tariff periods (in some cases by many months). They variously claim that the circumstances of their detention mean they have been unable to complete the rehabilitation courses required before the Parole Board will consider their release, and in each case they have issued judicial review proceedings.

West Midlands Prison 'Not Fit For Purpose'

A damning report that finds violence too high, lax security, drug usage 3 times above targets.

Report on an Unannounced Inspection of HMYOI Brinsford. Inspection 4–15 November 2013, published 23/04/14 HMYOI Brinsford is located on a site adjacent to Featherstone and Oakwood prisons. At time of inspection it held 569 young men aged between 18 and 21, many of whom are from the West Midlands. At its last inspection in 2012, inspectors found some improvements to the prison but generally mixed outcomes, with some significant criticisms of safety, the quality of the environment and the prison's disappointing approach to resettlement. This inspection found that hardly any of our concerns had been addressed effectively and that in almost all respects the prison had deteriorated markedly. These are the worst overall findings the Inspectorate has identified in a single prison during the tenure of the current Chief Inspector. Across all of our four tests of a healthy prison, inspectors found outcomes to be poor. Inspectors were very concerned to find that: - prisoners from black and minority ethnic backgrounds expressed some concerning negative perceptions. - the services in place to assess the individual risk and needs of prisoners and to offer support in the early days were poor, with an un-welcoming reception, chaotic procedures and weak induction; - levels of violence were comparable to similar establishments but remained too high and structures to reduce violence and tackle bullying lacked rigour; - support for, and the case management of, those in crisis was poor; - the application of security measures was inefficient, sometimes disproportionate and not well integrated; - Use of force was higher than when we last visited and about half of all incidents involved the full application of restraint techniques, which we thought was high. - mandatory drug testing indicated usage was nearly three times the prison's own target; - the general environment was, with the exception of one unit, very poor, with squalid cells, a significant number of which had window panes missing and were not fit for occupation; - Arrangements to manage and support vulnerable prisoners were incoherent and it was clear that many had been moved to facilities such as the first night centre, drugs unit or health care centre to effect sanctuary. - A significant number of prisoners were identified as potential self-harmers because they had been threatened or bullied. - the promotion of diversity was weak; - many of these cells were not, at the time, fit for occupation. It was concerning that managers and staff seemed incapable of seeing this or effecting a meaningful intervention or escalation to put these very obvious inadequacies right. - during the working day, 44% of prisoners were locked up doing nothing and time out of cell for some was very poor; - there was insufficient work or activity for the whole population, the Offender Learning and Skills Service education contract was not being fully delivered and inefficiencies in the routine meant many learning or work sessions were disrupted; and - work to support the resettlement of prisoners remained weak, with no strategy, no effective policies, no needs analysis and inadequate leadership. - Inspectors made 108 recommendations Nick Hardwick said: “Brinsford is a prison that has struggled for a number of years. Work with young adults is very challenging and facilities in the prison are not ideal but this is an establishment that needs significant improvement. When we spoke to staff and managers they were aware of the problems but seemed overwhelmed, and they lacked a plan or the determination to begin to get to grips with what needed doing. We found so much wrong with Brinsford that it is going to take time to improve, but stronger leadership and capability from managers, along with a better approach and greater professionalism from staff, would be a start.'

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MOJUK: Newsletter ‘Inside Out’ No 474 (24/04/2014)

Babar Ahmad and Syed Talha Ahsan Seek Access To Secret Files

Two British men who pleaded guilty to raising money for al-Qaida and the Taliban go to a US court on Friday, seeking access to secret documents about a witness whose testimony could influence how long they spend in prison. Thirty-nine-year-old Babar Ahmad and 34-year-old Syed Talha Ahsan have argued in papers filed in US district court in New Haven, Connecticut, that they have a right to more information on the witness, British citizen Saajid Badat. On Friday, Badat told a New York judge in a separate case he does not want to testify in the US. Speaking via a video link, he said he believes he would be arrested if he came to America. Badat was indicted in 2004 in Boston on charges he conspired with Richard Reid, another Briton, who tried to blow up a passenger jet with a shoe bomb. Federal judge Katherine Forrest is considering whether to allow Badat's testimony at the upcoming trial of Mustafa Kamel Mustafa, who is charged with conspiring to support al-Qaida.

According to prosecutors in the Connecticut case, Badat was recruited into al-Qaida as a result of Ahmad's work. Prosecutors have argued that the sealed documents defence lawyers are requesting are too "sensitive" to release, while the defence contends that they could show that Badat would be willing to lie about their clients. "The witness has perhaps the greatest incentive to lie and the greatest need for effective confrontation," the lawyers said in court papers. They noted that the witness served less than seven years in prison and has not been extradited to face charges in the US. Tom Carson, a spokesman for the US attorney's office in Connecticut, confirmed that Badat was the witness in question. Prosecutors plan to interview Badat before Ahmad and Ahsan are sentenced. "The witness ultimately moved on from [recruitment by] Ahmad and came under the mentorship and training of actual al-Qaida members who trained and prepared him for al-Qaida's so-called 'shoe-bomb' plot," prosecutors argued in court papers requesting that Badat be interviewed in Britain.

Ahmad and Ahsan in December pleaded guilty to running the azzam.com web site, which raised money for al-Qaida and the Taliban. They were prosecuted in Connecticut because US officials in the state played a key role in the investigation. Ahmad faces up to 25 years in prison and two to five years' probation. Ahsan faces up to 15 years in prison and up to five years' probation. Each could be fined up to $500,000. th*eguardian.com, 04/04/14*

Haroon Aswat Extradition Decision Postponed Until June BBC News, 16/04/14

Home Secretary Theresa May has been given two months to seek assurances from the US about how a terror suspect will be treated if he is extradited. Briton Haroon Aswat is accused by the US of conspiring with radical cleric Abu Hamza to establish a terrorist training camp in Oregon. The European Court of Human Rights blocked his extradition due to fears about his mental health. The High Court said the US had until 13 June to make assurances to the UK. If no assurances were received in that time, extradition would be blocked, the judges said. US authorities allege Mr Aswat was involved in a plot to establish a terrorist training camp at Bly, in Oregon, with Abu Hamza, who was sent for trial in the US in 2012. Mr Aswat, who denies any terrorism involvement, was arrested in 2005 by UK authorities following a request from the US for his extradition.

However, he was transferred from prison to Broadmoor special hospital in 2008 because he was suffering from paranoid schizophrenia, Last year, the European Court blocked Mr Aswat's extradition to the US, saying his likely detention in a top security jail could cause his mental health to deteriorate. The court said his mental and physical health could significantly worsen in the "more hostile" environment of a "supermax" prison - most likely ADX Florence in Colorado - where he would have no support from family or friends. It said that extraditing Mr Aswat, who used to live in Yorkshire, would breach his human rights, specifically Article 3 of the European Convention on Human Rights which prohibits inhuman or degrading treatment. That ruling was upheld in September, last year, after a challenge from the UK government.

However, later that month the home secretary announced her decision not to withdraw the extradition order, despite the European Court ruling. Her decision was then challenged at London's High Court by lawyers acting for Mr Aswat. At a hearing on 1 and 2 April, lawyers representing the home secretary told the High Court there was new information showing Mr Aswat could be lawfully sent to the US. James Eadie QC pointed to a letter from the US Department of Justice, which stated that "if at any stage it became clear that Mr Aswat's mental condition was such that it could not be managed in ADX Florence, then he would be transferred from there to a more suitable mainstream facility." This letter had, Mr Eadie said, "filled the gaps which Strasbourg had identified". He said if extradited, Mr Aswat would be accompanied on the flight by an "emergency medical technician" and would be given a "full mental health evaluation within 24 hours of his arrival".

However, Edward Fitzgerald QC, representing Mr Aswat, told the court there had been no assurance from the US that his client would be held in a hospital. Mr Fitzgerald said there was a "wealth of evidence that schizophrenics do go to ADX Florence" and that there was "wholesale neglect" of them there.

Adjourning the case, Lord Thomas said there had been a failure by the home secretary to give "the kind of assurances envisaged in the judgment of the Strasbourg court". The judges unanimously ruled that a final decision in the case should be postponed for 60 days so the US government could consider whether it wished to give the kind of assurances demanded by Strasbourg - or extradition would be blocked.

SSHD v JR (Jamaica), R (application of) [2014] EWCA Civ 477 (16/04/14)

1) JR is a citizen of Jamaica who was born on 3 October 1985. He arrived in the United Kingdom on 20 December 2000 when he was 15. He had leave to enter as a visitor. He had come with his grandmother and a half sibling to visit his mother. Once here, an application for further leave to remain as a visitor was refused. However, he stayed. On 7 December 2001 he was party to the murder of another teenage boy. He and a co-accused were convicted on 27 August 2002 and sentenced a month later. The sentence was one of detention at Her Majesty's pleasure, with a recommendation that he serve a minimum period of 8 years and 2 months and a recommendation for deportation. He successfully appealed his sentence with the result that the minimum period was reduced to 6 years and 2 months and the recommendation for deportation was set aside. On 31 December 2009 the Secretary of State decided to deport JR. He appealed against that decision on spurious asylum grounds which were rejected on 3 June 2010. On 10 April 2012, whilst still in custody, JR submitted a fresh claim for refugee and human rights protection asserting that he is a homosexual. This was the first occasion upon which he had

the Corrections Department's existing guidelines recommended multiple checks of the inmate's vital signs three times a week, repeated visits with a physician and ongoing evaluations by a psychologist. Medical staff would later tell internal investigators they were either unfamiliar with the protocols for handling a hunger strike or that Hiland and Wilkinson forbade those procedures from being used. There is no mention of whether anyone considered force-feeding the inmate.Corrections investigators determined Embry continued to refuse most food, though he drank tea on occasion while continuing to make threats to hurt himself in the ensuing weeks. Investigators concluded that Embry refused 35 of 36 meals before his death. The state has placed Hinkebein, who is also in private practice in Central City, Kentucky, on administrative leave, and said it is in the process of firing her and her associate. Hinkebein declined to comment, saying she was still a state employee.The internal investigation found that Hiland and Wilkinson didn't check on inmates as they should have during routine visits. The report also documented multiple communication problems among medical staff and allegations that other nurses were intimidated by Wilkinson, a contract staffer who works for Nashville, Tennessee-based Correct Care Solutions. Phone and email messages left with the company seeking comment from managers there and from Wilkinson were not returned. Embry, a heating and air conditioning repairman by trade, had no family or friends visit him at the prison, and no one claimed his remains. He is buried in a potter's field near the penitentiary.

Smartphone Scanner for Fingerprints

South Australia Police (SAP) is using fingerpint scanning technology that allows officers to check identity via a mobile device over a 3G/4G mobile data network. It is the first time that any Australian police force has implemented an identity management technology used on smartphone mobile devices.?? Instead of verifying identity via fingerprinting at the station, SAP officers equipped with NEC's mobile system can now independently do this at the scene of a crime or during other questioning, such as missing persons investigations, and reduce officers' vulnerability to inaccurate identity claims.? The system consists of a small, fingerprint capture unit, which is connected via Bluetooth technology to an Android smartphone. It is installed with a custom-built NEC app that officers use to cross-reference captured fingerprints against Australia's Crimtrac National Police Reference database. If a match is found, results are displayed as a "hit" containing information about the person, such as any bail conditions, outstanding warrants and any behaviour characteristics such as "possibly violent tendencies."?? After a successful trial in 2013, the technology will be deployed across 150 units. "The roll-out and operation at this point has been a complete success. It's helped the South Australia Police force identify a number of suspects with outstanding warrants, bail conditions and aided investigations into missing persons," said D'Wayne Mitchell, director of Communications Solutions at NEC Australia.

Do Indeterminate Sentences Infringe the Rights of Prisoners?

Supreme Court hearing to be heard in May. The four appellants in these related cases, messers Robinson, Massey, Haney and Kaiyam. are prisoners serving sentences of imprisonment for public protection (IPP). The issue is whether their detention is in breach of article 5(1) of the European Convention on Human Rights (right to liberty) and whether the Supreme Court should depart from the decision of the House of Lords in R (James and others) v Secretary of State for Justice in the light of James and others v United Kingdom, where the ECtHR found that that the UK was violating the Convention by failing to provide the rehabilitative courses to the prisoners which were necessary for their release.

Each of the prisoners are serving IPP sentences (Mr Robinson for sex offences; Mr Haney for robbery; Mr Massey for sex offences; Mr Kaiyam for offences including robbery) but have passed their

– from telling prison staff he felt anxious and paranoid to banging his head on his cell door – Embry refused most of his meals. By the time of his death in January 2014, he had shed more than 30lb on his 6ft frame and died weighing just 138lb, according to documents reviewed by the AP.

An internal investigation determined that medical personnel failed to provide anti-anxiety medication that may have kept his suicidal thoughts at bay and didn't take steps to check on him as his condition worsened. The internal review of Embry's death also exposed broader problems involving the treatment of inmates – including a failure to regularly check inmates on medical rounds and communication lapses among medical staff.

The AP, tipped off to Embry's death, obtained scores of documents under Kentucky's Open Records Act, including a report detailing the investigation into Embry's death, an autopsy report and personnel files. Along with interviews with corrections officials and correspondence with inmates, the documents describe Embry's increasingly paranoid behavior until his death and the numerous opportunities for various prison staff to have intervened. "It's just very, very, very disturbing," said Greg Belzley, a Louisville, Kentucky attorney who specialises in inmate rights litigation and reviewed some of the documents obtained by the AP. "How do you just watch a man starve to death?"

According to the report of the internal investigation, Embry stopped taking medications for anxiety in May 2013. Seven months later, he told the lead prison psychologist, Jean Hinkebein, on 3 December that he felt anxious and paranoid and wanted to restart those medications. But the psychologist concluded Embry didn't have any significant mental health issues, even though Embry repeatedly talked about wanting to hurt himself. Hinkebein and an associate considered his comments vague, and his request for medication was denied. Seven days later, Embry began banging his head on his cell door and was moved to an observation cell where he refused meals and told the prison psychologist: "I don't have any hope." He soon began refusing most food, though he drank tea on occasion while continuing to make threats to hurt himself in the ensuing weeks.

A nurse checked on Embry on 4 January, finding him weak and shaky, and advised him to resume eating. Embry responded that it had been too long for him to start taking food again. Nine days later, on the day he died, an advanced practice registered nurse named Bob Wilkinson refused a request from other medical staffers to move Embry to the infirmary at 11.51am and said the inmate should be taken off a hunger strike watch, according to the internal investigative report. Guards found Embry unresponsive in his cell hours later, his head slumped to the side. He was pronounced dead at 5.29pm.

Lyon County coroner Ronnie Patton classified Embry's death as a suicide, listing dehydration as primary cause of death, with starvation and other medical ailments as secondary causes.

The documents obtained by the AP show a prison system with a dated protocol for handling hunger strikes, staff who weren't familiar with its provisions, and others who said they were told not to follow them. In Embry's case, those in charge of his well-being were simply counting on him to cave in and start eating again on his own, the records show. On 16 January, three days after Embry's death, Steve Hiland, the lead physician at the maximum-security prison, signed off on a nurse's note about Embry consistently refusing food and being taken off of the hunger-strike watch because he drank tea. During the internal investigation, Hiland said he believed a hunger strike consisted of missing "six or eight meals" and ended when the inmate ate or drank anything at all.

In a revealing exchange, investigators asked Hiland how he thought inmates were supposed to be removed from a hunger strike. Hiland told them that prison staff "usually don't have to worry about it because they [the inmates] eventually give up." When Embry stopped eating regularly,

made such an assertion. He was released on licence on 15 June 2012 having spent 11 and a half years in custody. On 15 June 2012 the Secretary of State refused to revoke the deportation decision. It was that refusal which prompted JR to appeal to the First Tier Tribunal (FTT).

2) The FTT accepted that JR is a homosexual and allowed his appeal on refugee and Article 3 ECHR grounds. The Secretary of State appealed to the Upper Tribunal (UT) but by a determination promulgated on 27 August 2013, the UT dismissed her appeal. The Secretary of State now appeals to this court, permission having been granted by Sir Stanley Burnton.

3) I should mention two features of this litigation. The first is that the Secretary of State accepts that, if JR is a homosexual, she cannot return him to Jamaica without breaching at least his Article 3 rights. Secondly, because of the gravity of the offence of which he was convicted, the Secretary of State issued a certificate pursuant to section 72 of the Nationality, Immigration and Asylum Act 2002 whereby, in relation to the asylum claim (but not the Article 3 claim), JR is to be presumed to constitute a danger to the community of the United Kingdom unless he rebuts that presumption. The Secretary of State failed in the UT because the finding that JR is a homosexual was upheld and he succeeded in rebutting the presumption of dangerousness.

This appeal: 4)In this Court, the Secretary of State seeks to challenge the conclusions of the UT that (1) JR is a homosexual and (2) he has succeeded in rebutting the presumption of dangerousness pursuant to section 72. The conclusions are factual matters. An appeal to this Court from the UT lies only on a point of law: Tribunals, Courts and Enforcement Act 2007, section 13. Accordingly, the submissions on behalf of the Secretary of State seek to establish errors of law in the form of failure to have regard to material considerations or failure to provide adequate reasons to support the conclusions that JR is a homosexual and not dangerous.

5) It is the conclusion on homosexuality that is pivotal. If it is unassailable, it is common ground that JR succeeds on Article 3. Section 72 and dangerousness only arise in the context of refugee status. However, refugee status remains a relevant issue, even if JR succeeds in relation to Article 3, because it would bring with it additional benefits as regards the form and duration of the leave to remain which would ensue. Because Article 3 is freestanding and unencumbered by section 72 I shall take the course that was agreed in the UT and deal with it first.

17) The question of his ongoing dangerousness had been the Parole Board's concern in 2012. The Board found that the risk posed by JR had continued to decrease and was now at a manageable level. He had done well on offender behaviour courses, had no adjudications since 2008 and had not taken drugs for many years. This is what led the Board to conclude that the risk had reduced to such a level that it was no longer necessary for the protection of the public that JR should be confined in prison. There was other evidence of JR's development. Whilst he had been assessed as having a low IQ and a mild learning disability at the time when he was sentenced, the up-to -date assessments found him to be of normal intelligence. The UT placed a significant amount of importance on the report of Dr Oliver White which had been prepared in December 2012. I referred to it in the context of the homosexuality issue. Dr White assessed the current risk of current re-offending to be medium to low and the risk of harm to others to be low. Viewed as a whole, Dr White's report was to the effect that JR no longer constitutes a significant danger to the community of the United Kingdom. He has continuing problems of depression but, in general, any difficulties in that or other respects can be expected to be resolved with appropriate management in the community of which JR is proving to be a successful recipient since his release. In addition to all this professional assessment, the UT also had the benefit of the evidence of JR's mother, aunt and senior Church members. In my judgment it cannot be said that

the UT committed a legal error in its assessment of all this material. It reached a conclusion which was open to it. It was neither perverse nor irrational. It was more than adequately reasoned. It is the FTT and the UT, as specialist tribunals, that have been entrusted by Parliament with jurisdiction in this sphere. In the absence of legal error on their part it is not for this Court to intervene. I should add, however, that this case turns on its specific and quite unusual facts. It should not be seen as providing more general succour to others convicted of grave crimes.

Conclusion: It follows from what I have said that the Secretary of State's appeal must fail in relation to both issues. The consequence is that JR is entitled to both Article 3 protection and refugee status. http://www.bailii.org/ew/cases/EWCA/Civ/2014/477.html

Jailed for Breaching Terror Order

A man has been sentenced to 15 months in prison after he breached the terms of the terror prevention measures placed upon him by the home secretary The man, who can only be identified as FF, admitted two breaches of the restrictions. He was charged with attending an unauthorised meeting and using a computer without prior permission. He admitted breaching his Terrorism Prevention and Investigation Measure (TPim) at the Old Bailey. At a hearing at Westminster Magistrates' Court last year, it was said FF spent almost an hour at a house in Birmingham on 15 September. The court was told the defendant had to seek permission from the Home Office before arranging to meet with people, other than by accident.

TPims were brought in to replace control orders and are ordered by the home secretary. The terror measures can restrict the movements of people thought to pose a risk to the public, but who cannot be tried for reasons of national security and who cannot be deported. Possible restrictions include where suspects can stay, who they can contact and where they can travel. FF claimed he was looking for a new home for his family in Birmingham and visited a house he was interested in on the off-chance somebody could show him around. He was arrested by officers from the West Midlands Counter Terrorism Unit in September and had been on remand since. Following his sentence, detective superintendent Shaun Edwards, head of investigations for WMCTU, said: "These measures are imposed to protect the public and we will always take swift action when they are breached." *BBC News, 16/04/14*

Thief Who Swallowed Evidence Hospitalised

Police in Poland say an alleged thief tried to dispose of incriminating evidence - by eating the proceeds of his crimes. A police surgeon was called after suspected burglar Dariusz Piotrowski complained of stomach pains after being taken into custody. The medic was baffled as to the cause of the discomfort after a preliminary examination so arranged for the man to have an x-ray. It was then he found to his amazement that Piotrowski's stomach was stuffed with stolen goods. He had swallowed cigarette lighters, six watches, a fork, a spoon, nail clippers and a pen. It took surgeons several hours to remove the plundered goods. The case has become a textbook example of unusual medical cases for the Polish Anaesthetics' Society which placed details of the human dustbin on its Facebook page. "The patient ate them," said a caption alongside the objects. "The patient was referred by the court to undergo psychiatric treatment after it was proved the swallowed watches were stolen." Police confirmed that Piotrowski (39) had been arrested in Warsaw and taken to the cells as he fled a house burglary. A police spokesman said: "Officers lost sight of him briefly after chasing him, but then found him hiding in the bushes of a garden of a nearby house. It was while he was crouched down in the shrubbery that he prob-

Covington believes that, in an ideal world, only a handful of women – those who are truly dangerous – would be incarcerated. If changing policy on imprisoning women who pose no threat to society is a long-term goal, however, Covington's UK workshops aim to reduce the damage done by prison by teaching frontline staff about the benefits of what she calls "a trauma-informed culture". "It's not difficult and it's not expensive," she says. "But it does demand a real mindshift within prisons." Covington is in Britain at the invitation of the Women at Risk coalition, a group of experts including academics, psychologists and criminologists intent on making society more aware of the needs of the women who get caught up in the criminal justice system. At present, she says, prisons are run on the basis that the women inside them are "bad" and that "kicking off" or disruptive behaviour is controllable on their part. The truth is that almost all female prisoners are trauma victims, says Covington, and if they were handled with that in mind, prisons would become far safer for everyone inside them.

Compared with women in the general population, says Covington – a Californian psychologist who works with the National Institute of Corrections in Washington DC, and who became aware of the issues around women in jail after a prison warden attended one of her trauma conferences – women in custody are five times more likely to have a mental health problem, and almost eight in 10 exhibit some level of psychological disturbance on admission. One in three have suffered sexual abuse, and more than one in two have suffered domestic violence; half have attempted suicide at some point in their lives. "And going into prison retraumatises them – so basically, we are amplifying or compounding their problems," she says. "Taking as the default that you're dealing with a woman who is suffering from post-traumatic stress syndrome makes perfect sense, because the chances are very high that you are. What that means is working hard not to trigger trauma in a woman: understanding how she might feel when male officers are with her or go behind her, for example, because that might take her back to situations where she was abused."

One prison that has adopted Covington's trauma-centred approach is Framingham Institution for Women in Massachusetts, whose successes she cites in her presentation to UK prison staff. The changes at Framingham over the past few years, says Covington, have been pivotal. "There's been a 46% drop in crisis situations, and the number of prisoners on days when they're having to be watched constantly because of fears over their mental health is down by a third. There's been a 20% drop in transfers to psychiatric hospitals, and a 15% drop in self-harm." And Framingham is safer for everyone, she says: inmate-on-staff assaults are down by 62%, inmate-on-inmate assaults by 54%, and inmate-on-inmate fights by 46%.

Most of the women in the criminal justice system have suffered trauma almost unimaginable to the rest of us. Covington says: "Understanding that trauma, and changing the prison experience to reflect an understanding of it, could give these women the first break they've ever had – and that could really change them, and we'll all reap the rewards."

Inmate Starves to Death - Coroners Verdict - Suicide by Hunger Strike!

A prison doctor has been fired and two staffers are in the midst of being dismissed after an inmate at the Kentucky State Penitentiary starved himself to death in a case that has exposed lapses in medical treatment and in how hunger strikes are handled at the facility. Prison officials have asked prosecutors to investigate after the Associated Press began asking questions about the inmate's death. James Kenneth Embry, 57 and with just three years left on a nine-year sentence for drug offenses, began to spiral out of control in the spring of 2013, after he stopped taking anti-anxiety medication. Seven months later, in December, after weeks of erratic behavior

problems. “The Argentine authorities said that the allegations were generic and groundless, while his application to be held under house arrest was illogical as he would still need to travel to and from the rehabilitation centre,” the news release stated.

Committee members said that the petitioner had not established that his rights were violated regarding health care and rehabilitation, nor could they conclude that travel to and from the rehabilitation centre posed a risk to his life. They recognized that authorities had removed a step that hindered access to the bathroom and shower, that lifts were working in the prison and that there was a call button to summon round-the-clock assistance.

“However, the Argentine authorities had not shown that these measures were sufficient, as they did not ensure that the prisoner could access a bathroom able to accommodate a wheelchair, nor could he get to the prison courtyard on his own,” they added. The Committee found that this situation amounted to a breach of the State party’s obligations to guarantee access and to ensure that a person with disabilities who is deprived of his/her liberty is held in reasonable conditions, as set forth in the Convention. Also, the petitioner was being held in precarious detention conditions that were incompatible with the treaty.

Craigavon Two Treading Time Waiting for Justice

Tuesday 29th April 2014 will be a year since Brendan McConville and John Paul Wootton's appeal process started, a year since the PSNI sabotaged that process, six months after the appeal ended without a verdict both men remain incarcerated due to a ‘Miscarriage of Justice’. Judgment is not expected to be handed down until September this year!

Case Facts: Evidence tampering - Involvement of MI5 and British Special Force - Inconclusive and contradictory forensics - A short sighted eye witness exposed as a compulsory liar - Evidence planted by prison officers - The Arrest and intimidation of a key defense witness by Police - The sabotage of the appeal process by the PSNI - Trial by a single judge in a non-jury Diplock Court. Is this Justice?

Brendan McConville: HMP Maghaberry, Old Road, Ballinderry Upper, Lisburn, BT28 2PT

John Paul Wootton: HMP Maghaberry, Old Road, Ballinderry Upper, Lisburn, BT28 2PT

Police Officer Accused of Tipping off Drug Dealers

PC Alan Halliday – a serving constable with the Lothian and Borders division of Police Scotland – is said to have contacted the dealers by phone after he found out their house was about to visited by drug squad officers last month. The 44-year-old constable was immediately suspended after police chiefs discovered the alleged contact between the officer and the dealers.PC Halliday was arrested and spent a night in the cells before making an appearance in private at Edinburgh Sheriff Court last month.

Why Prison Isn't Working For Women *Guardian Womens Blog, 22/04/14*

Psychologist Stephanie Covington believes understanding trauma can help staff appreciate that women in jail can be victims too: It's a weekday morning, and in a packed lecture theatre in central London, author and consultant Stephanie Covington is telling about 100 people who work in Britain's jails why prisons fail to rehabilitate women. Along with other prison campaigners, Covington believes something must be done about the fact that eight in 10 women behind bars have been convicted of a non-violent offence and yet, once incarcerated, one in two will reoffend within a year. Locking up a mother or caregiver will also hugely increase the risk of her children having mental health problems or getting caught up in the criminal justice system themselves, she adds.

ably took the opportunity to try to mask his crime by eating the objects he had stolen."

Dano Sonnex - Never Ending Severe Abuse of Human Rights

I am deeply concerned for Dano. I saw him on Tuesday he had quite a lot of marks to his face including knuckle marks around the eye area bruising on his face and on his upper arms..the amount of weight he has lost since being incarcerated in the unit is so worrying...he says they are messing with his food ...spitting in it etc., he has barely eaten by the looks of things but does eat everything that I purchase when on a visit. Dano's mental health has deteriorated so badly but he still remains rigid in not taking medication whilst there because he feels under threat and would feel vulnerable.

Dano has been referred back to Broadmoor Hospital by 2 psychiatrists, HMP Wakefield's Dr.Yanson and also by Dr.Larkin who was Dano's responsible clinician...Broadmoor Hospital panel refuse to have him back saying he could take medication in prison to relieve the psychosis an appeal was lodged by Dano's mental health solicitors the 2nd panel still refuse to accept Dano back. Independent psychiatrists agree that Dano should be back in hospital but still he remains in the CSC at HMP Wakefield. I believe that Broadmoor Hospital like the CSC unit's are a law unto themselves.

I can clearly see Dano is so unwell. Dano had just been given his radio back after weeks of being without anything ...it has now been taken back off of him...the staff obviously know Dano is unwell but there is no let up in the treatment that all receive. I just feel so stressed that I cannot do anymore for him. *Kathy Sonnex, Dano's mother / [kathy_sonnex@hotmail.co.uk]*

Gareth Myatt Died 10 Years Ago, But Prison Restraint On Children Continues

Saturday 19th April was the 10th anniversary of the horrific death of 15-year-old Gareth Myatt at Rainsbrook secure training centre run by G4S. Gareth had refused to clean a sandwich toaster that other children had also used. Another child took on the task, but Gareth was ordered to his room and locked in. Two officers then entered and began removing Gareth's possessions. When they tried to take a piece of paper holding his mother's new mobile number, Gareth was said to have raised his fist. An officer "enveloped" this small child he weighed just 6Ω stone and stood less than five feet tall and pushed him onto the bed. Three officers then forced Gareth into a sitting position, and bent his upper body towards his thighs and knees. They ignored Gareth's cries that he couldn't breathe and was going to defecate, which he did before vomiting. The terrifying ordeal lasted for six or seven minutes. This was Gareth's first time in custody he had been sentenced on a Friday afternoon and was dead by the following Monday evening.

The prison's macho culture was exposed at Gareth's inquest. Restraint trainers had nicknames like Clubber, Crusher, Mauler and Breaker. Children subject to the most physical restraint were dubbed "winners". It was apparently a common belief among officers that children would lie about being breathless, even though there was a special codeword to immediately halt restraint during staff training exercises in the event of breathing difficulties. In the 12 months before Gareth died, children in Rainsbrook were subjected to exactly the same restraint called the seated double embrace on 369 occasions, and life-threatening harm occurred 10% of the time. The inquest jury found that Gareth's death was an accident, but returned a damning verdict on the failures of the government and the youth justice board to review, monitor and act upon restraint concerns.

Like many children in custody, Gareth had been looked after in foster care and children's homes, and was known to be extremely vulnerable. His mother, Pam Wilton, told me he

was a very loving and quick-witted child who could "charm the birds from the trees". An official report observes he was "academically very able". His favourite game was chess, and he enjoyed being out on his bike and watching South Park and the Simpsons. Pam feels she has failed her son because no one has been held accountable for his death. There have been no criminal prosecutions, and no independent inquiry. Gareth was a mixed-race child. The possibility of institutional racism could be one of the matters explored by a child-centred inquiry. Gareth's first experience of prison restraint was when he refused to comply with a strip search on admission.

Last year, Rainsbrook was the first of four child prisons to start using a new system of restraint called minimising and managing physical restraint (MMPR). All penal institutions holding children are expected to operate MMPR by 2015; it may be extended to secure children's homes. The manual depicting the system's techniques has 182 redactions. Only government officials, custody officers, and a select group of experts know what ministers have authorised. The deliberate infliction of pain is among the hidden methods. Various bodies oppose the UK's idiosyncratic reliance on pain as a form of restraint, including the UN torture committee, the European torture committee, the UK's four children's commissioners, the prisons inspectorate, and the Association of Directors of Children's Services.

The Ministry of Justice refused my freedom of information request for the MMPR manual because officials fear inmates will study the document in their cells and develop countermeasures. Many of the "new" techniques have similarities with those used in adult prisons, I've been told. It has taken me a while to decipher the doublespeak: it is the system not the restraint techniques themselves that has been specifically designed for children. Add this to the criminal justice and courts bill currently in parliament which aims to build bigger, cheaper child prisons, and empowers ministers to approve restraint to make children follow orders, and it would appear we have all failed Gareth Myatt.

Public 'Never Told' About Broadmoor Hospital Riot *Laura Donnelly, Telegraph, 17/04/14*

Police and NHS officials failed to make public a riot at Broadmoor hospital, where scores of Britain's most dangerous criminals are held, Freedom of Information disclosures reveal. Ambulance crews and police officers in riot gear were called to Britain's most high-profile secure unit after violence flared on a ward which houses patients with dangerous personality disorders. During the incident, patients took over the nurses' office, and are alleged to have obtained medical notes of other residents of the hospital, which is home to some of Britain's most notorious criminals.

Although the incident occurred last July, police and hospital officials failed to make the matter public. Details only emerged yesterday after a whistleblower spoke out, telling Health Service Journal that staff shortages meant patients were regularly being locked in their rooms for 20 hours a day. Three months before the incident, regulators raised concerns about "inadequate levels of staffing" on the ward, and concern that too many hospital patients were being put in seclusion.

A spokeswoman for West London Mental Health trust, which runs Broadmoor, denied that the riot was linked to staff shortages. She refused to confirm or deny reports that during the incident, patients gained access to others' medical notes, and that some had to be transferred elsewhere because of what had been accessed.

The trust said the ward sustained damage during the incident. However the spokeswoman refused to provide details about the costs of repairs on the grounds this would indicate "the nature and scale" of what had occurred. The trust said it had fully investigated the incident but refused to release its report on the matter, stating that

hers was found near the body. "What both cases clearly demonstrate is that, despite the way fingerprint evidence is portrayed in the media, all comparisons ultimately involve some human element and, as a result, they are vulnerable to human error," said Mr Silverman who has recently published his memoirs 'Written in Blood' and now works as a private forensic consultant. And the fingerprint often isn't perfect, particularly at a crime scene. It might be dirty or smudged. There are all sorts of things that reduce the accuracy. I think it is important that juries are aware of this. Too often they see programmes like CSI and that raises their expectations. What you see on CSI or Silent Witness simply doesn't exist." Unlike other forensic fields, such as DNA analysis, which give a statistical probability of a match, fingerprint examiners traditionally testify that the evidence constitutes either a 100 per cent certain match or a 100 per cent exclusion. Previous studies have shown that that experts do not always make the same judgment on whether a print matches a mark at a crime scene, when presented with the same evidence twice. A study by Southampton University found that two thirds of experts, who were unknowingly given the same sets of prints twice, came to a different conclusion on the second occasion.

It was Scottish surgeon Dr Henry Faulds who first discovered that fingerprints might be useful for identification purposes. He published a paper in the journal Nature in 1880 and offered the idea to the Met Police, but at the time the force was not interested. Undeterred, Dr Faulds approached Charles Darwin who passed the concept on to his cousin Francis Galton. Galton published a book on the forensic science of fingerprints and claimed that the chance of two people having the same prints was about one in 64 million. On the back of his work and later research Fingerprint Bureau was founded at Scotland Yard in 1901 and eventually the national Forensic Science Service (FSS) was founded with provided services to all UK forces. However in 2010, the service was closed and forensic work is now carried out by the private sector, although the Met Police recently re-established its own lab.

Mr Silverman, whose opinion was sought on the murder cases of Damilola Taylor and Rachel Nickel, believes the closure of the FSS could lead to miscarriages of justice in the future. "Police forces have to slash their budgets and the easy thing not to spend money on is forensic services," he said. You have to ask yourself what price you put on justice."

Argentine Jail Conditions Violated Rights Of Prisoner With Disabilities *UN News Centre*

A United Nations human rights panel said that Argentine authorities failed to ensure that a prisoner with disabilities was able to use prison facilities and services on an equal basis with other detainees, and urged them to take steps to rectify the situation. The UN Committee on the Rights of Persons with Disabilities added that Argentina is obliged to take action to prevent similar violations, including making sufficient and reasonable adjustments when requested, to ensure persons with disabilities can access prison facilities and health care. The views of the 18-member body which monitors implementation of the International Convention on the Rights of Persons with Disabilities came after considering a complaint by a prisoner serving a life term, according to a news release.

While in pre-trial detention, he suffered a stroke which resulted in a cognitive disorder, partial loss of vision and mobility problems requiring him to use a wheelchair. The petitioner argued that prison conditions were affecting his physical and mental health. He said he could not maintain personal hygiene because he could not get to the bathroom on his own. He also said that he had not received the rehabilitation recommended by his doctors, as it required a 32-kilometre journey by ambulance to a specialist centre that risked aggravating his spinal

cannabis farms across Halesowen, Cradley Heath and Oldbury, towns on the outskirts of rural Shropshire some seven miles from central Birmingham. They require hydroponic lights for the marijuana plants to grow – and the huge amounts of excess heat given off make them easily spottable for a would-be criminal in the know.

One such man, an unnamed 33-year-old, told the Halesowen News that after finding a property with a cannabis farm he and his crew either burgle or "tax" the victim. "They are fair game," he said. "It is not like I'm using my drone to see if people have nice televisions. I am just after drugs to steal and sell, if you break the law then you enter me and my drone's world. Half the time we don't even need to use violence to get the crop. Growing cannabis has gone mainstream and the people growing it are not gangsters, especially in places like Halesowen, Cradley Heath and Oldbury." The man added that he had started out with the practice in the more built-up area of Handsworth where "you never know who you are messing with", but came out to leafier suburbs because its "safer and easier to fly".

Tom Watson, the local MP for West Bromwich East and the chairman of the all-party parliamentary group on drones, told the newspaper that the story shows "the proliferation of drone technology which can be used for both good and bad". He said: "It is no surprise enterprising criminals would want to get the upper hand in the criminal underworld by using drones. As a society we will be dealing with the impact of drones on our laws and regulations for years to come. And it is time the Government started listening about privacy concerns about the misuse of drones."

In 2012 the Association of Chief Police Officers reported that 21 cannabis farms were found every day by police in Britain, and that the number of farms had doubled since 2008. It said the UK is at "significant risk" from criminal gangs who cultivate cannabis on a commercial scale, and that there was also growing evidence of the "taxing" and stealing of crops as well as the use of "debt bondage" to control cultivators.

Why Your Fingerprints May Not be Unique *Sarah Knapton, Telegraph, 21/04/14*

Fingerprint evidence linking criminals to crime scenes has played a fundamental role in convictions in Britain since the first forensic laboratory was set up in Scotland Yard in 1901. But the basic assumption that everyone has a unique fingerprint from which they can be quickly identified through a computer database is flawed, an expert has claimed. Mike Silverman, who was the Home Office's first Forensic Science Regulator and introduced the first automated fingerprint detection system to the Metropolitan Police, claims that human error, partial prints and false positives mean that fingerprints evidence is not as reliable as is widely believed.

Nobody has yet proved that fingerprints are unique and families can share elements of the same pattern. And there are other problems, such as scanning fingerprints of the elderly as their skin loses elasticity and in rare conditions leaves some people with smooth, featureless fingertips. Mr Silverman said: "Essentially you can't prove that no two fingerprints are the same. It's improbable, but so is winning the lottery, and people do that every week. No two fingerprints are ever exactly alike in every detail, even two impressions recorded immediately after each other from the same finger. It requires an expert examiner to determine whether a print taken from crime scene and one taken from a subject are likely to have originated from the same finger."

However there are numerous cases in which innocent people have been wrongly singled out by means of fingerprint evidence. In 2004, Brandon Mayfield, was wrongly linked to the Madrid train bombings by FBI fingerprint experts in the United States. Shirley McKie, a Scottish police officer, was wrongly accused of having been at a murder scene in 1997 after a print supposedly matching

doing so could compromise hospital security.

The incident occurred on a 12 bed ward, Epsom Ward, which houses patients with complex and challenging personality disorders, some of whom can be dangerous. In 2010 a nurse on the same ward was given a suspended sentence after having a sexual relationship with a convicted rapist and arsonist. The hospital houses Peter Sutcliffe – the Yorkshire Ripper – who was jailed for the murder of 13 women and the attempted murder of others in Yorkshire and Greater Manchester in the 1970s. South Central Ambulance Service trust said two people were treated by its crews at the scene of the incident and that it sent a "hazardous area response team" to the hospital. Thames Valley Police said they sent a "public order response" - meaning police officers in riot gear - but that the incident was resolved using hospital staff.

1,500 Children Being Raised By Parents In Bolivian Jails *Sara Shahriari, theguardian.com*

Rosy is a young working mother who drops her two daughters off at school each morning before scouring the markets for ingredients to make the meals she cooks and sells later in the day. Every afternoon she picks her daughters up from school and they head home to San Pedro, Bolivia's most notorious prison.

According to official figures, 1,500 Bolivian children live with a parent behind bars, but the total could be much higher – especially during school holidays when children visit incarcerated parents. Hundreds of women and children living alongside prisoners, pass out through the metal gates every day for work or school. According to national law, children must leave prison by the time they turn six, but many stay much longer with parents who do not want to let them go. They fear their children will be abused in homes and do not trust extended-family members, many of whom are extremely poor, to provide for them. That leaves some parents feeling that growing up in prison is a child's best – or only – option.

International organisations, including the UN, have criticised the presence of children in Bolivian prisons. Although its jails are relatively less violent than those in other Latin American countries, terrible things do happen. Last year, a girl was raped by several men in a family in San Pedro and a child died in Palmasola jail, Santa Cruz, as fighting inmates ignited a fire that killed dozens. Those events prompted renewed efforts to remove children from prison, especially those aged 11 and over. "No matter how good the family is, no prison is favourable for the positive development of a child," said Lidia Rodriguez, of Bolivia's human rights office. Rodriguez said it could be difficult to find relatives outside jails willing to take care of a child, but some incarcerated parents were not motivated by their children's wellbeing. Instead, she said, they kept children with them because they hoped it would lead to early release.

San Pedro sits in the heart of the city of La Paz. Past the crumbling adobe exterior and through a barred iron gate is a patio boiling with activity, as men call to their lawyers and receive papers and packages passed through the door. There are well-dressed men in collared shirts with slick hair, and men with bleary eyes wearing stained sweatpants. There are murderers and petty thieves, people sentenced to 30 years and many more who have yet to see trial. The prison is a world unto itself, a citadel of rickety stairs and passageways that police rarely enter, where inmates buy small cells that they enter and leave at will, and a council elected by the prisoners-governs almost all aspects of life. It's also a place where hundreds of women and children live alongside prisoners, passing out through the metal gate every day for work or school.

Rosy says that when her husband was jailed for assault four years ago she could not pay rent and utilities on her own. Though she admits it is not an ideal place to raise a child,

she moved her family to prison. "Necessity obligated us, because outside there are so many expenses, and it's not possible to get by alone," she says. Rosy's husband, Juan, purchased a small cell for about £600. Prisoners are not charged for electricity and water, and receive one meal a day. Food is also provided for children under six. With those basics covered, the £60 a month Rosy can earn selling food to inmates and visitors while her husband cares for the children are enough to get by.

Many of the men inside San Pedro, however, say that the children are a big part of their parents' rehabilitation, and that staying connected to family is what makes prisoners want to get out and carry on with life. For Rosy's daughter Nancy, five, prison is the only home she's ever known. Nancy said she liked living in San Pedro because she spent lots of time with her father, had plenty of friends and it was "fun".

Across town from San Pedro is the Obrajes women's prison, an overcrowded maze of rooms set around two small patios. Andrea first passed through its doors as a child with her convicted mother and now, at 31, is serving time for dealing drugs. Two of her five children live with her, while the oldest are with relatives or in children's homes. Her family members cannot take on more children and she fears letting the youngest, who are five and nine, go. "We've seen on the news that children have been raped in the homes," Andrea said. Indeed, while there are some excellent facilities across the country, dozens of accusations of sexual abuse in homes have hit the press in recent years, fuelling parents' fears.

Rodriguez, of the human rights office, said efforts would continue this year to remove children, particularly from men's prisons such as San Pedro. But how to assure that those children find significantly safer lives and better opportunities outside remained a problem. "Anywhere that you might trust, anything can happen, even within a family," Rosy says. "It would be better with even more help inside, not outside – because outside you don't know what will happen."

Suspects Caught on a CCTV Camera

Question: A person is captured on CCTV at the scene of the crime. The CCTV shows the date and the time. The person is identified by an officer and is arrested. On being questioned he admits that it is him on the CCTV but refuses to answer questions to account for his presence at the scene at that time. Can he be given the special warning under S.37 of the Criminal Justice and Public Order Act 1994?

Answer: The questioner states that the CCTV image shows the person at the scene of the crime. It does not state that the image was taken at the time of the crime but presumably that was implied. Section 37(1) (a) of the Criminal Procedure and Public Order Act 1994 provides that the special warning can be given where a person arrested by a constable "was found by him" at a place at or about the time the offence for which he was arrested is alleged to have been committed.

If the arrest was made by an officer other than the one who identified the suspect, the provision is clearly not satisfied and the special warning cannot be given. The more difficult question is whether "found by him" could apply if the officer who made the arrest was the person who made the identification. The words of the statute are certainly not well adapted to the scenario but can they be stretched to cover it? Could a judge find that the words "found by him" apply to a CCTV identification? Common sense suggests that the intention behind those words ought to apply to a CCTV identification. How judges interpret words in a statute is unpredictable. Some might be prepared to stretch the word "found" to that extent. I would therefore favour the view that a special warning could be given. But S.37 clearly needs

decision to allow hearsay evidence to be admitted against them from David Rupert, an FBI agent who had infiltrated dissident Republican terrorist groups in the years after the Omagh attack. Their case could have been thrown out at the initial stages by the Strasbourg court. However, now it has passed through the initial filtering stage it means the pair have crossed the first hurdle towards having the civil case against them overturned by Strasbourg.

Stanley McComb, whose wife Ann was killed in the blast, said of McKevitt and Campbell's move: ""Those b******* will go to any length and any extreme and it's all just a cynical exercise for them. These guys are just terrorists, murderers and yet and all they can get all the support they need to get this into a European court? What is wrong with the judicial system that is allowing this to happen? And this is all a moneymaking exercise for the legal profession too. Britain paid all their legal aid for their defence against the civil action which was outrageous, totally, totally outrageous." Mr McComb added that he and the other relative had yet to see a penny of the compensation awarded to them. He said: "This needs to be spelt out to the people of this country, we got nothing. I think the money should come from the Assets Recovery Agency (ARA) the Irish Government set up to recover criminal funds. They have plenty of money in that. That's all IRA money in some form, be it Provo, 32-County, Continuity, they're all the one sow's pigs, they're all terrorists."

Dominic Raab, a Conservative MP who has campaigned for reform of human rights laws, said: "This case is wrong at every level. It's morally perverse that human rights are being used by two terrorists, held responsible by an independent and fair court, to try to deny justice for the long-suffering victims. And it's yet another attack on our democracy for the Strasbourg court to entertain a case that has been right the way through our own appeal system."

Lord Carlile of Berriew, a leading QC who served as the government's independent reviewer of terrorism legislation until 2011, warned that Strasbourg judges needed to "exercise a high degree of caution" before going any further. "It seems to me that this is one of those cases where the European Court of Human Rights would be extremely cautious before intervening in a case which has been decided on the facts," Lord Carlile said. "This civil action was a landmark case, principally because at the time the prosecuting authorities were not proceeding with any charges. The fact that the relatives took that civil action and won has been a significant factor in later developments. It is seen as a landmark because the victims' families have been able to contribute to the decision-making process, and it shows what people in their position can achieve." He added: "The Strasbourg court is there to decide issues of great principle and in my view there is not a great principle in this case."

The disclosure of the Strasbourg case comes just days after the most senior judge in England and Wales questioned the role of European judges in another terrorism case involving a man accused of conspiracy with Abu Hamza, the Islamic extremist. Lord Thomas of Cwmgiedd, the Lord Chief Justice, warned that Strasbourg's intervention had "constrained" the British courts and indicated they should stay out of similar cases in the future.

'Using Unmanned Drones to Find & Steal Illegal Cannabis *Adam Withnall, Indpendent*

Criminals in Shropshire have reportedly started using unmanned drones fitted with heat-seeking cameras to steal from and extort illegal cannabis farms. Apparently taking a leaf out of the book of the police themselves, violent robbers said that the growers make perfect targets because the victims will not report incidents to the authorities.

According to a local newspaper, there has been a huge surge in the number of hidden

ordered to pay a share of £1.6 million in aggravated damages after being found liable for the 1998 atrocity in a landmark civil action brought by relatives of the victims.

However, they have taken their appeal against the ruling to Europe and crucially, have crossed the first hurdle towards having the civil case against them overturned by the European court in Strasbourg. The Sunday Telegraph can disclose that last month (March), the court allowed the pair's case to pass through a "filtering" stage which is designed to weed out ineligible applications. It means the Government must give its response to the terrorists' arguments before European judges decide whether the case should go ahead for a full hearing. In a separate development earlier this month Seamus Daly, 43, one of the men named alongside McKevitt and Campbell in the original civil action, was charged with 29 counts of murder over the Omagh car bomb.

There was outrage among the families of the Omagh victims at the prospect of the pair using European human rights laws to have the damages order quashed. One MP said it was "morally perverse" and warned that any intervention by Strasbourg would be a further assault on British democracy, while a leading barrister and former counter-terrorism watchdog urged European judges to think carefully before allowing the case to progress any further. Michael Gallagher, whose 21-year-old son Aiden was killed in the blast, described the latest development as a "psychological blow for victims". He said: "There seems to be no effective law for giving rights to victims. The human rights laws to me would need to be looked at it again. It has always favoured the killer gangs and organisations and never the victims. It's always weighted on the side of the perpetrator and this news is extremely disappointing. We are still working under human rights law formed many years ago to deal with the Nazis in Germany post-second world war and what seems to be happening since the 1970s is terrorism is the new Nazism and there has been no effective human rights legislation focused on the victims."

The use of human rights legislation by the terrorists also raises fresh questions about Europe's influence over the British legal system, following rows over the deportation of foreign criminals and a controversial decision which said ministers must allow prisoners to vote. The Omagh bombing was Northern Ireland's worst single terrorist atrocity; a 500lb car bomb in the small town in Co Tyrone that killed 29 people, including a woman expecting twins, and injured hundreds of others. The Real IRA, who were opposed to the peace process, admitted responsibility for the blast but the authorities failed to secure a criminal conviction against any of those alleged to have been responsible.

Undeterred, the bereaved families decided to pursue a civil claim for damages. In 2009, they won their first victory when the Belfast High Court ordered McKevitt, Campbell and their fellow Republicans Colm Murphy and Seamus Daly to pay £1.6 million in damages over the Omagh bombing. It was the first time that members of a terrorist organisation had been sued in this way. There was an appeal to the Court of Appeal in 2011, which the Republicans lost. They applied for permission to go to the Supreme Court, but were refused. A retrial in March last year of the civil case against Murphy and Daly delivered the same outcome as the earlier hearing, and the families said they were determined to make the four men pay up.

Last January however, it emerged that McKevitt, 64, who is currently serving a 20 year jail sentence after being convicted of IRA membership and directing terrorism by a Dublin court in 2003, and Campbell, 52, a fellow dissident Republican who was jailed for eight years by the same court in 2004 for IRA membership, had applied to European judges in a final bid to escape responsibility. Lawyers for the pair claimed their rights had been breached under Article 6 of the European Convention on Human Rights – the right to a fair trial – by the

amendment to cover this probably quite common situation. *Source: Zander on PACE*

Protesters Criminalised? Despite Case Against Them Dismissed?

On Monday 14th April 2-14 the trial of 5 anti-fascists facing charges relating to an anti-BNP demonstration in June last year ended in farce as the CPS turned without its key witness, who was on leave. The judge refused the CPS an adjournment and in the absence of any evidence, the case was dismissed. This outcome is an important vindication of the five protesters, but it will not undo the many stressful months spent on bail preparing for a trial, and a possible criminal record. Ironically it has also deprived the defendants of an opportunity to put the policing tactics on that day under scrutiny. The court would have heard that 59 people were arrested: many of them held for hours on pre-booked buses, transported to various police stations around London and finally dumped on the streets in the early hours of the morning, sometimes with no means to get home. Bail conditions also barred many from participating in protests against fascist organisations until a legal challenge saw this dropped. All of this happened despite the prosecution admitting in court that no major public order incidences took place on the day. No reference was made to what happened to Amy Jowett, a UCU member who says she had her leg broken after being kicked by a police officer. Jowett was present in the public gallery for the trial, hoping the proceedings might shed light on a policing operation that has left her with a permanent disability requiring a lifetime of surgery. Ten months and six procedures under general anaesthetic later, Jowett is still waiting to hear the outcome of a police investigation into the events that led to her injury.

In the meantime we will never know why, of the 59 arrested, the police chose to charge those five particular individuals, two of them elected union representatives, and one who had previously bought a civil action against the police. Nor will there be a chance to question the imposition of restrictions under section 14 of the Public Order Act 1986 on protesters who had already achieved their aim of stopping the BNP from marching on the Cenotaph. There is no doubt Monday's outcome is embarrassing for the Met and the CPS. However, there is perhaps a reason why the police might not be too worried. As human rights lawyer Louise Christian has said, the process of criminalisation can sometimes be more effective when "a final determination of guilt or innocence can be avoided".

Instead it is the act of subjecting protesters to mass arrests and long periods of bail that legitimises police authority over protesters. The publicity that often surrounds such events also serves a wider narrative that the police need more powers. This may explain why the police are one step away from being granted the right to use water cannon despite a police chief admitting they are about as much use "as a chocolate tea pot". However useless (and dangerous) water cannon might be, their introduction will reinforce a state of emergency and anxiety around "public" order.

This trial, then, is one facet of a wider set of police tactics that are being deployed to deter protest and manufacture threats to public order. It was only in 2006, for example, that police were given powers to impose pre-charge bail conditions. This has resulted in severe restrictions on the civil liberties of significant numbers of protesters as they are churned through a system that seems to have dispensed with the notion of innocent until proven guilty.

When questions were raised about the bail conditions placed on the 59, the police appeared to take some pride in the short amount of time taken to process the arrestees compared to the 182 arrested on a Critical Mass cycle ride during the Olympic Games in 2012. Just months after the anti-BNP demonstration, the English Defence League had provocatively announced its intention to march on Altab Ali Park in Tower Hamlets, named after a young Bangladeshi killed in a racist attack. When the day came, 286 anti-fascist protesters were arrested. Pre-booked buses and draconian bail conditions were again utilised. In the end only two of the

286 are known to have been charged. The police are clearly refining their tactics. It is vital that those aware of the issues call for a proper accounting of these tactics.

Second Chances and 'Invisible Punishment' *Jacqui de Silva for 'The Justice Gap'*

'A job is the best help that any ex-offender can get to avoid returning to crime. Crime breeds when individuals are left without a stake in society… getting a job is the best thing that any ex-offender can do.' Jack Straw, to the House of Commons in 1997

However obtaining a job is easier said than done if you have a criminal record. With employment practices in the UK actively seeking the criminal record history of job applicants in a high percentage of cases, those in possession of a criminal record are facing an increasingly difficult task of gaining fruitful and lasting employment.

The Disclosure and Barring Service (DBS) is the new non-departmental public body replacing the old Criminal Records Bureau 'CRB' check. It reveals information regarding criminal history, but does not provide any data about the factors that led to the commission of the offence or anything that the person has done to overcome those factors. Business in the community recently launched its Ban the Box campaign calling on UK employers to give people a second chance by 'removing the tick box on application forms that asks about unspent criminal convictions'.

Whilst discrimination in the workplace has been prohibited on the grounds of race, gender, age or disability, a job applicant's conviction history remains one of the few areas where employers can legally discriminate against the applicant when looking to offer employment. Legislation makes an attempt to limit reference to previous convictions if they have become 'spent'. A 'spent' conviction is one that can effectively be ignored after a specified period of time (the rehabilitation period) under the terms of the Rehabilitation of Offenders Act 1974. However, some convictions can never be regarded as 'spent' and some professions are exempt from the provisions of the Act. Once a conviction is 'spent', the 1974 Act gives the individual the right not to disclose it when applying for a job. Offenders will always have to declare their previous 'spent' convictions when applying for employment in sensitive workplaces.

The amount of time for rehabilitation depends upon the length of the sentenced imposed, not on the categorisation of the offence itself. Reforms to the Act have came into force last month (March 2014). These reforms, which act retrospectively, shorten the rehabilitation periods for most convictions, after which they are considered 'spent'. With more than 9m people in the UK in possession of a criminal record, a great many individuals are expected to benefit from these reforms (National Policing Improvement Agency Business Plan 2009/10). However this still leaves those individuals who have a conviction, which can never be regarded as 'spent', or those applying to a profession exempt from the Act, in a very difficult position, with their previous conviction permanently requiring to be disclosed to potential employers. This does not support our rehabilitation culture ideal.

If convictions can at no time become 'spent', the affected individual is left with little chance of demonstrating rehabilitation and will permanently find gaining meaningful employment arduous. He will be subjected to everlasting discrimination in the labour market, and this can lead to serious life-long consequences for the offender. But, it is clear, that a balance must be struck, between protection of society and the enhancement and furtherance of an idealistic rehabilitation culture.

The Prison Reform Trust Surveying Prisoner Crime Reduction Survey 2013 reveals the vast majority of offenders (97%) expressed a desire to stop offending. When asked which factors would be important – most stressed the importance of having a job (68%) and yet in 2012-13, only 26% of prisoners entered employment on release from prison (National Offender

Management Service Annual Report 2012/13).

The international law firm Freshfields Bruckhaus Deringer LLP recently announced that it is to stop asking job applicants to disclose whether they have criminal records on initial application forms, supporting Business in the Community's campaign 'Ban the Box'. Following a similar model used in America, the campaign is aimed at promoting the assessment of job seekers on the basis of their abilities. It asks UK employers to remove the tick box on application forms that asks about criminal convictions, then allowing them the opportunity to judge an applicant on his suitability for the role first.

Business in the Community say: 'The tick box can act as a barrier to entering employment for many people'. It is in the interest of all to reduce the barriers, those in possession of a criminal record face, when seeking employment, with statistical evidence demonstrating employment reduces re-offending by up to 50% (Reducing re-offending by ex-prisoners, Social Exclusion Unit Report). Philip Richards, a partner at Freshfields, calls the 'Ban The Box' campaign 'an excellent initiative that highlights the major role businesses can play in helping ex-offenders back into work, away from homelessness and from adding to re-offending rates'. Freshfields will request information regarding unspent convictions only after a job offer has been made. Other businesses, including Alliance Boots, have pledged support to the campaign.

For some individuals, an 'invisible punishment' has been bestowed upon them. Upon release from serving a period of incarceration judicially imposed, they continue to be punished, by the stigma of holding a criminal record.

French Traveller Shot Dead by Police - Violation of Article 2

Guerdner and Others v. France (no. 68780/10): The applicants are twelve French nationals who were born between 1958 and 2007 and belong to the Traveller community. The case concerned the death of Joseph Guerdner, a member of the applicants' family, who had been taken into police custody and was killed by a gendarme while attempting to escape. In May 2008 Joseph Guerdner was arrested and taken into custody at Brignoles gendarmerie station following an investigation into offences of armed robbery, kidnapping and false imprisonment, committed as part of a gang. At the end of a police interview, he managed to open a window and jump out of the building where he was being held. A gendarme fired several shots in his direction. Joseph Guerdner died of gunshot wounds shortly afterwards. In a judgment of 17 September 2010 the Assize Court acquitted the gendarme on the grounds that his actions had been prescribed or authorised by legislation or regulations. Relying on Article 2 (right to life), the applicants alleged that their relative had been killed without any justification and that no independent investigation or impartial trial had taken place to establish the circumstances of the death.

Violation of Article 2 (right to life) – on account of the use of lethal force

Just satisfaction: The Court awarded 50,000 euros (EUR) jointly to Joseph Guerdner's wife and three children, EUR 10,000 to his mother, EUR 5,000 to each of his brothers and sisters, and EUR 2,500 to his aunt, in respect of non-pecuniary damage, and EUR 15,000 to all applicants jointly in respect of costs and expenses.

Omagh Bombing: Real IRA Terrorists Appeal to European Court *Telegraph, 19/04/14*

Two real IRA terrorists who were ordered to pay compensation over the Omagh bombing could have the ruling overturned by the European Court of Human Rights after their case cleared an important legal hurdle, it can be disclosed today. Michael McKevitt and Liam Campbell were