

# Parole Board ruling can only remind us of world's worst regimes

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## **Dominic Kennedy**

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Banning a released prisoner from contacting the media is a questionable use of the powers of the Parole Board. The independent watchdog is supposed to protect the public by assessing whether inmates may safely be released into the community, and to contribute to the rehabilitation of offenders. So it is an ambitious stretch of its remit to place a gag around a released offender, his nearest and dearest, and his brief.

Prisoners have fought and won a clear right to make contact with journalists. The House of Lords decided in 1999 that the Home Office was wrong to ban prisoners from meeting investigative reporters whose research could uncover miscarriages of justice.

Edward Fitzgerald, QC, successfully argued that Ian Simms and Michael O'Brien, who were convicted murderers, should be allowed to meet representatives of the media to discuss their cases.

Lord Steyn said that the applicants had been imprisoned because they were presumed to have been properly convicted. "They wished to challenge the safety of their convictions," the law lord said in his judgment. "In principle it was not easy to conceive of a more important function which free speech might fulfil."

Indeed, Mr O'Brien went on with the other members of the "Cardiff Newsagent Three" to be cleared on appeal of murdering a shopkeeper. Simms continues — from prison — to protest his innocence of the 1988 murder of a young woman.

Furthermore, the High Court decided in 2002 that prisoners may give radio and newspaper interviews about jail conditions.

Preventing a released prisoner from having even indirect contact with the media, as the Parole Board appears to have done with Eddie Gilfoyle, is particularly novel. It is unclear whether there is any precedent for forbidding prisoners from passing on messages through their relatives or lawyers. Even in solitary confinement, Julian Assange was able to scribble statements for his mother to read to the outside world.

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In other countries, prisoners may be restricted from access to news organisations. The Burmese authorities warned the lawyer for the jailed resistance leader, Aung San Suu Kyi, to stop relaying her messages to the press. Under the “banning” orders used by apartheid South Africa for four decades, certain individuals challenging the authorities could be prevented from being quoted in the media.