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ELIZABETH WILKINSON (21) has been given a 12-month prison sentence following her admission of attempting to pervert the course of justice by falsely accusing David Lord of rape. She had made the false claim after he had refused to take a one-night stand further. She'd then bombarded him with more than eighty threatening text messages before telling police that he raped her four times.

CHERYL MOSS (26) has been jailed for 15 months after admitting perverting the course of justice by falsely claiming that a teenage soldier had raped her after they had drunken sex in an alley. CCTV footage of the incident proved she was a willing partner - she even gave him her mobile phone number afterwards.

DONNA ROBINSON (27) has been jailed for 18 months after admitting making a false allegation of rape against a taxi driver. She had originally claimed that she had been attacked outside a Southampton bar but she had, in fact, had consensual sex with the driver. Robinson had rowed with her boyfriend and stormed off from a party after having taken a cocktail of alcohol, cannabis, cocaine and heroin. Hours later, she gave police what prosecutor David Jenkins described as "a compelling account" of how she had been sitting outside a nightclub when she was approached by two men, one of whom tried to kiss her. Despite putting up a struggle, she said she was dragged away, her jeans and underwear were removed and she was raped. Robinson initially pleaded not guilty to attempting to pervert the course of justice but, shortly before a jury was to be sworn in at the Crown Court, she admitted she had made up the story.

WE'VE RECENTLY RECEIVED from a SAFARI reader, a copy of a letter they received from a Liberal Democrat MP (whose name we won't publish here as we don't want a backlash against them) which stated: "We have a robust justice system in the UK that delivers justice for all, by convicting and punishing the guilty and helping them to stop offending, while protecting the innocent". It is hard to believe that a member of this new sensible Government actually believes this; even the Prime Minister has confirmed that many people are falsely accused and many go on to be wrongly convicted. Let's make sure we continue to let our MPs know the truth!

THE SUPREME COURT HAS AGREED to hear Andrew Adams' appeal against a refusal by the Justice Secretary to compensate him for 14 years in prison for a conviction, which was subsequently overturned. Hickman & Rose Solicitors have been fighting for compensation for Mr Adams for three years.

BARRY GEORGE who spent eight years in jail before being acquitted of TV presenter Jill Dando's murder has won the first part of his legal bid for compensation. The High Court has now ruled he is entitled to a judicial review hearing over the Government's decision to refuse him compensation of up to £500,000. His lawyers argue that he was the subject of a miscarriage of justice and that he is 'clearly innocent'. It's the issue of whether someone is 'clearly innocent' or not which is driving the argument over whether compensation should be paid. SAFARI's view (which we hope the Supreme Court will agree with) is that **anyone**, whose conviction is shown to be unsafe, **has** suffered a miscarriage of justice and therefore **should** be entitled to compensation.

SAFARI READERS' TASK THIS TIME: Write to your MP on the following basis: *"I understand that the Supreme Court is to decide what exactly is meant by the phrase 'miscarriage of justice' for the purposes of statutory compensation. It has been suggested that compensation should only be paid if the successful appellant has been proved to be 'clearly innocent'. However if someone's conviction is shown to be unsafe and overturned as a result, this clearly is a miscarriage of justice and compensation should be awarded. Furthermore, as the appellant was never 'proved' guilty in the first place (as the conviction was later overturned demonstrating that the charges were never proved), it is wrong to require the appellant to have to 'prove' their innocence to obtain compensation. What can you and I do to ensure that the Supreme Court is properly presented with this argument so they can make a fully informed decision?"* As usual, please pass on copies of any replies to SAFARI. If any MP (especially opposition ones) says they disagree, politely remind them that they are there to serve us and it's our views that should be considered.

ARE YOU ON THE INTERNET & still receiving this newsletter by post? If so, please eMail us and ask to be moved to our eMailing list. Thank you.

DO YOU HAVE GROUNDS FOR APPEAL? The appeal process can be complicated but, in essence, you will only be able to appeal against your conviction if you can show that there were irregularities at trial (such as a misdirection by the judge) or if there is new evidence which casts enough doubt on the safety of your conviction. If your first appeal fails, you have the right to appeal again (with new grounds) but this must be done through the Criminal Cases Review Commission (CCRC) who will consider whether there is new evidence or argument that may cast doubt on the safety of an original decision; if they think there is, they will refer the case to the Court of Appeal. The CCRC have kindly agreed to write an article for a future issue of the SAFARI newsletter (hopefully the December 2010 issue) so watch this space!

IN THE HOME OFFICE RESEARCH STUDY 293 (Feb 2005) looking at reported rape cases, it was stated: "There were 216 cases classified as false allegations: as a proportion of all 2,643 cases reported to the police this amounts to 8%". The Stern Review (Mar 2010) confirmed that some research now sets that figure at 8-10%. The *actual* number will, in fact, be *much* higher as this figure only includes those cases that are *proved* to be false allegations; many more are never proved or are only discovered years later. Even at only 10%, this means there are *hundreds* of falsely accused people, many of whom end up being convicted for crimes that never occurred. It demonstrates why false allegations are a *major* problem that needs to be addressed properly by Government.

THE GUARDIAN NEWSPAPER has been running a 'Justice On Trial' scheme for some time now investigating possible miscarriages of justice. You can see the site at:

<http://www.guardian.co.uk/uk/series/justice-on-trial>

A number of the stories covered on that web site are about people who are on the SAFARI mailing list.

OTHER GREAT SUPPORT GROUPS. Are you in touch with other groups who have given you support? We'd like to mention some in the next newsletter and would very much like to hear from our readers which groups provide the best support. We'll all in this fight for justice together and should make sure we support each other.

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

An 'INDECENT PHOTOGRAPH OF A CHILD' appears to have no real legal definition, and, as such, many otherwise innocent people are being convicted for making or distributing such pictures. This is because they simply took innocuous pictures of their own children who happened to be naked or partially naked at the time. Or perhaps they took photos of their *fully clothed* family at the beach but didn't notice a naked child in the background.

It's got so bad now that many schools don't even allow parents to video their children performing in the school play in case another parent might object to having *their* child in the picture - even though the child is not naked. These children, on becoming adults, will no doubt ask why they were not allowed to have such special photographic memories of their childhood and react in disbelief when the true reasons are given to them.

Clear definitions are vital in a legal system so people can be absolutely sure what is, and is not, legal. Most definitions in law *are* very clear. *Murder* is the act of killing intentionally and with premeditation. *Possessing illegal drugs* is the act of having illegal drugs on your person / in your property etc. It's generally clear-cut and easy to see whether someone is guilty.

Having a clear definition of 'indecent pictures' would not only help people stay within the law, but it would help the police make better decisions as to whether or not to prosecute, not to mention release vital hours of wasted investigations when they could be dealing with 'real' crime.

So how do the police decide whether a picture of a child is indecent? We asked them. They said it was up to a jury to decide. So then we asked the police how they decided that a picture should form the basis of a prosecution, when a jury haven't yet considered the picture in question. We did not receive an answer.

If it really is up to a jury to decide, this means your chance of being 'successfully' prosecuted for taking a picture of any child is a lottery ... it depends on what 12 men and women think *on the day*. And, sadly, juries tend to think, "Well, if he's in Court, the Police and Prosecutor have already decided that the picture must have been illegal, or he wouldn't be here at all." So they often agree with what they perceive as having already been decided for them.

SAFARI wondered how naturists dealt with the issue. In the UK there are well over 100 naturist clubs, well over 100 swimming pools with naturist sessions and lots of beaches used by naturists. People do take photographs. Photos appear in naturist magazines. And, quite rightly, prosecutions do not seem to take place. So we asked Research and Liaison Officer at British Naturism (BN), Malcolm Boura, what BN's view of what was and was not legal. He said:

"I feel a bit of a fraud writing this article. I have been asked for British Naturism's interpretation of the law on child pornography but we do not know what it means and as far as we can make out nobody else does either."

Pornographic images [of children] are illegal and rightly so, but the law makes far more than that illegal. I hesitate to give any examples of what is legal because what is legal today may not be tomorrow.

The law states that an image of a child is illegal if it is 'indecent'. That word is incredibly vague so nobody actually knows what is illegal. The consequences of a conviction are very severe so the lack of clarity has the effect of making illegal a much wider range of photographs than Parliament intended. It also has the effect of making attitudes steadily more censorious and hence the conviction threshold moves inexorably lower. Accounts of trials suggest that the conviction threshold is lower in more prudish areas of the country. In effect the law is a reflection of the prejudices of society, or rather what the court thinks are the prejudices of society, on the day of the trial, and in this context "indecent" is nothing but prejudice. There are nude cultures where a young woman puts on a skirt when she wishes to be sexually provocative.

There is nothing inherently indecent about children but an atmosphere has been created in which it is unsafe to take pictures of any children apart from your own, and then only with some caution. If the law assumes that children are inherently pornographic then it encourages the belief that they are inherently pornographic.

Dishonest law leads to injustice. If a crime known as child pornography encompasses a vast range of photographs that are not pornographic then people will get the law wrong. Indeed we suspect that the majority of photographs resulting in conviction are not pornographic. The problem is made worse by the lack of transparency. The public are not allowed to see the photographs which result in conviction. They just react to the emotive language used to describe them.

An example will help to illustrate the problem. A BN member contacted us concerning some naturist photographs in a job lot of stuff he bought from a car boot sale. We had to guess the character of the photographs from his description. If he sent them to us he risked prosecution for supplying and we would risk prosecution for possession. We then had to guess what a jury would guess are "recognised standards of propriety". With all that guess work it was impossible to know if the photographs were legal. He destroyed them.

Through the yourfreedom.hmg.gov.uk web site (search for British Naturism) we are requesting the repeal or reform of all legislation and policy, which assumes or encourages the belief that children are inherently sexual. We are campaigning for the word "indecent" to be replaced with the word "pornographic". It clarifies what is illegal, sets the boundary where most people currently believe it to be, reduces the harm caused, does not reduce the protection to children, and may well make children safer."

[Editor's note: The Government has very recently closed the yourfreedom.hmg.gov.uk web site and are archiving the site content to The National Archives. They are now considering all the ideas sent to them since the site first opened. Visit yourfreedom.hmg.gov.uk to see Nick Clegg's video on this.]

Malcolm ends up by saying:

"Nudity is not in itself sexual but there is prejudice so BN advocates the clothing test. If the child was clothed would the photograph be considered sexual or erotic? If not then there is no sexual or erotic content and the photograph should be legal."

We went on to ask Malcolm whether British Naturism's own magazine included pictures of naked children; he said it did, but there are far fewer than in the past and they are much more carefully selected as a result of the legal confusion.

We asked whether these pictures were ever questioned over their legality and Malcolm said that as far as he knows none of them have ever been. Interestingly enough, until recently, British Naturism's chairman was a retired police officer and also until recently they had a serving police officer on the National Executive.

Both SAFARI and Malcolm agree that the lack of a legal definition of 'indecent picture of a child' is unacceptable. Exactly what that definition should be can be discussed in Government, but it should be on the lines of "a record of a sexual criminal act involving a child" or "a pornographic photograph of a child"; certainly simple nudity should never be classed as indecent. Nakedness is not a crime.

Malcolm makes a very good point when he said, in relation to convictions, 'The public are not allowed to see the photographs which result in conviction. They just react to the emotive language used to describe them.' We strongly suspect if the public were to see the photos on which people were being convicted, there would be an outcry, as they would realise that, in many cases, innocent people are being convicted for taking innocent pictures.

The example given by Malcolm in which a BN member actually *destroyed* naturist photos as it was unclear whether they *might* be indecent *could* have been considered to be 'destroying evidence' by the police, despite it being perfectly clear from this example, that the member was doing everything possible to ensure they were *not* breaking any law.

The overall goal should always be to protect children from genuine abuse - and not to criminalise the innocent because "someone out there" might find a picture arousing.

We are extremely grateful to Malcolm for taking the time to write his article for SAFARI.

Are you a prisoner who's about to be moved to a new prison? Remember to let SAFARI know so we can update our records ... prisons rarely forward letters on, so if you don't tell us where you're going, you'll probably stop receiving your newsletters unless we can track you down!