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 acquited 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

TYPE OF CHARGE	NO. OF ACCUSED	MURDER			RIOT			AFFRAY			PETROL BOMBS		
		P	C	A	P	C	A	P	C	A	P	C	A
MURDER & RIOT & AFFRAY	6	0	3	3	0	3	3	0	4	2	0	0	1
RIOT & AFFRAY	7	-	-	-	0	0	7	4	1	2	0	0	2
AFFRAY	56				-			18	22	2	2	2	8
TOTALS	**69**	**0**	**3**	**3**	**0**	**3**	**10**	**20**	**23**	**26**	**2**	**2**	**11**

explained in each case as being an allegation that they were in the group which attacked Serial 502 of which PC Blakelock formed a part. 56 defendants were charged with affray, the basis for the charge being that they were alleged to have been involved in the disturbances by throwing some form of missile at the police. Of the 69 accused, 15 also faced charges under the Explosive Substances Act, the basis for these charges being that they were alleged to have thrown petrol bombs. The detailed outcome of all the charges can be seen from the following tables (in which the letter 'P' stands for pleaded guilty, 'C' for convicted and 'A' for acquitted).

It will be seen from the table (p 58) that the addition of riot charges achieved little result, since only the 3 who were convicted for murder were also convicted on this charge. Only 4 of the 15 accused of throwing petrol bombs were convicted.

5.3 When it came to sentencing, the 3 convicted of murder suffered the mandatory penalty of life imprisonment. The sentences passed on the 40 people found guilty of affray, were as follows:-

SENTENCE	DEFENDANTS PLEADING GUILTY	DEFENDANTS CONVICTED BY JURY
5-6 years	0	4
4-5 years	1	4
3-4 years	7	5
2-3 years	6	5
1-2 years	5	0
Hospital Order	1	1
Community Service	0	1
TOTAL	**20**	**20**

The highest sentence was 6 years (which had been reduced from 8 years on appeal) for a man convicted of affray and petrol bombing. The average prison sentence was 2 years imprisonment for those who pleaded guilty, 3 for those who pleaded not guilty and were convicted.

5.4 The sentences were at the severe end of the normal 'tariff' for affray cases. Clearly no reduction of sentence was made by the judges to take account of the circumstances which caused the disturbances. The Inquiry is concerned that such long sentences were thought appropriate for young men, many with no previous convictions, who were caught up in events which were not of their making. It is significant to note that if the same defendants had been charged with the same acts of violence in the magistrates courts (as some arrestees were), the sentences would have been at the most a few months imprisonment.

5.5 All of the 69 defendants who appeared on serious charges were male. 51 were black, 16 white, 2 Asian and 2 Turkish. 10 were juveniles, of whom 6 were acquitted completely. Of the 3 juveniles charged with murder, 2 were acquitted of all charges and the third acquitted of murder but convicted of affray.

5.6 The trials stretched over a considerable period of time. The first sentence was passed on 22nd September 1986, and the last on 15th September 1987. The murder trial began on 14th January 1987 and ended on 19th March 1987. Apart from the murder trial, and two cases in which 2 brothers were tried together, every case was tried on its own. This meant that of the 49 cases which were contested on a not guilty plea, there were 42 separate jury trials. The decision to have so many small trials was taken by the Director of Public Prosecution, and the defendants had no right in law to object to it. Undoubtedly it assisted the prosecution. In cases where the same interrogating officers were accused of using similar tactics in order to encourage confessions, the juries were denied the possibility of evaluating whether there was a pattern of behaviour such as might render unreliable any confessions obtained by those officers. The multiplicity of trials must also have added to the overall time taken to bring these cases to trial.

5.7 Perhaps the most remarkable statistic is that in only 13 trials did the prosecution rely on any independent evidence other than the evidence of what a defendant was said to have confessed to the police. In 5 cases the prosecution relied on witnesses, in 7 on photographs, and in 1 on both a witness and photographs. The quality of this evidence was evidently not strong, for in 9 of the 13 cases the defendant was acquitted. In nearly all of the 13 cases, the prosecution also relied on an alleged confession. It is therefore evident that any evaluation of the quality of justice done in the Broadwater Farm trials must depend upon an assessment of the acceptability of "confession" evidence obtained under the conditions which prevailed during the police investigation, carried out mainly during October and November 1985.

5.8 The Inquiry draws attention first to the 26 men who were acquitted altogether. In all their cases, the juries were not satisfied of their guilt, even though they had — according to the police — confessed their guilt fully and freely. This high acquittal rate, over half of the contested cases, gives rise to two questions about potential injustice: first, why were these 26 people, 6 of them juveniles, put through the ordeal of standing trial? Secondly, why were they acquitted and others convicted? To answer these questions a detailed examination has to be made of individual cases. The Inquiry has had access to a large quantity of material which was not available to other investigating bodies such as Amnesty International.

The Case of Juvenile C

5.9 Juvenile C was charged with the murder of PC Blakelock. He was 13 years old at the time of his arrest. He had been held in custody for 52 hours after his arrest. He was not allowed a solicitor during the entire period of his detention, even though he had requested one. At first, a social worker was present whilst he was questioned. The social worker said that he wished to instruct the boy to be careful in answering questions. This was not allowed by the police, and thereafter the social worker was excluded from the interrogation, which continued in the presence of a person who gave no advice to the boy concerning his rights. The boy was questioned for 15 hours in total, for most of the time wearing only a blanket and his underpants. During the second interrogation session the boy broke down emotionally and

started crying. He then began to make statements suggesting that he was involved, claiming in the end that he had made cuts in the police officer's leg and chest, and giving a lurid description of the murder scene.

5.10 Mr Justice Hodgson was firm and comprehensive in ruling both that C's treatment by the police was oppressive, and that the the conduct of the police made the confession unreliable. The treatment was oppressive for three reasons. The first, because C was held "48 hours in a police cell, isolated from his family and effectively from all contact with the outside world." Secondly, because he was interviewed "clad only in his underpants". Thirdly, the police used a "threatening form of enquiry" so that the boy was "broken down emotionally and crying".

5.11 The Judge sharply criticised the police for the following conduct, which he found, taken in its totality, to have rendered the statement unreliable:-

(i) Refusing access to a solicitor without reasonable cause.

(ii) Delaying access to an "appropriate adult" who could advise, support and counsel C.

(iii) Failing to charge C promptly with burglary, the crime for which he had been arrested. The failure so to charge him was deliberately done to get around the requirement that he be taken to a magistrate promptly after being charged.

(iv) Failing to advise the social worker, who had been brought in as the "appropriate adult", precisely what his responsibilities were.

(v) Refusing to permit the social worker to continue to observe the interrogation process when he said that he would give advice to C to proceed with great caution.

(vi) Selecting thereafter as the "appropriate adult" a police liason committee member who had no concept of her responsibility.

(vii) Failing to contact his parents when they were available to be with him as his "appropriate adult".

(viii) Failing to tell C or the "appropriate adults" that he was under suspicion for murder and riot.

5.12 The Judge also noted, that, as measured against the established facts relating to the killing of PC Blakelock, the statements of C were "fantastical", "strange", "make believe", "a ritualistic account of the happenings".

5.13 The Inquiry finds the treatment of C to be quite disgraceful. According to C's mother, the experience of being in custody and on trial so long has made him "a totally different boy". His mother described the state that he was in when he was first brought before the Magistrate's Court:-

> "He looked yellow. His hair was all standing out, it was all sticky, and he looked absolutely terrible, and his eyes were all bloodshot, where he had been constantly crying I suppose. He looked really terrible. He'd got a blanket wrapped around him, nothing on his feet, no clothes, just a blanket. He kept looking at me and saying 'Mum they're trying to say that I killed that man and I ain't done nothing'."

The Inquiry calls for severe disciplinary charges to be brought against officers responsible for causing such intense mental damage to C, and to other youths, through their violation of proper procedures.

The Case of Juvenile B

5.14 Juvenile B also charged with murder, was 15 at the time of his arrest. He was held for 4 hours in total isolation. Then he was questioned on 6 separate occasions for a total of approximately 10 hours. His solicitor was turned away when she enquired about him. His mother was not contacted; instead a school teacher was sought out as an "appropriate adult" by the police. At the trial a psychologist and a psychiatrist were called by the Recorder's witnesses. They stated that the boy was severely mentally disabled, that he had a mental age of 7, that he was illiterate, innumerate and had a severely diminshed capacity to recall and remember events. The psychologist testified that in

view of these disabilities the statements made by B were very likely to be unreliable. The psychiatrist said that he would have been at "a very substantial disadvantage" during the interviews, and that he was more likely to make a false confession than would a boy of average intelligence."

5.15 Mr Justice Hodgson held in his case also that his treatment had been oppressive, in particular the 4 hours of isolation; and that the statements which he had made were unreliable for many of the same reasons as he had given in the case of juvenile C.

The Case of Juvenile D

5.16 Juvenile D, who was just 15 when interviewed, was a pupil at a special school. A psychologist was called to give evidence that his reading age was around 10, and that he was bordering on sub-normal intelligence. He was interviewed in the presence of teachers, who did not give him any advice. For the first interview and half of the second, he denied having been on the Estate at all during the riots. Then he confessed to having thrown some stones, and to having witnessed the charge made against Serial 502 on the Tangmere precinct. But his account of this was seriously at variance with the known facts, and in particular he said that the police were chased down a quite different staircase from the staircase identified by police witnesses. On the next day, he went back to his denials that he was on the Estate, which he also repeated in his evidence to the court. He was found not guilty of affray.

The Case of Hassan Muller

5.17 Hassan Muller was 17 years old at the time of his arrest, and accordingly the law did not require that he had any "appropriate adult" with him during police interviews. According to the police, he signed the form noting that he did not want a solicitor. According to Mr Muller, he thought that he was signing for fingerprints and photographs. He said that one of the interviewing officers DC Sergeant said "you are not fucking getting one". Mr Muller was interviewed over 2 days by DC Sergeant and DC MCAllister, two of the regular team of Broadwater Farm investigating officers. He said in evidence:-

> "The way questions are written down and the way they were asked is totally different, and the way I answered is totally different. They kept saying we know you're involved, raising their voices and banging on the table. They said "you're lying". The only way to get them off me was to say that I was throwing stones, and that made them happy. They kept putting words to me, telling me what had happened. They said "you can get out of this the easy way or the hard way". I thought it meant that if I didn't admit to things they would take be down to the cell and give me a good beating. I was just saying anything, what I heard, read, had seen on the telly, and what they were telling me. They told me "we know you were throwing petrol bombs". One officer was walking around, talking over my shoulder, saying tell us the truth, I'd get bail. They kept on an on about petrol bombs. They told me where I was and where I was meant to have thrown them. They made me put it into a story. ... I did say I was throwing petrol bombs, I had no choice, if I never said yes they wouldn't have stopped questioning me. They kept saying tell us the truth and then you can go home. When I answered questions they were happy, hearing what they wanted, for me to admit to things. The whole bit in the Broadwater Farm was all made up, I was never in the Farm."

Hassan Muller was charged with affray and petrol bombing. He spent 11 months in custody awaiting trial. At his trial, the defence called a consultant psychiatrist, who said that Hassan Muller's low IQ and childhood history co-related very closely with the characteristics of those most susceptible to make false confessions; a psychologist who described him as a young man with a reading age of around 9 years, more suggestable than a normal person, not good at taking stress; and the social worker who spoke of his poor educational background and broken family. The jury were clearly not satisfied about the reliability of his admissions, and acquitted him on all charges after 40 minutes deliberation.

5.18 In Hassan Muller's case, as in many others, the jury were told about a previous case involving improper conduct by DC Sergeant. In June 1980 DC Sergeant together with a DS Hunter had interviewed a youth called Derek Pascall in connection with a robbery. Derek Pascall had claimed that during the inter-

view he had been severely assaulted by Hunter in the presence of Sergeant, and that Sergeant himself had held Pascall's legs while Hunter burnt his hand with a lighted cigarette end; and that Sergeant threatened to punch Pascall in the testicles if he moved. Pascall eventually "confessed" to a number of offences, but was acquitted at his trial at the Old Bailey. He then commenced a civil action against the Commissioner for the Metropolitan Police, which was heard in March 1986 by a jury in the Shoreditch County Court. They gave judgment in Derek Pascall's favour and awarded him £4,500 damages, including £1,000 exemplary damages. DC Sergeant had given evidence before this jury, stating that Derek Pascall had not been assaulted in any way, and was plainly disbelieved. In the Hassan Muller case, DC Sergeant was cross-examined about this, and denied ill-treating Derek Pascall. However in later trials involving interviews with DC Sergeant, the officer did not appear to give evidence on the ground that he had had a nervous breakdown. The facts of the Derek Pascall case were put before the jury in those cases by way of admissions made by the prosecution. In total, 11 of the contested cases involved Sergeant as one of the interviewing officers. In 7 of those cases the defendant was acquitted, in 4 he was convicted.

The Case of Alan Chance

5.19 Alan Chance, aged 17 at the time of his interviews, was charged with no less than 5 charges: riot, affray, making petrol bombs, throwing petrol bombs, and arson. All the charges were based upon the answers given by Alan Chance in his interviews, which ranged over a total of 22 hours. Alan Chance's evidence was that after he said that he had been with his girlfriend during the evening of the riots, the investigating officer slapped him across the face, swore at him and told him not to lie. He was repeatedly called a liar. He was jabbed in the stomach. Following that, he said that throughout the interviews, because he was terrified, he said things that he thought the police wanted to hear. He said things which came from various sources: some from what the police themselves said, some from rumour and gossip which he had heard since the riots. In his case also, a psychologist gave evidence to say that he was "highly suggestible". He was acquitted by the jury on all charges.

The Case of Steven Edwards

5.20 Steven Edwards, aged 18, was another defendant who had been interviewed by DC McAllister and DC Sergeant. He said that the officers had said that they could detain him for a lengthy period; that they had the whole of the English establishment on their side, including the Queen; that he would be charged with the murder of PC Blakelock. He said that they paced up and down in a threatening manner around him, making racist comments, swearing and looking over his shoulders, threatening that "we are going to get you", and on one occasion grabbing him by the chin and shaking him. He was questioned over 3 interviews averaging about 3 hours each. He said in evidence that he was exhausted and confused, and admitted things because he couldn't take the pressure any longer. He had been on the Estate at the time, but denied throwing any stones or missiles. He had been frightened and had been desperately trying to find his friends. He was acquitted by the jury.

The Case of Christopher Newall

5.21 Christopher Newall was aged 26 and lived near the Estate. He had been trapped inside the Estate during the early hours of the riots, and claimed that he had taken no part. He was arrested in December 1985 on suspicion of fraud, but on arrival at the police station was told that he was being questioned for murder. He described the interview which followed, conducted by DC McAllister and DC Sergeant:-

> "They mentioned the murder quite a few times. It was like an echo, murder, murder, murder. It made be feel terrified. Sergeant and McAllister were aggressive, their voices were violent, they would talk to me and then look away. Sergeant grabbed me by my shirt as if to hit me. McAllister stopped him. McAllister was writing, but he didn't record the interview accurately."

Mr Newall said that after his first interview DC Sergeant had a conversation with him in the cells. "He told me how to deal with the situation best. Scratch my back and I'll scratch yours." He mentioned a number of times that if Newall would admit to throwing stones and sticks they would charge him only with threatening behaviour. He said that these inducements were

repeated during the interview which followed on the next day. DC Sergeant denied having made any inducement. Mr Newall did admit throwing things because, he said, of the pressures and the inducements which were being made. "I had to make it look pretty for them. I got no choice".

The Case of Howard Kerr

5.22 Howard Kerr never had to appear at the Old Bailey, as he had been discharged at the Magistrate's Court when no evidence was offered against him. His case however is of great significance. He was a youth of 17 who was detained for 2 days. He was not allowed to see a lawyer or relatives. He at first claimed that he was in Windsor on the night of 6th October. But later he made a 50 page "confession" to taking part in the riots, naming 20 other "participants", and claiming to have seen the murder of PC Blakelock. Later it was established from independent evidence from a number of witnesses that he was indeed in Windsor that evening. He explained later, "I was frightened, so I told them what I thought they wanted to know". In the trials, defence counsel tried to have evidence about the Howard Kerr interviews put before the jury, particularly as in a number of cases the defendants had been "identified" by him. Although under the law the court has a discretion to allow in such material, the applications were refused in every case.

5.23 Turning now to some of the cases of those who pleaded 'not guilty' but were convicted, it is apparent that the evidence brought against them was remarkably similar to that against the people acquitted; indeed it was often given by the same police witnesses. In the view of the Inquiry, the "confessions" of the convicted defendants cannot be relied on any more than the "confessions" of those who were acquitted.

The Case of X

5.24 X was sentenced to 2 years imprisonment for affray. He said this to the Inquiry about the 'confession' on which he was convicted:

> "I said I wasn't doing anything on the Estate but they still went on and went on, and I came to the conclusion they weren't going to believe me. I just gave up. I was depressed. My answers were not being accepted. They said they had all weekend. They said it would only mean a £25 fine so I thought about it and said OK, I was throwing stones. They said if I admitted I would be out that evening. I didn't throw any stones that night. I didn't throw anything."

He told the Inquiry, after being released early on parole, that "I was done out of 8 months out of my life. I was stupid at the time for falling for their tricks."

The Case of Asheen Abdullah

5.25 Asheen Abdullah was found guilty of affray, burglary at the Moselle School, and arson of a motor car. He said in evidence that he had been on the Estate during the riots, but did not take part. He was one of those questioned by DC Sergeant and DC McAllister, but in his case DC Sergeant had fallen ill by the time of his trial so could not be cross-examined. He said of his first interview:-

> "They said you must have done something. You couldn't have just stood there. They were very intimidating, saying you have to admit something. If I didn't admit to something I wouldn't get out. One was standing and walking around. One would go out of the room and then come back in. One would stand right over my shoulder. They never hit me but their behaviour was threatening. I was scared. I didn't know what they could do. I believed they could do me for murder."

He said in that interview that he threw a few bricks, and in a later interview that he pushed a car which was set on fire. By then, he said, "I was giving up. It was like a game. I was agreeing with everything they said."

The Case of James Preston

5.26 James Preston was 17 years old when he was arrested and held incommunicado for two days. He admitted to having thrown stones as well as petrol bombs. According to his admission, he had siphoned petrol from a Cortina car on Mora Close. But the car owner gave evidence that the tank was empty, and so he was found not guilty of petrol bombing. However he was convicted and sentenced to 3 year's imprisonment for affray. His

evidence was that during the interviews the officers — DC McAllister and DC Sergeant — became very agitated, banged their fists on the table, smashed a cup against the wall and threatened to smash his head in as well. He had been arrested wearing only shorts, and DC Sergeant had said:

> "You see those trees and that house and the sky. Take one last look because you aren't going to see those for a long time."

At the police station DC Sergeant said "I suppose you want a solicitor. You aren't fucking having one." DC McAllister denied the allegations, saying in evidence that "it was a very nice interview." But he accepted that James Preston may have been barefoot and dressed in shorts when arrested and taken to the police station. DC Sergeant did not appear at the trial, because of the nervous breakdown mentioned above.

5.27 It is evident that the cases of James Preston and Asheen Abdullah bear the same features as those of Hassan Muller, Steven Edwards and Christopher Newall, with the same officer allegedly making similar threats and using similar techniques. Yet different juries acquitted some and convicted others. None of the juries was able to get a full picture of the interrogation methods used. In those circumstances the process of justice become a lottery.

The Reasons for False Confessions

5.28 From the cases cited above, and from all the material available to the Inquiry about the trials, including detailed notes on most of the cases, it can be seen that there were a number of reasons why those arrested, and particularly the most vulnerable among them, were driven to admitting that they were on the Estate when they were not, or that they did things which they did not do, and to sign their initials to the notes which contained such admissions:-

> (i) they were held in police stations for periods of many days, the period being sometimes extended by orders from the Magistrates Court remanding them into police custody.

> (ii) They were denied any contact with the outside world. Even the juveniles, who had by law to have an adult present at their interviews, had no opportunity to take advice.
>
> (iii) They were denied access to solicitors, for reasons which are dealt with below.
>
> (iv) They were interrogated by experienced officers several times a day, in sessions lasting up to 2 or 3 hours.
>
> (v) Nearly all were told that they were being arrested for murder, and many were threatened with being implicated on a murder charge.
>
> (vi) Some were coerced by threats or acts of violence, or given inducements to make a confession. It is significant that there are no allegations of outright beating, but in the Inquiry's view this makes the allegations that were made the more credible. The Inquiry is also very disturbed that an officer was employed on the investigating team against whom there had been a jury finding that he had employed violence as an interviewing officer.
>
> (vii) The police had access to a vast body of information as to what happened on the night of October 6th, and in particular how the Serial 502 came to attacked and PC Blakelock killed. It would have been easy for them to suggest a version of events, or to have suggested names, which a suspect under pressure could agree to.
>
> (viii) Many of the defendants were young men, some of them children, some of them with low intelligence. Indeed one of the main differences between those who were questioned and released, and those who were questioned and then charged, is likely to have more to do with their susceptibility to pressure than with any question of guilt or innocence.

5.29 In addition the absence of tape recording meant that it was impossible for the jury to know exactly what it was that had been said between the police officers and the defendant which led to the "confession". The prosecution tried to deal with this by drawing attention to the standard procedure whereby at the

end of every interview the interviewing officer asks the interviewee: "will you now read over these notes and if you agree they are a correct record of what has been said initial each answer and sign the bottom of each page". In the view of the Inquiry it is quite unreal to suppose that a young person in that position can make detailed amendments to the record of interview. Even in cases where defendants refused to sign the records of interview, they were put in evidence anyway.

An Unfair and Arbitrary Process

5.30 In its first report the Inquiry expressed grave disquiet about the reports that it already had received about the arrests and interrogations in the Broadwater Farm investigations. It is now possible for the Inquiry to conclude that the whole process, from first to last, was arbitrary, unfair and not conducive to bringing guilty people to justice. First of all, the basis on which people were arrested in the first place was dubious, because it depended upon who had been named by people under the pressures listed above. It may fairly be said that the police had little hard evidence to go on, and therefore had to try to identify participants by questioning suspects. However if the questioning process is oppressive and unreliable, the names obtained from it will be unreliable also. It is also worth noting that most of those arrested were told that they were being arrested on suspicion of murder. This can hardly have been a genuine suspicion in most cases, for at the most the police would have had information that the arrested person took some part in the riots. The Inquiry is satisfied that the reference to the murder was made in order to heighten the pressure on the arrested person.

5.31 Secondly, many of the arrests took place in circumstances of great intimidation. The first Inquiry Report noted that in 18 cases house doors had been broken down in order to effect arrests. Armed officers were deployed in large numbers. Houses were minutely searched and bagfulls of possessions seized. The Inquiry finds no reason to justify these frightening tactics.

5.32 Thirdly, the Inquiry has no doubt that there was a consistent policy to deny access to a solicitor to people who were being questioned, whatever their age, and whether or not they asked for one. The law then in force in the Judges' Rules provided as a "principle":-

> "That every person at any stage of an investigation should be able to communicate and to consult privately with a solicitor. This is so even if he is in custody provided that in such a case no unreasonable delay or hindrance is caused to the processes of investigation or the administration of justice by his doing so."

However the Tottenham police claimed to be operating as if the provisions of the Police and Criminal Evidence Act 1984, which was about to come into effect, were already law. That statute provides in Section 58 that a person arrested and held in custody in a police station "shall be entitled, if he so requests, to consult a solicitor privately at any time." The right can be delayed, for a maximum of 36 hours, only if a senior officer has reasonable grounds for believing that the exercise of the right:-

> "(a) will lead to interference with or harm to evidence connected with a serious arrestable offence or interference with or physical injuiry to other persons; or
>
> "(b) will lead to the alerting to other persons suspected of having committed such an offence but not yet arrested for it; or
>
> "(c) will hinder the recovery of any property obtained as a result of such offence."

5.33 The officer who made the decision in each case was DCS Melvin, who gave evidence in a number of the trials. He claimed that each case was looked at on its own merits. However the reasons which he gave were essentially the same in every case. For example in the trial of Steven Edwards, a young man arrested on 17th November, Mr Melvin said:-

> "The reason was that solicitors could interfere with the course of justice. There were outstanding people wanted for murder, and the use of firearms, and as a result the solicitor

or the presence of a solicitor would allow those outside to flee."

In the case of Melton Collington Mr Melvin said:-

"There were many grave offences, murder, firearms, affray, arson. Matters were still outstanding. It was my belief that if a solicitor were present, it would enable persons outstanding to be alerted, wittingly or unwittingly."

These kinds of replies were repeated again and again. The Inquiry finds them to be manifest nonsense. Solicitors do not go around divulging the contents of interviews between the police and their clients, and are under a duty of confidentiality not to do so. In any event most of the arrests took place weeks or months after the riots, when anyone involved would have had ample time to dispose of incriminating evidence. The Inquiry believes that the real motives were to allow the investigating team unrestricted access to the people arrested; to isolate them totally; to avoid having an independent witness to the questioning; and above all to prevent the arrested people from receiving any advice about their rights.

5.34 On some occasions, after a defendant had appeared in the Magistrates' Court and been remanded to police custody, Mr Melvin refused access to his chosen solicitor, while indicating that he could see a different solicitor. His explanation was that he considered that there would be a "conflict of interest" between that defendant and other defendants represented by the same solicitor. This was a disgraceful interference with peoples' rights. It is not for the police to determine whether a conflict of interests exists, but for the solicitor. In reality the Inquiry believes that this action was taken because some solicitors were known to be more vigilant than others in the defence of their clients' rights. On one such occasion, an application was made to a judge for an order requiring the police to grant the solicitor access. But the judge refused to take any action, saying that he doubted whether he had jurisdiction to make the order, and that even if he had he would not wish to exercise his discretion in favour of making it.

5.35 The trials themselves were in general fair in the procedural sense, in that the defendants were able to question the prosecution witnesses and to present their case fully to the jury. But they were unfair in a fundamental sense, because for the reasons given above the evidence which the prosecution relied on should never have been admissable at all. Section 76 of the Police and Criminal Evidence Act 1984 provides strict rules about the admissibility of confessions. It provides that:-

"If, in any proceedings where the prosecution proposes to give in evidence a confession made by an accused person, it is represented to the court that the confession was or may have been obtained: -

(a) by oppression of the person who made it; or

(b) in consequence of anything said or done which was likely, in the circumstances existing at the time, to render unreliable any confession which might be made by him in consequence thereof, the court shall not allow the confession to be given in evidence against him except in so far as the prosecution proves to the court beyond reasonable doubt that the confesssion (notwithstanding that it may be true) was not obtained as aforesaid."

In the opinion of the Inquiry the circumstances of the interrogation of the Broadwater Farm suspects was in almost every case oppressive,and certainly featured things said and done which would make the confessions unreliable. Yet only in the murder trial, in the cases of juvenile's B and C, where the confessions were ruled inadmissable. In every other case, it was left to the jury to decide whether or not they accepted the confessions as genuine.

5.36 The Inquiry therefore does not believe that justice was done in the cases of those who were convicted on confession evidence alone. That amounts to 19 cases of injustice, in addition to the 3 convicted of murder. In those cases the defendants lost out on the lottery of justice. The decisive factors as between them and those who were acquitted, were likely to have been whether or not they presented themselves as convincing and articulate witnesses; whether or not they had alibi witnesses; how well they were represented by their barristers; and how open or closed

were the minds of their particular juries; rather than whether the case against them were more reliable and likely to be true. The Inquiry is concerned, and its anxiety may be shared by the general public, that innocent people may have been convicted, and guilty people may have been acquitted or never charged at all. There can be no public confidence in such a system.

CHAPTER 6

A FAIR SYSTEM FOR INVESTIGATING CRIME

6.1 Through its analysis of the trials in this and the previous chapter, the Inquiry has concluded that grave injustice was done. Therefore its first recommendation is that if the Court of Appeal does not quash the convictions of Winston Silcott, Engin Raghip, and Mark Braithwaite, when their application for leave to appeal comes to be heard, the Home Secretary should examine the cases promptly with a view to the grant of a full pardon. There are precedents for the grant of a full pardon even where the Court of Appeal has ruled in favour of the prosecution, for example in the case of Mr Cooper and Mr McMahon in the Luton Post Office case, whose appeal was refused several times before the Home Secretary himself intervened to release the two men on a pardon. The Home Secretary's review should also take in the affray convictions, in particular as a matter of urgency the cases of those who are still in prison.

6.2 For the future, the Inquiry believes that the kind of investigation conducted in the aftermath of the Broadwater Farm riots must never happen again. A system of investigation must be devised which is fair both to society and to the suspect. The present system is clearly unfair to both the suspect and to society, for in the result it worked individual injustice without securing the conviction of many guilty people. Only in the 20 cases where defendants pleaded guilty can one have any confidence that guilty people were brought to justice. The requirement for a fair system is all the more essential in cases where emotions run high. In the Broadwater Farm investigation the emotions of police officers, as were many others, were understandably aroused by the circumstances of PC Blakelock's death. But in those circum-