

We locked you up in jail for 25 years and you were innocent all along? That'll be £80,000 please

Blunkett charges miscarriage of justice victims 'food and lodgings'

By Neil Mackay, Home Affairs Editor

WHAT do you give someone who's been proved innocent after spending the best part of their life behind bars, wrongfully convicted of a crime they didn't commit?

An apology, maybe? Counselling? Champagne? Compensation? Well, if you're David Blunkett, the Labour Home Secretary, the choice is simple: you give them a big, fat bill for the cost of board and lodgings for the time they spent freeloading at Her Majesty's Pleasure in British prisons.

On Tuesday, Blunkett will fight in the Royal Courts of Justice in London for the right to charge victims of miscarriages of justice more than £3000 for every year they spent in jail while wrongly convicted. The logic is that the innocent man shouldn't have been in prison eating free porridge and sleeping for nothing under regulation grey blankets.

Blunkett's fight has been described as "outrageous", "morally repugnant" and the "sickest of sick jokes", but his spokesmen in the Home Office say it's a completely "reasonable course of action" as the innocent men and women would have spent the money anyway on food and lodgings if they weren't in prison. The government deems the claw-back 'Saved Living Expenses'.

Paddy Hill was one of the Birmingham Six. He spent 16 years behind bars for the 1974 Birmingham pub bombings by the IRA. Hill now lives on a farm with his wife and children near Beith in Scotland. He has been charged £50,000 for living expenses by the Home Office.

It wasn't until two years ago that Hill was finally awarded £960,000 in compensation. However, during the years since his release, while waiting for the pay-out, the government had given him advances of around £300,000. When his compensation came through, the £300,000 was taken back along with interest on the interim payments charged at 23% - that cost him a further £70,000.

"The whole system is absurd," Hill said. "I'm so angry about what has happened to me. I try and tell people about being charged for bed and board in jail and they can't believe it.

"When I left prison I was given no training for freedom - no counselling or psychological preparation. Yet the guilty get that when they are released. To charge me for the food I ate and the cell I slept in is almost as big an injustice as fitting me up in the first place.

"While I was in prison, my family lost their home, yet they get no compensation. But the state wants its money back. It's like being kicked in the head when someone has beat you already.

"I have to put up with this, yet there has not been one police officer convicted of fitting people up. The Home Office had no shortage of money to keep me in jail or to run a charade of a trial.

"But they had enough money to frame me. Nevertheless, when it comes to paying out compensation for ruining my life they happily rip me to shreds."

Hill is not leading the legal action against the government - instead he has handed the baton to another high-profile victim of miscarriage of justice: Mike O'Brien.

O'Brien spent 10 years in jail wrongly convicted of killing a Cardiff newsagent. His baby daughter died while he was in prison and he was charged £37,500 by the Home Office for his time behind bars.

Hill said he cannot lead the legal fight as the Birmingham Six have fought every legal action together, but now three of them are over 70 and Hill believes it is too much to ask them to join him in taking on the government yet again.

He said he was also worried about the compensation payments for the other members of the Birmingham Six being affected if they joined him in court against the government.

"The establishment hate me and people like me as we proved them wrong," he said. "They either want to ignore us or hurt us."

O'Brien took the Home Office to court last March and won, but Blunkett appealed the decision. On Tuesday, the rights and wrongs of the government policy will be decided at the Royal Courts.

O'Brien said: "Morally, the position of the government is just outrageous. It shows total contempt for the victims of

miscarriages of justice. It makes me livid.

"I really believe if we win the appeal this week, the government is evil enough to take me to the House of Lords. They are trying to break us. I really think this is personal as far as the government is concerned.

"A government really can't get much worse than this. But I am confident that we will win as the law and morality are on our side."

Vincent Hickey, one of the Bridgewater Four who was wrongly convicted for killing a paperboy, was charged £60,000 for the 17 years he spent in jail. He said: "If I had known this I would have stayed on hunger-strike longer, that way I would have had a smaller bill."

John McManus, of the Scottish Miscarriage of Justice Organisation, said: "This is reprehensible. How can we call ourselves a democratic, civilised society when our government is acting like this?

"The government seems intent on punishing innocent people. The state wants to be paid for making a mistake. It's hard to believe someone actually thought this policy up. If you tell a child about this they will think it insane.

"Only a sick mind could have invented this policy, yet the government is fighting to retain the right to act like this. It is cruelty with intent. They seem to want to punish people for having the audacity to be innocent."

The SNP's shadow justice minister, Nicola Sturgeon, said: "This is outrageous. It is another assault by Blunkett on the rule of law and on civil liberties. These people didn't chose to go to prison. They were wrongly convicted, and to charge them for it beggars belief."

The Home Office said an "independent assessor appointed by the Home Secretary takes into account the range of costs the prisoner might have incurred had they not been imprisoned". The spokes man said the assessor was "right" to do this, adding: "Morally, this is reasonable and appropriate."

'I was a hostage, now they are billing me'

ROBERT Brown was just a 19-year-old from Glasgow when he was jailed for life for murdering a woman called Annie Walsh in Manchester in 1977. He served 25 years before he was finally freed in 2002, when the courts ruled him innocent of the crime.

He is now facing a bill of around £80,000 for the living expenses he cost the state. For Brown, it is the final straw. An interim payment he was given pending his full compensation offer is exhausted; his mother recently died; his relationship with his girlfriend has fallen apart and he is facing eviction from his home following a mix-up over benefits.

"I feel like ending my life," he says. "I've tried to maintain my dignity, but the state has treated me with nothing but contempt - now they are asking me for money for my bed and board in jail.

"I never contemplated suicide once while I was in prison, but it's different on the outside. I have received no counselling or support. Society is treating me like something you'd wipe off the bottom of your shoes, but I'm an innocent man and a victim of a terrible injustice.

"It's horrific. I've been out of jail for 14 months and in that time the state has put me through a war of attrition that it never needed to conduct. I feel my life is disintegrating around me.

"Making me pay for my bed and board is abhorrent. I was arrested, fitted up and held hostage for 25 years and now they are going to charge me for being kept as their prisoner against my will.

"Can you think of a more disgusting way to abuse someone? I really feel that my heart is truly and finally broken."