



JUSTICE ACTION REPORT

AUGUST 2012 – APRIL 2013

This report is to update you with our latest news and projects.
Please let us know if you can offer any feedback on any of the topics raised.

‘JUST US’ posters on their way!!



Introduction

It has been a number of months since the last Justice Action Report as the office has been flat out with an ever-expanding pool of issues to tackle.

The distribution of the ‘JUST US’ paper throughout prisons and locked hospitals in Australian and New Zealand jurisdictions has been at the forefront of our agenda and **we’ve made quite a breakthrough with the eagerness of authorities to participate.**

Our continued work for prisoners and patients like Saeed Dezfouli to

be accorded basic human rights has been met with resistance from the Mental Health Review Tribunal, but will be progressing through the courts in months to come. As a reflection of the community’s interests in mental health, Justice Action was asked to assist in the creation of the Callan Park Wellness Centre, as well as presenting to different national conferences on the issues of mental health. In this Report, we can only offer you a glimpse of the issues we contend with every day but we welcome you to visit our website [here](#) for more details if you can.

‘JUST US’ Volume 5 and Posters

Following our 2011 Supreme Court victory, the upcoming edition of JUST US will be the first to reach mental hospitals as well as prisons.

Our JUST US posters (view them [here](#)) are currently being distributed to 38,000 prisoners and mental patients, calling on them to share their letters, articles, poems, music, videos and artwork. Negotiations with the South Australian and New Zealand prison administrations regarding distribution of these posters

inside are continuing. JUST US will be published in print as well as on our website in an expanded form to include the multimedia content. The initiative was modelled on the success of the UK prisoner publication [Inside Time](#).

Justice Action at National Forums

The Public Health Association of Australia (PHAA) conducted the first National Social Inclusion and Complex Needs Conference in Canberra in April this year.

Using its unique position as an independent consumer self-funded organisation, Justice Action, [presented](#) the words of Malcolm Baker and Saeed Dezfouli who express their experience of social exclusion. "This is the reality of social exclusion – we are kept until we are dysfunctional and institutionalised," Saeed said through us to the national audience. "Forgiveness should be mandatory," Malcolm told them.

In recognition of our work, Justice Action has been invited to be part of the expert panel that will advise the National Mental Health Commission on forensic justice issues in May.

Research Papers – Prisoner Empowerment

In a previous Report, we noted that we had prepared four research papers on Restorative Justice, Cognitive Behavioural Therapy, Earning Early Release and Computers in Cells and presented them at the 14th International Conference on Penal Abolition in Trinidad.

The papers focus on empowering prisoners to take responsibility and encourage them to move from passive to active during their time inside. Since presenting the papers, we have been distributing them throughout Australia, NZ, the US, Canada, and the UK. Negotiations about their implementation continue.



Callan Park Wellness Centre

Callan Park Wellness Centre

The Callan Park master plan provides that the Callan Park area in inner-western Sydney is to be reserved for the provision of mental health services.

Justice Action was invited by the Minister's office to commence the Wellness Centre, a centre intended to provide services – including accommodation and NGO support – to mental health consumers. Unfortunately, this invitation arose from a "misunderstanding" and the police were called to evict Justice Action from the grounds.

Regardless, we have continued fighting to ensure the area is used for its proper purpose.

Justice Action has developed a proposal for a mental health housing cooperative that would ensure mental health consumers are provided with stable, affordable accommodation as a means of empowering individuals and enabling them to live independently. You can read the "Our Backyard" Callan Park Proposal [here](#).

Use of Force in Prisons: The Nagle Royal Commission Report & John Thornton

We recently interviewed John Thornton, a man who was brutally beaten by the police in 2010. The attack led to Thornton being placed in an induced coma for 3 months; his life support was nearly turned off twice. John is an ex-prisoner who

also suffered attacks by guards while in prison. The exposure of Ian Klum's death in Grafton prison (read more [here](#)) as well as the brutal bashing of an inmate who spat in the face of a prison officer in Newcastle are public demonstrations of the unacceptable culture in NSW prisons. These are just two of many stories that continue to splash the front pages of the newspapers.

It is frightening to think that this is still occurring 37 years after the *Report of the Royal Commission into New South Wales Prisons* ("Nagle Report") was published.

The Nagle Report revealed systemic abuse and maltreatment of prisoners throughout the NSW prison system. That this system of abuse has been allowed to continue may be due, in part, to the fact that the Nagle Report was never digitised; it was merely buried away at the back of a few libraries and its lessons therefore are lost.

Justice Action could not allow this to continue, so we scanned the entire report and made it available on our website as an E-book on Amazon.com. Read the Nagle Report and analysis [here](#).

Malcolm Baker's Case

Malcolm Baker was held in appalling conditions at Long Bay Prison Hospital where he had been denied access to a toothbrush and was only allowed out of his cell for a little under an hour per day. He was recently moved to Goulburn Correctional Centre's High Risk Management Unit.

Malcolm has been in prison



A young Malcolm Baker

for 21 years after 50 minutes of madness that changed his and the lives of others forever. Fifteen of these years have been served in effective solitary confinement and whenever he is moved, he is leg shackled and handcuffed despite his non-violent prison history.

We have continued working closely with our friend Malcolm, helping him to exercise his rights while in prison. In particular, we have taken issue with his forced medication, inadequate time allowed out of his cell and detainment in high security and solitary confinement.

His conditions of incarceration are so appalling that they amount to torture!

Justice Action recently paid a visit to Long Bay Prison Hospital to inspect the conditions. Our report is currently being considered by authorities and will be available soon.

Optional Protocol to the Convention Against Torture (OPCAT)

The treatment of Malcolm Baker provoked our investigation of the treatment of prisoners and forensic patients in a context of torture.

We were invited to a national NGO Roundtable on the OPCAT and the effect its ratification would have on institutionalised Australians with regards to their treatment. It was a significant opportunity to ensure OPCAT is a real initiative rather than merely words on a page. Read more [here](#).



Saeed (second from left) was very happy to see some team members

Saeed Dezfouli's Case

Saeed Dezfouli is a non-violent forensic patient who has been detained in the highest security facilities available in Long Bay since January 2002.

Saeed is medicated against his will and is denied even the most basic human rights of having access to education, responsive healthcare and visitation among others. Unfortunately, Saeed's treatment is indicative of that of many other forensic patients.

As a Justice Action focus case, we provide continuous emotional and legal support to change the culture of this system and free him from this outrageous treatment. As his primary carer, Justice Action has helped Saeed appeal against the tribunal. However, the Supreme Court of New South Wales refused to intervene and ordered costs of \$36,000 against us. This sets a frightening precedent whereby willing and able third parties can be held financially accountable for their goodwill in assisting disadvantaged others.

Despite continued efforts for Saeed's care, Justice Action was excluded from his most recent Mental Health Review Tribunal hearing under s151 of the *Mental Health Act 2007* (NSW). This was due to some of the material on our website, but we will continue to negotiate this matter until it

is resolved satisfactorily. We have lodged a notice of appeal with the NSW Court of Appeal and will continue to fight alongside Saeed for justice, both for himself personally and the others in similar conditions. Read more [here](#).



Tracy Brannigan's death

Tracy Brannigan, a close friend of Justice Action, was found dead in her cell on Monday 25 February 2013. The cause of her death was suspected to be a drug overdose. Tracy was due to be reviewed for parole 6 weeks from the date of her death.

Justice Action has written a report in response to Tracy's death and devised an action plan to ensure that this kind of avoidable death does not happen again.

The action plan includes striving for cultural change within the Department of Corrective Services

and Justice Health; the creation of a clearinghouse for deaths in custody; a review of the policies surrounding sanctioning prisoners and the need to ensure proper care; the cessation of the use of isolation as a sanction; a review of drug and alcohol programs in prisons; and ensuring access to education programs and facilities.

Justice Action has called on Minister Greg Smith and Justice Health to implement this action plan but they have ignored it our Report on Tracy's death. Our action plan can be read in greater detail [here](#).

Review of the *Mental Health Act 2007* (NSW)

Justice Action was invited to make a submission to the statutory review of the *Mental Health Act*.

We criticised the review because it ignored the laws that concern those held against their will. We also criticised the review for failing to properly involve the people most affected in the process – institutionalised consumers. Read more [here](#).

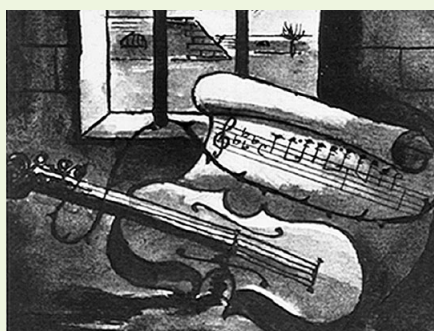


CJC Bedlam Hypothetical Event

Community Justice Coalition (CJC)

Justice Action has maintained its support for the CJC in advocating reform of the criminal justice system. A notable event was the Bedlam hypothetical journey through the criminal justice and mental health systems with a number of high profile speakers involved. The forum explored institutional and alternative

social responses to a hypothetical "incident".



Music in Prisons

Justice Action is currently researching the cultural and historical expression of music in prisons.

We are in the initial stages but are working hard on this project, so stay tuned and send us your material!

While prisoners can express themselves through the creation of music, we can help communicate that expression through our JUST US multimedia publication and our website.

Have you written a song or poem for a song?



Art in Prisons

Justice Action is also looking into how art interacts with the prison experience, both throughout history and now.

The goal of this project is to encourage a dialogue between prisoners and the outside world as well as marketing their creations for example, through websites.

Since beginning this project, Justice Action has been approached by and received the support of a number of art teachers and departments around Australia.

Cases

While being involved in a number of large, wide-ranging issues, we have been able to remain grounded by maintaining close contact with prisoners from around Australia and the world.

Every week we are responding to letters from prisoners and forensic patients who write in with varying queries.

This gives us direction to our policies while we focus on a few particular cases that will affect many people.

Website, Wiki and Social Media

We have been working to improve our website to increase the ease with which our information can be accessed.

We have also been utilising Facebook and Twitter to expand our reach and keep people updated.

Finally, we have created a wiki, which has allowed us to create a richer and more interactive pool of information and expand our online community.

Although the wiki is under development, there is some great information on the Hilton Hotel bombing and the history of the penal colony, with much more to come!

Find out more about Justice Action [here](#)

Like us on Facebook [here](#)

Follow us on Twitter [here](#)

Find the Wiki [here](#)

Subscribe to us on Youtube [here](#)

Pass this on to others.

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