

'In Parts of the Police Service, Black Lives Do Not Matter'

Deborah Sangster, Justice Gap: The world's outcry following the televised murder of George Floyd in the United States offered an opportunity for a fundamental reset in the over-policing of black communities. The marches and protests, and demands for change, across the summer of 2020 in the United Kingdom evidenced in some respects that change was possible. We were all united against racism; serving officers in the Metropolitan Police Service even took the knee as a sign of solidarity. The then prime minister Boris Johnson promised an urgent examination of the state of racism in the UK, culminating in an action plan that took the form of the Commission on Race and Ethnic Disparities (CRED) report, which came to the much-criticised conclusion that institutional racism was 'not borne out by the evidence'. This plan has to be viewed in the context of new laws that confirm a disturbing trend towards the reduction of civic space and a retreat from principles of equality and non-discrimination. Over the last few months, the government have passed legislation that effectively curtails the right to protest, allows for the arbitrary deprivation of people's citizenship, and facilitates blatant corruption in public office. The Nationality and Borders Act 2022, the Police, Crime, Sentencing and Courts Act 2022, and the Elections Act 2022, confer extraordinary powers to the state, but not – as far as I can see – carte blanche authority to the police in their apparent campaign against black communities. Instead, members of the police seem to be demanding this for themselves.

Chris Kaba's fatal shooting – another incident in the UK's list of George Floyd moments – has led to the suspension of the officer responsible for the killing from frontline duties, and to yet another IOPC investigation. As a result of the suspension, some officers are reportedly threatening to withdraw their labour. To put it another way: unless they are given the green light to shoot unarmed Black men, and allowed to do so with no accountability, trained firearms officers are threatening to 'quiet quit'. Such threats discredit the very officers who took the knee two short summers ago, undermine the already flawed CRED report, and signal – if we were ever in doubt – that in sections of the police service, Black Lives do not Matter. I for one would welcome this threatened exodus of trained firearms officers; it may save a young black man's life.

HMP Onley, Staffing Crisis 'One Of The Worst I Have Seen'

Holly Bird, Justice Gap: The staffing situation at HMP Onley, a Category C men's prison in rural Northamptonshire, was described as 'one of the worst I have seen' by Chief Inspector of Prisons Charlie Taylor in the prison's latest inspection report. The report, published this week following unannounced inspections carried out in May and June, also described the prison, which is run by Her Majesty's Prison Service (HMPS), as 'unable to deliver a proper category C regime.'

Staffing issues were having a significant effect on the prison regime, inspectors found, with opportunities for work, education, and time out of cell for prisoners seriously curtailed as a result. Inspectors identified a shortfall of around 40 prison officers, 20 operational support grades, nine workshop instructors, and more than half of the catering staff posts were vacant. These shortages had affected nearly all aspects of life inside the prison, including time out of cell, the quality of food provided, rehabilitation and release planning, the management and transportation of prisoners' property from other prisons, access to the gym, and education and training activities. 'Outcomes for prisoners' has sunk to 'poor' from 'not sufficiently good' at the last inspection in 2018.

Arson and Robbery Suspects Released After Long Wait For Trials

Catherine Baksi, Law Gazette: Defendants charged with arson, robbery and supplying drugs are being released from custody because their trials could not go ahead due to the strike by criminal barristers. Refusing to extend the custody time limits for three defendants, sitting at Isleworth Crown Court the recorder of Kensington and Chelsea, Judge Martin Edmunds QC, said there is now 'systemic failure'. The three separate trials were due to take place this week, but defence barristers notified the court they would not attend, due to the on-going dispute with the government over legal aid rates. One defendant was charged with arson and religiously and racially aggravated harassment, and another was charged with blackmail, robbery, offering to supply drugs and assault on an emergency worker. Both had been held in custody for over seven months. The third defendant, charged with conspiracy to supply cocaine and heroin has been in custody for over 16 months. The law allows defendants awaiting crown court trials to be detained in custody before trial for up to 182 days (six months). That time can be extended if there is a 'good and sufficient' reason for the delay. The judge stressed it was not for him to arbitrate the barristers' dispute, but he could take judicial notice of the criminal legal aid review commissioned by the government and carried out by Sir Christopher Bellamy. Edmonds said the report, published eight and a half months ago, shows that the factors behind the current situation 'have been well known and are not sudden and unforeseen'

Vulnerable Prisoner Status

I have served 6-years of a life sentence, initially on the VP wing of a local prison and now in a specialist VP prison. Recently I was taken to court for a hearing about whether or not I would face extra charges. After the hearing I was not returned to my own prison but taken to a prison nearer to the court. This is because that prison has the contract to handle all prisoners who appear at that court. The prison I was taken to has no VP wing and no apparent procedure for ensuring the safety of VP prisoners. Staff in reception read my legal papers and made it their business to ensure that other prisoners were made aware of my VP status. As a result, I had two emergency wing moves because of intelligence about likely attacks on me, and then I was kept in 24-hour lockdown as the only way to keep me safe until an eventual transfer back to my home prison almost 6-weeks later. I have two linked questions – 1) how can a VP prisoner be arbitrarily stripped of his VP status just because of a court appearance? And 2) how can a prison have a contract to handle all prisoners from a court, some of whom will require VP protection, without being required to offer any VP facility

Tony Paris, One of the Wrongfully Convicted Cardiff Three has Died

Yusef Abdullahi Stephen Miller and Tony Paris, who became known as the "Cardiff Three", were jailed in 1998 but cleared at the Court of Appeal. A subsequent inquiry into the original investigation led to the UK's biggest-ever police corruption trial. Eight former South Wales Police detectives were found not guilty when the trial collapsed midway through due to disclosure failings. The campaign to free the men by the Butetown community gained international recognition. Campaigners raised particular concerns over the way a confession was taken from Ms White's boyfriend, Steve Miller. The campaign gained momentum and two years after the three were sentenced, the Court of Appeal ruled that a gross miscarriage of justice had taken place. Speaking during a special BBC documentary last year about the case, Mr Paris said: "It's important, 30 years down the line, because although we've had apologies before, now the whole world can see we are innocent and we are victims."

Prison Authorities Treatment of Stanislav Lutsenko Violation of Articles 8 & 18

The applicant, Stanislav Nikolayevich Lutsenko, is a Ukrainian national who was born in 1977 and lives in Makiyivka (Ukraine). The case concerns Mr Lutsenko's treatment by the prison authorities, in particular alleged reprisals, following a judgment by the Court in his favour (Lutsenko v. Ukraine, no. 30663/04) in 2008. The actions included, among other things, transfers to three different prisons and disciplinary sanctions. Relying on Article 8 (right to respect for private and family life), Article 18 (limitation on use of restrictions of rights), and Article 34 (right of individual petition), Mr Lutsenko complains, in particular, of his life in prison being adversely affected

China: Xinjiang Official Figures Reveal 500,000 Prisoner Count

Human Rights Watch: The Chinese government has used its justice system to sentence and imprison an estimated half-million people during the brutal crackdown in Xinjiang. While not all convicted prisoners faced political charges, the available figures indicate that the total number of people wrongfully imprisoned in the Xinjiang Uyghur Autonomous Region is much higher than generally reported based on earlier official figures. These formal prosecutions, in which many people received punishments without being tried, are distinct from the arbitrary detentions in the extralegal "political education" facilities. Concerned countries should press the Chinese government to release all Uyghurs and other Turkic minorities who are wrongfully detained in Xinjiang and elsewhere. "The Chinese government may have hoped that formally prosecuting people in Xinjiang would avoid the limelight of mass detentions in extralegal political education camps," said Maya Wang, senior China researcher at Human Rights Watch. "But many of these convictions just add to the crimes against humanity of wrongful imprisonment against Uyghurs and other Turkic people." Xinjiang authorities initiated a Strike Hard Campaign against Violent Terrorism in 2014 but significantly escalated it in 2017. Previously, statistics from the Xinjiang High People's Court put the total number of people sentenced between 2017 and 2018 at 232,524, a figure that was widely reported in 2019. Since then, the Xinjiang High People's Court has not released new official sentencing figures. The Xinjiang High People's Procuratorate, which has continued publishing statistics, reported in February 2022 that a total of 540,826 people have been prosecuted in the region since 2017. Given that China's conviction rate is above 99.9 percent, almost all of these 540,826 people would have been convicted.

Transgender Prisoners May be Excluded From Women's Prisons

Amber Pierce, Justice Gap: Proposals to change existing arrangements for transgender prisoners are due to be confirmed by the government and rolled out across prisons in England and Wales. Last month, it emerged that the then-Justice Secretary Dominic Raab sought to change existing arrangements so that transgender women were not housed with women born biologically female in prison estates. 'Having reviewed the arrangements in July, the Justice Secretary directed changes so transgender prisoners with male genitalia are not housed with other biologically born women in the female prison estate, unless specifically signed off by a Minister,' said a spokesperson for the Ministry of Justice. 'Once confirmed by the new Government in September, it would be implemented as soon as possible.'

The latest proposal – which, with the recent selection of the new Prime Minister, is expected to be implemented as soon as possible – contrasts with a High Court ruling in July 2021 regarding current policies on transgender women in prisons. In his judgment Lord Justice Holroyde, sitting with Mr Justice Swift, acknowledged that there did exist some 'fear and anxiety' by female inmates towards transgender inmates. However, he dismissed the claim

backed by campaign groups such as Keep Prisons Single Sex and Fair Play for Women, stating that current policy is lawful. Lord Justice Holroyde emphasised that to exclude transgender women from women's prisons 'would be to ignore, impermissibly, the rights of transgender women to live in their chosen gender'. The MoJ spokesperson noted that the origins of Mr. Raab's decision lay in the reported sexual assaults by transgender women in female prisons and the risk that transgender women, particularly those convicted of serious sexual offences, pose to other female prisoners. However, and as confirmed by the High Court judgement, claims about the risk of sexual assault were a 'misuse of the statistics, which... are so low in number, and so lacking in detail, that they are an unsafe basis for general conclusions.'

According to the Her Majesty's Prison and Probation Service, there were 163 prisoners who are transgender in 2019, an increase from the 139 inmates recorded in 2018. 129 prisoners reported their legal gender as male and 32 prisoners identified as female; two did not state their legal gender. Due to the circumstances surrounding the coronavirus pandemic, no figures were provided for the 2019/2020 Annual Report. However, the figure for transgender prisoners has continued to increase. The MoJ reported that, as of April 2021, there are 146 transgender women prisoners across England and Wales. In 2020, HMPPS issued operational guidance on the care and managements of transgender individuals in prisons (available to view here). The guidance stated that 'decisions to locate individuals who are transgender in prisons that do not match their legal gender can be made only on the recommendation of a Complex Case Board. This board will take into account risk factors to the individual and risk to others.' The MoJ have released further statements affirming that '[w]hile there have been no substantiated sexual assaults by transgender women in the female estate since 2019, the safety of all those in our care is a top priority.' Given Lord Justice Holroyde's judgment, as well as operational guidance from the HMPPS, the proposed policy amendments will likely face legal challenges if implemented.

54 Just Stop Oil Protesters in UK Sent To Jail

Matthew Taylor, Guardian: More than 50 protesters who are demanding urgent action to address the climate crisis were sent to jail on one day this week after refusing to comply with court proceedings. The campaigners, who were appearing before judges at two separate hearings in London and Birmingham, had broken an injunction to take part in a blockade of the Kingsbury oil terminal near Tamworth in Staffordshire on Wednesday. But when they appeared at the Queen Elizabeth court in Birmingham and the Royal Courts of Justice in London on Thursday 15th September 2022, they refused to comply, standing on chairs, turning their backs to the judge and reading out prepared statements about the scale of the crisis. One of the defendants took off his shirt to reveal the words "Sham justice kills kids" written on his body, while another held up a copy of David Wallace-Wells's book *The Uninhabitable Earth* and recommended it to the court. Many of the protesters made it clear they would continue to take action at the Kingsbury terminal if they were released on bail, despite an injunction prohibiting protests at the site still being in force. In response, 30 protesters in Birmingham and 21 in London were remanded in prison and are due to appear before the courts again next week, when activist group Just Stop Oil said they could face lengthy spells in prison.

In total there are now 54 Just Stop Oil protesters in prison and since April, when the group began blocking oil terminals, there have been more than 1,350 arrests. In a statement, the group said: "As the government doubles down on fossil fuel energy by "ramping up supply" and breaks its manifesto commitment on fracking, Just Stop Oil supporters will continue to take nonviolent direct action to demand an end to this genocidal death project.

Chris Kaba: Protests Held Across UK After he Was Shot Dead by Police

Colin Drury, Independent: Saturday 17th September, a Crowd of more than 1,000 demonstrators brandished 'fight racism' signs following the death of 24-year-old, Chris Kaba. Protests took place across the UK after the unarmed black man was shot dead by police. Crowds gathered outside New Scotland Yard in a rally against police brutality and institutional racism following the death of Chris Kaba earlier this month. The crowd of more than 1,000 people brandished placards including "No justice, no peace" and "Fight Police Racism" at the Metropolitan Police headquarters in central London. Other events are being held in Manchester, Southampton and Coventry. Other speakers have included Marcia Rigg, whose brother Sean Rigg died in Brixton police station in 2008, and former Labour leader Jeremy Corbyn, who said: "If we allow this tragedy to pass us by, another tragedy will happen and then another tragedy. Let's make this our line in the sand." Speaking before the rally, Sadiq Khan, mayor of London, said: "I fully understand the grave concerns and impact of Chris Kaba's death on Black Londoners across our city and the anger, pain and fear it has caused across our communities – as well as the desire for justice and change."

Four Years in Jail Without Trial - and Said Trial May be Delayed to 2023

Jon Robins, Justice Gap: A man has been told he will have to spend more than four years in jail without trial as a result of 'Covid, barrister strikes and a malfunctioning courtroom'. According to the Guardian, 36-year old Voja Petkovic was arrested in January 2019 and 'remains on remand in Leicester prison despite not having been convicted of any of the charges against him'. It was reported that Petkovic is now not due in court until April next year and the Crown Prosecution Service has 'already started making representations' to delay the case further until May 2023 as a result of the court backlog. 'Petkovic has been caught up in a multifaceted crisis that has led the Law Society of England and Wales to warn of a "collapsing criminal justice system", writes Daniel Boffey.

His solicitor, Brian Swan, told the paper he had never heard of any defendant facing such a long period in jail without trial where there was no fault on the part of the accused. 'He is not doing well mentally,' Swan said. 'His daughter was one month old when he was arrested and is now starting school.' When Petkovic's trial started earlier this year, progress was delayed by the failure of the court's air conditioning system in the middle of a heatwave prior to it collapsing at the end of July. 'The prison staff would not attend if the temperature in the court went above 23 degrees,' said Swan. 'The prosecution actually asked for the case to be discharged because it was taking so long. The judge took two weeks to consider. He came back and said: "No, we will carry on." Then the next day he changed his mind and discharged the jury. It would have been discharged anyway because of the barristers' strike.'

There have been numerous reports on the impact of the bar's industrial action and refusals of courts to extend custody limits. For example, according to a report in the Oxford Mail, a man (not named) was due to be tried at Oxford Crown Court on three charges including a serious sexual assault allegation. But his trial could not start as the man's barrister was taking part in the Bar's industrial action. Earlier this month a judge at Bristol Crown Court blamed 'chronic underfunding' of the criminal justice system for delays, as he refused to extend the custody time limit for another defendant whose barrister is on strike. 'The ruling could be repeated in the cases of thousands of defendants in custody, as the backlog of Crown court cases remains around 60,000 and indefinite, all-out strike action by criminal barristers began this week,' reported Catherine Baksi writing for the Law Society's Gazette.

'On the one hand the state demands trials to commence within an applicable custody time limit, and on the other it holds the purse strings for remunerating those who are required under our rule of law to be provided with advocacy services,' said Peter Blair QC, the recorder of Bristol. 'Today's predicament arises precisely because of the chronic and predictable consequences of long term underfunding. The unavailability of representation for the defendant today has arisen because of a persistent and predictable background feature of publicly funded criminal litigation.'

According to the Criminal Bar Association, extension of custody time limits has been refused by judges at courts up and down the country 'including Bristol, Isleworth, Bolton, Leicester, Lincoln, Woolwich and Manchester'. 'Some of these cases are the subject of expedited judicial review by the CPS, others are not,' said the CBA. 'Their judgments are clear that the CBA action increased gradually, giving government plenty of space and time to resolve it. The judgments spell out that the government has had ample time to resolve the legal aid dispute and ongoing crisis in the criminal justice system. The applications to keep defendants in prison as trials are adjourned, therefore, are failing at Crown Courts.'

IOPC Find Wiltshire Police Murder Inquiry Poorly Progressed and Supervised

An Independent Office for Police Conduct (IOPC) managed investigation has found that Wiltshire Police missed significant opportunities to bring Christopher Halliwell to justice sooner for the murder of Becky Godden-Edwards. The investigation found that between 2011-14 the murder inquiry was poorly progressed and supervised, reasonable lines of enquiry were not pursued, and key evidence was not forensically examined. The IOPC has made recommendations to Wiltshire Police which are focussed on ensuring better strategic oversight and review of murder investigations and improved use of the major inquiry system HOLMES, in line with national guidelines. Those recommendations have already been acted on by the force. The investigation, carried out by the Bedfordshire/Cambridgeshire/Hertfordshire Police Professional Standards Department under the IOPC's direction and control, examined a series of complaints from Becky's mother, Mrs Karen Edwards.

Halliwell confessed to Becky's murder in March 2011, when he was arrested over the death of Sian O'Callaghan. He was sentenced to life imprisonment for Ms O'Callaghan's murder in 2012, but the judge had earlier ruled the confession evidence concerning Becky's murder was inadmissible due to the manner in which it was obtained. As a consequence, Halliwell was not brought to trial for Becky's murder until September 2016, when a different judge ruled the confession evidence concerning Becky's murder was admissible. Examples of Wiltshire Police's failure to progress reasonable lines of enquiry prior to 2014 included: 1) a soil sample from a spade belonging to Halliwell, seized when he was arrested in 2011, was not forensically examined until three years later – it was then matched to rare soil in the field where Becky was found 2) a pond in Ramsbury later identified as Halliwell's 'trophy store', from which women's clothing and other exhibits were retrieved, was not investigated until 2014, by which time items had degraded and lost any forensic potential; a gamekeeper at Ramsbury told the incident room in 2011 about seeing a taxi at the location at or around the time when Sian O'Callaghan was abducted, but this evidence wasn't explored, and no witness statement was obtained until February 2015 3) evidence from an RAC recovery driver who attended to Halliwell's broken down vehicle in the early hours of 3 January 2003, six miles from where Becky had been buried – a limited RAC record of the call out was known to police in 2011, but detailed evidence was only established after more stringent enquiries three years later 4) evidence

from a GP in April 2011 that Halliwell had visited their surgery on 3 January 2003 with severe scratches to his face and damage to his hand, claiming he had been assaulted by a passenger in his taxi – Halliwell had not reported this alleged assault to police, but he had reported a similar incident previously, which indicated this was potentially suspicious 5) the evidence of a medical officer at Gablecross custody suite, who stated on 24 March 2011 that Halliwell told him he had been arrested for killing two people - this formed part of the evidence used to convict him in 2016 6) had the above witness and forensic evidence been available or the Crown Prosecution Service been made aware of outstanding lines of enquiry prior to the pre-trial hearing in early 2012, at which Halliwell's confession was ruled inadmissible, it may have led to either a different judicial decision, an appeal against the inadmissibility ruling, or a potential prosecution for Becky's murder at that time.

We examined allegations against three Wiltshire Police officers. At the end of the investigation, it was decided there was a case to answer for misconduct for Chief Constable Kier Pritchard, who was then-Head of Protective Services for Wiltshire Police, in the rank of Detective Chief Superintendent (DCS). The case to answer decision was in respect of allegations that, in his oversight and scrutiny role, he did not ensure a sufficiently thorough murder inquiry or ensure that necessary case reviews were conducted, and that he appointed a lower ranking and insufficiently experienced senior investigating officer to lead the inquiry in 2012. It was agreed with the Wiltshire Police and Crime Commissioner that he would receive management action. No case to answer was found against the then-Deputy Chief Constable, Mike Veale, and the senior investigating officer between 2011-14, Detective Inspector Matt Davey. Neither is still a serving police officer. The investigation determined that Mr Veale was not responsible for oversight of the murder inquiry and had a separate role heading up the force's Gold Group concerning then-Detective Superintendent Steve Fulcher's disciplinary proceedings. Mr Davey was an inexperienced senior investigating officer, accredited in June 2011, and Becky's was his first murder inquiry. The evidence indicates that he was placed in sole charge without appropriate resourcing, supervision, or governance in place.

The IOPC managed investigation gathered and examined a significant volume of documents including policy books, HOLMES databases, Gold Group minutes, force media releases, case files submitted to the CPS, forensic and crime scene manager strategies, case reviews, court transcripts and evidence presented at a pre-trial hearing in early 2012. Investigators spoke to key individuals involved as witnesses, as well as gaining accounts from the three subject officers. The investigation team met with Mrs Edwards during the investigation to update her on progress. The investigation considered relevant legislation and national police guidance on the use of HOLMES and carrying out murder investigations, as well as CPS guidance on the prosecution of homicide cases.

IOPC regional director Catrin Evans said: "Our sympathies go out to the family of Becky Godden-Edwards for their awful loss. Mrs Edwards has waited patiently for the outcome of the lengthy and complex investigation into her complaint that Halliwell should have brought to justice sooner for her daughter's murder. Our investigation found serious failings in the way the force handled the murder investigation, after the initial charges relating to Becky's murder were dropped in February 2012. In our view, the issues that arose stemmed from a combination of systemic weaknesses within the force at the time as well as individual shortcomings. Our investigation indicated that no one in Wiltshire Police took responsibility for ensuring that the murder inquiry progressed effectively.

"We have been liaising with Wiltshire Police, who have co-operated fully throughout the investigation. They have already acted on a series of recommendations to try to ensure

that mistakes the force made over the accountability for, and direction of, this murder investigation are not repeated. The force at the time allowed a fog of confusion to develop regarding who was in command. This led to the murder investigation stalling, a lack of appropriate reviews, and obvious lines of enquiry that were potentially capable of securing Halliwell's conviction being overlooked. It was only after DCI Memory took over the murder inquiry, with oversight from 2014 by then-Assistant Chief Constable Pritchard, that earlier missed evidential opportunities were acted on, culminating in Halliwell finally being brought to justice."

Among the ten recommendations made by the IOPC managed investigation are: that Wiltshire Police ensures relevant force policy and/or guidance sets out the responsibility for Chairs of Gold Groups to maintain a policy log and to submit that policy log for inclusion on HOLMES: that Wiltshire Police ensures that all Gold Groups have clear objectives or terms of reference covering the oversight of investigations, roles and responsibilities, and wider organisational objectives: that Wiltshire Police reminds relevant investigation teams that independent reviews of murder investigations should be undertaken in line with national guidance and that any deviation from this is logged as a policy decision: that Wiltshire Police ensures relevant force policy and training is clear about when a Gold Group should be set up for an investigation, including for all Category A murders, and when a Gold Group can be stood down.

Bereaved Relatives Rally Against 'Flawed' Troubles Legacy Plan

Udit Mahalingam, Justice Gap: Family members of those killed in the Northern Ireland conflict were among the hundreds of people that gathered in Belfast, on Friday 11th September 2022, demanding that the UK Government scrap plans to provide a form of amnesty to perpetrators in exchange for cooperation with a new truth recovery body. Demonstrators marched from various parts of the city ahead of the event outside Belfast City Hall; most of the bereaved relatives in attendance lost loved ones in killings involving state forces.

The Northern Ireland Troubles (Legacy and Reconciliation) Bill has yet to receive royal assent but has already passed through the House of Commons and is currently being debated in the House of Lords. Section 18 of the Bill, in its current form, would allow for accused persons to be granted immunity from prosecution for offences committed during the conflict. Part 3 of the Bill would also place restrictions on proceedings taking place outside of the formal truth and reconciliation process, such as criminal investigations, inquests and civil proceedings relating to the conflict.

'This Bill of shame will provide an amnesty for British state forces and deny our families basic legal rights to an inquest, an independent investigation and civil actions,' said Natasha Butler. Butler's grandfather was shot by soldiers in West Belfast in 1972; preliminary inquest proceedings into his and four other individuals' death during the shooting have recently commenced, with a full inquest due to be heard next February. 'It is a slap in the face to victims as it will prioritise the demands of the British military lobby over the legal rights of victims of state violence.'

Addressing the rally, Sinn Fein MP John Finucane – whose father Pat was murdered by loyalists in 1989 in a killing linked to state agents – accused the British government of trying to cover up their role in the conflict and stated that 'they can no longer deny responsibility'. 'The new Prime Minister Liz Truss needs to hear that we will not allow our rights to be cherry-picked or traded ever by a British government,' he said. 'She must bin this flawed legislation without delay.'

Proposals to grant an effective amnesty for crimes committed as part of the Troubles have previously been criticised by independent bodies and rights groups, who claimed that the Bill was

incompatible with the European Convention of Human Rights, enshrined into Northern Irish law through the Good Friday Agreement. Last May, the chair of the Northern Ireland Human Rights Commission Alyson Kilpatrick gave oral evidence before the Northern Ireland Affairs Committee and described the Bill as ‘almost certainly fatally flawed’. Kilpatrick argued that preventing prosecutions for serious crimes would amount to a ‘very substantial interference with the rule of law’. Grainne Teggart, deputy director for Amnesty International Northern Ireland, said that the Bill would deny victims ‘truth, justice and accountability’ and argued that the UK government was ‘cruelly adding to their trauma by closing down all paths to justice forever.’

Conviction Overturned in Serial Podcast Murder Case

Rachel Sharp, Independent, Adnan Syed said he “can’t believe it’s real” as he walked out of court a free man after a Baltimore judge overturned his conviction for the 1999 murder of his ex-girlfriend Hae Min Lee. Baltimore City Circuit Judge Melissa Phinn vacated the 41-year-old’s conviction “in the interest of justice” on Monday and granted him a new trial, marking the latest dramatic twist in a case that has captured attention across the globe. Syed’s shackles were removed and the judge ordered him to be released under home detention while the investigation continues into Lee’s murder. Minutes later, he was met by a roar of cheers as he walked down the steps of the courthouse and got into a waiting vehicle. Syed smiled and flashed the peace sign at his supporters but declined to make any comments. His attorney Erica Suter told reporters that the 41-year-old was in disbelief and was looking forward to getting on with his life after spending the last 23 years behind bars for a crime he says he didn’t commit. When asked what his first words were when the judge delivered the ruling, she replied: “He said he can’t believe it’s real.” “He’s looking forward to being with his family,” she added. Baltimore City State’s Attorney Marilyn Mosby also spoke outside the courthouse, saying that she had asked for Syed to be granted a new trial “in the interests of fairness and justice” but said that the state was not declaring him innocent just yet. We are not yet declaring Adnan Syed is innocent but we are declaring, in the interest of fairness and justice, he is entitled to a new trial,” she said. Ms Lee’s family deserve closure, they deserve justice and we intend to fight for that.” Under state law, prosecutors now have 30 days to decide whether to drop the charges against Syed or to retry the case. Ms Mosby said that prosecutors were waiting for the results of DNA testing which they hope could advance the investigation. Before the judge issued the ruling, Lee’s brother gave a statement to the court describing the toll the case is taking on his family.

Trial of Turkey’s Saturday Mothers

It was the 700th time they met, remembering their missing relatives and asking for justice. But the authorities were having none of it. Riot police were called in to disperse them, violently enforcing a ban on those holding their peaceful vigil in the central Istanbul location where they always met. Authorities subsequently put 46 on trial. Turkey’s “Saturday Mothers” are the family members of individuals who were forcibly disappeared – that is, those last seen in the custody of state agents – in Turkey in the 1980s and 1990s. Taking the Mothers of the Plaza de Mayo in Buenos Aires as their model, they have been gathering, with some interruptions due to security fears, in Istanbul since 1995. In asking uncomfortable but essential questions, the Saturday Mothers/People (as they are more formally known since their ranks have swelled over the years) have apparently been a thorn in the side of the authorities, who have unleashed numerous crackdowns against them. Most recently, on August 30, police prevented them making a public statement on the International Day of the Disappeared and detained 14 of them. Against all the odds, their vigil continues, and the core questions remain: why are they prohibited from gathering peacefully, and what do the authori-

ties fear from their search for the truth about Turkey’s disappeared people?

Open Letter to the Justice Secretary – Five-Point Plan for a Better Justice System

Dear Brandon Lewis, congratulations on your appointment as Secretary of State. You’ll have a lot in your in-tray over the course of the coming days and weeks. Firstly, let me say that the sector is staffed by many dedicated, professional and inspirational people. Both within HMPPS and the sector more broadly, tens of thousands of staff and volunteers work tirelessly every day to keep prisons safe and provide people with a fresh start. However, even the most optimistic of us would agree that the sector faces unprecedented challenges. Rates of self-harm remain close to record levels; there is a recruitment and retention crisis; reoffending costs society £18bn a year.

Here are five things you can do to create safer prisons, drive down reoffending and reduce the burden on the taxpayer. 1. Reconsider plans to expand the prison estate. Take that money and invest it to provide more support to reduce reoffending, which now accounts for 4 out of every 5 crimes that are committed. 2. Deliver all the recommendations of the Farmer reviews and put family relationships at the heart of prison regimes. Keeping prisoners in contact with family and friends reduces the risk of self-harm and violence and builds safer communities - prisoners who receive visits from a family member are 39% less likely to reoffend. 3. Make better use of community sentences. Too many people who offend because they are mentally ill and addicted languish in cells where they will get worse, not better. Community sentences with treatment requirements are significantly more effective at reducing reoffending than a short stay in prison. 4. A coherent delivery plan for the women’s estate. The Government’s pledge to build 500 new places for women contradicts the aim of its Female Offender Strategy to ‘reduce female prison places’. We need a coherent approach that imprisons fewer women who pose low or no risk to the public. 5. A credible plan to recruit and retain prison officers. Over 1 in 7 officers left the service last year – this is a crisis. Governors cannot run safe, secure, decent establishments without confident, professional, experienced staff. We urgently need a credible plan.

At Pact, where we see problems, our approach is to listen to people, study the evidence, analyse the best way forward, then roll up our sleeves to deliver the kind of support people tell us would make a difference. Through a number of innovative schemes, that is exactly what we are doing. We will continue to work with you, your team and your officials to demonstrate the benefits of a system in which prisons are used sparingly and as places of learning and rehabilitation. Good luck! - Andy Keen-Downs, CEO, Prison Advice and Care Trust (Pact)

Citizenship: From Right to Privilege

Francis Webber, IRR: Written in the wake of the Nationality and Borders Act, shows how outrage against the controversial ‘clause 9’ (now Section 10 of the Act), allowing citizenship to be removed without notice, heightened public awareness of the powers, and provoked a groundswell of opposition amongst campaigners, MPs and Lords. Examining the history of nationality and citizenship legislation since the ‘East African Asians’ scandal of 1968, the background paper explains how both Labour and Conservative governments have given ministers successively wider powers to remove citizenship from those with access to another citizenship – who are mainly ethnic minorities – and how the targets are almost exclusively British Muslims of south Asian heritage.

The power to remove citizenship from those obtaining it fraudulently is not considered contentious, but the stripping of citizenship on other, often vaguer grounds has become controversial. Such deprivation increased heavily following its use against Muslim preacher Abu Hamza in 2003. Before Hamza, no removal of citizenship had been authorised for 30

years, but since then, there have been at least 217 removals of citizenship, with 104 removals in 2017 following the collapse of ISIS in Syria. The government claims that only those whose actions pose grave threats to national security, or who have committed abhorrent crimes, will lose their citizenship. But the report's author, IRR vice-chair Frances Webber believes the powers affect far more people, effectively creating a second-class of largely minority ethnic Britons whose citizenship is disposable and contingent:

'Changes to citizenship law which have created these classes of citizenship were brought in to target British Muslims of south Asian and middle eastern heritage. Such divisions act as a constant reminder to minority ethnic citizens that they must watch their step, and reinforce racist messages about "undeserving" racialised groups unworthy of being British.' The Home Office is not required to show objectively reasonable grounds to remove a person's citizenship, nor does the person need to have been convicted of any offence, with many deprived despite having no criminal convictions. The report argues that the ambiguous, undefined criteria for deprivation increases the likelihood of arbitrary and discriminatory decisions, and warns of the risk of abuse of the powers for political purposes – an apt warning given the disclosure that Shamima Begum, whose citizenship was removed by then home secretary Sajid Javid in 2018, had been trafficked into Syria by a Canadian spy. 'The recent revelation of how Begum was trafficked, and the collusion of the British authorities in the cover-up, suggests that risk is a reality,' said Webber. 'It raises the question: was Begum's citizenship removed to divert attention from Western agencies' prioritisation of intelligence gathering over safeguarding vulnerable trafficked girls?'

The ability to challenge decisions has also been diminished, with the briefing highlighting the case of a British-born domestic abuse victim who lost her appeal against citizenship removal although she had been coerced by her husband into travelling to Syria. Webber adds that the legislation is also a threat to racialised communities' right to dissent or criticise the government, with Muslims turned into a 'suspect community'. The increased use of the powers, alongside other provisions affecting Muslim communities, including the controversial Prevent duty, has coincided with the government's shift away from racial and religious equality protections, which new prime minister Liz Truss has described as 'favouritism'. Webber warns that the measures share the same rationale with the infamous Windrush scandal that came to light in 2018: 'The 'deportation logic' on which the deprivation powers are based – get rid of them, regardless of family ties, or how long they have lived here – is the logic that deprived the Windrush generation of their livelihoods, their homes, in some cases their freedom and their country.'

Trial of Turkey's Saturday Mothers

It was the 700th time they met, remembering their missing relatives and asking for justice. But the authorities were having none of it. Riot police were called in to disperse them, violently enforcing a ban on those holding their peaceful vigil in the central Istanbul location where they always met. Authorities subsequently put 46 on trial. Turkey's "Saturday Mothers" are the family members of individuals who were forcibly disappeared – that is, those last seen in the custody of state agents – in Turkey in the 1980s and 1990s. Taking the Mothers of the Plaza de Mayo in Buenos Aires as their model, they have been gathering, with some interruptions due to security fears, in Istanbul since 1995. In asking uncomfortable but essential questions, the Saturday Mothers/People (as they are more formally known since their ranks have swelled over the years) have apparently been a thorn in the side of the authorities, who have unleashed numerous crackdowns against them. Most recently, on August 30, police prevented them making a public statement on the International Day of the Disappeared and detained 14 of them. Against all the odds, their vigil continues, and the core questions remain: why are they prohibited from gathering peacefully, and what do the authorities fear from their search for the truth about Turkey's disappeared people?

Prisoners' Release on Compassionate Grounds

Ellie Reeves MP: To ask the Secretary of State for Justice, what steps his Department is taking to ensure that the process for handling applications and associated decisionmaking for early release on compassionate grounds is completed in a (a) timely and (b) effective manner.

Rachel Maclean MP: The Secretary of State may release a serving prisoner at any point in their sentence if they are satisfied that exceptional circumstances exist which justify the prisoner's release on compassionate grounds. The new Early Release on Compassionate Grounds Policy Framework was published in May 2022 and sets out the criteria and process for making an application for early release on compassionate grounds. The policy framework sets out the information and reports required and provides guidance for prison staff on the appropriate timing for an application to be made. The guidance emphasises the importance of prisons having in place efficient processes to identify qualifying cases and avoiding unnecessary delays. The policy is published online and communications issued to prisons to ensure staff are aware of the framework.

Guidance on Parole Reforms Published

Prison Reform Trust have now had a reply from Stuart Andrew MP to our two outstanding letters about parole changes. And we've also had a further release of documents from the Parole Board following a Freedom of Information request. The letter from Stuart Andrew clarifies some issues, particularly in relation to when and why the Secretary of State might offer a "single view" to a parole hearing. It makes very clear that this will be comparatively rare – maybe 150 cases a year, but the criteria include a broad "public confidence" test which means that it's very hard to predict exactly who will be affected.

The letter doesn't provide the data we asked for to show what has been happening to recommendations for open conditions since the rules changed. We don't know whether this data will be disclosed or not. But what the letter does make clear is that ministers are only likely to be involved personally when one of their officials in the ministry agrees with a Parole Board recommendation that someone should progress to open conditions.

Ministers are clearly assuming that will be a rare occurrence. So it will be officials who will be interpreting the new guidelines and if ministers have given them any guidance on how to do so, it isn't being made public. It's not unreasonable to assume that officials will now start from a presumption of rejecting recommendations for open conditions rather than a former presumption of accepting them. The letter also drops a strong hint that officials may agree fewer pre-tariff reviews than previously (in its reference to the option of declining to ask the Parole Board for advice on the question of whether someone should be considered for open conditions). Only the data we have asked for will ultimately confirm whether this is what is happening or not. There has in reality been a significant shift of influence away from an independent, publicly accountable parole board taking evidence directly from prisoners and experts. "That influence has moved to an unaccountable team of officials operating behind closed doors. Those officials don't need to have been trained to operate the new criteria, and essentially have to make up the definition of what counts as 'likely to undermine public confidence' as they go along." Just as we have been given no data on what's happening with decisions, so too the ministry has nothing to offer on what the impact of these changes might be on the length of time people will spend in custody as a result.