

EDDIE GILFOYLE

CAMPAIGN NEWSLETTER

August 2001.

Appeal Court Meeting London

The 4th of July meeting held in London and organised and chaired by Eddie's solicitor, Campbell Malone, was very well attended. Campbell Malone said he saw the meeting as a very good beginning for a campaign for change in the Appeal Court process. Speaking at the meeting Michael Mansfield QC told the audience: "The time has come to redefine what the Court of Appeal is truly about."

The meeting was also addressed by Susannah Arthur, John Batt and Michael Topolski. Susannah in recent times represented John Kamara. He was released by the Court of Appeal after serving nearly twenty years in prison. John Batt and Michael Topolski are the solicitor and barrister in the case of Sally Clark.

Sitting in the audience was a cross section of prominent lawyers, campaigners, TV and newspaper journalists. These included the husband of Sally Clark, himself a lawyer, and the renowned solicitor Gareth Pierce. The miscarriage of

justice campaigns were well represented and included the campaigns for Michael Stone, Brian Parsons, Mark Barnsley Samar & Jawad, and John Taft, to name but a few. There were representatives from the *Trial and Error* and *Rough Justice* TV programmes. Apologies were received from Jim Nichol, solicitor for the Bridgewater 4 and Donald Pendleton, whose case is due to heard at the House of Lords in October. The Pendleton case will question the role of the Court of Appeal.

The day before the meeting the deficiencies in the Appeal Court process were highlighted in a very good article featured in the Guardian and written by Bob Woffinden. The article spanned two pages and questioned whether the Court of Appeal is failing to do its job. Interviewed for the article Campbell Malone explained that his colleagues within the legal profession had over the last twelve months noticed a worrying trend within the Court of Appeal where appeals were being rejected in the face of compelling fresh evidence or new arguments never put before a jury. The article mentioned Eddie's case and the cases of Stephen Craven, Brian Parsons and Donald Pendleton.

At the meeting Michael Mansfield called for a review of the 'role and powers' of the Appeal Court judges to prevent them from using their discretion in an anti-democratic way. He said that the Gilfoyle case came

before the Court of Appeal on two separate occasions and by the time the Crown finished with the case it was quite different from the one the jury heard. He said the Court of Appeal is actually reconvicting appellants and we seem to be going back to a time which predates the Birmingham Six and the Guildford Four. He told the audience that we do not want the Court of Appeal to be second guessing juries and there is a very disturbing trend that makes the threshold for the Criminal Cases Review Commission (CCRC) to refer cases even higher.

Susannah Arthur said that the Court of Appeal protects the system itself and is not concerned with justice. She said: "*I believe the Court of Appeal makes its mind up before hearing the evidence in court.*" In the case of John Kamara she said: "*They twisted the evidence in the Kamara case to protect the system.*" She went on to accuse the CCRC of failing in its role to properly investigate and identify miscarriage of justice cases.

John Batt told the meeting that the appeal against conviction in the case of Sally Clark should never have been rejected. He said the appeal was supported by 'some of the best brains in criminal law.' He recounted the circumstances of this appalling miscarriage of justice and explained how the Court of Appeal dealt with the case. He said "*The Court of Appeal put*

themselves in the place of the jury,” and “They should not become a second jury, second guessing what the original jurors would have found.”

Following the rejection of Eddie’s appeal last December barrister Michael Toploski met with Michael Mansfield and Campbell Malone to discuss Eddie’s case and the case of Sally Clark. Mike Toploski told the meeting “*The Court of Appeal fails to appreciate what its proper role should be.*” He explained that only about 5% of cases brought to the Court of Appeal are overturned – 95% fail.

Good ideas and suggestions came from the audience and Campbell Malone and his colleagues are discussing ways to move the campaign forward. He and his colleagues believe that a good way forward is for the lawyers and the campaigners to come together to push hard for a change in the role of the Court of Appeal. He said if necessary we should push for change through Parliament, the House of Lords or Europe.

We as campaigners must give the lawyers our help and support.

The Appeal Court campaign is supported by Liberty who at their AGM in June passed a motion, proposed by South Wales Liberty, to make contact with the campaign and to help distribute any information provided by the campaign to Liberty members and especially to utilise the Lawyers for Liberty network to seek support from within the legal profession.

Following the meeting, a very good article was written by Jon Robins in the legal publication

‘The Lawyer’ (23rd July). The article was very detailed and discussed the content of the meeting and recounted what the speakers had to say.

The response to the ‘*Statement of Purpose Form*’ was very good. Campbell Malone received many forms from the legal profession, campaigns and campaigning groups. We need to step this up and campaigns need to approach prominent individuals and get them to sign the ‘*Statement of Purpose Form*’ to pledge their support. Campaigns need to approach their own MPs, trade union organisations and media contacts for support. (Further Statement of Purpose forms and the model letter can be obtained from the Eddie Gilfoyle Campaign address. All forms to be returned to Campbell Malone’s Office – the address is on the form – Please mark the envelope ‘Appeal Court Issue’).

Through this newsletter, the internet and other sources we will keep you updated with regard to the progress of the Appeal Court Campaign and future events

OTHER NEWS

Three prisoners from Frankland Prison have won the right to challenge the Governor over policy decisions which they claim, lead to innocent inmates suffering harsher conditions than guilty ones. They have been granted a judicial review which will be heard at court in October or November. The policy in many prisons is that privileges may be denied if an inmate refuses to address the offending behaviour that resulted in their sentence. This has obvious difficulties for innocent inmates such as Eddie who suffer as a consequence.

Since his conviction Eddie has consistently refused to attend any prison course aimed at addressing his so-called offending behaviour. This refusal results in loss of privileges such as fewer domestic visits and longer periods confined to a cell. It can also affect eligibility for parole. According to regulations, inmates who maintain their innocence should not be treated adversely, yet in practice this is what happens. We hope the court hearing has a successful outcome.

We are still receiving mail redirected from our previous address to our new campaign address. Please make a note of our new address:

**Susan Caddick
PO Box 1845
Stoke On Trent
ST7 4EG**

Our contact telephone number has also changed to:

0781 501 2372

If we are unavailable then please leave a message and we will get right back to you.

You can find out more about Eddie's case by writing to the address below and you can help Eddie in his fight for justice by sending cheques or postal orders made payable to:

‘THE EDDIE GILFOYLE CAMPAIGN FUND’

C/O Susan Caddick, PO Box 1845, Stoke On Trent, ST7 4EG - or telephone us on - 0781 501 2372 – or E-mail Paul.Caddick@btinternet.com

You can help by affiliating your group or organisation to the Eddie Gilfoyle Campaign (affiliation fee £10.00). You can write to Innocent Eddie Gilfoyle DX 1827 HMP Wakefield, Love Lane, Wakefield WF2 9AG