

no. 15

75p

- free to prisoners

# CONVICTION *newsletter*

PO Box 522  
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## *Inside -*

Jimmy Ingram -  
CONVICTION case study  
DNA and the case of Kevin  
Armitage  
Terry Thornton - amazing  
new revelations  
News & Reviews  
*and more.....*

## *Where are they now?*

Clare Barstow is in HMP Durham, Old  
Elvet, Durham DH1 3HU  
Dave Bowen is in HMP Blundeston,  
Lowestoft, Suffolk NR32 5BG  
Ajay Kaushal is in HMP Hull, Hedon  
Road, Hull HU9 5LS  
Scott Tomlinson is in Buckley Hall,  
Buckley Road, Rochdale, Lancs.  
Darren Southward is in HMP  
Nottingham, Perry Road, Sherwood,  
Nottingham NG5 3AG  
Dessi Brady is in HMP Long Lartin,  
South Littleton, Evesham, Worcs.  
WR11 5TZ  
Malcolm Kennedy is in HMP Blantyre  
House, Goudhurst, Cranbrook, Kent  
TN17 2NA  
Ugar Sallh is in HMP Parkhurst,  
Newport, Isle of Wight PO30 5NX  
John Spratt is in HMP Whitemoor,  
Longhill Road, March, Cambs. PE15  
0PR

Prisoners - keep CONVICTION up to  
date with where you are, and we can tell  
your supporters where to find you.

## **A new organisation to fight injustices?**

Last year campaigns supporting  
wrongfully convicted prisoners and  
against other injustices organised a  
major demonstration in London. The  
campaign representatives met recently  
to see if they could set up a joint  
organisation. CONVICTION was there,  
and the signs were good that a major,  
nationwide organisation could result.

## **Appeal victory for prisoner supported by INNOCENT**

# **The Wrong Haircut**

## *Dave Wood freed on evidence from barber*



Oldham man Dave Wood was  
picked up by police who made  
out that he looked like a robber  
appearing on a Nationwide  
Building Society video - and picked  
out at an identity parade by building  
society staff *seven months* after the  
robbery. That evidence got him a 7 year  
sentence. It wasn't until his appeal after  
13 months in jail that the evidence of his  
barber, Alan Garlick was heard - Dave  
could never have worn the sideburns that  
the robber clearly displayed in the  
Nationwide video.

After his conviction, Dave's 84 year old  
grandmother, Violet, contacted Janice  
Davies of the Manchester campaign

*Innocent.* With the campaign pushing  
behind them, Dave's lawyers, solicitor  
Barrie Williams and barrister Ian  
McMeekin, brought forward fresh  
evidence for Dave's appeal, and fought a  
hard, day-long battle in the court.

Although the evidence against Dave  
was so poor that the case should never  
have been brought, and although it  
seems easy to prove his Innocence, this  
was not an easy fight. The support of  
*Innocent*, who hired a bus to take friends  
and family to London for the appeal, was  
crucial. The criminal justice system  
doesn't just put its hands in the air and say  
*sorry* when confronted with its own boobs  
- it has to be forced to give in.

And it doesn't give up. Dave has already  
been subject to police harassment on  
the streets of Oldham, and has been

forced to move away. They are determined to get him for something, as if to prove they were right about Dave all along - just as they harassed Kevin Callan by making him a suspect in a

child murder case after his innocence was proved last year. We need more campaigns like *Innocent* to support prisoners and families, to make sure that appeals are successful, and to

monitor police attempts to fit up innocent people a second time.

*Innocent*, Dept.54, 1 Newton St., Manchester M1 1HW

# DNA testing and the case of Kevin Armitage

## a letter to the Home Office from a member of *Innocent*

*In our Newsletter no.14 we printed a letter from Kevin Armitage's mother, Barbara, to the Home Secretary. Since Kevin was convicted on two charges of rape, the series of rapes in the Huddersfield area have continued. Now a member of Innocent, the Manchester campaign against fitting up, has taken up the case, and is investigating whether DNA evidence is really all it's cracked up to be.*

The Home Office  
Queen Anne's Gate  
London SW 1H 9AT

I am writing in response to the letter I received from Mr N. Baker, Under-secretary of State.

I am very disturbed by the letter. Mr Baker quotes a lot of figures, which are supplied by the FSS [Forensic Science Service]. I have to disagree with these figures. I have watched a programme on DNA recently. I am very worried by the cover-ups on DNA. It would seem that the Metropolitan Police removed 135 samples that were matches from their database. These were said to be duplicates, but no evidence has been offered to prove this. If duplicates are being put into the database then this proves that errors are still being made.

The inventor of the PCR system, Kary Mullis, says "on paper the system is 100%, but in reality the contamination on DNA samples when using the PCR system, is of very high percentage." He also states that "more research needs to be done before more people are committed to prison on DNA evidence."

Mr D. Werrett, director of the National Database on DNA, when asked "if there had been any contamination on samples of DNA, replied "No." When a letter warning staff about contamination to samples was produced, one which he had signed, he was

unable to answer the question. In the end Werrett had to resort to the standard answer made by officials - talk about anything else but don't answer the question. Which he did.

Mr P. Sullivan, an attorney in America, who is investigating the DNA

database of the F.B.I., found that, like the Metropolitan Police, they too had removed the so-called duplicates from their database - they still could not answer why there were still *three* matches on their database, after all the evidence of matches and duplicates had been removed from the database. The F.B.I. then passed the database file to two scientists at Yale University. They in their turn published a glowing report in the journal *Science* - glowing, because all the "mistakes" had been removed. *Very worrying.*

Sir Alec Jeffries, even he, cannot guess at the amount of errors being made at the DNA database.

In Mr Baker's letter, he states no person would be charged on the basis of a DNA match on the database. This is not what the police are saying. In statements to the media, the police say "they will be able to solve most of the unsolved crimes going back years, with DNA only." If there was no evidence to solve these crimes before, how can they be solved now?

People are being convicted on DNA evidence alone. Here are just two.

**Brian Kelly:** sentenced to 6 years for a rape he did not commit. The jury listened to the DNA evidence only, not to the other evidence that proved him innocent.

**Kevin Armitage:** sentenced to 10 years for rapes he did not commit. Here again the jury listened to the DNA evidence only, not to the evidence that proved him innocent - which was the following:

*Identity parades* - on two ID parades, out of ten witnesses, none picked out Mr Armitage;

*height differences* - the victims stated that the attacker was 5'8" to 5'10" tall; Kevin Armitage is 5'3" tall; *solid alibi* - Kevin Armitage had a solid alibi proving where he was at the time the attacks took place; *photo-fit* - the photo-fit produced in court by the prosecution was nothing like Kevin Armitage.

Kevin Armitage gave a blood test willingly, he knew that it would clear him of the charges. After a few botched up tests, the lab decided that Kevin Armitage's DNA matched those from the crimes.

Both these men knew they had not committed the crimes. Both men knew that giving a blood test for DNA would have cleared them as suspects. These are just two of the errors the labs have

made. Because of these errors, these men's lives and those of their families have been ruined.

Legal aid will not release money for the defence to get expert witnesses. In Kevin Callan's appeal, the Judges said, "The defence should have access to the right experts." This is still not happening. More and more people will be sentenced to a life in prison because of DNA evidence alone. More pressure will be put on the database to produce a match, by the police, the CPS and other government departments. So more and more errors will be made.

I would like to know, how many matching bands there have to be to prove that the police have got the right suspect for the crime. There seems to be no guideline for the defence to follow. Some experts say that eight bands are enough. Some say there have to be sixteen bands. Some say one band is enough. Could you verify the Home Office ruling on this matter, also the ruling the police and the CPS have, as it would help if the rulings are the same.

DNA is here to stay, right or wrong. The only way it could be accepted is if it is kept out of the courts. Juries are not scientifically minded, so it is unfair to expect them to give a true verdict on something they don't know anything about. They are led to believe that no mistakes are made in DNA testing. To send someone to prison for years on DNA evidence only is very wrong.

The dark side to DNA testing is the corruption that it makes possible. Some people can plant false items at a scene of a crime to implicate a suspect, just so that they can remove the suspect from society, or to cover their own crime.

Yours faithfully,  
A. Craven

*If you would like to know more about the case of Kevin Armitage, or think you have information that would throw light on his case or on the problems of DNA evidence in general, please contact Mrs Craven and Mrs Armitage via the CONVICTION address. Although we haven't been able to investigate this case ourselves, we are convinced from what we have learned about it that Kevin is innocent, and hope that readers will take up his case. Kevin is in Wakefield prison.*

**Kevin Armitage gave a blood test willingly, he knew that it would clear him of the charges. After a few botched up tests, the lab decided that Kevin Armitage's DNA matched those from the crimes.**

## CONVICTION supported case - James G. Ingram

# Without a Trace

On 25 August 1991 an elderly woman, Edith Barrow, was murdered in her house in Paddock Wood, Kent. She was asphyxiated, and there was evidence of a break in. No one saw her attacker arrive or leave but there were noises heard by the neighbours at around 11pm. There were numerous people interviewed in connection with her murder, but no one was charged until the end of September when they arrested James Ingram. The link was tenuous - he was implicated by a palm print on the door from the kitchen into the sitting room and a footprint on the inside ledge of the kitchen window, and he was convicted at Maidstone Crown Court on 19 June 1992.

James knew Edith Barrow through her grand niece Lyndsey Cockell who he was having a stormy relationship with at the time of the murder, including a period of living together. They would both commit crimes of dishonesty and James had been arrested and convicted of this in 1990, being remanded in custody and taking all the blame so Lyndsey would get off with a caution. During his time on remand at Canterbury Prison, Edith was burgled but no one was ever convicted of this crime. Then Lyndsey suggested they try to burgle her aunt's house so on two separate occasions they attempted - Lyndsey would distract the aunt while Jimmy searched the bedroom, but they came away with nothing. During one of these occasions he entered the kitchen and it is then that his palm print may have been left on the door.

When they learnt of Edith's death, they were in Scotland on a planned trip there, and they were concerned that the burglaries might implicate them. Lyndsey had previously met up with a friend of hers, K. Harrison, who worked at the police station in the library. This friend told her that they had discovered a footprint of a trainer on the windowsill of the kitchen. It had an Italian sounding name, something like Cero. Lyndsey confided this to Jimmy. Their relationship was already on the rocks as she had discovered he had been having an affair with the barmaid of a local pub. She was incredibly jealous but they patched things up and went to

Scotland. Lyndsey had stolen some cheque books and credit cards from her sister before they went and stayed in various hotels around the country.

In the meantime a traveller called Frank Lee was interviewed on nine occasions. His alibi for that night changed constantly and members of his family altered their stories about his whereabouts on the night of the murder. He had a police record, having carried out several burglaries in the area. He also dyed his hair the day after the murder, changing it from ginger to black. He was convicted on another charge and given a six month sentence, but has subsequently disappeared. There was an eye witness statement at the trial from a neighbour who stated that she had heard a child cry and then the sound of footsteps. Frank Lee had a child with him on the night of the murder and this sound had been heard at the supposed time the murder took place. Is this too much of a coincidence?

Upon their return in September, Lyndsey was interviewed by the police and she was so worried about being charged over the cheque books that she said she would tell them anything they wanted to hear. She basically followed the words they fed her and agreed to anything they suggested, telling stories that had no foundation in fact. This issue was a straightforward conflict between Jimmy and Lyndsey. There was no direct evidence to support either side. At the trial, Jimmy stated that her guilt and her spurred love, now turned to hate, caused her to give false evidence against him.

It transpired that the footprint discovered to a Ligero CononSize 9 whereas Jimmy took a size 8. He stated that he never owned such a boot but had purchased one similar, at Maidstone Market. A woman at Trueform in Maidstone picked out Jimmy after a second showing of various pictures of suspects who may have been seen in the shop

purchasing such boots, but this can be ruled out by the evidence of another shop assistant who, upon checking back receipts, stated that no size 9 had been sold of that edition in the shop.

Jimmy was interviewed extensively and told many lies through fear. He

later explained that he was worried about the burglaries and with his record the police would not believe him if he told the truth. He had been at home alone with toothache on the night of the murder.

He was refused leave to appeal by the three judges in 1993 despite the grounds submitted that the judge gave only a perfunctory warning to the jury that Lyndsey Cockell should be treated as a suspect witness, not adequate in the circumstances (reference R v Beck 1982). It was inappropriate not to remind the jury of the standard when dealing with the burden of proof given that it was a finely balanced case and there was a "lurking doubt".

The forensic evidence presented at the trial concluded that there was nothing discovered in the deceased's flat which could connect Mr Ingram with the murder in the way of semen, blood, saliva or fibres. A thorough search was made of the defendant's flat, car and a caravan site in Hastings. The most important factor which seems to indicate doubt in the conviction is that 11 fibres found on or near the deceased could not be traced to Mr Ingram's property. Even though the prosecution could argue that the clothes worn at the time of the murder may have been disposed of, when garments are worn together, washed together, hung in a wardrobe or laid in a drawer together, fibres will be transferred between them. However the forensic scientist has gone to considerable lengths in searching other items belonging to Mr Ingram for transferred fibres but did not discover a

single fibre that matched. These distinctive green fibres were found on Miss Barrow's clothing and bedding yet could not be identified with anything else in the house, thus suggesting they came from someone else. One was discovered in a fingernail cutting from the deceased, strongly suggesting that these fibres came from the assailant's clothing. 96 sets of fingerprints were discovered at the flat yet two sets could not be accounted for.

There is strong evidence to suggest that the kitchen window was accessed by the use of an upturned dustbin as it was

discovered beneath the window and the lid was found elsewhere. The rubbish had been emptied out of it and left on a concrete yard area. Yet it would appear that the dustbin has mysteriously disappeared when it came to the trial. Surely there would

**...she was so worried about being charged over the cheque books that she said she would tell them anything they wanted to hear. She basically followed the words they fed her and agreed to anything they suggested...**

be prints left behind on the base of the dustbin yet there was no mention of this. Was this conveniently omitted?

In conclusion - there was no evidence to link Mr Ingram with the murder of Miss Edith Barrow. Anything discovered such as the fingerprint could be linked to another visit to the property. Not enough was made of the unreliability of Lyndsey Cockell's evidence, given her emotional

involvement with the defendant. The boot print discovered was of a different size to Mr Ingram's and no boot was found in his possession. There was no forensic evidence to link him with the crime. Mr Lee was arrested twice and questioned numerous times concerning the offence but has since disappeared. With this apparent lack of evidence, one has to conclude that

the murder conviction awarded to Mr Ingram has serious areas of doubt and he should be granted the opportunity to appeal. The Labour MP Chris Mullin, who has campaigned for many prisoners since cleared on appeal, has taken an interest in the case

Write to James G. Ingram NE0228, HMP Long Lartin, South Littleton, Evesham, Worcs. WR11 5TZ.

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**The case of Michael Singh - the story we were**

## *Forbidden to Report*

Years ago we attempted to investigate and report on the case of Michael Singh. He was convicted of murder at Leeds on 28 June 1989. We found the case for his innocence convincing, and now that case has been supported by statements made by his two co-defendants, who were convicted of violent disorder. Based on this and other evidence, his solicitor Philip Walker has submitted a request to the Home Secretary that the case should be referred to the appeal court. Mr Walker told the *Yorkshire Post*, "Michael has always maintained his innocence, and I am convinced of it."

The CONVICTION case worker investigating this case originally arranged to visit Michael in prison, but before he could do so, he was told he must sign an undertaking not to publish any information he obtained in his visit. We were tempted to ignore this arbitrary restriction. Prison rules don't apply to us outside! Or do they, in practice? Because if we ignored the restriction, then (a) the prison authorities would probably punish Michael, and (b) they might refuse us entry in future to the prison concerned, and so prevent us from carrying out an

essential part of our work. So the long arm of a prison governor reached into the CONVICTION office and prevented us from reporting on Michael's case. Perhaps if we'd been able to publicise it, this case would not have taken so long to reach the Home Secretary. And of course it's nothing to do with prison - we were never interested in what was happening inside - only in what had happened to Michael before he ever got there. So it's yet another example of a prisoner being prevented from fighting to prove his innocence.

We're reporting on it now because our information comes from the lawyer's statements, not from our own investigations.

**The story** starts back in 1987. Michael was attacked by Daiwinder Singh and his friends, who were standing trial for this assault when Dalwinder Singh was himself stabbed to death in a brawl in the Barrack Tavern in Bradford. Four men were tried for this murder and three convicted of it, the fourth, Mohinder Singh, receiving a two year sentence for violent disorder. On appeal Rashpal Singh Narwal had his conviction changed from murder to violent disorder, but Michael Singh's conviction for murder and that of the fourth man were upheld - although the trial judge, Mr Justice Rougier, said that there was "little evidence" to suggest that Michael Singh had been involved in the killing. Two witnesses said they had seen Michael stab Dalwinder Singh - but

this was at the trial, 16 months after the stabbing: in their original statements to police, they had not mentioned Michael. No forensic evidence linked him to the murder.

Now Rashpal Singh Narwal (whose conviction was changed to violent disorder) has made a statement that Michael Singh was definitely not involved in the killing. Narwal did not give evidence at the trial on the advice of his counsel, but now wants "to set the record straight". And Mohinder Singh has made a statement supporting Michael Singh's case, in which he recalls that a knife was shown to him by a man called Ghazanfer Ali. Mr Ali, who always carried a knife with him, was in the Barrack Tavern at the time of the stabbing. But West Yorkshire Police have destroyed a knife found at the scene of the crime, without testing it for fingerprints. And Ghazanfer Ali, who should have been a prime suspect in the case, is now in Pakistan - in prison, awaiting trial on two murder charges.

There is now no credible evidence linking Michael to the murder of Dalwinder Singh, and he should be allowed a second appeal and his conviction quashed. He would appreciate letters of support being sent to the Home Secretary, at Queen Anne's Gate, London SW1 9AT.

**Michael Singh is in HMP Gartree, Market Harborough, Leicester LE16 7RP**

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**Not yet in action - and not high priority:**

## **The Criminal Cases Review Commission**

The Commission, which is going to take over all the cases currently referred to the Home Secretary with requests that new appeals should be held, should have been set up at the beginning of this year.

There's no sign that it's springing into life just yet. Word is that the government is looking for commission members that don't think there's anything wrong with the present system, or sad liberals who imagine that they are so clever that they can make the CCRC into something better than it would otherwise be. But there's obviously

no rush to get going, despite it being obvious that there's thousands of innocent people being held in increasingly overcrowded and squalid conditions. Exposing miscarriages of justice, with all the criticism of the criminal justice system such exposures bring, isn't exactly a high priority with Howard and the Tory right as the attempt to cling desperately to power. Nor is reducing the numbers of people in prison.

Nor is there the slightest indication from Bleah and Straw that Labour would give higher priorities to these matters, competing as they are to construct the same right wing constituency for themselves.

This is nothing to get upset about. As explained in an article in our *Newsletter* no. 13, the establishment of the CCRC is more likely to make the situation for framed prisoners worse, not better.

Anyway, keep sending the submissions to The Home Secretary The Right Honourable Michael Howard QC MP, Home Office, Queen Anne's Gate, London SW1H 9AT. Our advice is, if you can't use the word 'honourable' in this context without being sarcastic, don't use it at all. Remember, Howard won't see your letter, and you may get a straightforward, honest civil servant to investigate your case - it has happened!

In the last issue we reported on the bizarre case of Terry Thornton. Since then dramatic new evidence has come to light.

## ***Fitted up by a Manchester Gang!***

**Terry** was convicted of attempted murder and conspiracy to murder after a hit man delivered a parcel bomb to his ex-common-law wife, Eileen Caulton, and seriously maimed her. Terry has always claimed that the hitman, Barry Caunt, had been threatening to hurt him and his family if Terry did not pay him £50,000.

Terry had already paid him £10,000 out of fear (which of course was construed the wrong way in court). The bomb delivered to Eileen seemed to be part of this extortion. Caunt claimed in court that he had been acting through fear of Thornton, who, he said, had threatened to hire another hit man to get him if he did not carry out the job.

Terry had a wealth of evidence to support his claims, as we reported in the last issue, but this was never presented in court. He had briefed a legal clerk, Tony Bell, in great detail about the case over 48 prison visits, and numerous letters. He later found out this clerk was having an affair with his wife - small wonder that the barrister did not seem to be briefed with any of this evidence.

All of this we reported in greater

detail in the last issue. Terry sent a copy of that article to a local journalist who became intrigued by the case and did his own investigations. As a direct result of the articles published in the Matlock Mercury new witnesses have now come forward with amazing information on the case.

These witnesses have stated that Terry was targeted from the very start by a gang of criminals formerly known as the Quality Street Gang. In the early '80s the Gang were involved in stealing antiques, and through their involvement in the antiques business Terry and Eileen were able to give information to the police which led to four men receiving long prison sentences and the break up of the Gang's highly profitable operation. Terry and Eileen even gave evidence against them in court, and at the time were so fearful of the Gang that they fortified their Bakewell home and fitted bullet-proof glass.

Terry had never actually told us about the Quality Street Gang, as he didn't think it was relevant! After all, it all happened back in 1984 and there didn't seem much connection with events 6

years later. However, according to these witnesses a plan was subsequently devised by a figure known as "The Colonel" to threaten Terry and extort money out of him as an act of revenge. The plan escalated to the point where they decided to have Terry fitted up for the attack on Eileen.

This may sound fanciful, like the plot of a soap opera. However, different witnesses are making statements which are not only completely consistent with each other, but also with all the facts we already know about the case. In fact, this fills in gaps which before were not explained. The new evidence is so compelling that by the time this Newsletter is printed we hope it will already be lodged with the Home Office.

There is quite a large amount which we simply cannot disclose, for obvious reasons, and it seems likely that more information will yet come to light.

A case as incredible as this will no doubt attract great media attention when the case comes to court - so don't forget where you heard it first.

Terry Thornton is prisoner no. DD2754 in HMP Nottingham, Perry Road, Sherwood, Nottingham NG5 3AG (see Matlock Mercury 16 February 1996)

***"Terry was targeted from the very start by a gang of criminals formerly known as the Quality Street Gang"***

## ***With friends like that...***

Ivan Fergus was cleared of robbery by the court of Appeal on 21 June 1995. Among the factors contributing to his wrongful conviction was the bad quality of his defence lawyers. Police brutality and corruption have been frequently exposed recently, but the collusion of defence lawyers in the wrongful conviction of their clients, is still something rarely discussed. They either deliberately railroad clients into 'plea bargains', or less obviously are slack in their preparation or lack genuine interest in their cases.

It is, however, a frequent factor in 'miscarriages of justice'. The judge who freed John McGranahan after 11 years in gaol, blamed both prosecution and defence lawyers for the frame-up. Winston Silcott remains in gaol, despite acquittal on appeal for the killing of PC Blakelock, because he was badly advised by solicitors on how to respond to the other murder charge against him.

Toppin and Co., in South London

appears to have been such a terrible firm that the Solicitors' Complaints Bureau was forced to close them down 'to protect the interests of clients'.

Ivan Fergus was a client of Toppin and Co. He served six months of his sentence before being released on bail pending his appeal. The victim of the robbery in question described his assailant as 5 feet 11 inches tall, aged 16-18, with a light brown complexion and stubble on his chin. Ivan was 13 at the time, 5 feet 7 inches tall, is dark skinned and hadn't started shaving. He also had four alibi witnesses but his defence only interviewed two of them and called none in court.

Another client of Toppin and Co. is still behind bars. Trevor Henry is serving 10 years for supposedly organising an attack on his former girlfriend in which two men threw acid in her face. He was originally charged with carrying out the attack but when the police realised this would not stick, the charge was changed to conspiracy to commit GBH. Trevor Henry had no

## **by Nicki Jameson**

previous convictions, no access to the acid used, no motive and no money to finance a 'conspiracy'.

Toppin and Co. put a litigation executive [an unqualified worker dealing with civil cases] in charge of Trevor's case, instead of a qualified solicitor versed in criminal law. They made no attempt to trace a man who, it had been suggested to them, did have a motive for the attack, and they failed to call character witnesses.

Trevor Henry's application for leave to appeal was turned down initially. In the light of the exoneration of Ivan Fergus it will be hard for the Home Secretary to refuse an appeal. But how many more innocent men and women are behind bars because the people they thought they could trust to defend them did not do so?

Contact the Justice for Trevor Henry Campaign at 192 Evelyn Street, London SE8 5DB, telephone 0181 692 1308.

# Dare we not speak?

## Can we not speak for ourselves?

And if not, why not? Such questions hover round this DIY book on self defence against... but against what? Against the legal system? But it all takes place within the legal system: it's all about one of us pretending to be one of them, and hoping to get away with it. Against being fitted up by the police and the CPS, and the judges who are on their side? No - it's more about appealing to juries on a higher moral plane, above the law, for an idealised Justice rather than the 'justice' we are usually offered in practice. Most of us just want to prevent ourselves or our friends from being fitted up, and that means fighting police, lawyers and judges. Can we do that - on our own?

Of course we can speak for ourselves. Not only can we give our own accounts of what happened and whether we or our friends committed crimes with which we, or they, are charged, but we also tell *how* police and grasses fit people up, and how they protect the criminals who do commit crimes. The problem is, we are silenced. We are prevented from being heard, and our stories and explanations are treated as too embarrassing to be uttered in court, by our own lawyers, who exclude what they imagine the court does not want to hear, and translate the rest of what they are told, into language they imagine to be fit to be heard in court. It is above all defence lawyers who prevent the exposure of fitting up by their own clients. And even when they permit their clients to speak, by giving evidence in their own defence, they limit them by the questions they ask (defendants can't just go in the witness box and say what they want), and pass them over to prosecution counsel skilled in the art of cross examination, who can make them look foolish, inarticulate and guilty.

Yet it is not lawyers alone who prevent us from speaking. Most of those who come before the courts on serious charges are poor, working class, and have minor previous convictions. They are already labelled as failures. They will probably have

been failed by a government which prevents them from having decent jobs - or any job - and which has provided them with an education which failed to give them the skills needed in such situations as a criminal trial. The state has failed them, turning them into failures, and above all, failures as communicators.

Not that those who are fitted up can't communicate - far from it. They communicate as well as anyone else, and the letters they send us after they have been convicted or the accounts they give us when we visit them show that they are very competent communicators. They know their cases well, know what all the issues are, and know what should have been heard in court, but was not heard. But they have been told from an early age that their own language does not equip them to speak in such formal settings in courts and their understanding is not adequate to grapple with legal complexities. No wonder the prospect of defending oneself in court is frightening, and is dangerous: because defendants have been made inarticulate and nervous, not knowing what legal pitfalls await them at any moment in the trial process, they hand over total responsibility for their cases to their advocates.

The state happily pays the cost, content in the knowledge that these servants it has trained will silence and discipline their 'clients'.

So what should we do when we are charged with a crime we did not commit? Speak for ourselves in court, or rely on our choice of lawyer to put the case we wish to have heard?

The answer is never straight-forward. Conducting one's own defence can be dangerous. Cross-examining witnesses skilled in giving evidence, like police officers or pathologists, is not easy - but it can be done well by an untrained defendant, as Dave Bowen demonstrated in his trial for escaping from custody last year (see our *Newsletter* no. 14). A defendant can prick the pomposity of these professional witnesses in a way that's not permitted to a bewigged barrister. And all sorts of embarrassing questions can be put, which are strictly against the rules for counsel; and

witnesses called without the lawyers' pre-censorship. But the self-defendant needs both the confidence to speak and to challenge witnesses, and the ability to bring a complex case into perspective for a jury, without confusing and alienating them. In practice, most of can't do this, because our self-confidence has been too badly damaged.

So most defendants will need lawyers (and there is no option when it comes to appeals - the Court of Appeal can only hear barristers). Stuck with the services of these generally untrustworthy characters, our aim must be to control and use them, not let them control us (and just use us as sources of income - which is what we are for them). Our advice to defendants is: first, find those lawyers who are willing to listen, act on, and present the accounts given them by clients. Make sure every instruction given them is recorded in writing, and keep copies. Next, make sure there are plenty of people supporting you - friends, family, a whole campaign (but don't make it seem as if you want to intimidate prosecution witnesses or jury members - remember that the police will use any excuse they can find to represent troublesome opposition as an indication that defendants are really dangerous criminals). Individual lawyers may be lazy or want to get rid of your case as quickly as possible and get on to the next brief and the fat fee that comes with it, but this does not mean that they are incompetent or unskilled. With a campaign looking over their shoulder, many lawyers can do a good job.

In this situation, Michael Randle's book will be extremely useful. It is more than a guide to self-defence in court - it is a clear guide, well illustrated by examples, "through the legal maze", and will be as useful for those who want to control their cases through lawyers as for those who are brave enough to speak for themselves. *Buy it and read it now* - because you never know when you or your friends may need it.

Don't worry about whether you can reach the high moral ground claimed by 'political' defendants. You are already there.

### Contents include:

- Should you defend yourself?
- Arrests, searches,

- interviews, remand, bail
- Trials in Magistrates' and Crown Courts
- Doing research, lining up witnesses

- Preparing for Court, strategy and tactics
- Cross-examination and legal argument
- Appeals, useful books,

- helpful organisations
- How international law can be used to construct a defence

**Forever Lost, Forever Gone** by Paddy Joe Hill with Gerard Hunt, Bloomsbury, London: 288 pages £14.99 hardback but soon to appear in paperback

## The Making of Paddy Joe

Half way through this absorbing book is this passage:

*But what I could never get used to was being in prison at night, for it was then that I would sink to my lowest ebb. You are locked up with no human contact and the prison falls silent... I would sit or lie there knowing my life, my world had crumbled around me; there were few nights in prison when I didn't shed tears. Sometimes I would become so wound up I would drift into a form of madness. I'd get up, put on my jacket and tell myself I was off home to the wife and kids, and turn to walk out of that cell. Then all I would see ahead of me would be that big, dirty steel door, and I'd throw myself at it and claw at it with my nails until my fingers began to bleed. I'd find myself on the floor in a heap, crying with frustration and rage as I came back to reality. And I'd tell myself I would have to channel that anger into my fight for justice.*

And that is exactly what Paddy Joe did, as one of the Birmingham Six, at last walking free after spending over 16 years in prison for a mass murder he did not commit, transforming himself from one of the most hated men in Britain into a hero.

It's as if being fitted up and wrongly imprisoned could transform "your average, law-abiding citizen and family man" (Paddy Joe's own words, describing himself at the moment of his arrest), into the indefatigable and eloquent campaigner against miscarriage of justice that fought his way out of prison and continues to fight for other victims of fitting up (at the moment the Bridgewater Four head his list). It's as if only such extreme deprivation of liberty and terrible damage to the lives of prisoners and their families, not as a consequence of anything they had done, could produce in ordinary people qualities which otherwise would never have appeared. It's not only Paddy Joe, but others wrongly convicted who have produced well written, interesting biographies - Hugh Callaghan, Judith Ward, Paul

Hill, Gerry Conlon, for example - and who emerged from prison displaying talents not to be expected of them before they were fitted up. Nor do these effects flow from just these cases from the 70s, when the police were desperate to find individuals to blame for IRA bombings on the mainland of Britain, and able to convince a frightened public that they'd got the right people. Kevin Callan, for example, showed equal determination and ability in overcoming the most devastating conviction for child murder (and we look forward eagerly to reading his account). Those who heard Kevin's eloquent account of his experience in a recent BBC radio interview will confirm that he does not conform to any stereotype of a lorry driver who left school without qualifications. Such individuals are not merely given determination by being made dependent on speaking out and demanding help in order to win back their freedom - they show impressive ability in marshalling the large quantities of confusing and difficult, specialised technical and information and legal theory that forms their cases, and extracting from it the key points which show they are innocent. Wrongly convicted people constantly present **CONVICTION** with such information and analysis.

What are the rest of us to make of this?

It isn't the whole picture. Those who read this book, or have heard Paddy Joe speak in public, will know the terrible price that he has had to pay in undergoing this transformation, in terms of the destruction of his relationships with his wife and children and the psychic damage to himself. Added to the damage to all social relationships resulting from being taken out of society for years, is the continuing harassment that ex-

prisoners suffer: if they had successful appeals, then they're liable to be harassed by police hoping to prove that they were criminals all along (see story about Dave Wood on the front page, or on Kevin Callan in Newsletter no. 14). If they've served their time, then they're liable to be targeted and placed under surveillance by police hoping to fit them up again (see previous newsletters featuring the case of Gerry McCarthy). The cost of having people like Paddy Joe or Kevin to campaign with us against other fit ups, is a high one - too high.

So, do we need such terrible experiences as wrongful conviction, years in prison, and the destruction of relationships in order to produce these extraordinary abilities? Or are they already present in all of us, suppressed, waiting to be forced out? Do we all have the potential to be a Paddy Joe Hill or a Kevin Callan? The simple answer is no: they are unique and extraordinary people; and most people who are wrongly convicted do not produce the unexpected qualities that make it possible for them to have successful appeals. But perhaps any of us can develop abilities that we never knew we can have: and that message, that can be read in this book, is an essentially encouraging one.

"Don't be sorry for me," writes Paddy. "Be angry. Because everything that happened to me was done in your name."

The best general account of the Birmingham pub bombings and what was done to the Six is still Chris Mullin's *Error of Judgement* (Poolbeg, £4.99). Paddy Joe's account is a personal one which adds much interesting detail to Mullin's account. Read both, if you haven't done so already.

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## The Wrong Men, by Jill Morrell, published by the Bridgewater Four Support Group, 723 Pershore Road, Selly Park, Birmingham B29 7NY, available direct or from all good bookshops

"I've no intention of accepting parole... I won't ever plead and grovel to people for something which is my right - and that's my liberty." There is no doubting the sincerity of the speaker, Michael Hickey, one of the three surviving members of the Bridgewater Four, jailed in 1979 for a murder in which none of them were involved. Michael sets his own terms for his release - public acknowledgement of his

innocence. It's up to the rest of us to make sure he gets his release on his own terms.

This excellent new booklet on the Bridgewater Four case is by Jill Morrell, famous for her leading role in the successful campaign to secure the release of the British hostages in the Lebanon. It contains essential information updating Paul Foot's

*Murder at the Farm* (but not replacing it - read that too, if you haven't done so already). It's well produced, summarises the cases clearly, and shows that none of the original prosecution case remains - there is no longer any evidence against the Four.

It also tells you what you can do to help to overturn these convictions. Get it, read it, and act on it.

**INSIDE OOT** is an excellent new paper published by the Glasgow Anarchist Black Cross, available from them c/o Solidarity Centre, 3 Royal Exchange Square, 85/87 Queen Street, Glasgow G1 3PA.

Articles include "Prisoners Tortured in Scotland's Jail Hell", "Lanarkshire's Gulag" by John Bowden, and on self-harm in prison and the need for counselling by Clare Barstow. All well written and very informative, and it's free - but of course they need money to produce it, so send them a donation if you can afford it.

# INSIDE OOT



**Fear of Crime?** There is an unconfirmed rumour that some people in prison have actually committed serious crimes. For this reason, **CONVICTION** workers don't give out their 'phone numbers to prisoners unless they're sure that the numbers won't get into the hands of people who might misuse them. We know that all calls may be monitored, and so we ask prisoners who call us to be very careful about what they say. Information given out over the 'phone can leak out to the police.

When we publish anything about prisoners or their cases, or pass on information for publication, it is always first submitted to the prisoner concerned in writing. So the prison instruction IG73/95, issued last July, which bans

prisoners from contacting the media by 'phone, does not apply to our contacts with prisoners. And we wouldn't want prisoners to get into trouble - or be prevented from communicating with us - for saying something on the 'phone which might upset prison authorities.

**CONVICTION** isn't concerned about internal prison issues, but about wrongful convictions. But in helping prisoners, we can't ignore the role that the media can play in exposing injustice, gathering support, and even uncovering fresh evidence. So instruction IG73/95, which arises from the Prison Service's embarrassment over its won security problems, further isolates and restricts wrongly convicted prisoners who are not trying to make trouble, but trying to clear their names.

**CONVICTION** provides a regular column in **The Law**, and there's a new issue just out.

**THE LAW** is a vibrant quarterly newspaper for lawyers, advice workers, campaigners and anyone else with an interest in the law. Each issue explores current legal issues, campaigns, miscarriages of justice, equal access to justice and more, with articles by and interviews with key figures. The Law's often irreverent approach and critical eye makes it an interesting as well as informative read. With 20,000 copies of each issue distributed The Law is an authoritative and increasingly influential legal voice. To ensure that you receive your copy of each issue, subscribe today.

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If you are innocent, or you support a prisoner who is, then tell the world by wearing an *Innocent* T shirt.



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...and finally - subscribe to this newsletter if you haven't already by making the following solemn declaration:

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