

determines that the discussion of a particular topic justifies a closed session. At the discretion of the Chair, members of the public may speak on any agenda item and may raise topics of concern under "any other business". In this way, meetings can retain their character of openness, but if and when it comes to a vote, the voting body is one which carries legitimate representative influence.

3.16 The Inquiry therefore makes two strong recommendations:

- (1) that the constitution of the Consultative Group be amended in the way described above;
- (2) that the Council resolves to take part in the Consultative Group.

The Inquiry emphasises that both these recommendations need to be implemented for an effective Consultative Group to function. If the constitution is amended but the Council stays away, the Group will be weak and lacking in influence. If the Council joins an unreformed consultative group, there will be conflict and frustration, for any proposals made by Council representatives for the improvement of policing, or the functioning of the group itself, are likely to be voted down by the present majority which in practice has shown itself to be hostile to the Council. But if these two recommendations are both implemented, other progress could be made. In the first report the Inquiry recommended that the Consultative Group should set up sub-committees, and should press for funding for its own staff. Council participation in a reformed group could make these ideas a reality.

3.17 the Inquiry makes clear that the Council's participation should not be conditional upon, or delayed until after, the restructuring of the Group. If that line were adopted, it would be a recipe for further impasse and stagnation. The Council should join now, and push from the inside for the necessary constitutional amendments. If its proposals were entirely thwarted, it could then review its position. But the Inquiry believes that the Council, once inside the Group, will prevail in its desire to see the Group become properly representative. The Inquiry is aware of dissatisfaction expressed by very senior police officers with the present structure. The argument, why should not the structure approved by the police in Southwark, and Camden be accepted by them in Haringey, is unanswerable.

CHAPTER 4

THE THREE MURDER CONVICTIONS A MISCARRIAGE OF JUSTICE

4.1 Winston Silcott, Engin Raghip, and Mark Braithwaite were convicted on 19th March 1987 for the murder of Keith Blakelock and were sentenced to the mandatory term of life imprisonment. In the case of Winston Silcott, the Judge recommended that he should serve a minimum of 30 years. Their application for leave to appeal against the conviction has been turned down by the Judge who considered it on paper. The 3 men have exercised their right to renew their application for leave to appeal before a Court of 3 Judges who will hear full argument. At the time of writing, that hearing has not taken place.

4.2 Lord Gifford visited the 3 men in prison on behalf of the Inquiry. Each of the three spoke of their innocence and of the pressures on them in the police station when their alleged 'confessions' were made. Engin Raghip, then aged 18, said:

"When I was in the interviews, it was questions and questions, and no matter what I said, they just discredit it. They said 'Oh come on we're wasting time' and telling the other one 'stop writing, stop writing'. Not everything was recorded. If I wanted to say what my side was it would stop. Until he got the answer he wanted he wouldn't stop. I was scared, I was really confused. Eventually I did crack up. I just started agreeing".

Mark Braithwaite, then aged 18, had a similar experience:

"At the beginning I wasn't agreeing. But it was going on and on. I had an empty belly. The food they gave me was

dead cold. I felt terrible. They put you in the cell, then bring you back after a couple of hours, the same thing over and over again, nothing to eat, you're getting weaker. I didn't have the strength to argue. I just went along with the suggestions they were making ...

"When you haven't done the crime, you can't sit down and say 'I accept it', you know what I mean?"

Winston Silcott insists that he was at home when PC Blakelock was killed, because he was on bail and had to be indoors. He said:

"The Prime Minister says clemency for the Sharpeville six, but the same thing happens in her country and she turns a blind eye to it. MPs and people high up might know about our case but they just keep it quiet".

4.3 The innocence of the 3 men is supported by many witnesses to the Inquiry. A committee of lawyers and relatives has been formed, pledged to campaign until the convictions have been overturned. The Broadwater Farm Defence Campaign has spoken of the trial as a "show trial", and the manifesto of the Movement for Civil Rights and Justice said this of the case:-

"It was the first time in British legal history that the State felt compelled to exercise its power to convict 3 people in such a draconian manner that undermined all of the laws of natural justice and human rights."

On the other hand, the majority of the press greeted the convictions with sensational reporting, giving prominence to a leering photograph of Silcott provided by the police, and by describing him as a "beast" and "monster" who was said to have pursued "a reign of terror" with a gang of "bully boys". The fact that Winston Silcott on the night of the riots was on bail on a murder charge, which he was subsequently convicted, fuelled the hysteria, and led to demands for changes in the bail laws.

4.4 Given such strong feelings about the case on both sides, the task of the Inquiry must be to review the evidence against the 3 men and state conclusions dispassionately. In doing so the In-

quiry will summarise the evidence given to the trial, and not disputed, about how PC Blakelock met his death. For legal reasons this material could not be put into the Inquiry's first report.

4.5 The most striking feature of the case was referred to by the trial Judge, Mr Justice Hodgson, at the beginning of his summing up:-

"This case is unusual in a number of ways. The case against each Defendant consists, and consists only, of the evidence of police officers as to what the Defendants said in answer to the questions asked of them in the interviews."

There was no identification of any Defendant; no forensic evidence; no photographic evidence; and no prosecution witness who could speak directly as to anything done by either of the 3 men. Later in his summing up the Judge repeated this vital point:-

"The prosecution case depends entirely upon these Defendants' confessions. It follows that the highest the prosecution can put their case against any Defendant is that he did what he has told the police that he did."

The Death of PC Blakelock

4.6 There was a large body of evidence, which was not contested by the Defence, as to how PC Blakelock died. Chief Superintendent Couch was in command of two serials of police officers at the Gloucester Road entrance to the Broadwater Farm Estate. By about 10 o'clock, he could see that there was a fire somewhere in the Tangmere precinct. Two officers from the fire brigade had gone into Tangmere to reconnoitre, and had located the fire in the supermarket. They were then forced to withdraw by a group of about 15-20 youths wearing masks who threw missiles.

4.7 At this time Mr Couch had only one serial of police available, the other having been sent on other duties. He had asked for reinforcements, but none had arrived. The Judge in his summing up spoke of the decision which was then made;

“Despite the fact that no reinforcements had arrived, Mr Couch and the two senior firemen decided that the situation was so serious and that lives were so endangered that efforts had to be made to fight the fire. Accordingly with great courage, Sergeant Pengelly and his serial, together with the firemen went into Tangmere.”

They laid a hose from the hydrant in Gloucester Road to the bottom of the stairs in Tangmere, ready to be taken up to the fire. The firemen and police went up the stairs onto the Tangmere precinct. Very soon afterwards, the firemen and officers came under attack on the Tangmere deck from youths who had come up another staircase, who threw missiles of various kinds at them, and forced Sergeant Pengelly to order everyone to retreat down the stairs up which they had come. The last officers down the stairs had to retreat backwards and protect themselves from attack with their long shields. When they reached the bottom of the stairs, all were ordered to make a run for it.

4.8 It is clear that PC Blakelock, as he ran from the Tangmere staircase with the other police and firemen, closely pursued by the group of youths, fell to the ground and was immediately surrounded and attacked. One of the firemen, Mr Holloway, said in evidence:-

“I looked over my shoulder. Someone fell and the crowd descended on him. I saw things like machetes, carving knives, a pole with a blade set at right angles to it. There appeared to be a frenzied attack going on. It was behind me. It was a frenzied attack with a considerable amount of noise. The people around were striking up and down with their weapons. I saw 8 or 10 machetes being used, or being held in the air. The officer was surrounded very quickly. Those at the back of the crowd had weapons as well.”

Another fireman Mr Stratford was running away beside PC Blakelock. As he mounted the grassy area behind Tangmere, he was aware of a police officer falling to the ground. He continued:-

“My impression was that he slipped ... PC Blakelock was on the ground, and raised one hand to protect himself. Then he physically disappeared under the weight of peo-

ple attacking him. At first people were kicking and punching, and then, directly afterwards, a number of instruments were used. The instruments were going up and down, being flayed at him. The last I saw of PC Blakelock was he had his hand up to protect himself.”

Other firemen and police officers, and members of the public looking from their flats, saw this attack on a policeman on the ground. Most put the numbers of attackers involved as 20 to 30.

4.9 Almost immediately 2 of the fleeing officers, Sergeant Pengelly and PC Pandya, turned back and attacked the group of attackers. Sergeant Pengelly hit out with his truncheon, and the group began to split up. Others came to assist him, and were able to pull PC Blakelock away, although some of the group continued to attack the police. The attack on PC Blakelock was over “in seconds” according to the Judge. But it had caused 40 wounds, caused by weapons such as knives and machetes, to PC Blakelock’s head, neck, face, back, hands and forearms.

4.10 Other officers also came to the ground and were injured during the retreat from Tangmere. PC Coombes was brought to the ground unconscious by a blow struck as he ran towards PC Blakelock. He suffered a severe injury to his jaw. PC Shepherd, as he ran towards PC Blakelock, was struck in the back by the right shoulder with an iron spike. He fell close to the unconscious PC Coombes, who he tried to protect with his shield. Another officer, PC Milne, charged and dispersed the people who were attacking these two officers, probably, in the view of the Judge, saving their lives. PC Milne dragged PC Coombes away, releasing PC Shepherd’s arm and allowing him to get up and leave.

4.11 The killing of PC Blakelock was a terrible crime, a tragic and unjustifiable ending of a man’s life. It aroused great public emotion and indignation. The facts of the killing, which were fully presented to the trial jury, were likely to arouse feelings of revulsion against the accused. In those circumstances it was important for there to be a scrupulously fair investigation, with reliable evidence on which to base any charges. In fact, the evidence against the six who appeared at the Old Bailey charged with murder was far from reliable. The case of the 3 who were acquitted is dealt with in Chapter 5. Below is set out the essence of the case against the 3 now serving life sentences.

The Case of Winston Silcott

4.12 Winston Silcott was arrested in the evening of 12th October 1985. He asked for, but was refused, access to a solicitor. He was interviewed on that evening, and four times during the following day. At every interview except the last, he exercised his right to make no reply to any of the questions. At the start of the final interview he continued to make no reply to questions. Then he was shown a number of photographs, by one of the senior officers in charge of the investigation, Detective Chief Superintendent Melvin. The conversation which followed will be recorded in full, for it represents the whole case against Winston Silcott.

Silcott: "That's not me I'm black, he's light skinned, and his nose is wrong."

Melvin: "What about the photograph?"

Silcott: "You tell me, you know it all. If thats all you've got you've got nothing man. You've made a mistake. That's not me and you're trying to say it is me. That's stupid man."

Melvin: "There were a large number of photographs taken that night which will give an accurate picture of who was involved in the riots."

(In fact the prosecution did not rely on any photograph as showing any of the accused).

Silcott: "Look if you have a photograph, show me. If not, just take me downstairs and charge me."

Melvin : "I believe that you were with T and Y and others standing over PC Blakelock when he was on the ground. You had either a machete or something like a sword with which you struck the officer."

Silcott: "Who told you that?"

Melvin : "I am not prepared to tell you who has described your part in the murder of the officer. Suffice to say that I have been told that you played an active part in murdering him."

Silcott: "They're only kids. No one is going to believe them. You say they say that. How do I know? I don't go with kids."

Melvin: "What makes you think that the people I am referring to will have witnessed your part in the murder are young people?"

Silcott: "You have only had kids in so far, haven't you?"

Melvin: "If only one person had told me of your part in this crime, I would not be so confident in my belief that you were the ring leader that night. When there is more than one person saying the same thing, the facts become clear."

Silcott is alleged to have looked out of the window, stood up, moved over to the window, looked out, and returned to his chair.

Silcott: "You cunts, you cunts (with tears in his eyes) Jesus, Jesus."

Melvin: "Did you murder PC Blakelock?"

Silcott : "You aint got enough evidence. Those kids will never go to court. You wait and see. Nobody else will talk to you. You can't keep me away from them."

Melvin: "What do you mean by that?"

Silcott: "I aint saying no more, and you have got a big surprise coming. You'll probably be out of a job."

Melvin: "Are you telling me that any witness is in danger from you?"

Silcott: "Just take me down and charge me. I aint saying no more. I aint signing anything. You aint got no evidence."

Melvin: "Apart from the murder it is important to recover the firearms and knives that were used that night. Will you tell me where they might be?"

Silcott: "You're too slow, man, they have gone."

Melvin: "Mr Silcott, in order to save further life, it is essential we find those weapons. Can you help me?"

Silcott: (Laughing) "no, fuck you, you find them."

Melvin: "Mr Silcott, I firmly believe that you were the ring leader in the attack upon the officer. You had a weapon. You used it on the officer, and you caused other people to stab and cut that officer?"

Silcott: "They won't give evidence against me."

On this material the Judge directed the jury that they had to be sure that what Winston Silcott said and did amounted to "a full, reliable and truthful confession to murder."

4.13 Counsel appearing for Winston Silcott had invited the Judge to rule that there was no case to answer. She said:-

"The contents of the interview, which is the only evidence my learned friend will be able to rely on in his closing speech, and Your Lordship will sum up, is a reiteration of "you are the ring leader". It is very difficult to dispel that, although there is no supporting evidence for it whatsoever. I would invite Your Lordship to say there is but little evidence, but that it is really so dangerous to leave this to the jury. It is a case where Your Lordship should take the responsibility on yourself, rather than leave it to the jury, because of the risk that the jury may feel, because of the extraordinary pressures, the police say he is the ring leader, we cannot acquit him."

This plea was rejected by the Judge.

4.14 The Inquiry panel is appalled that a man could be serving life imprisonment, with a 30 year minimum sentence, on such tenuous evidence as that quoted above. No matter how much suspicion the police have, a charge can only be proved by cogent admissible evidence. Things said by others to the police (in circumstances which are considered below) are not admissible as evidence. The words spoken by Mr Silcott were not tape rec-

orded, and so their precise nuances are impossible to interpret. Taken at their highest, they might be the words of someone who knew he was guilty but thought that the police could not prove it; but conversely they might be the words of someone who knew he was innocent, but knew that the police were out to get him convicted, and was challenging the police, in his anger and frustration, by declaring that they could not prove any charge against him. In those circumstances the Inquiry believes the Judge was wrong not to dismiss the case against Mr Silcott. The evidence was not sufficient to convict him, and therefore the Inquiry considers that he should be declared innocent according to law.

4.15 Clearly the jury by their verdict considered that the evidence was sufficient to make them sure. But they were, as Silcott's Counsel pointed out, under extraordinary pressure. The circumstances of PC Blakelock's death were horrifying. The crime was notorious. The press during the trial had done much to stoke up the emotional temperature around the case. *The Sun* newspaper had published a front page picture during the trial of Winston Silcott as "the ring leader of the mob which attacked Constable Blakelock". On the Sunday before the verdict, the *Sunday Express* had printed a sensational story headlined "Flash-Point Tottenham" claiming that a major riot was being planned to coincide with the verdict. On top of that, the jury were given to understand through the questioning quoted above, that other people had identified Silcott as having been involved — a prejudicial piece of information which may not have been negated by the Judges' direction that such material was inadmissible. They may have held against him the fact that he did not give evidence, although again they were directed that this was his legal right.

4.16 The jury were not told that Winston Silcott had been convicted on another murder charge, the one for which he was on bail at the time of the riots. To the press, this former conviction was proof that he was a monstrous killer. But there may well have been a different connection between the two cases. In the eyes of the investigating police officers, outraged by their colleague's death, Winston Silcott because of his previous record was naturally likely to be number one suspect. His name would have been suggested to many arrested people. As will be seen in the next chapter, many suggestible young people gave way un-

der questioning and “confessed” to things which they had seen and done, in order to please the police. The fact that Silcott’s name appeared in other people’s statements was not only inadmissible in law; it was an unreliable indicator in fact.

The Case of Engin Raghip

4.17 At the time of the disturbances Engin Raghip was 18 years old, and could not read. He was undoubtedly on Broadwater Farm during a part of the disturbances. What he did is a matter of bitter dispute. He was arrested in the early morning of 24th October 1985. He was feeling “quite rough” because of drinking the night before. He signed a number of forms at the police station, one of which was a declaration stating that he did not want a solicitor. According to him, he just signed anything that he was told to. He was interviewed 4 times that day, during the morning, afternoon, evening, and from 11.30 to 1.30 in the night. According to the notes made by the police at the first interview, he admitted throwing stones. On 25th October he was interviewed twice, in the afternoon and evening. According to the notes of the evening interview, he admitted having seen the episode behind Tangmere when a policeman fell to the ground and youths attacked him.

4.18 On 26th October he appeared in court charged with affray. The police applied for a remand in custody for further questioning. Engin Raghip was represented by the duty solicitor, Mr Miller, who opposed this application. Mr Miller suggested to the Magistrate that at any future interviews Raghip should be represented by a solicitor, and the Magistrate agreed, and allowed the police application. When further interviews took place on the afternoon and evening of October 26th, Mr Raghip, according to the police notes, said that he did not want a solicitor. But Mr Raghip told the court that he was continually asking for a solicitor. In any event, the interviews conducted on October 26th turned out to contain what the Judge called “the main confession” which was said to implicate him in the murder.

4.19 Engin Raghip said in evidence that the real questions and answers between himself and the police came out very differently from what was recorded in the contemporaneous notes. But before looking at that, it is worth setting out the exact words which the prosecution relied on against Engin Raghip, as interviewed by Detective Inspector Kennedy.

Raghip: “There were about 30 people surrounding him and I was trying to get in to see what was happening.”

Kennedy: “How many times did you try to get into the crowd who were assaulting the policeman.”

Raghip: “Say about twice. I was pushed back.”

Kennedy: “Did you have any weapon with you at that time?”

Raghip: “Definitely not, but why should you believe me when I’ve told so many lies.”

Mr Raghip then went on to describe how the attack took place, and how they ran at the end, but with no further mention of any part played by him.

4.20 In the eighth and final interview, in the evening of October 26th, Mr Raghip is noted as saying “I had a weapon when I was running towards the policeman — a broom handle”. Later the following exchange is noted:-

Raghip: “I was there to jump into the crowd to kick and do my part but could not get in”.

Kennedy: “Did you intend to kill the police officer?”

Raghip: “No way”.

Kennedy: “If you had been able to get at him, what would you have done to him?”

Raghip: “I might have kicked him or hit him with the broom handle. But I wouldn’t have done no more. I feel like shit just talking about it, never mind anything”.

(A little later)

Kennedy: “How long did you stay near the policeman in that crowd?”

Raghip: "I don't know, it all happened so quick. It happened within seconds then everyone started to run."

4.21 Mr Raghip in evidence said that the "contemporaneous notes" of the police did not in any way represent what he said. He claimed that the police were pressing him, making suggestions to him, and making up his replies. He said that he admitted throwing stones, but that was only because the police were putting to him that he was involved in the murder. In his evidence to the jury, he said that he was virtually a stranger to the Farm, but had gone along at 7.30-8.00 to see what was going on. He and a friend walked about watching what was going on. He parted company with his friend, and continued to walk around until he walked home, leaving at about 10 o'clock. He said that he took no part in the rioting, and did not see the PC Blakelock episode.

4.22 The first worrying aspect of Engin Raghip's conviction is that his "confession", even assuming that it was accurately recorded and is truthful, does not implicate him in any act which caused PC Blakelock's death. He could only be guilty, if at all, as an aider and abettor. The Judge's direction to the jury on this point, which he gave to them to study in writing, was:-

"The defendant is guilty of murder if he was voluntarily and purposely present when PC Blakelock was attacked and willfully and intentionally encouraged those who were attacking him, intending, himself, that death or really serious injury should result from what they were doing, and what he was encouraging them to do."

This direction is a correct statement of the law. The difficulty is in applying it to the facts of the case. Since no one witnessed Mr Raghip doing anything, the crucial issue of what his intention was could only be inferred from what he was meant to have said to the police. But, as noted above, he is recorded as saying that he had no intention of killing the police officer, and that he would have done no more than kick or hit him with the broom handle — actions which would not cause death or really serious injury. He was convicted on what the jury thought that Mr Raghip intended should happen as a result of the other attack-

ers' actions. It is a dangerous speculation to make about his state of mind over a period of seconds. The verdict comes close to being a verdict of guilt by association.

4.23 For this reason the Inquiry finds the comparison made by Mr Silcott with the 'Sharpeville Six' case to be valid. As in the South African case, the accused Raghip was not proved to have caused the death, but was convicted on the basis of an alleged common purpose with those who did. The same applies to the case of Mark Braithwaite.

4.24 Secondly, the Inquiry finds it quite appalling that the basis of a murder conviction should be notes taken down by the police, from an illiterate suspect, after interviews stretching over 3 days, without access to a solicitor — especially when those notes do not amount to a full confession of a guilty act. It is inevitable that questions and answers will be condensed and at least unconsciously distorted, by officers who are in no way neutral but are anxious to obtain evidence implicating the suspect. Exactly what Engin Raghip meant when he said — if he said — the crucial words relied on by the prosecution could best be gleaned from studying his exact words and nuances recorded on tape. But no tape recordings were made.

4.25 Thirdly, the Inquiry is extremely anxious to note that the incriminating "confession" came after 6 interviews in which there had been no confession of any part played by Mr Raghip, and after more than 2 days of this young man being held incommunicado. Worse still, he had been remanded by a court for a further 3 days of incommunicado detention. Even though he had the right to see a solicitor, it is clear that that right was not going to be allowed in practice. In those circumstances the Inquiry believes it to be quite unjust to rely on his words as recorded in those circumstances.

4.26 The final matter to note about Engin Raghip's conviction is that he was not even charged with murder until 13th December 1985, some 6 weeks after the relevant interviews. In the intermediate time he was granted bail. According to his family, bail was granted after the senior officer had said to the court that he was satisfied that Engin Raghip had taken no part in the murder. The murder charge was added as an afterthought, presumably when lawyers in the Director of Public Prosecution's depart-

ment appreciated that a case could be made to implicate Engin Raghup as an aider and abettor.

The Case of Mark Braithwaite

4.27 Mark Braithwaite, then aged 18, was arrested on 4th February 1986. His request to have a solicitor present at his interviews was refused. He was interviewed twice on the evening of February 4th and 5 times, over a period of almost 8 hours, on February 5th. At first he said that he was not on the Farm on the night of the riots, and gave a false alibi. In the second and third interviews, he agreed that he was on the Farm, watching what was going on. In the fourth interview he admitted that he threw a few stones. Mr Braithwaite said in evidence that the officers had been asking questions over and over again until he gave them an answer, and he said this because he was angry.

4.28 In the fifth interview, which lasted 2 hours, Mark Braithwaite is recorded as having given a detailed account of having seen two officers behind Tangmere being attacked. He said that one officer fell, and that people kicked him; and the second officer tried to help the first officer, and was brought to the ground by a blow with a stick, and was then attacked by the crowd. Mark Braithwaite said that he then walked off. The Judge in his summing up drew attention to the similarities between Mark Braithwaite's account and the evidence as to how and where PC Blakelock and PC Coombes fell to the ground. Mark Braithwaite said in evidence that he made almost all of this story up.

4.29 In the evening of February 5th, according to the police witnesses, Mark Braithwaite asked to see them again. He said that he "hit quite a young policeman" with a bar, twice, on his leg and side. The policeman was on the ground at the time. Then "a few people" stabbed him with knives and kicked him. He said that they stabbed him "on his legs" and the police officer was "covering his face and rolling about". He said that the policeman had his helmet on with the visor up. As far as the second policeman was concerned, he saw him felled to the ground, but did not see what happened to him afterwards. The second policeman had a moustache. When asked whether he had seen photographs of PC Blakelock, Mark Braithwaite answered "Yeah. He looks like the second policeman, spitting image."

4.30 It follows that Mark Braithwaite, while apparently admitting to the police that he struck an officer with an iron bar, was saying emphatically that the officer he struck was not PC Blakelock. What is more, some of the details (stabs in the leg, the helmet on) were inconsistent with it being PC Blakelock whom he struck. The Judge appeared troubled by the possibility that Mark Braithwaite, having made a true confession, had struck a different officer. After dealing with the alibi witnesses called on behalf of Mark Braithwaite, who said that he had been inside one of the flats from an early stage of the disturbances, the Judge said:-

"You would then have to ask yourselves what may be a much more difficult question, and that is whether, from the interviews, from what he confessed to, you can be sure that it was PC Blakelock whom he hit with the bar, or whether it may have been another of the 3 officers on the ground."

If the jury were sure that Mark Braithwaite hit PC Blakelock with the bar, then they had to apply the same law about aiding and abetting as has been discussed in the case of Engin Raghup. If they could only be sure that he hit "a police officer", they should find him guilty only of riot, not of murder. Despite the judge's words of caution the jury convicted Mark Braithwaite of murder.

Conclusions on the Convicted Three

4.31 From this analysis of the 3 murder convictions it can be seen that each conviction has in common that it was obtained solely on evidence of an alleged confession; that such "confessions" happened after hours of prolonged interview; and that access to a solicitor was denied. In two cases the men concerned were teenagers. In no case is there a clear admission of an act of causing death or serious injury to PC Blakelock. On the contrary, each case gives rise to speculative inferences as to what, if anything, the defendant was confessing to. In the case of Winston Silcott, what can fairly be presumed as to the meaning of his semi-incriminating replies? In the case of Engin Raghup, was he confessing to being a murderer or just a hanger-on? In the case of Mark Braithwaite, did he hit PC Blakelock at all, and if so with what intention?

4.32 There have already been two expert investigations into this trial. Two American jurists, Judge Margaret Burnham and Professor Lennox Hinds, studied the murder trial dossier and attended as observers for part of the proceedings. Their full report has been published and may be obtained from the Broadwater Farm Youth Association. They report in strong terms on the conviction of Winston Silcott:-

“On the totality of the evidence, we find that the conviction of Silcott represents a serious miscarriage of justice. We have in mind the insubstantiality and ambiguous tenor of the statements he is alleged to have made to the police; the fact that he was not acting under a solicitors advice when he made those statements; and that the Government offered no evidence at all to corroborate the alleged “confession”. The court should, we believe, have discharged Silcott. In our judgment, its failure to do so represents an unspoken acceptance of the common scuttle-butt that Silcott was the main actor, and that he presented a threat to those who might have given evidence against him. But to imprison a man for life on the gravest of offences — murder — on such evidence as the Government offered here offends the fundamental sense of justice.”

4.33 The American jurists spoke of the denial of the right to counsel in terms which the Inquiry agrees with wholeheartedly:-

“For centuries the right to counsel has been the lynch-pin of the adversary system of justice. This first principle provides that each citizen, no matter how poor, unpopular or despised, has the right to an independent, loyal and effective advocate. That principle cannot be conditioned or balanced against society’s interests in fighting crime. For this is a test that the individual almost always loses — especially if, as here, that individual is an unpopular defendant in a sensational case. Experience teaches that the right to counsel is meaningless unless it is respected when the defendant is most in need. That moment is most often at the point of arrest and custodial interrogation. The right is irrelevant

after the “evidence” the police seek has been squeezed out of the accused.”

4.34 The American jurists concluded:-

“The Government and the courts have not yet shown the capacity or willingness to mete out fair and equal justice in this difficult, highly polarised and politicised climate. But all opportunities are not yet lost. Based on our review of these matters, we urge a careful and dispassionate judicial re-examination of the convictions rendered in the Blakelock murder trial.”

4.35 Amnesty International have also made a study of the Broadwater Farm trials. Their report stated that the refusal of access to lawyers was in breach of the United Nations Standard Minimum Rules for the Treatment of Prisoners. The report referred to the general principle of criminal law, recognised in the United Kingdom and internationally, that it is the duty of the prosecution to prove the guilt of the accused, and continued:-

“This principle that the guilt of the accused must be proved beyond reasonable doubt implies a prohibition to convict on the basis of unreliable evidence, such as admissions obtained by coercion. Convictions based on contested admissions made in the absence of a lawyer and alleged to have been obtained by coercion furthermore raise doubt about the adherence in the Broadwater Farm cases to the presumption of innocence of the accused and to the prohibition to convict on the basis of unreliable evidence.”

The Amnesty report recommended that the Government “review the cases of all those convicted of serious offences in connection with the disturbances on Broadwater Farm on the basis of a contested admission, made in the absence of a lawyer, with a view to establishing whether they have been fairly convicted”.

4.36 The Inquiry agrees with the assessments made in these two reports. From its own detailed investigation of the evidence presented for trial, the Inquiry concludes that the convictions of Winston Silcott, Engin Raghıp and Mark Braithwaite were a terrible miscarriage of justice. It is a miscarriage of justice which is exceptionally grave, both for the 3 men suffering life sentences,

and for the wider public who have an interest in ensuring that such a serious crime has been fairly investigated and tried. The Inquiry hopes that the forthcoming application of the 3 men for leave to appeal will lead to the quashing of their convictions. If it does not, then the responsibility will lie upon the Home Secretary to intervene in a case which cannot be allowed to rest as a blot upon the reputation of British justice.

CHAPTER 5

CONFESSIONS WHICH COULD NOT BE TRUSTED

Overview of the Trials

5.1 The statistics of the Broadwater Farm investigation are that 369 people were arrested, of whom 167 were charged with some offence, and the remainder released without charge or caution. 271 homes were searched — a mammoth process which in the result yielded no evidence at all to support any serious charge. Out of the 167 people charged, 96 were charged with less serious offences such as burglary, theft, handling stolen goods, and threatening behaviour. 71 people were charged with serious offences arising from the disturbances. Of these, 2 absconded and 69 were tried before the Central Criminal Court.

5.2 The outcome of the Old Bailey trials is of great significance. The broad picture which emerges is this:-

Defendants who pleaded guilty to at least one serious charge	20
Defendants who pleaded not guilty but were convicted of at least one serious charge	23
Defendants who were entirely acquitted of serious charges	26
TOTAL	69

Breaking these figures down a bit further, it emerges that 6 defendants were charged with murder, riot and affray. 7 defendants were charged with riot and affray, the riot charge being