

Comment: Attacked for being a Paki, in jail for murder. It doesn't add up

After 13 years in prison, Satpal Ram comes up for parole this week. But he should never have been inside

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When it comes to the sense of outrage engendered by miscarriages of justice the case of Satpal Ram takes some beating. I knew nothing of

it until a couple of years ago, when the band Asian Dub Foundation drew it to my attention. Nobody, after the Birmingham Six, Guildford Four, Winston Silcott and, most recently, Stephen Lawrence, can be naive about the failings of the justice system in Britain. We know that everybody does not receive equal treatment under the law. Instead a number of people take on iconic status and come to be held in custody for something they are seen to symbolise, something beyond what they were sentenced for.

It may seem empowering for Asian youth to consider Satpal Ram an avenging angel, an Asian Charles Bronson. The truth is more mundane. Back in 1986, Ram was in a Birmingham restaurant with friends after work. A group of white men began racially abusing the Asians present, both waiting staff and diners. It started with comments about "Paki music", escalating to a point where one man, Clarke Pearce, broke a glass and brandished it at Satpal Ram. Terrified, Ram produced a penknife he had on him from his work as a packer, telling Pearce not to come closer. Pearce ignored this, cutting Ram's face and arm with the glass. Ram resorted to fighting only because he was cornered.

Pearce received two knife wounds. Still mouthing racial abuse, he was taken to hospital where he initially refused help. But his wounds were to prove worse than anyone realised: his lung was punctured and he subsequently died from that injury. So there's the score for racism: two lives wrecked as a result of a few minutes of hateful stupidity. Ram was terrified and shocked when he realised that Pearce had died. A few days later he contacted a solicitor and went to the police station to discuss the incident. This account of the incident was collated from original trial transcripts and Ram's own view, which was not heard in the court.

Satpal Ram received a deeply biased trial in front of an all-white jury. His counsel gave him one 40-minute conference an hour before the trial commenced. Although his solicitors had briefed counsel that his case was clearly one of self-defence, which is no crime, this advice was ignored. Ram was advised to put forward a plea of provocation, which reduces murder to manslaughter. The essence of this defence is

that a person loses self- control due to the behaviour of another and kills deliberately under such conditions. Ram never said that he lost control, and never said that he deliberately killed Clarke Pearce. The counsel also advised that he should not give evidence in his own defence, so the jury never heard his account. Satpal Ram, having no knowledge of the law and believing that his counsel was acting in his best interests, made his biggest mistake: he agreed to follow this advice.

In court the Bengali-speaking waiters who gave evidence in defence of Ram had "menu English" only. Despite this, no interpreter was provided, with the judge, Mr Justice Ognall, farcically declaring that he himself would act as interpreter, even though he didn't speak a word of Bengali. A student, who was the only English-speaking waiter to witness the incident, was not asked to give evidence. Mr Justice Ognall went further, inviting the jury to consider a verdict of murder, stating that Ram had been in his "right mind" when Clarke Pearce received his wounds. Throughout the trial the judge asked the jury to consider the validity of the evidence given by Satpal Ram's associates far more vehemently than he called into question the testimony of Clarke Pearce's fiancée.

Satpal Ram was found guilty of murder by the jury and was sentenced to life imprisonment with a recommended tariff of 10 years.

The real nightmare for Ram was only beginning. To date, he has been moved between prisons 59 times in 13 years. It's a phenomenal tally for a low-risk prisoner; clearly there is something seriously amiss. This is not normal practice and, to my mind, shows a calculating malevolence at work. The effect of being shunted across the country every few weeks has been to undermine Ram in his attempt to forge relationships with other prisoners. It also serves to disorientate him from his family and friends, who quite literally do not know where he is going to be from one day to the next. Despite this, Ram actively involves himself in campaigning for better prison conditions and on behalf of others who have not received justice. It's hard to escape the contention that Satpal Ram has been seen by a corrupt and racist

criminal justice system as the "Paki" who bashed back, far removed from the passive, stereotypically racist image of the Asian.

You don't need to look far to get some sort of perspective on the treatment of Satpal Ram. Only last week four white, middle-class youths from an affluent Edinburgh suburb were freed after serving only two years for their part in the killing of another man. One of the parents of the sentenced men has openly agreed with the generally held contention that the youth's background played a large part in the leniency of both their sentencing and the treatment they received while in prison.

The death of Stephen Lawrence galvanised many people in British public life. The bible of Middle England, the Daily Mail, championed the case. Ostentatious displays of sympathy for Stephen and his family seem almost obligatory - showing supposedly how much Britain had "modernised" its attitude to racism.

It's proved all too easy to make a martyr of a youth who died in a racist attack. Had Stephen Lawrence been in a position to defend himself, and had the outcome been as it was in the Ram case, then he could have expected the same treatment as Satpal. Unfortunately, it seems that the message to any black or Asian Britons who face racial violence is that you can be a dead Stephen Lawrence or an alive Satpal Ram.

Abuse always thrives when people are denied a voice. Due to the efforts of concerned groups and individuals, the conspiracy of silence around this case is being broken. More than 10,000 people have signed a petition calling for justice for Satpal Ram. But we need more, because racism has to be tackled at all levels of the criminal justice system. The Lawrence case shows that we can readily get a coalition of outraged parties to scapegoat some members of the supposed white underclass, or a few police officers operating in the field. However, we know that prejudice goes a lot further than that.

The Criminal Case Review Commission is currently reinvestigating this case. The process of Satpal's application for parole starts next week, with the hearing likely to take place next February or March.

This gives Jack Straw and the Home Office officials the opportunity, post-Stephen Lawrence, to build on the majority's raised expectations of fairness in the treatment of race and criminal justice. At the very least, Satpal Ram should be freed immediately, with independent inquiries established about the conduct of the trial, and the treatment he has received within the prison system.

To take the opportunity to redress wrongs will require more courage; the people responsible for perpetuating these injustices will certainly not want to be held to account. But to fail to do the right thing is to signal to millions of people in this country that they are still second-class citizens, stuck with fifth-class justice.

<https://www.independent.co.uk/life-style/comment-attacked-for-being-a-paki-in-jail-for-murder-it-doesn-t-add-up-1129448.html>