

Rules of Justice, Saturday BBC2

Three youngsters: Ahmet Salih (played by Antony Ahmet, below left), Colin Lattimore (Tony London, centre) and Ronald Leighton (Steve Fletcher) were tried in 1972. Two were convicted of killing a transvestite homosexual prostitute – Maxwell Confait – the other of arson. Saturday's reconstruction and assessment of this historic case raises and answers many questions. Here **Peter Gillman** recalls the crime, the boys' 'confessions' and the campaign (led by Christopher Price, MP) for justice to be done



Beyond reasonable doubt?



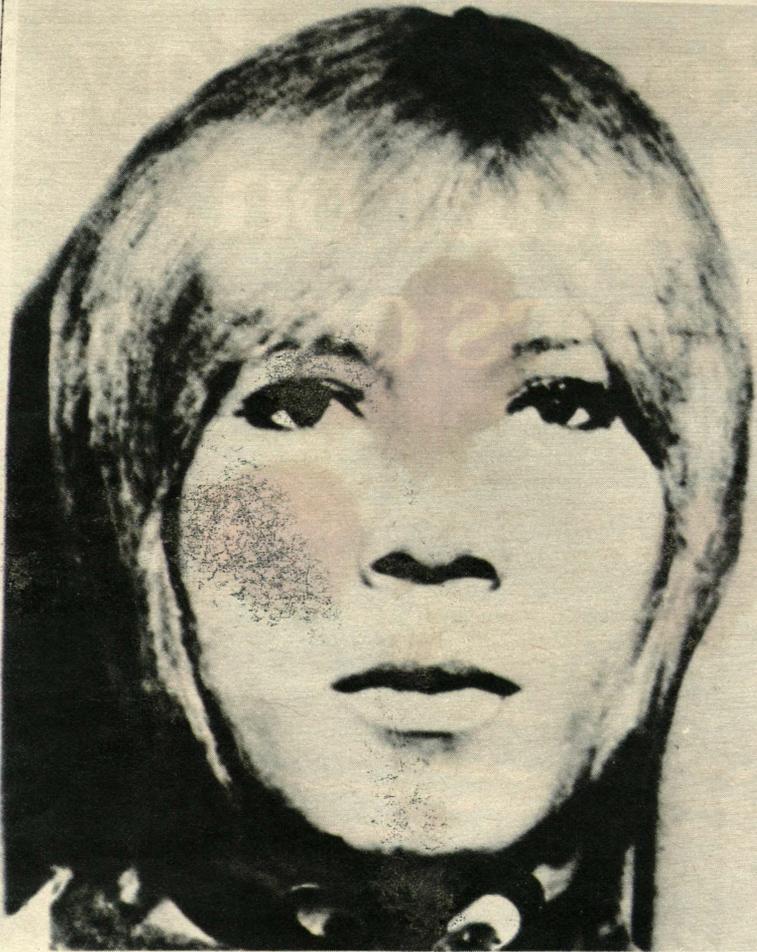
Cleared in 1975: Ahmet Salih (left), Ronald Leighton and Colin Lattimore. Why did they confess? What was the real time of death?

At 1.21 am on Saturday, 22 April 1972, the London Fire Brigade was called to a blaze in a terraced house in Doggett Road, Catford. The fire was quickly extinguished. But on a bedroom floor, a fireman found the body of a homosexual prostitute named Maxwell Confait. He had been strangled.

As the Yorkshire Ripper case showed, prostitute murders are notoriously difficult to solve. On this occasion the local police had astonishingly prompt success. Just two days later they arrested three young men and questioned them about both the fire and the murder. Within hours all three boys had seemingly confessed. Six months later they stood trial at the Old Bailey. Ronald Leighton, 15,

was found guilty of murder and sent to prison indefinitely. Colin Lattimore, 18 – with a mental age of eight – was found guilty of manslaughter and sent to Rampton Hospital. Ahmet Salih, 14, was found guilty only of arson and was sent to approved school for four years. The case, it seemed, was closed.

But the story was far from over. Not until last year did the three young men establish that they were innocent after all. To do so they had to overcome immense resistance to the notion that the English judicial system is fallible. They would not have succeeded but for the valiant campaign of their MP, Christopher Price, aided by lawyer and writer Jonathan Caplan. Now the full story is to be told in *Rules of* ➤ 13



The two faces of the murder victim, Maxwell Confait. He plied his trade dressed as a woman. He was strangled earlier than at first thought

11 ← Justice. Price calls it 'one of the worst miscarriages of justice of the century'.

Price first learned about the case when he was fighting the Lewisham West constituency in 1974. When he knocked on Mrs Lattimore's door, she told him: 'I'll vote Labour if you can get my Colin out of jail.' After the election Price returned for a longer talk, and then visited all three boys. 'I was quite convinced they were innocent,' he says.

But what could he do? The boys had already been refused leave to appeal. He now embarked on a campaign to persuade the Home Office to overturn that decision. The most glaring anomaly in the Old Bailey trial, Price felt, concerned the forensic evidence. The prosecution argued that the boys had strangled Confait and started the fire around 1.0 am. Yet two pathologists said that Confait had died before midnight. Even so, in order not to disturb potential evidence, neither had taken the significant rectal temperature - which helped the prosecution blur the crucial issue of the time of death. There was much con-

fused discussion about the onset of rigor mortis, and the judge himself said, rather unhelpfully, that the whole matter of timing rested on a number of 'imponderables'.

Price found the Home Office strongly resistant to the idea of judicial error: 'The Home Office is infected with attitudes of stability and secrecy,' he says, 'and they don't want to take any decision that might erode the fabric of society as they see it.' Finally Price prevailed, and the Court of Appeal heard the case in October 1975. It accepted that Confait had died no later than midnight and that the boys' alibis were valid. All three were thus officially declared innocent.

But the Appeal Court judgment posed an enormous conundrum. If the boys were innocent, why had they confessed? (Although they had tried to withdraw the confessions, these formed the central plank of the prosecution case.) To answer that question, the Home Office asked Sir Henry Fisher, formerly an eminent judge, to examine the whole case. Soon afterwards a Royal Commission on Criminal Procedure was also set up.

In the course of → 15



Christopher Price, MP: Mrs Lattimore told him, 'I'll vote Labour if you can get my Colin out of jail.' Mr Price did exactly that



Sir Henry Fisher found fault with the evidence and the trial which condemned the three boys. His 1977 report didn't exonerate them

13 ← these inquiries, certain evidence was offered about the pressures that mount on a suspect when questioning begins. He is isolated – sometimes denied his right to contact relatives or a lawyer – and becomes fully dependent on his interrogators. They may affect sympathy or hostility, or pretend to know more than they really do. He may become very frightened, and ready to agree to police suggestions. So skilled are the police that, perhaps without realising it, they can create pressures so intense that few can withstand them.

When Sir Henry Fisher delivered his report in 1977, however, he did not accept there had been any major improprieties by the police. And he concluded that two of the boys were probably guilty after all. For the boys it was a devastating reversal of the 1975 judgment. The Home Office awarded them a niggardly £1,000 compensation, and another three years passed before the whole truth finally emerged.

Early in 1980 a prison governor reported that an inmate was being blackmailed over an eight-year-old murder. Two assiduous Scotland Yard detectives persuaded him to repeat his story. He told how he and a friend had visited Confait and started dancing with him. Then one of them had strangled him with a scarf, returning later to set the house alight with petrol. The detectives traced the second man, who confirmed the story. In August 1980 the Attorney General cleared the boys completely and last June the Home Office

awarded them compensation totalling £65,000.

The Home Office has since issued new rules to protect the mentally retarded during police questioning, and the Royal Commission on Criminal Procedure has made a number of proposals to improve weaknesses the case exposed. It recommends that the police should as 'general practice' check the details of confessions.

Price goes further: 'The lesson is that the police should *always* check things out, that confessions should *always* be corroborated.' Unlike the Commission, Price also believes that police interrogations should always be tape-recorded.

Price also approves of the Commission's plea for prosecuting authorities independent of the police. 'You ought to have some sort of system of impartial inquiry, and their recommendation goes some way towards that.' But he believes that some of the mistakes in the Confait case resulted from the English adversarial system itself, with prosecution and defence locked in a combat that can distort vital facts.

The Commission's proposals are a long way from becoming law, and Price believes the Confait case could be repeated. 'The interesting thing is that it is a case without real villains. The truth is that in panic situations, like a police station, ordinary people can say things that sound plausible but have absolutely no relationship to the truth. I don't think it's realised even now how easily that can happen.' ●

Confait Confessions by Christopher Price and Jonathan Caplan is published by Boyars at £2.95.