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

DEMOCRACY: a political system in which the supreme power lies in a body of citizens who can elect people to represent them. Except in the British system, the citizens can only vote a party in; Government then does as it pleases. This is clearly unjust but it's the system we currently have.

If you don't believe that the Government just does what it pleases, all you have to do is write to them asking for something they don't want to give (such as better protection for the falsely accused).

Typical responses are "The Government has no plans to...", "The Government is satisfied that the law provides satisfactory safeguards..." and so on. They will often say, "your comments have been noted" which many think is a 'diplomatic' way of saying "your comments have been filed and will be ignored".

Until a better system is in place, we have to try and work with what we've got. And that means we have to persuade the Government of the day that they want to do the right thing.

SAFARI has petitioned the Government numerous times to introduce legislation to protect the innocent falsely accused.

WE ASKED that all defendants should remain anonymous until the point of conviction, so that innocent people and families' lives are not destroyed during the investigation process, and also so that any trial would not be prejudiced. The response from the Government referred to the Heilbron Committee, which decided against giving anonymity to defendants specifically in rape cases. But we called for anonymity for all defendants – not just those charged with committing one type of crime.

Our argument is not that we should treat alleged rapists better than those charged with committing other offences but rather that all those charged with any offences should be treated equally and not be named until the point of conviction. So in this case, the Government didn't even address the issue we asked about.

WE ASKED that financial compensation (generally through the Criminal Injuries Compensation Authority - CICA) be abolished for those claiming to have been abused when there is no independent proof of actual abuse other than just an allegation. The Government's response was that before determining a claim, the CICA sought reports from officials such as the police. But these officials don't provide proof of a crime – they just provide details of the allegation.

WE ASKED that the Government require juries in criminal trials, who find a defendant guilty, to record their reasoning behind each verdict so that if a jury makes a mistake, their decision can be successfully challenged at appeal. The Government said: "It would not be appropriate to expect [jurors] to give reasons for their decision, as if they were legally trained." Jurors are surely intelligent enough at least to give their reasons for convicting. If not, how can we be sure justice is being done? They went on to say: "Where there is reason to believe that a jury has returned a guilty verdict in the face of contrary evidence, there is nothing to prevent the defendant from appealing against conviction in the normal way." How naïve! The jury getting it wrong is not grounds for appeal here in the UK!

WE ASKED that the Government introduce a system whereby victims of false allegations can take effective legal action against abuses of power by those in authority. Examples of this are where police seize a defendant's computer, or communication with a particular person is denied, when the defendant may well need access to their data, or to speak to that person to obtain proof of their innocence. The Government responded by saying "Anyone accused of a criminal offence can already challenge that accusation. They can do this during the trial." But this fails again to address the issue – as evidenced by the sheer number of people wrongly convicted (and later released on appeal). Until a defendant is allowed full and unhindered access before trial to all sources of information that could prove their innocence, justice will never be served properly.

WE ASKED the Government to make it impossible for a person to be convicted when the only 'evidence' that the person committed the offence is one or more person's word. The response? "In criminal proceedings, the prosecution must prove that the accused is guilty beyond reasonable doubt – a very high standard of proof; and one of the key features of a criminal trial is to give the defence the opportunity to test the prosecution's evidence by cross-examination." But the Government has redefined the term 'prove'. In the old days, prove meant 'to be shown to be true'. Nowadays, a person's testimony can be considered to be 'proof' in itself. The Government needs to understand the difference between testimony (someone's word – e.g. "He did this") and real evidence (showing something to be the case – e.g. "Here's CCTV footage of the crime taking place").

WE ASKED the Government to give a defendant in a criminal case the right to have both themselves AND their accuser made the subject of a lie detector (polygraph) test, and for the defendant to be allowed lawfully to use the results of those tests in evidence at any trial. While polygraph tests CAN be manipulated, and are therefore not 100% reliable, they have been shown to be far more reliable than a jury! Someone planning on making a false allegation may think twice if they know that their accuser may require them to take a polygraph test to establish the likelihood of the allegation being true. The Government said, "The admissibility of evidence is a matter for the courts. The courts have held that evidence produced by any mechanical, chemical or hypnotic truth test to show the veracity, or otherwise, of a witness is inadmissible in courts in England and Wales." It's true that admissibility of evidence is a matter for the courts, but the courts have to follow the laws set down, and the Government set those laws - so the Government are ultimately responsible and they can change those laws. It's high time that the Government accepted full responsibility for their actions (or lack of actions in this example).

So, is there no hope? Will MPs never really listen to the people whom they are supposed to represent? Well, here's the good news. MP's are taking note. More and more of them.

One of them who has been very active in supporting the cause kindly writes for SAFARI this month. John Hemming MP (Liberal Democrat MP for Birmingham, Yardley) says:

*'This country is in a bit of a mess where it comes to the operation of criminal and family courts cases and the use of expert evidence. It has resulted in thousands of children being wrongly removed from their families and hundreds of people being wrongfully convicted of criminal offences. There is an international problem which is one of semantics when it comes to the interface between medical opinion and judicial processes. For a doctor to make a diagnosis the doctor needs to be reasonably sure that they have the right answer. From that diagnosis treatment will result and then this may cause the patient to get better or from time to time the patient will get worse. If the patient does not seem to recover then the doctor can reconsider the diagnosis. Of course there is also the option of going for a second or even a third opinion. This level of certainty falls far short of what is required for evidence to be sufficiently well founded for a court to make a decision even on the balance of probabilities. The Family Courts suffer from the additional systematic problem that getting a second opinion is contempt of court punishable by imprisonment. We therefore start out with a system that is systematically inclined to rely on opinion that really is insufficiently certain – notwithstanding the confidence of the medical practitioner - to be used to treat someone with a jail sentence or the removal of their children. In the family courts this goes further with professionals, often unregulated psychologists, under pressure from social workers who are asking them to come to specific conclusions. This process, known as "advocating for the child", is used to get professionals to write reports which suit the belief of the social workers. We even had a local authority recently arguing that parents needed to prove their innocence in this system, in that the concept of a "real possibility" should be the standard of proof rather than balance of probabilities. Real possibility merely means that an allegation has been made. This messy situation then feeds itself into reference information.*

*We have enough of a problem with cases being made up to suit the objectives of some practitioners, without having unreliable information fed into reference databases. We do not have a sufficiently rigorous system for ensuring the accuracy of information held about people. It is also the case that those public inquiries that occur into events look only at the individual case rather than the wider picture. In the past we had developed in the common law a reliable system for handling the decision making process. Conflicts of interest were excluded and evidence was subject to challenge rather than being allowed on the basis of hearsay. Technology has moved on. However, the systems for working out what is and what is not reliable evidence for a court process have deteriorated. There is too little concern as to what happens to the people who are subjected to public law proceedings, be they criminal or family, and too much concern as to the interests of the practitioners, and not embarrassing people by correcting their sometimes ludicrous decisions. What we need is a detailed review into the use of information as part of judicial processes. This has to cover the certainty of medical evidence, and the existence of conflicts of interest, as well as how reference information can be challenged as to its accuracy.'*

We thank John very much for his contribution to SAFARI and also for all his hard work on Family Court issues.

BILLY MILLS has had his conviction for robbery quashed, having spent 12 months in Scotland's toughest jails. Campaigners have called for an independent investigation into what they called a "malicious prosecution" against Billy, who was originally given a nine-year prison sentence for allegedly robbing the Royal Bank of Scotland in Glasgow at gun point. His lawyer had called for fresh DNA tests, and the results suggested that the man whom Billy had long suspected of being involved had indeed been at the scene. Billy and his partner Toni Stringfellow said they had refused to give up hope in their fight to prove his innocence. Billy said: "We didn't think it would go to court. Prison was a total shock. It changed me. We have to prevent this happening again." This is yet another case where a jury were hoodwinked into believing in a defendant's guilt 'beyond reasonable doubt', when it is quite clear there could not possibly be, in reality, enough evidence to convict him – as he was innocent, and another man guilty of the crime.

DEREK BARRON'S CONVICTION for murder has been quashed after he served over 18 years in prison. Derek was jailed in 1995 for the killing of his ex-wife Janet, who was stabbed at her Sheffield home. Derek said he found Janet already injured, and called 999, and that her blood found on him was as a result of him trying to resuscitate her. At the appeal, complex new evidence was heard from experts, and his conviction was then ruled to be unsafe as there was a possibility that the jury would have come to a different conclusion had they heard evidence now available. Details of the judgment are currently not available.

JEROME FOULGER AND DEBORAH DAVIES were falsely accused of child abuse after they rushed their three-year-old girl, Phoebe, to Birmingham Children's Hospital after she began suffering projectile vomiting. The child was diagnosed with a reflux condition, where food and stomach acid flow back up into the oesophagus, but her parents said doctors initially suspected they had harmed Phoebe, claiming that dark patches on her ribs and ankles were signs of abuse. "We had taken Phoebe to see doctors to get help," said Jerome. "She was poked and prodded, but instead of them diagnosing the problem properly, they accused us of mistreating her and called in social services." The family were quizzed by social services, and child protection officers were also brought in by West Midlands Police. Phoebe was removed from their home for six weeks while inquiries continued.

SAFARI e-Petitions: Please get everyone you know with Internet access to sign our on-line Government ePetitions. Visit:

<http://safari-uk.org>

...to view all our ePetitions.

Thanks to Terry McCarthy (Parole Board for England and Wales) for supplying us with the statistics of those granted release on Parole despite maintaining innocence.			
Figures for month of March 2009			
<i>Non-lifers:</i>			
All offences	4	of 36	11.1%
Rape	1	of 19	5.3%
Indecent Assault	0	of 3	0.0%
Other Sex	0	of 5	0.0%
Violence	0	of 3	0.0%
Property	0	of 0	n/a
Drugs	0	of 0	n/a
Others	3	of 6	50.0%
Total Sex	1	of 27	3.7%
Total Non Sex	3	of 9	33.3%
<i>Lifers only</i>	0	of 0	n/a
[ No lifers were considered this month ]			