

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

STUART GAIR was wrongly convicted of murder in 1989. His conviction has now been quashed following a referral from the Scottish CCRC. Mr Gair had always stated that he was in another part of Glasgow at the time of the murder, but prosecution witness Brian Morrison claimed to have seen Mr Gair and his former co-accused in the area. It was revealed at appeal, however, that the police withheld two key pieces of evidence at trial; one statement from Brian Morrison in which he said 'I have to tell you that a lot of what I have already told the police is not the truth and I made up some of it to attract attention to myself,' and a note confirming he had signed himself into a psychiatric hospital at one point. Defending, Gordon Jackson QC argued that if this information had been available to the Defence at the trial, Morrison could have been cross-examined in such a way as to show that the jury could not trust a word he said. The Crown argued at appeal that no miscarriage of justice resulted from their failure to disclose evidence. Lord Abernethy disagreed, saying: 'These statements showed that Morrison was prepared to tell lies, to fantasise and to change his account when it suited him,' and commented that the fact that Morrison had been a patient at Leverdale Hospital should also have been made available. 'In these circumstances we have come to the conclusion that the non-disclosure of these police statements and other information resulted in a miscarriage of justice.'

In SAFARI's view, the actions of the Police and CPS, who withheld this evidence at the time of Trial, should be very closely scrutinised. One can only wonder about their own personal motives for what they did, but perverting the course of justice is, and should be recognised as, a serious offence, *especially* when committed by those in a position of such power. Failure to take this seriously only results in other Police officers, and other Prosecutors, persisting in their belief that this is acceptable.

HOME OFFICE RESEARCH STATISTICS. In Issue 32 we mentioned that Baroness Scotland stated in Parliament that only 3% of rape allegations were false, and that none of these went beyond the investigative stage. However, according to **Home Office Research Study 293**: 'There were 216 cases classified as false (*rape*) allegations: as a proportion of all 2,643 cases reported to the police this amounts to *8 per cent*, as a proportion of the 1,817 cases not proceeding beyond the police stage it is *12 per cent*.' The full report is freely available on the Home Office web site: <http://www.homeoffice.gov.uk/rds/pdfs05/hors293.pdf> The Home Office needs to take a hard critical look at their research and statistics.

**SIMILAR FACT OR SIMILAR FABRICATION?** The legal system has to take into account that false allegations – whether or not they result in a conviction – breed more false allegations. Anyone who knows of the original case (whether they be an acquaintance of the defendant or the accuser or just a reader of the story in the local paper) will be aware of key details in the case and can use those details to produce 'similar' allegations.

When a fresh allegation is made about someone, and the details are similar to the previous allegation, it is surely nonsensical to adduce (present) the evidence given in the previous allegation (where the accused was acquitted) as 'similar fact' evidence to support those fresh allegations - particularly in cases where the previous allegation was *proved* to be a lie!

In addition, where 'similar fact' evidence from a previous conviction is used to obtain a later conviction, and the earlier conviction is quashed, we feel that the impact of the 'similar fact' evidence (later proved to be unreliable) on the jury in the later case must be assessed, and considered in an appeal against the later conviction and / or sentence.

**BLACKMAIL: AT WHAT POINT DOES IT BECOME CRIMINAL?** If one civilian says to another: 'Do this or I will ensure you and/or your family will suffer!' it is clearly criminal blackmail. But if a prison or probation officer says: 'If you don't 'admit' to this crime [which you didn't commit] then you won't get Parole, won't get/maintain Enhanced Status, will be breached, won't be re-categorised, etc.' – at what point do these threats actually cross the borderline into criminal blackmail? We would be very interested to hear views from legally-qualified persons (solicitors, barristers, judges, etc.) on this issue.

**NEW SUPPORT GROUP IN LEEDS:** Yorkshire and Humberside Against Injustice, offers support for victims of miscarriages of justice, and their families and friends. YHAI meet every three weeks in the Adelphi Hotel in Leeds, which is about 10-15 minutes walk from the train station. Their next meetings will be 24th August, 14th September, 5th October and 26th October. You can contact YHAI at [yhai2006@hotmail.co.uk](mailto:yhai2006@hotmail.co.uk). It is hoped that a PO Box address will also be available soon.

Thanks to Terry McCarthy (Parole Board for England and Wales) for statistics of those who achieved release on Parole whilst maintaining innocence.

Figures for month of June 2006

<i>Non-lifers:</i>			
All offences	11	of 64	17.2%
Rape	3	of 36	8.3%
Indecent Assault	0	of 6	0.0%
Other Sex	0	of 4	0.0%
Violence	1	of 1	100.0%
Property	2	of 4	50.0%
Drugs	5	of 8	62.5%
Others	0	of 5	0.0%
Total Sex	3	of 46	6.5%
Total Non Sex	8	of 18	44.4%
<i>Lifers only</i>			
	0	of 5	0.0%

[ 0 of the 5 lifers were recommended for open conditions ]

Donations very much appreciated at:



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

Contact us by eMail at [SAFARI\\_Editor@yahoo.co.uk](mailto:SAFARI_Editor@yahoo.co.uk)

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

## ACHIEVING CHANGES IN THE LAW TO PROTECT INNOCENT PEOPLE FROM FALSE ALLEGATIONS AND WRONGFUL CONVICTIONS

SAFARI is campaigning for changes in the British Legal System which should reduce the number of wrongful convictions in future, and should also assist those who have already fallen victim to false allegations and are fighting an appeal. YOU can help by writing letters to those who have the power to make changes. This month we're supplying *two* example letters – feel free to use *either* or *both* and to make any changes you may feel are appropriate, and do remember to send us copies of any replies you receive (ideally plus a copy of the letter you sent) so we can work on appropriate responses for future newsletters.

To: <your MP> or 'The MP for <your area>  
House of Commons, London, SW1A 0AA

Dear <your MP's name> or 'Sir/Madam',

I write on behalf of the ever-increasing number of falsely accused and wrongfully convicted people in this country.

Could you please ask the following question in the House and advise me of the answer received?

'False allegations are fuelled both by the fact that large sums of compensation are paid out to accusers, and by the weight given to them during parental custody and access disputes. What legislation is currently in place to protect the increasing number of victims of false allegations, where it is now possible to obtain a conviction on an uncorroborated allegation, and a successful appeal can, in many cases, only arise from a retraction of the allegation?'

Thank you for your assistance. I look forward to hearing from you soon.

Yours sincerely,

You may have noticed that SAFARI readers *are* having an impact. By *talking* to the Government and other official bodies that have the power to make changes, *listening* to their responses and *reacting* to those responses in a positive but persuasive way, we *will* achieve the changes we all want which will result in justice for all.

Informed communication is the key to success.

All of us - support groups, the Government, and the Legal system - should be striving not to balance 'the rights of defendants and accusers' or the 'rights of the suspect against those of the law-abiding majority', but to reassert the importance of attaining justice over the evils of injustice or the achieving of 'targets'.

Of course, many of you have written other letters to members of parliament, the Police, CPS, solicitors, barristers, etc. If you feel that their replies would be of use to SAFARI in our campaign for justice for those falsely accused, please do forward a copy to us. Please don't send us letters which only seek to prove that there's a problem ... we know that already!!

If you think that your MP should be added to the SAFARI mailing list – for whatever reason – please just give us their name. (We already have over 10% of all Members of the Commons and over 5% of the Lords on our mailing list.)

To: Gerry Sutcliffe MP  
House of Commons, London, SW1A 0AA

Dear Mr Sutcliffe,

I understand that you visited the USA to meet the parents of murdered schoolgirl Megan Kanka in order to consider a British version of the USA's legislation known as 'Megan's Law' [possibly to be called 'Sarah's Law' here in the UK] which seeks to allow parents to know when someone convicted of a sexual offence moves into their area.

I am writing on behalf of the numerous victims of false allegations of sexual abuse.

For those truly guilty of sexual offences, 'Megan's Law' will have little impact - except for perhaps *increasing* offences against children as those *most* at risk of re-offending will simply choose to 'go underground' and stop registering on the Sex Offenders Register, as they will fear the consequences of 'Megan's Law'. They will then feel more free to commit crime as they are no longer being monitored. (Please remember that in the UK, 97% of alleged sex offenders sign the register and yet in the USA – since the introduction of Megan's Law – only 80% register.)

There is an ever-increasing number of people being falsely accused of sexual crime and wrongfully convicted. These are law-abiding people who *would* continue to sign the register (and be constantly in fear of being made 'known' to parents as a result of 'Megan's Law') *because* they are law abiding. And yet these are the very people who are *least* at risk of committing an offence. In addition, it must be remembered that only a tiny percentage of abuse against children is committed by strangers.

In short, Megan's Law will further punish the innocent and possibly result in a *higher* level of sexual crime.

I therefore urge you to *avoid* introducing such damaging legislation, which can only result in *more* crime.

Please speak to the Police – they are already advising you against Megan's Law and *they* are going to be the ones who will have to deal with the aftermath.

I would be interested to hear your views on this matter and hope to hear from you.

Yours sincerely,

Please remember that while we read everything people send us (the smaller the package of information, the more quickly we read it!) we can rarely reply individually.