

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

ANONYMITY FOR FALSE ACCUSERS under review: Lord Goldsmith QC, the Attorney General, has said that the Government is "actively" considering whether the law on anonymity for complainants in sex offence cases needs to be amended. This was being done "in the light of the Court of Appeal judgment in the Blackwell case" and he hoped a decision would be reached "soon".

Lord Campbell-Savours referred to a case of false accusation against Leslie Warren, whom the Court of Appeal freed in 2004 after being told that a detective had failed to pass on information that the woman, who later admitted that she had lied, had made false allegations against other men. He asked whether the Government would name the accuser in this and other false rape cases which had been referred by the CCRC to the Court of Appeal as "unsafe due to false accusations".

Lord Goldsmith replied: "No. Unless and until Parliament has decided to amend the law, it is not for the Government or anyone else to name complainants in rape cases, and by so doing remove the anonymity that Parliament has chosen to confer."

Lord Campbell-Savours asked: "Who and what is to stop the false accuser in the case of Leslie Warren, who has now been released from prison, from making more false allegations against more innocent men? Is she to be left to carry on making further allegations, in conditions in which men can do very little about it until they get to the courts?"

Lord Goldsmith's reply was: "In the event that any further allegations were brought by this particular complainant, then so far as is possible it would be the responsibility of the prosecution to disclose to any defendant what had happened before. That was the basis of the Court of Appeal's decision, that certain disclosures had not been made relating to previous allegations."

We already know that the Police have a 'duty' to follow-up all avenues of investigation, whether they point towards or away from the suspect, and this, combined with the Prosecution's 'responsibility' as outlined by Lord Goldsmith, sounds all fine and dandy.

However, the Police *had* that duty, and the Prosecution *had* that responsibility, BEFORE Leslie Warren was imprisoned for a rape which never happened – and those duties and responsibilities were ignored *then* – what makes Lord Goldsmith think anything has changed? Until Police Officers and Prosecutors start actually being charged with perverting the course of justice when they 'fail to disclose' relevant information, they will continue to do it. Particularly when the media clamours for 'more successful prosecutions in rape cases'.

False accusers could be made to give DNA samples in case they accuse more men - a controversial move which would nail serial accusers who try to avoid being found out by using false names. Judges are already to be given discretion to name people who make repeated phoney claims of sex attack. Lord Goldsmith is *considering* making such people supply DNA so their identities can be checked in any future case. Lord Campbell-Savours said: "Rape trials are being *undermined* by serial accusers. This plan would help genuine victims."

Campaigners against rape described any move to weaken the protection for complainants as 'outrageous'. Lisa Longstaff, of Women Against Rape, said such a proposal would serve only to discourage women from coming forward to make complaints in the first place, and urged ministers to think again. "In the context of rape conviction rates being no more than five per cent it is outrageous for the Government even to contemplate relaxing the protection. We are pushing for a tightening of the law and have written to the Attorney General to voice our concerns."

SAFARI would like to remind those campaigners that the suggestion is that it is only the anonymity of those who *falsely* claim rape that is under review. Protecting the innocent from wrongful convictions does nothing to endanger the welfare of genuine victims who do *not* make *false* accusations. Imprisoning the innocent does not *protect* victims – it *creates* them. We're all trying to protect the innocent. Let's not lose sight of that vital fact.

ADAM SNAPE, of Kidderminster, became an innocent victim of the police crackdown on car crime after he was stopped and ordered to pay a £200 on-the-spot fine for 'not having a valid tax disc'. He was driving the car when he was pulled over by a motorbike officer. A check on the ANPR system 'showed' that he had no valid tax disc - even though he had bought six months' tax in September and the valid tax disc was displayed on his car! The officer told him he would have to pay a £200 on-the-spot fine, and would not be able to drive his car until the tax disc had been renewed. Adam's wife Tracey even took the receipt for the tax disc to the police officer to *prove* that he had bought the tax disc - but despite this he was forced to hand over the £200, and was left without a vehicle to drive for five days over the Christmas period, leaving him unable to visit friends and family. On December 27 he went in person to the Worcester branch of the DVLA - where he was told there had been 'a mistake'. The DVLA returned his £200 and updated their system. It would be nice to think that there had been some compensation for the spoiling of his family's Christmas - but as far as we are aware no such gesture has been made.

Reminder: The United Campaigners For Abuse Investigation Reform (U-CAIR) are holding a National Spring-Time Awakening Day on Tuesday 27th March 2007 (11.30am to 2.30pm). For more details please see SAFARI newsletter issue 38 or visit the SAFARI website.

Donations very much appreciated at:

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



Or hit the button on the website!

Contact us by eMail at SAFARI_Editor@yahoo.co.uk
('snail mail' address available on request)

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

ANDREW ADAMS, who was found guilty of shooting dead 58-year-old Jack Royal in Newcastle in 1990 and spent more than 14 years of his life in jail, has been freed by the Court of Appeal after judges ruled his conviction was “unsafe” following a relentless investigation by Scott Marcroft of the CCRC, and a second appeal.

Andrew’s Appeal made legal history: this was the first case in which former jurors gave evidence. Andrew had always maintained his innocence, and said he had been deprived of a fair trial by incompetent defence representation and because the prosecution had failed to disclose evidence. His appeal lawyers also argued the original trial judge had made summing-up errors and that the jury were given inadmissible evidence.

Three Appeal Court judges ruled that individually the criticisms and failures did not warrant the conviction being quashed, *but that taken together they did*. Lord Justice Gage said a failure to use evidence relating to three topics which were available to the defence before the trial demonstrated that “the legal advisers at trial had failed”.

He ruled: “It was this deficiency in pre-trial preparation which caused the failures which we have identified. It is difficult to conclude that the criticisms and failures which we have found in respect of any one of the individual topics were, on their own, sufficient to render the verdict unsafe but we are quite satisfied that, taken together, cumulatively they were sufficient to render the verdict unsafe.”

Solicitor Ben Rose (of Hickman and Rose Solicitors, 144 Liverpool Road London, N1 1LA) said: “I’ve been working on this steadfastly for six years so it is satisfying to finally achieve this result. ... This is a great day, a sad day and a shameful day. It is a great day because, after spending 14 years in prison for a crime he did not commit, Mr Adams’ conviction has finally been quashed. It is a shameful day because the material which has led the Court of Appeal to quash Mr Adams’ conviction was there for his original lawyers to examine - something they failed to do. Finally, it is a sad day because Mr Royal’s murderers are still at large”.

He said the failures of the original defence team was “one of the unique features that made this difficult for lawyers to investigate” and lamented the pressure put on police to secure a conviction as a major reason for the miscarriage of justice.

Andrew, speaking outside Court, said he was delighted to be free, but angry that he had ever been convicted. “I feel bitter that my original trial lawyers let me down so badly. At the time I was charged I was 21 years old. I turned to them for help and assistance which I did not get in the way I ought to have done. There are many questions which remain unanswered and I have little faith that they will ever be investigated.”

Andrew’s original trial followed an unsuccessful prosecution of Walter Hepple for the murder, and only came about following ‘information’ from the main prosecution witness, Kevin Thompson (one of Andrew’s former schoolmates). As a result of the Defence team’s failure to prepare properly for trial, the jury did not hear significant evidence about Kevin Thompson. They never learned that Thompson had two ‘off the record’ conversations with Northumbria police officers, each conversation happening the day before Thompson’s ‘information’ was given to the Police in the form of grave allegations against Adams. An earlier tape-recorded interview with Thompson also ‘disappeared’ in mysterious circumstances. As the Crown now accepts, the police had offered Thompson a deal: by testifying against Adams, Thompson escaped a prison sentence for tying up an elderly couple and robbing them in their home at gunpoint. In Adams’ first Appeal, in 1997, the Court of Appeal described the way in which the police documented their contact with Thompson as “deplorable and inexcusable” and “to say the least, surprising”.

Now Andrew Adams plans to fight on behalf of his friend Andrew Davies, who is serving life for murder. He said: “Just because I’m free doesn’t mean I’m going to forget others - and Andrew isn’t the only one. I could give a list of people serving lengthy sentences with little evidence against them.”

USE YOUR SOLICITOR! If you want more information about any case we mention, ask your solicitor to locate and contact the other person’s solicitor. They will be able to find out far more than we can – we have to rely primarily on Internet searches, and the information we glean from those is inevitably incomplete. In addition, your own solicitor will be able to focus on those aspects of the case which are most relevant to your own case, rather than on a ‘snapshot’ view.

CLAIRE CURTIS-THOMAS asked in the House of Commons whether changes have been made to guidance on the investigation of historic child abuse since 2002. Mr Coaker (Parliamentary Secretary for the Home Office) gave a written answer on 8th January 2007 saying: “In 2002 the Association of Police Chief Officers (ACPO) produced ‘Child Abuse—the Investigation of Historical Institutional Child Abuse’, a manual designed to provide senior Investigating Officers with guidance, strategic options and good practice when investigating cases of historic child abuse. ACPO is currently revising the manual and aims to produce updated guidance in the New Year.

PETER RAINEY has been cleared of raping and indecently assaulting a 13-year-old girl in the 1980’s. It was suggested that the girl, who is now a grown woman, had made up the allegations as a result of her dealing with her parents’ divorce and a financial matter.

MARIA MARCHESE, who falsely accused a psychiatrist of rape during a four-year hate campaign, has been jailed for nine years - four and a half years for harassment and threats to kill, and the same again for perverting the course of justice. She backed up her rape claims by stealing a condom from Dr Falkowski’s dustbin and smearing it on her underwear. In texts and eMails to his fiancée, Deborah, she told her that she would be burnt in her wedding dress, “dig your own grave”, and “your life will end, gunman paid”. Following the false allegations, Dr Falkowski was suspended from work and only escaped a rape trial after last-minute evidence appeared. Judge John Price said that Maria Marchese had caused “enormous suffering”.

Thanks to Terry McCarthy (Parole Board for England and Wales) for statistics of those granted release on Parole despite maintaining innocence.			
Figures for month of December 2006			
<i>Non-lifers:</i>			
All offences	9	of 49	18.4%
Rape	3	of 21	14.3%
Indecent Assault	1	of 5	20.0%
Other Sex	0	of 5	0.0%
Violence	1	of 2	50.0%
Property	2	of 6	33.3%
Drugs	1	of 2	50.0%
Others	1	of 8	12.5%
Total Sex	4	of 31	12.9%
Total Non Sex	5	of 18	27.8%
<i>Lifers only</i>	0	of 9	0.0%
[One of the lifers remained in open conditions]			