

report I have also challenged his authority over me and therefore I represent a "High Risk of Re-offending" because of my adversity to being supervised by Barnett in the community. As always Public Protection will be cited and used as a justification for my continued imprisonment, when in reality I shall probably remain in jail simply because I challenged Barnett's lies.

I have now complained to Peter Gabbitas, Director of Health and Social Dept. in Edinburgh, who has overall responsibility for Barnett and his colleagues, and he has yet to even acknowledge my letter, which suggests a disinclination on his part to recognise either my existence or that of my complaint. Incredibly it would seem that a pathological liar like Barnett has the absolute freedom to describe someone in an official report as a "racist and homophobic" serial killer without a shred of evidence, and absolutely no-one in his entire dept has the integrity or moral courage to criticise or expose him, and that apparently includes even the dept's Director. The complete absence of any basic integrity amongst those at Edinburgh Criminal Justice Services is both scandalous and deeply worrying for those under its supervision.

The response of Barnett and Edinburgh Criminal Justice Services to my exposing his lies has been to ask the Scottish Prison Service to engineer my removal back to the English prison system, and on the 4/5/2012 Sharron Di Ciacca, Legal Service Manager of the Scottish Prison Service, wrote to me informing me that such a transfer would take place soon. Moving the "problem" on is of course a classic method of controlling and punishing "difficult" prisoners.

Edinburgh Criminal Justice Services should not be allowed to suppress or simply get rid of "offenders" who complain about and expose individuals like Brendan Barnett, and I ask all groups and individuals concerned about the treatment of prisoners and ex-prisoners at the hands of a corrupt social work department like Edinburgh Criminal Justice Services -

Social Work Advice and Complaints Service
Waverley Court - Level 1/7
4 East Market Street
Edinburgh EH8 8BG

Scottish Public Services Ombudsman
4 Melville Street
Edinburgh
EH3 7NS

Michelle Miller
Chief Social Worker
Grindlay Court Social Work Centre
Criminal Justice Services
2-4 Grindlay Court
Edinburgh EH3 9A

Peter Gabbitas, Director
Health and Social Care Dept
Waverley Court
Level 1/8
4 East Market Street
Edinburgh EH8 8BG

To write letters of complaint to the following addresses
Please let John know of any actions taken

Hostages: James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva, Terry Smith, Hyrone Hart, Glen Cameron, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Sam Hallam, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Miran Thakrar, Jordan Towers, Peter Hakala, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Simon Hall, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Atwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

Miscarriages of JusticeUK (MOJUK)
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MOJUK: Newsletter 'Inside Out' No 373 24/05/2012)

Sam Hallam's Family Never Stopped Campaigning - Now Sam is Free

Justice at last for Sam Hallam Leading Article: Independent, Friday 18th May 2012

In retrospect, it is always easy to see the faultlines when a miscarriage of justice has occurred. In the case of Sam Hallam, who was wrongly convicted of murder, they were particularly clear. The evidence that he was part of the murdering gang was manifestly unreliable; one witness changed her story several times, both to police and in court, and another admitted his testimony was hearsay. Meanwhile, the police failed to pursue all reasonable lines of inquiry, Mr Hallam's alibi was not properly checked out, and his mobile phone data was not used to establish his whereabouts. Furthermore, there was material not disclosed to the defence which could have helped prove his innocence.

It is some grudging testament to the British judicial system that it did eventually arrive at the truth. But questions must be asked about what took so long, when alarm bells were ringing so loudly - not least to Paul May, the man who fought to free the Birmingham Six and the Bridgewater Four, and who ran the campaign for Sam Hallam which was also backed by this newspaper. This was no hunch. As long ago as June 2009, eight new witnesses came forward stating that Mr Hallam was not involved in the crime. Their statements were submitted to the Criminal Case Review Commission four years ago. For a young man unfairly deprived of his liberty, the wheels of justice cannot acceptably grind so slowly, however fine the result.

There are questions, too, about the quality of Scotland Yard's investigation. Not only was the senior investigating officer expected to handle 14 other major inquiries at the same time. Poor management and staff shortages were also factors in so flawed an investigation.

The injustice was not to Mr Hallam alone. With one innocent man freed, and only one still in jail for a crime committed by a group, the family of the victim, Essayas Kassahun, are nowhere nearer finding the truth or seeing his killers brought to justice. And Mr Hallam's father, unable to cope with his son's incarceration, committed suicide 15 months ago. It is not enough that an innocent man is now free after seven years in jail. The only hope of amendment is to ensure no other victim of a miscarriage of justice suffers for so long.

Hallam's case will send shockwaves through criminal justice system

Today's miscarriages of justice are caused by ineptitude or dishonesty by police. Tomorrow's may be caused by underpaid defence lawyer Kim Evans, guardian.co.uk, 17/05/12

"I will not have my courtroom turned into a circus," Lady Justice Hallett warned family and supporters in a standing room-only courtroom at the Royal Courts of Justice on Wednesday 16th May 2012. Family and friends had turned out in force to support Sam Hallam, who was 18 when he was sentenced to life imprisonment in 2005 for killing trainee chef Essayas Kassahun, 21, in a gang attack. Hallam has always protested his innocence.

After lunch, the prosecution barrister announced that "the application was not going to be opposed". There was stunned silence followed by uproar as supporters digested that Hallam - jailed a teenager and now a 25 year old man - would soon be free. Hallett kindly asked Hallam whether he understood what was happening, why the hearing needed to continue,

and asking if he was OK to carry on. He said "Yes" in a very shaky voice.

He had waited seven years (during which time his father committed suicide); he wasn't going to wait any longer. Courtroom eight was not quite turned into a circus, but Hallam's case should send shockwaves through the complacency of the criminal justice system.

The Criminal Cases Review Commission (CCRC) "cares as much about innocence as anyone", according to Richard Foster CBE, in an address to the Criminal Appeal Lawyer's Association last month. Many campaigners are not convinced the beleaguered Commission does care but the tears in the eyes of Hallam's case review manager following the shock court announcement on Wednesday told another story. On Thursday, when officially quashing Hallam's conviction, Hallett said she was "indebted to the CCRC".

Hallam's friends and family were jubilant. Hallam himself was in shock having clearly steeled himself for more disappointment. He is going to need support to help him recover from such a trauma. The jubilation may soon turn into bitter anger at the failings that put him behind bars for so long. Henry Blaxland QC, the silk defending him wanted to examine how the "adversarial" court system itself contributed to the miscarriage. Lady Justice Hallett, unsurprisingly did not.

There's a buzz around the miscarriage of justice debate right now, ironic given the crisis in the world of publicly-funded law. Criminal defence work is becoming increasingly financially unsustainable, as advocates are paid less for case preparation and hearings. Lawyers such as Matt Foot from Birnberg Pierce and Blaxland QC (Hallam's defence team) are working harder than ever to get these cases back before the court of appeal. The disquiet around the safety of the conviction of another of Foot's cases, Eddie Gilfoyle increases.

The miscarriages of justice presently coming to the fore share a theme of lack of disclosure caused - at its most generous - by ineptitude and at worst by dishonesty on the part of some police officers. Tomorrow's problems may be caused by the defendant's own solicitors. There is no longer a fee payable for reading the unused material served by the prosecution on the defence. There is often gold to be found hidden deep" among these papers, noted David Jessel at a recent JusticeGap event. The unused material can run to thousands of pages, and is the perfect place to hide evidence which could undermine the prosecution case. Unless you are a lawyer with a deep sense of justice, there is little motivation to plough through this material for no financial reward, and with many solicitors' firms laying off staff, there are fewer and fewer people available to do the work.

I went to Winchester University last week to look at a case being investigated by Brian Thornton, a lecturer in journalism. The papers on this case fill a room from floor to ceiling, a daunting and heart-sinking case for anyone tasked to review it. The driving force must be the knowledge that an innocent person is sitting in a prison cell, relying on you to find the key to unlock the case.

In Hallam's case the key came from his own mobile phone. Photos on the phone showed that at the time he was wrongly identified to have been taking part in the brutal murder of Essayas Kassahun, he was actually in a pub with his Dad. Hallam had forgotten where he was that night, leading him to give what the police believed, and which the jury seemed to have accepted, was a false alibi. Had the police used cell site analysis to investigate the mobile phone, they would have seen early on in the investigation that Hallam was innocent.

As the CCRC's Richard Foster told me, he's not so worried about the bigger cases - those with campaigns have a momentum of their own, as evidenced in Hallam's case. It's the quiet ones that worry Foster. There are plans to undertake more "face-to-face applications", but the CCRC like everyone else, has been hit by cuts to its funding.

The emotional scenes in court on Wednesday was a stark reminder that there can

exposed and the record put straight as far as his report to the Parole Board was concerned. Instead I was about to enter a sort of Kafkaesque nightmare.

On the 2/4/2012 I was interviewed by Jackie Peters, Manager for "Risk Management Services" and Barnett's immediate boss, and Sheila Ritchie, a "Sex and Violent Offender Liaison Officer", and also a colleague of Barnett's. Both made it absolutely clear that they intended to defend and support their colleague no matter what, even if it required some twisting of the facts and a total disregard of the truth. Throughout the interview I was treated with obvious contempt and at one point I was actually asked if any of my victims (I was convicted of one murder) were black or homosexuals.

Despite my constant protestations that neither race or sexual orientation played any part whatsoever in my conviction, as the official files make clear, they steadfastly determined to somehow defend and justify Barnett's lies. I eventually realised that the interview was meaningless and their intention was simply to defend their colleague, so I told them that I would pursue my complaint beyond them and do whatever it took to expose Barnett's lies. In their subsequent report they would describe this as a "threat" against Barnett.

They also alleged I had been "angry and aggressive" towards them and tried to shift the focus from Barnett's lies onto my behaviour during the interview, which they insinuated suggested a potential risk to both themselves and the wider community. The issue of Barnett's lies in their report was glossed over and my complaint rejected. It's important to remember here that we're not dealing with some minor factual inaccuracy or a biased interpretation of established fact, a fairly common phenomenon in social work reports on prisoners; Barnett wrote blatant lies in his report, claims that had absolutely no basis in fact or reality, lies that are easily disproved by reference to the mass of information in my prison and social work file, and yet those supposedly responsible for investigating my complaint decided that Barnett had done absolutely no wrong and his report was completely acceptable. Protected by an occupational culture that views and treats "offenders" as things to be monitored, supervised and policed, authoritarian characters like Barnett believe they have total power over those under their supervision and with it the absolute right to increase their demonisation and dehumanisation, even by writing blatant lies about them.

Those who employ Barnett and those who work alongside him in the Edinburgh Criminal Justice Services must ultimately take responsibility for his behaviour because by defending and supporting him they have seriously compromised their own integrity and are complicit in his dishonesty and abuse of power. A more senior social worker, Stephen Laird, signed off Barnett's report and therefore gave the official seal of approval to his lies, which is why those supposedly investigating my complaint Peters and Ritchie, felt an even greater predisposition to support Barnett, even if his lies regarding my original offence were obvious and indefensible. This is how corruption spreads within institutions like the police and Social Services; defending and supporting colleagues who have abused their power, especially over people considered something less than human and utterly powerless, creates complicity and a culture of abuse generally. The prison system and police are riddled with this culture, which is why the abuse and death of people in custody is widespread and why those directly responsible are rarely identified and prosecuted. It would seem that the "Criminal Justice Services" generally, including social workers and probation officers, are also contaminated by this culture of lying and treating "offenders" as people stripped of all basic rights; my experience with Barnett and his colleagues certainly illustrates this.

Undoubtedly at my next parole hearing Barnett will claim that by challenging the lies in his

The exceptionally lax treatment of evidence continued even beyond the grave. When Liebman asked to see all the stored evidence in the case, so that he could subject it to the DNA testing that was not available to investigators in 1983, he was told that it had all disappeared.

Having lived and breathed this case for so many years, Liebman says the most shocking thing about it was its ordinariness. "This wasn't the trial of OJ Simpson. It was an obscure case, the kind that could involve anybody. Maybe those are the cases where miscarriages of justice happen, the routine everyday cases where nobody thinks enough about the victim, let alone the defendant."

The groundbreaking work that the Columbia law school has done comes at an important juncture for the death penalty in America. Connecticut last month became the fifth state in as many years to repeal the ultimate punishment and support for abolition is gathering steam.

In that context, Liebman hopes his exhaustive work will encourage Americans to think more deeply about what is done in their name. All the evidence the Columbia team has gathered on the DeLuna case has been placed on the internet with open public access. "We've provided as complete a set of information as we can about a pretty average case, to let the public make its own judgment. I believe they will make the judgment that in this kind of case there's just too much risk."

As for the tocayos Carloses, Carlos Hernandez died of natural causes in a Texas prison in May 1999, having been jailed for assaulting a neighbour with a 9in knife.

Carlos DeLuna commented on his own ending in a television interview a couple of years before his execution. "Maybe one day the truth will come out," he said from behind reinforced glass. "I'm hoping it will. If I end up getting executed for this, I don't think it's right."

Edinburgh CJS continue to cover up their treatment of John Bowden!

Please write letters of complaint

Edinburgh Criminal Justice Services, or what used to be known as the plain Social Work Department, has seriously compromised its professional integrity by defending a member of its staff who deliberately told lies in a report to the Parole Board in an attempt to sabotage my chances of release from prison. Behaving like corrupt policemen instead of traditional social workers seems now to be acceptable practice at Edinburgh Social Services.

In an official report for the Parole Board written on the 29/2/2012 Brenden Barnett, who works for Edinburgh Criminal Justice Services, made the following incredible claims about my original case in 1980. "Secondary motives for using violence described by the trial judge and acknowledged by Bowden himself suggest a pattern of behaviour that allowed for the predatory targeting of vulnerable human beings on the margins of society defined by race or sexuality". "Bowden has suggested that his victims were easily discriminated against on the basis of race or sexuality". "There has been no investigation of the values and beliefs that informed Bowden's targeting of individuals, i.e. what particular characteristics deemed a person worthy of attack; ethnic background, deviant sexuality".

There is absolutely no evidence whatsoever to support Barnett's bizarre claims and in fact I was convicted in 1982, alongside two other men, of the murder of a white Caucasian heterosexual male during a drunken party in South London. If ethnicity was any sort of factor in the case it was actually represented in the defendants, two of whom were Irish and the third second-generation Irish; the victim was a native white south Londoner. Neither the police who investigated the case or the prosecution authorities or indeed trial judge had ever claimed that either racism or homophobia had played any part in the case; Barnett's claims are a total lie, as he well knew.

Naively, I imagined that by officially complaining to Barnett's superiors his lies would be

be fewer areas more deserving of funding than ensuring that the criminal justice system in this country retains its integrity. It is the state's ultimate power to deprive a person of their liberty. And it is the state's ultimate responsibility to do it honestly and justly.

Kim Evans is commissioning editor of thejusticegap.com, where you can download Wrongly accused: Who is responsible for investigating miscarriages of justice? free

How a community's outcry led to campaign for justice for Sam Hallam

Veteran justice campaigner Paul May was asked to help out by friends of Hallam following conviction in 2005 Sandra Laville, guardian.co.uk, Wednesday 16 May 2012

Five years ago in a public hall in Hoxton, London, it was the strength of a community loudly protesting the innocence of Sam Hallam that made a veteran justice campaigner believe something was terribly wrong.

Paul May, who worked on the campaign to free the Birmingham Six, had been asked to help out by friends of Hallam following his conviction in 2005 for the murder in a gang attack of Essayas Kassahun. Kassahun died when he came to the aid of a friend, Louis Colley, who was being attacked in Old Street by a mob of youths over a perceived insult. Before the attack, 40 to 50 youths had gathered in the area, and when the confrontation came it lasted a matter of seconds. Colley escaped but Kassahun was killed with a penetrating wound to the head. He walked a short distance to a nearby petrol station, where he collapsed. He died two days later in hospital. Hallam was one of two individuals convicted of the killing in 2005. Six others were acquitted.

He was convicted on the say-so of two supposed witnesses. There was nothing else to link him to the scene at the junction of Bath Street and Old Street at 8.45pm on Monday 11 October 2004. The key witness against him, Phoebe Henville, changed her account several times, and when challenged at Hallam's trial in cross-examination as to why she had identified him, she said: "I just wanted someone to blame." The other witness who told police Hallam was at the scene retracted his evidence at the trial, saying he could not identify him. Bilal Khelfa also stated he only named Hallam because he had been given his name by Henville. No forensic evidence linked Hallam to the scene and he denied being there on the night.

Hallam's friends and family recruited May, knowing his record, and after a meeting with Hallam's mother, Wendy, he agreed to attend a meeting in Regan Way community hall some five years ago. "I expected a few people to be there," May said. "When I turned up, there were more than 200 people inside. They were friends, neighbours, members of the family, people in the community who knew Sam. That was the thing that struck me - they were from his community, they knew Sam Hallam, they had known him since he was a child, and they knew he wasn't the sort of guy to get involved in something like this."

From that moment May was convinced. It was to take many more years - a failed criminal appeal in 2007; a play entitled Someone To Blame, which was performed at the King's Head in Islington; the intervention of the Criminal Cases Review Commission (CCRC); and, most importantly, the combination of May's experience and the sheer will of the community to finally bring justice for 24-year-old Hallam.

Matt Foot, Hallam's lawyer, said: "The whole community knows he wasn't there. It's a solid working class community, people who don't like it when things go wrong like this, it becomes a sore which effects them all. "This case never should have gone to a jury. This is what it leads to - innocent people being put inside."

When Hallam's 2007 appeal failed, it was critical for May to get the CCRC to investigate

the conviction. He knew the only way to do so was to come up with new evidence. Using the community as his detectives, he identified nine witnesses who had been at the scene, knew Hallam and made statements saying he was not there.

Presented with this evidence, commissioners from the CCRC agreed to examine the case and - unusually - instructed an outside force, Thames Valley police, to review the case. Detective Chief Inspector Steve Tolmie, a homicide detective with a long record of murder investigations, led the new inquiry. "We applied fresh eyes," he told the Guardian. "We were given a very broad remit." Tolmie would not be drawn publicly on the details, but what he uncovered showed that the original investigation by the Metropolitan police was unsatisfactory in many ways.

The Thames Valley team discovered that the Met did not carry out cell site analysis of Hallam's phone and did not disclose that another young man, Tyrone Isaacs, who had been named as present at the scene, was in possession of a broomhandle with a nail in one end. Isaacs was also in possession of a mobile phone with no back - and Colley told police he was in possession of such a phone when the attack took place. Police also did not disclose that it was rumoured that another man, also called Sam, was involved.

May said the Met inquiry was a "lacklustre, mediocre investigation" and was considering whether to refer the case to the Independent Police Complaints Commission.

Detective Chief Inspector Michael Broster who led the murder inquiry was criticised in court of appeal documents. Broster - who has since been promoted to a detective superintendent in the anti-terrorist squad - was criticised again two weeks ago by the coroner in the Gareth Williams trial for failing to disclose evidence and for being lacklustre in pursuit of lines of inquiry.

May said: "It is remarkable that exactly the same criticism that the coroner had of the officer in the Williams inquest are precisely the words we would use about the investigation into the murder. The whole investigation had a casual approach to disclosure and it led to an injustice which only now - seven years on - is being righted."

What price Justice?

I can never understand why it takes so long to take a case to the appeal court to obtain justice when the evidence was so overwhelming from the start! What use is the CCRC when they too take 3-4 years to make any recommendation? Why couldn't they have made a fast-track decision? I have been involved with several miscarriage of justice cases including that of Stephen Downing, Graham Huckerby and Barry George - amongst others.

It always takes an outsider, family supporter or newspaper to take up these causes and the government don't seem to give a damn or even care that it takes years upon years to overturn and quash a conviction, which was probably in doubt from day one, whilst the poor, bewildered prisoner has to rely on minimal support whilst others fight his cause.

All the matters highlighted in this case are unforgivable and as usual heads should roll but probably won't. It is so rare that any police officers face disciplinary action over these blatant miscarriage cases and yet enjoy early retirement, fat cat pensions and the life of Riley whatever the circumstances.

It is time the CCRC and the role of 'justice' was fully examined and speeded up. Thankfully Sam Hallam will begin the process of rehabilitation and may eventually receive some token compensation, but nothing will ever compensate for the unfair and unjust amount of time spent in jail, whilst the police, lawyers and politicians continued to enjoy a regal lifestyle whilst he and others were left to rot!

Don Hale / donald.hale@talk21.com

entire adult life on parole. Yet he was almost never put in prison for his crimes – a disparity that Liebman believes was because he was used as a police informant.

"Its hard to understand what happened without that piece of the puzzle," Liebman says. Several of the crimes that Hernandez committed involved hold-ups of Corpus Christi gas stations. Just a few days before the Shamrock murder he was found cowering outside a nearby 7-Eleven wielding a knife – a detail never disclosed to DeLuna's defence.

He also had a history of violence towards women. He was twice arrested on suspicion of the 1979 murder of a woman called Dahlia Saucedo, who was stabbed and then had an "X" carved into her back. The first arrest was made four years before DeLuna's trial and the second while DeLuna was on death row, yet the connection between this Hernandez and the "phantom" presented to DeLuna's jury was never made.

In October 1989, just two months before DeLuna was executed, Hernandez was sentenced to 10 years' imprisonment for attempting to kill with a knife another woman called Dina Ybanez. Even then, no one thought to alert the courts or Texas state as it prepared to put DeLuna to death.

Hernandez himself frequently told people that he was a knife murderer. He made numerous confessions to having killed Wanda Lopez, the crime for which DeLuna was executed, joking with friends and relatives that his "tocayo" had taken the fall.

His admissions were so widely broadcast that even Corpus Christi police detectives came to hear about them within weeks of the incident at the Shamrock gas station. Yet this was the same Carlos Hernandez who prosecutors told the jury did not exist. This was the figment of Carlos DeLuna's imagination.

Many other glaring discrepancies also stand out in the DeLuna case. He was put on death row largely on the eyewitness testimony of one man, Kevan Baker, who had seen the fight inside the Shamrock and watched the attacker flee the scene. Yet when Baker was interviewed 20 years later, he said that he hadn't been that sure about the identification as he had trouble telling one Hispanic person apart from another.

Then there was the crime-scene investigation. Detectives failed to carry out or bungled basic forensic procedures that might have revealed information about the killer. No blood samples were collected and tested for the culprit's blood type.

Fingerprinting was so badly handled that no useable fingerprints were taken. None of the items found on the floor of the Shamrock – a cigarette stub, chewing gum, a button, comb and beer cans – were forensically examined for saliva or blood. There was no scraping of the victim's fingernails for traces of the attacker's skin. When Liebman and his students studied digitally enhanced copies of crime scene photographs, they were amazed to find the footprint from a man's shoe imprinted in a pool of Lopez's blood on the floor – yet no effort was made to measure it.

"There it was," says Liebman. "The murderer had left his calling card at the scene, but it was never used." Even the murder weapon, the knife, was not properly examined, though it was covered in blood and flesh.

Other photographs show Lopez's blood splattered up to three feet high on the walls of the Shamrock counter. Yet when DeLuna's clothes and shoes were tested for traces of blood, not a single microscopic drop was found. The prosecution said it must have been washed away by the rain.

There appeared to have been an unseemly scramble to wrap up the crime scene. Less than two hours after the murder happened, the police chief in charge of the homicide investigation ordered all detectives to quit the Shamrock and allowed its owner to wash it down, sweeping away vital evidence that could have saved a man's life.

Liebman and 12 students. Starting in 2004, they meticulously chased down every possible lead in the case, interviewing more than 100 witnesses, perusing about 900 pieces of source material and poring over crime scene photographs and legal documents that, when stacked, stand over 10ft high. What they discovered stunned even Liebman, who, as an expert in America's use of capital punishment, was well versed in its flaws. "It was a house of cards. We found that everything that could go wrong did go wrong," he says.

Carlos DeLuna was arrested, aged 20, on 4 February 1983 for the brutal murder of a young woman, Wanda Lopez. She had been stabbed once through the left breast with an 8in lock-blade buck knife which had cut an artery causing her to bleed to death.

From the moment of his arrest until the day of his death by lethal injection six years later, DeLuna consistently protested he was innocent. He went further – he said that though he hadn't committed the murder, he knew who had. He even named the culprit: a notoriously violent criminal called Carlos Hernandez.

The two Carloses were not just namesakes – or tocamys in Spanish, as referenced in the title of the Columbia book. They were the same height and weight, and looked so alike that they were sometimes mistaken for twins. When Carlos Hernandez's lawyer saw pictures of the two men, he confused one for the other, as did DeLuna's sister Rose.

At his 1983 trial, Carlos DeLuna told the jury that on the day of the murder he'd run into Hernandez, who he'd known for the previous five years. The two men, who both lived in the southern Texas town of Corpus Christi, stopped off at a bar. Hernandez went over to a gas station, the Shamrock, to buy something, and when he didn't return DeLuna went over to see what was going on. DeLuna told the jury that he saw Hernandez inside the Shamrock wrestling with a woman behind the counter. DeLuna said he was afraid and started to run. He had his own police record for sexual assault – though he had never been known to possess or use a weapon – and he feared getting into trouble again. "I just kept running because I was scared, you know." When he heard the sirens of police cars screeching towards the gas station he panicked and hid under a pick-up truck where, 40 minutes after the killing, he was arrested.

At the trial, DeLuna's defence team told the jury that Carlos Hernandez, not DeLuna, was the murderer. But the prosecutors ridiculed that suggestion. They told the jury that police had looked for a "Carlos Hernandez" after his name had been passed to them by DeLuna's lawyers, without success. They had concluded that Hernandez was a fabrication, a "phantom" who simply did not exist. The chief prosecutor said in summing up that Hernandez was a "figment of DeLuna's imagination".

Four years after DeLuna was executed, Liebman decided to look into the DeLuna case as part of a project he was undertaking into the fallibility of the death penalty. He asked a private investigator to spend one day – just one day – looking for signs of the elusive Carlos Hernandez. By the end of that single day the investigator had uncovered evidence that had eluded scores of Texan police officers, prosecutors, defense lawyers and judges over the six years between DeLuna's arrest and execution. Carlos Hernandez did indeed exist.

Liebman's investigator tracked down within a few hours a woman who was related to both the Carloses. She supplied Hernandez's date of birth, which in turn allowed the unlocking of Hernandez's criminal past as the case rapidly unravelled. With the help of his students, Liebman began to piece together a profile of Hernandez. He was an alcoholic with a history of violence, who was always in the company of his trusted companion: a lock-blade buck knife.

Over the years he was arrested 39 times, 13 of them for carrying a knife, and spent his

Barry George to sue for compensation

Barry George, who spent eight years in prison after being wrongly convicted of the murder of the BBC TV presenter Jill Dando shot dead outside her home in Fulham in April 1999, is to fight a test case for compensation.

Mr George, 52, who was cleared after a retrial in 2008, will be one of five lead cases to be heard at the High Court in London this autumn, a judge ruled yesterday. The five will test the law on who is now entitled to payments in "miscarriages of justice" cases following a landmark decision by the Supreme Court in May last year.

Mr George's claim for damages for lost earnings and wrongful imprisonment was rejected by the Ministry of Justice on the grounds that he was not legally entitled to compensation. Gordon Bishop, appearing for Mr George, from Fulham, west London, told Mr Justice Irwin his client was "very happy" to put himself forward as a lead case.

Nick Baird, solicitor for Mr George, said that if Mr George eventually wins his claim the amount he can receive will be capped at £500,000. John Aston, Independent, 19/05/12

Comment from Don Hale: Make the Fat Cats Worry about Giving up their Cream?

I think it is absolutely ridiculous that so called 'Ministry of Justice' has rejected Barry George's application for compensation.

It is really a show of two fingers from the government to the appeal courts for considering Barry's appeal and justifiably quashing his murder conviction. On those grounds alone, let alone the failings of the Met Police and the government; the justice minister and the head of the Met, should be hauled before that very court for contempt, potential negligence and a definite failure to investigate a murder inquiry properly; and to personally explain how and why the government justice system - under his supervision - has once again broken down and failed to support a justifiable appeal.

I have worked with the CCRC and their predecessors on numerous occasions and found the former much easier to converse with than the latter. The CCRC has become another 'Ivory Tower' of bureaucracy that has become bogged-down with an overload of red tape and the need to jump however high they are asked, and whenever the government say so. It is now a far cry from being independent and is blatantly afraid of rocking any boats. It was a good idea at the time but now needs an urgent overhaul. Unfortunately however, for anyone involving with potential miscarriages of justice, this is all we have!

I feel a government inquiry should be urgently organised to look at the current methods of appeal, and most certainly at the aftermath left by police forces and the government when they realise they have got it wrong, convictions are overturned, and the need to consider compensation payments. And let's not forget that it is not just the prisoners' who have suffered, what about their families, friends and campaigners?

The present compensation system examines how long the prisoner spent in jail, their age, health, potential earning capacity, range of benefits, employment status etc. etc. And when all that is taken into account they then have the audacity to deduct bed and breakfast and supervision charges for being incorrectly imprisoned at Her Majesty's Pleasure! The compensation payments should be funded by the police force in question who made the mistake in the first place in failing to complete a satisfactory investigation, and the justice ministry for associated negligence!

The strange thing about our police forces is that they are in contravention of English Law. In courts it is said that a person is innocent until proven guilty, and yet the police often grab

someone who fits the 'usual suspect' criteria of analysis, charge them and lock them up, thereby often denying any hope of defence; and claim they are guilty until proven innocent. Once they have their 'person' they shut down all other lines of inquiry and Bob's your uncle?

Perhaps if a few more blundering chief constables, Met police commanders and other fat-cat ministers shared the costs of their massive cock-ups, and were forced to fund any compensation claims, then maybe we would have an efficient justice system. People like Stephen Downing, Graham Huckerby, and Barry George are three clear examples of where the system has failed, and whatever payment is eventually made it still goes nowhere near to compensating the innocent prisoner for many years of hardship and the deprivation of family and social life.

I believe that a series of rules should be introduced immediately giving all wrongfully convicted people a minimum rate of pay and compensation for each and every day spent unlawfully in prison. The major problem however remains with this and all previous governments, in that they still do not believe that there are any innocent people in jail. This is why these particular people need to pay the penalty themselves and be made to make an apologetic statement on TV, and agree to personally hand over an appropriate and fair level of compensation. The poor innocents have spent thousands of sleepless nights in jail hoping someone will fight their cause - so why not turn the tables and make the fat cats worry about giving up their cream? Don Hale / donald.hale@talk21.com

In Memory Abdelbaset al-Megrahi 1952- 2012 Hostage of the British State 2001 - 2009

Lockerbie bombing: secrets not to be taken to the grave

On 31 January 2001, Megrahi was convicted, by a panel of three Scottish judges sitting in a special court at Camp Zeist in the Netherlands, of 270 counts of murder for the bombing of Pan Am Flight 103 over Lockerbie, Scotland, on 21 December 1988 and was sentenced to life imprisonment. His co-accused, Lamin Khalifah Fhimah, was found not guilty and was acquitted.

"As someone who attended the trial I have never taken the view that Megrahi was guilty. Megrahi is the 271st victim of Lockerbie." David Ben-Aryeah, a spokesman for some of the families

Dr Jim Swire, whose 24-year-old daughter Flora died, said it was "a very sad event". "I met him last time face-to-face in Tripoli in December last year, when he was very sick and in a lot of pain. But he still wanted to talk to me about how information which he and his defence team have accumulated could be passed to me after his death, and I think that's a fairly amazing thing for a man who knows he's dying to do."

One might assume that the truth about the bombing might finally emerge - but that hope could be premature. Editorial: guardian.co.uk, Sunday 20 May 2012

The death on Sunday of Abdelbaset al-Megrahi, the only person to be convicted of the Lockerbie bombing, removes one running sore in relations between London and Washington. There was fury in the US when the former Libyan intelligence officer was released on compassionate grounds by the Scottish government three years ago after being diagnosed with terminal cancer. There was outrage when Megrahi returned to Tripoli to a hero's welcome, escorted by Saif al-Islam, and renewed charges that it was all part of another dirty piece of British realpolitik with the Gaddafi regime, involving lucrative oil and gas deals. There is no room in this anger, for the thought that the Scottish legal process could act independently of London or that doctors genuinely thought that Megrahi had only months to live.

In reality, the death of the man who pleaded his innocence right up until the very end changes little. The horrific crime of Pan Am Flight 103 leaves the families of the victims as cruelly divided today as they have always been. Some, like Frank Duggan, president of the

driven by the expanded population of indeterminate sentence prisoners."

When TheOpinionSite.org asked the Ministry of Justice and the Home Office about the problems facing IPP prisoners, particularly sex offenders, they had little to say that made any real difference. Instead, they produced a lot of words that actually said nothing, something that has become typical when addressing such questions. A Ministry of Justice (MoJ) spokesman said: "We have managed to maintain the Parole Board's budget for this financial year in the face of significant spending cuts across Government. The Board's funding is kept under regular review and we will carry on working with it to ensure it is able to meet its responsibilities. The MoJ is also working closely with the Parole Board on ways to minimise the existing backlog of IPP cases."

What the above actually means is that currently no extra money will be made available, the delays will continue and those who should not be in jail will remain behind bars for some years to come.

HMP Channings Wood's care of elderly inmates 'concerning'

Elderly inmates at a Devon prison are not getting the health care they need, according to inspectors. The Independent Monitoring Board (IMB) said there are "significant gaps" in the treatment regime of prisoners at HMP Channings Wood. IMB chair Sue Jackson, said its elderly population is growing and a 3% budget cut makes things harder to address. In its annual report for 2010-2011, the IMB said there was an "extensive" use of locum doctors.

Ideally, the health care centre at Channings Wood should be a GP surgery within the prison and prisoners should have exactly the same access to facilities as you and I have," Ms Jackson said. "Unfortunately, that's not the case. It can be incredibly difficult to find staff to staff the unit and GPs to come in when they're supposed to." She said this had led to "significant gaps in coverage" of care at what is an old prison that does not have all suitable facilities required. 'Complex needs' A stair lift has already been installed to allow older inmates to visit the prison's library, but the IMB chair said money needed to be spent on adapting shower facilities and buying other mobility aids.

In a statement responding to Ms Jackson's concerns, the service said: "We are working hard to ensure that prisons are equipped to meet the demands of an ageing prison population and that the public is suitably protected. "Age, disability or illness do not necessarily mitigate against risk to the public - or risk of reoffending - so we must ensure that prisons are equipped to meet the complex health and personal care needs of these prisoners."

How Texas sent an innocent man to his death

Ed Pilkington iguardian.co.uk,

Groundbreaking Columbia law school study sets out in shocking detail the flaws that led to Carlos DeLuna's execution in 1989. A few years ago, Antonin Scalia, one of the nine justices on the US supreme court, made a bold statement. There has not been, he said, "a single case - not one - in which it is clear that a person was executed for a crime he did not commit. If such an event had occurred ... the innocent's name would be shouted from the rooftops."

Scalia may have to eat his words. It is now clear that a person was executed for a crime he did not commit, and his name - Carlos DeLuna - is being shouted from the rooftops of the Columbia Human Rights Law Review. The august journal has cleared its entire spring edition, doubling its normal size to 436 pages, to carry an extraordinary investigation by a Columbia law school professor and his students. The book sets out in precise and shocking detail how an innocent man was sent to his death on 8 December 1989, courtesy of the state of Texas. Los Tocayos Carlos: An Anatomy of a Wrongful Execution, is based on six years of intensive detective work by Professor James

but also has the longest sentences in Europe. However, there is no proof that locking people up actually reduces crime at all, not least because the rehabilitation in the UK is so poor that once eventually released, most prisoners go on to reoffend, often through sheer desperation as they slowly realise that the chances of ever working again are virtually zero.

There is another huge problem for the Parole Board as well: Those convicted of sexual offences or murder are actually the least likely to reoffend. However, they also engender the most public fear, something that is not lost on politicians, especially those that are ambitious and hungry for power.

It is a political fact that anyone can check that when Home Secretaries are in trouble, they tend to very publicly increase restrictions on sex offenders or increase sentences for other high profile offences in an effort to regain public confidence. As a result of this political paranoia, the prisons remain full, even more criminal offences are created and organisations such as the police and probation services, fearful for their own employment and income prospects, try their best to justify their existence by maintaining public fear, justified or otherwise.

A police officer recently told TheOpinionSite.org that whereas previously Public Protection Units (PPU) were well funded, they too are now subject to budget cuts, have fewer personnel and are expected to cover a wider area than before. As a result, he went on, PPU officers are anxious to demonstrate that they are needed and this sometimes involved maintaining the public's perception of "high risk" offenders living in the community whereas, in reality, the actual risk of reoffending by such offenders is relatively low.

Probation officers too, fearful that they may be out of a job, have developed a "risk averse" nature and culture in which it is assumed that all IPP prisoners and others who have committed serious offences are "bound to reoffend" when in reality, most do not. Given that an IPP carries a minimum licence period of 10 years, any IPP prisoner who is eventually released can expect to be recalled to prison at some point, whether he commits another offence or not.

Probation officers have complete control over the released offender's life for the whole of the licence period and only need to believe that an offender's behaviour may indicate a possible likelihood of reoffending for that offender to be sent back to prison for years.

All these factors, particularly the false perception of reoffending, prevent the Parole Board from releasing more prisoners who should have been out of jail long ago. The Board is terrified of ignoring the recommendation of a probation officer that a prisoner should remain in jail in case something goes wrong later. The fact that the probation officer's assessment of risk may be totally wrong, prejudiced and inaccurate is not even considered.

In order to combat such prejudiced decision making, the government had intended to introduce a new "release test" that would make the Parole Board much more independent and less reliant on the opinion of probation staff but TheOpinionSite.org can report that this proposal too has been put on hold for fear of criticism in the media.

None of this helps reduce the delays experienced by IPP and life-sentenced prisoners. Review hearings for prisoners serving life sentences are projected to increase from 1,604 in 2010/11 to 2,240 in 2012/13, while the number of reviews for inmates serving the controversial IPP sentences is expected to rise from 2,212 to 3,750 over the same period.

Claire Bassett, the board's chief executive, said the number of indeterminate sentence cases referred to the Parole Board could touch "a new record high" by 2012/13. "The board has a real challenge ahead of it this year," she said. "The long-term trend for our caseload to move away from less labour intensive paper hearings towards much more resource intensive oral hearings is set to continue over the next 12 months. We will continue to see an increasing number of oral hearings,

Victims of Pan Am Flight 103, believe Megrahi is an unrepentant murderer who is finally seeing justice (presumably in hell). And others, just as bereaved, like Jim Swire, who saw Megrahi in Tripoli last year, believe evidence yet to be released will prove his innocence.

It is undoubtedly the case that question marks linger over the evidence provided to the original trial at Camp Zeist in the Netherlands: differences were found in the metal coatings and the circuit board of the timer fragment used in the bombing and ones supplied to the Libyans; the only person to identify Megrahi, the Maltese shopkeeper Tony Gauci, was offered a reward of \$2m by the US, changed his story many times and his evidence could well be unreliable. If the evidence provided at the trial is correct, Megrahi carried out the attack using his own passport, staying in his regular hotel, using regular flights to and from Malta, and a timer the Libyans believed was made exclusively for them. The court's inference that the bomb was transferred from a feeder flight from Frankfurt was also challenged by a security guard at Heathrow who revealed a break-in to Pan Am's baggage area 17 hours before the bombing. Little of this has been tested in court, because Megrahi dropped his appeal just before he was released. Other significant doubts about the conviction have been raised by the Scottish Criminal Cases Review Commission (SCCRC), which spent three years studying the evidence. Officially the case remains open and the lord advocate Frank Mulholland and the FBI chief Robert Mueller travelled recently to Tripoli as an advance party for Scottish investigators from the Crown Office and Dumfries and Galloway police. Between them, and the Libyans who have suffered as much as anyone from Gaddafi's regime, one might assume that the truth about the bombing might finally emerge. But that hope could be premature.

First, with local elections in Benghazi and national elections in a month's time, the Libyan authorities have other things on their minds and Lockerbie is not top of their list of Gaddafi's crimes – the massacre at Abu Salim prison is. Second, there is little political incentive for either Britain or the US to go where the evidence on this leads them. Far better to let the investigation continue to an inconclusive end, in the knowledge that there were few members of the Gaddafi regime in on the secret and fewer still will be alive to tell the tale.

There are many reasons for delaying an independent judicial inquiry, not least the distant prospect of more criminal trials. But if ever a crime of this magnitude warranted an independent review it is this. Even if it is eventually found that Megrahi's conviction was safe, it would provide a forum for making all the evidence public, including the SCCRC's report, and for putting to rest all doubts. Nor is there any comfort to be obtained from the \$2.76bn Libya paid to the victims' families. In the end Megrahi outlived his leader by seven months, but both may well have taken the truth of what happened to their grave.

Police need training to section vulnerable people

Mark Brown, guardian.co.uk,07/05/12

Restraining people with mental health problems is a delicate task – police restraint tactics designed for criminals can be used on mental health patients and are not appropriate.

The case of Peter Russell, a 58-year-old man with Alzheimer's, being repeatedly tasered by police officers as he resisted being taken into hospital under section, was horrifying. It's hard to imagine how it would feel looking on as a loved one was acted against in that way, but beyond the shock, it is always worth asking: what could be done instead? Why, in 2012, is our treatment of people with severe mental health or cognitive difficulties still so entwined with the apparatus of policing? The answer, from the point of view of mental health services at least, seems simply to be "it's a dirty job and someone else is going to do it". But this doesn't go far enough.

Sectioning, or taking away someone's right to freedom so he or she can be taken for treatment or assessment, is one of the most challenging areas in mental health. To be physically restrained at a time of great personal disorder, desperation or distress is never going to be a good experience, and as such it requires a sensitive and thoughtful approach. .

In Russell's case, because of his dementia, it is difficult for him to give a detailed account of the ordeal. But "sectioning" is used across the spectrum of mental illness and cognitive impairment. So what do those who have been on the receiving end think?

I spoke to a 36-year-old woman with dissociative identity disorder about her experience of the police taking her to a place of safety so that she could be assessed under the Mental Health Act:

"I had gone 'missing' so there had been a six-hour manhunt by the local force. There were around five officers present the entire time and I was fortunate that my community psychiatric nurse (CPN) was also there.

I was confused, scared and surrounded by what I perceived to be threatening people. It was never explained to me what was happening, why the police were there and what their role was. I was taken out to a police van by five officers and locked in.

I was taken to the local acute ward by two officers who then had to wait with me until the ward took over my 'care' again. This took hours. The police made it clear they were unhappy at having to babysit me.

I don't think it's too much to ask that should police involvement be necessary to prevent us endangering ourselves or others, that some sort of mental health professional be present [as well]."

As ever, some of this comes down to resources. Police are not the only people who can legally carry out restraint in cases where someone is being sectioned involuntarily, but are often the professionals on the scene. Section 136 of the Mental Health Act allows a police officer to hold someone for up to 72 hours until they are assessed by a relevant professional, meaning mental health care experts do not need to be present while an individual is detained by the police.

Speaking to blogger Mental Health Cop, a police inspector himself, about the general role of police in cases like this, he told me: "The officers were under a legal duty to get [the person] safely admitted. It's a common problem across the UK that community-based nurses and staff don't appear to have the training or they aren't deployable. I have a strong view, and I know many cops share it, that if the NHS and mental health professionals want to be in the coercion business, and especially if they object to police safety and restraint tactics – let's remember, they were designed for burglars, rapists and drunks – then they should train and deploy their staff to do therapeutically appropriate restraint."

Being sectioned is often a highly unpleasant and distressing experience. If cases like Russell's make us feel uncomfortable, but we accept that to get people treatment we sometimes have to move them there against their will, we have to think about how we can do it differently, and, in the current climate, how we find the money.

We need to look beyond individual cases and ask whether, as a society, we are comfortable with the interaction between law enforcement officers and vulnerable people. Police involvement is not anyone's solution of choice in cases like this, but if police officers do remain the people most regularly involved in such cases, then they must have appropriate training and support that helps them to differentiate people who are unwell from people with criminal intentions.

IPP Delays may Cause Prison Riots Warns Parole Board chief

By Raymond Peytors - theopinionsite.org May 18, 2012

IPP Sentences - a nightmare for the Parole Board: Increasingly long delays in hearing parole applications from prisoners serving Indeterminate sentences for Public protection (IPP) may cause riots in UK prisons if such delays are not addressed immediately, the government has been warned. However, there are even bigger IPP problems that have to be dealt with if the situation is to improve.

TheOpinionSite.org predicted such a situation over a year ago and now, the former chairman of the Parole Board, Sir David Latham says the government must make more money available in order that the number of panel members can be increased and the delays reduced. He went on to say: "If you have more people in prison who simply do not know when they are going to be released, then you've got the risk of disaffection, you've got problems of management. That has all sorts of consequences which people like me, who remember the Strangeways riots and so on, will want to avoid if we possibly can." Sir David also warned that the ever longer delays could result in compensation payments to offenders as so many IPP prisoners were now well past their "tariff", the minimum period of imprisonment to be served.

There are more than 6,500 IPP prisoners in jail and over half of those are past their tariff date. There are also thousands of Life Sentenced prisoners who are also clamouring for hearings before the Parole board, thus piling even more pressure onto a system that has failed completely to address the massive increase in prisoners serving life or indeterminate sentences.

In their efforts to appease the tabloids, charities and lobby groups, successive governments over the last 20 years have created an incarceration monster that is now hopelessly out of control. When the discredited, former Home Secretary, David Blunkett brought in IPP sentences under Tony Blair, it was estimated that by the current date there would be about 900 such prisoners. Instead, the UK now has 6,500. Such incompetence in assessing the impact of the IPP sentence is staggering, even for an administration whose only real interest was "sucking up" to the Murdoch press and giving in to well-heeled charities, all of which were desperate for even more public money than they were getting already – and still are.

When it was first suggested that the IPP sentence would be abolished, there were howls of anguish from the NSPCC, Kidscape, Barnados, so called "child protection" experts and even Sara Payne who had effectively been bank-rolled by the Sun and the now defunct News of the World and who complained bitterly at the prospect of IPPs being scrapped. The government has in fact now passed legislation to abolish IPPs and those listed above, realising that they no longer have quite the influence over government policy that they once enjoyed, are strangely quiet. However, the government has as yet set no timetable for the repeal of the much criticised IPP sentence, ever fearful of the political and tabloid backlash that will ensue when the sentence is finally killed off. Instead, everything is being kept in the shadows in the hope that nobody notices what is going on – if that is, there is any progress is actually being made anyway.

Right wing Tory MPs such as Phillip Davies are keen to not only keep IPP sentences but also to lock up even more people for even longer – if such a thing is actually possible – and are putting up obstacles to the government's plans at every opportunity.

The Labour Shadow Justice Secretary, Sadiq Khan isn't much help either. Although he recognises that there is a huge problem, he doesn't want to be the one to solve it for fear of being labelled "soft on crime" by the media and those charities who have to some extent lost their influence over David Cameron's coalition government. For all the complaints and calls for longer sentences, Britain still not only imprisons more people than any other EU country