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Is the justice system's safety net failing?; Experts demand improvements to how Britain corrects wrongful convictions, reports Mark Gould

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Nobody can understand the desperation of injustice - it's all-consuming and never goes away," Susan May said, concluding a speech detailing her near-20-year battle to overturn her conviction for the murder of her 89-year-old aunt.

She was speaking at a seminar bringing together proven victims of miscarriages of justice, including Paddy Joe Hill, one of the Birmingham Six, legal experts and campaign groups, to call for reform of the system that is supposed to offer redress for alleged victims of miscarriages of justice.

The Criminal Cases Review Commission was set up in 1997 amid a public outcry after a series of high-profile miscarriages of justice, including the revelations that six men had been wrongfully sentenced to life for an IRA bombing campaign in Birmingham that killed 21 people and injured 182.

They were released in March 1991 after serving a total of 96 years in prison. Evidence uncovered by the television programme World in Action presented by the journalist and later Labour MP Chris Mullin revealed that police had beaten the suspects and had altered confessions and that forensic test were seriously flawed.

The CCRC examines alleged miscarriages of justice and can refer them back to the Court of Appeal. Since 1997 it has reviewed nearly 14,000 cases and sent 458 back to the appeal courts, where 320 convictions have been quashed. But the seminar heard claims that too many of the cases it reviews are "trivial", involving alleged motoring offences and dangerous dogs.

Michael Naughton, a law lecturer at Bristol University and founder of the Innocence Network UK - a group of lawyers, forensic experts and campaign groups that works to overturn wrongful convictions and to reform the criminal justice system - presented a dossier of 45 cases of people who had been refused a referral back to the Court of Appeal despite serious doubts about their convictions.

"It's apparent that the CCRC is not the extra safety net that it was intended to be," Dr Naughton said. "We [INUK] have deemed around 200 cases to be potentially genuine claims for innocence.

Almost a quarter have been refused by the CCRC at least once. Of these, there are 45 cases of concern in our dossier where people have so far spent a total of 520 years in prison, at a cost of £15 million."

INUK wants the commission to be uncoupled from the Court of Appeal and for its terms of reference to be overhauled.

In particular, Dr Naughton wants the "real possibility test" to be scrapped. "Rather than a pursuit of the truth of claims of innocence, instead the 'real possibility test' can restrict reviews to whether there is anything new that was not available at the time of the original trial or at the previous failed application to the CCRC that might render the evidence that led to the conviction unreliable," he said.

The royal commission that recommended the creation of the CCRC stipulated that the body should be able to refer cases where it was clear that a jury had made a mistake. INUK says that the CCRC should also be able to refer cases where lawyers failed to present favourable evidence.

Dr Naughton pointed, too, to the "elephant in the room": if the person claiming to be innocent is innocent, that means the perpetrator or perpetrators remain at liberty "with the potential to commit further crimes".

Laurie Elks, a CCRC commissioner for ten years, defended it, saying that the body had wide powers of investigation, although he said that too many commissioners had come from a legal background and that it needed input from forensic scientists.

Michael Zander, QC, who sat on the commission that recommended creating the CCRC, said that its existing legal powers were adequate. It could refer cases where there was no new evidence, but it "lacks the confidence" to do so, fearing that the Court of Appeal would not appreciate such referrals, he said.

David Jessel, the former Rough Justice presenter and another former commissioner, said that it was too subservient: "If the Court of Appeal said that it would never quash the conviction of a redheaded person, the commission would never refer redheads.

"We need to have real investigations, get out to the scene, meet people. But a shortage of funds skews the mindset of commissioners from the investigative to the analytical." He also wanted it to focus on a fewer cases. "You can't do justice to 1,000 cases a year."

Mr Hill, who campaigns against miscarriages of justice, described being irreparably damaged by 17 years in prison. "Prison kills you a little bit at a time," he said. But in a speech that was sometimes angry and sometimes funny, he summed up what he believes is the root of the problem: "As long as they won't prosecute bent cops, you will always have miscarriages of justice in this country."

'In 45 cases, people have so far spent 520 years in prison'

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