

Justice for Innocent Men Scotland (JIMS) Submission to the Sentencing and Penal Policy Commission

April 2025

Question 1

What changes could be made to community sentences and other alternatives to prison to reduce crime, protect victims, and create safer communities?

Justice for Innocent Men Scotland (JIMS) is an advocacy organisation founded by families affected by wrongful convictions—particularly in sexual offence (SO) cases—driven by systemic failures within the Scottish justice system. We represent those silenced by unjust prosecutions, where conviction targets have overtaken the right to a fair trial. Our submission focuses on the dangerous misuse of the Moorov Doctrine, the restrictive provisions of Sections 274 and 275 of the Criminal Procedure (Scotland) Act 1995, and the devastating impact on innocent men and their families.

1. Sexual Offence Cases: A Unique Crisis in Scotland

Scotland's approach to sexual offence prosecutions is now internationally out of step. While England and Wales require rigorous corroboration and allow fair cross-examination of accusers, Scotland allows convictions based almost entirely on unproven allegations from multiple individuals, through the use of the Moorov Doctrine. One accuser becomes "evidence" for another—even when their claims are unconnected, decades apart, and uncorroborated.

Sections 274 and 275, meanwhile, actively suppress relevant evidence that could undermine a complainer's credibility. Accused individuals are blocked from presenting prior false allegations, inconsistencies, or proof of motive—stripping juries of context and delivering a one-sided narrative that favours conviction, not truth.

- ***Financial Incentives to Lie*:** Complainers can currently access compensation without a guilty verdict. This policy encourages false claims and undermines public confidence in the justice system. Compensation must only be paid following conviction to prevent perverse incentives.

2. Consequences of Misuse: Destroyed Lives and Public Mistrust

We have gathered over 80 testimonies from families of men wrongfully convicted in Scotland's courts—many now serving long sentences for crimes they did not commit. In these cases, key defence evidence was excluded, mobile phone records were 'lost' or withheld, and character assassination was allowed against the accused while their side of the story was effectively gagged.

Many of these cases relied on:

- Moorov Doctrine abuse: Multiple unproven accusations used to “corroborate” one another, with no actual evidence.
- Sections 274/275 restrictions: Defence barred from presenting critical evidence like false motives, previous lies, or sexual context—leading to a warped view of events.
- Jury confusion: With no requirement for unanimity (only an 8:7 majority needed), men’s lives are being ruined by paper-thin cases and courtroom theatre.

This leads to devastating human consequences:

- Children growing up without fathers.
- Elderly parents dying before appeals are even heard.
- Families bankrupted by legal fees and broken by injustice.
- Innocent men facing brutal treatment in prison under the label of “sex offender.”

3. Sentencing: A System That Doubles Down on Injustice

The problem doesn’t end at conviction. Once wrongly found guilty, these men are given lengthy, punitive sentences, often longer than those convicted of proven violent crimes. Judges routinely cite “harm caused to the victim” without acknowledging that no harm was ever proven, and that the accused was denied the chance to defend themselves fully.

Worse still, the system then resists appeals tooth and nail, defending convictions based on flawed trials. The current sentencing policy treats an allegation as absolute truth, creating what can only be described as state-sponsored defamation.

4. JIMS Recommendations

- Abolish the Moorov Doctrine in SO cases: One uncorroborated allegation should never be used as ‘evidence’ for another.
- Abolish recent changes to the corroboration laws (October 2024) and protect innocent men from false allegations and convictions based on statement from single accuser.
- Reform or remove Sections 274/275: Ensure the defence can present relevant evidence, including prior false claims and context.
- Require unanimous verdicts in SO trials: An 8:7 majority is not justice—it’s gambling with people’s lives.
- Independent review of past SO convictions: An urgent audit is needed of cases built primarily on Moorov or where 274/275 blocked key defence material.
- Stop automatic financial incentives: Payments to alleged victims—before guilt is proven—must be paused pending verdict.

Conclusion

Scotland's justice system has become hostile territory for men accused of sexual offences—whether guilty or not. JIMS is not here to defend sex offenders; we are here to protect the truly innocent, who are currently being chewed up by a system drunk on ideology and conviction stats. We urge this commission to recognise the scale of injustice, the uniqueness of the Scottish system's flaws, and the urgent need for reform.

Question 2

The Role of Parole, Prison-Based Interventions, and Reintegration Support

In the context of sexual offence (SO) cases, JIMS is deeply concerned about the Scottish justice system's approach to parole and prison-based interventions. Wrongfully convicted men—many imprisoned due to the misuse of the Moorov Doctrine and the restrictive nature of Sections 274 and 275—face a Kafkaesque dilemma: they are denied parole because they maintain their innocence.

The very system that imprisoned them on questionable grounds then demands they 'admit guilt' in order to qualify for parole or access rehabilitation programs. This is a perverse Catch-22 that punishes the innocent for refusing to confess to crimes they didn't commit. These men are effectively sentenced to longer periods in prison, not for what they've allegedly done, but for standing by the truth.

In many cases reported to JIMS, there are no suitable courses available for men who maintain innocence. Offending behaviour programmes are tailored only for those who plead guilty and are willing to accept the official narrative. This institutional bias further entrenches injustice by offering no path to progression or reintegration for those who were never guilty in the first place.

The misuse of the Moorov Doctrine and further recent changes to corroboration laws allows uncorroborated allegations to act as corroboration, and Sections 274/275 often strip the defence of any meaningful ability to present exculpatory evidence. Yet once inside prison, these same flawed convictions become permanent labels—'sex offender'—used to justify denying parole, isolating inmates, and refusing them access to essential support.

The consequences are devastating:

- Innocent men serving beyond their tariff.
- Families left in limbo with no end in sight.
- Increased psychological trauma due to unjust isolation and hopelessness.
- Complete absence of reintegration planning for those who protest their innocence.

***Complainants at Parole Hearings*:** Proposals to allow complainers to sit in on parole hearings further trample on the rights of wrongfully convicted men. In cases of false allegations, this gives the accuser ongoing power to influence legal decisions—yet another form of abuse.

JIMS urges the Sentencing and Penal Policy Commission to acknowledge and address this scandal. Innocence must not be a barrier to liberty. There must be a fundamental change in how parole and prison rehabilitation are managed for those convicted in contested sexual offence cases. We call for:

- The creation of neutral reintegration and education programmes accessible to those maintaining innocence.
- Parole eligibility based on risk and conduct, not coerced admissions of guilt.
- An independent review process for men blocked from parole due to their continued protestation of innocence.
- Stop complainers attending parole hearings under any circumstances
- Immediate examination of cases involving Moorov-based convictions and the denial of defence rights under Sections 274/275.

Until such reforms are made, the parole system in Scotland remains not a path to rehabilitation, but a secondary punishment for those brave enough to assert their innocence in the face of institutional denial.

Question 3

Release from Prison Custody: The Ongoing Punishment of the Innocent

In the context of sexual offence (SO) cases, the Scottish justice system continues to fail those wrongfully convicted, not only through flawed trials but also during the process of release from custody. The misuse of the Moorov Doctrine and the restrictive nature of Sections 274 and 275 have led to numerous unjust convictions. Yet, the injustice doesn't end there; it extends into the prison system, where maintaining innocence becomes a barrier to progression and release.

Barriers to Progression and Release

- Parole Denial for Maintaining Innocence: Individuals wrongfully convicted of SO offences often face parole denial solely because they maintain their innocence. The system demands an admission of guilt as a prerequisite for progression, effectively punishing those who stand by the truth.

- Lack of Appropriate Rehabilitation Programs: Prison-based interventions are predominantly designed for those who admit guilt. This leaves innocent individuals without access to programs that could aid in their rehabilitation and progression, further delaying their release.

Preparing for Release

The absence of tailored support for wrongfully convicted individuals hampers their preparation for reintegration into society. Without acknowledgment of their unique circumstances, these individuals are left without adequate resources to rebuild their lives post-release.

Recommendations:

1. Develop Neutral Rehabilitation Programs: Introduce programs that focus on reintegration skills without requiring an admission of guilt.
2. Revise Parole Criteria: Adjust parole eligibility requirements to consider the maintenance of innocence.
3. Implement Independent Review Mechanisms: Establish independent bodies to review parole denials based on maintained innocence.
4. Acknowledge and Address Systemic Flaws: Recognize the impact of the Moorov Doctrine and Sections 274 and 275 on wrongful convictions.

Conclusion

The path to justice doesn't end at conviction; it encompasses the entire journey, including release from custody. For those wrongfully convicted, the current system perpetuates their suffering. It's imperative that reforms are implemented to ensure that maintaining innocence doesn't equate to a life sentence.