high threshold for their use, and expressly prohibiting their use on children and pregnant women. The Committee is of the view that the use of electrical discharge weapons should be subject to the principles of necessity and proportionality and should be inadmissible in the equipment of custodial staff in prisons or any other place of deprivation of liberty. The Committee urges the State party to provide detailed instructions and adequate training to law enforcement personnel entitled to use electric discharge weapons and to strictly monitor and supervise their use.

27. Age of criminal responsibility: The Committee welcomes the enactment of the Criminal Justice and Licensing (Scotland) Act 2010, which raises the age of criminal responsibility from 8 to 12 years in Scotland. The Committee remains concerned, however, that criminal responsibility starts at the age of 10 years in England, Wales and Northern Ireland and regrets the State party's reluctance to raise it despite the call of more than 50 organizations, charities and experts in December 2012 and the repeated recommendations made by the Committee on the Rights of the Child (CRC/C/15/ADD.135, CRC/C/15/ADD.188, CRC/C/GBR/CO/4) (arts. 2 and 16).

State party should raise the minimum age of criminal responsibility and ensure the full implementation of juvenile justice standards, as expressed in the General Comment No. 10 of the Committee on the Rights of the Child (paras. 32 and 33). The State party should ensure the full implementation of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines).

28. Restraint of children:The Committee is concerned that the State party is still using techniques of restraint that aim to inflict deliberate pain on children in Young Offender Institutions, including to maintain good order and discipline (arts. 2 and 16).

Committee reiterates the recommendation of the Committee on the Rights of the Child to ensure that restraint against children is used only as a last resort and exclusively to prevent harm to the child or others and that all methods of physical restraint for disciplinary purposes be abolished (CRC/C/GBR/CO/4). The Committee also recommends that the State party ban the use of any technique designed to inflict pain on children.

29. Corporal punishment:The Committee takes note of amendments to legislation in England, Wales, Scotland and Northern Ireland, which limit the application of the defence of "reasonable punishment" (or "justifiable assault" in Scotland), but remains concerned that some forms of corporal punishment are still legally permissible in the home for parents and those in loco parentis. In addition, it expresses concern that corporal punishment is lawful in the home, schools and alternative care settings in almost all overseas territories and crown dependencies.

Committee recommends that the State party prohibits corporal punishment of children in all settings in Metropolitan territory, Crown Dependencies and Overseas Territories, repealing all legal defences currently in place, and further promote positive non-violent forms of discipline via public campaigns as an alternative to corporal punishment.

30. Immigration Detention:The Committee notes that the expansion of immigration detention has prompted some reforms including the adoption of the Borders, Citizenship, and Immigration Act (2009), aimed at streamlining immigration processes, the official disavowal of child detention, and revised processes for dealing with Rule 35 of the Detention Centre Rules.

Committee remains concerned at:

(a) Instances where children, torture survivors, victims of trafficking, and persons with seriously mental disability were detained while their asylum cases were decided;

(b) Cases of torture survivors and people with mental health conditions entering the Detained Fast Track (DFT) system due to a lack of clear guidance and inadequate screening processes, and the fact that torture survivors need to produce 'independent evidence of torture' at the screening interview to be recognized as unsuitable for the DFT system;

(c) Absence of limit on duration of detention in Immigration Removal Centres (arts. 2, 3, 11,16).

Committee urges the State party to:

(a) Ensure that detention is used only as a last resort in accordance with the requirements of international law and not for administrative convenience;

(b) Take necessary measures to ensure that vulnerable people and torture survivors are not routed into the Detained Fast Track System, including by: i) reviewing the screening process for administrative detention of asylum-seekers upon entry; ii) lowering the evidential threshold for torture survivors; iii) conducting an immediate independent review of the application of Rule 35 of the Detention Centre Rules in immigration detention, in line with the Home Affairs Committee's recommendation and ensure that similar rules apply to short term holding facilities; and iv) amending the 2010 UK Border Agency Enforcement Instructions and Guidance, which allows for the detention of people with mental illness unless their mental illness is so serious it cannot be managed in detention;

(c) Introduce a limit for immigration detention and take all necessary steps to prevent cases of de facto indefinite detention.

31. Detention conditions:The Committee is concerned about the steady increase in the prison population throughout the past decade and the problem of overcrowding, and its impact on suicide rate, cases of self-injuries, prisoner violence and access to recreational activities. The Committee echoes the concerns raised by the UK National Preventive Mechanism in 2010 concerning deficiencies in the access to appropriate mental health care and treatment and inappropriate placements of children. It is deeply concerned that children with mental disabilities can sometimes be placed in police custody in England for its "own interest or for the protection of others" (arts. 11 and 16).

Committee urges the State party to strengthen its efforts and set concrete targets to reduce the high level of imprisonment and overcrowding, in particular through the wider use of non-custodial measures as an alternative to imprisonment, in the light of the United Nations Standard Minimum Rules for Non- Custodial Measures (the Tokyo Rules). It further recommends to speedily implement the reforms undertaken with a view to reducing reoffending rate. The State party should ensure that children with mental disabilities shall in no case be detained in police custody but directed to appropriate health institutions. Detainees who require psychiatric supervision and treatment should be provided with adequate accommodation and psychosocial support care. The Committee also recommends that the State party step up its efforts to prevent violence and self-harm in places of detention.

32. Women offenders:The Committee welcomes the adoption of new strategies for

female offenders in England, Wales and Northern Ireland aimed at reducing the number of women in custody and increasing the use of community sentences in combination with support and rehabilitation services. It further welcomes the Northern Ireland Minister of Justice's plan to constructing a separate custodial facility for women prisoners in Northern Ireland and the steps taken by the Scottish government to implement the recommendations made by the Commission on Women Offenders. The Committee is nevertheless concerned at the unprecedented increase of women in prison over the last 15 years, at information that about half of them have severe and enduring mental illness, and at the disproportionate rate of self-harm amongst women prisoners (arts. 11 and 16).

Committee recommends that the State party commence without further delay the construction of the new custodial facility for women prisoners in Northern Ireland and urgently implement its new strategy for female offenders in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). The Committee recommends to the State party to pay due attention to the recommendations of the Commission on Women Offenders (Scotland) and those contained in the 'Corston Report' (England and Wales), in particular ensuring effective diversion from the criminal justice system for petty non-violent offenders, increasing the use of community sentences, and implementing changes to the prison regime to further reduce deaths and incidents of self-harm.

33. 'Francis Inquiry' reports: The Committee notes the findings of Mid Staffordshire NHS Foundation Trust Public Inquiries ('Francis Inquiries') published in 2010 and 2013, which highlight the failure of the National Health System's managers and regulators to identify and act upon the problems at Mid Staffordshire hospital trust that led to between 400 and 1,200 deaths between 2005 and 2009. The Committee notes with particular concern the findings that the 'system […] ignored the warning signs of poor care and put corporate self interest and cost control ahead of patients and their safety' (press release, 6 February 2013) (arts. 11 and 16).

Committee calls upon the State party to act upon its commitment to implement the recommendations found in the Mid Staffordshire NHS Foundation Trust Public Inquiries' reports, and particularly to establish a structure of fundamental standards and measures of compliance in order to prevent ill-treatment of patients receiving health care services.

34. Declaration under article 22: The Committee regrets that the State party is 'not yet convinced of the practical value on individual petition' and notes the Joint Committee on Human Rights' concern that the 'slow progress in accepting individual petition […] undermines its credibility in the promotion and protection of human rights internationally' (17th report, session 2004-2005) (art. 22).

Committee recommends that the State party reconsiders its position and make the declarations envisaged under article 22 of the Convention, in order to recognize the competence of the Committee to receive and consider individual communications.

35. Data collection: The Committee appreciates the State party's efforts to provide the Committee with detailed information, data and statistics but regrets that it did not provide comprehensive and disaggregated data on investigations into allegations of torture and ill treatment by law enforcement, security, military and prison personnel and prosecutions as a result of operations conducted by law enforcement and prison personnel overseas. It also regrets that the delegation did not provide the Committee with details on settlement or compensation received by victims of torture or ill-treatment, as well as information about interrogation techniques and trainings.

State party should compile statistical data relevant to the monitoring of the implementation of the Convention at the national level, including data on complaints, investigations, pros-