

Ditching our rights won't make us safe

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The crime bill won't help victims, but will multiply unjust verdicts

Tue 19 Nov 2002 02.34 GMT

As he was driven away from the court of appeal in a cab, Robert Brown put his head out of the window, and held his arms aloft triumphantly. It made a great photograph. But what the picture couldn't capture was the shout that came from his open mouth: "No justice."

The court had taken just 50 minutes to quash Brown's conviction for the murder of a woman 25 years earlier. Lord Justice Rose said: "We could not possibly be sure on what we have heard that the jury, had they known what we know, would have reached the same verdict. It is, to put it at its lowest, a possibility that that they might have reached a quite different verdict."

In 1997, many Labour voters hoped the new government would deal with the flaws in the justice system that had produced such miscarriages. But the same day that Brown was released, the government introduced a new criminal justice bill that would allow previous convictions to be disclosed where "relevant", and the protection of double jeopardy to be revoked - so that those who have been acquitted can be retried if new evidence comes to light.

Paddy Hill, Raphael Rowe and Satpal Ram were in court to hear the result of Brown's appeal. Between them, they have wasted

44 years in jail. Paddy Hill, one of the Birmingham Six, had his sentence quashed in 1991 after serving 16 years, wrongly convicted of planting the pub bombs that killed 21 people in 1974. He is still fighting for compensation. "Prison kills you a little bit each day," he says, "and sooner or later you wake up and you don't feel nothing. Me, I died in prison, inside."

Satpal Ram killed a man in 1987. He insists it was self-defence. The judge accepted that he had been the victim of an unprovoked racist attack. But the Bengali-speaking witnesses were never interviewed, and the jury found him guilty of murder. He was released earlier this year and is still fighting to have his original conviction overturned.

Raphael Rowe was convicted, as one of the M25 three, for a series of robberies that left one man dead. He had spent 13 years in jail by the time the court of appeal quashed his conviction - it turned out the key witness was a paid police informer.

As with Hill and Rowe, the court didn't proclaim Robert Brown's innocence, but merely agreed that his conviction was unsafe. This, despite the fact that Brown had been beaten into confessing; that fibres from another suspect who had been picked out in an identity parade matched fibres found on the victim (never disclosed to the jury); and that four years after Brown's conviction the central officer in the case was sentenced to four years for corruption.

Hill, Rowe, Ram and Brown all served longer than their tariff because they never accepted their guilt. Paddy Hill runs Mojo, the miscarriage of justice organisation. He is convinced the government's new proposals will result in even more wrongful convictions.

The government hopes to create a "victims' justice system" - a strange and uneasy notion. Yes, there is a huge problem with the lack of justice for so many victims of crime - imagine, how Doreen and Neville Lawrence feel knowing that their son's

killers walked free. Imagine how Duwayne Brooks, the friend of Stephen Lawrence who was attacked with him, felt when he was treated as a suspect by police.

But “victims’ justice” is a dangerous solution. While victims have to be treated with more care, their sense of justice must not be mistaken for justice itself. Taken to its Swiftian conclusion, does the government propose that sentencing be left to the victims?

Until now, suspects have been tried on the evidence relating to the case, not on their history. This is an important principle: how can knowledge of previous convictions do anything but prejudice a decision? “Ladies and gentleman of the jury, we would like to remind you that Mr X has been jailed six times for robbing the sweet shop. Will you now please retire to reach a decision about whether he robbed the sweet shop.” The reason that so many miscarriages of justice end up in court in the first place is that they have “previous”. Now the government proposes to extend the police tradition of rounding up the usual suspects to the jury - convict the usual suspects.

When Labour justifies revoking double jeopardy, it cites the investigation into the killing of Stephen Lawrence. But this is a red herring. The suspects were not convicted because the police and crown prosecution service failed to do their jobs in the first place - the suspects were not questioned for two weeks, too late for forensics, and eventually the CPS had to drop charges.

Conspiracy or cock-up, the Lawrence case certainly highlights the appalling rate of convictions. But it also shows that the problem lies with the ability of the police to collect evidence, and the CPS’s desire to prosecute a case. Ditching basic rights will do nothing to make Britain safer. If these proposals go through, Hill’s organisation is going to be busy.

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