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Key: **SOTP**: Sex Offenders' Treatment programme, **ETS**: Enhanced Thinking Skills, **CICA**: Criminal Injuries Compensation Authority, **ECHR**: European Court of Human Rights, **CCRC**: Criminal Cases Review Commission, **DNA**: DeoxyriboNucleic Acid, **IPCC**: Independent police Complaints Commission
FACT: Falsely Accused Carers and Teachers

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

SAFARI NEWSLETTER GOES 2-MONTHLY. SAFARI began its life in December 2003. Since then, we've published a newsletter every month and received nearly 3,000 letters from readers. Producing the newsletter (sourcing the news & writing the articles, proof-reading, printing, envelope-stuffing, posting, uploading to the Internet, eMailing on-line readers, reading, logging and filing incoming letters, etc.) is taking its toll, and we're finding we now spend more time (roughly two weeks out of each month) on producing the newsletter than working on the tasks necessary to achieve change! We are therefore switching to 2-monthly newsletters with immediate effect. **The next newsletter will therefore be the October 2009 issue** followed by the December 2009 issue. Future newsletters will probably be less about detailing stories of false accusations, and more about the solutions required to fix the problems. We also welcome articles from outside writers (such as MPs, solicitors, etc.).

INSIGHT INTO THE 'SECRET' JURY. We rarely hear about what really goes on with juries, as their deliberations are generally secret. (This *must* change as it leads to too many wrongful convictions.) A recent letter from a SAFARI reader confirms what his family saw on jury duty. In one case, the jury 'found' the defendant guilty because they were bored with the case and a quick verdict meant they could leave early. In another, the defendant was 'found' guilty because one of the jurors had to collect her children from school, four others had weekly shopping to do and most didn't really understand the case; apparently they suggested that by 'finding' him guilty, the Appeal Court would then be allowed to decide if they were right! It is time that the British public were made aware that the Appeal Court will not over-rule a jury decision. "The jury got it wrong" is NOT grounds for appeal in the UK.

JENNIFER DAY has been jailed for two years after making a false rape claim against former boyfriend Andrew Saxby. After he accused her of having another man at her home, Day dialled 999 and accused him of rape. He was arrested in front of his colleagues, held for ten hours, and subjected to 'degrading and upsetting' examinations. Judge Ian Graham said the investigation had wasted £4,000 of taxpayers' money and 270 police hours. He added: "The police have put great stores on providing sympathetic treatments of women who make genuine complaints of rape and you abused that. You have undermined and jeopardised the efforts that are being made about the need to treat genuine victims of rape properly, fairly and sympathetically. The offence is in itself a serious one, it has terrible consequences potentially and actually for the victim, and wider implications for those women who have genuinely been raped."

KEN MACDONALD, Director of Public Prosecutions, Crown Prosecution Service (CPS) in Who's Watching You? Episode 3: He said: "I don't like this 'If you've done nothing wrong, you've got nothing to fear' argument because that's an argument for total surveillance and a total security state. We need to gauge the level of the threat which we are facing so that we don't overreact. It's very important; it seems to me that we don't give away the things which it seems the terrorists are trying to take away from us. I think there is a danger that we might end up in a place that people don't like, we might end up in a world where everything that we do is observed and recorded all of the time. We are building up banks of deeply intrusive material, only an infinitesimal proportion of which will ever be useful to the state." On top of which, history proves that the 'innocent have nothing to fear' myth is horribly, horribly wrong.

MICHAELA LODGE has been jailed for four months after she falsely accused her estranged husband, Martin, of rape because she wanted him out of her life. Essex Police spent 62 hours investigating her allegation that he had raped her in the house they continued to share although they were estranged, when in fact she had instigated sex. However, she wrote her husband a letter three months after he was arrested and held in a police cell for 12 hours - confessing she had lied. Her letter said: "I am so sorry about what I have done to you. My head was and still is all over the place. I cannot deal with this any more; I need to put it right. When we went to bed we both wanted to make love and I lied to police about you raping me. My head was a mess with you pulling me one way and Pete the other. I just didn't know what to do. I hope one day you will be able to forgive me." At court, she pleaded guilty to perverting the course of justice. Judge Rodger Hayward Smith QC told her it was "a wicked allegation that was pre-planned to hasten his departure from your life. Every false allegation of rape increases the plight of women who have been genuine victims. It makes a genuine allegation harder to prove because juries know that false allegations are made from time to time." The Court was told: "It seemed there had been another man involved with this defendant." Martin Lodge had to stay away from the family home for three months as a condition of his bail, but he was never charged with rape. Martin was in court with his children; their son Daniel burst into tears as sentence was passed and was held back from giving his mum a hug by the dock officer.

LEANNE FERGUSSON has been jailed for 18 months after admitting wasting police time having falsely accused a man of raping her. In fact the man had rejected her advances. She also tried to frame him for theft and vandalism.

JOHN HEMMING MP asked in the House of Commons (6th July 2009): "How many miscarriage of justice claims at the Office for Criminal Justice Reform are unsettled?" Parliamentary Under-Secretary, Ministry of Justice Claire Ward MP answered: "All payments for compensation following miscarriages of justice are now considered under section 133 of the Criminal Justice Act 1988. Ministers decide whether an applicant is eligible for compensation and, if eligibility is confirmed, the independent assessor decides on the amount to be paid. The assessor bases his decision on submissions by or on behalf of the applicant as to financial and other losses suffered as a result of the miscarriage of justice. This is often a complex and time-consuming process. There are currently 62 applicants in relation to whom eligibility has been confirmed under section 133 (or under the discretionary compensation scheme abolished in 2006), but where a final payment has yet to be made."

EAMONN MACDERMOTT AND RAYMOND MCCARTNEY have failed to win compensation for their wrongful convictions. Both men, who each served more than 15 years in prison, were cleared of murder in February 2007. A scheme used to pay out to those who suffered a miscarriage of justice had ended by the time the men were cleared, and they launched judicial review proceedings against the Secretary of State. Their application looked at the way compensation cases have been dealt with by the English Court of Appeal. Under that system, some cases require proof of innocence while others needed to show that the trial process was seriously flawed.

Dismissing the judicial review earlier this week, Mr Justice Weatherup said his ruling would follow the concept of a miscarriage of justice, requiring the applicant to *prove innocence*. Eamonn and Raymond said they were prepared to pursue the claim to the "fullest extent" and SAFARI wishes them the best of luck with this. They said: "Obviously we will be appealing against this ruling. The British Government seem to be trying to introduce a new legal concept of being a little bit guilty." Those falsely accused are so often convicted on just an accuser's word that it is virtually impossible to 'prove' innocence. If corroboration is not required for 'proof of guilt', it *should not be required* for 'proof of innocence.' We would like to see compensation claims for wrongful convictions to be brought in line with claims paid out by the CICA – on the 'balance of probabilities', rather than relying on proof of innocence.

IN ISSUE 63 OF THE SAFARI NEWSLETTER, we confirmed that the sex offender **lifetime** registration *without opportunity for review* had been ruled by the High Court in London as illegal under Article 8 of the European Convention on Human Rights. The Government appealed to the Court of Appeal and on 24th July 2009 they were defeated AGAIN. Lord Justice Dyson, sitting with Lords Justices Kay and Hooper, said they were sensitive to public concerns and were not putting the interests of offenders ahead of those of the victims, and that all right-minded people would applaud Parliament's objective in establishing the register to help police detect and prevent sexual offending. He went on to say: "But a scheme which obliges offenders who are sentenced to 30 months' detention or more to remain on the register for the rest of their lives without any possibility of review, even if they can clearly demonstrate that they are no longer a risk, does nothing to promote that laudable objective and, in our view, it is disproportionate for that reason." Unsurprisingly, instead of accepting the ruling, the Home Office has announced it would appeal again! Have the Government no shame? Legal experts are already predicting that Parliament will be forced to change the law, allowing those subject to the Sex Offenders' Register for *life* to have their cases reviewed.

So where does it go from here? Well, first the Government either has to await the outcome of their proposed appeal, or just accept that they have been in the wrong all the way through and make the necessary changes to the Law. It seems highly unlikely that they would win a further appeal. Once the Government are forced to change the law, they will need to decide "how high to set the bar" which someone convicted of an offence would be required to cross in order to prove he was no longer a risk. They may try to get round the forced changes in the law by setting this bar so high that virtually *nobody* will be able to have their names removed from the list, in much the same way as innocent people in prison are often punished for 'failing' to attend a SOTP when their innocence means they *can't* attend.

From SAFARI's point of view (we are only interested in *innocent* people who are subject to lifetime registration), we all need to argue that maintaining innocence is *not* evidence of 'high risk'. In our view, innocent people, who have not committed a crime for some time following release from prison, should be seriously considered for removal from the register.

IN THE SCOTTISH PARLIAMENT, Dr Richard Simpson (2nd July 2009) asked what post-release support is offered to prisoners following a successful appeal against a miscarriage of justice. Kenny MacAskill replied: "Local authorities have a statutory duty under the Social Work (Scotland) Act 1968 to provide voluntary throughcare which consists of advice, guidance and assistance to people who request such a service within 12 months of their release from custody, including those released following an appeal against conviction and/or sentence. Further to this, the Miscarriage of Justice Organisation Scotland (MOJOS) has received funding under section 10 of the Social Work (Scotland) Act 1968 since 1 April 2005. The grant for 2009-10 is £66,000. The grant funds MOJOS to provide a one-stop service to assist clients to gain access to benefits, housing, health services, and to provide access to counselling, reintegration and financial advice. Priority is given to supporting individuals who have had their case referred to the High Court by the Scottish Criminal Cases Review Commission, individuals released by the High Court following such a referral and individuals coming from other UK jurisdictions in similar circumstances who intend to settle in Scotland."

AND FINALLY: Remember that the SAFARI newsletter is now 2-monthly; the next issue will be in October. Please don't write to us in September asking why you've not received it!!

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 June 2009			
<i>Non-lifers:</i>			
All offences	4	of 24	16.7%
Rape	1	of 10	10.0%
Indecent Assault	0	of 0	n/a
Other Sex	2	of 9	22.2%
Violence	1	of 3	33.3%
Property	0	of 0	n/a
Drugs	0	of 1	0.0%
Others	0	of 1	0.0%
Total Sex	3	of 19	15.8%
Total Non Sex	1	of 5	20.0%
<i>Lifers only</i>	0	of 0	n/a
[No lifers were considered this month]			