

Appendix 1

UNFAIR MISLEADING AND BULLYING TACTICS AT HACKNEY

1. Prior to Oliver's arrest the only evidence against him was the finding of the cap and the evidence of Karla. There is no material known to us, either used or unused, to show that police had information from anyone other than Carla that could be used as evidence against Oliver. Indeed, in his report prior to the appeal (p1137) Officer B wrote that "the names "Ollie" and "Eric" were names suggested by informants. This was "low grade intelligence which was never developed beyond the evidence which eventually formed our case"
2. Officer B - according to his own account - started to mislead Oliver during at 12.20 when he introduced himself in the charge room. He told him "you've said certain things to other people but that's not the only way we found out". The police had Karla's account but, apart from her, there were no "people" to whom Oliver had said "certain things" about the offence.
3. In B's first interview with Oliver (3.20 pm on 30 November) Oliver said that he didn't know where the hat was. It had got lost. B said "oh you must be able to remember how a hat got lost" at p1219 - 20. Then at p1221 Oliver wanted to stop the interview. That was his right. He said that he was tired and that B was pressing too many questions. But B refused. At p1223 Oliver said that he last saw it "outside the Hippodrome" on a Saturday when he was hanging around with his friends. B belittled his claim not to remember at p1224 ("its not true ..how can you not remember thatHow can you not remember that") and again at p1225 ("got a very convenient memory haven't you?").
4. A few pages later B first suggested that Oliver had told the officers the truth earlier in the morning (p1231); then that he had not been telling the truth when he told them that his friend had the gun (at p1232) and at p1234 suggested once again that what he had told the officers that morning was true. This must have been very confusing to Oliver.
5. During the next interview B asked about Karla. At p1244 he put to him that he told Karla "someone's been to see me the hat I bought. I told them I had given it away." When Oliver denied saying this B put very insistently that he must be lying and criticised him for looking at the floor and chewing his lip. He then changed the subject to what Oliver had said on arrest and accused him of lying about that, even though Oliver was at that point just making no comment ("you're not doing a very good job of lying" at p1247). When Oliver asked "who else told you?", B replied "we've worked it out because of the things you've said to other people and the things you've said to us". Oliver

asked again who the other people were. B avoided answering: "I'm sure you'll find out in due course" (see p1247 - 8).¹

6. He returned to this theme at p1250 "we've seen a number of people that's rightwe didn't arrest you for no reason whatsoever." At p1251 he insisted that he would not be put off asking questions. At p1252 he twice interrupted Oliver when he was trying to answer and put to Oliver a question which assumed guilt and allowed for only two alternatives: "What's the truth were you the man with the gun or were you the look out?" He put the same choice "lookout or gunman" twice more in this interview at p1256 and p1258.
7. At p1255 - 6, when Oliver wanted to know who the other people were to whom he was supposed to have spoken about the murder, B evaded the issue:

"I didn't mention loads of peoplewhich witness was I talking about?well what difference would it make to you you're saying you've got nothing do with this"
8. There was also an argument about what Oliver had said in the charge room. At p1255 he denied saying that he had spoken to two girls about his involvement in the murder ("I didn't say nothing like that"). Oliver claimed that B had said that he had "spoken to a couple of people" and then that "you said there were loads of other people". At p1256 he said he wanted to know the name because "you have to name him and I can tell you if I know". It was then that B replied "Well what difference would it make to you? I mean you're saying you've got nothing to do with this". Again, at p1262 when Oliver asked again for the names of the witnesses police had spoken to about him B deliberately avoided answering. The tape came to an end.
9. Early on in the interview at 5.10 pm at p1269 Officer G said:

"...you said this morning that prior to actually going into the shop you went up to the younger bloke, in fact there was a son, looked at him and then the two of you went into the shop"

But Oliver had not said this. He had made no mention in any interview of going up to a younger man and looking at him. On the same page B returned to the theme that there were lots of witnesses:

"What you've got to bear in mind is this happened a few months ago and there's been a team of police officers speaking to people every day about this every single day....."

¹The judge invited the jury to consider this passage on the question whether Oliver was able to resist police pressure (summing up p529 at H - 530 at B). He did not mention the possibility that police might have misled him, by exaggerating the extent of the information they had.

10. G then said “we’ve been speaking to a lot of people every single day” Oliver asked who they were to which B said “Well why should we tell you that, why does it make a difference, we’ve told you about Karla”. At p1270 Oliver asked “who’s the other persons then?” and B told him to answer the questions he had been asked. Again, B evaded the issue. Had there been any such witnesses other than Karla police would surely have questioned him about what they had said. Once again Ewas misleading Oliver and now G was joining in.

11. Again at p1273 G implied that police had a number of witnesses against Oliver:

“There’s other people then who’s the other people’s names

That’s what you’ve got to think about isn’t it

I want to know

You’ve got to think who else have you told that might have said something to us or who we might have arrested that might have mentioned your name

I meant who else have you

um

who else have you picked up too

Well you think about it.....”

12. At p1274 (top of the page) G suddenly moved to the possibility of accident

“You’ve got to realise as I’ve said 100s of people have been spoken to.....what you’ve got to consider is if the gun went off by accident.....what about that then did the gun go off by accident”

13. Further down that page at p85 G said

“.....some of the things you said this morning didn’t reach the press, the son of the bloke that was shot said that a man approached him and had a look at him while he was trying to pull the shutters down to close the shop **why don’t you tell us what happened there’s people that saw you coming out of the shop?**”

14. The questions suggested that Oliver had given the police details which fitted the son’s account. But, neither Hardip Hoondle nor Singh said that a man had approached and had a look at him. Singh merely said that someone came up to him and pushed him into the shop. He made no reference to anyone looking at him. Indeed, Oliver had not said in his first taped interview that any such thing had happened and he had not mentioned shutters.

15. The final words in bold are an explicit suggestion that witnesses had seen Oliver leaving the shop. G returned to the theme of all the witnesses police had against Campbell at p1275 “It’s not only a matter of a couple of people who you may or may not have spoken to making statements and whether

they're gonna stand by them, it's not that sort of thing." He then went on to stress how thorough the forensic enquiries had been.

16. At p1277 G commented that Oliver drank Tennants and said "that's what the gunman asked for". In fact, as Hoondle had made clear in his statement, it was the other man who had the can of Tennants. The gunman asked about the price of Martell, not about beer.
17. At the very end of the 5.10 interview B speculated again that perhaps the shooting was an accident. See p1280:

"you've reacted very strangely when we mentioned an accident, well at the moment it doesn't look like an accident, it looks like that man...that man put a gun to the victim's head and shot him so we need to know if that's what happened"

However at the start of the next very short tape at p1281 - 2 B put that it was a "cold blooded shooting" and that "I think we're going to find out that the man who did that cold blooded shooting was you".

18. In the next interview, after questioning about girlfriends and what he had told Alison, B made a very long comment at p1287

"...it would appear you were the gunman ...you can't account for your hat, you can't account for what you said to Karla. There are fingerprints on the can in the shop there are hairs that in the hat that was found nearby People did see you there. The victim's son saw you, there were people outside the shop that saw you there.....all these things mean to us that you were the gunman you're the murderer ...was it an argument was it an accident or did you just gun him down in cold blood...you're sitting there living a nightmare, I can see that , I can feel it, now what happened that night?"

The combination of the false claim of overwhelming evidence and the suggestion of possible accident were plainly intended to make Oliver think his position was hopeless.²

² By now the interview room had become very hot. At p103 Oliver said he was uncomfortable in the heat and at p122 he referred to the interview room as a "sweatbox". Maria Marshall at p5 of her statement said that the interview room at Hackney was very small and crowded. There were 5 people present. It was "extremely warm" although when it became particularly uncomfortable there were breaks. Oliver again complained of the room being a "sweatbox" later at p1311 in the interview of 19.34

- 19.** In this interview Oliver made a number of “no comment” answers. He said in the middle of p1293 “leave me alone” to which B replied “I can’t leave you alone”. This exchange followed

“why are you playing with the cups?

Because I want to.

So do you feel guilty about it that you can’t talk, is the guilt inside you?

What else ...where else can it be

Where else can it be?

Mm

Did you say what else can it be?

No I mean where else can the guilt be?

So you do feel guilty about it? Do you feel sorry for what you did?

Nothing to say.”

It is not clear what Oliver meant. But he certainly did not say that he felt or was guilty. B then devoted a lot of attention on the next page to asking him why he did not feel guilty and at the top of p1295 made a long declaration to the effect that really Oliver must be feeling guilty because “you’re not that bad a person”.

- 20.** At the top of p1296 B changed tack, asking at the top of the page “was it an accident?” But then at the bottom of the page, after Oliver had continued to make no reply he suggested “now we’re getting to the stage when there might be no reason for that man dying that it really is a cold blooded murder”.
- 21.** On the next page Oliver said that “my friend had nothing to do with it”. The tape then came to an end and at that start of the next tape B sought to ask about the friend. As already noted at p1299 Oliver said that “Derek” was “my invention to get me out of here”. At p1300 B turned to Richard, Oliver’s flatmate, and asked “Is Richard the man that was with you?”.
- 22.** At p1301 Oliver said he could not remember the name of the person he was with that night. He “might of” met him before but was not intending to do a lot. Then at p1302 he asked B to keep Richard “out of here” and said “he’s not involved” and again said that he could not remember the name of the man who was involved. At the bottom of the page B asked why Oliver wanted to protect Richard and Oliver again insisted that he was not involved.
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23. During the interview of 7.04 pm B put what he claimed Oliver had already said, but misrepresented it on a number of occasions. He began with Richard - “the biggest reaction we’ve got out of you today is about Richard” (at p1308). Oliver again insisted that Richard was nothing to do with it. If one listens to this tape it is clear that Oliver became more and more agitated about the suggestion of Richard’s involvement and wished to protect him.
24. At p1308 Oliver was asked who was there and said “well I don’t know cos I can’t remember his name”. They had met “about a month before that”. They had met “down Eastway” (a long road near Stratford N9). Oliver said “I decided to do” but then declined to say what he had decided. At p120 he said of this person that “I met him down the City...Leicester Square”. Asked when, he said “a couple of months ago”.
25. This conversation certainly suggested that Oliver knew who was involved in the murder. However, it appears that Oliver was speaking of two different occasions when he had met that person - once in Eastway and once in Leicester Square. Rather than trying to clarify this B misrepresented what Oliver had already said at p1312
- “You’ve said that it was your decision that night and **before you told me that you didn’t feel guilty** that you don’t feel any remorse about what happened ..You don’t feel sorry (Pause) so was it a cold blooded murder? ”
26. Oliver had not said that he did not feel guilty. B then turned the screws about Richard at p1312 saying that he was “very worried about Richard” and asking why Oliver was so keen to protect him and was “very emotional about Richard”. This led to an argument on the next two pages and then a long question at p1314 in which B suggested three times that Oliver felt “guilty” and continued: “Now you’ve told us it was your decision, your plan....” . Again, this was false. Oliver had not said this.
27. At p1315 Oliver was again very anxious to persuade B that Richard was not there that night. B pressed him on this. Again, Oliver’s answers at p1316 - 17 suggest that he knew who was present at the murder (“he hasn’t even rung me up since then.....since I last saw him – when he lived in Leytonstone”). This was probably a reference to Samuels and Fillebrook Road).
28. After a conversation about what would happen if Oliver was charged B misrepresented three times what Oliver had said

“**you’ve already said it was your plan...you’ve already said it was your decision**” (p1320).....

.....“**you said felt so guilty about it, that you couldn’t speak**” (p1321 at 5 lines down

“the man was shot in the head, you seem to be the gunman, **you said you felt so guilty you don’t want to speak about it**” (p1321 at 7 lines from the bottom):.

29. Then at p1325 B said

“I think we can prove you were there, **there’s those fingerprints on the can of Tennants.** there’s the fingerprints on the can of Tennants, there’s the hairs in the hat...**there’s the people that saw you**”

Again this was seriously misleading .

30. There was no interview on 1 December until 5.25 when Mullinger was present and for the first time there were protests made on Oliver’s behalf about the police tactics (at pp1340, 1347 and 1351 “playing staring games”). In this interview B tried to suggest to Oliver that he had virtually admitted the shooting already. At p1340 he said that “yesterday...you all but admitted shooting a man” and at p1341: “Well yesterday you said that maybe you were Derek and were the man that did the shooting. I mean what sort of maybe was that?”
31. Once again these comments were seriously misleading. Oliver had not said that maybe he “did the shooting”. He had either denied it or made no comment. Since Mullinger had not been at earlier interviews, he was in no position to correct what B had said.
32. Then at p1348 B himself commented that it is was very odd that someone like Oliver could get a gun. P1349 is very important given what Oliver was later to admit. B suggested that Oliver would not know how a gun worked; said that most guns have “safety catches” and asked if he knew the difference between a revolver and a pistol. He reverted to the possibility that it might have been an accident, perhaps because Oliver did not know how to use a gun. He speculated that “if someone didn’t know how to handle a gun they might not even know whether it was loaded”.
33. At p1350 when Oliver made no comment he said quite illogically and unfairly “that’s another reason why it can’t be an accident then”. Again at p161 (at line 14) he falsely attributed an admission to Oliver which he had never made “...you said you knew what you were doing and you said how guilty you felt.”
34. As to bullying: I have already referred to occasions when B criticised and tried to exploit Oliver’s physical reactions to questioning.

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