

British appeal court quashes conviction after hearing of police torture

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The Court of Appeal quashed a man's conviction for manslaughter and robbery on Tuesday, after hearing that police had tortured him into confessing the crime.

Keith Twitchell, now 63, from Birmingham had spent 12 years in jail. He was arrested in November 1980, following an armed raid by six men on a West Midlands factory. During the raid a security guard was shot and killed and £11,500 stolen. Twitchell, a father of two, was found guilty of manslaughter and robbery in 1982 and jailed for 20 years at Birmingham Crown Court.

The Court of Appeal heard that after the raid Twitchell, who has always protested his innocence, was arrested and subjected to a three-day interrogation at Willenhall police station. At the time, Twitchell's lawyer Stephen Solley said his client was subjected to a "scenario of torture, which beggars belief".

Twitchell was deprived of his right to see a solicitor and kept naked for part of the interrogation. The day following his arrest, approximately eight or nine police officers handcuffed Twitchell to a chair in the interview room, placed a plastic bag over his head, suffocating him until he agreed to confess and sign a statement. During his "bagging" one officer was alleged to have threatened, "the bastard signs or he goes feet first." Mr. Solley continued, "The procedure was repeated a number of times, until finally his resolve was totally dissolved and he agreed to sign the statement put in front of him." Twitchell's allegations of torture were not heard at his Crown Court trial. Following his release on licence in 1993, Twitchell has campaigned for a re-hearing of his case. His conviction was quashed just a fortnight short of the nineteenth anniversary of his interrogation.

Twitchell's allegations are one of many against the notorious West Midlands Serious Crime Squad. The

squad was disbanded in 1989 after allegations of misconduct stretching back 15 years. It has been the subject of nearly 50 wrongful prosecutions secured by the squad on the basis of false confessions or fabricated evidence. Of these cases, 30 convictions have been overturned by the court of appeal. In another 19, the charges were dropped, the defendants acquitted or the judge directed not guilty verdicts. Another four appeals are pending.

Hearing the appeal, Lord Justice Rose said that the case was yet another "arising from the lamentable history of the now disbanded West Midlands Serious Crime Squad". In the 1980s, he continued, "a significant number of police officers in that squad, some of whom rose to very senior rank, behaved outrageously, and in particular extracted confessions by grossly improper means, amounting in some cases to torture. During the 1990s it has been the melancholy task of this court to examine the safety of many convictions recorded during that period—and approximately 30 have been quashed." But in quashing the conviction Rose said that the court's task was not to find the guilt or innocence of either Twitchell or the police officers, but only to assess whether or not the conviction was safe.

Speaking after the verdict, Twitchell attacked the judges for not examining the squad's activities more broadly. "It's not over now," he said. "I do believe firmly that if all the evidence that there has been against various members of the serious crime squad was laid together at one trial, like it is with other criminals, they would be found guilty. This does not suit the crown because it would have devastating effects."

Despite a mass of evidence against former officers in the squad, none of them have been successfully prosecuted. Two years ago the appeal court ordered a

review of the crown prosecution service's decision not to prosecute four West Midlands officers in the case of Derek Treadaway, who was suffocated to unconsciousness with a plastic bag. Former Detective Inspector John Brown was said to be involved in both Treadaway's and Twitchell's interrogation. Treadaway's conviction was also quashed and he received £50,000 in damages. Twitchell has said that he also intends to sue for compensation.



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