

# Miscarriages of Justice, 8.6.14

Paul McLaughlin (MOJO) and Paddy Hill, Birmingham Six

## 1. Paul McLaughlin, Miscarriages of Justice Organisation

The Miscarriages of Justice Organisation (MOJO) was formed as a result of what happened to the Birmingham Six. We are a support organisation to help those who have been wrongly accused and convicted of crimes they did not commit. At any one time MOJO has been used by 65-80 people. We provide legal support and try to ensure after-care for people who have had their convictions quashed. There is only so much MOJO can do without proper funding.

The Scottish government provides us with some financial support, but at nothing like the levels we need. The UK government accepts there is a problem and they have a duty of care. But it does nothing about it. There is no financial backing at this level from the UK Government.

When you are released after wrongful conviction, you are given a travel warrant and £40. That is it. You are sent home with no support.

The official UK state position is – ‘the least said the better’. There is no real investigation into the Crown or Police when a miscarriage of justice occurs. There is a little more openness in Scotland, because of MOJO’s relationship with the government here.

People who have been wrongly convicted face a terrible choice. If someone maintains their innocence, then they get no parole or home release. Contesting a miscarriage of justice can result in the person being imprisoned for longer than if they served the sentence they have been given.

One person we are working with currently was eventually released after being falsely convicted of attempted rape, and sentenced to 7 years. He served 17 years, an extra 10 years because he protested his innocence. He had made several earlier appeals, which failed. His calls to review his conviction were ignored after that as fishing expeditions.

MOJO goes into prison to give support to lifers and other prisoners who are maintaining their innocence. For the Scottish Prison Office (SPO) the issue is control. They see MOJO as helping them in this, and providing a safety valve. However, MOJO does not want to give the SPO an easy ride. MOJO wants justice.

There is a Scottish Criminal Case Review Commission, which has statutory responsibility for examining cases of miscarriage of justice.

One of the biggest failings is the UK Government takes no responsibility for the Post-Traumatic Stress Disorder (PTSD) suffered by those who have had their convictions quashed. This has a major effect on the innocent person after they are released. It has been shown in the only study done by Adrian Grounds that the PTSD suffered by innocent prisoners takes a more acute form, the longer someone has been imprisoned.

Speaking personally, I think that Scottish independence could provide a situation where the limited support currently received in Scotland, compared to England, could be extended. However, this has to be qualified with an emphasis on the need to have transparency within the Judiciary, the Crown and Procurator Fiscals Service (COPFS) and the Police with an need for independent oversight put in place to ensure that the causes of miscarriages of justice are examined in order to put in place solutions to prevent further miscarriages of justice. This does not appear to happen currently.

The present government has further centralised Police powers with the setting up of a Scottish unitary Police Force. We need to ensure more scrutiny of the Police with independent oversight similar to the Independent Review Service/Tribunals Service, which is made up of people from all walks of life adjudicating in civil cases. This means we need to continue campaigning and putting pressure on MSPs and councillors.

At present the Police Force is increasingly being armed, but this is not being admitted publicly. So we have an undeclared armed Police Force. This is a major concern and can only reduce public confidence in the Police.

There have been many more miscarriages of justice since the Birmingham Six in 1974. But only one policeman has been convicted for their role in these, Inspector Richard Munro held back information in a murder trial which could have exonerated two of our clients. 5 years earlier than then were. The usual grounds for failing to follow-up such cases are “maintaining police integrity”. Or that to pursue Officers is not in the public interest.

There is no independent oversight of the Crown, judiciary or police force. There are no public explanations or transparency.

No criminal justice system is flawless. There will always be miscarriages of justice. The problem is the failure to address these. We use the National Lottery slogan when it comes to miscarriages of justice, bear in mind “It Really Could Be You” Remember that people from all backgrounds have suffered from miscarriages of justice.

## **2. Paddy Hill, Birmingham Six**

Before 1974 the IRA planted bombs in the Midlands and other parts of England and warnings were given. There was no loss of life or injuries. I can even remember people coming to see a bomb going off at the Rotunda in Birmingham.

Then suddenly a coach was bombed. The IRA later claimed that this was a coach with soldiers being sent to Northern Ireland. It was in fact a coach with the wives and families of soldiers returning from holiday in Germany. The Guildford, Woolwich and Birmingham bombings were all ‘no warnings’ bombings.

The British media went into overdrive. The atmosphere was created that led to my false conviction for the Birmingham bombing.

I was 16 and a half years in prison. I was never arrested. I initially talked to the police of my own free volition, in order to be dismissed from their enquiries. British intelligence knew that I wasn't involved in Republicanism. I had 3 brothers in the British Army. The third of these was just then about to serve in Ireland. My father was in the British Army for 30 years.

However, I had been at school with IRA member, James McDaid. This was in Ardoyne, a nationalist area in North Belfast, surrounded by Protestant areas. It was known as the 'Murder Mile'. It was a close community, where people knew each other, and could have acquaintances, friends and family who were involved in the IRA, although the majority were not.

When the official statements about the number of bombs used at Birmingham – 6, 8 and 12 – were shown to be contradictory, the state prosecutor said that the people being interrogated were highly trained in counter-terrorism techniques. Yet, the person providing this information was interrogated only from 9.00 am to 10.05 am! It was also stated that the bombs were planted outside the pub, when they were planted inside.

My first involvement was when in going back to Belfast by ferry from Morecambe, I saw a line of desks, each with 2 cops behind it. I had a record of trouble with the police. I had been involved in the violence that comes from football (I was a Celtic supporter) and alcohol in a city, which still had houses with notices, 'No Paddies, No Wogs, No Dogs'. This sort of violence was endemic to the situation.

I did not resist questioning. Indeed I had a friendly conversation with Detective Constable Willoughby from Morecombe, about football.

However, the next stage was very different. Myself and my five co-defendants faced police officers, Brand and Bennett. These two said that, we know you didn't do the bombing, but we have to keep the public off our backs. So you have a choice. You are going to make a confession – you can do it the hard way or the easy way. When, there was some opposition to making a false confession, the police resorted to burning us with cigarettes.

When we were put in prison, the prison officers paid people to stab us, crushed glass was put in our food and they pissed in our tea. I spent over 8 years of my sentence in solitary confinement. I saw nobody but immediate family and close friends.

Despite constantly expressing my innocence, I spent 10 years in prison before the first break. It was actually the local Tory MP, Sir Arnold Farr, whose constituency covered Gartree Prison, in Market Harborough, who first listened to me. This resulted my first appeal in 1987. There were 22 Crown witnesses. The Lord Chief Justice, Lord Lane rejected any evidence which questioned the police.

It was only in 1991, after another investigation, that the role of Doctor Skuse, the forensic 'expert' was exposed. He had a history of making claims based on his own specialist forensic techniques that were found to be completely bogus. He was a fantasist. It was also found that the police had fabricated their notes.

However, I have found myself in a worse situation since I was released. I had learned how to cope inside jail. I had internalised the responses need to deal with the situation there 24/7. I was not prepared for what would happen to me outside the jail.

One year later I 'hit the floor'. The doctors said I was suffering from depression. Well I could see that. My body and brain had accustomed itself to thinking that tension was normal. I faced any challenge, just as I would have in prison.

However, there was no treatment for this. Those who have been involved in other situations like the sinking of the Marchioness, or the Lockerbie bombings, were immediately given counselling.

On release I was given £46 and my papers. Sometime later I received £50,000, upped to £100,000 in compensation, pending a final financial settlement of £964,000. From this were deducted several costs, including for 'bed and breakfast' whilst in prison!

Before this, though, I bought a flat in Muswell Hill, and spent most of the rest of the money on campaigning, buying a car and touring the length and breadth of these islands, and to the USA, to wherever anyone would listen. Whilst doing this I accumulated debts of £30,000, but could not claim welfare benefits.

I had grown unaccustomed to living outside prison. Even shopping was difficult. I still cannot sleep for more than one to one and a half hours. At night, I get up and go out for a drive in the car, or take the dog for a walk. Two and a half years after coming out of prison I was finally diagnosed with PTSD – the highest level, worse than that which affects some soldiers in war zones.

The psychologist in Edinburgh said they had no treatment for somebody so highly traumatised. In July 2010, I was sent to the Capio Nightingale Hospital, in Marylebone, London, which deals with trauma victims. However, they were unable to deal with somebody who had been in long-term imprisonment. Indeed, it seemed to me to reproduce the conditions I had found in prison – being put in rooms, told to wait and being told what to do. I reacted accordingly, and threatened one of the staff. I was put out, without any arrangements being made, or any regard to what would then happen to me.

What clearly needs to be developed here in Scotland, where I now live in Ayrshire, is a proper Trauma Centre, where every case could be dealt with. There are people like Paul Miller, Dr, Gordon Turnbull and Adrian Groves, who could do this. Indeed, helping with this could well be the job for me – I have the experience!