

## From front page

Other aspects of the case, which the families and their lawyer believe have been badly mishandled by the police and the judge, have prompted them to call for a full and impartial investigation.

**“We have kept silent** about all this until now so as not to jeopardise the case but the time has come to put this out in the open. There have been so many irregularities from the beginning that something needs to be done. We have contacted our MP in London as well as Fair Trials International in the UK to ask them to take up the case on our behalf. When the boys were handcuffed and put in the police van, an officer brought friends of the stab victim to the van and shone a torch in the boys’ faces, asking ‘is that them?’ Later, in the police station, the three (now officially suspects) were in full view of the witnesses for a long time. One witness has even admitted that he picked them out because ‘he had seen them before’. Witnesses were shown hastily-prepared sheets of photos, not an album as should be the case, and our boys were the only photos to appear on all the different sheets, in exactly the same position. Their photos were taken by a policeman using his mobile phone, which is highly unusual. The formal identification process was conducted without a lawyer present”.

**Documents seen by Island Connections** confirm that irregularities committed during the identification procedure have been acknowledged by Tenerife’s Criminal Court, which also expresses surprise that the case has not come to trial more quickly. Yet it has upheld the remand order by the Arona judge as “appropriate and within the law”.

The mothers have many other questions they want answers to quickly and cannot understand that such

# English mothers’ remand rage

issues will not be resolved until a trial takes place. For example, one witness picked out a totally different person from the line-up but that seems to have been ignored completely. Initial witness statements described the assailants as wearing ‘scarves or something similar’ to hide their faces, a point picked up by their lawyer who openly asks “if their faces were hidden, how could they be recognised later? We think that since the boys were carrying small beach towels when stopped, the original versions were subsequently changed to read ‘towels’. In any case, it is impossible to keep a towel on your face in the way described by the witnesses”.

**Another key point** on which the two mothers are pressing for clarification is the allegation that John, who was singled out as the actual perpetrator, “ran away immediately from the scene”, which is physically impossible for him according to his mother: “As we have shown in affidavits supported by medical reports, John has had so many operations on his ankles since the age of 11, including eight reconstructions, that he cannot run as alleged. Despite 30 translated pages of medical evidence from his surgeon at home the judge would not even listen and repeatedly put obstacles in our path when we presented the evidence” explains Kerstin. John’s stay in prison has already caused him to miss another operation scheduled for 14 August and a special brace has had to be brought over to make sure his ankles recover fully after previous surgery.

**“The judge** has also constantly refused to order statements to be taken back in Britain from the other people who were with our sons on

the night to corroborate their versions of where they were at given times. These statements are crucial because although the police say the stabbing occurred at 5.30, the treatment report by doctors who tended the victim was signed at 5am, which meant it had to be earlier and we can show the boys were somewhere else then” says Sevda, adding that “in any case the Belfast youth simply walked out of the hospital on his own after he was treated. How can the prosecution call this attempted murder? He discharged himself, continued his holiday and went back home a few days later. And three innocent boys are still behind bars. There seems to be no more evidence to gather and now that the blood has been shown not to be the victim’s, what is the court waiting for to throw this case out or, if it goes ahead, to set a trial date so they can be acquitted?”

**Legal sources** say that the English boys may have fallen foul of the current and widely-publicised chaos suffered by Arona’s courts, which do not have the resources to deal with the spiralling caseloads caused by the surge in population (and crime) in recent years in the south of the island. The Canaries’ justice minister Carolina Déniz admitted during a recent visit that both Arona and Granadilla were in “urgent need of extra judges and officials” to speed up proceedings.

To make matters worse for the Heyfron brothers and their friend, the judge in charge of the preliminary investigation into their case since August departed at the end of December for a new posting, triggering family fears that a new appointee will have to review everything all over again and they will



(From left to right) Chucky, a friend, David and John pictured during happier times

be back to square one. The families also feel that the bad reputation of Britons on holiday in Playa de Las Américas is a relevant factor and the boys are paying the price for the authorities’ attitude to trouble involving Britons in Tenerife.

**“We are at the end** of our tethers. This is costing so much money, around €50,000 so far, in lawyer’s fees, flights, car hire, telephone bills and accommodation, and all because someone got it wrong and is not decent enough to admit their mistake and free the boys. We don’t know who to turn to to get this case speeded up and/or ended once and for all. We have been told it is costing the British government money every day our sons are held on remand so surely Britain is also interested in a solution. You can’t imagine the trouble we have organising visits every week. There is just one telephone number to book visits and it is always engaged. We have to rely on a Spanish-speaking person to do it for us all the time. We have even considered writing to the tourism authorities here to say how much damage is caused to the reputation of the island by cases like this.”

**Despite the access ob-**

stacles, the two mothers stress that the prison staff in Tenerife II jail could not be more helpful. “They know us well from our weekly visits and they are great with the boys, despite the language barrier, as are the other prisoners, who have taken them under their wing”. However, both women are less complimentary about the assistance provided by the Consulate and feel it could do a lot more. “Apart from an initial visit, a list of lawyers and interpreters, and arranging the mandatory letters of introduction to the prison for family visitors from England, they have actually done very little for the boys. They did send a Christmas card, however.”

**“We understand** that a Consulate cannot get involved on a personal level but the diplomatic representatives of other foreign prisoners do a lot more for them”. Sevda was particularly annoyed at the lack of help given when she needed an official letter to request exemption from jury service back home in November because she was here full-time to be close to Chucky. For her part, Kerstin admits to exchanging “angry words” with staff over the problems encountered in get-

ting her son’s ankle brace to the prison. Although aware that ‘when’ (a word both mothers insist on using instead of ‘if’, so confident are they of their sons’ innocence) all turns out well and the three boys are released without trial or are acquitted, they will be entitled to compensation for the time spent behind bars, the families feel this will never make up for the physical and psychological trauma suffered. “Chucky spent his birthday in jail and now Christmas. He has missed out on his dream to start university this year, where he hoped to study Criminal Psychology, which would be funny if it were not so serious. Nothing will give them back their lost freedom and the sleepless nights in jail. We, as their parents, have suffered tremendously being away from the rest of our families back home all this time and banging our heads against brick walls due to the slow and incomprehensible system here. But just imagine what it must be like for the boys inside” says Sevda. “Enough is enough. In Britain the CPS would have dropped this long ago. It is time someone looked into this in earnest and gets our sons out of jail” adds Kerstin.

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