issues: - The relative need for particular categories of prison places in Wales including high security, young offender and female places; - The plans for the new prison at Wrexham in North Wales including the merits or otherwise of building large prisons, the potential for places for different types of prisoner, and the structural organisation of the prison; - The provision of education and rehabilitation facilities for Welsh prisoners, particularly for young offenders, and Welsh language facilities; - The consistency of support for Welsh prisoners after their release depending on whether they were held in an English or Welsh prison; - The extent of co-operation and co-ordination between non-devolved and devolved bodies to support Welsh prisoners; - The impact of the Ministry of Justice's Transforming Rehabilitation programme on Welsh prisoners; - The merits of the devolution of aspects of the justice system including youth justice and prisons to Wales, as recommended by the Silk Commission.

The Committee asks for written submissions on this issue in accordance with the guidelines stated below. The deadline for written submissions is noon on Wednesday 2 July. Interested parties are invited to keep to a word limit of 4,000 words and to submit written evidence to: The Clerk, Justice Committee, House of Commons, 7 Millbank, London SW1P 3JA . There is no need to address all parts of the terms of reference.

Inquest delays: Six Men's Families Awarded £7,500 Each

The families of six men killed by either police, soldiers or loyalist paramilitaries, are to be awarded £7,500 each in damages. The payments are for unlawful delays in holding inquests, a High Court judge ruled on Tuesday. Mr Justice Stephens held that compensation was necessary for the frustration, distress and anxiety suffered by the next of kin. His landmark verdict could now open the floodgates for scores of other claims. Relatives issued proceedings against the coroner and either the Police Service of Northern Ireland (PSNI), Police Ombudsman's Office or Ministry of Defence.

Lawyers for all six families claimed their human rights had been breached by the failure to examine the circumstances surrounding each death as soon as possible. They argued that the state and the coroner broke obligations to ensure prompt human rights-compliant investigations into the deaths.Counsel for the Department of Justice, featuring in the case as an umbrella state body, has already signalled that a proposal has been made to deal with the issues. It is understood a protocol for disclosing documents to the coroner features in the plans. Mr Justice Stephens said the investigation into the death of a close relative impacted on the next of kin at a fundamental level of human dignity."It is obvious that if unlawful delays occur in an investigation into the death of a close relative that this will cause feelings of frustration, distress and anxiety to the next of kin,"

Hostages: Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, 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, 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, Paul Higginson, Thomas Petch, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

Miscarriages of JusticeUK (MOJUK)
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MOJUK: Newsletter 'Inside Out' No 478 (22/05/2014)

New Inquiry: Joint Enterprise: Follow-Up Call For Written Evidence

In 2011, the Justice Committee undertook a short inquiry into the operation of the legal doctrine of joint enterprise. In its Report, published 11 January 2012, (House of Commons Justice Committee, Joint Enterprise, Eleventh Report of Session 2010-12) the Committee made a number of recommendations directed toward increasing clarity in this complex area of law. The Committee now proposes to hold a further short inquiry into the changes that have occurred since its Report.

The Justice Committee would be grateful for views in response to the following two questions - 1. What impact has the Crown Prosecution Service Guidance on joint enterprise charging decisions had on prosecutorial policy? 2.In its previous report the Committee recommended that the Government should consult on the Law Commission's proposals relating to joint enterprise in its Participating in Crime report. What recent developments have affected the case for the Government to hold such a consultation? The Committee would also welcome factual and/or statistical information on the extent, if any, to which the use of joint enterprise has disproportionately affected certain communities and ethnic groups.

Those wishing to submit evidence to the Committee's inquiry are advised that, in accordance with the House's sub judice resolution, the Committee is unable to accept evidence referring to individual cases which are before the courts, except in relation to judicial review of a ministerial decision, which may be referred to in evidence. Individual cases in which there are no live legal proceedings may be referred to in evidence, but the Committee is not permitted to take any action to investigate or intervene in such cases.

Deadline for submission of evidence is 20th June 2014. Send evidence to: The Clerk, Justice Committee, House of Commons, 7 Millbank, London SW1P 3JA The personal information you supply will be processed in accordance with the provisions of the Data Protection Act 1998 for the purposes of attributing the evidence you submit and contacting you as necessary in connection with its processing. The Clerk of the House of Commons is the data controller for the purposes of the Act. We may also ask you to comment on the process of submitting evidence via the web portal so that we can look to make improvements.

Each submission should: a) be no more than 3,000 words in length b) be in Word format c) have numbered paragraphs d) include a declaration of interests.

Please note that: Material already published elsewhere should not form the basis of a submission, but may be referred to within a memorandum, in which case a hard copy of the published work should be included. Memoranda submitted must be kept confidential until published by the Committee, unless publication by the person or organisation submitting it is specifically authorised. Once submitted, evidence is the property of the Committee. The Committee normally, though not always, chooses to make public the written evidence it receives, by publishing it on the internet (where it will be searchable), by printing it or by making it available through the Parliamentary Archives. If there is any information you believe to be sensitive you should highlight it and explain what harm you believe would result from its disclosure. The Committee will take this into account in deciding whether to publish or further disclose the evidence. *Justice Committee Is Unable To Investigate Individual Cases.*

Marian McGlinchey: Parole Commissioners' Decision was 'Unlawful *BBC News:*

A decision to deny a human rights watchdog access to a hearing on whether to release Old Bailey bomber Marian Price was unlawful, a High Court judge has ruled. The Committee on the Administration of Justice (CAJ) had wanted to attend as an observer. It was refused permission by the NI Parole Commissioners. Ms Price had her licence revoked in 2011 and spent two years in prison before being freed in May last year. In January, she was given a suspended sentence for aiding dissident republican terrorists.

The 59-year-old served a prison sentence along with her late sister Dolours for their part in the IRA car bomb attack on London's Old Bailey courts in 1973. One man died of a heart attack and more than 200 people were injured. But her licence was later revoked in 2011 by the then Secretary of State Owen Patterson.

The CAJ then applied to be present as an observer at a number of hearings, held before the Parole Commissioners determined she could be released again. Permitting its attendance would have ensured an additional layer of transparency and accountability, counsel for the watchdog argued. Although information discussed in the hearings is confidential and cannot be disclosed, being able to sit in on them would help form opinions, counsel said.

Mr Justice Treacy held that the Northern Ireland Parole Commissioners had misdirected themselves in refusing to let the CAJ attend as an observer. He said: "Even in circumstances where there is an exception to the general principle of open justice, there is still a public interest in proceedings being as transparent and accountable as possible."

Lawyers for the CAJ had pressed ahead with the judicial review challenge even after Ms Price was released from custody. Rejecting claims that the case had been rendered academic, they claimed it formed part of a wider policy of refusing applications to attend Parole Commissioner hearings. The CAJ had also been following the impact that detention was having on her health.

Refusing access, the Parole Commissioners concluded that this monitoring was not deemed sufficient reason to permit attendance. But Mr Justice Treacy held that the request to send a representative as an observer was considered by the Parole Commissioners under a different section of the relevant rules. He said: "These are clearly different tests with different considerations to be measured. For this reason the commissioners misdirected themselves in law and could not have weighed the factors relevant to the rule. The decision is therefore unlawful."

Fading Red Line: Barnardo's Role in the Detention/Removal of Children

Barnardo's reflection on its first two years at Cedars 'pre-departure accommodation' raises once again the problem of NGOs working to a state agenda. When, in the wake of the coalition's 'abolition' of child detention in 2010, Barnardo's announced its participation in the Home Office's new 'family-friendly pre-departure accommodation' to be managed by G4S, it ignited a furious debate in the voluntary sector about the ethics of such contracts, the extent to which organisations' independence, values and raison d'être were compromised by involvement in the mechanisms of control. Since the contract was signed, campaigners angry at what they see as collusion with the re-labelled, prettified detention of children have picketed Barnardo's charity shops, leafletting staff and customers, occupied its Barkingside headquarters and disrupted a charity concert at the Royal Albert Hall.

The charity responded that it was merely doing what it did best: providing welfare and social work services to support some of the most vulnerable children in the UK. CEDARS, the name of the centre, is an acronym for Compassion, Empathy, Dignity, Approachability, Respect and

Man Pepper Sprayed By Sussex Police Drowns *BBC News, 20/05/14*

Leon Stent, 30, from Hastings, is understood to have been visiting friends at Coghurst Hall Holiday Park, in Ivyhouse Lane, Hastings. Officers were called to the campsite at 23:20 BST on Saturday 17th May 2014 after reports that a man was being drunk and abusive. A search for Mr Stent resulted in a confrontation and he ended up in the lake at the site, police said. A force spokesman confirmed police had sprayed Mr Stent before he ran off. Ch Insp Warren Franklin said: "Officers and friends of the man encouraged him to come out of the water, but before he could do so he got into difficulties. Officers used boats to get onto the lake but could not find any trace of him." Sussex Police said a post-mortem examination would be held in due course and the matter had been passed to the East Sussex coroner. The Independent Police Complaints Commission has also been informed "due to police contact with the man before his death".

Report on an Unannounced Inspection of HMP Durham

Inspection 2/13 December 2013 by HMCIP, published 20/05/14

HMP Durham holds around 1,000 adult and young adult male prisoners. The jail dates back nearly 200 years, holding people in an aged infrastructure where virtually every cell is holding more people than it should. In addition, the prison has been subject to a competitive tendering process and is currently undertaking management reorganisations and benchmarking exercises. Durham has seen a lot of change and some progress but progress remains too slow. *Nick Hardwick*

Inspectors were concerned to find that: - arrangements to promote safety were not good enough: risk management, assessment and induction arrangements all needed to improve; - since its last inspection in 2011, four prisoners had taken their own lives and work to support those in self-harm crisis was weak, although incidents of self-harm seemed to be falling; - incidents of violence and anti-social behaviour were higher than expected and monitoring needed to be better; - mandatory drug testing suggested illicit drug usage was high and almost twice what would be expected in similar prisons; - work to confront drug addiction was undermined by some staff attitudes - Use of segregation and the use of formal disciplinary procedures were higher than in similar prisons. - problems associated with young adults, who were disproportionately represented in both the use of force and segregation, required better understanding by the prison; - relationships between staff and prisoners were lacking and less than two-thirds of prisoners felt respected by staff. - Prisoners expressed limited confidence in the complaints procedure with some justification - Inspectors made 94 recommendations

New Inquiry: Prisons in Wales and Treatment of Welsh offenders

There are currently four prisons in Wales, although no facilities for either female or high risk offenders and limited facilities for young offenders. In addition, Welsh prisoners are affected by other issues, such as Welsh language provision and the provision of services by both non-devolved and devolved government bodies. In 2013 the Ministry of Justice announced plans to build a large prison at the former Firestone factory site in Wrexham. The new prison is the first in North Wales and, with a capacity of around 2,000, will be the largest in the UK. The Government has not confirmed which type of prisoners will be held in the new prison in respect of age, gender or security level. In March 2014 the Silk Commission recommended the devolution of the youth justice system (for offenders between 10 and 17 years old) and a study to investigate the possible devolution of justice and prisons.

The Committee invites written submissions and requests observations on the following

Report on an Unannounced Inspection of HMP Whitemoor

Inspection 13/24 January 2014 by HMCIP, published 22/05/14. HMP Whitemoor held 454 adult men at the time of the inspection, all of whom were serving long or indeterminate sentences for very serious offences. The prison held a disproportionately large Muslim population who accounted for approximately 40% of the total prison population. A small number of them had been convicted of offences relating to terrorism. Sixty-nine prisoners were held on the Fens unit, formerly the 'Dangerous and Severe Personality Disorder unit', which provided intensive therapy to men with personality disorders. A further six men were held on the Close Supervision Centre (CSC), part of a network of facilities centrally managed by the Prison Service and inspected separately. As we inspect CSCs separately, the CSC at HMP Whitemoor did not form part of this inspection. Across all groups, there were some very dangerous men, some of whom tried to influence and pressurise other prisoners. In some cases this was gang-related, and included some Muslim prisoners convicted of terrorist offences who were an adverse influence on others. It was important not to confuse this with a development of religious faith which, for Muslims as for other prisoners, could be an important factor in positive changes of behaviour.

Inspectors were concerned to find that: - we had real concerns about aspects of discipline the management and application of use of force and segregation which impacted negatively on some of the most vulnerable prisoners in the population - while use of force was low, oversight arrangements were poor and in a small number of cases, there was little use of de-escalation and evidence of excessive force being used; - the segregation regime for a number of long-stay residents remained particularly poor. - Muslim and foreign national prisoners were much less positive about a range of issues relating to safety and respect - Where the response to Muslim prisoners had been unsophisticated this had led to some unfair restrictions and staff stereotyping which caused justified resentment - many Muslim prisoners said they felt victimised because of their faith. The almost exclusively white staff group was a challenge in this regard as it lacked credibility with some prisoners who felt that the staff could not understand their concerns - More was still needed to assure prisoners of all faiths that their concerns were being dealt with seriously - There had been two self-inflicted deaths in the last five years, one about three months before the inspection. Action had been taken to identify and learn lessons, but concerns relating to the most recent incident had not yet been shared with the governor. - Those held in the Fens unit were more likely to be involved in incidents, and were particularly at risk of self-harm, which may have related to the challenging offending behaviour work they undertook. - It was not always clear why prisoners had been held in the special accommodation, and relationships in the segregation unit were disappointing - We addressed our concerns about the segregation unit as a main recommendation following our last inspection in 2011; little progress had been made since then. - The segregation regime for a number of long stay residents remained particularly poor and we saw little focus on preventing the inevitable psychological deterioration that results from this. - opportunities for outside exercise were limited - Some of the work offered was of poor quality; there was too much pointless broom pushing - education and achievement levels needed to be improved. In view of the wider issues in the prison, more use should have been made of the opportunities to promote and understand diversity and equality issues in education - Managers expressed some concerns to us about whether the Offender Learning and Skills Service (OLASS) which was commissioned at a national level was sufficiently attuned to the needs of men in dispersal prisons who were serving longsentences - Inspectors made 60 recommendations

Support, which is supposed to represent the attitude to the families staying there. Cedars(It is not called a detention centre, despite its obvious security features.) In case G4S did not live up to the acronym, Barnardo's set out seven 'red lines', pledging to speak out if a family stayed more than once, or for over a week (the absolute maximum permitted period of detention, requiring ministerial authorisation for any period above three days), and to withdraw from the contract if this happened more than twice; to speak out if the level of force used in moving people to and from the centre was 'disproportionate' or if it had serious concerns over staff behaviour, and to withdraw from the contract if these issues once raised were not adequately addressed.

Reading its report, Cedars: two years on reopens all these questions, and induces a tumult of reactions. It is only fair to acknowledge (and the report cites testimony from HM Inspector of Prisons and others) that Barnardo's presence appears to have lessened the immediate violence of detention and removal and reduced the levels of stress and distress for many of the children and parents held at Cedars. barnardos_cedarsWe also learn that it is supporting some G4S staff to undertake a diploma in child care.

The removal of a young teenage girl and her mother was stopped when Barnardo's staff shared concerns about a risk of trafficking or exploitation. This is the only instance in the report of Barnardo's intervening to stop a removal; generally, their task is to make families feel better about being removed, through kindness, talking, games, perhaps contacting family members in the home country or ensuring some post-return financial support. The report proudly recounts the story of a family highly distressed at the prospect of removal when they arrived, transformed by Barnardo's care and expertise into one dressed in their best and looking forward to seeing extended family again and going to the beach on return – they even sent a thank-you email.

Criticisms and recommendations: The report is not wholly complacent about the centre. It describes four areas where 'improvements can be made'. Arrest and escort arrangements, where continued routine use of too many uniformed officials descending on families in their homes and bundling them into vans, exacerbates distress, and Barnardo's recommends that escorts (currently from Tascor) in 'appropriate' numbers, wearing uniform and protective equipment such as handcuffs only when this is really necessary, should use unmarked transport to remove families, who should be given time to dress and collect belongings, and unexplained and unnecessary delays should be avoided. Properly recruited specialist escorts, trained in safeguarding, should be used to work with children and families. It is concerned too about inconsistency in the use of force: when it should be used, to what extent, and how to avoid it. It has intervened with the Home Office on three occasions on the disproportionate use of force, and wants a Home Office policy emphasising techniques to minimise the need for physical intervention. It reports that the Home Office no longer authorises the use of force on pregnant women or children except to prevent harm.

Its strongest criticism is of splitting families for the purposes of immigration enforcement, which it says should never be done: the only justification for splitting families is protection and welfare concerns. It also expresses concern about failed returns followed by re-arrest.

What's missing?: So why does the report leave a queasy feeling? The sleight of hand (I won't call it dishonesty) of omitting children held elsewhere from the statistics on children's detention doesn't help: we read that over a total of 1,100 children were detained in 2009, before the coalition pledge to end children's detention and the setting up of Cedars, and that only 120 children were held in Cedars in its first year and 90 in its second. No reference to

the children held at Tinsley House, or in airport holding centres, which pushed the numbers up – or to the scores of children held as adults, in adult detention centres.

The self-congratulatory tone doesn't help either. Passages describing Barnardo's input in choosing paint colours, furnishings and discreet 'dynamic security' before the centre opened in August 2011, disguising security arches with murals to ensure child-friendliness induce fury: it's a detention centre, you can't disguise it! you want to shout. Even the criticisms of the Home Office and of escorts are muted and conciliatory. Negative incidents tend to be skated over: there are no details of the widely publicised incident of the dangerous use of force on a pregnant woman, described in the HMI report, no description of the other incidents on which Barnardo's claims to have intervened with the Home Office, and no reference to any attempted suicides at the centre, although at least one has been reported elsewhere.[2] No reference, either, to the fact that, as HMI reported, over half of all arrests were 'dawn raids'. The language employed gives no sense of the extreme distress of children caught up in these raids, viscerally reported by Sir Al Aynsley-Green when he was Children's Commissioner,[3] and unchanged since. The report has a sense of unreality about it: guards and escorts don't use force on children (so when a child fearfully clings to his bed-frame, they wait indefinitely? coax him with sweets? go away?) With some minor, easily remediable exceptions, the report's tone suggests, everything at Cedars is hunky-dory.

Fading red lines: Yet even on the face of this report, it would appear that Cedars and escort staff have strayed over Barnardo's red lines – in the repeated (though not systematic) use of disproportionate force; in the 'repeat detention' of families referred to obliquely towards the end of the report. But there is no mention of withdrawal from the contract, which the famous 'red lines' require (with hindsight one sees how carefully they were drafted, giving the organisation plenty of 'wriggle room'). The failure to spell out with sufficient clarity the serious incidents of misconduct and the repeat detentions which might have justified withdrawal, and the bland, reassuring language of the report gives the contrary impression: it is onwards and upwards for Barnardo's, with its 'responsibility to improve both the Family Returns Process and the wider asylum and immigration system'. And how could it be otherwise? Having taken the contract in the first place, and having seen the difference skilled and caring staff make to the process of detention and removal, it is practically impossible for Barnardo's now to pull out. The organisation would see it as a betrayal of those children.

Herein lies the nub of the problem. Barnardo's presence does make removal a less painful process for some children and families – but that makes it wholly complicit in the process. If Barnardo's was serious about its mission to improve the wider asylum and immigration system within which it operates, it would be up in arms about the legal aid cuts which have led to the decimation of good independent legal advice and assistance for those seeking to stay. It would be no less angry about the abolition by the Home Office of its promising attempt to reform asylum decision-making, the 'Solihull Pilot' or 'Early Legal Advice Project', which was hailed for cutting costs, reducing appeals and providing more credible and sustainable decisions through a collaborative process between the asylum seeker, the lawyers and Home Office caseworkers. These two developments since Barnardo's entered its contract mean that the families in its care now face removal after a significantly worse, less reliable decision-making process than before, with much-reduced access to decent legal help. The organisation has, in the past, lobbied government to ensure that the rights of unaccompanied children are respected in the asylum process – yet in this review of its involvement in the removals process, there is nothing which indicates

The Court was not persuaded that Hungarian law allowed life prisoners to know what they had to do to be considered for release and under what conditions. Moreover, the law did not guarantee a proper consideration of the changes in the life of prisoners and their progress towards rehabilitation. Therefore, the Court concluded that the sentence of Mr Magyar could not be regarded as reducible, which amounted to a violation of Article 3. However, the Court noted that the finding of a violation could not be understood as giving Mr Magyar the prospect of imminent release; it had not been even argued in the case that there were no longer any grounds for his detention.

Moreover, the Court held that this case disclosed a systemic problem which could give rise to similar applications. Therefore, for the proper implementation of this judgment, Hungary would be required to put in place a reform of the system of review of whole life sentences to guarantee the examination in every case of whether continued detention is justified on legitimate grounds and to enable whole life prisoners to foresee what they must do to be considered for release and under what conditions.

Principal facts: The applicant, László Magyar, is a Hungarian national who was born in 1966 and is currently detained at Szeged Prison (Hungary). In 2002, criminal proceedings were initiated against Mr Magyar and some other people who were suspected of having committed a series of burglaries against elderly people. Soon after the assaults, several victims had died as a result of their injuries. In May 2005, Mr Magyar was convicted of murder, robbery and several offences, and was sentenced to life imprisonment without eligibility for parole. In January 2006, this judgment was quashed on appeal. In November 2008, Mr Magyar was given the same sentence, which was subsequently upheld by the Court of Appeal in December 2009 and by the Supreme Court in September 2010.

Decision of the Court - Article 3 (inhuman or degrading treatment)

The Court acknowledged that those convicted of a serious crime could be sentenced to indeterminate detention where necessary for the protection of the public. However, Article 3 must be interpreted as requiring reducibility of the sentence, in the sense that national authorities should be allowed to review life sentences in order to assess whether life prisoners had made such significant progress towards rehabilitation that their continued detention could no longer be justified. Moreover, from the beginning of their sentence, life prisoners should be entitled to know what they have to do to be considered for release and under what conditions.

The Court distinguished the case from a former Hungarian one which concerned a life sentence with eligibility for parole and noted that the regulation and practice of the presidential clemency warrants a stricter scrutiny where it is not complemented by the distant but real possibility for release on parole. Firstly, Hungarian legislation did not compel the authorities or the President of the Republic to assess, whenever life prisoners request pardon, whether their continued imprisonment was justified. Secondly, although the authorities had a general duty to collect information about life prisoners and to enclose it with their pardon request, the law did not provide for any specific guidance as to what kind of criteria were to be taken into account in the gathering of such personal particulars and in the assessment of the request. Finally, neither the Minister of Justice nor the President of the Republic had to give reasons for their decisions about such requests.

Therefore, the Court was not persuaded that the institution of presidential clemency would have allowed any prisoner to know what they had to do to be considered for release and under what conditions. Moreover, the law did not guarantee a proper consideration of the progress towards rehabilitation made by life prisoners, however significant. Therefore, the Court concluded that the sentence of Mr Magyar could not be regarded as reducible, which amounted to a violation of Article 3.

UK Rendition Victim Released After Ten Years in Secret US Custody

Yunus Rahmatullah, a Pakistani citizen held at Bagram Airbase for ten years without charge, trial, or access to a lawyer after his capture by British forces in Iraq and subsequent rendition to Afghanistan in 2004, has been released. Mr Rahmatullah is said to be in a grave mental and physical condition as a result of sustained abuse in UK and subsequently US custody.

The news comes as the US Senate's Intelligence Committee prepares to release its long-awaited report on the use of torture by the CIA, which is expected to implicate UK officials in the abuses of the 'war on terror.' After years of government denials that the UK had been involved in any rendition operations, Mr Rahmatullah's capture by British forces was finally revealed to Parliament in February 2009 by then-Secretary of State for Defence John Hutton. Despite admitting playing a part in Mr Rahmatullah's illegal detention and transfer, the government persisted in refusing to assist him. As a result legal action was brought on Mr Rahmatullah's behalf. The UK government subsequently revealed that British officials were aware of a US intention to transfer Mr Rahmatullah from Iraq to Afghanistan at the time, yet did nothing to prevent it.

In 2012, the UK Supreme Court suggested that his rendition may have amounted to a war crime, stating: "The, presumably forcible, transfer of Mr Rahmatullah from Iraq to Afghanistan is, at least prima facie, a breach of article 49 [of the fourth Geneva Convention]. On that account alone, his continued detention post-transfer is unlawful."

Legal charity Reprieve and law firm Leigh Day have brought legal proceedings on Mr Rahmatullah's behalf to force the UK government fully to investigate his rendition and torture. Kat Craig, Legal Director at Reprieve, said: "After ten years of unimaginable abuse and imprisonment at the hands the British and US forces, Yunus Rahmatullah deserves a full investigation into the circumstances of his capture. He must receive justice, so that he and his family can move on and return to some semblance of their old, peaceful life. As its pernicious role in the worst abuses of the 'war on terror' continues to come to light, the British government must hold its hands up and right the wrongs of the past."

Rosa Curling, solicitor at Leigh Day, said: "The UK government must now take immediate steps to properly investigate the role it played in Mr Rahmatullah's mistreatment and abuse. The UK authorities transferred our client in to US custody, when it knew there were was a real risk such a transfer would expose him to torture, mistreatment and abuse. They failed to take proper steps to try to ensure the US returned him to UK custody. To date, the UK government has refused to undertaken such an investigation. Upon receipt of the news today, we hope the UK government will now finally agree to conduct the investigation needed so Mr Rahmatullah, and the UK public in general, can finally know what role our government played in the appalling abuse our client has had to suffer for over a decade." *Leigh Day Solicitors, 15/05/14*

Hungary Should Reform its System for Reviewing Whole life Sentences

The case mainly concerned a prisoner's complaint that his imprisonment for life without eligibility for parole amounted to inhuman and degrading treatment as it was irreducible. Chamber judgment in the case of László Magyar v. Hungary (application no. 73593/10), which is not final, the European Court of Human Rights held, unanimously, that there had been: a violation of Article 3 (prohibition of inhuman or degrading treatments) of the European Convention on Human Rights as concerned Mr Magyar's life sentence without eligibility for parole, and a violation of Article 6 § 1 (right to a fair trial within a reasonable time) as concerned the excessive length of the criminal proceedings brought against Mr Magyar.

its understanding of the impact these changes have had, and will have. Nothing, either, about the likely impact of the removal of most appeals under the Immigration Act which received royal assent on 14 May – although the Act's statutory grounding of the Family Removals Process Act is (rightly) welcomed for the additional safeguards it confers.

So it is almost a case of the three wise monkeys. Barnardo's selective vision means that neither in the laws which strip families of access to meaningful legal remedies, nor in the processes whereby children and families are removed, does it see or hear evil. It does not (and cannot) generally challenge or second-guess the basis on which removal has been ordained (with the one exception of the possible trafficking victim). It has without question accepted the Home Office's categorisation of families as the non-compliers, the refusers, who having been refused leave to stay, refuse to leave, will not accept voluntary removal, will not cooperate with arrangements for their removal – and that is why they are there. It is not Barnardo's job to question or survey the context within which it works. It cannot but accept the Home Office frame of reference, and its stance is that the children should not suffer for the sins of their parents. But what if the parents' desperation stems from their being more sinned against than sinning?

Objections: While Barnardo's bona fides in seeking to make the experience of detention and removal as painless as possible for children is beyond question, It is its naïve, unquestioning acceptance of the framework of its care provision, and of all the other players, that angers objectors. In the final analysis, the concern expressed by Al Aynsley-Green when Barnardo's took the contract – that organisations can't effectively hold government to account if they work inside the system and take public money – is vindicated by this report. Barnardo's colludes with, legitimises and provides chintz curtains for a system of institutionalised disbelief, indifference and inhumanity – no matter how kindly it does its job.

MPs to Investigate Serco Over Sex Assault Claim at Yarl's Wood IRC

Serco, the private outsourcing giant, is to be investigated by MPs after it was forced to disclose a secret internal report revealing evidence that it failed to properly investigate a claim of repeated sexual assaults by one of its staff against a female resident at Yarl's Wood immigration detention centre. The document, which was marked confidential, was made public last week following a four-month legal battle between Serco and Guardian News and Media. Lawyers said the report demonstrates a culture of disbelief towards women inside the detention centre, which is run by Serco, and hailed the high court's decision forcing Serco to disclose the document as a victory for greater transparency. The revelation comes a day after it was disclosed that Serco could be among companies to take over the running of privatised children's social services, including child protection, under proposals being considered by Michael Gove's Department for Education.

Keith Vaz, chair of the home affairs select committee, said the report's revelations were "shocking" and warned he would be summoning senior Serco figures to parliament next month for them to explain their actions. The report details an investigation into the claims of a 29-year-old woman from Pakistan that she was sexually assaulted three times at Yarl's Wood by a Serco health worker between November 2010 and January 2011. Although the claims of Sana (not her real name) remain unsubstantiated after investigations by police and the Home Office, the report's findings and process have angered MPs and lawyers. Among them is the revelation that a Serco guard who appeared to believe the claims made by the alleged victim be given "guidance" to assist her "objectivity" in future, and that Serco believed the alleged

victim lacked credibility because her allegations were deemed too consistent and detailed.

Vaz said: "These are shocking revelations and they demonstrate to me that an internal investigation is not enough. It's clearly the tip of the iceberg as far as these allegations are concerned and the way Serco has dealt with them. "There needs to be an external examination following these revelations, which will look at the entire history of the allegations but also look carefully at the way in which Serco manage other properties of this kind. Serco will need to appear before the committee at our next inquiry looking at the whole procurement process, which we will be conducting very shortly." *Mark Townsend, The Observer,*

Convicted Murderer Goes on the Run From Prison for The Third Time

Arnold Pickering, 44, from Chadderton, Greater Manchester, failed to return to HMP Kennet in Maghull, Merseyside, after leaving the Category C jail on day release at about 9.30am on Sunday 18th May. Another inmate, Thomas Moffett, 51, from Blackburn, Lancashire, who is serving an indeterminate sentence for a number of robberies carried out in his home town in 2006, also failed to return from day release. Pickering last absconded in December 2009 when he was let out on day release from HMP Kirkham to work on the bins in Manchester city centre. He handed himself in four days later in Motherwell, Scotland.

Pickering, who stabbed a man to death in Oldham in 1990, had also escaped from Strangeways in Manchester on a previous occasion. He was jailed in 1991 for life and ordered to serve a minimum of 18 years after reportedly targeting his 55-year-old victim, who was partially blind and deaf because of unfounded rumours he was a paedophile.. Pickering had been risk assessed as suitable for temporary release on licence by the Ministry of Justice, said Merseyside Police.

A spokesman added: "Both prisoners were due back at around 4.30pm yesterday but failed to return and this was reported to Merseyside Police at around 7pm. Since then, officers have been carrying out extensive inquiries and working with partner agencies and other forces to locate them and return them to prison. It's believed both men may be in the Southport area. The prisoners have both been risk assessed as suitable for temporary release on licence by the Ministry of Justice, although any member of the public who sees them is advised not to approach them but to call the police."

The disappearance of the two men is highly embarrassing for the Government coming just two weeks after notorious armed robber Michael Wheatley - known as Skullcracker - absconded from Standford Hill open prison on the Isle of Sheppey, Kent, while on temporary release. Prisons Minister Jeremy Wright said there would now be "major changes" brought in as a "matter of urgency". The system for allowing prisoners out on temporary licence has been too lax up till now and we are making major changes to address this," he said in a statement. In light of recent incidents I have tasked officials with implementing these changes as a matter of urgency."

Police Condemn IPCC Plan To Keep Officers Apart After Shootings *Vikram Dodd*

More than half of his force's armed officers could stop carrying weapons because of plans by the police watchdog to ban them from conferring with each other as they write up statements following a shooting. Commander Neil Basu, Scotland Yard's head of armed policing, said the Independent Police Complaints Commission was being driven by a desire to salvage its battered reputation. He said the plan would leave officers feeling "criminalised" as murder suspects for doing their duty in tackling gun crime. He said officers were likely to withdraw cooperation from investigations into the police following shootings and give "no comment" answers to any questions.

convictions and acquittals in sections 29-30 and the lack of any reference to section 28 in section 6(8). There was undoubtedly a lacuna in POCA but was for the legislature to correct. No confiscation order was possible under those circumstances.

The court ruled that section 28 could apply and that the header was just a guide to interpretation. It certified a question but refused leave to appeal to the Supreme Court. It also quashed the confiscation order and remitted the matter to the Crown Court.

The effect of the judgement is quite important - it will require the prosecution to wait two years (from the date of absconding) before proceeding in confiscation against those who were convicted in absence having absconded beforehand. It also requires the prosecution to apply the protections in section 28 namely to make all reasonable efforts to find the offender and to allow any third parties with an interest in the outcome to be heard. It is an open question now as to what happens to orders made against absconders where there were no such protections. *This Summary from Geoff Payne Counsel, 25 Bedford Row*

In Praise of ... Open Prisons *Guardian Editorial, 19/05/14*

In every year this century, Home Office figures show that 99.9% of releases on licence ended with offenders returning as required: It is shocking that a murderer, Arnold Pickering, absconded on day release at the weekend. It is a relief that he was recaptured on Monday. The case comes after the absconding by Michael Wheatley, a convicted armed robber who was also soon recaptured. These cases should be investigated and lessons applied. A presumption against former absconders being sent to open prisons may be needed. But there is not a crisis in absconding from open prisons. On the contrary. Absconds have fallen from a high of 1,300 in 2003-04 to 204 in 2012-13. That year, and in every year this century, Home Office figures show that 99.9% of releases on licence ended with offenders returning as required. Yes, between six and 17 sentenced murderers have absconded each year since 2006-07. Yet of these a total of one remains at large. One too many. But no reason for a mischievous policy panic about open prisons a couple of days before the local elections.

CCRC Apologise to Victor Nealon

Victor who spent 17 years behind bars wrongfully convicted of attempted rape has received an apology from a body set up to examine miscarriages of justice. Victor Nealon, 53, was convicted of attacking a woman outside a nightclub in Redditch in 1996. He asked the Criminal Cases Review Commission (CCRC) to examine his case but was turned down twice. His conviction was quashed last year. The commission has now said it should have investigated more thoroughly. Chairman Richard Foster said: "I regret the fact in this particular case we missed something and I apologise to all concerned for the fact we did so."

'Failure to research' - Mr Nealon said he had wanted the CCRC to get more information about the forensic evidence presented in the prosecution's case. The CCRC requested the information from West Mercia Police but failed to ask more questions when the force said a file of evidence had been lost. "I depended on people in that position to research paperwork and they didn't do it," Mr Nealon said. His defence team eventually discovered an unknown person's DNA on clothing that had not been disclosed by West Mercia Police. His conviction was finally quashed in 2013. He said: "I could have been out at least ten to 12 years ago but, on account of the CCRC and their failure to research a paper trail, I remained in prison." West Mercia Police said it was studying the Court of Appeal's full judgement which would form part of the ongoing review of the case.

Life sentences can be imposed for a wide range of offences. The maximum term for rape, arson, manslaughter, torture, hijacking, supplying class A drugs, robbery, aggravated burglary, carrying firearms, causing explosions and procuring a miscarriage is life imprisonment. A life sentence is mandatory for anyone aged over 21 who is convicted of murder. Even among lifers there are multiple categories, reflecting a proliferation of sentencing regimes that have changed over time. There are prisoners serving automatic life sentences, discretionary life sentences, those held on detention during Her Majesty's pleasure, in custody for life – and other permutations.

The most notorious are the 55 inmates – such as Mark Bridger, who was sentenced for the murder of five-year-old April Jones, and Michael Adebolajo, the killer of Fusilier Lee Rigby – who are serving whole-life terms. They will never be released from jail. Their status has caused friction with the European court of human rights in Strasbourg, which ruled that such sentences must be subject to review and therefore hold out the possibility of release. As they stand, the ECHR said, whole-life terms are inhuman and degrading – a judicial rebuff that the court of appeal has since, in effect, sidestepped.

The MoJ counts those on indeterminate sentences, who must satisfy the Parole Board before they can be freed, with lifers. That agglomeration of categories explains why research by the Howard League in 2009 first came up with the astonishing statistic that there are more people serving open-ended or life sentences in jails in England and Wales than in the whole of the rest of Europe.

The latest statistical report from the Council of Europe, assessing prison populations in mid-2012, confirms that disparity. There were more than 8,800 serving life terms in Britain compared with about 7,000 in the rest of Europe. Other European states are, by comparison, reluctant to impose life sentences and generally reserve the term "life" for whole-life sentences. Several – Spain, Portugal, Norway, Croatia and Serbia – have even abolished what they call life terms. Inmates aged more than 60 are the fastest growing section of the prison population. In September 2012, there were 3,333 older inmates. By December 2013, the figure had risen to 3,536 – of whom 99 were women.

PACE - Revised Codes C and H in force 2 June 2014. The purpose of the revisions to Code C is to implement obligations arising out of the EU Directive (2012/13/EU) on the right to information in criminal proceedings. In particular, Code C now requires that every detainee must be given a revised written notice setting out their rights and entitlements whilst they are in custody, which has been updated to reflect the new substantive rights conferred by the Directive. The revisions to Code H follow the changes which are being made to Code C for this purpose.

Confiscation of Monies of Absconded Defendant - Court Must Wait 2 Years

R v Okedare: In short, the court was asked to rule whether an offender who absconded during trial and who was convicted in absence could be made the subject of a confiscation order. The judge had proceeded under s6 POCA and had declined either to act under section 27 or 28 or not to proceed at all.

The argument for the appellant was that: (a) Section 6 could not apply because of the bar in section 6(8) and that the judge had erred in proceeding in the way he did, (b) Section 27 could not apply because the offender absconded before conviction and the section requires the act of absconding to be after conviction, (c) Section 28 could not apply because of the header that reads “Defendant Neither Convicted nor Acquitted” and because of a number of technical features of other sections, namely the reference to

Basu's comments in a Guardian interview brings into the open a seething row between the police and its watchdog. The IPCC is acting after years of criticism over officers sitting with each other and conferring after serious incidents as they write up their statements. The police say conferring covers only the lead-up to the use of force. Critics including the high court say it is an opportunity for collusion. The IPCC was pandering to a small minority who believed marksmen were "liars" conspiring to hide the truth by conferring. "I think that is based on the perception that officers confer to lie, he feared that 50-65% of his force's armed officers would decide not to carry a weapon any more. "I think there is a very serious risk that officers will no longer volunteer for the role." More than 2,000 officers in the Met carry arms. His officers opened fire rarely and showed professionalism and restraint. "This is not … about paramilitary policing and death squads," he said.

Under the IPCC plans, which cover all forces in England and Wales, officers would be separated from each other where practical after serious incidents such as a shooting, use of a Taser stun gun or a death in custody. Officers would not be allowed to talk to each other at any stage before or while writing up their account, according to the IPCC's proposals, which the watchdog is consulting on. They would also be expected to write their full account before going off duty, instead of the current system where they have 48 hours to recover. The police say the current system means IPCC investigators get the "best evidence" available.

The IPCC announced the proposals to stop the practice of conferring after the inquest into the shooting of Mark Duggan. A jury found he was unarmed when shot dead but that the armed officer acted lawfully because he believed Duggan was holding a weapon. Days after the shooting, police officers sat in a room together for eight hours writing their accounts.

Basu said a leading lawyer for armed officers had warned that they would refuse to answer questions from the IPCC if the watchdog insisted on separating them after shootings. "No amount of fantastic Churchilian leadership from me is going to make an officer want to contribute to an inquiry where they are being made a suspect," he said. "They will be legally advised to make no comment. Why wouldn't they, knowing that the slightest mistake they make … and they are potentially facing a murder charge for doing their job?. Separating officers after an incident as traumatic as a shooting would increase their stress, leaving them isolated at a time of their greatest need.

A survey of firearms officers released last week found that eight in 10 lacked confidence in the IPCC's planned changes and two-thirds in the Met "would think seriously" about handing in their weapons if the changes went ahead. Nine out of 10 believe that having to make a full statement after an incident – without having 48 hours to recover – would add to the stress they face and say the changes would make them feel like a criminal suspect. Officers are already warned not to confer about why they may have used force and the actual use of force. Claims that the police and IPCC were too close were "laughable", and said the watchdog was fighting for its survival.

The IPCC's director of investigations, Moir Stewart, a former senior Met officer, said separating officers where practical gave the public better reassurance. "It adds integrity to their accounts and protects them from accusations of a cover-up or collusion," he said. "I believe that explainable inconsistencies are more credible than unexplainable consistencies. The proposals we have put forward as part of our draft guidance will increase public confidence in the police version of events, and help ensure our investigations are as robust and thorough as they can be."

The IPCC said it would consider the police service's views, and it would be up to home secretary, Theresa May, to decide whether or not to approve the proposed statutory guidelines.

Demonstration for Kingsley Burrell - Third Anniversary of his Death in Custody

Delayed Prosecution! Delayed Funeral! - Justice Delayed is Justice Denied

Saturday 31/05/14 Assemble 12:30pm Holyhead School, Holyhead Road, Handsworth, Birmingham B21 0HN Leaves Holyhead School 1:00pm – arrive about 2:30pm Lloyd House, Police Headquarters, Colmore Circus, Birmingham B4 6NQ / 2.30-4pm – Rally with speakers

On 27 March 2011, Kingsley, a trainee security guard, from Hockley in Birmingham, was out walking with his young son when he dialled 999 stating that he was being threatened by a gang. The result of this was that officers who arrived at the scene detained Kingsley under the Mental Health Act, despite him having no record of mental illness. He was sectioned and taken to the Mary Seacole House, a Mental Institute, in Winson Green, Birmingham. Three days later police were called to the unit following 'an incident' and Kingsley was transferred to Birmingham's Queen Elizabeth Hospital where he died on 31 March 2011.

The family are still waiting for answers and the Crown Prosecution Service has still not confirmed whether or not they will be carrying out a prosecution. This is unacceptable and we will therefore be marching from Handsworth, Birmingham to the police headquarters at Lloyd House, Birmingham city centre to show that the Kingsley Burrell campaign will not tolerate any more delay because – "Justice delayed is Justice denied". We hope you can join us. Please RSVP to Kedisha Brown-Burrell for further details on 07580 178941 or ke_disha@hotmail.co.uk

No Justice, No Peace / Kind regards / The Kingsley Burrell Campaign

Contact with the Midlands police can be fatal: Rafal Delezuch - 15 th August 2012, Xuan Wei Zhang, 4th April 2012, Lloyd Butler - 4 August 2011, Demetre Fraser - 31st May 2011, Kingsley Burrell-Brown - 30th March 2011, Mikey Powell - 7th September 2003, John Leo O'Reilly - 3 July 1994, all died after coming into contact with West Midlands Police]

Contact with the Midlands police can lead to you being fitted up: The West Midlands Serious Crime Squad was a police unit in the West Midlands which operated from 1974 to 1989. It was disbanded after an investigation into allegations against some of its officers of incompetence and abuses of power. Although numerous officers were found to have fitted up many of those they had arrested, not one of them ever spent a minute in prison. 62 known Miscarriages of Justice were later overturned on appeal, including the cases of the Birmingham Six, Bridgewater

Seriously Injured by Midlands police - You can be sure the police, police commissioner, Independent Police Complaints Commission (IPCC) will keep it covered up. Secrecy still surrounds how an elderly Sikh sustained a serious head injury during an incident at an address in South Road, Hockley, Birmingham, on Wednesday 26 June 2013 at which four West Midlands police officers attended. The unnamed man spent at lease three weeks in hospital before being returned to his home, but no information as to the nature of the injuries or if he has sustained long term injury has been released. IPCC/West Mids Police/ Police and Crime Commissioner have all been contacted by MOJUK asking for more information, as is their want West Midlands police have never given any information on the incident, IPCC issued a statement on 28th June but requests for updates have been refused, IPCC saying they cannot make a statement until their investigation was complete! Police and Crime Commissioner was contacted on 10th July 2013, he wrote back on the 12th July and he promised to look into the incident and reply with in 20 working days: he didn't, subsequent messages asking for why MOJUK had not been contacted were ignored until late August, then MOJUK was told P & CC was rather busy but would get back to MOJUK soon. Eventually Police and Crime Commissioner did get back and took the same position as the police, that to release information on the incident would not be in the public interest!

Prisoners Challenge to Indeterminate Sentences Begins in UK Supreme Court

The Supreme Court began hearing a challenge by four offenders on Monday 19th May 2014 who allege that indeterminate sentences infringe the rights of prisoners if they are unable to get on to rehabilitative courses. 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 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. 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.

Britain has more prisoners serving life sentences than the rest of Europe put together, with more than 12,000 inmates on either life terms or indeterminate sentences. The average length of time served by lifers and those given indeterminate prison terms is increasing rapidly, the latest Ministry of Justice (MoJ) figures reveal. The rise comes amid mounting criticism from MPs and civil rights groups that inmates are finding it harder to enter rehabilitation courses that would pave the way to their release and ease prison overcrowding. The MoJ's figures show average time served by those on mandatory life sentences has risen from 14 years in 2006 to 17 years in 2013. For other lifers, the average span doubled over the same period from seven years in 2006 to 14 years in 2013. The average time spent in prison by those serving indeterminate terms for public protection has also gone up, from one year in 2006 – when the sentence came into effect – to six years in 2013.

Increase in sentence lengths is one of the main drivers of the expansion of the adult prison population. In a report last month, Managing the Prison Estate, the Commons public accounts committee said prison overcrowding could be reduced and savings made "if [the MoJ] provided more offender behaviour programmes to help prisoners serving indeterminate sentences to be released at the earliest opportunity". In June 2013, the report noted, the prison population included thousands on indeterminate sentences who had already served the minimum period required by their sentence. It added: "They could be released if the Parole Board believed it was safe to do so. The Parole Board views offender behaviour programmes as very important to demonstrate progress, but the number of courses completed by prisoners has fallen."

The proportion of inmates held on longer sentences has been rising steadily. By the end of last year there were, according to MoJ statistics, 7,463 people who had been given a life term and 5,335 on indeterminate sentences for public protection, a total of 12,798 inmates.

The Howard League for Penal Reform and the Prisoners' Advice Service fear that the MoJ's decision to remove legal aid for inmates challenging the types of prisons in which they are being held may reinforce difficulties prisoners face in transferring to open prison and beginning the process of rehabilitation. Frances Crook, chief executive of the Howard League for Penal Reform, said: "We have sentence inflation. It's because politicians in the last two decades have sunk to the level of punitive competitiveness. But there's no evidence that it offers better public protection. We have more lifers than all the other countries in the Council of Europe together. This government came in with good intentions but there are still so many prisoners sitting around [awaiting rehabilitation courses]."