

## MOJUK: Newsletter 'Inside Out' No 896 (26/04/2022) - Cost £1

grate prisoners into society. Governments should ensure that inmates have sufficient space to live with dignity in prison and that non-custodial measures are used adequately while ensuring that the criminal justice system provides appropriate protection to society", said the CPT President, Alan Mitchell. The report recalls that prison overcrowding is mainly the result of strict penal policies, often a more frequent and longer use of remand detention, lengthier prison sentences and still limited use of alternative measures to imprisonment. As a first step, prison administrations should carry out a detailed review of the capacity of each cell, prison and the prison system as a whole, strictly applying the CPT standards concerning the minimum living space offered to each prisoner: at least 4 m<sup>2</sup> of living space in shared cells and 6m<sup>2</sup> in single cells (excluding the sanitary annexes). There should be an absolute upper limit for the number of prisoners for each prison. The second crucial measure that the CPT recommends is an increased use of alternative measures to imprisonment, such as community service or electronic monitoring systems, complemented by probation officers and rehabilitation programmes. The CPT considers that the use of non-custodial measures remains modest in many states, particularly in the pre-trial stage, and does not sufficiently reduce the number of persons in prison. It urges governments to work with legislators, judges, prosecutors, and prison and probation managers to tackle prison overcrowding with concerted action.

In the report, the CPT welcomes the measures taken in many member states to conditionally or temporarily release low-risk prisoners and to reduce resort to pre-trial detention to prevent the spread of Covid-19. The Committee, however, also notes that it has become apparent that some of the arguments put forward by authorities over the years that they were unable to decongest prisons were not always fully sincere.

Finally, the CPT warns that, with the end of the stricter measures to prevent Covid-19, the number of prisoners is increasing again in certain countries, which may result in a larger number of overcrowded prisons in the future. In 2021, the CPT carried out nine periodic visits (Austria, Bulgaria, Lithuania, the Russian Federation, Serbia, Sweden, Switzerland, Turkey and the United Kingdom) and six ad hoc visits to examine specific issues (Albania, Belgium, Bosnia and Herzegovina, Georgia, Greece and Romania).

### With this weeks 'Inside Out: The Ballad of Reading Gaol by Oscar Wilde

A heartbreaking depiction of the losses, betrayals, and tragedies that all 'men' suffer in their lifetime. This poem is Oscar Wilde's most successful poem and was his last great work written before his death in 1900. 'The Ballad of Reading Gaol' details the emotional experience of imprisonment, something that Wilde lived first hand when he was sentenced to two years hard labor in Reading Gaol after a failed court case.

Serving Prisoners Supported by MOJUK: Kieron Hoddinott, Derek Patterson, Walib Habid, Giovanni Di Stefano, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, 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 Cullinane, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva, Terry Smith, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan

### CCRC Refers 1970s Murder Conviction to Northern Ireland Court of Appeal

Patrick Thompson received a life sentence with a 30-year minimum term for the murder of four British Army officers in a Northern Ireland landmine attack in the mid-1970s. The explosion, which happened early in the morning of July 17th, 1975, on the road between Dundalk and Newtownhamilton, is often referred to as the 'Forkhill landmine attack'.

The CCRC has referred Mr Thompson's case on the grounds that there is a real possibility that the Court of Appeal will find his conviction to be 'unsafe' because the senior officer who led the investigation was not a credible witness. Patrick Thompson appeared before a Trial Judge in March 1976 at the Belfast City Commission. He was charged on four counts of murder and of being a member of a proscribed organisation. The prosecution relied upon admissions that Mr Thompson was alleged to have made in police custody. Mr Thompson stated that the alleged admissions were the result of ill-treatment by the police. Around a year after his sentencing in March 1977, Mr Thompson's appeal against conviction was heard. He repeated that his admissions had been the result of inhuman and degrading treatment by members of the Royal Ulster Constabulary, and as such should have been excluded from his 1976 trial. However, his appeal was unsuccessful.

Mr Thompson applied to the CCRC in February 2018 and after careful consideration, the CCRC has found compelling evidence that calls into question the credibility of the senior investigating police officer who questioned him at the time of his arrest. The same police officer was later criticised in the Northern Ireland Court of Appeal's decision in R v Latimer, Hegan, Bell and Allen [1992] 1 NIJB 89.

### AG Granted Injunction Over BBC 'MI5 Informant' Story

Law Gazette: The attorney general has obtained a High Court injunction preventing the BBC from identifying an alleged MI5 informant who is said to be 'a dangerous extremist and misogynist who physically and psychologically abused two female partners'. Suella Braverman MP applied for an interim injunction to stop the broadcaster revealing the identity of a man known only as X, who is alleged to be a 'covert human intelligence source' (CHIS). She argued that disclosing X's name or picture would 'cause real damage to national security' and lead to 'a real and immediate risk that X would be killed or subject to serious physical harm'.

But the BBC said there was a strong public interest in identifying X, who they argued 'used his status as a CHIS to coerce and terrify his partner' which should have led MI5 to stop using him as a CHIS. The broadcaster also relied on evidence of X's violent behaviour towards two former partners, one of who provided a video which is said to show X attacking her with a 'dangerous weapon'. However, Mr Justice Chamberlain granted the attorney general an interim injunction to prevent the broadcasting of X's name and image, which he said would cause 'a real and immediate risk that X would be killed or seriously injured'. The judge said: 'The BBC will still be able to convey what it regards as the core elements of its story, including the allegation that X abused his CHIS status and the allegation that MI5 is at fault for using or continuing to use him as a CHIS.' He added that the injunction represents 'a significant interference with the BBC's right to freedom of expression', but said the order 'will not prevent the BBC from making the allegations central to its story'.

A BBC spokesperson said: ‘We fought the case to try to tell as fully as possible two women’s stories and their experiences with X – his abuse of them and his use of his status as an MI5 intelligence source to coerce and terrify one of them, behaviour we say MI5 should have known about and that should have caused them to stop working with X.’ They added that the broadcaster is considering ‘whether there is a basis to appeal’.

### **Criminal Injuries Compensation and ‘Undeserving’ Victims**

*UNLOCK: Having a criminal record should not mean victims of serious crime are denied the recognition and compensation they need.* Being the victim of a serious crime can leave a severe and lasting impact on a person; emotional, physical, financial and often a combination of all three. That’s why, to help victims of crimes such as sexual assault and serious physical violence, the government provides a small amount of financial compensation. The Criminal Injuries Compensation Authority (CICA) who administers the scheme says: “... [the award] will never fully compensate you for what you have suffered or lost – it is just society’s way of recognising that you have been a victim.” What message does this send to the thousands of people who have been denied compensation due to their unspent convictions? We believe this rule creates a hierarchy of victims, which sets a dangerous precedent.

From 2016 to 2019, 3,500 people who were victims of violent crime – 420 of them victims of sexual violence – were refused compensation due to an unspent conviction. Examples include victims of rape and sexual abuse who have been denied compensation because of unspent convictions for offences like non-payment of a TV license. High profile child sexual abuse scandals have highlighted the issue of women and girls being criminalised as a result of the abuse and exploitation they endured.

Research conducted by criminologists at the University of Nottingham has explored the impact of a criminal record on access to the scheme. Lauren Bradford-Clarke, Rhiannon Davies and Andrew Henley have analysed data provided by the Criminal Injuries Compensation Authority to examine how many cases each year are affected by restrictions introduced in 2012 which further limited state compensation for people with unspent criminal records. For the period 2013 to 2021 they found 2,190 cases where women who were victims of violent crime had their compensation claim negatively impacted by their unspent conviction. Of these cases: 78.9% had their claim to CICA rejected and they received no compensation; in the 21.1% of cases where compensation was awarded, these women typically received compensation that was 55 per cent lower than women without a criminal record; amongst the 462 women who suffered a deduction to their compensation – 186 had been victims of sexual violence, 43 had sustained a disabling mental injury as a result of their victimisation, and 81 had sustained bodily scarring due to the crimes committed against them, including 61 women with facial scars.

Commenting on these figures Dr Henley said: “These are women who have criminal records which are wholly unrelated to their subsequent victimisation event. We believe that it is inappropriate that crime victims who have already paid the penalty for a previous offence should then be further punished by the withdrawal or reduction of government-funded compensation.” Dr Bradford-Clarke added: “Our concern is that this is the tip of the iceberg and that there are many more women with criminal records who are victims of violent crime but who do not pursue a claim with CICA because they fear they will be unsuccessful. These findings contradict government claims to put victims at the heart of the criminal justice system and to take seriously the problem of violence against women and girls in society.

the UDR as “native levies”—a term for local troops raised in, and for, suppression of “the colonies”. For Catholics, an encounter with the UDR at one of its roadside checkpoints was often brutal and sometimes fatal. In one notorious incident the Miami Showband stopped their tour van at what they thought was a British army checkpoint. Instead it was a trap set by members of the Glenanne gang who were serving off-duty UDR soldiers. Three of the band members were murdered and two seriously wounded. The killers were British soldiers by day, Loyalist paramilitaries at night. An investigation by a Historical Enquiries Team found that the only real motive for such attacks was to “frighten (victims) friends, other Catholics and supporters of the nationalist agenda”.

Weapons from UDR armouries, or from the homes of UDR personnel, provided a steady flow of military equipment straight into the hands of Loyalist gangs. Internal British army documents from the 1970s use the word collusion routinely and repeatedly. A 1973 military intelligence document called Subversion in the UDR found that up to 15 percent of the UDR members had paramilitary links. In many areas UDR commanders considered dual membership normal—paramilitaries even drank on UDR bases.

By the early 1990s, around 120 members of the regiment were serving prison sentences for serious crimes and 17 had been convicted of murder. But their identities were usually kept secret. Smith says on tracing the collusion through documents, “The denial of access to history is a part of a continuum of British state efforts to obscure its colonial past—to protect the reputation of the British state of generations earlier, concealing and manipulating history.

### **Prison Overcrowding: Anti-torture Committee Calls for Setting Limit**

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visits places of detention in the 47 states parties to the European Convention for the Prevention of Torture in order to assess how persons deprived of their liberty are treated with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment. These places include prisons, juvenile detention centres, police stations, holding centres for immigration detainees, psychiatric hospitals and social care homes. After each visit, the CPT transmits a report containing its findings and recommendations to the government concerned. Following its exclusion as a member from the Council of Europe, the Russian Federation continues to be bound by the Council of Europe conventions open to non-member states to which it is a Party, including the 1987 Convention for the prevention of torture and inhuman or degrading treatment or punishment which established the CPT.

The Council of Europe’s Committee for the Prevention of Torture (CPT) has called on European states with persistent prison overcrowding to address this problem with determination by setting a maximum threshold to the number of prisoners in every penal institution - to be strictly respected - and by increasing the use of alternative measures to imprisonment.

In its annual report for 2021, the CPT underlines that although, over the years, some countries have achieved tangible progress in tackling prison overcrowding, this problem persists in many prisons systems, especially in establishments accommodating remand prisoners. In addition, even in countries where overcrowding is not a problem in the entire prison system, particular prisons, parts of prisons or cells may be overcrowded.

“Prison overcrowding undermines any efforts to give practical meaning to the prohibition of torture and other forms of ill-treatment since it can result in a violation of human rights. It puts all the prisoners, especially the most vulnerable, and the prison staff at risk and undermines efforts to reintegrate

expression rights as they do not protect against the dangers of 'bulk powers'. Bulk surveillance powers are used to advance investigations both in the UK and overseas. The government states that they are "integral to the work of the security and intelligence agencies".

Liberty's lawyer, Katy Watts, said: "We should have control over our personal information, and we should have a Government that respects our right to privacy and our freedom of expression. But the Government has admitted it is failing these basic requirements." Bulk surveillance powers allow the State to collect data that can reveal a huge amount about any one of us – from our political views to our sexual orientation. These mass surveillance powers do not make us safer, they breach our privacy and undermine core pillars of our democracy. Our right to privacy protects all of us. It is vital that dangerously broad mass surveillance powers are reined in and the Government must create proper safeguards that protect our rights."

In July 2019, the High Court found that parts of the Investigatory Powers Act that allow spies to collect people's communications data in bulk were not incompatible with human rights laws. Liberty sought to appeal that decision, but the appeal was delayed so that the case can take account of a judgment from the European Court of Human Rights that was handed down in May 2021, related to the predecessor to the Snoopers' Charter, the Regulation of Investigatory Powers Act (RIPA). That judgment, which was the final stage of a case that began in 2013 and can be taken into account in the current case, found that bulk surveillance powers – and the safeguards in the previous surveillance regime – have breached our rights. Liberty's application to appeal was supported in an intervention from the National Union of Journalists.

### **Wrongly Convicted Man Served Three Decades in Prison**

A San Francisco man has been released from prison this week after serving 32 years for a crime he did not commit. Joaquin Ciria was convicted of murdering a friend, Felix Bastarrica, in 1990 and that conviction was overturned on Monday by a San Francisco Superior Court judge. The Northern California Innocence Project put the case in front of District Attorney Chesa Boudin's Innocence Commission 18 months ago after they found new evidence and witnesses. Mr Ciria, 61, told reporters: "They did justice where justice needed to be done and I'm really happy today. I want to say thank you to my attorney," said Ciria, embracing the attorneys who fought for him. "My first five years I was thinking I really can't take it," said Ciria. "I thought that I was going to lose my mind any day, but when you put faith - your faith in God - you gotta keep going." "This is what we do our work for," said Linda Starr, Director of the Northern California Innocence Project at Santa Clara University. "These moments are amazing. It's why we've fought for 20 years to correct the witness identification procedures that are used, so mistakes like this don't happen."

### **New Book Shows Collusion at the Centre of Britain's UDR regiment**

*Simon Basketter, SWP:* The Ulster Defence Regiment started out in 1970 as a part-time volunteer force. Soon it developed into the British army's largest regiment with a membership of around 6,000. It also spent longer on continuous active duty than any other unit in the army's history. Micheal Smith's new damning exposure UDR Declassified is based on released government files. They point to one conclusion. It was an inherently sectarian organisation with links to Loyalist killers that successive British governments not only tolerated but encouraged. From its formation the UDR was a different type of regiment. Formed after a discredited sectarian force, the B Specials, was disbanded, the UDR was reserved for use solely in Northern Ireland. It was part of a long tradition of the use of such forces by the British empire. Regular army soldiers stationed in Northern Ireland referred to

Having an unspent conviction doesn't mean you were any less traumatised and harmed by what happened to you. It doesn't mean you don't need time off work, counselling and other necessities that compensation can help with. Before 2012, decision makers had discretion to pay out awards for those with unspent convictions on a case-by-case basis, which meant there was room to treat people fairly. We are asking – at the very least – for a return to this system; a system that deemed people with criminal records to be as deserving of support and dignity as everyone else.

If we're serious about ending violence against women, we have to mean all women – not just those who meet the criteria of the 'ideal victim'. Several months after the courageous Kim Mitchell won her case against the government, there's still no sign of the promised public consultation on this issue. We urge the government to do right by Kim and other survivors of abuse, and allow them to have their say.

### **Magistrates' Views on Keeping the Wheels of Justice Turning**

*Transform Justice:* What can we learn from pandemic justice? Unfortunately, the Covid inquiry is not going to examine the impact of the pandemic on justice so we need to use the research available. Some excellent reports were published on the views of tribunal, family and civil judges in 2020 and 2021. But there was very little on criminal courts. HMCTS published a survey of court users and judges but the number of criminal respondents was very small. The Magistrates' Association, supported by Transform Justice, decided to fill this large research gap by asking magistrates for their views on justice during the pandemic. The report is here. The main changes experienced by magistrates were a massive expansion in the use of video and audio links and an increase in benches sitting as two rather than three. These were designed to facilitate the social distancing of court users, lawyers and magistrates. Over 800 members of the Magistrates' Association responded to the survey. They were clearly bursting to have a voice – most wrote additional comments as well as answering the survey questions.

Magistrates understood that their duty lay in keeping the wheels of justice moving. But they were pretty unhappy about some of the hearings they presided over. They were particularly critical of the quality of the technological hardware and software HMCTS provided. 86% of magistrates experienced technical difficulties during hearings, 62% experienced such difficulties frequently. Video links were often poor and courts had to resort to phones when video links broke down. These technological difficulties compounded other difficulties inherent in virtual justice – that using video and phone (referred to as remote) links impeded communication and reduced the seriousness of the court. 76% of magistrate respondents (who expressed a view) said remote links made communication with adult defendants more difficult. 73% thought they hampered communication between defendants and their lawyers. 61% thought they hampered communication between prosecution and defence. A magistrate wrote: "remote links create a barrier between all present, stopping natural human connection and judgement from aiding decisions".

Magistrates were particularly concerned that video and phone links made it more difficult for defendants to fully take part in their own hearings – to understand what is going on, to feel able to ask questions and to give their views. 88% of the magistrates who responded felt video links had a negative impact on the participation of unrepresented defendants, 90% on the participation of those with mental health conditions, and 91% on the participation of those with English as a second language (these percentages exclude 'don't know' responses). "The inability to access important aspects of 'non-verbal' communication results in an extraordinary failure of best practice which is ultimately not in the interests of justice. Those with learning difficulties or mental

health or neurodivergent conditions are put at a greater disadvantage and pressure under these conditions.” Magistrates worried about the impact of video on disabled people, both when they were aware of the disability and tried to make reasonable adjustments, and when they didn’t know whether a defendant was disabled. 64% of respondents said no information on the vulnerabilities of defendants was provided when defendants appeared on phone or video.

Many defendants appeared on video from prison or police custody. An officer sat in on these hearings and tried to resolve technical difficulties. But when a defendant or witness appeared on video from outside custody or court, there was no control over how they appeared or who was in the room with them. Magistrates were happy to have support workers sit with defendants, but concerned by others intervening. One magistrate was talking to a defendant on video about his involvement in a country lines crime when he realised that the defendant’s county lines handler was in the same room. Another was listening to a witness in an abuse case when her child wandered into the room.

Magistrates were also concerned that defendants were appearing from inappropriate places “appearing while in the bath, being half naked, smoking and treating the process like social media”. Magistrates feared this informality of approach led defendants to take the court process less seriously. One said “I don’t think we should underestimate the importance of appearing in court – it is not only about efficiency but also about serving justice; ... the symbolic significance of the court as a formal important occasion and process [is] lost remotely.”

This concern about the impact of video on procedural justice is shared by experts. In 2017 Professor Mike Hough wrote “one might question whether the full pomp and ritual of wigs and gowns are essential to the authority of the court, but it would be naïve to ignore the fact that a hearing is an occasion, not simply a transaction. And it seems very likely that the quality of the occasion is thinned by the technologies of virtual reality”.

Magistrates were rightly proud of stepping up to the plate in travelling to and sitting in court, managing remote links through most of the Covid period. But they would not want to repeat the experience. They see a role for technology in the court-room, but 76% thought video links should not again be used as extensively as they were in the pandemic. They also wanted to be consulted. In the pandemic they had no choice but to accept the changes imposed on them. But they wanted in the future to have some say into how changes might be implemented, and in deciding the next steps. We don’t know whether paid criminal judges would agree with magistrates’ concerns about justice during the pandemic. Let’s hope this new research prompts the judiciary to find out. And that we also discover more about the experience of criminal defendants and witnesses on video and phone links, including any impact on judicial outcomes.

### **HMP/YOI Deerbolt Inspection - Deeply Worrying**

In December 2021 the government said in its Prison Strategy White Paper that HMP/YOI Deerbolt would provide a model for other prisons to follow in their treatment of young men. So it is deeply worrying that inspectors describe a prison in which the majority of the people it holds are spending entire days in complete idleness. It’s no surprise that their frustration and pent up energy results in violence. But the cure for that — active, purposeful days spent out of their cells — seems further away than ever.”

At our July 2021 inspection, our overriding concern had been the lack of time out of cell and purposeful activity for such a young population. Eight months later, at this review we found no improvement and progress had been much too slow. The aspiration as COVID-19 restric-

### **”#StopThe500 New Prison Places for Women**

Prison is a dead end, one that tears families and communities apart. However, the Government has announced plans to build 500 new prison places for women. Building more prison places will only shatter more lives and unnecessarily separate families. We know 95% of children have to leave their home when their mother goes to prison, as women are often primary carers. Under current plans, children will visit overnight in prison, rather than mothers being released to spend the night with their children. We cannot let this happen. This flies in the face of the Government’s own strategy which says that most women in prison do not need to be there. There is another way, one that the Government knows works. We can invest in community-based services that support women to tackle the issues that sweep them into crime in the first place, like domestic abuse and poverty. Together, we can #StopThe500 and ensure the Government does what’s right for women, their children and our communities.

### **Women in Prison - Tackling Double Disadvantage**

Too-often ignored, women face the ‘double disadvantage’ of gender inequality and racism when they encounter the criminal justice system. This stops them from getting the support they need both within the system and when they try to rebuild their lives outside, leaving them at risk of reoffending. Women’s experiences of violence and abuse can drive them into the criminal justice system, with many serving short sentences for non-violent offences. Many face further abuse and vulnerability as they experience the ‘ripple effects’ of criminal justice involvement like worsening mental health, isolation, and poverty. For Black, Asian, minoritised and migrant women these experiences can be compounded by racism and discrimination. In many cases women can face additional disadvantage in the form of faith inequalities when they encounter the criminal justice system.

The government must urgently follow through with their commitment to addressing gender and racial inequalities for Black, Asian, minoritised and migrant women. By working together across political parties, specialist organisations and alongside women with lived experience in the criminal justice system, we can create real change and ensure some of the most marginalised women are no longer overlooked. In partnership with Hibiscus Initiatives, Muslim Women In Prison, Zahid Mubarek Trust, Criminal Justice Alliance and Agenda: the Alliance for women and girls at risk, we’ve developed a 10-point action plan for change to improve outcomes and reduce inequalities and discrimination against Black, Asian, minoritised and migrant women in contact with the criminal justice system. Our action plan, developed through consultation with women with lived experience as well as government officials and specialist organisations, provides clear steps that are needed to make a real difference in the lives of the most marginalised women in our community.

### **High Court Case Will Proceed Over Government’s ‘Unlawful’ Bulk Surveillance**

Emma Guy, Each Other: Liberty’s landmark litigation against the UK’s mass surveillance laws – The Investigatory Powers Act, also known as the “Snoopers’ Charter” – has taken a step forward after the Government admitted that its safeguards are inadequate and judges ordered the case to proceed. The act has been under scrutiny by civil liberties groups for years for allowing authorities potentially to breach the right to privacy, which is protected under the Human Rights Act. On 8 April, the High Court approved an application to appeal parts of a judgment handed down in July 2019 over the lawfulness of “bulk” surveillance powers. The application to appeal, issued by Liberty, was approved on five grounds, two of which the Government conceded. In its application to appeal, Liberty argued the safeguards in the Investigatory Powers Act 2016 breach our privacy and free

and desires to create that feeling of connection and intimacy,” Belinda writes. Helen’s life with John seemed “idyllic” as they planned their futures together. But it fell apart once the surface was scratched and the lies were revealed. Alison joked with Mark that he’d better not be a cop—she was part of a radical anti-police network. Even after they’d argued about his false names, wearing an England T-shirt and the royal family, she was made to believe she’d found her soulmate. It wasn’t until she was abandoned that she connected the dots. “I began to exist in a world of paranoia—apart from people I’d known all my life. I didn’t know who I could trust,” she writes. Helen dug for information about John after he deserted her. The years of deception shook her “to the core and destroyed the foundations of everything”. The women who had been deceived eventually found each other. When the time was right they were clear about what they wanted to do. Eight women brought a case against five men that abused them over 24 years.

None of this could have happened without the permission of senior officers. These weren’t “rogue cops”, it was a systematic policy from the top of the hierarchy. The women were determined to “fight this cover-up” and access the information held on them. How much of the intimacy they shared was taken back to the station? Yet they weren’t always believed. Even when giving evidence in parliament to the Home Affairs Select Committee, Lisa writes, “I felt like they were asking me what I’d done to deserve it. It felt like he still had the protection of the state.” The cops obstructed and delayed the truth. They even challenged the women to prove they were duped and abused. As Lisa says, the number one priority “was to protect themselves from criticisms”. Despite a formal apology, the women haven’t had all their questions answered. The permanent culture of secrecy surrounding these policing units “allows and actually encourages the abuse of state power,” Helen concludes. “Our lives were derailed—for what? So that the police could prevent change, undermine democracy and prop up the interests of the wealthy and powerful in our society.”

### **CCRC Statement: Northern Ireland Court of Appeal Referrals**

The CCRC has decided to refer three linked 1991 convictions to the Northern Ireland Court of Appeal. Given the sensitive nature of the referral, the CCRC will not be commenting further at this stage.

### **CCRC Refers Youth Court indecent Images Convictions to Crown Court**

In 2015, Mr J (then aged 15) pleaded guilty in the Youth Court to offences of downloading and possessing indecent images of children. He was sentenced to a 6-month referral order. Mr J had told his parents about the images who, in turn, reported the matter to the police. Mr J initially told the police that he had downloaded the images whilst looking for legal pornography. However, during a later interview, he said that he had been directed to the images by a third party in an online chatroom.

After careful scrutiny of his case, the CCRC has decided that there is a real possibility that the Crown Court will allow Mr J to vacate his guilty pleas and would not now convict him of these offences. The CCRC considers that the circumstances in which Mr J was incited to download the images made him a victim of sexual exploitation rather than an offender and that the prosecution therefore amounted to an ‘abuse of process’. Mr J’s previous lawyers didn’t make this argument to the CPS, nor did they advise him of defences to these charges which may have succeeded. Helen Pitcher OBE, Chair of CCRC said: “Unfortunately, the worrying circumstances of this case were not properly considered by the police, the CPS or defence lawyers at the time – and for these reasons we have decided to refer it to the Crown Court. The CCRC is hopeful that the Crown Court will now consider that Mr J’s earlier guilty pleas are “an affront to justice” and that the prosecution of these matters would be an abuse of process.”

tions lifted was much too limited for a training prison, with just 3.5 hours a day out of cell planned for most. But even this part-time regime, in its infancy when we visited, was unreliable despite the reduced population. The prison faced major staff shortages, which affected most aspects of the regime. Prison Reform Comment on below!

HM Chief Inspector of Prisons said: We saw workshops sitting empty because there were no staff available to unlock and escort prisoners. There were tiny numbers of prisoners in classrooms. Places in work and education had often not been allocated and many prisoners had not had initial assessments to determine the most appropriate activity for them. Those who were not in work or education places still spent 23 hours in their cells each day, and we found nearly two-thirds of prisoners locked up during the working day, more than at the 2021 inspection. Leaders had made better progress in addressing our concerns about safety. There were clear improvements to the segregation unit and there had been reasonable moves to manage better perpetrators of violence and strengthen oversight of the use of force. But even this progress required a note of caution.

Violence between prisoners was higher than at the 2021 inspection and some of it was very serious. Use of force was also high. With so little constructive time unlocked to engage or tire them out, we saw prisoners with their backs to the perimeter of the exercise yards, clearly anxious for their safety. Some of the footage of incidents we viewed left us deeply concerned. The challenge of managing conflict while getting prisoners to activity safely was a huge hurdle for managers.

The prison’s policy to incentivise good behaviour did not offer sufficient rewards relevant to the young age group, and was irrelevant in any case while prisoners had so little to lose in terms of their daily regime. Attempts to build staff/prisoner relationships through key work had not made meaningful advance and very few prisoners had any reliable support from a key worker.

There had been better progress against some of our other recommendations. A substantial improvement had been the introduction of in-cell phones on all but one wing. Medication queues were now better supervised, and consultation, both prison-wide and with protected groups, showed early promise. Deerbolt remains a prison with some excellent facilities and great potential, but there was far too little for the young prisoners to do. We left without any assurance that managers would be able to deliver the safe and reliable full-time regime their population needed. They will need to move quickly to address staff shortages, restore purposeful activity and reduce the high levels of violence.

### **AG Granted Injunction Over BBC ‘MI5 Informant’ Story**

Sam Tobin, Law Gazette: The attorney general has obtained a High Court injunction preventing the BBC from identifying an alleged MI5 informant who is said to be ‘a dangerous extremist and misogynist who physically and psychologically abused two female partners’. Suella Braverman MP applied for an interim injunction to stop the broadcaster revealing the identity of a man known only as X, who is alleged to be a ‘covert human intelligence source’ (CHIS). She argued that disclosing X’s name or picture would ‘cause real damage to national security’ and lead to ‘a real and immediate risk that X would be killed or subject to serious physical harm’. But the BBC said there was a strong public interest in identifying X, who they argued ‘used his status as a CHIS to coerce and terrify his partner’ which should have led MI5 to stop using him as a CHIS. The broadcaster also relied on evidence of X’s violent behaviour towards two former partners, one of who provided a video which is said to show X attacking her with a ‘dangerous weapon’.

However, Mr Justice Chamberlain granted the attorney general an interim injunction to prevent the broadcasting of X’s name and image, which he said would cause ‘a real and

immediate risk that X would be killed or seriously injured'. The judge said: 'The BBC will still be able to convey what it regards as the core elements of its story, including the allegation that X abused his CHIS status and the allegation that MI5 is at fault for using or continuing to use him as a CHIS.' He added that the injunction represents 'a significant interference with the BBC's right to freedom of expression', but said the order 'will not prevent the BBC from making the allegations central to its story'. A BBC spokesperson said: 'We fought the case to try to tell as fully as possible two women's stories and their experiences with X – his abuse of them and his use of his status as an MI5 intelligence source to coerce and terrify one of them, behaviour we say MI5 should have known about and that should have caused them to stop working with X.' They added that the broadcaster is considering 'whether there is a basis to appeal'.

### **Criminal Injuries Compensation and 'Undeserving' Victims**

*Having a criminal record should not mean victims of serious crime are denied the recognition and compensation they need*

UNLOCK: Being the victim of a serious crime can leave a severe and lasting impact on a person; emotional, physical, financial and often a combination of all three. That's why, to help victims of crimes such as sexual assault and serious physical violence, the government provides a small amount of financial compensation. The Criminal Injuries Compensation Authority (CICA) who administers the scheme says: "... [the award] will never fully compensate you for what you have suffered or lost – it is just society's way of recognising that you have been a victim." What message does this send to the thousands of people who have been denied compensation due to their unspent convictions? We believe this rule creates a hierarchy of victims, which sets a dangerous precedent.

From 2016 to 2019, 3,500 people who were victims of violent crime – 420 of them victims of sexual violence – were refused compensation due to an unspent conviction. Examples include victims of rape and sexual abuse who have been denied compensation because of unspent convictions for offences like non-payment of a TV license. High profile child sexual abuse scandals have highlighted the issue of women and girls being criminalised as a result of the abuse and exploitation they endured.

Research conducted by criminologists at the University of Nottingham has explored the impact of a criminal record on access to the scheme. Lauren Bradford-Clarke, Rhiannon Davies and Andrew Henley have analysed data provided by the Criminal Injuries Compensation Authority to examine how many cases each year are affected by restrictions introduced in 2012 which further limited state compensation for people with unspent criminal records. For the period 2013 to 2021 they found 2,190 cases where women who were victims of violent crime had their compensation claim negatively impacted by their unspent conviction. Of these cases: 78.9% had their claim to CICA rejected and they received no compensation; in the 21.1% of cases where compensation was awarded, these women typically received compensation that was 55 per cent lower than women without a criminal record; amongst the 462 women who suffered a deduction to their compensation – 186 had been victims of sexual violence, 43 had sustained a disabling mental injury as a result of their victimisation, and 81 had sustained bodily scarring due to the crimes committed against them, including 61 women with facial scars.

Commenting on these figures Dr Henley said: "These are women who have criminal records which are wholly unrelated to their subsequent victimisation event. We believe that it is inappropriate that crime victims who have already paid the penalty for a previous offence

should then be further punished by the withdrawal or reduction of government-funded compensation." Dr Bradford-Clarke added: "Our concern is that this is the tip of the iceberg and that there are many more women with criminal records who are victims of violent crime but who do not pursue a claim with CICA because they fear they will be unsuccessful. These findings contradict government claims to put victims at the heart of the criminal justice system and to take seriously the problem of violence against women and girls in society.

Having an unspent conviction doesn't mean you were any less traumatised and harmed by what happened to you. It doesn't mean you don't need time off work, counselling and other necessities that compensation can help with. Before 2012, decision makers had discretion to pay out awards for those with unspent convictions on a case-by-case basis, which meant there was room to treat people fairly. We are asking – at the very least – for a return to this system; a system that deemed people with criminal records to be as deserving of support and dignity as everyone else.

If we're serious about ending violence against women, we have to mean all women – not just those who meet the criteria of the 'ideal victim'. Several months after the courageous Kim Mitchell won her case against the government, there's still no sign of the promised public consultation on this issue. We urge the government to do right by Kim and other survivors of abuse, and allow them to have their say.

### **Prisons: Additional Healthcare Support Needed to Aid Covid-19 Recovery and Save Lives**

The Prison Reform Trust along with 19 organisations and individuals working in criminal justice and healthcare have sent a joint letter to the Secretaries of State for Health and Justice, Sajid Javid and Dominic Raab—two years since the prison service introduced a full lockdown with severely restricted regimes in the face of the Covid-19 pandemic. The letter calls for: immediate additional mental health support for prisoners; individual mental and physical health checks for everyone in custody; and support for frontline health and justice staff. It also strongly advises that a thorough review of the impact of the pandemic on the mental and physical health of people in prison is conducted. A similar letter has also been sent to the respective ministers and healthcare officials in Wales.

### **Spycops' Deception - Groomed/Gaslighted/ Ghosted — The Long Fight For Justice**

This is the story of the spycops network by the women who uncovered the shocking truth: Helen Steel, together with four other environmentalist and anti-capitalist activists, had their lives shattered by relationships with undercover cops. They were groomed by officers Bob Lambert, John Dimes, Mark Jenner and Mark Kennedy who pretended to be activists in order to spy on the women and their political organisations. Deep Deception explores how these men slotted into their lives only to violate and turn those lives upside down. An arduous legal battle that began in March 2011 would end in an apology, an out of court settlement and an ongoing inquiry. Police from the Met's Special Demonstration Squad and the National Order and Public Intelligence Unit even married and had children with multiple women they spied on.

The stories each officer told about their lives contained eerie similarities, such as traumatic childhoods and lack of family. They managed to charm everyone around them. Yet they would disappear for weeks at a time, telling their "partners" they had precarious offers of work. Upon their return they would often have spare cash. And then the undercover cops would suddenly disappear altogether. They would lie, saying it was because the police are "onto them" or for made up mental health reasons. Once they were gone, there was no way of contacting them.

The cops were able to quickly integrate themselves into pretend relationships thanks to the police tactic of "mirroring". "They were taught to mimic and reflect back to us our own interests