

Government settles Human Rights claims made against IOM Prison

It has recently been reported in the media that the Department of Home Affairs has settled claims made by a number of persons detained on the Isolation Wing at Isle of Man Prison during April/May 2020.

A separate but related issue concerns the arrest of persons for breach of *Coronavirus Regulations*.

The Isle of Man and the UK had essentially identical 2020 Regulations save that in England, Wales, Scotland and Northern Ireland breach of such Regulations was only punishable by way of a fixed penalty notice (on-the-spot fine of approximately £100 in the first instance), whereas in the Isle of Man breach was punishable by a fine of up to £10,000 or up to **3 months' jail**.

Whereas in the UK no person was jailed for breach of such Regulations, between 1st March 2020 and 1st April 2022 there were a total of **248 arrests** and **70 custodial sentences** handed down for breach of Coronavirus Regulations in the Isle of Man.

Additionally, whereas the UK Coronavirus Regulations only applied to persons aged 18 or over, in the IOM the Regulations also applied to children. In the IOM there were **22 juvenile arrests** (persons under the age of 17) and **2 juvenile custodial sentences** handed down by the Court for breach of Coronavirus Regulations. No children in the UK were arrested or sentenced for breach of Coronavirus Regulations.

The troubling questions arising from this include the following:-

- i) Why were the Police given the power of arrest and the Court given the power to sentence to custody for breach of Coronavirus Regulations?
- ii) Why were such Regulations made applicable to children as well as adults?
- iii) Which public officials were responsible for making these draconian decisions, back in March/April 2020?



Was it the Chief Minister? Was it the Attorney General? Was it the Council of Ministers? Was it the Chief Secretary? Was it a senior civil servant in the Department of Home Affairs?

The Isle of Man 2020 Regulations came into being shortly after the UK Regulations and appear to have in effect been *cut and pasted* from the UK Regulations except for the custody and juvenile aspects. And so somebody on the Island had the bright idea to deliberately change the sentencing provisions.

Who, how and why?

Because without those personal decisions, which some say represent authoritarian politics and disproportionate sentencing powers, no person (man or woman, child or adult) would ever have been arrested or sent to jail for breach of Covid Regulations in the Island.

We will be making formal enquiries and seeking specific *Freedom of Information* responses on that controversial decision-making process shortly. Watch this space!

Even more fundamental is the question as to whether there should ever have been a lockdown of society and any associated Covid Regulations at all. That is a whole different story.

<https://www.ik.im/wp-content/uploads/2023/06/23.06.23-Legal-Action-Against-Department-of-Home-Affairs.pdf>