

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

SIR IGOR JUDGE is arguing for witnesses to be filmed whilst giving evidence at trial to help prevent miscarriages of justice. He said "Transcripts do not show the whole picture, the moment when a witness hesitates where they should not or gabbles quickly over a part of their story," and that if their evidence was recorded and kept on DVD it could later be watched by judges if an appeal was launched. SAFARI agrees and would go a little further asking that the Judge be recorded too, and that and resulting DVD should be made available to the defence (not just the Judge) in the event of an appeal. Less-than-perfect Judges are all too aware that the *words* they use appear in transcripts – but their body language and tone of voice do not. Words themselves are often chosen very carefully – but the contemptuous throwing-up of hands, the 'I don't believe it' sarcastic inflection, the rolling of eyes and raising of eyebrows, speak all too clearly to the jury whom they are intended to influence. Video recording all these things would frequently give grounds for appeal on the basis that clear judicial bias influenced the jury's decisions, where the transcript of the words alone is not sufficient.

A WOMAN who made a false rape claim has been fined for wasting police time. The woman later admitted she had not been raped and was given a fixed penalty fine for wasting police time. Her name has not been released. SAFARI seriously questions the lack of even-handedness in naming rape *suspects*, and yet *not* naming those *guilty* of making a false allegation of rape. There is every possibility that people like this may have, in the past, falsely accused others who have suffered as a result, or may go on, in the future, to do precisely that. Naming people who are found to have made false claims may help to bring justice to others they have accused, and help to protect those whom they may yet accuse. People who make false allegations of this nature often do not stop at just one.

PROCEEDINGS AGAINST ANDREW BENNET, who was falsely accused of raping a 13-year-old girl at knifepoint, and locked up for more than two months, were halted following a decision in a previous trial in which the same accuser was a witness. Andrew's local community was stunned on October 26 last year when he was charged with the offence. He had five applications for bail turned down before bail was granted in January. Judy Webb, Andrew's mother, has said that the 72 days her son was in custody had been a traumatic experience for him, and the family were investigating whether he could claim for wrongful custody. She said: "We feel aggrieved at the unfairness of having our names as parents and his name dragged through the mud and knowing there's nothing we can do about it." Solicitor Alison Muir said Andrew's family and friends were horrified when details of the allegation appeared in the press, because they knew he was innocent. "The law however, while allowing the alleged perpetrator of an offence to have their details published, gives full protection to alleged victims," she said, adding that even though the allegations were false the complainant could not be named and it was unlikely that the police would take any action against her. "Andrew's is not the only case where I have encountered alleged victims making false allegations of a serious sexual nature. I am only thankful that the prosecuting authorities eventually took our representations seriously. It does not detract from the fact, however, that Andrew spent several months remanded in custody on the word of someone whose credibility was seriously in issue." Yesterday, Norfolk chief Crown prosecutor Mr Peter Tidey said: "Cases are always kept under review and this case was reviewed in the light of an earlier trial that this complainant was a witness in. It was in the light of the decision in that case that the decision was then made about the prospects of a conviction in this case."

ANTHONY FRANCIS HAS BEEN CLEARED OF abusing a police officer after waiting two years for the case to come to court, following allegations made by Police officers, which home video recordings made on Anthony's and a friend's mobile phones proved were false. Anthony had been charged with obstructing a police officer in the course of their duty and using threatening or abusive behaviour towards a police officer during an incident at his Caversham flat in April 2005. The incident allegedly happened the day before Mr Francis was due to give evidence against two police officers he alleged assaulted him. The case against Anthony collapsed at Reading Magistrates' Court on Tuesday after the prosecution said it was unable to offer any evidence against him and asked for it to be dismissed. A DVD, made of video recordings from Mr Francis's and his friend's live mobile phone footage suggested a different course of events from what the police officers claimed in evidence. Anthony said: "The worst is that if I had not taken the initiative to record the event it would have been my word against that of nine police officers. The thing that makes me really frustrated is that nothing is going to happen to them". Reacting to the allegations, Thames Valley Police spokesman David Paull said: "If Mr Francis decides to make a formal complaint against the police we will look at it."

SAFARI E-PETITIONS: Please get everyone you know who has access to the Internet to sign our latest on-line Government ePetition, to allow defendants to sit *with* their barrister in Crown Court during their trial so they can give immediate instructions 'on the fly' and before the witness leaves the stand. We need at least 200 signatures on *each* of our petitions to get a Government response.

Please visit:

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

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

JOHN LYON McCLOY has won his battle to clear his name after his conviction for robbery during which a security guard was killed. John was convicted in Feb 82 following confession evidence gained by the West Midlands Serious Crime Squad under conditions of torture. In 1985 a series of complaints prompted an investigation of the Squad by the Metropolitan Police. The ensuing Hay report (which was never made public) criticised the squad's interviewing techniques and failure to use pocket books properly, and the inordinate amount of time that officers were allowed to remain with the elite unit. Although the report was seen by **senior** West Midlands officers, nothing appeared to have been done to improve the practices of those serving in the Squad. The official report made no mention of the "plastic bagging" and other torture techniques which were referred to by the many victims of the squad whose convictions have since been quashed by the Court of Appeal. Nor did it highlight the repeated appearance in interview notes of key "confessional" phrases such as "That bastard's really put me in it" and "You're spot on". The complaints continued and a succession of the Squad's cases was thrown out of court amid allegations of fabricated confessions. Many of these were exposed because of the coincidental emergence of a vital new forensic technique, the Esda (Electrostatic Document Analysis) test, which revealed that officers were making up statements. Up until 1986 members of the 25-strong squad would write out false confessions and force the suspects to sign them. On 14 Aug 89, the force's Chief Constable, Geoffrey Dear, disbanded the squad, and an investigation was set up by the independent Police Complaints Authority and conducted by West Yorkshire Police. The PCA investigation looked at 97 complaints against the squad made between January 1986 and August 1989.

Ethnic minority complaints were disproportionately high, with 35 registered by African-Caribbeans and eight by Asians. Between March 1990 and October 1991 the Inquiry passed a succession of files to the Crown Prosecution Service so they could consider criminal charges against some of the officers concerned. By then the Birmingham Six, convicted of the 1974 IRA pub bombings, had been freed by the Court of Appeal after an investigation, in which the Squad had played an important part, had been shown to be flawed.

At the end of its £2m inquiry, the PCA recommended disciplinary charges against only seven officers. A further 10 officers would have faced charges but it was announced that they had already retired. In the event, just four of the squad's officers - Detective Superintendent John Brown, Detective Constable Colin Abbotts, Detective Chief Inspector Bob Goodchild and Detective Constable Tony Adams - were punished for minor disciplinary offences. In May 1992, Dame Barbara Mills, Director of Public Prosecutions at the time, decided that there was "insufficient evidence to prosecute" a single officer from the squad.

AWARDS FOR POLICE who uncovered a false sex-attack claim. A Commendation was presented, from His Honour Judge Ashurst at a prestigious awards ceremony, to PC Samantha Bolland, DC Nicola Hancock and DC Peter Bentall, for their investigation of a false allegation of serious sexual assault last year. Hundreds of hours of Police time, and thousands of pounds, were wasted by bank employee Joanne Gott (21), claiming she had been the victim of a serious sex attack in York city centre. Police launched a major investigation to find the man responsible, partly because a genuine victim had been raped on the same night. Police checked thousands of hours of CCTV film to track her movements through the city centre in a bid to catch her "attacker" on film - only to realise that she had not been attacked at all. Gott pleaded guilty to perverting the course of justice and was given a six-month jail term suspended for two years and 300 hours' unpaid work. Judge Ashurst said the approach of the investigating team demonstrated that future victims of genuine incidents can be reassured that further complaints will be rigorously pursued by the police.

WORKING FOR CHANGE: SAFARI is in regular contact with members of both Houses of Parliament in an effort to achieve necessary changes in the system, and we are always looking for those whose attitudes show they are amenable to the idea that changes should be made, and who are not in a state of denial about the shortcomings of the current system.

Have you received communications from Parliament that show a willingness to deal with the issues? If so, please send us copies. SAFARI wants to work much more closely with these people.

Our own research shows that an increasing number of those in Parliament are now expressing concerns over the way the issue of false allegations is being dealt with (or, more accurately, *failing* to be dealt with) by those in Government.

VOICES FROM PARLIAMENT

NICK CLEGG, MP (Lib. Dem Shadow Home Secretary) says: "A wider and more open debate is needed. This Government has been far too willing to rush through hazardous changes to the criminal justice system, accompanied invariably by headline-grabbing rhetoric. The true standards of any judicial system should be the value placed upon the concept of unprejudiced justice, and both the rights of the defendant and of the victim. Furthermore, it is important we recognise that these rights are not mutually exclusive, nor should they be interfered with through endless Government legislative meddling."

IAN PHILPS (Office of the Leader of the Opposition) says: "We wish to see social responsibility flourish in this country. This means understanding that you can't pass laws to make people good; that Government doesn't have all the answers, and that we are all in this together. So on issues like tackling crime, improving the environment and making life better for families, we don't just ask what government can do, we ask what people can do and what society can do. This is a big difference from Labour who instinctively think everything is a state responsibility. This is the new direction we want for Britain. One away from thinking everything is a state responsibility and towards a new spirit of social responsibility."

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 April 2007

<i>Non-lifers:</i>			
All offences	11	of 43	25.6%
Rape	3	of 13	23.1%
Indecent Assault	1	of 5	20.0%
Other Sex	1	of 1	100.0%
Violence	1	of 5	20.0%
Property	0	of 2	0.0%
Drugs	2	of 6	33.3%
Others	3	of 11	27.3%
Total Sex	5	of 19	26.3%
Total Non Sex	6	of 24	25.0%
<i>Lifers only</i>	0	of 1	0.0%

[The lifer remained in closed conditions]