

The (still) waiting game

FIVE years after the *Eye* first reported how deeply flawed identification evidence had led to teenager Sam Hallam being jailed for life for a brutal mob killing of an Ethiopian refugee on a London estate, his case has finally been sent back to the appeal court.

The Criminal Cases Review Commission (CCRC) has uncovered material buried in the original police files which would have helped his defence, but which was never disclosed. The new inquiry has also found that significant leads pointing to perpetrators were never pursued and vital chances to obtain forensic evidence were missed.

Thames Valley officers who re-investigated the case for the CCRC were highly critical of the Metropolitan police's original investigation to find the killers of Essayas Kassahun, back in 2004.

Kassahun, 20, died when he went to the aid of a friend, Louis Colley, who was being pursued by a gang of black and white youths, some on bikes. Colley managed to flee, but Kassahun was hit with baseball bats and a sharp implement, possibly a knife or something sharp protruding from a bat.

Hallam and Bullabek Ringbiong, 20, were convicted as the two "ringleaders". A third youth was convicted of conspiracy to cause grievous bodily harm, but seven others were acquitted.

Eye readers may recall how Hallam, of previous good character, was convicted of attacking Kassahun with a modified baseball bat, after being identified by two people (see *Eyes* 1185 & 1226). Phoebe Henville, then 17, only identified Hallam after she heard a rumour that a "Sam", a member of group known for stealing mopeds, had been involved.

Indeed Ms Henville had initially told an officer that she had seen Kassahun being hit over the head by a black male wielding a bat (Hallam is white). And in her first statement to police, while she had named and identified four of the other defendants in the case, she had not identified Hallam or made

any mention of a white assailant.

The other witness was Bilal Khelfa, 20, a friend of the victim who knew Hallam as a younger pupil from school. In his first interview he had described a white boy on a BMX bike who pulled out a baseball bat with a screw protruding from its edge. He said he couldn't see the boy because his hood was pulled up, but that he had "blondish" hair. (Hallam has dark hair). By the time Khelfa made his second statement which identified the boy on the bike as Sam Hallam, Phoebe Henville had told him the perpetrator was Sam Hallam. In court Khelfa sought to retract the identification, saying Hallam was the only white boy he knew from the Hoxton area where the gang had come from.

That was the only "evidence" against Hallam. There was no forensic evidence linking him to the murder; he had no clothing that matched any eyewitness descriptions; there was no evidence he ever owned or rode a silver BMX. In fact some of those who admitted being present told police Hallam was not there. What may have swayed jurors was Hallam's failure to provide a firm alibi. He said he thought he was playing football with a friend – but the friend denied it.

As the CCRC found, however, had Met officers examined Hallam's new mobile phone which they had confiscated, his movements on the night could have been tracked via texts, call records and photographs. Apparently Scotland Yard did not have the technology to do this and did not seek outside help.

Photographs dated and timed on the phone, placed Hallam at a pub, some three-quarters of a mile from the estate. Coupled with witness testimony which put him outside the pub with a half glass of beer, this could have been used to support his claim that he was not part of the gang nor on the estate. But the opportunity to seek alibi evidence from others at the pub, while their memories were fresh, was also



lost. By the time Thames Valley re-investigated years later, memories had faded.

The pictures did show, however, that Hallam had made an innocent mistake over his alibi which it appears cost him dearly. Photos of him playing football with his friend revealed they were taken the day after the murder.

The new inquiry also found that the rumour about a "Sam" which Ms Henville had heard, almost certainly related to another "Sam" – whose full name and address was given to police at the time. This Sam was a friend of Bullabek Ringbiong. He has fair to ginger hair and a record of being arrested for stealing mopeds – just as Ms Henville had mentioned. But the Met never bothered to talk to him, let alone investigate him as part of the original murder inquiry. Thames Valley can now find no evidence to link him to the crime.

The new inquiry also found that the original murder squad had seized a broom handle with a nail protruding from it from another associate of Ringbiong – a young man whom Ringbiong himself, and others, had put at the crimescene. They also found hidden on the top of a wardrobe a grey Nokia phone with the back missing. It was, as the CCRC found, strikingly similar to the "white phone with a missing back" which Colley had told police was taken by one of his assailants – "the one who had the baseball bat".

Although the young man had been questioned and elected to make no comment, he was released without charge. It appears that neither the broom handle, nor the phone, were subjected to any kind of forensic test.

The CCRC is not alleging that these two men were realistic alternative suspects, but the failure of police to properly investigate "casts further doubts on the thoroughness of their investigations into the events". It said police had adopted "tunnel vision" about Hallam's alleged involvement and had "failed to pursue lines of inquiry which might undermine the case against him".

Hallam was an innocent teenager when he went into jail and is now 23; and those trying to clear his name are dismayed that no date has yet been fixed for his appeal. How much longer, they wonder, must he remain in prison before his conviction is quashed?