

Out for the Night

Martha Brophy

RIGHT: The Birmingham Six on the day of their release

MOJO (Miscarriages of Justice Organisation) was launched at The Houses of Parliament on 14th March 2001, the tenth anniversary of the release of the Birmingham Six and the 'Royal Commission into the Judicial System'. On the day of the Birmingham Six's release, the then Home Secretary Douglas Hurd repealed Parliament to set up this commission which in turn led to the creation of the 'Criminal Case Review Commission': an *independent* body that looks at alleged miscarriages of justice.

Set up by Paddy Hill, John McManus and others, MOJO was disappointed with the media coverage their launch received: BBC1 and ITV covered it regionally, Sky covered it until 5pm, and Channel 4 refused to cover it at all, saying they didn't want to give a publicity stunt to MOJO! This lack of interest by the mainstream media surrounds miscarriages of justice.

MOJO was set up out of a dire need to help innocent people both before and after their release from prison. Paddy Hill had promised a number of people who were victims of miscarriages of justice that he would help them in their fight for freedom and justice. It took him seven years until, finally, the Bridgewater Four were released. During this time more and more people started contacting Paddy Hill with their cases and he became a sort of one-man crusader.

He met John McManus, the co-ordinator of MOJO Scotland, in 1994 when John got involved in raising money for the Bridgewater campaign. At first, people's reaction to Paddy Hill and John McManus and the issues they were raising was that they were scare mongering, and that they were a wee bit on the left and a bit loud. But as time went on and more and more miscarriages of justice were coming to light, it became clear that there was a problem, a real problem with the judicial system in the UK. The police, judicial and legal systems do not recognise this problem. Miscarriages of justice are always seen as individual, isolated cases, not only by the judicial system but also by the media who often only cover stories regionally. If you look at the number of cases since the Birmingham Six, the incredible amount of time people spend in prison going through the appeals process, and the fact that there has never, ever been any prosecution of police officers or lawyers involved in a miscarriage of justice, then surely something must be wrong.

John Kilmarra is one such case. He was released in March 2000 after spending nineteen years for the wrongful conviction of the murder of a manager of a betting shop. His caseworker at the 'Criminal Justice Review Commission' noticed that there were six or seven missing A4 sheets from his file, so she sent a request for these papers, and any others, to the Home Office. Back came the missing papers and a box containing two-hundred and one statements accompanied by a letter to the defense signed by the Junior Council for the case, Maurice Kay. The defense never received these statements. At Kilmarra's first appeal in 1983, Maurice Kay was again involved: he was the Junior Prosecution Council, and he still did not mention the two-hundred and one statements. It took another sixteen years before John Kilmarra was released. Maurice Kay is now a Judge sitting on Appeal Courts. So the judicial system not only refuses to look at gross negligence by those involved in miscarriages of justice, but at this level individuals actually seem to be rewarded. In the case of the Birmingham Six, the police officers involved received early

retirement with good pay packages. Until the compensation was finally completed for the Six earlier this year, these officers had received more money from the public purse than the innocent men.

MOJO Scotland was launched at their first 'Out for the Night' benefit in Glasgow's G2 club in January 2002. They started to get in touch with actors, musicians, comedians, DJs, etc. as another way of getting their message out to ordinary people. They saw the necessity of this as an indictment of the mainstream media. The ethos behind the 'Out for the Night' events, of which there has now been three in Glasgow, is to raise awareness about ongoing cases of miscarriages of justice and as John McManus puts it "if MOJO is going to put on a night for someone inside they're going to make it a good one!" The first part of the event usually takes the shape of actors reading texts from biographies, fiction or other publications¹ surrounding the area of miscarriages of justice and prison. At the launch event in January texts were read from Jack London's 'The Star Rover', 'Forever Lost, Forever Gone' by Paddy Joe Hill, and a court scene was re-enacted by four actors on stage from 'Indictment: Trial by Fire' by TC Campbell and Reg McKay. With accounts of harrowing stories, this consciousness raising part is often difficult for the audience. The second part is spirit lifting with bands, stand-up comedians and DJs so that people leave at the end of the night not feeling low, or that nothing can be done or changed. The next day they can reflect on what they have heard and if it's been a good night maybe what they've heard will sink in more succinct-

ly.

John McManus sees this in the tradition of 'conscious clubbing': you can have a good time and raise awareness about issues at the same time.

'Out for the Night' also wants to bring in people from lots of different communities. Miscarriages of justice don't just affect the person in prison, it affects their whole family: sons, daughters, wives, mothers, fathers, sisters, brothers, a miscarriage of justice has a deep effect on all of them. Often the relatives are a silent minority but unfortunately a growing minority as more and more cases come to light. So it's difficult for MOJO to know who will come along to their events; it's not only the politically aware and active but also those who have a personal involvement.

'Out for the Night' events are for everyone and anyone. John feels that there's an inverted snobbery amongst people who organise benefits: they think that an audience should turn up just because it's a good cause. However, he feels that in these days of information overdrive you've got to use all sort of subtle ways to bring people along. That's one of the reasons they use actors, comedy, music, etc. as a way of appealing to already existing audiences. He uses the analogy of a wedding for the events, where people of all ages come together in a celebration; something for everyone. Perhaps

someone does not particularly want to stay until 3am in the morning clubbing but they can come along for the readings or live music. The important thing is a cross-over of people of different ages from different backgrounds who are talking about the issues raised; something akin to the idea of Workingmen's and Social Clubs where the money raised goes back to helping good causes into the community.

Without wanting to offend, John McManus thinks that it's easy for people to get involved with something like Amnesty

International, for example, as its focus is somewhere else in the world. He feels it's much more difficult to take a stance in your own country. People, especially those from the legal system or with public profiles, who come along and get involved in MOJO events really help contribute to

MOJO's credibility and legitimacy.

The events are also there as a platform for new talent. MOJO is rarely refused if they ask a band, actor or comedian to get involved. People are genuinely interested and do feel responsible. The prison system is meant to be there to protect society and therefore all miscarriages of justice are being done in our name. By getting involved with MOJO people are taking on a responsibility for these miscarriages.

While MOJO was set up to campaign for innocent people in prison fighting for their freedom, this is only half the battle, and in some sense the real battle begins when they are released. While in prison the innocent are treated as troublemakers and once they're released it's seen as some kind of embarrassment. The Birmingham Six were eventually released in 1991, this was also the year that John McCarthy and Terry Waite were released from Beirut. The Birmingham Six received travel costs to their home and nothing else, the British Government arranged sixteen weeks of debriefing and counselling for John McCarthy, Terry Waite and their families at RAF Lynham with top psychologist Gordon Turnbull. The Birmingham Six were asked to leave court by the back entrance, which they refused to do. If the government did not realise the psychological trauma that the six men had suffered at being wrongly imprisoned for sixteen and a half years then it should have been clear to them by 1992/3 when psychologist Dr. Adrian Grounds assessed Paddy Hill for his compensation claim. Intrigued by the lack of study with such cases, Dr. Grounds went on to study fourteen other people who suffered miscarriages of justice and subsequently spent long amounts of time in prison. This was not undertaken with direct government funding but through his university. He drew damning conclusions from his study about the post-traumatic stress and the visual traumatic memory of experiences

while in prison over long periods of time. Sir David Calcutt was appointed assessor for the amount of compensation the Birmingham Six should receive; his report was finished last year. Calcutt concluded in his report that a block amount of money should be given for the first year

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the investigation of Strathclyde Police by Fife Police, the Chief Constable of which was until three years ago the Assistant Chief Constable of Strathclyde Police. On the night of the eviction no charges were brought against any members of SSAC. However, in January 2002 after the report by Fife Police was given to the Procurator Fiscal, nine people—all members of SSAC, seven of which are Muslim—were charged with various offences relating to the night of the eviction. SSAC made eighteen complaints about Strathclyde Police behaviour to the Fife Police Inquiry, twelve of these have been abandoned and six are under review by the Procurator Fiscal. SSAC don't believe that the six under review will go any further until all the court cases against SSAC members have been heard.

'South Side Against Closure' have now been in existence for almost two years. They are fighting for local democracy, for their voices to be heard. They have lost all faith in local Councillors who are meant to be in power to represent them. Councillors are furiously rubbishing the survey SSAC carried out and accuse them of wanting to hijack council tax money for their own ends. It is obvious to anyone who has come in contact with this campaign that rather than taking from the community they continue to give: their time, their expertise as individuals, their intellect and creativity. At the time in Glasgow when there was demonstrations against the murder of Firsat Yildiz Dag, a Kurdish refugee—where demonstrators had to run a gauntlet of local white youths and adults in Sighthill—across the city Asian youth, white housewives and children, elderly Asian men, shopkeepers and professionals were all coming together to fight for their community.

SSAC meet every Monday evening, for more information on their continuing campaign see: www.saveourpool.co.uk

Notes

- 1 In fact it transpired that the Council made this decision in October 2000 and told no-one. Local Labour Councillors although aware of the proposed closure simply kept quiet. No assistance was given to the community or users to argue a case against closure and the only "offer" was to relocate and "direct" users to "state of the art" pools 3 and 4 miles away.
- 2 A questionnaire was piloted extensively in the community in order to be sure the questions were both appropriate to the task and technically viable. As a result community members themselves made suggestions and assisted in the development of the instrument and study design. Every attempt was made to ensure that the questions allowed all views to be expressed from the wide range of community members. There emerged a strong view that the questionnaire should be administered on a face to face basis so that an opportunity could be given to respondents to explain or expand on their views as they addressed specific questions. A team of local people involved in the campaign were given training in face to face interviewing in order to ensure rigour and consistency.
3. State of the art pools are being built with European and government money and through SportScotland government money. SportScotland has given £21.5 million to Glasgow for sport and recreation facilities. It has produced major statements about the need to regenerate communities and implement social inclusion strategies—in association with the Scottish Executive, the documents 'The Role of Sport in Regenerating Deprived Communities', and what it calls "the settled will" of the Scottish people in a document called 'Sport 21'. Both are replete with statements about social inclusion, health, recreation and sport.

The Glasgow strategy of closing old pools and building new ones (with SportScotland money) has ignored the advice and recommendations of its funders. For example the document above states clearly: "All providers should evaluate cur-

rent programmes and the extent to which they are addressing all aspects of social inclusion." In the case of the Govanhill Pool closure Glasgow City Council has not done this. The council did not conduct a social audit as to the consequences of closure. It ignored all of the research evidence about the need to keep local and recreational sports facilities open particularly in urban areas in a context of social inclusion. It can be easily demonstrated that the action to close runs counter to the Council's own policies, SportScotlands' targets on social inclusion, those of the Scottish and Westminster Parliament's. Guidelines and recent research on local community consultation from the Scottish Parliament's Executive have been ignored.

4. Glasgow Letters on Architecture and Space Ltd.
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www.glas-collective.com

"GLAS are a Glasgow based co-operative of architects, teachers, writers and urban activists who are committed to fighting all manifestations of socio-spatial inequality, exploitation and deprivation." They produce the magazine GlasPaper.

5. Making Waves, 23rd-4th March 2002, Langside Halls, Glasgow

Two day community conference reflecting the impact campaigns can make locally and globally.

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of wrongful imprisonment. After the first year in prison he stated that the person becomes accustomed to prison life and therefore it becomes easier for them. For this reason he introduced a sliding scale downwards for each year spent in prison thereafter. Calcutt retired two days after he submitted his report, he never met Paddy Hill, his lawyer or Dr. Grounds. MOJO believe that the Calcutt report will become a precedent, setting the agenda for future compensation claims. It took the Birmingham Six eleven years after their release to finally receive full compensation based on Calcutt's sliding scale. So for somebody like the recently released Robert Brown, who spent twenty-five years innocent in prison, he will get very little for his final year inside because life had become so easy for him... and who knows how many years it will take him to get it?

Sir David Calcutt's findings are in stark contrast to those of Dr. Adrian Grounds', an expert in the field.

MOJO want to set up a halfway house for people who have suffered miscarriages of justice so that when they are released they have somewhere to go: somewhere they can get support from people who have suffered in similar ways, counselling, a place of rehabilitation, a place that their families can use as well. They also want to set up a monitoring group. Most people would see this as an obvious step but this initiative comes from those who have suffered, not those in power. It will be a long hard struggle for MOJO to raise the necessary funds to create such a place. John McManus believes that those who hold the purse strings know exactly what's going on but don't want to admit the legal system is not perfect. In contrast, the people on the street know that nothing is perfect, that mistakes are always made. Even within the MOJO organisation mistakes will be made but he hopes that they will be open and honest enough to admit them. This is something that the judicial system and the government have not so far been willing to do. If they did they would be funding an organisation like MOJO and would see them as a checks and balance to the judicial system. MOJO are not saying that *all* police, lawyers and judges are bent. What they are saying is there *are* corrupt police, lawyers and judges and that they shouldn't be in the positions of power that they are. The whole idea of the judicial system, the government and the media playing down the significance of all the miscarriages of justice over the last ten years is to allay public fear. They want to assure us that there are no serious problems with the police and the judicial system. Yet, survey after survey show that people don't trust the police because there is plainly one law for them and one law for us. For MOJO this just can't go on. It divides society more and more and causes more and more misery. The prison population in the UK is growing at an accelerated rate and therefore there is bound to be an increase in miscarriages of justice. The 'Criminal

Case Review Commission' have already had over four thousand cases lodged with them to date.

Ideally MOJO will get public funds to set up their halfway house. At the moment they are fighting innocent people's cases and raising public awareness. They have clear ideas of how their organisation should take shape. They have charitable status and have a management committee formed of individuals with backgrounds in the legal system, human rights, and those who have suffered miscarriages of justice themselves. As the organisation grows they are aware of potential problems. Both John McManus and Paddy Hill may want to take a step back in the future. They want to put safeguards within the organisation so that it doesn't become a 'toothless tiger'; they want to ensure an equality in pay where the maximum wage that any employee can receive is that of the skilled worker's wage; they want to offer students in relevant fields such as law, journalism, psychology, double the minimum wage to work part-time; they want to make sure no one individual can bring in their own agenda to the detriment of the organisation and/or the people they are fighting for and supporting. They will continue to raise awareness and money by organising fund raising events, receiving donations, and putting on cultural events like the 'Out for the Night' benefits. One project recently initiated involves the Glasgow based artist Michael Fullerton. Paddy Hill approached Michael with the view to purchasing his painting of Lady Cosgrove, the first female judge in Scotland, exhibited in his MFA exhibition at Tramway earlier this year. Michael felt it inappropriate for this painting to be hung in the MOJO office so they decided that he would paint portraits of people who had suffered miscarriages of justice. Michael met Robert Brown before his release and photographed Robert, his mother and his aunts; he also photographed T.C. Campbell and Paddy Hill. The artist is currently working on these full-length portraits that will also reference particular Gainsborough paintings. It is intended that these paintings will be auctioned to raise money for MOJO.

If you're a DJ, actor, musician, artist and would like to get involved with a MOJO project or if you're involved in law, psychiatry, journalism, documentary making or web design and would like to volunteer your services, then get in touch with:

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Notes

1. 'Indictment: Trial by Fire', T.C. Campbell and Reg MCKay, Canongate; 'Forever Lost, Forever Gone', Paddy Joe Hill Published, Bloomsbury; 'The Star Rover', Jack London, Canongate (Rebel Inc.).