Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

MOJUK: Newsletter 'Inside Out' No 595 (11/08/2016) - Cost £1

IPCC Bungled Case Against Police Officers Accused of Abusing Black Firefighter

Vikram Dodd, Guardian: The police watchdog bungled a case against three officers accused of abusing and Tasering a black firefighter because of his race, it has emerged. The IPCC apologised after disciplinary charges against the Metropolitan police officers were dropped and admitted making key errors. The case, revealed by the Guardian, was prompted by an incident in 2011 when firefighter Edric Kennedy-Macfoy said police had behaved like "wild animals", dragging him from his car and subjecting him to a violent attack that culminated in him being shot with a Taser. The three officers faced the sack if found guilty of gross misconduct charges but the case against them collapsed at a disciplinary hearing held in private. Evidence potentially in their favour had been missed by the IPCC inquiry and the watchdog said it may take a year for them to gather it. This would mean the case against the officers could not be brought until next year, which was an excessive delay. The IPCC apologised to Kennedy-Macfoy and to the three officers on Wednesday 27th July 2016.

Kennedy-Macfoy, 32, said: "I feel that the last five years of my life have been stolen from me. These proceedings have been withdrawn before I was given the chance to give evidence before the tribunal and I will forever feel that I have been denied justice. The IPCC investigation should never have taken so long and I expect a full apology from them and an assurance they will now take immediate steps to ensure this never happens again." The firefighter was off-duty when in September 2011 he approached the officers in Harrow, north London, to help identify a young man who had thrown a rock at a police van after a late-night melee. He says officers suddenly turned on him and he believes he was targeted because of his skin colour. Describing the incident, Kennedy-Macfoy said he was dragged from his white Audibefore the officers surrounded him and shouted abuse. He said he replied calmly and showed his palms to the officers, telling them: "Listen guys, I haven't done anything wrong. I'm a firefighter – I work with you lot and I just want to explain something. I've showed no aggression towards any of you." Police evidence led to the firefighter being charged but he was cleared of obstructing police after a two-day trial at Brent magistrates court.

The Met has apologised and paid "substantial damages" to Kennedy-Macfoy and he in turn has offered to help share his experience to train police officers. In a letter, deputy assistant commissioner Fiona Taylor said: "It is plain that what happened to you on this night should not have happened, and for that, on behalf of the MPS, I apologise." The IPCC has previously been criticised by alleged victims of police excesses, and officers themselves, for being incompetent and too slow. It has been given extra powers and money by the government, which is keen to see if it will play the part it is supposed to in boosting public confidence in the police. In a statement which reads: 'The IPCC has withdrawn its recommendation and directions for three Metropolitan Police officers to attend a misconduct hearing in relation to their interactions with Edric Kennedy-Macfoy in 2011. As a result, a gross misconduct hearing involving the three officers did not proceed. We recognise the effect this will have had on both Mr Kennedy-Macfoy and the officers involved, and would like to take this opportunity to apologise to them. Mr Kennedy-Macfoy, a fireman, was Tasered by a Metropolitan Police officer in north London in the early hours of 4 September 2011.

The withdrawal follows procedural shortfalls identified by the IPCC. They related to disclosure of relevant material and the need for further investigative work, including witness interviews, which it became clear were not conducted during the investigation. If the IPCC were to remedy those shortfalls, we were informed that a further hearing could not take place for at least twelve months. It is the IPCC's view that further delays are not acceptable, given the time since the original incident. We will be carrying out an in-depth review of the circumstances that have led to this position and will ensure steps are taken to strengthen our procedures. We have agreed to Mr Kennedy-Macfoy's request to meet with him in the near future.'

The three officers facing disciplinary charges were: PC Mark Gatland, who fired the Taser, PC Daniel Roberts and Insp Sutinderjit Mahil, who was a sergeant at the time. The Met said it was alleged that Gatland "used unreasonable force and discharged a Taser without warning and that on both occasions his actions were motivated by racial discrimination and/or racial stereotyping and so treated the victim less favourably". The force said it was also alleged that Roberts and Mahil each used "abusive and offensive language and that racial discrimination and/or racial stereotyping motivated this". The Met said: "After careful consideration of all the evidence available it is clear that there are conflicting accounts, and as such the case that was due to go before the misconduct panel was not as strong as previously thought." The force, which is facing criticism over its race record, said: "We fully recognise that the misconduct hearing not going ahead is damaging for the complainant and for the public who need to have confidence in the way officers are held to account for their actions."

IPCC Investigation Update – Jermaine Baker

The Independent Police Complaints Commission investigation into the fatal shooting of Jermaine Baker by a Metropolitan Police Service (MPS) firearms officer is ongoing. Jermaine was shot during an alleged attempt to free two prisoners being taken into court. IPCC investigators have been gathering evidence relating to the events of 11 December 2015, when Mr Baker died from a single gunshot wound during a police operation in Wood Green, north London. The investigation has established that Mr Baker was sitting in the front passenger seat of a black Audi which was parked at the scene at the time he was shot. What appeared to be a non-police firearm was recovered from the rear footwell of the vehicle. A ballistics report indicates this is what is commonly known as a BB gun or air weapon which was designed to resemble a 'mini-Uzi' sub-machine gun.

As part of the IPCC's homicide investigation, an MPS firearms officer was arrested on 17 December. That officer has now been interviewed twice by IPCC investigators under criminal caution and remains on bail. In total, the IPCC has so far obtained more than 450 documents, gathered in excess of 250 exhibits of evidence and obtained more than 250 witness statements. The investigative work is now focused on scrutinising the planning, risk assessments and decision-making of the MPS operation. All the other officers who were present during the shooting of Mr Baker on 11 December have also been interviewed as witnesses by IPCC investigators.

IPCC Commissioner Cindy Butts said: "Our investigators have been working hard gathering and analysing all the relevant statements and evidence as part of our detailed investigation. Once our investigation is finished and our report is complete I will make a decision on whether to submit a file to the Crown Prosecution Service for consideration. Until that time I would urge people not to speculate as to the outcome. I know everyone involved is keen for a speedy conclusion but I must stress the importance of allowing our investigation to run its course. Our thoughts remain with everybody affected by Mr Baker's death." An inquest into Mr Baker's death was opened and adjourned on 22 December. The IPCC is continuing to keep Mr Baker's family updated with developments in the investigation.

Assaults on Prison Staff at Record High *Danny Shaw, BBC News*

Assaults on prison officers in England and Wales have risen to their highest level on record, official figures show. There were 5,423 assaults on prison staff in the 12 months to the end of March - a rise of 40% on last year, the Ministry of Justice said. Self-inflicted deaths in the year to the end of June were up from 82 to 105 - a rise of 28%. Meanwhile 65 prisoners were released in error in 2015-16 - the highest total for six years. Overall, the performance of prisons appears to have worsened, with six jails giving "serious concern" - Bristol, Doncaster, Hewell, Isis, Liverpool and Wormwood Scrubs - compared with only three in 2014-15.

'Long-standing problems': Justice Secretary Elizabeth Truss said the level of violence in our prisons was "unacceptable" and highlighted the prevalence of psychoactive substances as a problem. "I am clear that safety in prisons is fundamental to the proper functioning of our justice system and a vital part of our reform plans," she said. "There are a number of factors including the availability of psychoactive substances in prisons which must be tackled. It will take time to address these long-standing problems. I am determined to make sure our prisons are safe and places of rehabilitation."

The government figures also revealed that: • 321 people died in prison custody during the 12 months to the end of June 2016 - an increase of 30%. • 11 women died in prison during the same period, six of the deaths were self-inflicted • 1,341 former prisoners who had been ordered to be sent back to jail for breaching the conditions of their release were still at large at the end of June. This includes 177 offenders who had been originally sentenced for violence and 42 sex offenders • Some of the 1,341 prisoners are believed to be dead or living abroad, officials said. • There has been a marginal increase in rates of re-offending among released prisoners. There was a 45.5% re-offending rate among adults freed from jail between October 2013-September 2014, up 0.1 percentage points on the previous year. • For 10 to 17-year-olds, the reoffending rate was 37.8%, up 0.4 percentage points on the year before, and 3.5 percentage points since 2003.

Andrew Neilson, director of campaigns at the Howard League for Penal Reform - a national charity that campaigns to have fewer people in prison - said the figures showed "the urgent need for prison reform. Prisons are not only becoming more dangerous; they are becoming more dangerous more quickly. That more prisons have been awarded the worst-possible performance rating provides further indication of how the system is failing after years of rising numbers, chronic overcrowding and deep staff cuts." It was "particularly shocking" to see increases in the number of women taking their own lives, adding: "The high levels of violence and deaths should shame us all, and the new secretary of state for justice and her ministers must set out concrete plans to reduce them." Last week the Chief Inspector of Prisons, Peter Clarke, warned that jails had become "unacceptably violent and dangerous places". Mr Clarke said the "grim situation" revealed in last year's report was now "even worse" in some areas.

Prison Staff Need to Respond to Dementia as More Older Prisoners In Jail

The Prison Service needs to develop a strategy to deal with the growing number of older prisoners so that staff can manage age-related conditions such as dementia better, said Prisons and Probation Ombudsman (PPO) Nigel Newcomen. Today Thursday 28th July 2916he published a bulletin on lessons that can be learned from investigations into deaths of prisoners with dementia. Those aged over 60 are the fastest-growing segment of the prison population, increasing 125% between 2004 and 2014. The Ministry of Justice projects the population in prison aged over 60 to increase from 4,100 in 2015 to 5,500 in 2020. Dementia is a condition often associated with the ageing population. There have been relatively few investigations into deaths in custody which have highlighted issues relating to dementia, but this will be a growing issue as the prison population continues to age. The number of prisoners affected is unknown, although the Mental Health Foundation has estimated it at approximately 5% of prisoners over 55 years old. If this is the case, there are likely to be several hundred prisoners with dementia.

The report found that: • when someone has dementia, they may, over time, lose the capacity to make decisions about their care and treatment; • lack of appropriate space or facilities can make it difficult for prisons to provide care that would be equivalent to that in the community; • prisoners are likely to need support, such as with collecting their food and cleaning their cells and, when used effectively, prisoner carers can provide essential support to prisoners with dementia; and • when elderly and infirm prisoners travel to and from hospitals for appointments and treatment, restraints are often used inappropriately.

The lessons from the bulletin are that: • support should be given to those with dementia to help them make informed decisions about their care and, where they lack capacity, there should be appropriate assessments and documented decisions; • all prisons should have a local lead for adult social care to coordinate the care of individual prisoners with dementia; • prisons should share best practice and consider innovative ways of coping with the increasing number of prisoners with dementia; • prisoner carers must be given training and safeguards need to be put in place to ensure arrangements are appropriate; • when a prisoner is taken to hospital, a risk assessment should fully take into account their health, mobility and mental capacity and the use of restraints should be based on the actual risk they present; and• prisons should make reasonable adjustments to help prisoners with dementia and their families keep in touch.

Nigel Newcomen said: “Dementia is a potentially life-limiting condition affecting both physical and mental capacity, although most people with dementia die of other complications, such as pneumonia or a stroke. In my investigations, I have frequently been struck by how ill-prepared prisons were to deal with this new challenge, essentially because they were designed to meet the needs of younger people and not chronic age-related conditions. Things are beginning to move in the right direction in some prisons, with examples of good practice, but there is still a long way to go. The Prison Service badly needs a properly resourced national strategy for its rapidly growing population of older prisoners, to guide its staff in their management of age-related conditions such as dementia.

Chelsea Manning Faces Charges, Solitary Confinement After Suicide Attempt

Nicky Woolf, Guardian : Serving 35 years for leaking secrets to WikiLeaks, she was being investigated for resisting guards, prohibited property and threatening conduct charges. Chelsea Manning may face charges relating to a suicide attempt this year, which could lead to indefinite solitary confinement or transferral to a maximum-security facility, according to a civil rights group. The American Civil Liberties Union (ACLU) announced on Thursday that Manning, who is serving a 35-year sentence in military custody for leaking state secrets to the whistleblowing site WikiLeaks, was under investigation for three charges related to her 5 July suicide attempt: “resisting the force cell move team”, “prohibited property”, and “conduct which threatens”. Manning confirmed through her lawyers in July that she was receiving medical care after having tried to take her own life.

If convicted of these new “administrative offenses”, she faces punishment that could include solitary confinement for the rest of her sentence, reclassification as a maximum-security prisoner, and an addition of nine years to her sentence. It might also negate her possibility of parole, according to the ACLU. “It is deeply troubling that Chelsea is now being subjected to an investigation and possible punishment for her attempt to take her life,” ACLU staff attor-

ney Chase Strangio said in a press release. “The government has long been aware of Chelsea’s distress associated with the denial of medical care related to her gender transition and yet delayed and denied the treatment recognized as necessary.” “Now, while Chelsea is suffering the darkest depression she has experienced since her arrest, the government is taking actions to punish her for that pain. It is unconscionable, and we hope that the investigation is immediately ended and that she is given the health care that she needs to recover,” Strangio continued. The US army public affairs division did not immediately respond to a request for comment. The investigation comes as Manning, who is a Guardian columnist, is fighting a legal battle to overcome her sentence, which she described as “unprecedented” and “grossly unfair” in an appeal filed in May. She is also suing to be allowed to live according to her gender identification.

Lee-Hirons (Appellant) v Secretary of State for Justice (Respondent)

UKSC 2014/0248 On appeal from the Court of Appeal (Civil Division) (England and Wales)

The appellant was made the subject of a restricted order under the Mental Health Act 1983. A few weeks after his conditional discharge from hospital a warrant was executed for his recall. He was told at the time that it was because his mental health had deteriorated. Two weeks later he was given written and detailed reasons for his recall. He issued proceedings arguing that the failure to give him written or adequate reasons at the time of his recall rendered his detention unlawful. The appeal considered whether the recall of the appellant to hospital under s.42(3) Mental Health Act 1983 was unlawful and should entitle him to relief, because he was not given adequate reasons at the time the recall warrant was executed, nor within 72 hours in breach of the applicable policy of the Secretary of State. The Supreme Court unanimously dismisses the appellant’s appeal.

Background to the Appeal: The appellant suffers from a personality disorder and chronic paranoid delusional disorder. He has a history of admission to psychiatric hospitals. In 2006 he was convicted of arson and burglary. In the light of his mental disorder, he was made the subject of a “hospital order” under the Mental Health Act 1983 (“the Act”), which authorised his admission to and detention in a secure hospital, and a “restriction order” under the Act, which vested the power to discharge him in the respondent (“the Minister”) or the First-tier Tribunal (Health, Education and Social Care Chamber) (“the Tribunal”). The appellant thereby became a “restricted patient” under the Act, and was detained in medium-secure hospitals.

In April 2012 the Tribunal directed that the appellant should be conditionally discharged from hospital and approved a plan that he should move to a registered care home subject to conditions. The appellant took up residence at a care home. On 19 July 2012 the carers responsible for the appellant invited the Minister to consider recalling the appellant to hospital. This was for a number of reasons, including that the appellant’s mental health had deteriorated, that he was likely to abscond, and that he was likely to breach the conditions of his discharge. The Minister immediately issued a warrant for the appellant’s recall and the warrant was executed on 19 July 2012. As required by the Act, the Minister referred the appellant’s case to the Tribunal promptly on 20 July 2012.

The warrant set out no reasons for the appellant’s recall. When the appellant was informed that he was being recalled, he was told only that it was because his mental health had deteriorated. When the appellant was taken into hospital, the staff were unable to explain the reasons for his recall. On 24 July 2012 the Minister wrote a letter to the hospital which contained a number of errors, including the assertion that the recall warrant had not been executed, and the instruction that the appellant should be informed of the reasons for his recall “within 72

hours of admission” (even though that time limit had already expired). The letter also failed to state any reasons for the appellant’s recall. On 3 August 2012 (15 days after the appellant’s recall), he was provided orally with a fuller, adequate explanation for the recall, but was not provided with a written explanation. The appellant challenged the lawfulness of the decision to recall him. His application was dismissed at first instance. Before the Court of Appeal, his primary case was that there was an unlawful failure to explain the reasons for his recall and that (a) that failure affected the legality of his detention, or alternatively (b) that it generated a right to a declaration and damages. The Court of Appeal dismissed his appeal, and the appellant appealed to the Supreme Court.

Judgment: The Supreme Court unanimously dismisses the appellant’s appeal. Lord Wilson (with whom Lady Hale, Lord Kerr, Lord Reed and Lord Toulson agree) gives the leading judgment. Lord Reed gives a short concurring judgment.

Reasons For The Decision: The Department of Health has issued guidelines on the recall of patients to hospital, which set out a three-stage procedure for the communication of reasons (“the Policy”) [16]. The Minister concedes that the second and third stages of the Policy were not implemented: namely, an adequate explanation was not provided to the appellant within three days of his recall (but only after 15 days), and no explanation in writing was provided within three days (but only months later in the context of these proceedings). The Minister further concedes that this means there has been a breach of the appellant’s common law right to have the Policy properly applied, and his right under Article 5(2) of the European Convention on Human Rights (“ECHR”) to be informed promptly of the reasons for his recall [17-21].

Legal Sufficiency of the Minister’s explanation: The explanation provided to the appellant at the time of his recall (i.e. that it was because of his deteriorating mental health) satisfied the first stage of the Policy. It also complied with the Minister’s common law duty to provide reasons [24-25]. As for the ECHR, Article 5(2) does not in this respect extend beyond the demands of the common law and, accordingly, there is no violation of that article [26-32]. The Court of Appeal was therefore correct to find that the Minister’s explanation at that time was legally sufficient, and it is unnecessary to consider the effect of an insufficient explanation [32].

Effect Of The Minister’s Conceded Breaches On The Legality Of Detention: The appellant argued that the Minister’s conceded breaches rendered his detention between the third and 15th days following his recall unlawful. As to this, there is no link, let alone a “direct link” (as is required following R (Lumba) and R (Kambadzi) [34-35]) between the Minister’s wrongful failure for 12 days to provide the appellant with an adequate explanation for his recall, and the lawfulness of his detention during that 12-day period [39]. Further, the consequences of the appellant’s argument would be of concern in other similar cases, given the need to detain restricted patients under the Act in appropriate circumstances [40]. The Court of Appeal was therefore right to conclude that the conceded breaches did not render the detention unlawful [41].

Damages and declaration: The appellant is not entitled to damages for the breach of his common law right to receive an adequate explanation for his recall within the time set out by the Policy. The breach does not amount to a tort and there is nothing to suggest that damages would have been available in an ordinary action against the Minister [43]. The conclusion is the same in relation to the violation of Article 5(2) ECHR; the appellant has failed to establish that the effects of the breach were sufficiently grave [46]. As for a formal declaration, it would not add anything to the recording of the Minister’s concessions in the Court’s judgment [46].

Prison Experience and Coping Mechanisms of Those Claiming Wrongful Conviction

Emma Burtt of the University of Oxford is conducting doctoral research into the prison experience and coping mechanisms of those claiming wrongful conviction. She is looking for current prisoners who are seeking to overturn their conviction to take part in her study and has asked MOJUK whether any of our readers might be interested in becoming involved.

The research aims to understand the lives and experiences of prisoners claiming wrongful conviction and find out about the consequences that these claims can have. If you take part you will be asked to write an account of your experiences. A list of headings / questions will be provided to guide you, although there will be plenty of space for you to tell your own story in your own way. These questions will relate to attitudes, relationships, coping strategies and issues related to fairness and justice. A stamped addressed envelope for you to send your accounts will also be provided.

All information will be kept strictly confidential once it is received, although mail may be read when leaving the prison. Please remember that this is a research study and Emma will not be able to offer legal advice or represent participants in any way. In order to take part, participants: • Must be current prisoners claiming wrongful conviction in England or Wales and • Must have applied, or be in the process of applying, to the Criminal Cases Review Commission (CCRC). This application must be for a review of the conviction you are currently imprisoned for, and not a review about the length of sentence.

If you would like to take part, or know of someone who may be interested in taking part, please contact Emma via post at Emma Burtt, Centre for Criminology, Manor Road Building, Manor Road, Oxford, OX1 3UQ or via email at emma.burtt@crim.ox.ac.uk

Search Me? Not Bloody Likely Anymore

We all know that there is a presumption against the imposition of prison sentences, but these days it's difficult for solicitors, never mind their clients, to access the jail. I remember when a solicitor could be trusted not to be a criminal; however, little by little, more and more intrusive security requirements have been introduced for prison visits. It's like the boiling a frog analogy. First there were no checks. Then it was just a quick wave of a handheld metal-detector. Then we had to flash a Law Society ID card – that was a fiver a year you never saw again. Then came the walk-through metal-detectors and airport style baggage scanners. Now, for me, the temperature of the water has become too warm to be comfortable.

On my last visit to a client in prison, I knew from experience to leave my mobile phone in the car and only take the paper files because my briefcase would set off a DEFCON 2 situation the moment it went through the scanner. Inside the prison reception I was asked to remove my jacket and everything from my pockets, take off my shoes and my belt, my cufflinks and also my watch. Oh, and my watch couldn't come to the visit with me. Why not? Well, apparently, it might be a special watch, and while it was nice to be mistaken for James Bond, seriously, what could I possibly do with my ancient wind-up? Whip out a length of piano wire and garrotte my client? Or maybe use it to catch the sun and signal a daring helicopter escape?

So, anyway, there I was standing in the foyer, with no idea of the time, holding my trousers up, cuffs flapping as I tried to untie my shoelaces, all the time wondering what kind of state my socks were in, when I was approached from the rear by a couple of cops dressed in black combat gear, like they were about to abseil down the front of the Whitehouse and save the President. 'Do you have a problem with dogs, sir?' Was a question I wasn't expecting, bent over and only partially-clothed; however, I composed myself and replied that I'd never had any problem with dogs, providing they were quick out of the trap and I hadn't bet too much money on them. 'Do you have any objection to being sniffed?' Is a question that before answering I think it only pertinent to establish just who exactly will be doing the sniffing and whether I'll be bought dinner.

As it turned out, a big, black labrador would be delegated the sniffing and, just in case I had hopes of clinging to any remaining shred of self-respect, after that there would follow a search of my oral cavity. None of this, of course, would take place in private, but in full view of everybody and anybody who happened to be hanging around the prison reception area. I never discovered whether the examination of my fillings was to be undertaken by man or dog because that's when I brought the whole humiliating process to a halt, wondering if the untimely death of Jeremy Beedle (You've Been Framed) had in fact all been a prank. Thereafter I was visited by a series of prison officials of increasing rank and better suits, each making it very clear that I would not be allowed to visit my client unless Rover was permitted to sniff my gentleman parts and some, as yet undesigned, individual had a look inside my mouth for nail files and rope ladders. It was at this juncture I granted myself early release and returned, dignity almost intact, to the office.

How did we get here as a profession? Why is it we are held in such low esteem that we are expected to undergo this kind of degrading treatment? What is the Law Society's view on this treatment of its members? Is it all part of a push for client/solicitor prison visits to be done via Internet? I fully appreciate that that those visiting prisons in a private capacity should undergo security checks, but, yes, I do want preferential treatment. I'm there on business. I'm a professional. I was deemed to be a fit and proper person by the Lord President thirty years ago and haven't proved him wrong so far.

I have a Law Society ID card that gives me access to every court and police station in the UK and Europe, but when I go to prison I'm supposed to stand there with my arse hanging out my trousers, while some mutt sniffs me all over and my molars are checked like I'm some old nag at the Appleby Fair. I don't think so. This frog is jumping out of the pot before the water starts to boil or, to be less analogical, before I hear the snap of a rubber glove and the lid unscrewing on a tub of Vaseline. *Willie McIntyre: Partner at Russel + Aitken Solicitors*

Luxury En-Suite Cell Found in Paraguay Prison

Police in Paraguay raided a drug lord's prison cell, only to find he was living a life of luxury. In the three-room cell, they found a conference room, plasma screen television, library and kitchen. The interior of the cell, which was occupied by Brazilian drug lord Jarvis Chimenes Pavao, has now been destroyed, media in Paraguay report. Police had learned Pavao was planning to escape by using explosives to blow a hole in the wall of the prison. Pavao was due to complete his sentence for money laundering next year, at the end of which he was likely to face extradition to Brazil. He has now been transferred to a special unit away from his luxury cell in Tacumbu prison, near the capital Asuncion. An investigation is now under way to see which officials had allowed Pavao to set up his life of luxury. Prisoners at Tacumbu told Agence France-Presse that anyone wanting to stay in the luxury unit had to pay Pavao a one-off fee of $5,000 (£3,778) and a weekly rent of $600. "He was the most loved man in this prison," one inmate, Antonio Gonzalez, told AFP. The cell also had air conditioning, comfortable furniture, an en-suite bathroom and a DVD collection. Among the DVDs were a TV serialisation of the life of Colombian drug baron Pablo Escobar. Escobar, who was killed in 1993, was allowed to design his own prison in a deal struck with Colombian authorities.

Five Years After the Riots, Tension in Tottenham Has Not Gone Away

Mark Townsend, Guardian: A police car sped past, prompting Tash to frown. "We are being punished because we dared riot. Tottenham used to be a nice place, but they took away our carnival and now the police target us," said the 23-year-old, who works at the Coin-Op Launderette on Tottenham High Road, close to the junction of Forster Road. It was from this north London corner that, shortly after 6pm on 6 August 2011, the first accounts of a riot were reported. The disorder spread with astonishing speed. More than 15,000 people are estimated to have become involved. About 4,000 of them were arrested, 5,112 crimes were committed and 3,800 shops damaged in London. Five people died as mayhem took hold in other towns and cities across England. Tottenham is where it began and Tottenham's battle-scarred streets remain most closely associated with the summer riots of five years ago. The catalyst was the police killing of a local man, Mark Duggan, 29, when he was shot during an attempt to arrest him. Antipathy towards the police remains easy to find in Tottenham. So too the repeated allegation that the Metropolitan police force is racist. "It's a colour war, but a diluted colour war because they're careful in how they oppress people," added Tash.

Another disquieting theme repeated across the borough and neighbouring Hackney, both home to sizeable African-Caribbean populations, is the theory that an official policy is in place to systematically remove the area's black communities. "It's blatantly clear they want to ethnically cleanse us," said courier Jason Hardie, 28, from Haringey. Police have attempted to ease tensions by reducing the volume of stop-and-searches in areas like Tottenham (although during June there were 495 stop-and-searches in Haringey, the fifth highest among the 32 London boroughs). But the issue remains one of ethnicity. During the last year police in Tottenham recorded 55 searches per 1,000 of its black community – more than twice the rate among the white population.

Many believe the police are more distant and aloof than they were before the 2011 riots. "You never see police on foot any more. They don't talk to us, but they're happy to speed up and down the High Road with their sirens blaring," said electrical engineer Tony Davies, 49, speaking outside the Aldi supermarket that was attacked by rioters four hours after the first reports of disorder in August 2011. It is an observation that strikes a chord with Tottenham's MP, David Lammy, who believes the draconian cuts to the Met's budget led to the collapse of neighbourhood policing, loosening the bonds between officers and the community at the very time they most needed strengthening. "The neighbourhood policing levels have been decimated, the safer neighbourhood teams that existed at ward level, identifiable officers that people could call and who they knew," said Lammy. "When people say they feel a different kind of policing, basically what they are saying is that they only see the police with blue lights."

There are also recurring claims from residents that the Met has opted for a more aggressive policing style. "They intimidate us. They keep control of the streets by looking tough, picking up people for minor offences," said hairdresser Samantha Palmer, 24. Another resident, Darren, 22, who claims he was present during the Tottenham riots but was not arrested, said: "The police have calmed down, but they had to." His friend interrupts: "But they're still racist." Darren nods: "Yeah, they're obviously still racist." As proof of discrimination, critics point to Scotland Yard's "gangs matrix" database. Nearly 80% of its 3,422 individuals were recently classified as black. By comparison, only 439 white people – London has 3.66 million people classified as white British – were categorised as members of an organised criminal gang.

Stafford Scott, coordinator of the Tottenham Rights group, which has campaigned against policing oppression in the area since the Broadwater Farm riot of 1985, said it was beyond

dispute that the Met criminalises young black men ahead of any other demographic. He recounted an anecdote involving a conversation with an unnamed police officer who told him that "coppers in Tottenham have a bad attitude" and explained that they were "cocky and arrogant" because they had to endure two riots.

Deborah Coles of Inquest supported Duggan's family during the coroner's hearing, which found that he was "lawfully killed" by officers. She says police discrimination remains a source of simmering resentment. "Young black men are disproportionately represented through stop-and-search, arrests, charging, higher sentencing – discriminatory treatment throughout the whole system," says Cole. The Met did not respond to requests for an interview.

Tottenham has attempted to rebuild itself since the 2011 riots, particularly through large-scale development projects which will see £1bn of investment deliver up to 10,000 new homes and 5,000 new jobs over the next nine years. But the re-generation projects have sparked new divisions. On the Broadwater Farm estate, there is precious little enthusiasm for the ambitious reimagining of the area. Residents complain that they are excluded from the wealth of new opportunities being created. Broadwater resident Roy, 57, said: "The riot in 1985 was about food, water, basic needs. Now it's about having a stake in society, the chance to be someone. You have all these developments springing up, incomers with money and we're left looking on, wondering if we feature in the future blueprint."

Scott is among those who believe that Tottenham's black community is being deliberately frozen out. "The local authorities and the police are working together to deliver collective punishment for those who had the temerity to riot a second time." Indices supplied by Haringey council, however, suggest the regeneration is working, at least for some. Between March 2011 and 2016, employment rates rose from 56.7% to 68.7%. Similarly, numbers claiming jobseeker's allowance fell from 6,550 in June 2011 to 2,862 five years later, with the drop mirrored among young people. Median weekly earnings for full-time workers rose by around £30, while the number of children receiving free school meals – a key poverty indicator – has fallen from 42.2% five years ago to 33.6%. Even so, a recent report by the Runnymede Trust documented profound ethnic inequalities within the area, particularly in employment and housing. When assessing ethnic inequality, it ranked Haringey as the second worst out of London's 32 boroughs.

Undaunted, the leader of Haringey council, Claire Kober, believes Tottenham's trajectory is such that the future is undeniably bright. Lammy suggests Tottenham had no choice but to regenerate, describing his constituency as struggling before the riots. "Tottenham needs regeneration. Tottenham cannot be the only area of London where everything passes us by. You then get into a discussion about the nature of that investment. The real issue, like the rest of London, is house prices, but that's a macro-economic issue that's unfair to land at the door of the local authority and even the mayor's office," said Lammy.

The central concern is, the MP believes, the selling off of social housing stock and the failure to provide alternatives. "The collapse of subsidised social housing is a scandal – that issue for a community like Tottenham is profound." As a result, too many locals, said Lammy, were living in overcrowded and inadequate houses at the mercy of landlords and without the hope of ever affording a home – the average price for a three-bedroom house in Tottenham is £550,000. "Even if they can afford to buy, there is very little prospect of their children becoming owner-occupiers. That reality is also fracturing communities," said Lammy.

The disintegration of neighbourhoods is similarly evident in rapidly gentrifying Hackney. One of the most recognisable faces from the 2011 riots was Pauline Pearce, nicknamed the

"Hackney heroine" after standing up to troublemakers.She said: "The authorities want to ethnically cleanse Hackney, get rid of its grassroots. By doing so they are getting rid of its culture, the diversity we celebrate here." Pearce, 50, described adverts in Hackney promoting new housing developments that feature no ethnic minorities. "On one billboard were pictures of very trendy middle-class white folks and it said: 'Turn your back on the norm.' That's sad." Along Hackney's Clarence Road, which runs parallel to the Pembury Estate – scene of some of the worst rioting – the mood was the same. Inside the Finger Licking Caribbean Takeaway, whose patrons sit beside a smoking oil drum barbecuing chicken as they listen to reggae, the chef said: "They are trying to drive us out, they are killing us, putting business rates higher all the time." Pearce, a Lib Dem prospective parliamentary candidate, added: "People are struggling because of the rates. It's hurting one-man businesses, pushing them out."

Further along Clarence Road, inside the R&B cafe, the refrain was similar. "Property prices are crushing us. My daughters cannot afford to live here, but instead they allow the yuppies to come in and push us out," said one customer. But others insist that Hackney's transforming demographic, coupled with a range of social initiatives, has improved the borough. A poll released on Thursday revealed that 74.5% of the Pembury estate's 3,500 tenants believe life has "got better" over the last five years. In Tottenham too there are those who believe gentrification is unambiguously positive. Zeshan, who owns the Pound Plus store opposite the High Road's police station, said: "The area feels calmer. I see a lot of new faces, a lot of newcomers, and it creates a better mix." Some are even more enthusiastic. Ali Mohammed, 45, who fled Somalia 10 years ago, described Haringey as the "best place on Earth". Beaming, he added: "People have a good society here, it's perfect."

Could the riots happen again? Lammy is adamant that his constituency will not countenance another repeat, but concedes that the social peace is fragile. "The people of Tottenham recognise that sort of destruction a third time would be a huge act of self harm. Having said that, austerity is real, unemployment is real, [there are] the strapped services – the local authority has lost £225m in five years – and the consequences of youth centres closing, day centres closing." Others say fresh disorder is inevitable, a matter of when, not if. According to Pearce: "This country could turn into a riot at any time. Look at the curent levels of racism, at America where the police think it's OK to kill. This is where I start to get scared."

Davies, speaking outside Tottenham's Aldi supermarket, said: "There will be another riot. The police are not communicating, there's tension." Cole adds that mistrust towards the police remains undiminished since Duggan's death, citing a lack of accountability as key. "A lot of those concerns are still very much alive today," she said. Lammy points to research showing that three-quarters of 63 proposals made by an official panel into the riots have yet to be implemented, including mentoring for convicted youth offenders, along with fresh measures to prevent young people going without education, employment or training. "The lessons of the riots were swept under a giant carpet," says Lammy. "We needed to ensure that people have a stake in society. Have we got there? No we haven't."

Stafford Scott, Activist and coordinator of the pressure group Tottenham Rights. "The conditions for another riot are still there, absolutely. If you go to Broadwater Farm estate they'll tell you things have got worse because unemployment is even higher. Now the authorities are trying to kick them out without any understanding or appreciation that they are the ones responsible for these young kids being born into environments that will encourage the behaviour they are now being punished for. There is inequality in health, education and unemployment, along with the policy of getting into bed with big developers where they put in tiny amounts of affordable housing."

David Lammy Labour MP for Tottenham: "The riots were the the lowest moment of my political life, comforting men, women and children standing just in their pyjamas with their homes and shops burnt to the ground. Frankly it took years off my life. When neighbours do that to one another, it is a horrendous thing. There are still victims recovering, children who have nightmares, people who have had heart attacks as a consequence. The legacy it leaves to an area is not to be underestimated and part of what you have got to overcome is stigma and the perception that remains, long after the cameras and journalists, the external actors, have left."

Pauline Pearce: "There's been an improvement regarding outreach work and it went crazy with schemes to help young people, but as far as gentifrication and the housing and the benefits situation goes, it's been negative. Apparently they're still arresting people from the riots. Five years later! Oh come on! These are people who got carried away in the moment. You've got 100 people and 98 are smashing the shit out of everything. Are you going to be the only two to stand there? In a place like Pembury [estate] you'd be accused of being an informer. "

US Four 'Juvenile Lifers' in Jail Since 1970s Granted Parole *Guardian*

Pennsylvania officials have granted parole to four "juvenile lifers" jailed decades ago after the US supreme court retroactively banned mandatory life terms for minors. The court decision means that more than 500 Pennsylvania inmates and 2,500 across the country can seek new sentencing hearings and perhaps parole. The four Philadelphia-area men being released have spent decades in prison for crimes they committed as juveniles. They are now in their 50s and 60s. The state parole board chairman who met with them last week found their outlook on life surprising. "The one thing that I will say stood out last week has been the surprising optimism of the ones we interviewed, based on the light at the end of the tunnel being turned back on. That was something very nice to see … their positive attitude," Leo Dunn said.

Defence lawyers concerned about how the board would view the cases are also feeling optimistic, if cautiously so. The inmates must first be resentenced by judges and then, if granted a chance at parole, persuade the majority of the nine-member board they are no longer a safety risk. "They were told they were going to go to prison and die, so it's a source of incredible optimism," said Bradley Bridge, a lead lawyer working on the issue at the Defenders Association of Philadelphia. "[But] anytime there's hope you have to temper it with caution." Dunn expects it to take a few years for the courts and parole board to work through the Pennsylvania cases. About 300 of them were tried in Philadelphia, including that of Tyrone Jones, who has spent 43 years in prison for a 1973 gang-related killing.

Jones, 59, has insisted that his confession was coerced and has support from the Innocence Project of Pennsylvania. But when a judge this year resentenced him to 35 years to life, in the wake of the January decision by the supreme court, he put his innocence claim aside to seek parole. The board approved his release on Thursday after reviewing what his lawyer calls the exemplary life he has lived behind bars. Jones can skip a stop at a halfway house and instead move in with a sister in North Carolina. "To go from a completely secure environment for 40 years to his sister's house, that's almost like being in a time machine because he's been so isolated," said Hayes Hunt, a private attorney who has worked on Jones's case pro bono for several years.

Four of the nine parole board members were recently appointed by Democratic Governor Tom Wolf. In an unusual move the board met as a group last week to weigh the first batch of juvenile lifer cases. The others granted release are Henry Smolarski, 53, of Philadelphia, a then-prep

school student who fatally stabbed a Temple University student in 1979; Earl Rice, 60, of Delaware county, whose victim died after she hit her head in a 1973 purse snatching; and Chris Edward Jordan, 52, an accomplice in the 1980 shooting of a potential witness to a Chester county burglary. The shooter in Jordan's case, Brian Hooper, was denied parole on Thursday but advised he could try again in a year. The board weighs a petitioner's educational, behavioural and work record in prison, along with their risk to the community and victim impact statements, the same criteria used for all parole decisions, Dunn said. "I think all nine of our board members are very open and supportive," he said. "If we parole them we want them to be successful."

Disabled Ex-Prisoner Handcuffed In Hospital Receives £5,000 Payout

Eric Allison and Simon Hattenstone, Guardian: A severely disabled man has been paid £5,000 in compensation after being handcuffed when taken to and from hospital appointments and placed under constant supervision while in intensive care. Daniel Roque Hall, who received a three-year sentence for smuggling £300,000 worth of cocaine in his wheelchair on his return from a holiday in Peru, has Friedreich's ataxia, a degenerative disease that affects co-ordination of the whole body. His condition causes a heart defect and diabetes, and shortens life expectancy. Hall, 33, requires round-the-clock care and is not expected to live beyond 40. In August 2012, when his condition worsened at Wormwood Scrubs, he was taken to University College hospital in London and placed on a life support machine. Hall spent the next six months in hospital, and in February 2013 the appeal court ruled that he should be released from prison early after lawyers argued that the Prison Service could not meet his medical needs.

In 2013, a civil claim was issued on Hall's behalf under articles 3 (the prohibition of torture, inhuman or degrading treatment) and 8 (right to a private and family life) of the European convention on human rights. It was argued that there had been an assault and trespass to Hall's person on the basis that there was no lawful justification for the use of force against him through handcuffing. The Ministry of Justice resisted the claim for more than two years, until Hall and the MoJ agreed a £5,000 settlement in what is known as a "part 36" offer – a settlement without admission of liability. Settlements for unlawful handcuffing are extremely rare, and this is believed to be the largest of its kind. The settlement comes as the prisons and probation ombudsman, Nigel Newcomen, issued a report saying elderly and infirm prisoners are often restrained inappropriately when travelling to and from hospitals for appointments and treatment.

The handcuffing of ill prisoners in hospital has long been criticised by the prisons ombudsman. In 2013, it was revealed that more than 50 dying prisoners over a five-year period had been wrongly chained or handcuffed in the final days of their lives, including a cancer patient who died handcuffed to a prison officer and a prisoner who remained chained to his escort after being put into a medically induced coma. Newcomen said: "The majority had been restrained while in hospital and it was identified in 51 investigations that the level of restraints used had been inappropriate." In the same year the Guardian revealed that 22-year-old Kyal Gaffney, sentenced to 21 months for careless driving under the influence, was handcuffed to a guard when clinically brain dead after having suffered a cerebral haemorrhage. In May this year, Newcomen highlighted the failure of HMP Altcourse for the "degrading" and "inhumane" use of escort chains when two dying inmates were taken to hospital.

The Prison Service is supposed to carry out a risk assessment before cuffing or chaining a sick prisoner on their way to or in hospital but has historically failed to do so, as was the case with Hall. Anne Hall, his mother, challenged the Prison Service at the time, claiming it

was cruel and unjustified to handcuff her son. She said: "The pursuit of this case and the victory we have won shows that it possible to make prisons and [the] MoJ accountable for any mistreatment or lack of compliance with proper procedure." Hall said: "The settlement means for me that we proved Wormwood Scrubs abused human rights and ignored Ministry of Justice policy and procedure on assessing who should be handcuffed and who shouldn't be, even though it won't admit wrongdoing. That's an important precedent for other cases and I hope it helps prisoners to be treated like human beings and makes prison governors accountable for how they treat sick and dying and disabled people in prison and when they are in hospital.

"Putting a handcuff and chain on me was bizarre and cruel and stupid, and made me feel like I was not a human being, not worthy of any kind of dignity or respect, whatever my circumstances were, which I can only assume was the point." Hall's lawyer, Andrew Sperling, said: "Daniel cannot stand up or walk by himself. He cannot pick up or hold anything without help. The idea that he posed any kind of escape risk or risk to the public was frankly ridiculous. He was handcuffed during an invasive medical procedure and subjected to constant supervision in his hospital room. The Prison Service must not allow a blanket preoccupation with security to interfere with basic standards of decency and humanity." The MoJ said: "We do not comment on individuals. The Prison Service is committed to treating all prisoners with dignity and respect but public safety remains our priority."

Philippines: Condemn Surge in Killings of Criminal Suspects

(New York) – The International Narcotics Control Board (INCB) and United Nations Office on Drugs and Crime (UNODC) should urgently condemn the alarming surge in killings of suspected drug users or dealers in the Philippines, Human Rights Watch said today 01/08/2016. These global authorities with responsibility for international drug control should call for an immediate halt to the killings. In a joint letter drafted by the International Drug Control Consortium (IDCC), a network of nongovernmental organizations that focuses on issues related to drug production, trafficking, and use, the consortium urged international drug control agencies to state unequivocally that such killings "do not constitute acceptable drug control measures." The letter was signed by Human Rights Watch and more than 200 other organizations.

"International drug control agencies need to make clear to Philippines' President Roderigo Duterte that the surge in killings of suspected drug dealers and users is not acceptable 'crime control,' but instead a government failure to protect people's most fundamental human rights," said Phelim Kine, deputy Asia director at Human Rights Watch. "President Duterte should understand that passive or active government complicity with those killings would contradict his pledge to respect human rights and uphold the rule of law." The Philippine Daily Inquirer's "Kill List," which is published twice weekly and tallies the killings of suspected drug dealers and users by police and unidentified vigilantes, has recorded a "marked and unmistakable" rise in such killings, the Inquirer said. It recorded 465 deaths between June 30, 2016, the day Duterte assumed office, and August 1. Official statistics also support assertions of an alarming increase in police killings of drug-related criminal suspects. Philippines National Police data indicate that police killed at least 192 such criminal suspects between May 10 and July 10.That death toll in the two months following Duterte's electoral victory dwarfs the 68 killings of suspects that police recorded during "anti-drug operations" between January 1 and June 15. Police have attributed the killings to suspects who "resisted arrest and shot at police officers," but have not provided further evidence that the police acted in self-defense.

At his inauguration, Duterte identified illegal drugs as one of the country's top problems

and vowed that his government's anti-drug battle "will be relentless and it will be sustained." Now in office, Duterte has praised the killings as proof of the "success" of the anti-drug campaign and urged police to "seize the momentum." After calls for a Senate probe of those killings, the Philippine National Police (PNP) chief, Director-General Ronald dela Rosa, slammed the calls on July 11 as "legal harassment" and said they "dampen the morale" of police officers. That same day, Duterte's top judicial official, Solicitor-General Jose Calida, defended the legality of the killings and said that the number of such deaths was "not enough."

In the letter, the consortium calls on the UNODC and INCB to communicate the following messages to the Philippines government: • Assert that President Duterte's actions to incite these extrajudicial killings cannot be justified as being in line with global drug control. All measures taken to control drugs in the Philippines must be grounded in international law; • Request that President Duterte put an immediate end to incitements to kill people suspected of committing drug-related offenses; • Encourage President Duterte to uphold the rule of law and ensure that the right to due process and a fair trial is guaranteed to all people suspected of committing drug-related crimes, in line with the conclusions of the 2016 UNODC World Drug Report; • Promote an evidence-based and health-focused approach to people who use drugs, including voluntary treatment and harm reduction services, instead of compulsory detention, in line with UNODC's guidance; and • In line with the international human rights obligations of the Philippines – and with the official position of both the UNODC and the INCB – call on the Philippines not to re-impose the death penalty for drug offenses. "International drug control agencies can play an invaluable role in halting the rising body count of suspected drug dealers and users killed by both police and unidentified vigilantes," Kine said. "The current status quo in the Philippines puts human rights, rule of law, and the safety and security of Filipinos in immediate peril."

12 Weeks for Stashing his Stash in his Foreskin!

A man who hid seven grams of cocaine under his foreskin before being arrested by police has been returned to jail for 12 weeks. Joshua Hare, 24, was arrested after turning up naked in a Homebase car park in Salisbury, according to the Swindon Advertiser. On his arrest, police officers say a wrap of cocaine - containing a whopping 7.2 grams (worth up to £720) - "emerged" from his genitals. At Swindon Magistrates Court, Hare was sent back to jail for twelve weeks for breach of his suspended sentence order. He will also serve a concurrent week in custody for possession of the class A drug and pay a victim's surcharge of £115. *Scottish Legal News*

The Degrading Restriction on an Asylum Seeker's Right To Work

Sangeetha Vairavamoorthy, Duncan Lewis: Most asylum seekers arrive in the UK to escape their country of origin for fears of persecution, where the idea of state protection is unrealistic and or internal relocation is a possibility. Many have no intent or motive to come to the UK and only consider where they will be safe away from their perpetrators. They hope for a better future but instead, some spend their years in the UK stuck in an inefficient administrative process, in receipt of minimal support and suffering from emotional stress as a result of their traumas coupled with their inability to ever return to a life of normality. This article seeks to question the UK's policy on restricting asylum seekers right to work, specifically in cases where it is the failure of the Secretary of State for the Home Department to provide them with an adequate decision within a reasonable timeframe that is the cause of them continuing to remain as an asylum seeker.

In 2002, it became practice and policy that asylum seekers did not have the right to work in the UK. As a result, asylum seekers often had to rely on government support to survive whilst they

awaited a decision in relation to their asylum claim. The exception to the rule states that those who had waited over 12 months for an initial decision on their asylum claim; and who were not considered responsible for the delay, could apply for permission to work. This decision is not necessarily immediate and the asylum seeker can only apply for positions within the shortage occupation list.

Most asylum seekers do not come to the UK in the hopes of progressing through their career. Nor is it only those that specialise within the shortage occupation list, who have fled their country. Should the asylum seeker have chosen to come to the UK for the purpose of working within those specialist fields listed in the shortage occupation list, their claim would still need to fall within the criteria for asylum. Therefore, this restriction is in itself discriminatory to those who may not have the qualifications to work in professions listed within the shortage occupation list by not affording them the right to work otherwise. The policy divides those it deems 'useful' for the Country, despite the professions listed not necessarily being a necessity to society, and those that it would neglect until their asylum matter can be progressed. This unfair practice effectively punishes the asylum seeker for a delay that they have no control over.

One reason given for the existence of the restricted provision was to ensure there was a distinction between economic migration and asylum. Further, there were concerns that allowing asylum seekers to work would attract many to claim asylum. However, both of these issues are prevented by the existence of the screening process and fast track / certification procedures. The current Detained Asylum Casework scheme allows for the Home Office to expedite those claims that do not fall within the necessary criteria and instead are in the UK for economic reasons. The asylum seekers struggling on a route to destitution are that whose claim is deemed 'complex' and that is why a decision is usually not made within the allocated 6 months. Therefore, the justification provided for the restriction appears to be more an excuse than anything substantive, with no real evidence to support these claims.

As a result, there is a vulnerable minority of asylum seekers who have been waiting for four- five years, if not more, with the inability to work and completely dependent on society and government support. Many are left homeless, some choose to work illegally out of desperation, and others remain dependent on members of the community for support. It is important to recognise that many of these individuals have left traumatic scenarios for the sake of their lives, only to be forced to continue this torturous path of survival by any means available. In addition, this harshly assigns asylum seekers with a label they cannot help or control. They are ignorantly assessed as individuals who are not able to benefit the community and instead rely on the benefits they receive to survive. This assessment is something that is difficult to change where the policy in place allows nothing more.

In allowing asylum seekers the right to work in any position within a shorter period of time could benefit the UK economy and reduce the costs to the taxpayers of supporting asylum seekers. It may also assist in alleviating the issues faced more commonly by asylum seekers, such as social and economic exclusion; and can improve their integration within the community. Furthermore, permitting an asylum seeker to work would reduce their vulnerability and exploitation through working illegally. Asylum seekers should not be punished for the uncontrollable delay in their decision. The ban on their right to work is degrading and humiliating; and instead consideration should be made on their right to move forward, to enjoy their personal lives and to establish a life away from the trauma faced in their country of origin, if only momentarily whilst they await an update in relation to their asylum claim.

Sangeetha Vairavamoorthy joined Duncan Lewis as a Public Law caseworker. Since joining the Public Law Department, she has assisted in Judicial Review applications, unlawful detention claims and other immigration matters. She has also worked on Prison Law matters such as

Prison law Judicial Reviews, disciplinary hearings, recall matters and parole board hearings.

How Slow-Motion Video Footage Misleads Juries *Homa Khaleeli, Guardian*

From the body cameras of US police officers to mobile phone footage and grainy CCTV shots, video evidence is becoming increasingly important in courts around the world. However, researchers in the US have now issued a warning that such evidence could be skewing the outcome of trials. When jurors are shown slowed-down footage of an event, the researchers said, they are more likely to think the person on screen has acted deliberately. While a slow-motion replay may allow jurors to see what is taking place more clearly, it also creates "a false impression that the actor had more time to premeditate" than when the events are viewed in real time.

According to the researchers, a calculated, rather than an impulsive, crime can be the difference between "lethal injection and a lesser sentence". They pointed to the case of John Lewis, who is on death row after being found guilty of murdering a police officer in 2007 in an armed robbery. Lewis's lawyers argued in an appeal that slowing down video evidence had made jurors more likely to think the killing was premeditated. Judges dismissed this argument, however, because jurors were shown both the full-speed and the slowed-down versions, and the tape had a digital display that showed the time elapsed. However, in a series of experiments, behavioural scientists showed participants footage of an attempted armed robbery in which a shop assistant was shot dead. Those who watched the footage slowed down were three times more likely to convict the accused than those who watched it in real time. If participants were shown a slowed-down version and a real-time version of the footage, it went some way to "[mitigating] the bias, but [did] not eliminate it", said the researchers.

So, what is going on? Cognitive neuropsychologist Ashok Jansari from Goldsmiths, University of London says the problem is that we are adding "perception information" to what we are being shown. He points to the theories of Daniel Kahneman, a Nobel prize-winning scientist who says we have two methods of decision-making: System 1, which is a fast, intuitive process; and System 2, which is slower and more deliberate. In the case of slowed-down video evidence, jurors feel that the criminal is using the more calculated decision-making process – even when the time taken shows this is unlikely. Forensic psychologist Jacqueline Wheatcroft at Liverpool University is not surprised by the findings. Wheatcroft, who has been researching the effect of giving out warnings to jurors about putting too much weight on one particular piece of evidence, says that "even minor changes can affect perception". Caution, and more evidence-based research, is needed, she says, "before we rush in and make changes that can have an impact on people's lives".

'New Charter For Cruelty' At UK Immigration Detention Centres Jon Stone, Guardian:

People held at Britain's immigration removal centres can be thrown into solitary confinement against medical advice and held for hours without any explanation, according to new guidance set to be issued to guards by the Home Office. A draft "detention services order", spelling out guidance to staff at the immigration prisons on the use of solitary confinement, says the sanction can be applied even if medical advice explicitly warns that it would be "life threatening". The practice, described by campaigners as "cruel", can also be handed out by guards to anyone who is judged to be "stubborn" or "disobedient" – despite concerns by official watchdogs that vulnerable people with mental health problems are being being seriously affected. Tens of thousands of would-be migrants to Britain are locked up in prison-style immigration removal centres every year. Not all people in the centres are destined for deportation: while some are waiting to be removed, large numbers are simply waiting for their asylum application to be processed or to have their rights to remain in the UK determined. These detainees are not being held in the centres as part of any sentence – but are

made to live in them for the administrative convenience of the authorities.

Victory Against Prison Brutality In Scotland *Dominic Mulgrew Prisoners Fight Back FRFI*

Fight Racism! Fight Imperialism! supporters were present at Greenock Sheriff Court on 24 June to see the fabricated assault charges against John Bowden finally abandoned. A not proven verdict was given by the judge after a roughly two hour trial. The case had been dragging on since 6 March 2015. Since his imprisonment over 30 years ago, John has been a regular contributor to FRFI's Prisoners Fightback page, as well as to other progressive publications, and has been a consistent organiser for prisoners' rights. Eager to get their own back and silence John, the prison authorities in England and Scotland have repeatedly targeted him with brutality and isolation. This was but the latest attempt to pin fresh charges on John in order to delay his long overdue release. However due to John's uncompromising stand and the bravery of another prisoner who witnessed the incident and gave evidence in court, a further injustice was not allowed to happen.

The assault against John occurred during a humiliating, though routine, mouth search in the medicine room of Greenock prison. Receiving his daily medicine, along with others, John was told to open his 'fucking mouth'. He did so but was repeatedly shouted at to open it wider. Fearing a confrontation, 'in which there could only be one winner', he moved to exit the medicine room and was then grabbed in a headlock by the officer and went rolling through the door as he tried to free himself . John maintained throughout the trial that he was innocent and had the right to defend himself against an unprovoked and unnecessary attack - 'self-defence is no offence'. During his evidence, John said he believed that he was being put through an 'obedience test', rather than a genuine check to see if he had swallowed the medicine.

There were two prosecution witnesses. The first was a nurse who repeated the lies that John had shouted at and attacked the officer, despite the fact she admitted she could not see most of what happened. The second was the officer himself, who struggled to remember his own age - '33 or 34' - never mind any other details. He seemed disengaged, answering 'can't remember' to a number of basic questions, but he did reaffirm that John had been the aggressor. After hearing from John, the court then heard evidence from the prisoner who had witnessed the incident. Despite vicious digs by the prosecutor, attempting to smear him as dishonest, owing to thieving convictions from 20 years ago, and discredit him as John's friend, even though they had only met in passing on two occasions, he kept his composure. The prisoner witness also said that he had met the officer involved later in the day and that he had said he didn't want to press charges but was being pressured by other prison officers. That would explain why he seemed so disinterested in the witness box. Although John clearly should have been found not guilty, the judge passed a not proven verdict. This is specific to Scotland and basically means in practice we think you did it but we can't prove it. We congratulate John on this victory against prison brutality which must encourage other prisoners to speak up for their rights. As John stated throughout the trial 'self-defence is no offence!'

No to Scottish Prison Service brutality! Free John Bowden!

Write to John Bowden 6279, HMP Edinburgh, 33 Stenhouse Road, Edinburgh EH11 3LN

Free Tony Taylor! *Seamus O'Rourke Prisoners Fight Back FRFI*

The continued imprisonment of Derry Republican Tony Taylor demonstrates once more the undemocratic nature of British rule in the north of Ireland. Tony Taylor is a former Republican prisoner, who was released on licence by Secretary of State for Northern Ireland Theresa Villiers in August 2014, after three years in prison. He had previously served six years in the 1990s and been released under the terms of the Good Friday Agreement. Since his

release in 2014 Tony has been involved in legal political work for the Republican Network for Unity (RNU) including community initiatives and mediation aimed at keep young people in Derry out of trouble. RNU representatives say that Tony Taylor has 'spearheaded the revival of RNU in Derry' and that is why he has been singled out by the British state.

The chair of the Free Tony Taylor Campaign in Derry spoke to FRFI to give us some background: 'On 10 March 2016 Tony was on a shopping trip with his partner, his disabled son and his two teenage daughters. Armed police surrounded the family car and Tony was arrested and taken straight to Maghaberry prison. Tony's solicitor has been told that he was returned to gaol on the basis of intelligence reports that he cannot see or challenge.' Tony's solicitor says: 'It is argued this is a case of internment in all but name. Our instructions are that since his release from prison one and a half years ago Tony Taylor has positively contributed to local politics in Derry by peacefully raising benefit cuts, prison conditions and policing issues.' Tony's legal team contend that the decision made to recall Tony to prison was unlawful as it did not conform to either Article 28(2)(a) or 28(2)(b) of the Criminal Justice (NI) Order (2008), and that it therefore constitutes detention in the absence of lawful authority, which is contrary to Article 5 of the European Convention on Human Rights and the common law right to liberty of the person.

The pressure for Tony's release is growing from a strong campaign led by the RNU prisoners' organisation Cogús and the Free Tony Taylor Campaign. Tony's partner, Lorraine, has spoken at public meetings about the devastating impact of his arrest and imprisonment on the family. The campaign has secured motions calling for Tony's release from Derry City Council, Sinn Féin, People Before Profit and the SDLP. Tony is also being subjected to harsh treatment within Maghaberry prison. He has spent two periods in solitary confinement, most recently for seven days from 30 June, during which time Tony was also refused medication. Tony suffers poor health due to shrapnel being lodged inside his body as a result of his Republican activity in the early 1990s and needs regular medication for this.

Cases such as that of Tony Taylor show how the legal system is still being used by the British state as a cover to intimidate Republican activists and remove them from the streets. This all fits in with the long term British strategy to pacify resistance to imperialist control of the north of Ireland. For nationalists in working class areas, the changes as a result of the 'Peace Process' are merely cosmetic; the harassment of Republicans and community activists will continue as long as Britain's rule in Ireland lasts. On 2 July FRFI supporters joined a protest calling for Tony Taylor's release London at Theresa Villiers' London surgery. We urge supporters to keep the pressure up by writing in protest to Villiers' replacement, James Brokenshire, at the Northern Ireland Office, 1 Horse Guards Road, London SW1A 2HQ

Write in solidarity to Tony Taylor: Roe House, Maghaberry Prison, Old Road, Upper Ballinderry, Lisburn, County Antrim, BT28 2PT

British Prisons - 'Tough, Unpleasant And Uncomfortable' *Nicki Jameson Prisoners Fight Back*

Responsibility for the prisons of England and Wales now lies with Teresa May's newly appointed Justice Minister and Attorney General, Liz Truss. Despite having written in 2011 that prisons should be 'tough, unpleasant and uncomfortable', Truss has insisted that she will continue the widely publicised 'prison reform' programme commenced by her predecessor Michael Gove. While Gove was busy with Brexit and power-grabbing, his 'reform' plans, announced in the Queen's Speech on 18 May, were put on the back burner. The promised Prison Reform Bill does not yet exist, although the first six 'reform prisons' have been named and are beginning to operate.

Gove himself took over as Justice Secretary from the even more unpopular Chris Grayling, whose contribution to the prison system included cutting privileges, reducing release on temporary licence, banning the sending in of clothes and books and reducing the amount of money spent on food. Following Grayling made the right-wing Gove - who unbanned the sending of books and began to talk about restoring more access to temporary release, at least at some prisons - look like a liberal, and his subsequent talk about 'prison reform' fooled quite a few people. However, in reality, Gove's 'reforms' are simply the introduction into the prison system of similar mechanisms to those he brought into schools when he was Education Minister; governors of the selected prisons are given greater autonomy over the running of their institutions. This can have some positive consequences and no doubt the first round of 'reform prisons' will do some flagship work to prove the point; however the same 'free hand' that can bring in more release on temporary licence and more rehabilitative programmes is equally free to spend less money on food or education, arbitrarily increase punitive security measures and bring in yet more private contractors to exploit prisoners' labour.

Meanwhile, British prisons are already 'tough, unpleasant and uncomfortable', not to mention dangerous and violent. Figures released by the Ministry of Justice at the end of April revealed a massive increase in violence in the previous 12 months, which in some cases was close to double the rates from 2010 before the Coalition government came to power. Between 2010 and 2015, the number of recorded sexual assaults more than doubled from 137 incidents per year to 300, and the number of deaths in prisons rose from 198 to 257 per year. During 2015 there were over 20,000 assaults in prisons, an increase of 27% over the previous year; serious assaults have risen by 31%, up to nearly 3,000. There were 100 self-inflicted deaths between April 2015 and March 2016, a 27% increase on the previous year. Self-harm and suicide attempts have also risen at an alarming rate, with over 32,000 recorded self-harm incidents in 2015, an increase of 25% on the previous year. The number of recorded attempted hangings rose from 580 in 2010 to 2,023 in 2015, attempted overdoses from 1,414 to 2,523, and incidents of prisoners cutting themselves from 15,159 to 21,282.

On 19 July, the Inspectorate of Prisons published its annual report. The job of the Inpectorate is to ensure impartial scrutiny of the prison machinery; however the Chief Inspector is directly appointed by the Justice Secretary and those who are too critical usually fail to be reappointed. This was the fate of Nick Hardwick, who was Chief Inspector from 2010 until earlier this year. Gove replaced Hardwick with former Deputy Assistant Commissioner of the Metropolitan Police, Peter Clarke, the man who fed false information to Parliament in support of Tony Blair's failed attempt to give police the power to hold terrorism suspects for 90 days without charge.

However, even Clarke cannot cover up the appalling brutality and degradation that is the daily reality of British prisons. Commenting on the overuse of segregation units to warehouse people with mental health problems and the prevalence of so-called 'new psycho-active substances' such as Spice within the prison system, he stated: 'No-one could sensibly argue that a segregation unit is a therapeutic environment or a suitable place to hold people with mental health issues. These three issues of violence, drugs and mental health will, on many occasions, find themselves intertwined. They are, in turn, compounded by the perennial problems of overcrowding, poor physical environments in ageing prisons and inadequate staffing.'