environment clean and tidy and where they fail to meet expectations in this regard they are appropriately challenged through the Incentives & Earned Privileges Scheme.

The physical environment at the prison is also being improved. All cells now have shower screens in place and a shower refurbishment programme is ongoing. Showers at the open part of the prison have also been increased in number, to provide greater access for prisoners. Waiting rooms in the Healthcare Department are being refurbished and a refurbishment programme has commenced for dormitories at the open site. Prisoners held at the open site are no longer required to be admitted to custody through the closed prison, therefore making their experience more decent.

Nottingham Detective Trevor Gray's Rape Conviction Quashed

A detective with 25 years' experience has had his eight-year jail term for rape and sexual assault overturned. Trevor Gray, of Watnall, near Nottingham, was a detective sergeant with Nottinghamshire Police and was found guilty in May last year. He challenged the "safety" of the verdict and on Tuesday the conviction was overturned in light of fresh evidence at London's Appeal Court. The hearing directed that he must face a retrial at a later date. Mr Gray was jailed at Nottingham Crown Court last year for eight years for rape, six years for attempted rape and four for sexual assault, to run concurrently. At a two-hour hearing on Tuesday Lord Justice Moore-Bick, sitting with Mr Justice Mackay and Sir David Maddison, quashed the conviction.

2,500 Inmates Keep up California Prison Hunger Strike

More than 2,500 prisoners in 17 prisons in California remained on hunger strike on Monday, more than a week after refusing food to demand an end to a policy of housing prisoners believed to be associated with gangs in near-isolation for years on end. The hunger strike is the third - and largest - in a year over solitary confinement in California prisons, where some inmates are kept in isolation cells for up to 23 hours per day, and are also alone when they are allowed out for an hour of exercise. The California Department of Corrections and Rehabilitation, said the number of prisoners taking part in the protest had dwindled considerably since July 8, when 30,000 prisoners began refusing meals, but 2,572 were still on hunger strike on Monday. Reuters - Tue, 16 Jul 2013 The current protest over solitary confinement comes at a time when California's prison system is also under public scrutiny for overcrowding. The state is required by a court order to release up to 10,000 inmates early or find other ways to ease overcrowding and has been ordered to move thousands of inmates at risk for a fungal condition known as Valley Fever from the state's San Joaquin Valley. Carol Strickman, a lawyer working with several inmates involved in the hunger strike, said the number of prisoners still refusing food a week into the action was considerably higher than during the last hunger strike, in October 2012.

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

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MOJUK: Newsletter 'Inside Out' No 434 (18/07/2013)

Denied Compensation After Being Wrongly Jailed For Killing Son

[*The judgment leaves unresolved the question - perhaps the most important question from a domestic court's point of view - of what may or may not be said in civil compensation proceedings arising from the same facts which had given rise to the criminal prosecution or investigation.]

Lorraine Allen a British woman has failed to secure compensation from the government despite her conviction for killing her four-month-old son being overturned by the courts. The European court of human rights in Strasbourg ruled that those acquitted of a criminal offence are not automatically entitled to compensation for a miscarriage of justice. Had Lorraine Allen won it could have affected scores of other claimants. This week Barry George, who was eventually acquitted of murdering the TV presenter Jill Dando, failed in an appeal court hearing in London to obtain compensation for his time in prison.

Allen, 43, from Scarborough, had been convicted in 2000 of the manslaughter of her son and sentenced to three years' imprisonment. The conviction was based on evidence given at her trial by expert medical witnesses who testified that her son's injuries were consistent with "shaken baby syndrome". Fresh medical evidence suggested the child's injuries could have come about in other ways. In 2005 Allen, who had by then been released from prison, succeeded in having her conviction quashed at the court of appeal on the grounds that it was unsafe. The prosecution did not apply for a retrial. Allen's claims for compensation were dismissed. Having failed in the UK courts, she appealed to Strasbourg.

The judges said that article 6.2 of the European convention on human rights, which guarantees a legal presumption of innocence, did not ensure that anyone acquitted of a criminal offence had "a right to compensation for miscarriage of justice". The Strasbourg judges noted that the British courts "had not commented on whether the [new] evidence was indicative of her guilt or innocence. Indeed, they had consistently repeated that it would have been for a jury to assess the new evidence, had a retrial been ordered." They added: "The decision not to order a retrial had spared Ms Allen the stress and anxiety of undergoing another criminal trial. She had not argued that there ought to have been a retrial." *Owen Bowcott,*

Separate Opinion Of Judge De Gaetano

1. I agree that in this case there has been no violation of Article 6 § 2 of the Convention. However the judgment leaves unresolved the question - perhaps the most important question from a domestic court's point of view - of what may or may not be said in civil compensation proceedings arising from the same facts which had given rise to the criminal prosecution or investigation.

2.In Ashendon and Jones v. the United Kingdom (nos. 35730/07 and 4285/08, 15 December 2011) I had expressed the hope that the Court would one day reassess Article 6 § 2, particularly in the light of the difficulties our case-law has created for national courts in dealing with post-acquittal proceedings. In the instant case, however, the majority have opted for a mere compilation of cases (§ 98(e)) and the generic statements contained in §§ 101, 102 and 123.

3. To state that it all depends on whether "the national decision on compensation [contains] a statement imputing criminal liability to the respondent party" (§ 123) - which in effect means "it all depends on what you say and how you say it" - is just playing with words and most

unhelpful. It is as much as saying that "whether the reasons [given in the civil judgment] gave rise to an issue under Article 6 § 2 must be viewed in the context of the proceedings as a whole and their special features" (Reeves v. Norway (dec.) no. 4248/02, 8 July 2004).

4. The reality is that in most proceedings for civil compensation following an acquittal in criminal proceedings (or, indeed, when there has been no criminal prosecution at all), for the national court to find for the plaintiff and against the defendant it must find not only that the material element (actus reus) of the offence was committed by the defendant, but that the intentional or moral element (mens rea) of that offence was also present. It is true that in the civil proceedings the standard of proof will be less strict than in criminal proceedings - on a balance of probabilities, and not beyond reasonable doubt - but that is not really saying much as far as popular perception of guilt or innocence, and therefore of the existence or otherwise of criminal liability, is concerned. This issue was very clearly highlighted in Judge Costa's dissenting opinion in Ringvold v. Norway (no. 34964/97, 11 February 2003). Indeed in that case two judges took a diametrically opposed view on the same passages of the Norwegian Supreme Court's judgment. The concurring opinion of Judge Tulkens reflects the theoretical - dare I say, academic - approach to the question of Article 6 § 2 in collateral civil proceedings, whereas the dissenting opinion of Judge Costa is a stark reminder of pragmatic reality: "[The applicant] was told that he had been acquitted of the offence with which he had been charged, but he was subsequently told (on the basis of the same facts) that it was clear that he had committed the offence, and ordered to pay compensation to the victim."

I still have difficulty in reconciling the judgment in Ringvold with the later judgment in Orr v. Norway (no. 31283/04, 15 May 2008). The present judgment in no way alleviates that difficulty. I still believe that Article 6 § 2 has no place whatsoever in civil compensation proceedings, whether following upon acquittal in criminal proceedings or where no criminal proceedings have ever been initiated.

Smoking Bullet: No Witness Immunity for the Forensic Science Service

The general principle must be that where there is a wrong there is a remedy and immunity is a derogation from a person's right of access to a court which requires to be justified. A justifiable boundary has to be drawn somewhere, but it cannot be drawn when you do not know the terrain.

Thomas James Smart v The Forensic Science Service Ltd [2013] EWCA Civ 783

There was evidence in this case that employees of the Forensic Science Service had altered the exhibit numbers on the evidence in question, possibly to cover up their mistake. The appellant challenged an order of the court below striking out his claim that the respondent (the FSS) had acted negligently and in breach of his rights under Article 8 of the European Convention on Human Rights.

Factual background: The police had searched the appellant's home for drugs. During the search, the officers found a bullet which the appellant claimed he had bought as an ornament, assuming it not to be live. Whether it was live could not be discerned from a visual examination, and it was sent to the FSS for analysis. The FSS confirmed that it was live. The appellant pleaded guilty to the strict liability offence of possession of live ammunition contrary to the Firearms Act 1968. Some months later, it transpired that there had been a mix-up at the FSS. The appellant's bullet, which was not live, had been confused with another bullet, which was. When it was discovered that the appellant's dummy bullet had been wrongly labelled as live, the appellant's plea was vacated and the charge was dismissed. Unfortunately this meant that the appellant was not eligible for statutory compensation.

MPs Say: Too Many Women Prisoners *Independent, 15/07/13*

Six years after the Corston report into female prisoners, the Commons Justice Select Committee has found that the female prison population has not fallen fast enough and more than half of inmates are serving ineffective short custodial sentences. The committee said plans to introduce payment by results in the probation services – part of Justice Secretary Chris Grayling's so-called rehabilitation revolution – needed to be redesigned for women offenders. The committee's chairman, Sir Alan Beith, said: "The Government's Transforming Rehabilitation reforms have clearly been designed with male offenders in mind. This is unfortunately symptomatic of an approach within the Ministry of Justice and National Offender Management Service that tends to deal with women offenders as an afterthought." The committee said community sentences, which would involve mental health and substance abuse treatment, remained unavailable to the courts.

Baroness Corston's 2007 report, launched after a series of suicides in women's jails, called for large jails to be replaced by smaller units and recommended that only the most serious and violent offenders be given prison sentences.

Prisons: HMP Hewell *House of Lords / 27 Jun 2013 : Column WA166*

Baroness Stern to ask Her Majesty's Government what changes have been made at HMP Hewell since HM Chief Inspector of Prisons reported in April 2013 that "much of the prison provided an unsafe and degrading environment for staff and prisoners alike".

Minister of State, Lord McNally: I can report that a considerable amount of work has been undertaken at Hewell since the inspection by HM Chief Inspector of Prisons in November 2012, including the development and introduction of a comprehensive improvement plan for the prison to be delivered over the next 3 years. Since the inspection, the prison has also moved to a new management structure. The Governor has confidence in this team's ability to demonstrate effective leadership and people management skills, embed effective systems and processes and improve risk management through effective planning and empowering their staff.

Security continues to improve with the introduction of more responsive intelligence process and improved governance structures for security and operations. The Deputy Governor now personally overseas collaboration between the Security and Safety departments and a dedicated team of Prison Officers has been established to investigate every instance of violence. Searching of staff, prisoners and visitors has increased, there is greater disruption of prisoners who we believe to be challenging the good order of the prison, and there are an increasing number of referrals to the independent adjudicator, ensuring impartiality in the disciplinary process.

Safety is much improved, and work continues to identify and manage the risk of self-harm, and to ensure that staff actively challenge anti-social and bullying behaviour. As of Friday 14 June 2013 there are 29 men being supported on ACCT (suicide and self-harm prevention) documents, 17 on anti-social behavioural support plans (alleged victims) and 29 on tackling anti-social behaviour interventions plans (alleged perpetrators). This compares to 25 men being supported on ACCT documents and 3 on tackling anti-social behavioural support plans (alleged victims) and 17 on tackling anti-behaviour interventions plans (alleged perpetrators) at the time of the inspection, representing a significant improvement.

Decency is much improved, attracting praise from the prison's Independent Monitoring Board. The cleanliness of both exercise yards and accommodation has improved and a cleaning plan is now in place and is being supported by additional training for staff and prisoners. Prisoners now have controlled access to all materials and items that they need to keep their

referred his force to the IPCC amid claims that officers gathered intelligence on those attending the inquiry into the teenager's death. Sir Norman stood down as Chief Constable of West Yorkshire last year at the request of the then police authority which was led by Mr Burns-Williamson. He has faced repeated calls from the families of Hillsborough victims to be stripped of his knighthood and his £83,000 pension after the independent report into Britain's worst sporting tragedy found evidence of an alleged smear and disinformation campaign. Sir Norman a senior officer in South Yorkshire Police at the time who was present as a spectator on the day of the match, has always denied blaming Liverpool fans for the crush which led to the deaths of 96 people. In March the IPCC said if allegations of inappropriate conduct had been proved following the publication of the Hillsborough Independent Panel Sir Norman would have had a case to answer for discreditable conduct and could have been sacked if he had not been asked to resign. The latest claims refer to a hearing of the Stephen Lawrence inquiry in Bradford in 1998 in which Sir William Macpherson was told by community leaders of discriminatory policing and racist behaviour by officers in the city which was then still recovering from the devastating effects of rioting three years earlier. The inquiry was told that one Pakistani family living on a mainly white council estate complained to police of a bottle of urine being tossed through the door of their shop. A female officer allegedly told them: “At least it wasn't petrol. You're not going to burn in your beds.” Lloyd Clarke, then Deputy Chief Constable of West Yorkshire, denied his force was “inherently racist” but conceded that stop-and-search figures indicated subliminal prejudice by officers. Present Chief Constable Mark Gilmore said the force would co-operate fully with the inquiry. “The allegations made against two other Police Forces and the material we have found in connection with the Stephen Lawrence Inquiry raise significant issues of not just public confidence and trust, but also public interest,” he said. The Macpherson report which followed the inquiry led to the assertion that Metropolitan Police was “institutionally racist”. Last month former undercover officer Peter Francis claimed that attempts were made to find information to smear the Lawrence family following the murder in south east London in April 1993.

R (Massey) v Secretary of State for Justice

On 15 May 2008 the claimant was sentenced to an indeterminate sentence for public protection with a tariff period of two years and six months. This tariff period expired on 11 September 2010 but he has still not been released. On two occasions, in 2010 and in 2012, the Parole Board has refused to direct his release or recommend his transfer to open conditions. Timetables have been set for him to complete the Extended Sexual Offender Treatment Programme but, he complains, the defendant has failed to provide the opportunity to satisfy that requirement.

In May 2012 the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) inserted the Tariff Expired Removal Scheme (TERS) into the Crime (Sentences) Act 1997 (s.32A, inserted by S.119 of LASPO). Under that scheme a foreign national sentenced to IPP, whose tariff period has expired and who is liable to removal will, subject to limited exceptions, be removed from the United Kingdom. The claimant complains that this is unlawful discrimination under Art. 14, read with Art. 5 of the European Convention on Human Rights, because the foreign national is not required to satisfy the Parole Board that he is no longer a risk to the public before release from imprisonment, whereas the burden to do so continues to be imposed on those who, like the claimant, cannot be removed.

Held: The United Kingdom is not obliged, under the Convention, to re-open historical sentences and re-sentence merely because it has introduced a new sentencing regime. I would dismiss this application on both the two grounds before the court.

He then began civil proceedings alleging that the FSS owed him a duty to operate proper systems to ensure that the continuity of exhibits was secure, and that it had failed in that duty. He also argued that the defendant had violated his Article 8 rights. The defendant applied for a strike out of this claim on grounds of witness immunity. The judge concluded that the evidence relating to the collection, transmission and examination of exhibits was indeed protected by witness immunity, and that this immunity covered both the negligence and the claims pursuant to the Human Rights Act 1998. He further held that the respondent owed the appellant no duty of care and was not a public authority for the purposes of the Human Rights Act.

The issues in this appeal were whether the appellant should be allowed to add deceit to his claim against the FSS for altering the records relating to the bullets and whether the order striking out the negligence and human rights claims should be maintained.

Appeal allowed, Reasoning behind the judgment - The amendment including allegations of deceit against the FSS should be permitted. The evidence showed that somebody had altered the exhibit numbers on the bullets, had made no contemporaneous note as to why, and had later concealed the fact of the alteration. Indeed, the fact of the alteration had not been disclosed until a year after the proceedings had been begun. It appeared to be a grave state of affairs, and it could not be assumed that the absence of an explanation was due to the appellant’s delay in applying for the amendment.

As for the negligence and human rights claims, Darker v Chief Constable of West Midlands [2001] 1 A.C. 435 established that there was no immunity covering the fabrication of evidence in circumstances where the fabrication was never intended to appear in any statement. The paradigm circumstance falling within the protection of judicial proceedings immunity was the giving of evidence by a witness in court, and that had been extended to the preparation of evidence with a view to it being adduced. The rationale for the immunity was the need to protect witnesses from the fear that they would be harassed by subsequent actions against them. It was designed to encourage freedom of communication in judicial proceedings and to prevent a collateral attack on any decision arising from allegedly false evidence. Given that amendment including a claim for deceit had been allowed, the rationale for conferring judicial proceedings immunity had gone. Witnesses for the FSS, if called, would have to explain and justify their handling of the exhibits. They could not be protected from being questioned or from accounting for their actions. Now that the allegations of deceit were to be fully aired, the immunity served no purpose because it would not prevent a collateral attack. In the light of the amendments made, Moses LJ thought it would be wrong to exclude the proposition .’ that whoever it was who interfered with the correct exhibit number, whether it was the forensic examiner or not, owed a duty to the person to whom the bullet would be attributed as a result of interference with the exhibit number.’ The effect of interference with the exhibit numbers, whether it was designed originally to conceal confusion or “mix up” or not, was the same as planting the real bullet in the appellant’s premises.

Moses LJ was doubtful that the human rights claim would need resolution but did not agree that the question whether the respondent was a public body or not should rest upon summary judgment without any full examination of the facts.

Aikens LJ observed in his concurring judgment that the present case was not the right one to analyse and define the outer limits of the scope of witness immunity: The general principle must be that where there is a wrong there is a remedy and immunity is a derogation from a person’s right of access to a court which requires to be justified. A justifiable boundary has to be drawn somewhere, but it cannot be drawn when you do not know the terrain.

Rosalind English, UK Human Rights Blog, 15th July 2013

Woodhill Prison [Access for Expert Witnesses] *House of Commons / 08/07/13 Column 114W*

Mrs Moon: To ask the Secretary of State for Justice what arrangements are in place for expert witnesses to conduct interviews with prisoners in private at Close Supervision Centre HM Prison Woodhill; and if he will make a statement.

Jeremy Wright: Prisons will always try and accommodate the requirements of expert witnesses. Operational constraints, including the limited availability of the expert witnesses or requests for interviews made at short notice may mean this is not always possible.

Sica v. Romania [Denied Opportunity to Examine Witnesses for the Prosecution]

Applicant, Auras Sica, (Case no. 12036/05) a Romanian national who was born in 1981 and lives in Bucharest. On 23 October 2003 Mr Sic? and two other people were taken to the police station and questioned about drug trafficking. In a final judgment of 01/03/05 the High Court of Cassation and Justice sentenced him to 8 years' imprisonment. Following his conviction, he was incarcerated and served his sentence until 06/02/10, when he was released. Relying on Article 6 (right to a fair trial), he complained in particular that he had been convicted of drug trafficking without having had an opportunity to examine the witnesses for the prosecution. - Violation of Article 6 §§ 1 and 3 (d) Just satisfaction: EUR 2,500 (non-pecuniary damage).

HMP/YOI Feltham A & B - Violent and Unsafe

"Feltham as a whole is an unacceptably violent place. Despite excellent work in some cases, staff were unable to prevent a high number of very concerning incidents that carried a significant risk of serious injury. In my view staff were sometimes overwhelmed by the challenges they faced and as a consequence, some of their response, such as the prolonged use of isolation on the children and young people's side and the use of batons on the young adult side, were unacceptable. On the young adult side in particular, relationships between staff and prisoners were too often characterised by mutually low expectations. These low expectations may have contributed to the poor levels of purposeful activity and weak resettlement work which were both, in any case, beset by severe management and organisational difficulties.

"There was good work happening in Feltham that could be built on. Some weaknesses could be addressed by the establishment itself, but it cannot make the significant improvements required on its own. Feltham has not been able to hold such a large, constantly changing population safely on one site or meet their specific developmental and practical needs. Furthermore, the Feltham B side has a damaging effect on the culture and operation of the A side. It distracts attention and means that some facilities and services, such as segregation and work to reduce re-offending, are inappropriate for children or not geared to meet their needs. Nick Hardwick HMCIP

Two reports on unannounced inspections of HMP/YOI Feltham in West London have been published by Nick Hardwick, Chief Inspector of Prisons. The reports record unacceptably high levels of violence at Feltham, and say a rethink was needed about its role. The Chief Inspector has cautiously welcomed the decision taken after the inspection that young adults on remand would no longer be held at Feltham, which may help to create a more stable and manageable population.

HMP/YOI Feltham is divided into two parts. Feltham A holds children and young people, mostly aged 16 or 17. Feltham B holds young adult men aged 18 to 21. Up to now, both parts have held remand and sentenced young people.

Inspectors had serious concerns about the safety of young people held at Feltham A.

At Feltham B, against all the inspectorate's healthy prison tests, inspectors found out-

Thursday's riot. The riot appeared to have been triggered by a power blackout that knocked out water pumps, leaving inmates without water since Thursday morning 11/07/13.

Early Day Motion 393: Solitary Confinement in the US Prison System

That this House is shocked by the extensive and systematic use of solitary confinement in the US prison system; notes that on any given day, an estimated 80,000 prisoners in the US are confined in some form of isolation either in purpose-built super maximum security prisons or within smaller units inside prisons; further notes that studies have shown that prolonged and indefinite incarceration of prisoners in conditions of reduced sensory and environmental stimulation causes severe physical and psychological damage; is dismayed by the continued incarceration of the two remaining members of the Angola Three, Herman Wallace and Albert Woodfox, who have been kept in solitary confinement in Louisiana for over 40 years and denied any meaningful review of the reasons for their isolation; further notes that the evidence against Mr Wallace and Mr Woodfox which resulted in their conviction for the murder of a prison guard remains highly contested; will follow closely the men's continuing legal appeals against the murder conviction and their civil case against Louisiana state claiming that their prolonged isolation constitutes cruel and unusual punishment, thereby violating the US constitution; and calls on the UK Government to raise this issue and the case of Mr Wallace and Mr Woodfox with the relevant US authorities. Sponsors: Clwyd, Ann / Durkan, Mark / Horwood, Martin / Russell, Bob / Walter, Robert - House of Commons: 11.07.2013

Early Day Motion 345: International Concerns About UK Law

That this House notes that 59 people representing the embassies of over 30 different countries attended a meeting in the House to discuss concerns about the perceived failure of courts in England and Wales properly to follow Article 8 of the European Convention on Human Rights; further notes that previously a number of governments have formally complained to the UK about the failures of the English and Welsh jurisdiction; recognises that international concern about the operation of care proceedings in the UK is growing; and calls for the Government and judiciary to respond to this concern. *John Hemming, - House of Commons:*

Disgraced Officer in Campaign To Smear Lawrence Family? *Indpendent, 03/07/13*

A former chief constable who was accused of involvement in a police cover up in the wake of the Hillsborough disaster is to be investigated over claims that he sought to influence the evidence of a witness to the Macpherson Inquiry into the death of Stephen Lawrence. Sir Norman Bettison was referred to the Independent Police Complaints Commission (IPCC) by the West Yorkshire Police and Crime Commissioner Mark Burns-Williamson.

Forces nationwide have been ordered to carry out a trawl or records and archives by the Home Secretary to establish whether attempts were made to discredit members of the Lawrence family though intelligence gathering or surveillance. Mr Burns-Williamson said he had "significant concerns" about Sir Norman's conduct when he was an assistant chief constable with the force after becoming aware of three documents referring to a report into a key witness who gave evidence to the inquiry when it sat in Bradford in October 1998. "This may suggest an attempt to intervene in the course of a public inquiry and influence the manner in which the testimony of a witness, who was due to present evidence before it, was received," he said. "This is a matter which needs to be thoroughly investigated, and if wrongdoing is demonstrated those responsible must face the consequences of their actions," he added.Last week Greater Manchester Police and Crime Commissioner Tony Lloyd

Down, on 11 January last year. A prosecution lawyer said significant progress in the case had been made and in the circumstances there was no longer a need for a bail application.

He also told the court that prisoners' medical needs were being catered for and that he was instructed that doctors were available within the prison service to treat inmates when needed. However, while Mr Justice Weir said he was "pleased about that", he also told waiting officials that it was not really necessary for the courts "to get involved in the question of a prisoner's medical welfare". The judge added that all inmates were entitled to the same medical care as anyone else and that it was time "the prison service pay attention to that". Mr Justice Weir said it was also not really satisfactory that visiting defence doctors and specialists were refused use of the medical wing of the prison. They were forced instead to carry out their examinations, said the judge, in 'glass cubicles', meant for public visits. He repeated that the case should not have come to court in the first place, and that it was about time the message went out to the prison service "to drag itself into the 21st Century... I don't want another of these cases".

R v Austin (Disclosure Issues)

The Judge's approach to disclosure issues surrounding a closed Court of Appeal judgment was incorrect. Disclosure duties lay upon the Crown and were triggered by statutory provisions. It is not the function of a trial judge to 'superintend' the disclosure process, or embark on his own disclosure process.

Women Prisoners: Privileges *House of Lords / 27 Jun 2013 : Column WA165*

Lord Lester of Herne Hill yo ask Her Majesty's Government, further to the Written Answer by Lord McNally on 13 June (WA 261), what are the gender-specific needs of women as compared to men that justifies the difference in prison issue clothing policies.[HL920]

Minister of Justice (Lord McNally): Under the gender specific standards, that were introduced to reflect the different needs of women prisoners, women are not currently required to wear prison issue clothing. This will continue to be the case when the revised Incentives and Earned Privileges scheme is introduced on 1 November 2013. This maintains the policy which has long been in place and which reflects the understanding that, in general, the experiences which lead to imprisonment, and the impact of imprisonment, can be somewhat different for men and women. The policy in respect of women's clothing was designed to avoid exposing women to a particular vulnerability which was considered likely to arise if they were required to wear prison clothing and which would result in the experience of imprisonment impacting more severely on them. It is noted that men are able to earn the right to wear own clothes through the IEP scheme.

Mass Breakout at Indonesia Jail Sees 200 Inmates Escape *Telegraph, 12/07/13*

Authorities were searching for scores of inmates, including terrorists, who escaped a crowded Indonesian prison on Thursday 11th July,that was still burning on Friday after prisoners set fires and started a deadly riot at the facility in the nation's third-largest city. Thousands of policemen and soldiers are deployed around Tanjung Gusta prison to blockade roads linking Medan, the capital of North Sumatra, to other provinces were blockaded while fire brigades were battling the fires.

Officers deployed to hunt the escaped inmates have re-arrested 55 of them and still searching for remaining inmates who still at large, said local police chief in Lt. Col. Nico Afinta. Three of 22 convicted terrorists have been recaptured. He said the prison employees who died, including a woman, were trapped and killed in an office building that was burned by prisoners during late

comes for young adult prisoners were insufficient or poor. It was clear that Feltham B had deteriorated significantly and that there was a need for radical thinking about its future.

Feltham A, inspectors were concerned that:

- there were on average almost two fights or assaults every day, some of which were very serious and involved groups of young people in very violent, pre-meditated attacks on an individual;
- many young people said they were frightened at the time of the inspection, and had little confidence in staff to keep them safe; and - gang-related graffiti was endemic.

Inspectors found that the level of violent incidents remained much too high. This was despite some good work which had actually reduced the number of fights and assaults by 10% in the 12 months before the inspection. The security department was effective and made good use of intelligence to manage gang-related activity and the very good behaviour management group worked directly with young people to address their behaviour. CCTV recordings viewed by inspectors showed staff put themselves in harm's way to protect young people and the force used to break up fights was proportionate and necessary.

The segregation unit remained an unsuitable environment for children and young people. Living conditions were poor and the regime was very limited. Some young people might be held in the segregation unit for up to 10 days and a few might then be confined to their cells for 22 hours a day for long periods after they returned to the wings.

Inspectors were also concerned that the establishment-wide reducing reoffending strategy did not effectively assess or address the specific needs of children and young people. The loss of funding for the Heron Unit, where 'resettlement brokers' had helped ensure young people had access to sustainable accommodation and work, training or education on release was a real setback.

Feltham B, which held young adults aged 18 to 21, inspectors were concerned to find that:

- despite work being done to reduce violence, and a very effective security department, levels of violence remained high;
- self-harming behaviour was reducing but remained high;
- there was an unprecedentedly high use of batons by staff;
- emergency cell bells were not answered quickly, applications were not dealt with sufficiently and too many staff were disengaged;
- time unlocked was limited and often unpredictable;
- there was insufficient activity to meet need, with 43% of prisoners recorded as unemployed;
- the education and work places available were too often underused;
- staffing issues and transitional arrangements had seen the effective suspension of offender management and planning in the previous six months; and
- despite some meaningful and effective work to deliver resettlement help, it was not well coordinated or sufficiently linked to sentence planning.

Nick Hardwick said: "I welcome the decision that the remand function will be removed from Feltham B and that some young people may remain there beyond their 21st birthday. This may help to create a safer, more stable population. However, performance will continue to need to be very closely monitored. Young adults on remand will now be held in the main prison estate and very careful attention will be needed to ensure their specific needs are identified and met.

"The high levels of violence at Feltham A are a serious example of the concerning deterioration in safety we have seen across a number of young offender institutions holding children and young people. The welcome reduction in the number of young people held in custody means that there is now a greater concentration of those with the most challenging

behaviour and severe problems and some institutions have struggled to manage this. It is essential that Ministers' current review of youth custody arrangements gives the most careful consideration and priority to how these young people can be held safely and helped to reduce the likelihood they will reoffend after release."

Michael Spurr, Chief Executive Officer of the National Offender Management Service (NOMS), said: "This report reflects the serious concerns I have about the propensity for and the level of gang-related violence amongst young people sent to Feltham but it also highlights the remarkable work that staff do on a daily basis to manage such a challenging group. I have already announced that from the autumn Feltham will no longer hold young adult remand prisoners. This will increase stability and provide greater flexibility in the management of this group of prisoners. We will continue to monitor and appropriately address violent incidents but work is ongoing to challenge the underlying issues to ensure we are able to appropriately rehabilitate the young men held in Feltham."

Varnas v. Lithuania [Denied Conjugal Visits, Breach of Human Rights]

The applicant, Tomas Varnas, (Case no. 42615/06) is a Lithuanian national who was born in 1975. He is currently serving a prison sentence in Vilnius. The case concerned, in particular, his inability to receive conjugal visits by his wife during his pre-trial detention. In March 2004, he was placed in pre-trial detention, where he spent more than two years until, in June 2006, he was convicted of a number of offences, including theft of high-value property, and sentenced to six years' imprisonment. While he was serving his sentence, he was again placed in pre-trial detention in June 2007, as a second criminal investigation had been brought against him. In a judgment upheld in October 2009 he was convicted on another two counts of theft committed by an organised group and sentenced to five years' imprisonment. Relying in particular on Article 8 (right to respect for private and family life) in conjunction with Article 14 (prohibition of discrimination), the applicant complained that during the more than three years he had spent in pre-trial detention he had been denied conjugal visits with his wife, despite their repeated requests. He also complained that while he had not been allowed such visits, convicted prisoners had been. - Violation of Article 14 in conjunction with Article 8: Just satisfaction: EUR 6,000 (non-pecuniary damage).

Prisoner Private Visitations - Time For A Real Discussion?

Claire Hegarty , Criminal Law Blog, 28th August 2012

The Howard League of Penal Reform has announced that it is going to carry out extensive, two-year research into sex in prisons. Part of this research will include looking into conjugal visits. It seems likely they will once again suggest the adoption of a visitation scheme in the UK.

Despite flirting with reforms of penal policy, the coalition has been reticent to be seen to be granting our ever increasing prison population anything that could be deemed greater rights. At a time when reducing public expenditure and, now a year on from the widespread riots, addressing the country's social problems are at the coal face of political rhetoric, we need a government that is willing to engage in real debate about these issues.

Parliamentary discussions on conjugal visitation rights have largely followed the same pattern: an individual MP raises a question on the topic; there is a declaration that the government has no present intention to allow conjugal visits; there is a prolonged period of deafening silence. As with the spectre of prisoner voting, there has been little attempt to look at the merits of such schemes.

Large swathes of Europe have adopted some form of private visitation scheme, as have both our Canadian and American cousins to a greater or lesser extent. What research

and with integrity. It can be done. And must be done, for the sake of policing and the people of London.

Determinate and Indeterminate Sentences and Recalled Prisoners

The Lord Chancellor and Secretary of State for Justice (Chris Grayling): I have written to Sir David Calvert-Smith, chairman of the Parole Board for England and Wales, advising him that it is our intention to withdraw the Secretary of State's directions to the Parole Board in respect of the release of determinate sentence, indeterminate sentence and recalled prisoners. The directions in respect of Parole Board recommendations on the transfer of indeterminate sentence prisoners to open conditions will remain in force.

The Parole Board has the important responsibility of determining whether some of the most dangerous prisoners in the criminal justice system can be safely released back into the community. We have recently enacted legislation in the form of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 which contains a clear and consistent statutory release test that the board must apply in making those decisions—that is, the board must not direct a prisoner's release unless their detention is no longer necessary for the protection of the public. The LASPO Act applies this "public protection" test to all cases which come before the board and also provides a power for the Secretary of State to amend the test by order. In view of this, I consider that it is no longer necessary or appropriate for the directions to remain in place.

In its original incarnation, the board was an advisory body which made recommendations to the Secretary of State who was responsible for the final decisions on release. It was in this context that the power for the Secretary of State to issue directions to the board was established. Since then, however, the board has evolved into an independent decision-making body. I believe that it is more appropriate, therefore, for the board to set its own guidance in relation to the application of the statutory release test that Parliament has put in place.

We are, therefore, withdrawing the existing directions in favour of the Parole Board applying its own guidance. The board issued guidance for its members in November 2012 which sets out how the statutory release test in the LASPO Act is to be applied. In addition, the board has produced guidance which lists the factors to be taken into account by panels when considering whether to release different categories of prisoner. This list largely reflects the same factors set out in the Secretary of State's directions, so in practical terms the withdrawal of the directions will not materially change how the board approaches its release decisions. I should like to emphasise that the protection of the public will remain at the heart of every release decision made by the board. Copies of the Parole Board's guidance have been placed in the Libraries of both Houses. House of Commons / 11 July 2013 : Column 46WS

Judge Criticises HMP Maghaberry Treatment of Ill Inmates *BBC News, 11/07/13*

A judge has told the authorities at Maghaberry Prison in County Antrim to bring their facilities for treating ill prisoners into the 21st Century. Mr Justice Weir also said they should show more humanity to inmates as far as their medical needs were concerned. His comments came after he was told that a murder suspect is to get the treatment he needed for a broken arm. The judge had ordered senior Maghaberry staff to appear at Belfast Crown Court to explain the delay in treatment.

A deputy governor and staff were in court on Thursday 11/07/13 but they were not called after a prosecution lawyer said that the medical needs of the suspect, Jimmy Seales, would be accommodated within the health service. Mr Seales, 55, of Ballykeel Road in Hillsborough, County Down, denies involvement in the murder of Philip Strickland near Comber, County

tried to discredit the Lawrence family and friends, Duwayne Brooks, in whose arms Stephen died, anti-racist groups and organisations monitoring racist attacks. If this is true one wonders how low can an institution get?

Predictably, the Met leadership, Home Secretary, Mayor Boris, all and sundry, have come out with their well-rehearsed platitudes of disapproval – yes, the same Boris who, with William Hague and others, pronounced the Macpherson inquiry an iniquitous "witch-hunt" of the noble constabulary. Some of us knew better.

I was there protesting, in 1983, with the poet Benjamin Zephaniah, outside Stoke Newington police station where a black man, Colin Roach, 21, died of bullet wounds. I remember Cherry Groce, mother of eight, shot and paralysed in 1985 by police in her home in Brixton; and Cynthia Jarrett who died of a heart attack when police raided her home in Tottenham. Riots erupted and poor PC Blakelock was cruelly slain.

Three innocent black men were convicted of the senseless murder and later freed. History repeated itself when Mark Duggan, black and young, was shot dead in Tottenham in 2011, setting off the last urban riots. In 1993, I wrote about Joy Gardner, taped up and restrained in front of her young son, when being arrested by immigration police. She collapsed and died four days later. There have been many others. None of the policemen or women were held to account. Most disturbing of all was watching Paul Condon at the Macpherson inquiry – his curled contempt when giving evidence.

You see, I knew of Condon in a previous incarnation. My friend Frank Crichlow, a popular Trinidadian activist in Notting Hill Gate, ran the Mangrove, a community music club and restaurant. In 1988, officers answerable to Condon – then Deputy Commissioner for west London – raided the Mangrove. Pictures were taken of illegal drugs which were believed to have been planted by the law enforcers. The subsequent case against Crichlow was thrown out. He was awarded record damages of £50,000 but he was never himself again. Condon, though, went on to run the Met. He now sits in the Lords and denies knowledge of any of these incidents.

Discrimination against officers of colour continues in our police forces; too many citizens of colour still suffer racist violence and abuse. I see a link between the two. The Independent recently interviewed Kevin Maxwell, the mixed-race, gay Met officer who said he resigned after being intimidated by his seniors because he spoke up about some of his colleagues' racist and homophobic behaviour . An employment tribunal upheld 44 counts of harassment. Not that long ago, Gurpal Virdi, a Sikh Detective Sergeant, won his case of discrimination and then took another case to tribunal two years later. Assistant Commissioner Tarique Ghaffur, the highest-serving Muslim in the Met, left and alleged discrimination. Several members of the National Black Police Association have made similar complaints, some publicly, others privately to me.

The Lawrences want another inquiry; not, in my view, a wise call. Inquiries are the perfect British answer to contentious events: they go on and on, people forget, the high emotions that led to them are dissipated. (Do you remember there is a Chilcot Iraq inquiry still to report?)

What we need instead is perhaps a judge gathering all the evidence already in the public domain of police collusion with, or indifference to, racist attacks; complaints made by black and Asian coppers; undercover operations against families and groups seeking justice; and those in charge when some of the worst cases surfaced.

It should cover the period from the Eighties to now, be produced fast and in clear, unambiguous language. And then a parliamentary committee should summon the Met leadership to ask why, what and when, with future meetings scheduled in to make sure the force is operating fairly, effectively

there has been into private visitation largely supports the idea that it has significant positive effects: reduced prisoner-on-prisoner sexual violence; increased adherence to prison rules; reduced breaches of parole; reduced re-offending; and positive effects on the inmate's family, particularly where they have children.

There are potential social and fiscal benefits to this kind of scheme. Firstly, a reduction in re-offending would mean a drop in the prison population, where every inmate costs around £40,000 a year. Second, allowing inmates to foster and maintain familial relationships will have effects beyond their own re-offending. The links between families with strong social ties and the positive development of children have long been established, including lower rates of criminality and increased educational attainment.

The first step towards a genuine debate on the issue is to carefully consider how we label it. We need to move away from the Americanised term 'conjugal visit'; a phrase which conjures up mental images of a cheap motel room for inmates. Instead, we should look to adopt more positive, neutral terminology. The Canadians have developed 'Private Family Visits'; a term which has less of the seedy connotations and is more reflective of the reality.

Private Family Visits are perhaps the epitome of a functional, positive scheme and a model toward which we should strive. Regional schemes started in the 1960s and developed into a national program. Offenders incarcerated for more than 2 years are entitled to visits of up to 72 hours, a maximum of every 2 months. Visits are subject to stringent prior assessment of the inmate and the visitors, and dependent on good behaviour. They are given access to a small, fully furnished apartment, with one or two bedrooms, a kitchen, living room, bathroom and even outdoor space in which the inmate, his partner and his children can experience family life.

Whilst sex is one aspect of private visitations, they are about much more than that. They are about maintaining strong family ties and social integration, not just with partners but with children. It can only be hoped that the results of the research by the Howard League will bring about proper discussion on prisoner's rights.

Crown Won't Prosecute Police Sergeant Over Violent Home Invasion

Last month a judge at Omagh Magistrates' Court dismissed nine charges brought against Anthony Kirk and two charges brought against his wife as a result of an unlawful invasion of there home. Ruling that police had no legal authority to forcibly enter the couple's home and were in serious violation of his person and his property rights. Severely criticising the officers involved, Judge Bernie Kelly said she was in 'no doubt that Mr Kirk was met with serious violence to his person'.

Anthony Kirk (39), claimed the force used by Sergeant Garth Boyle and the distress caused by an incident at their home at Shergrim Glen in Omagh, later caused his wife Shona to haemorrhage. Rushed to the South West Acute Hospital in Enniskillen, the couple were told that the bleeding had been brought on by stress. Medical staff suggested Shona had been carrying twins and had lost one of the unborn children. However the couple say they won't know for sure until Shona gives birth later this year.

An independent investigation by the Police Ombudsman was launched into the controversy after the couple lodged a complaint. The result of that investigation was sent to the Public Prosecution Service to consider to pursue a case against Sergeant Boyle. However this week, a PPS spokesperson confirmed that a decision has been taken not to prosecute.

Speaking to the Ulster Herald, Mr Kirk, who suffers from epilepsy, said he is "flabbergasted" by the decision which he says flies in the face of considerable evidence. The decision is

currently subject to a review, but the father-of-four said he holds little hope for the PPS to change its mind, leaving a protracted civil case their only recourse for justice.

Left to feel forgotten and powerless, the 39-year-old said he is fed up and now just wants to move on with his life. But he admits the episode has left him with a bitter taste in his mouth. “It seems police are able to get away with what they want. It is absolutely disgraceful, but what really can I do about it? We thought we would get justice because there was that much evidence against them. But there has been no justice. I’m very disappointed with the decision, but now we just want to carry on with our lives. I don’t understand how the PPS can come to that decision when the judge in Omagh brought the officers into the court and gave them a mouthful over the way we were treated. We’ll never get over what they did, we’ll never get over losing the baby. There hasn’t even been an apology from the police.”

Asked for a comment, a PSNI spokesperson said, “Because of ongoing considerations, it is not appropriate to comment at this time.” *Ulster Herald, 28/06/13*

Resettlement Prisons Introduced In Bid To Cut Reoffending

Offenders in England and Wales will be moved to prisons near where they live before they are released, under plans announced by the Ministry of Justice. Resettlement jails, aimed at cutting reoffending, will house most male prisoners from autumn 2014. There are plans for 70 such prisons, with a trial of the new system planned in north-west England later this year. Under the plans, existing facilities in England and Wales would become resettlement prisons. Ministers said it would mean those in jail could start "working towards their rehabilitation" from the moment they were imprisoned.

Prisoners serving 12 months or under would serve all of their time in a resettlement prison and receive a "tailored package of supervision and support" on release. The majority of inmates serving longer sentences would be moved to a resettlement prison at least 3 months before the end of their custody. "Rehabilitation in the community must begin in prison & follow offenders through the gates if we are to stand a chance of freeing them from a life of crime," Mr Grayling said, "Currently a local area could expect to receive offenders from dozens of prisons across the country - this is hopeless., little wonder we have such high reoffending rates when you have a prisoner leaving HMP Liverpool, given a travel permit to get them home to the south coast, and then expected to simply get on with it."

Women prisoners are not covered by the plans and are subject to a separate review, which will report later this year. The government recently announced plans to make every prisoner in England and Wales complete a year-long period of supervision with private, charity and voluntary sector organisations bidding to carry out the work under a system of payment-by-results.

Paul McDowell, chief executive of crime reduction charity Nacro and a former governor of Brixton Prison, said: "We are still sending too many people to prison when they could be better dealt with in the community - especially many of those serving short prison sentences.

"But putting communities at the heart of the criminal justice system through the development of resettlement prisons is a step in the right direction." Juliet Lyon, director of the Prison Reform Trust said: "Resettlement and rehabilitation do matter but, until and unless you reserve prison for serious and violent offenders, you cannot hope to cut sky-high reoffending rates or maintain safe and decent regimes. Given the pace and scale of change, ministers focused on developing the justice market could easily lose sight of the solutions that lie outside of prison bars in health, housing and employment."

Labour Shadow justice secretary Sadiq Khan said it welcomed the idea of resettlement prisons in principle, but said the plans were "another example of reality being very different from rhetoric".These plans amount to a substantial reorganisation of our prisons system, and it's not

nerable victims and witnesses. Recent announcements such as enabling use of pre-recorded interviewing in safe spaces go some way to redress the balance for victims. However, we believe much more can and should be done, such as better use of special measures and compulsory training for defence barristers on how to handle young and vulnerable witnesses."

Prisoners: Death [Legal Aid, Exceptional Funding] *Commons / 04/07/13 : Column 758W*

Jeremy Corbyn: To ask the Secretary of State for Justice what estimate he has made of the cost of legal representation of the Government at inquests into all cases where the state is represented in deaths in custody in each of the last three years; and how much his Department spent on legal aid for families of the deceased in such cases during the same time period.

Jeremy Wright: Ministry of Justice (MOJ) does not hold details of the annual cost to the whole of Government of legal representation at inquests. Each Department makes their own arrangements. The MOJ specifically incurs legal costs at inquests following the deaths of serving prisoners. The Treasury Solicitor's Department charges the MOJ for legal advice and representation at inquests. These charges came to £2.7 million in 2009-10; £2.1 million in 2010-11 and £2.1 million in 2011-12. The figures for 2012-13 are not yet published. It is not possible to attribute these charges to completed inquests.

Under the Access to Justice Act 1999, the Lord Chancellor has the power, on request from the Legal Services Commission, to grant exceptional legal aid funding in cases where civil legal aid was not generally available. For death in custody inquests, he delegated this power to the Legal Services Commission. The total amount spent on exceptional funding was £1.1 million in 2007-08; £1.5 million in 2008-09; and £1.6 million in 2009-10. While most of the applications for exceptional funding are for inquests, it is not possible to disaggregate the expenditure on inquests from the total amount spent on exceptional funding. I regret that it is not possible to identify separately the amount spent on legal aid for families of the deceased at inquests.

One Dark Secret to Another: Can the Met Go Any Lower? *Yasmin Alibhai Brown*

Promises deliver little as institutional racism lives on: I hope the bosses of London’s Metropolitan Police Service (Met) don’t go all defensive about this column or distrust my motives. Some of them have tried (though failed) to eradicate the virus of pervasive police racism. A few took me to good lunches and provided me with extra security when I faced some frightening physical threats. So I owe them and would not malign either individuals or the force without good reason.

But having been an anti-racist activist all my adult life, I also know stories, dark secrets of black and Asian people failed or picked for special ill-treatment by Met officers, high and low. From time to time these dank truths emerge, and the public is shocked. When will the police do more than pretend they understand and care? Their old statements of intent and good policies, just sheets of decorative wallpaper, are now frayed and fading. And, dishearteningly, contemporary promises and practices have not delivered.

This is in no way special pleading. White people are also victims of police malevolence and of hate crimes, and too often feel further punished by the criminal justice system. However, police officers rarely harbour generic prejudices against white UK nationals – though some, admittedly, do seem to loathe the Irish.

The time does seem right to look again at the Met and race, since the media interviews with the ex-undercover Met cop Peter Francis, who alleged the police spied on and

ture and protecting human rights. Most also prohibit torture within their national legal systems. However, the definition of "torture" as a crime is frequently not in line with article 1 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 2 of the Inter-American Convention to Prevent and Punish Torture, as is the case in Brazil, Dominican Republic, Guatemala, Mexico, Nicaragua and Peru. Furthermore, practices in various countries suggest that perpetrators are often prosecuted for less serious offenses if at all.

Though many countries have laws in place to regulate the length of pre-trial or preventive detention, these are not always enforced resulting in widespread use of prolonged pre-charge and pre-trial across the region. Furthermore, while several countries have constitutional provisions allowing detainees to challenge the legality of their detention, including through habeas corpus petitions, these are often of little use to detainees who have no access to legal representation. Many countries in the region have legal provisions in place to guarantee detainees' access to a lawyer. However, there are serious obstacles that prevent this from being realised, even in countries where legal aid is available. These include an insufficient number of public defenders; lack of knowledge of international norms on torture amongst public defenders; or public defenders' inability to speak the same language as their clients, which particularly affects members of indigenous groups. Where access to a lawyer is contingent on the ability of a victim to pay for legal services, economically marginalised persons often face particularly serious challenges putting them at greater risk of torture.

Courtroom Treatment of Vulnerable Vctims Faces Review

Justice minister says aggressive cross-examination from multiple defence barristers has left victims deeply traumatised. An investigation is being launched into aggressive courtroom cross-examination of vulnerable victims in the wake of high-profile child sex abuse cases, Damian Green has confirmed.

The justice minister said work would be carried out over the summer to find ways to curb hostile practices after a growing number of cases in which witnesses were left "deeply traumatised". Green raised concerns about the treatment of victims in the recent trial of a gang who ran a child prostitution ring in Telford, Shropshire.

One girl who had been sold to men across England since the age of 13 was cross-examined by seven defence barristers over 12 days. Green said the review would consider whether barristers should only be allowed to bring up new points, and explore fresh guidance for judges on how to deal with such cases. "It wouldn't be right to ignore the concerns of vulnerable victims forced to relive the most horrific experience they have ever had, often for days on end, when cross-examined in court.

The growing number of cases where victims report being left deeply traumatised by aggressive cross-examination from multiple defence barristers mean that questions must be asked. I have ordered an investigation into how we might reduce the distress caused to victims without compromising the fundamental right to a fair trial."

Javed Khan, chief executive of Victim Support, said: "Victim Support has long called for a rebalancing of a justice system that too often overlooks the needs of the victim, so we welcome today's announcement. Time and again we see victims who have had to endure a double trauma, first at the hands of those who have harmed them, only to then face torturous cross-examination and degrading questions from multiple defence barristers in court.

This is surely not the best way to obtain sound, accurate evidence, or indeed to protect vul-

clear how it will be funded. Nor is it clear what will happen in London where there is an estimated shortfall of 8,000 places. Prisoners from London are currently scattered all over the country, many miles from their family and friends, making this policy announcement meaningless for them."

Call For Independent Panel to Review Ballymurphy Killings

The families of 11 people killed by the Army in west Belfast more than 40 years ago have called for an independent panel to investigate the deaths. The proposed panel would be chaired by former police ombudsman Nuala O'Loan. They want the panel to examine all documents and papers relating to the deaths. The seven-strong panel would also include Prof Phil Scraton, author of the independent Hillsborough report into the deaths of 96 football fans in 1989, and civil rights lawyer Gareth Pierce.

Members of the Parachute Regiment claimed they opened fire after being shot at by republicans during Operation Demetrius in 1971. Eleven people were killed they were, Fr Hugh Mullan, Francis Quinn, Daniel Teggart, Joan Connolly, Joseph Murphy, Noel Phillips, Edward Doherty, John Laverty, Joseph Corr, John McKerr, Paddy McCarthy

The relatives said the panel should report within 12-18 months, and should be funded by the British and Irish governments. Its work would reflect the terms of reference of the government-funded Hillsborough Independent Panel. In a statement the families said "they have amassed strong evidence that all who died were killed unlawfully and in breach of Article 2 of the European Convention of Human Rights. "The case raises serious questions regarding human rights abuses committed by the British Army and of a culture of impunity in the north of Ireland in which members of the security forces routinely were above the law."

The families have criticised the Royal Ulster Constabulary (RUC) investigation into the killings at the time. They have also expressed no confidence into the review of the deaths currently being conducted by the Historical Enquires team (HET). After an application from the families the attorney general directed the coroner to re-open inquests into the deaths in November 2011.

Lie Detector Tests to be Introduced to Monitor Sex Offenders Alan Travis, Guardian,

MPs are expected to clear the way for the introduction of compulsory lie detector tests to monitor convicted sex offenders across England and Wales from next January. The national rollout of US-style mandatory polygraph tests for serious sex offenders who have been released into the community after serving their prison sentence follows a successful pilot scheme. The trial was carried out from 2009-11 in two Midlands probation areas and found that offenders taking such tests were twice as likely to tell probation staff they had contacted a victim, entered an exclusion zone or otherwise breached terms of their release licence. Continuing concerns about the reliability of the tests and misinterpretation of the results mean they still cannot be used in any court in England and Wales.

However it is expected that the compulsory polygraph tests will be used to monitor the behaviour of 750 of the most serious sex offenders, all of whom have been released into the community after serving a sentence of at least 12 months in jail. The tests involve measuring reactions to specific questions by monitoring heart rate, blood pressure, breathing and levels of perspiration to assess whether the subject is being truthful. The results will be used to determine whether they have breached the terms of their release licence or represent a risk to public safety and should be recalled to prison.

The power to introduce compulsory lie detector tests was put on the statute book six years ago in the Offender Management Act 2007. MPs will debate secondary legislation in the form of a statutory

instrument to come into force from 6 January 2014. The House of Lords will be asked to approve it later this month. The justice minister Jeremy Wright said: "Introducing lie detector tests, alongside the sex offenders register and close monitoring in the community, will give us one of the toughest approaches in the world to managing this group. We recently announced the creation of a National Probation Service tasked with protecting the public from the most high-risk offenders. They will be able to call on this technology to help stop sex offenders from reoffending and leaving more innocent victims in their wake."Hertfordshire police used the tests in a pilot scheme in 2011 to help decide whether to charge suspected sex offenders and gauge the risk they posed to the public. "Low level" sex offenders were involved in the original pilot. At least six revealed more serious offending and were found to pose a more serious risk to children than previously estimated.

A further trial was ordered but at the time the Association of Chief Police Officers voiced caution about the adoption of such tests: "Polygraph techniques are complex and are by no means a single solution to solving crimes, potentially offering in certain circumstances an additional tool to structured interrogation," a spokesman said. Polygraph testing is used in court in 19 states in America, subject to the discretion of the trial judge, but it is widely used by prosecutors, defence lawyers and law enforcement agencies across the US.

Parole [Input From Families Of Victims] House of Commons / 09/07/13 : Column 220W

1) Philip Davies: To ask the Secretary of State for Justice what his policy is on seeking input from families of victims when an application for parole has been considered.

Mrs Grant: Victims who have opted in to the statutory Probation Victim Contact Scheme for victims of serious violent and sexual offences where the offender has been sentenced to 12 months or more, will be informed of a Parole Board review and offered the opportunity to make a Victim Personal Statement (VPS). The VPS provides victims with a valuable opportunity to tell the Parole Board how the offence has affected them or their family, both at the time it was committed and since, and how they think the offender's release would affect them. The VPS can contribute to a better and more informed hearing, as it may enable more robust questioning of the offender about the offence, remorse and victim empathy.

If an oral hearing is held, the victim or their family members may request to attend to read their VPS in person, or, where the facilities are available, may request to read their VPS via videolink.

Under the new Code of Practice for Victims of Crime due for publication later in the year, probation trusts will have a duty to ensure that victims are offered the opportunity to make a VPS and that it is forwarded to the Parole Board in time for it to be read by the panel, and the Parole Board will have a duty to read the VPS when making the decision.

If victims have evidence that the offender may present an ongoing risk to them, they can submit this through their probation victim liaison officer, who will pass that evidence to the offender manager to be addressed in the offender manager's report to the Parole Board, which is one of the key documents used to assess the prisoner's suitability for release. The Parole Board must consider any information about the victim which relates directly to the current risk presented by the offender.

Victims are also statutorily able to make representations to the Parole Board about the licence conditions to which an offender will be subject on release, such as a condition prohibiting the offender from contacting them or their family members, or an exclusion zone prohibiting them entering areas in which they live or work for example. If the Parole Board does not include a condition which was requested by the victim, they must provide reasons for this.

The purpose of a review is to assist the Parole Board determine whether the risk presented by a prisoner, including to victims, is such that he may be safely managed in the community. If the Parole Board is not so satisfied, it will not direct the release of the offender.

2) Philip Davies: To ask the Secretary of State for Justice what his Department's policy is on informing the family of a murder victim about the release from custody of the person convicted of that murder.

Mrs Grant: The families of murder victims have a statutory right to be offered access to the Probation Victim Contact Scheme. The Scheme is for victims bereaved by murder, as well as for victims of violent and sexual offences where the offender has received a custodial sentence of 12 months or more, or a hospital order. The Scheme is delivered by victim liaison officers employed by probation trusts.

Victims who opt in to the Victim Contact Scheme are told of key stages in the offender's sentence, such as the offender's forthcoming parole review, and the outcome of that review, whether the Parole Board has directed the offender's release, recommended his transfer to open conditions or declined to do either.

Victims also have a statutory right to make representations about licence conditions to which the offender will be subject on release. These can include a no-contact condition and an exclusion zone prohibiting the offender from entering areas where victims live, work and into which they travel frequently. Victims will be told which conditions included on the licence relate to them.

Americas: Torture and ill-treatment in the Judicial System

Torture and ill-treatment continue to be committed throughout the Americas, including in all 18 countries considered, notwithstanding transitions to democracy in a number of countries. Nonetheless its prevalence, forms, perpetrators and victims have changed over time. The main perpetrators are members of the police and security forces as well as prison staff, with the majority of violations taking place at prison facilities and police stations. Some of the most common patterns seen in the region include torture by law-enforcement personnel during criminal investigations to extract confessions and information, and by prison officials as a means of punishing, maintaining control over detainees and discriminating against some groups of detainees. Police and other law enforcement personnel have also on several occasions used excessive force amounting to ill-treatment if not torture, against demonstrators to quell social protests. In addition, the implementation of specific policies, such as on counter-terrorism and anti-drug trafficking, has given rise to credible allegations of torture and ill-treatment. The United States in particular has been implicated in such violations in the context of the global “war on terror”, especially its programme of extraordinary rendition, as well as the military engagements in Iraq and Afghanistan. Canada is also alleged to have been complicit in cases of torture in this regard. In some parts of the region, conditions of detention are reportedly so poor that they amount to cruel, inhuman or degrading treatment, as evidenced in a number of decisions of the Inter- American Court and Commission on Human Rights, including precautionary and provisional measures in the case of Argentina and Brazil.

Across the region, members of marginalised groups face disproportionate and heightened vulnerability to torture and ill-treatment, including indigenous peoples, women, migrants, lesbian, gay, bisexual and transsexual (LGBT) persons, persons of African descent, and people living in poverty. Women and members of the LGBT community are at heightened risk of being subjected to sexual violence, which is particularly severe in countries affected by armed conflicts.

All of the States considered have ratified international and/or regional treaties prohibiting tor-