

"The only thing necessary for the triumph of evil is for good men to do nothing." (Edmund Burke)

DERBY CITY COUNCIL APOLOGISED and paid £7,500 to a father wrongly accused of abusing his children. The payment was made in an out-of-court settlement after allegations from 1991 were brought up to deny access to a fourth child. The council admitted that there was no evidence to substantiate the original claims of abuse.

IAN & ANGELA GAY have had their conviction (for manslaughter of a three year old boy they were planning to adopt) overturned after a new witness, Dr Glyn Walters, stated that the boy was not a victim of salt poisoning, and could have been suffering from a rare condition which allowed sodium levels to build up in the body to the point of overload, explaining why Christian, alleged to have been force-fed up to six teaspoons of salt, had so much sodium in his system. The case is to go to a retrial.

MALFEASANCE AND MISFEASANCE. In response to enquiries about these, 'malfeasance' is the commission of an unlawful act (particularly by a public representative or official) (such as Police Officers stealing money from your car whilst 'searching' it) and 'misfeasance' is the performance of a legal act (eg. arresting you) in an illegal or improper manner (eg. using undue force). Reports / complaints of either malfeasance or misfeasance should be made to the appropriate authority. Don't give up at the first hurdle! (And you *will* come across hurdles.) We suggest that you retain copies of all correspondence on the matter, so that you can forward them to both your solicitor and your MP if necessary.

KNOW ANY GOOD SOLICITORS? If your solicitor has 'proved' themselves by achieving some level of success in your case, please supply SAFARI with their personal name, company name, address (and eMail address if possible) and a brief note of what they achieved for you. We are still trying to produce a 'recommended' solicitor list. (At present our list is small and only consists of solicitors who *claim* that they are willing to fight.)

GENDER ISSUES? We've had a number of letters expressing concern about the proportion of report-writers (probation staff, social workers etc.) who are female. Without wishing to sound sexist, there are some professions that simply attract more women than men, and social work and probation work are two of them. We do appreciate that, in some instances, (particularly in respect of sexual offences) people may feel (either with or without justification), that the gender of the report-writer has affected the report itself. Basic rule: a social worker or probation officer should treat you with consideration and courtesy at all times, regardless of their gender. Unprofessional conduct occurs in both genders, and is grounds for complaint.

HOW TO COMPLAIN. When making a complaint against any official, whether it be a solicitor, barrister, the Police, CPS, Probation, etc. a few golden rules should be applied: (1) make your complaint polite, as short and clear as possible while still getting the necessary points across, (2) avoid any emotive language (like, for example, comparisons to Nazi regimes, war crimes, etc.! – they don't go down well and will simply make the reader irritated with you and dismiss your views) (3) give a deadline by when you expect a response (generally at least 14 days – longer is better), and (4) if they do not respond satisfactorily (or at all), write again to say that you are not happy with their response (or lack of) and ask to whom you should write to complain about their dealings with you.

OASYS: CHECK YOUR FILE! If you are in prison, it is likely there will be an OASys (Offender Assessment System) file on you. OASys is used to assess how likely a prisoner is to 're-offend' and the likely seriousness of any possible future offence. Clearly it is vital that information held is accurate and as OASys is an open document, it *should* be shared with you on request. So *ask* for a copy of your OASys file, check that it is factually accurate and request any required corrections.

PLEA BARGAINING: Follow the cardinal rule at all times: admit *only* to what you *did* do (if anything), and *never* allow yourself to be coerced into pleading guilty to something which you did *not* do. A conviction based on a guilty plea is almost impossible to overturn at appeal; authorities are loath to admit that people can be – and sometimes are – blackmailed into pleading guilty to an offence which wasn't committed.

PRISONS MUST STOP *REQUIRING* those wrongly convicted of sexual offences to attend the 'standard' SOTP, *refusing* permission for them to attend (as they maintain their innocence) and then *punishing* them for failing to achieve this *unachievable* target by removing / refusing Enhanced Status. If you're affected by this gross injustice, write to your MP today and send a copy of your letter and their reply to us at SAFARI.

"DON'T BOTHER!" A reader has told us that they were advised by Probation "not to bother" applying for parole as they were maintaining their innocence and would not qualify for parole. Let's make this absolutely clear: if you are told this you are being LIED to.

Remember to turn this newsletter over and join SAFARI's campaign!

Thanks to Terry McCarthy (Parole Board for England and Wales) for statistics of those who achieved release on Parole whilst maintaining innocence.

Figures for month of March 2006

Non-lifers:			
All offences	18	of 66	27.3%
Rape	3	of 28	10.7%
Indecent Assault	8	of 16	50.0%
Other Sex	1	of 2	50.0%
Violence	1	of 2	50.0%
Property	1	of 4	25.0%
Drugs	2	of 6	33.3%
Others	2	of 8	25.0%
Total Sex	12	of 46	26.1%
Total Non Sex	6	of 20	30.0%
Lifers only	2	of 7	28.6%

[2 lifers released, 2 also recommended for open conditions]

Donations very much appreciated at:



Or hit the button on the website!

a/c name: 'SAFARI', Sort Code: 30-92-02, a/c No.: 2702360

Contact us by eMail at SAFARI_Editor@yahoo.co.uk

(We can accept no responsibility for errors in this newsletter as we only share information received)

Achieving changes in the law to protect innocent people from false allegations and wrongful convictions

SAFARI's goal is to achieve a Legal System that eradicates the damage caused by false allegations and *protects* those who are falsely accused. We must return to the concept of "Innocent Until *Proved* Guilty". In April 2006, SAFARI wrote to virtually every member of the House of Commons to ask them for advice on the best way to achieve the legal changes required; we were informed that individual members of the public (that means **you!**) need to write to their *own* MP about the issue.

So we are asking *you* to write to *your* MP. Their address is: "<Your MP's name>, House of Commons, London, SW1A 0AA". If you don't know who your MP is, write "The MP for" followed by the area in which you live. Obviously you can put anything you want into your letter, but we suggest keeping it as short as possible and basing it on the following text. Remember to include on the letter your full name and address and the date, and send us copies of any replies. Here's the suggested letter.

Dear <your MP's name> (or "Dear Sir / Madam" if you do not know their name),

Can you please do all you can to achieve changes in the law that will assist the numerous people who have been falsely accused of committing a crime. People who are falsely accused (and in many cases wrongly convicted) of committing an offence, are *victims of crime themselves*.

Our Legal System is supposed to treat defendants as "Innocent Until Proved Guilty" but the definition of "Proved" has changed. Nowadays, it appears to be "Innocent until a jury can be persuaded to convict". The Government seems to have lost their way; it seems to have replaced "reducing crime and achieving justice" (including the crime of falsely accusing an innocent person and sending that person to prison) with "increasing the number of convictions".

Sadly, we are now at a stage where the criminal (who makes a false allegation) is rewarded with financial 'compensation' and the victim (who had the false allegation made against them) is imprisoned and his or her family ripped apart. All in the name of 'justice'.

I understand that it is not always possible to 'prove' someone's guilt – especially if an alleged offence was carried out in private and / or many years ago, but when there is no evidence of the 'crime' other than someone's word, and that person has either lied or 'made mistakes' in their accusation, the defendant must be given the benefit of the doubt.

Could you please do all you can to achieve the following:

- 1) Fix the problem whereby, at present, if any part of an accuser's evidence is shown to be untrue, all that seems to happen is that the Crown and the Judge tell the jury that any lie is a 'detail', and 'details don't matter – they probably got confused', etc. Dates, times and places – for which the defendant may have a cast-iron alibi – are changed, often after the defence has closed, and the defendant never has a chance to answer the 'revised' accusation – for which they may *also* have a cast-iron alibi. This is surely wrong. It's certainly not 'justice'.
- 2) Ensure that if the Police breach the Police & Criminal Evidence Act (PACE) – which is specifically *designed* to stop miscarriages of justice – any related evidence obtained as a direct result of that breach (e.g. using psychological interrogation techniques resulting in a false 'confession') should be compulsorily inadmissible. At the moment, many judges (who operate from a pro-Police bias) simply 'use their discretion' to admit the evidence anyway. If the Police realise that breaching PACE will never pay, they will do it less.
- 3) Allow "perverse jury decision" to be grounds for appeal. Sometimes it's quite clear that the jury's decision was unreasonable in the light of the evidence they heard. To make matters worse, the defendant can't then appeal on the basis that "the jury heard the evidence at trial" and "we can't undermine the jury process."
- 4) Stop the payment of financial compensation to alleged victims of crime other than for material loss (property and / or earnings), where there is no *independent proof* that a crime occurred, and replace it with something more constructive like free access to any medical and psychological support they require. This will continue to help those who are *really* victims of crime whilst removing one key incentive to make false allegations. I understand that in Germany they did this – and the number of allegations dropped by around 75% - proving that those 75% were, for the most part, motivated by the money.
- 5) Restrict and / or punish Prosecutors who misrepresent and distort other 'supposedly supporting' evidence to bolster up an allegation. Innocent actions are grossly mischaracterised in order to 'achieve a result' – regardless of truth or justice – and the jury are 'hyped' into believing an allegation no matter how many lies or 'mistakes' the accuser has made. If it can be proved that the Prosecutor has made one or more gross misrepresentations – particularly in his opening speech (first impressions count for a lot) - then this should automatically be grounds for an appeal as it can't fail to have influenced the jury's deliberations.
- 6) Ensure that the making of wilful false allegations, perjury, and perverting the course of justice are treated very much more seriously than at present. Offenders, if investigated at all, often get off with an £80 fine, or a community service order. Their victim could have been sentenced to many years imprisonment. In other words, if *you* 'stitch someone up' *you* should get the sentence that you intended *they* should get!
- 7) Ensure that, if any of the above would have affected the trial of people already convicted, they should be allowed an *automatic appeal* (regardless of any previous appeals or time-span).

I look forward to hearing from you.

Yours sincerely,
