

ESTUDIOS

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# CAUSES AND REMEDIES FOR WRONGFUL CONVICTION: A COMPARATIVE ANALYSIS

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(EDS.)



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# European Registry of Exonerations: Broader Insights into Wrongful Convictions Across Europe

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SUMARIO: 1. INTRODUCTION. 2. THE EUROPEAN REGISTRY OF EXONERATIONS: CURRENT FINDINGS AND CONTRIBUTING FACTORS. 2.1. *False or misleading forensic evidence.* 2.2. *Flawed eyewitness identification (procedures).* 2.3. *False confessions.* 2.4. *Perjury or false accusations.* 2.5. *Official Misconduct.* 3. THE STRIKING CASE OF ANGELO MASSARO IN ITALY. 4. CONCLUSION. 5. REFERENCES.

## 1. INTRODUCTION

Wherever human judgment is exercised, the potential for error is inevitable. In the criminal justice system, where decisions determine the delicate balance between freedom and incarceration, the consequences of such

mistakes are particularly grave. One of the most devastating failures within this system is the wrongful conviction of an innocent person. Such errors strike at the very core of the justice system's purpose: to protect the innocent and hold the guilty accountable. This foundational aim is encapsulated in the Blackstone ratio, which asserts that "it is better that ten guilty persons escape than that one innocent suffer"<sup>1</sup>. The principle emphasizes the moral imperative to safeguard against errors that might lead to the conviction of the innocent, recognizing the irreversible harm these errors inflict. However, despite the ethical clarity of this ideal, the reality is that wrongful convictions do occur<sup>2, 3, 4</sup> and that they can stem from various factors that disrupt the fairness and accuracy of criminal investigations and trials.

The impact of such errors is profound, both for society at large and for the individuals involved. When an innocent person is convicted, the true perpetrator remains free, often continuing to commit additional crimes. Research from the United States has revealed that among 109 identified actual perpetrators of crimes for which innocent people were convicted, 94% of those perpetrators committed further offenses, including violent crimes like murder, while the innocent individuals remained imprisoned<sup>5</sup>. This failure to apprehend the actual offenders not only perpetuates public safety risks but also undermines the core purpose of the justice system. Beyond the immediate injustice, wrongful convictions erode public confidence and trust in legal institutions. When the justice system is perceived as fallible or biased, its legitimacy is called into question, weakening the rule of law<sup>6, 7, 8</sup>. Additionally, the financial burden on society

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is significant. Each wrongful conviction represents a costly miscarriage of justice, encompassing legal expenses, incarceration costs, and, in some cases, compensation payments to exonerated individuals<sup>9, 10</sup>.

Most significantly, wrongful convictions inflict severe personal consequences on the individuals involved. Even when these individuals are eventually exonerated, their lives are often permanently altered. For many, the consequences of an unjust conviction amount to a life sentence in other, less visible ways. Psychological distress, social alienation, and financial instability become enduring challenges<sup>11</sup>. Exonerees frequently face the stigma of having been labeled criminals, which persists even after their innocence is proven<sup>12</sup>. Reintegration into society is fraught with barriers: securing stable employment, finding housing, and rebuilding relationships are often insurmountable hurdles<sup>13, 14, 15</sup>.

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7. RICCIARDELLI, R., BELL, J. G., & CLOW, K. A., "Student attitudes toward wrongful conviction", *Canadian Journal of Criminology and Criminal Justice*, nr. 51.3 (2009), pp. 411-427. <https://doi.org/10.3138/cjccj.51.3.411>
  8. SMITH, B., ZALMAN, M., & KIGER, A., "How justice system officials view wrongful convictions", *Crime & Delinquency*, nr. 57.5 (2011), pp. 663-685. <https://doi.org/10.1177/0011128709335020>
  9. COHEN, M. A., "Pain, suffering, and jury awards: A study of the cost of wrongful convictions", *Criminology & Public Policy*, nr. 20 (2021), pp. 691-727. <https://doi.org/10.1111/1745-9133.12559>
  10. NORRIS, R. J., WEINTRAUB, J. N., ACKER, J. R., REDLICH, A. D., & BONVENTRE, C. L., "The criminal costs of wrongful convictions: Can we reduce crime by protecting the innocent?", *Criminology and Public Policy*, nr. 19.2 (2020), pp. 367-388. <https://doi.org/10.1111/1745-9133.12463>
  11. BROOKS, S. K., & GREENBERG, N., "Psychological impact of being wrongfully accused of criminal offences: A systematic literature review", *Medicine, Science and the Law*, nr. 61.1 (2021), pp. 44-54. <https://doi.org/10.1177/0025802420949069>
  12. LEBEL, T. P., "Invisible stripes? Formerly incarcerated persons' perceptions of stigma", *Deviant Behavior*, nr. 33.2 (2012), pp. 89-107. <https://doi.org/10.1080/01639625.2010.538365>
  13. CLOW, K. A., RICCIARDELLI, R., & CAIN, T. L., "Stigma-by-association: Prejudicial effects of the prison experience for offenders and exonerees", in RUSSELL, D. W., & RUSSELL, C. A. (Eds.), *The psychology of prejudice: Interdisciplinary perspectives on contemporary issues*, pp. 127-154. Nova Science Publishers, Hauppauge, New York, 2012.
  14. SCOTT, L., "'It never, ever ends': The psychological impact of wrongful conviction", *American University Criminal Law Brief*, nr. 5.2 (2010), pp. 10-22. <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1063&context=clb>
  15. ZANNELLA, L., CLOW, K., REMPEL, E., HAMOVITCH, L., & HALL, V., "The effects of race and criminal history on landlords' (un)willingness to rent to exonerees", *Law and Human Behavior*, nr. 44.4 (2020), pp. 300-310. <https://doi.org/10.1037/lhb0000419>

Moreover, the trauma of wrongful imprisonment is rarely confined to the exoneree alone. Families and loved ones also bear the weight of the injustice, experiencing emotional, financial, and relational strain that can leave lasting scars<sup>16</sup>. The ripple effects of such errors serve as a stark reminder that the costs of wrongful convictions extend far beyond the courtroom, affecting individuals, families, and society as a whole in deeply consequential ways.

In response to the pervasive issue of wrongful convictions, law firms, non-profit organizations, and academic institutions have launched numerous initiatives aimed at assisting those wrongfully convicted in reopening their cases. Examples include the Innocence Project<sup>17</sup> in the United States, Knoops' Innocence Project<sup>18</sup> in the Netherlands, and Project Wrongful Conviction and Retrial<sup>19</sup> in Germany. Beyond offering support in individual cases, these initiatives have also laid the groundwork for the creation of public registries that systematically document and analyze wrongful convictions. In the United States, the *National Registry of Exonerations* (NRE)<sup>20</sup> has been pivotal in compiling data on exonerations and uncovering patterns in judicial errors. Similarly, the *Evidence Based Justice Lab*<sup>21</sup> in the United Kingdom and the *Canadian Registry of Wrongful Convictions*<sup>22</sup> provide vital insight into the systemic failures that underpin wrongful convictions. These efforts are crucial for advancing legal reforms. For instance, data from the NRE has shown false confessions are a major contributing factor to wrongful convictions, particularly among juveniles<sup>23</sup>. This research influenced legislative action in the U.S., including the introduction of state-level laws prohibiting deceptive interrogation techniques for minors (State of Illinois, SB 2122).

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16. UMAMAHESWAR, J., "The relational costs of wrongful convictions", *Critical criminology*, nr. 31.3 (2023), pp. 707-723. <https://doi.org/10.1007/s10612-023-09684-x>

17. <https://innocenceproject.org/>

18. <https://knoopsadvocaten.nl/en/innocence-project/>

19. <https://www.wiederaufnahme.com/das-projekt>

20. <https://www.law.umich.edu/special/exoneration/Pages/about.aspx>

21. <https://evidencebasedjustice.exeter.ac.uk/miscarriages-of-justice-registry/>

22. <https://www.wrongfulconvictions.ca>

23. GROSS, S. R., & SHAFFER, M., "Exonerations in the United States, 1989 through 2012: Report by the National Registry of Exonerations (Working Paper No. 277)", *University of Michigan Law School* (2012). <http://dx.doi.org/10.2139/ssrn.2092195>

## 2. THE EUROPEAN REGISTRY OF EXONERATIONS: CURRENT FINDINGS AND CONTRIBUTING FACTORS

Despite growing awareness of wrongful convictions in English-speaking countries, the full extent of the problem in Europe has remained unclear for many years. The absence of a central database made it challenging to assess the prevalence and underlying causes of wrongful convictions across European jurisdictions. Furthermore, academics and practitioners have often been confronted with the claim that wrongful convictions were primarily an American issue, largely due to the visibility of high-profile US cases, the *Innocence Project* and the NRE. However, more and more cases emerged across Europe, and it became clear that wrongful convictions also occur within European legal systems. Therefore, the recent establishment of the European Registry of Exonerations (EUREX)<sup>24</sup> has begun to address this critical gap. EUREX aims to systematically document exoneration cases<sup>4</sup> throughout Europe, providing a comprehensive resource for researchers, policymakers, and advocates. Similar to the definition of NRE, EUREX defines an exoneration as a case in which someone has been convicted of a crime by final judgment and is officially cleared in a post-conviction re-examination after, for example, new evidence of innocence becomes available<sup>25</sup>. Cases are included where the convicted person (a) was declared factually innocent by an authorized government official or agency, (b) was acquitted of all charges by an authorized government official or agency, (c) received a dismissal of all charges by a court or by a prosecutor or (d) received a complete pardon by a governor or other competent authority.

To identify and document cases of exonerations, EUREX compiles information from publicly available sources, including newspaper articles, book chapters, scientific publications, and other materials. In addition, the registry collaborates extensively with academics, legal practitioners, and innocence projects across Europe. These partnerships help raise awareness of potential cases, while student volunteers play a vital role in supporting the research process. Each case is meticulously coded using a detailed coding scheme, even though the EUREX website displays only core information, such as the year of conviction, year of the crime, country, gender and age of the exoneree, year of exoneration, contributing factors, and the presence of a case review unit. Beyond this, the registry

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24. <https://www.registryofexonerations.eu>

25. <https://www.registryofexonerations.eu/about-eurex/>

gathers in-depth information about the nature of the crime and the exoneration process and the factors contributing to wrongful convictions. This comprehensive approach provides a more reliable understanding of how often wrongful convictions occur in European countries, why they happen, and the individual as well as societal consequences that follow. The insights gained enable more focused research into the systemic and situational causes of wrongful convictions, ultimately contributing to efforts aimed at prevention and legal reform.

Since its launch in January 2024, EUREX has identified 139 exonerations<sup>26</sup> dating back to 1981, involving individuals from 20 different countries across Europe. Collectively, these wrongfully convicted individuals endured a staggering total of over 900 years of wrongful imprisonment, with an average of almost 6.5 years each. The exonerations cover a wide range of offenses, with serious crimes such as (attempted) murder and manslaughter accounting for 58% of the cases. Notably, in 42 of the 81 homicide cases, false confessions were a contributing factor. This underscores a disturbing trend: individuals are not only coerced into confessing to minor offenses but are also misled into admitting guilt for serious crimes. This trend highlights the urgent need for reform in interrogation practices, emphasizing the importance of ensuring the reliability and voluntariness of confessions.

There may be more official exonerations across various European countries that have yet to be identified, while some nations, such as Belgium and Portugal, report no known exonerations at all. This absence may indicate that the legal threshold for a retrial is prohibitively high in these countries. On a more positive note, recent data reveal an encouraging trend in the reversal of wrongful convictions, with a substantial 79 cases (57%) of exonerations occurring since 2010. This increase likely reflects growing awareness of wrongful conviction issues, leading to more rigorous case reviews and the introduction of reforms, such as the establishment of criminal case review units in the Netherlands (*Adviescommissie afgesloten strafzaken*)<sup>27, 28</sup> and

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26. As of April 2025

27. CLEIREN, C. P. M., “De ACAS als speler in een gelaagde procedure”, *Expertise en Recht*, nr. 6 (2018), pp. 249-254. <https://scholarlypublications.universiteitleiden.nl/access/item%3A2975667/download>

28. CLEIREN, C. P. M., “Vijftien jaar na de evaluatie van de Schiedammer parkmoord: Lessen van toen in de context van nu”, *Expertise en Recht*, nr. 1 (2021), pp. 38-45. <https://scholarlypublications.universiteitleiden.nl/access/item%3A3186314/download>

Norway (*Gjenopptakelseskommisjonen*)<sup>29, 30</sup>. These units play a crucial role in facilitating the reexamination of potentially flawed convictions.

In analyzing exonerations, EUREX identifies five main contributing factors to wrongful convictions that consistently emerge across various jurisdictions and registries worldwide<sup>31</sup>. Notably, 36% of wrongful convictions listed in EUREX are attributed to false confessions. False confession cases highlight how coercive interrogation tactics can manipulate individuals into admitting guilt, even when they are innocent. False or misleading forensic evidence accounts for 26% of these cases. This underscores the impact of flawed or outdated scientific methods in court. Perjury or false accusations contributed to 33% of the wrongful convictions. This illustrates the harmful impact of dishonesty and false memories. Official misconduct, identified in 15% of cases, points to abuses within the justice system itself. Flawed eyewitness identifications (procedures) were responsible for 26% of the wrongful convictions. These patterns reveal not only systemic issues within legal systems but also suggest that multiple factors often contribute to a single wrongful conviction. To further understand the impact of these contributing factors and the specific ways in which they lead to wrongful convictions, each can be explored in greater detail.

## 2.1. FALSE OR MISLEADING FORENSIC EVIDENCE

Forensic evidence, including DNA, fingerprints, and bite marks, is often used to link individuals to crimes, but its application presents significant challenges<sup>32, 33, 34</sup>. When improper methods, outdated or unvalidated

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29. STRIDBECK, U., "Gjenopptakelseskommisjonen — moden for revisjon?", *Tidsskrift for strafferett*, nr. 23.4 (2024), pp. 294-305. <https://doi.org/10.18261/strafferett.23.4.1>

30. STRIDBECK, U., & MAGNUSSEN, P. S., "Prevention of wrongful convictions: Norwegian legal safeguards and the criminal case review commission", *University of Cincinnati Law Review*, nr. 80.4 (2013), pp. 1373-1390. <https://scholarship.law.uc.edu/uclr/vol80/iss4/15>

31. All data retrieved in March 2025.

32. BONVENTRE, C. L., "Wrongful convictions and forensic science", *WIREs Forensic Science*, nr. 3.4 (2020), pp. 1-12. <https://doi.org/10.1002/wfs2.1406>

33. MORGAN, J., "Wrongful convictions and claims of false or misleading forensic evidence", *Journal of Forensic Sciences*, nr. 68.3 (2023), pp. 908-961. <https://doi.org/10.1111/1556-4029.15233>

34. THOMPSON, W. C., "Beyond bad apples: Analyzing the role of forensic science in wrongful convictions", *Southwestern University Law Review*, nr. 37 (2008), pp. 971-994. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2214465](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2214465)

techniques, and exaggerated certainty are involved, wrongful convictions can result. Although DNA technology has revolutionized criminal justice, it has also highlighted the shortcomings of traditional forensic methods now considered “junk science”, such as bite mark analysis, which lacks scientific validity<sup>35, 36</sup>.

Psychological biases, such as confirmation and contextual bias, also influence forensic evaluations. For instance, the introduction of contextual information can impact how fingerprint experts assess ambiguous material<sup>37</sup>. Despite the perception of forensic evidence as objective, it often involves subjective judgments, making it critical to employ blind testing procedures to reduce bias and enhance accuracy<sup>38, 39, 40</sup>.

In the courtroom, forensic evidence can be misinterpreted due to its inherent ambiguity and the difficulty legal professionals face in understanding probabilistic models. The way evidence is presented, such as the phrasing used, can significantly influence perceptions of guilt<sup>41, 42, 43, 44</sup>. These challenges underscore the need for reform in forensic practices, emphasizing the importance of rigorous standards,

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35. GARRETT, B. L., & NEUFELD, P. J., “Invalid forensic science testimony and wrongful convictions”, *Virginia Law Review*, nr. 95.1 (2009), pp. 1-97. [https://scholarship.law.duke.edu/faculty\\_scholarship/3861/](https://scholarship.law.duke.edu/faculty_scholarship/3861/)
  36. SAUERWEIN, K., BUTLER, J. M., RECZEK, K. K., & REED, C., *Bitemark analysis: A NIST Scientific foundation review*. National Institute of Standards and Technology, Gaithersburg 2023. <https://doi.org/10.6028/NIST.IR.8352>
  37. DROR, I. E., PÉRON, A. E., HIND, S.-L., & CHARLTON, D., “When emotions get the better of us: The effect of contextual top-down processing on matching fingerprints”, *Applied Cognitive Psychology*, nr. 19.6 (2005), pp. 799-809. <https://doi.org/10.1002/acp.1130>
  38. BONVENTRE, C. L., “Wrongful convictions and forensic science”, *WIREs Forensic Science*, nr. 3.4 (2020), pp. 1-12. <https://doi.org/10.1002/wfs2.1406>
  39. MORGAN, J., “Wrongful convictions and claims of false or misleading forensic evidence”, *Journal of Forensic Sciences*, nr. 68.3 (2023), pp. 908-961. <https://doi.org/10.1111/1556-4029.15233>
  40. THOMPSON, W. C., “Beyond bad apples: Analyzing the role of forensic science in wrongful convictions”, *Southwestern University Law Review*, nr. 37 (2008), pp. 971-994. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2214465](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2214465)
  41. KOEHLER, J. J., “When are people persuaded by DNA match statistics?”, *Law and Human Behavior*, nr. 25 (2001), pp. 493-513. <https://doi.org/10.1023/A:1012892815916>
  42. KOEHLER, J. J., & MACCHI, L., “Thinking about low-probability events: An exemplar-cuing theory”, *Psychological Science*, nr. 15.8 (2004), pp. 540-547. <https://doi.org/10.1111/j.0956-7976.2004.00716.x>
  43. NANCE, D. A., & MORRIS, S. B., “An empirical assessment of presentation formats for trace evidence with a relatively large and quantifiable random match probability”,

unbiased evaluation, and a more critical approach to the presentation and interpretation of forensic evidence in criminal trials.

## 2.2. FLAWED EYEWITNESS IDENTIFICATION (PROCEDURES)

A false eyewitness identification occurs when a witness mistakenly identifies an innocent person as the perpetrator. The reliability of eyewitness testimony is influenced by two main types of variables: estimator variables and system variables. Estimator variables are factors outside the control of the criminal justice system, such as the distance and duration of observation<sup>45</sup>, whether the perpetrator was disguised<sup>46</sup>, and the lighting conditions at the time<sup>47</sup>. Stress or trauma experienced during the crime can also impair memory<sup>48</sup>. Additionally, the own-race bias reveals that witnesses are generally more accurate in identifying individuals of their own ethnicity<sup>49</sup>, while the weapon focus effect reduces identification accuracy when attention is drawn to a weapon<sup>50</sup>.

System variables, controlled by law enforcement, include procedures such as police lineups. Police lineups may involve sketches, photos, videos,

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*Jurimetrics*, 42.4 (2002), pp. 403-448. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=331482](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=331482)

44. THOMPSON, W. C., & NEWMAN, E. J., "Lay understanding of forensic statistics: Evaluation of random match probabilities, likelihood ratios, and verbal equivalents", *Law and Human Behavior*, 39.4 (2015), pp. 332-349. <https://doi.org/10.1037/lhb0000134>
45. NYMAN, T. J., LAMPINEN, J. M., ANTFOLK, J., KORKMAN, J., & SANTTILA, P., "The distance threshold of reliable eyewitness identification", *Law and Human Behavior*, nr. 43.6 (2019), pp. 527-541. <https://doi.org/10.1037/lhb0000342>
46. PAPAILIOU, A. P., YOKUM, D. V., & ROBERTSON, C. T., "The novel New Jersey eyewitness instruction induces skepticism but not sensitivity", *PLoS One*, nr. 10.12 (2015), pp. 1-16. <http://dx.doi.org/10.1371/journal.pone.0142695>
47. NYMAN, T. J., LAMPINEN, J. M., ANTFOLK, J., KORKMAN, J., & SANTTILA, P., "The distance threshold of reliable eyewitness identification", *Law and Human Behavior*, nr. 43.6 (2019), pp. 527-541. <https://doi.org/10.1037/lhb0000342>
48. YUILLE, J. C., & DAYLEN, J., "The impact of traumatic events on eyewitness memory", in THOMPSON, C. P., HERRMANN, D. J., READ, J. D., BRUCE, D., & PAYNE, D. G. (Eds.), *Eyewitness memory: Theoretical and applied perspectives*, pp. 155-178. Psychology Press, Hove 2014.
49. FLASKERUD, J. H., "Faces: Identification and biases", *Issues in mental health nursing*, nr. 41.2 (2020), pp. 168-171. <https://doi.org/10.1080/01612840.2019.1613702>
50. FAWCETT, J. M., PEACE, K. A., & GREVE, A., "Looking down the barrel of a gun: What do we know about the weapon focus effect?", *Journal of Applied Research in Memory and Cognition*, nr. 5.3 (2016), pp. 257-263. <https://doi.org/10.1016/j.jarmac.2016.07.005>

or live displays, and are conducted either simultaneously or sequentially<sup>51</sup>. To reduce bias, lineups should be conducted in a way that ensures no individual stands out in appearance, witnesses should be informed that the perpetrator may not be present, and the officer administering the lineup should be unaware of the suspect's identity<sup>52</sup>. Without such safeguards, witnesses may feel pressured to identify someone, even when uncertain.

Composite sketches also pose risks of misidentification due to the subjective interpretations of both witnesses and sketch artists<sup>53</sup>. Memory distortions or vague descriptions can cause sketches to resemble multiple individuals, increasing the likelihood of innocent people being falsely identified. Another critical factor is the time between the crime and the witness' report, as memory naturally deteriorates over time. Research has shown that longer delays significantly reduce identification accuracy, highlighting the importance of conducting prompt interviews<sup>54</sup>. These challenges illustrate the fragility of eyewitness testimony and the significant risk of wrongful identification, underscoring the need for reform in eyewitness identification procedures to protect the innocent.

### 2.3. FALSE CONFESSIONS

The literature traditionally categorizes false confessions into three types: voluntary, coerced-compliant, and coerced-internalized<sup>55</sup>. Voluntary

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51. SEALE-CARLISLE, T. M., WETMORE, S. A., FLOWE, H. D., & MICKES, L., "Designing police lineups to maximize memory performance", *Journal of Experimental Psychology Applied*, 25.3 (2019), pp. 410-430. <https://doi.org/10.1037/xap0000222>

52. WELLS, G. L., KOVERA, M. B., DOUGLASS, A. B., BREWER, N., MEISSNER, C. A., & WIXTED, J. T., "Policy and procedure recommendations for the collection and preservation of eyewitness identification evidence", *Law and Human Behavior*, nr. 44.1 (2020), pp. 3-36. <https://doi.org/10.1037/lhb0000359>

53. MCNAMARA, J. M., "Sketchy eyewitness-identification procedures: A proposal to draw up legal guidelines for the use of facial composites in criminal investigations", *Wisconsin Law Review*, nr. 3 (2009), pp. 763-800. [https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/wlr2009&id=770&men\\_tab=srchresults](https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/wlr2009&id=770&men_tab=srchresults)

54. SAUER, J., BREWER, N., ZWECK, T., & WEBER, N., "The effect of retention interval on the confidence-accuracy relationship for eyewitness identification", *Law and Human Behavior*, 34.4 (2010), pp. 337-347. <https://doi.org/10.1007/s10979-009-9192-x>

55. KASSIN, S. M., & WRIGHTSMAN, L. S., "Confession evidence", in KASSIN, S. M., & WRIGHTSMAN, L. S. (Eds.), *The psychology of evidence and trial procedure*, pp. 67-94. Sage Publications, Inc., Washington 1985.

false confessions occur without any coercion from law enforcement, often due to psychological factors like a desire for attention or the wish to protect someone else. Coerced confessions, however, arise during police interrogations, where intense pressure compels individuals to admit to crimes they did not commit. Coerced-compliant confessions involve confessing to escape interrogation or secure a perceived benefit, while coerced-internalized confessions occur when individuals come to believe they are guilty despite their innocence. Coerced false confessions are particularly common in wrongful conviction cases<sup>56</sup>, underscoring the vulnerability of suspects during high-pressure interrogations.

Certain groups are especially susceptible to interrogation pressures<sup>57</sup>. Adolescents, individuals with cognitive impairments, and those with mental health challenges are overrepresented among false confession cases<sup>58, 59, 60</sup>. Additionally, personality traits such as suggestibility and compliance heighten the risk, while lower levels of agreeableness and conscientiousness, coupled with a history of victimization or delinquency, have also been linked to false confessions<sup>61, 62, 63</sup>.

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56. LEO, R. A., "False confessions: Causes, consequences, and implications", *Journal of the American Academy of Psychiatry and the Law*, nr. 37.3 (2009), pp. 332-343.
57. KASSIN, S. M., DRIZIN, S. A., GRISSO, T., GUDJONSSON, G. H., LEO, R. A., & REDLICH, A. D., "Police-induced confessions: Risk factors and recommendations", *Law and Human Behavior*, nr. 34 (2010), pp. 3-38. <https://doi.org/10.1007/s10979-009-9188-6>
58. DRIZIN, S. A., & LEO, R. A., "The problem of false confessions in the post-DNA world", *North Carolina Law Review*, nr. 82.3 (2004), pp. 891-1004. <https://scholarship.law.unc.edu.ncr/>
59. GROSS, S. R., JACOBY, K., MATHESON, D. J., MONTGOMERY, N., & PATIL, S., "Exonerations in the United States 1989 through 2003", *Journal of Criminal Law and Criminology*, nr. 95.2 (2005), pp. 523-560. <https://scholarlycommons.law.northwestern.edu/>
60. KASSIN, S. M., DRIZIN, S. A., GRISSO, T., GUDJONSSON, G. H., LEO, R. A., & REDLICH, A. D., "Police-induced confessions: Risk factors and recommendations", *Law and Human Behavior*, nr. 34 (2010), pp. 3-38. <https://doi.org/10.1007/s10979-009-9188-6>
61. GUDJONSSON, G. H., SIGURDSSON, J. F., SIGFUSDOTTIR, I. D., & ASGEIRSDOTTIR, B. B., "False confessions and individual differences: The importance of victimization among youth", *Personality and Individual Differences*, nr. 45.8 (2008), pp. 801-805. <https://doi.org/10.1016/j.paid.2008.08.010>
62. OTGAAR, H., SCHELL-LEUGERS, J. M., HOWE, M. L., DE LA FUENTE VILAR, A., HOUBEN, S. T. L., & MERCKELBACH, H., "The link between suggestibility, compliance, and false confessions: A review using experimental and field studies", *Applied Cognitive Psychology*, nr. 35.2 (2021), pp. 445-455. <https://doi.org/10.1002/acp.3788>

Certain situational factors also significantly contribute to false confessions. Coercive interrogation tactics, such as minimization (downplaying the crime's severity and the consequences of confessions) and maximization (emphasizing dire consequences for denial), often lead suspects to perceive confession as the only viable option<sup>64</sup>. Prolonged interrogations and deprivation of sleep and food further amplify the risk of false confessions<sup>65</sup>. In many cases, the combination of situational pressures and individual vulnerabilities contribute to false confessions.

The consequences of false confessions on criminal proceedings are far-reaching. Confessions, regardless of their veracity, carry significant weight in investigations and trials, with juries and investigators often overestimating their reliability<sup>66</sup>. Addressing the factors that lead to false confessions is essential for safeguarding justice and preventing future errors.

#### 2.4. PERJURY OR FALSE ACCUSATIONS

Testimonial evidence, such as accounts from victims, eyewitnesses, or even fellow inmates, holds significant weight in criminal trials<sup>67, 68</sup>.

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63. STEINGRIMSDOTTIR, G., HREINSDOTTIR, H., GUDJONSSON, G. H., SIGURDSSON, J. F., & NIELSEN, T., "False confessions and the relationship with offending behavior and personality among Danish adolescents", *Legal and Criminological Psychology*, nr. 12.2 (2010), pp. 287-296. <https://doi.org/10.1348/135532506X153380>
  64. HORGAN, A. J., RUSSANO, M. B., MEISSNER, C. A., & EVANS, J. R., "Minimization and maximization techniques: Assessing the perceived consequences of confessing and confession diagnosticity", *Psychology, Crime & Law*, nr. 18.1 (2012), pp. 65-78. <https://doi.org/10.1080/1068316X.2011.561801>
  65. KASSIN, S. M., DRIZIN, S. A., GRISSO, T., GUDJONSSON, G. H., LEO, R. A., & REDLICH, A. D., "Police-induced confessions: Risk factors and recommendations", *Law and Human Behavior*, nr. 34 (2010), pp. 3-38. <https://doi.org/10.1007/s10979-009-9188-6>
  66. KASSIN, S. M., MEISSNER, C. A., & NORWICK, R. J., "'I'd know a false confession if I saw one': A comparative study of college students and police investigators", *Law and Human Behavior*, nr. 29.2 (2005), pp. 211-227. <https://doi.org/10.1007/s10979-005-2416-9>
  67. BREEDLOVE, T. S., "Perjury", *American Criminal Law Review*, nr. 46 (2009), pp. 899-926.
  68. NATAPOFF, A., "Beyond unreliable: How snitches contribute to wrongful convictions", *Golden Gate University Law Review*, nr. 37.1 (2006), pp. 107-130. [https://heinonline.org/HOL/Page?handle=hein.journals/ggulr37&div=11&g\\_sent=1&casa\\_token=&collection=journals](https://heinonline.org/HOL/Page?handle=hein.journals/ggulr37&div=11&g_sent=1&casa_token=&collection=journals)

However, this type of evidence is not immune to error or manipulation. False accusations can stem from both unintentional errors, such as unintentional errors based on false memories or deliberate acts like perjury—where individuals knowingly provide false testimony under oath<sup>69</sup>. Notably, perjury is not limited to civilians; law enforcement officers have also been known to commit perjury<sup>70</sup>.

There are many reasons people may intentionally commit perjury or make false accusations. These can include personal gain, such as financial incentives, negotiating reduced charges with authorities, or succumbing to peer pressure<sup>71, 72, 73</sup>. Revenge, a desire to misdirect suspicion, or the hope of influencing legal outcomes may also drive such behavior<sup>74</sup>. Yet, false accusations can arise unintentionally due to false memories—recollections of events that an individual genuinely believes to be true, even though they are objectively inaccurate<sup>75</sup>. False memories can occur in both children and adults, often influenced by suggestive questioning or external factors. Studies have shown that even emotionally charged and stressful events can be misremembered, and false memories are frequently observed in cases of alleged childhood sexual abuse, as evidenced by high-profile cases like the Worms trial in Germany and the Montessori School of Raleigh trial<sup>76, 77</sup>.

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69. <https://www.law.umich.edu/special/exoneration/Pages/about.aspx>

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Understanding the origins of false accusations, whether deliberate or unintentional, is crucial for preventing miscarriages of justice. Efforts to ensure accuracy in testimonial evidence, such as improved interviewing techniques, careful evaluation of the credibility of witness statements, and thorough cross-examination, are vital in safeguarding against wrongful convictions rooted in perjury or false allegations.

## 2.5. OFFICIAL MISCONDUCT

Official misconduct involves the misuse of power by government officials, which undermines the integrity of the legal process. This type of misconduct can manifest in several ways, such as negligence, corruption, and the improper exercise of authority. Various government officials involved in a criminal proceeding — including judges, prosecutors, and police officers — can be held accountable for these actions. The Innocence Project has identified official misconduct as one of the leading contributors to wrongful convictions in the United States<sup>78</sup>.

Government officials, such as police, prosecutors, or forensic experts, have at times misused their authority or manipulated judicial processes in ways that directly contributed to wrongful convictions. For examples, in some cases, officials have deliberately concealed evidence that could exonerate the accused or withheld exculpatory evidence from the defense. Witness tampering also plays a role, with misconduct during interrogations, including threats, and coercion, compromising the integrity of evidence and the judicial process<sup>79</sup>.

Prosecutorial misconduct can also significantly contribute to wrongful convictions. In some instances, prosecutors may actively conceal or tamper with evidence, apply undue pressure on other judicial participants, rely on questionable forensic techniques, or coerce witnesses to alter their statements in favor of the prosecution<sup>80, 81, 82</sup>. The implicit pressure to

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secure convictions can drive both police and prosecutorial misconduct, as the focus on “winning cases” often overshadows the pursuit of justice<sup>83, 84</sup>. Additionally, the lack of oversight for prosecutors, coupled with ineffective penalties for misconduct, further diminishes accountability and enables these unethical practices to persist<sup>85</sup>.

In sum, the factors contributing to wrongful convictions-ranging from unreliable forensic techniques and flawed eyewitness procedures to false confessions, perjury, and official misconduct-reveal deep systemic vulnerabilities within the criminal justice process across various European countries. Each of these elements, on its own, poses a significant threat to the accuracy and fairness of legal outcomes. Collectively, these factors become even more dangerous for innocent suspects and can strip them of their freedom, their reputation, and in some cases, their lives. One example that illustrates the devastating impact a wrongful conviction can have is the one of Angelo Massaro.

### 3. THE STRIKING CASE OF ANGELO MASSARO IN ITALY

On May 15, 1996, Angelo Massaro was arrested on suspicion of murder in front of his wife and their two young children, aged two and a half years and just 45 days<sup>86</sup>. Arrested without being informed of the reason, Massaro only learned of the charges against him upon his arrival at the

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86. “La storia di Angelo Massaro, condannato innocente per due volte”, *Il Post* (2017, February 24). <https://www.ilpost.it/2017/02/24/angelo-massaro/>

Taranto prison. He was accused of murdering and concealing the body of Lorenzo Fersurella, a close friend who had recently gone missing. Despite maintaining his innocence, Massaro was ultimately convicted based on what would later be shown to be unreliable evidence<sup>87, 88</sup>. The case against Massaro hinged on two key pieces of evidence: a wiretapped phone conversation with his wife and the testimony of a justice employee<sup>89, 90</sup>. In the phone call, Massaro discussed transporting a bobcat for his construction work and used the dialect term “muers,” meaning a “dead weight”. Investigators misinterpreted or mistranscribed the word as “muert,” concluding that Massaro was referring to a dead body. Additionally, the justice employee claimed to have overheard that Massaro was implicated in Fersurella’s murder, allegedly stemming from a dispute over drug trafficking—an area in which Massaro was already under investigation. Despite witnesses being available to corroborate his alibi, this evidence was never presented in court. In 1997, Massaro was convicted of murder and hiding Fersurella’s body, receiving a 24-year sentence. This was later increased to 30 years due to an overlapping sentence for his involvement in drug trafficking. Massaro’s conviction rested almost entirely on the wiretap and the justice employee’s statement, with little substantive corroboration<sup>91</sup>.

Massaro endured unimaginable hardships during his incarceration. Over 21 years, he was transferred between five different prisons and spent extended periods without seeing his family. For economic and health-related reasons, his wife and children were unable to visit him for four years, and visits remained rare even afterward. From prison, Massaro tirelessly petitioned the Ministry of Justice, the penitentiary

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administration, and the European Court of Human Rights to review his case. He also requested to be transferred to a prison closer to his family, but these requests were denied<sup>92, 93</sup>.

In 2012, his legal team, led by Salvatore Maggio, requested a review of the case<sup>94</sup>. However, the Potenza Court of Appeal dismissed the request. A further complication in this case was Massaro's prior arrest in 1991 for the murder of Fernando Panico, a drug courier<sup>95</sup>. Though acquitted and compensated 16 million lire for wrongful detention, the specter of this earlier accusation resurfaced in 2001, when he was once again accused of his alleged involvement in Panico's death. He was ultimately acquitted of this charge in 2011, but the history of repeated accusations cast a shadow over his attempts to challenge the Fersurella conviction<sup>96</sup>.

In 2015, after years of persistence, the Italian Supreme Court allowed for a review procedure in Massaro's case<sup>97, 98</sup>. During the review, his defense presented evidence confirming he was undergoing treatment for drug addiction in Manduria on the day of Fersurella's murder, making it impossible for him to have committed the crime. The court also reviewed previously unexamined evidence, including witness statements

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corroborating his alibi. This new examination led to his exoneration in 2017, 21 years after his arrest<sup>99</sup>.

Despite his release, Massaro received no formal apology for his wrongful conviction and the decades of suffering endured by him and his family<sup>100</sup>. His case underscores critical flaws in this case in the Italian justice system, including reliance on poorly verified evidence, misinterpretation of key facts, and inadequate defense strategies. It serves as a sobering reminder of the devastating human cost of miscarriages of justice.

#### 4. CONCLUSION

Wrongful convictions expose flaws within the justice system, impacting individuals, their families, and society at large. The case of Angelo Massaro, one of the 139 cases so far documented by the European Registry of Exonerations (EUREX), highlights the devastating consequences of these failures, where systemic issues, such as flawed evidence interpretation and police pressure during suspect interviews, intertwine to produce tragic outcomes. Such cases demonstrate the importance of scrutinizing judicial processes and addressing the vulnerabilities that allow errors to occur. Organizations like the *Innocence Project* and the *European Innocence Network* play a crucial role in uncovering these injustices and advocating for reforms, while initiatives as EUREX provide valuable data to drive systemic improvements. These efforts remind us that wrongful convictions can affect anyone and underscore the need for a vigilant and compassionate justice system—one that upholds the principle of “*innocent until proven guilty*” and serves to protect the innocent.

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## ESTUDIOS

Wrongful convictions have always been a central issue in legal thinking, as they constitute the fundamental measure of the integrity of any criminal justice system, both in terms of substantive justice and public confidence in its institutions. However, studying this phenomenon also involves several challenges, from the very definition of the subject matter to the need to contextualise the different domestic approaches concerning remedies.

This collective work aims to contribute to the debate with an extensive and innovative comparative focus that combines theoretical and practical perspectives.

In this regard, the book is structured into four interconnected parts, ranging from more general or background issues to a more country-specific dimension and a detailed study of legal systems in Europe, the US, Asia and Latin America.

The work is aimed at a broad legal audience due to its international nature and focus. Due to the significant width of its scope, it may also serve as the basis for country specific in-depth research, and further comparative analysis.

The reader has in their hands a book that is necessary for its content, as it addresses a delicate, sensitive issue, by bringing together leading authors from many different criminal procedural systems in a single volume.

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