

Michelle Diskin Bates (2018) *Stand Against Injustice: The untold story of the family of Barry George, wrongly convicted for the murder of Jill Dando*. Malcolm Down Publishing Ltd.

## FOREWORD

This book is, simultaneously, most disturbing yet uplifting and inspirational. In forensic detail, it interweaves an anatomy of the high-profile wrongful conviction and imprisonment of Barry George for the murder of Jill Dando, the much-loved journalist and television presenter, with the author's stand with, and for, her brother in a fight for truth and justice, and against all of the forces of the State that were marshalled towards obtaining a conviction, and holding onto it, with little or no regard as to whether Barry George was the actual murderer or not.

In terms of the comprehensive chronology of Barry George's wrongful conviction, it provides a rare insight into the workings of the criminal justice system that lays bare how its operating notion of "justice" jars with the widely held belief (myth) that the core function of the criminal justice system is to protect the public from the harm of acts labelled crime, by convicting the factually guilty (i.e. those who actually committed the offence), whilst guarding against the wrongful conviction of the factually innocent (i.e. ensuring that those who did not commit the offence are not convicted).

Indeed, a common theme of miscarriage of justice cases is that the police and prosecution often operate within a paradigm of "tunnel vision", which sees them identify a potential suspect, first, and then work inwards to build a case against them rather than working from the evidence out in criminal investigations. At such times, rather than a genuine concern with trying to apprehend those who commit alleged criminal offences, the criminal justice system is better understood as a machinery that works, instead, to convert forms of information that may have

no direct bearing on the alleged offence in the manufacture of forms of “evidence” deemed fit for the requirements of the judicial process, i.e. have a greater probability than not of obtaining a conviction.

I use inverted commas for evidence here as the forms of “evidence” that are constructed for use in criminal trials, and accepted as admissible by the courts, are inherently unreliable, yet the judicial system is designed to regard them to be sufficient to convict individuals who may be, or are in fact, innocent. It is in this sense that the book highlights that to understand the ease with which innocent victims can be, and are, wrongly convicted, there is a need, first, to distinguish between criminal justice system forms of “evidence” and evidence as truth, with the latter being the only legitimate basis upon which convictions should be obtained.

As this bears on the Barry George case, various forms of relatively innocuous information were combined and presented at his trial as “evidence” that he may have or did, indeed, murder Jill Dando. This included alleged eyewitness accounts that conflicted in terms of timings and places that claimed to see Mr George in the vicinity on the day of the murder when his presence in the area was to be expected as he lived locally. Eight photos and stories about Jill Dando that had been cut out of approximately 800 old newspapers and magazines found in Mr George’s apartment by police officers that were presented to the press and the public as though *he* had cut them out himself, presumably in an attempt to prove he had an obsession with Ms Dando and to establish a possible motive. One wonders how many photos or stories might have been culled from those newspapers and magazines in the late 1990s about Victoria Beckham, Julia Roberts or Britney Spears (or any other major public figure of the time), for instance? But, they were not who the police were seeking to establish a link with. And a single particle of Firearms Discharge Residue (FDR), which his successful

appeal accepted had no probative value at all, and which was likely a product of contamination in the forensic science lab, that was claimed to match the FDR found at the crime scene. In and of themselves, it is unlikely that any of these things would be enough to even charge, let alone convict, Barry George. Taken together, however, they apparently demolished his presumed innocence status in the eyes of the jury who duly found him guilty.

The obvious consequence of this is that the criminal justice system fails both victims of miscarriages of justice and their families, and the victims of crime and their families, too, when the wrong person is convicted for a crime that they did not commit and the guilty escape justice with the potential and reality of committing further crimes whilst they enjoy their wrongful liberty. Crucially, this failure carries with it an extensive array of harms that can and does split families apart, ruin reputations and cause profound forms of social, psychological, physical and financial harm that can have on-going and often permanent effects on all aspects of primary and secondary victim's lives.

But, Barry George's case is not unique in this regard, as such miscarriages of justice are neither rare nor exceptional occurrences. Readers may be aware of other notorious cases such as those of the Guildford Four or the Birmingham Six that rocked the British justice system to its core. The problem is a system that is designed to work on the basis that the decisions of the courts are correct and to protect against the overturning of convictions, whether rightful or wrongful, rather than a concern with whether alleged innocent victims of wrongful conviction and/or imprisonment are telling the truth.

It is this aspect of the book that should disturb any notion that the so-called presumption of innocence acts to protect the innocent from being convicted for alleged crimes that they did not commit: police officers and prosecutors routinely

cause such wrongful convictions in the normal course of their duties and are likely unaware that they have done anything wrong, nor of the injustices and widespread forms of harm that they cause. It is just as concerning that a decade since he overturned his conviction, Barry George, his sister and their supporters are still locked in a battle for compensation for his 8 years of wrongful imprisonment against a system that steadfastly refuses to recognise his innocence despite the Court of Appeal quashing his conviction and a not guilty verdict being given at his subsequent retrial.

At the same time, *Stand Against Injustice* operates on an altogether different level to tell the very personal story of Michelle Diskin Bates' unequivocal and unconditional love for her vulnerable brother who has multiple challenges and who was simply not able to stand up for himself against the onslaught from the police and prosecution who seemed hell-bent on convicting him.

For Michelle, it was a moral obligation that she could not turn away from in good conscience: she says that knew her brother was innocent and had to stand with him no matter what it cost or what sacrifices had to be made. At the extreme, this involved being away from her three young children and husband in Ireland at vital times in their own lives to be with her brother in England, which is presented as something that she had no choice but to do as it was what God wanted her to do.

This reference to her Christian faith is something that gels well with my experience of other primary and secondary victims of wrongful conviction and imprisonment, particularly those that I have met in the United States, who seem more able to survive and move beyond the devastations that miscarriages of justice can and do inflict, and rebuild their lives in ways that those without faith seem less able to do.

This may well explain another feature of the book which sets it apart from others of the same genre. Written with great integrity and without even a hint of self-pity or hatred towards, or vengeance against, those responsible for causing her brother's wrongful conviction or who played a part in preventing its overturn or are currently refusing him compensation, Michelle has a clear focus to simply tell the truth, warts and all. Her hope is that lessons might be learnt that serve to prevent similar miscarriages of justice in the future or to act as a road map to guide those who unfortunately find themselves in a similar situation and are fighting against their own miscarriage of justice or that of a loved one.

In this regard, the book is courageous in its honesty with no sacred cows that Michelle is afraid to confront, whether that be the police, the media, Barry's own legal team or even Barry himself. As she tells her story of the Barry George case, and the pivotal part that she played, and is still playing, Michelle Diskin Bates has produced a rare and important book. *Stand Against Injustice* will, undoubtedly, make you think differently about the criminal justice system from hereon, and not in a good way. It will also show you what can be achieved when an (extra)ordinary woman on a mission from God with little or no apparent resources makes a demand for truth and justice for her brother and will not take no for an answer.

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