

Young, Innocent and Inside

The Case of Sam Hallam

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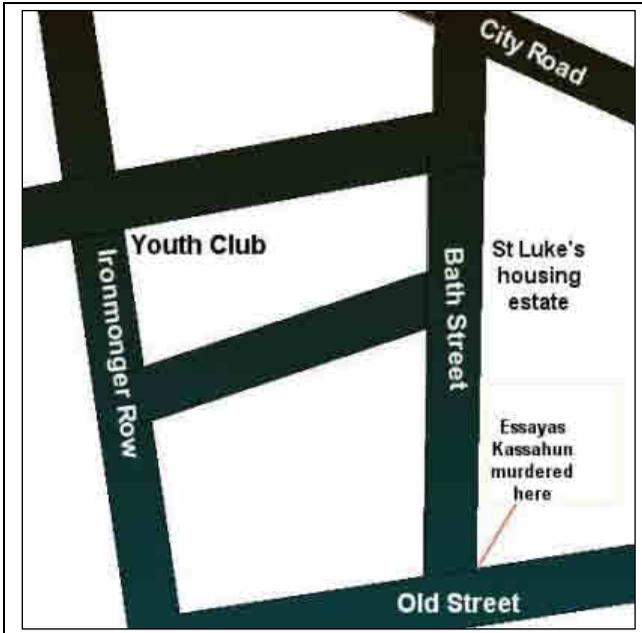
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1 Introduction

Since 2004, **Sam Hallam** from Hoxton has been serving life imprisonment for a murder he did not commit. The only evidence presented against him at his 2005 Old Bailey trial consisted of contradictory identification statements placing him at the murder scene. This evidence was riddled with inconsistencies and anomalies.

This booklet outlines the case supporting Sam Hallam's innocence of the 11th October 2004 murder of 21 year-old trainee chef **Essayas Kassahun**. Having considered the facts, we hope you will agree with Sam Hallam's family, friends and supporters that he has been the victim of a serious miscarriage of justice.

2 The murder



On the evening of Monday, 11th October 2004, a large group of youths, male and female, gathered on the St Luke's housing estate in the Finsbury area of the London Borough of Islington. Some of the group were armed with baseball bats. Most of the crowd had come from the neighbouring area of Hoxton in the London Borough of Hackney.

Contrary to its media depiction as a fashionable artists'

quarter, Hoxton has a largely working-class population with the majority of residents living on post-war council estates. Likewise, St Luke's, a 1960s high-rise council estate is a far cry from the stereotypical portrayal of Islington as a gentrified haunt of the 'chattering classes'.



CCTV still of young people on St Luke's estate 11/10/04

The leaders of the crowd intended to find and attack a 19 year old local man called **Louis Colley**. Their reasons for seeking him were almost trivial. Colley was a member of Toffee Park youth club located in Ironmonger Row, Finsbury (see map) which was attended by young people from both Finsbury and Hoxton. On Friday, 8th October 2004, he was involved in a confrontation outside the club with a group of teenagers from Hoxton. According to

Colley's account, a boy around 15 years old said to him *'who are you watching?'*. Colley allegedly replied *'I don't even want to bother with you kids'*. According to other accounts, Colley and some Finsbury friends threatened the Hoxton teenagers and *'chased them out of the area'*.

Whatever the truth about the confrontation, indignation about the incident ran high among some of Hoxton's young people. On the evening of 11th October 2004, a group of youths walked and cycled to Finsbury from Hoxton. Many joined the growing crowd out of curiosity or excitement with no awareness of what was about to happen. The ringleaders, however, went equipped to inflict violence on Louis Colley. Some of them called at the



youth

CCTV still of youths on St Luke's estate walking towards Bath Street
11/10/04

club looking for him. They were told he had been there earlier but had since left.

Some of the crowd then converged on nearby St Luke's estate. The youth club emptied as young people went to the estate to see what was happening. Louis Colley, meanwhile, had gone to an aunt's house in City Road (see map). At around 8.30 pm while returning home, he encountered a group of friends outside Somerfield's supermarket on Old Street (see map) near to St Luke's estate. Among them was 21 year old Essayas Kassahun who had fled to the UK from his native Ethiopia when he was a child.



CCTV still showing Louis Colley backing into Somerfield supermarket after escaping his attackers 11/10/04



CCTV still showing Essayas Kassahun (middle) entering Shell petrol station shop 11/10/04 with his friend behind him

Also in the group was **Bilel Khelfa** a 20 year old man who later gave evidence at Sam Hallam's trial. It's relevant to the case that racial tension is less pervasive in this area of London than in many other parts of Britain. There was no racial factor in the dispute which led to Essayas Kassahun's murder. The group of friends talking outside the supermarket included young people from North African, Caribbean, white British, Irish and Portuguese backgrounds. Likewise, the crowd looking for Louis Colley (who is of Caribbean origin) comprised black, and white youths. While Colley was chatting to his friends, he received a mobile phone call warning him that youths were looking for him on the estate. He looked down Bath

Street (see map) from Old Street and saw a group of young people standing in the street.

Colley continued talking to his friends but then exchanged words with one of the crowd of youths. He recognised him as Hoxton resident **Bullabeck Ringbiong** who was a former schoolmate. Ringbiong challenged him about the incident on the previous Friday. Another youth swung a punch at Colley. Both men fell to the ground and Colley was set upon by several of the crowd. Colley's friend Essayas Kassahun went to his assistance. In the ensuing melee, Colley managed to escape from the group and went into the supermarket to take shelter (see CCTV picture).

His friend Essayas was much less fortunate. Witnesses saw him being kicked and falling to the ground surrounded by assailants. He sustained a serious wound to the left side of his head. Eventually, he was helped by a male friend and they crossed over Old Street into a Shell petrol station. They went into a toilet inside the station shop. As his friend later related, blood was flowing from Essayas' head and he '*blanked out*'. He was joined by several friends including Louis Colley who had left the supermarket. An ambulance was called. By the time it arrived, Essayas was unconscious. He was taken to the Royal London Hospital, Whitechapel where an operation was carried out on him. He never regained consciousness and was pronounced dead on Wednesday 13th October 2004.

3 Police investigation

The investigation – codenamed Operation Yocum – into Essayas Kassahun's murder was carried out by the Metropolitan Police Specialist Crime Directorate. Although, there was little reason to believe that the young people who gathered on 11th October 2004 were members of any pre-existing gang, police and prosecution subsequently claimed that the attack was carried out by a gang called the Hoxton Biker Boys. It is doubtful whether any such organised gang existed (except as a loose group of friends some of whom rode BMX bikes).

Officers sought to identify individuals who had been in the group which attacked Louis Colley and Essayas Kassahun. On 12th October 2004 **Phoebe Henville** a 17 year old former girlfriend of Essayas, made a statement in which she named two black youths from Hoxton who she encountered on St Luke's estate shortly before the attack. She walked with the two men into Bath Street where she stopped and observed them joining a group of youths among whom she recognised two white brothers also from Hoxton.



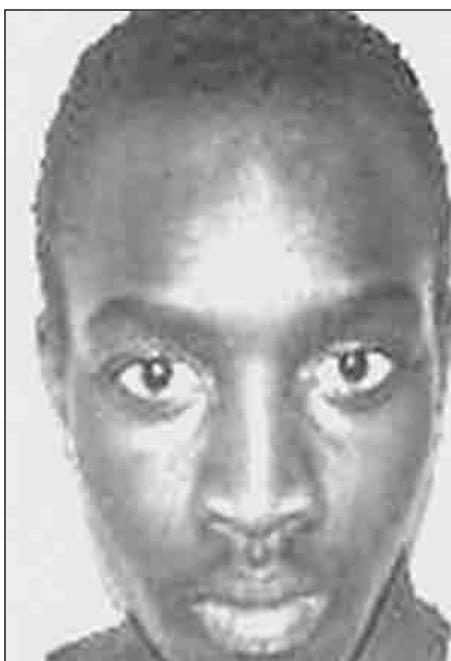
Corner of Bath Street and Old Street where Essayas Kassahun was murdered

Ms Henville stated she saw someone being attacked but *'could not see who it was'* and that she *'was very concerned about my friends in Old Street outside Somerfields'*. She said she could see *'a light coloured baseball bat raised above the group, someone then swung the bat downwards very hard.'*

In her 12th October statement, Phoebe Henville said that she later saw a short black youth carrying a baseball bat and smirking. The four youths named by Ms Henville later stood trial for Essayas Kassahun's murder but were acquitted on the direction of the trial judge.

In his first statement on 13th October 2004, Bilel Khelfa who had been one of the group chatting outside the Somerfield store named Bullabeck Ringbiong as one of the attackers. The only other assailant he said he recognised was *'a skinny white boy about 19 to 20 years old, 5ft. 8in. and lives in Murray Grove'* (in Hoxton). He also described another boy who was riding a silver BMX bike *'white, about 5ft. 6 in.'*

In police interviews, Mr Khelfa said he would be unable further to identify this boy *'because I never looked at him'*.



Bullabeck Ringbiong - arrest photograph

In his first statement to police on 12th October 2004, the intended victim of the attack, Louis Colley claimed not to recognise *'by name'* any of the crowd which had attacked

him. In a statement the next day (13th October 2004), he named the leader of the attackers as Bullabeck Ringbiong with whom he had attended St Aloysius School in Highgate, North London.

Another witness named the same two Hoxton black youths identified by Phoebe Henville as having been on St Luke's estate that night. Although the other witness was unable to name him, the person she stated as having first confronted Louis Colley was consistent with Bullabeck Ringbiong's description.

4 Sam Hallam is accused

Phoebe Henville and Bilel Khelfa made subsequent statements which contained significant changes to their initial accounts. In her second statement on 14th October 2004, Phoebe Henville said that on 13th October, she was walking with a 15 year old female friend along Pitfield Street, Hoxton. They encountered 17 year-old **Sam Hallam** who lived in the area.



Phoebe Henville had told her friend of rumours that someone called 'Sam' had been involved in the 11th October attack. According to her friend, Ms Henville had said that the person she thought was the 'Sam' mentioned in the rumours had been wearing a hood but that *'you could still see his blond hair'*.

As they came down Pitfield Street, Ms Henville's friend pointed out a teenage male walking ahead of them and said *'that boy's name's Sam'* and then *'that's Sam Hallam'*. Ms Henville accused him of taking part in the attack two nights before. Both women agreed that he denied having been on St Luke's estate on 11th October.

In a statement to police on 14th October 2004, Ms Henville claimed she recognised Sam Hallam *'as one of the boys who attacked Essayas'*. She now described him as having *'dark brown hair'*. She did not explain why in her first statement made immediately after the attack, there was no mention of anyone resembling Sam Hallam. These inconsistencies were amplified when it came to her evidence at Sam's subsequent trial (see below).

Bilel Khelfa made a second statement on 20th October 2004. He claimed that he now recognised Sam Hallam as the white youth riding a BMX bike mentioned in his previous statement. Again, there were serious discrepancies in Mr Khelfa's second statement. He now said *'I said in my last interview that I recognised the boy but could not remember his name'*. He had, in fact, said no such thing. In a 4½ hour interview with police leading up to his first written statement, he said of the boy on the BMX bike *'I can't remember that boy at all because I never looked at him'*. He said in his second statement that he'd *'been reminded of his name'* by Phoebe Henville. This was remarkable as Mr Khelfa

had been at the same school as Sam Hallam (albeit two years senior to him). If his account was true, he might have been expected in his first statement to say he recognised his former schoolmate even if he could not recall his name.

Bilel Khelfa offered no explanation why he had described the white youth on the BMX bike as having blond hair when Sam Hallam has dark hair. In his second statement, he claimed that Sam Hallam had been holding a *'baseball bat about 15 inches to 20 inches long and had a screw of about 5 inches long coming at right angles through the top of the bat about 2 inches from the top'*.

Phoebe Henville's second statement was unspecific as to the role which Sam Hallam was supposed to have played in the attack. She *'could not say exactly what he did or what he was wearing'*.

Bilel Khelfa 's second statement, on the other hand, had Sam Hallam *'virtually standing over'* Essayas Kassahun with the baseball bat and that he was *'worried that Sam Hallam was going to hit Essayas with it because I had seen the screw in the bat just seconds before'*.

5 Arrest

Sam Hallam was arrested by police at his Hoxton home on 20th October 2004. He told the officers that because of the encounter with Phoebe Henville, he knew why they had come but that he had not been involved. He said that on the night in question, he thought (as it later transpired mistakenly) that he'd been playing football with a friend **Timmy Harrington** at a recreation ground on a local estate.

He was taken to Belgravia Police Station for questioning. Police took a statement from Timmy Harrington also on 20th October. He denied that he had been with Sam on the night of the murder (or indeed at any time that week). He claimed he could not have been with him as he'd been working from 7 pm to 7 am. He later signed a second statement in which he now remembered he hadn't worked on the night in question and left work at 6.30 pm.

Acting on the strong advice of the duty solicitor, Sam exercised his right not to answer questions. Sam provided a written statement in which he said that if he was wrong about playing football with Mr Harrington, he may have been looking after his younger sister while his mother was out playing bingo.

Along with eight others, Sam Hallam was charged with murder, conspiracy to commit grievous bodily harm and violent disorder.



Sam Hallam - Arrest Photograph 20/10/04

6 The trial

Sam Hallam's trial commenced on 13th September 2005 at London's Central Criminal Court (the Old Bailey) before Judge Richard Hone QC. His co-accused were Bullabeck Ringbiong aged 20, Pellum McCook aged 20, Jamie Martin aged 20, his brother Danny Martin aged 18 and four 17 year olds.

A pathologist's report was inconclusive as to whether a knife or other weapon caused the fatal wound to Essayas Kassahun's head. This was because it was hard to distinguish between injuries sustained during the attack and marks left by the emergency hospital operation carried out in an attempt to save his life. The pathologist stated that if the fatal blow had been caused by a blow from a bat with a protruding screw, he might have expected 'tracking' on either side of the wound (i.e. from the impact of the bat itself) but had found none. He tended towards the conclusion that a knife had caused the wound but could not be certain.

Bilel Khelfa's behaviour and testimony in court was at complete odds with his 20th October 2004 statement in which he had identified Sam as the youth who he first saw on a BMX bike. On entering the court, Mr Khelfa was visibly distressed. He attempted to leave the court without giving evidence. After swearing on the Koran, he was heard to say that he had to tell the truth about Sam. He

was questioned by defence counsel about the white youth he had seen on a BMX bike:

Did you know him?

No

Describe him

On a bike wearing a hood... I didn't really look at his face

Mr Khelfa admitted that Sam Hallam was '*the only white boy I know from Hoxton*'. Questioned about contradictions between his first and second statements, he said when he made his second statement, he was upset because his friend Essayas had died. He mentioned Sam Hallam's name because Phoebe Henville suggested it to him. He confirmed he couldn't recognise the boy in question because his hood was tied up tightly obscuring most of his face. He did, however, state that this boy was wearing a '*Gap jumper*'.

In light of Bilel Khelfa 's testimony, the prosecution applied successfully for him to be treated as hostile i.e. although called as a prosecution witness, he should now be regarded as appearing for the defence and cross-examined accordingly.

Giving evidence at the trial, Phoebe Henville was challenged as to the accuracy of her identification to which she replied '*If it wasn't him, I saw someone who looked like him*'. She said the person she saw was not holding any weapon. Toward the end of cross-examination, she said '*I saw someone that looked like him running towards me and when I... was talking to people, they told me it was a Sam and then someone told me it was a Sam Hallam and [her friend] pointed*

him out to me'. It was put to her that 'the most you can say is that it is someone who looked like him? '. She agreed.

Phoebe Henville was further questioned as follows:

But you certainly could not say you are sure it was him, could you?

No

In re-examination by the prosecution, she testified that she had '*just sort of recognised the weird-looking features of his face*'. In police interviews, she described Sam Hallam as having '*a really weird-looking face... possibly disabled*'. Asked by the prosecution whether she had any doubts about the man she saw, she said '*No, I was just looking for someone to blame on the spot really*'



St Luke's estate, Finsbury

Corroboration for Sam Hallam's denial that he was present at the murder scene came from three witnesses all of whom lived in Hoxton and knew him well. Unfortunately, the jury had reason to doubt their accounts. A prosecution witness flatly denied that Sam Hallam was at the murder scene while confirming the presence of others among those accused. In his summing-up, the trial judge warned the jury that *'this witness's evidence may be tainted by an improper motive'* and suggested that he might himself have been regarded as a suspect. Mr Justice Hone offered no explanation why the prosecution witness should have confirmed the involvement of others while exonerating Sam Hallam.

Danny Martin and Scott White both stated that Sam Hallam was not present on the night of the attack but they were themselves standing trial for the murder.



Mr Justice Hone

Robert Fortune QC for Sam Hallam argued that the identification evidence against him was now too weak to allow the jury to convict him. Not only were the alleged identifications made in difficult circumstances at night in a fleeting, fast-moving situation but both witnesses, whose evidence constituted the sole case against Sam Hallam, had expressed serious doubts in their trial testimony. Their successive written statements contained irreconcilable contradictions. Mr Justice Hone ruled that the case should proceed and the statements considered by the jury.

Previous Inconsistent Statements

Crucial to Sam Hallam's case is Bilel Khelfa's second statement in which he said Sam had been the white boy that he'd seen on a silver BMX bike and later standing over Essayas Kassahun with a baseball bat from which a



Somerfield supermarket at corner of Old Street and Bath Street

screw was protruding. This statement was the only evidence which detailed Sam's alleged role in the attack (in her statement naming him, Phoebe Henville had said she '*could not say exactly what he did*'). In his testimony at trial, Bilel Khelfa disowned this statement. He returned to the position in his first interview and statement made on 13th October 2000 that he was unable to recognise the youth on the BMX bike.

Before April 2004, Bilel Khelfa 's second statement could not have been admitted as evidence against Sam Hallam. The long-standing rule at common law was that where a witness's testimony in court was inconsistent with a previous statement, it could not be treated as evidence as to the truth of its contents (but only as evidence concerning the witness's own credibility). Juries could not take account of the contents of such statements in reaching their verdict. This rule was changed by s119 of the Criminal Justice Act 2003 which now allows previous inconsistent statements to be admitted in evidence.

Sam Hallam testified in his own defence at the trial. His evidence was consistent with the statement he provided to police. Mr Justice Hone ruled that the jury should not draw negative conclusions from Sam following the duty solicitor's repeated advice that he should not answer questions put to him by the police.

Sam was asked whether prior to his arrest, he'd ever been in a police station. He answered that he had not. The prosecution put to him an incident which happened when he was 14 years old. As part of a group of friends, he was

seen 'larking about' on the roof of a block of flats near his home. Police officers brought the children down from the roof and took them to a police station for a caution about the dangers of playing in such places. No-one was charged with any offence. Sam had long forgotten this incident which the prosecution used to suggest he was capable of lying. Sam Hallam had never otherwise been questioned or arrested, let alone charged, on any other matter until the time of his arrest for murder.

In his summing-up to the jury at the end of the trial, Mr Justice Hone pointed to the weakness of the identification evidence but in a passage which the Court of Appeal later said caused them *'some concern'* he said that Bilel Khelfa in his testimony at the trial referred to his second statement *'with which he had agreed'*. Bilel Khelfa had only agreed that he made the second statement. He did not agree that its contents were true.

Mr Justice Hone gave the jury a 'Turnbull direction' (in line with guidelines formulated by the Court of Appeal in a 1977 case involving identification evidence). He warned the jury to be cautious before convicting on evidence of identification alone and that they should pay particular attention to factors such as distance, lighting, time and whether the witnesses had previously known the accused.

At the close of the prosecution case, the trial judge directed that four of the defendants be acquitted on the murder charge. A fifth defendant successfully applied to be tried separately and later had all charges against him withdrawn. The judge directed the acquittals because the evidence presented against them was so weak in establishing their alleged roles that it would be unsafe to allow it to go before the jury for decision. This left

Bullabeck Ringbiong and Sam Hallam, Scott White and one of the 17 year olds.

The jury acquitted the 17 year old and Scott White on the charge of murder (Scott White was convicted of conspiracy to commit grievous bodily harm for which received an eight year prison sentence).

On 26th October 2005, the jury found Bullabeck Ringbiong and Sam Hallam guilty of murder. Sam was sentenced to be imprisoned at Her Majesty Pleasure for a minimum of 12 years while Ringbiong must serve at least 15 years.

7 The appeal

Convicted persons wishing to challenge their convictions must apply for leave to appeal within twenty eight days of sentencing. Applications are first considered by a single judge without a hearing. If that judge refuses leave, the decision may be reviewed by the full Court of Appeal comprising at least three other judges. If leave is granted, a full appeal is heard (usually at a later date).

Sam's counsel lodged application for leave to appeal on 4th November 2005. The ground of appeal was that the state of the identification evidence was such by the trial's end that the judge should have withdrawn the case from the jury. Leave to appeal against the conviction was initially refused by a single judge. At a hearing before three judges on 23rd October 2006, the Court of Appeal granted leave.

The full appeal hearing took place at the Royal Courts of Justice on 2nd March 2007. The court comprised the Vice President of the Court of Appeal (Criminal Division), Lord Justice Latham sitting with Treacy J. and Royce J.

Robert Fortune QC reiterated that the case against Sam Hallam consisted solely of identification evidence with which prosecutor David Hatton QC who acted for the Crown at Sam's trial agreed. Latham LJ consequently stated that that the appeal hearing must, therefore *'concentrate on whether the case should have gone to the jury'*.

Sam's counsel argued that the trial judge was wrong in allowing the flawed identification evidence to go before the jury. Both witnesses had given conflicting accounts in police interviews, written statements and trial testimony. He detailed many anomalies, contradictions and inconsistencies in their evidence. Under the *Turnbull* guidelines, identification evidence may be so poor and unsupported by other evidence that the trial judge should withdraw the case from the jury. This '*protects a jury from acting upon the type of evidence which, even if believed, experience has shown to be a possible source of injustice*'¹.

Responding to the arguments put forward by Sam's counsel, David Hatton QC for the Crown said that Phoebe Henville 's second statement placed him at the scene albeit that she could not say '*what he was doing*'. So far as Bilel Khelfa 's evidence was concerned, Mr Hatton argued that the trial judge had issued sufficient warning to the jury to '*carefully and properly examine the circumstances in which the identification ...was made*'.

Latham LJ expressed the Court's '*concern*' that the trial judge claimed Bilel Khelfa had agreed in his trial testimony with the truth of his 20th October 2004 statement when he only agreed that he had made it and his sworn testimony negated its contents. During the appeal, Latham LJ interjected more than once to comment that it was '*difficult to get a feel for how the evidence was given*' at the trial i.e. that a written transcript of words spoken by witnesses does not necessarily convey all of the impression which witnesses' demeanor and behaviour communicated in court.

¹ *Archbold Criminal Pleading Evidence and Practice* at 14-12

In dismissing Sam's appeal, Latham LJ faced a clear problem concerning Bilel Khelfa 's evidence at trial. The transcript of his testimony shows that he disowned his identification of Sam Hallam as set out in his second written statement of 20th October 2004. Without this statement, there existed no other evidence to link Sam Hallam with the murder. Latham LJ's bizarre explanation for the manifest discrepancies between Bilel Khelfa 's second statement and his trial testimony was

the nature of the evidence given by Khelfa was such that we suspect that the true flavour of that evidence does not emerge from the cold typescript of the transcript ... what appears to this court to be equivocal may in fact have indicated to those who were present that indeed the witness... may have given the impression, even if not expressly in his answers, that he was accepting what he had said on 20th October.

Absurdly, the Court of Appeal claimed that a witness's words when spoken at trial might be understood by the jury to mean the opposite of those same words when written down. Latham LJ offered no description of how such an extraordinary verbal feat might have been accomplished.

8 New Evidence

Where appeal against conviction has been dismissed, the only means of securing a further hearing is by referral from the Criminal Cases Review Commission (CCRC) which is empowered to investigate alleged miscarriages of justice and to decide whether convictions should be referred back to the Court of Appeal. In most cases, the CCRC will only refer convictions to the Court of Appeal if new evidence casting doubt on the safety of the conviction emerges which was not capable of being raised at the trial or previous appeal.

After Sam Hallam's trial and appeal, significant new evidence emerged which cast serious doubt on the safety of his conviction. The fresh evidence – which had never been considered by any court – included:

- Statements from witnesses who admitted that they were present at the murder scene (but had not been called to give evidence in court). They confirmed Sam Hallam was not there. All of them had known Sam Hallam for a considerable time and would have easily recognised him had he been present.
- Material which cast further doubt on the truthfulness of Phoebe Henville.
- Statements from witnesses that police failed to disclose to defence lawyers, evidence which

supported Sam Hallam's account that he was not at the murder scene.

What wasn't there

The evidence supporting Sam Hallam's innocence also consists of what wasn't found:

- No forensic evidence linked him to the murder.
- Extensive CCTV footage in the area shows no-one matching his description.
- There was no evidence that he ever owned (or had access to) a BMX bike such as the "white boy" in question was supposed to have ridden.
- No clothing such as that worn by the youth on the BMX bike was ever found in his possession



Campaigners present new evidence to Criminal Cases Review Commission in Birmingham 20/02/08

A dossier of evidence was presented to the CCRC on 20th February 2008. In November 2008, the CCRC wrote to Sam advising that its investigation was still at an '*early stage*' and no estimate for its duration could be given. CCRC staff interviewed Sam for the first time at HMP Bullingdon in June 2009 . Their discussions with him indicated that it would be a considerable time before the CCRC investigation of his case was completed.

9 Anomalies

Phoebe Henville

Many aspects of statements made by Phoebe Henville cast serious doubt on her truthfulness and accuracy. Even on the night of the murder itself, accounts she gave to different police officers who attended the scene varied as to the role which specific individuals were supposed to have played. These indicate that she had presented information she had only heard from others as if it were her own personal experience.

In the view of observers at the trial, Ms Henville seemed to want to play a 'star role' in the case by constantly placing herself at the centre of events. This is evidenced in statements she made on 12th and 14th October 2004.

In her first written statement to police, she claimed that following the attack on Essayas Kasahun *'we led him to the petrol station further down Old Street to get him some help'*. This was untrue. Phoebe Henville did not help the murder victim to the Shell station. CCTV images from the garage shop show he was solely assisted by a male friend.

In her second statement, Ms Henville no longer claimed to have helped Essayas across to the garage but instead said that having been told that he was hurt, she went to the garage shop. She said Essayas and his male friend *'were*

just going in'. Again, this is not true. CCTV stills show the two men were already well inside the garage shop by 20:44:38pm. It was not until 1½ minutes later, at 20:46:15pm, that Ms Henville entered the shop. By this time, the wounded victim had gone into the shop's toilet where his friend was attempting to staunch the blood pouring from his head.

Phoebe Henville said that *'I called for an ambulance when Essayas was still conscious'*. This was untrue. At his friend's request, the garage proprietor telephoned the emergency services. While the proprietor was connected to the ambulance service, they spoke with a female friend of Essayas who had entered the shop shortly before Ms Henville.

Some witnesses have, moreover, claimed that Phoebe Henville was not actually present during the attack on Essayas Kassahun but only arrived on the scene shortly afterwards. One of those charged with the murder (and acquitted) states Phoebe Henville *'wasn't there ... If she had been there, I would definitely have seen her as she would have stood out'*. There was a good reason why she would have *'stood out'* to him. A salient fact which Ms Henville failed to mention in any of her statements was that as well as being a former girlfriend of the murder victim, she'd been involved in relationships with at least two of the youths charged with the murder. She named both of these individuals in her statements to police without disclosing her previous relationships with them.

Phoebe Henville's motives for accusing Sam Hallam may be open to various interpretations but there can be no doubt that she was capable of distorting and embellishing

her account of the night's events and her own role in them.

Bilel Khelfa

Having named Sam Hallam, Phoebe Henville told her friend Bilel Khelfa of her identification. In his first statement, Mr Khelfa could not identify a white youth who had been on a BMX bike '*because I never looked at him*'. After he was '*reminded of his name*' by Ms Henville, he named Sam Hallam as one of Essayas Kassahun's assailants in his second statement on 20th October 2004. Without this statement - disowned by Mr Khelfa at trial - there would be no case against Sam Hallam. (Phoebe Henville 's statement merely placed him at the scene without ascribing any specific actions to him.).

Before 2004, if witnesses gave evidence at trial which contradicted statements they made before the trial, those previous statements could not be put before the jury as evidence of the truth of their contents. Section 119 of the Criminal Justice Act 2003 (which came into force on 29th January 2004) abolished this rule. However, for any previous statement to be admitted in evidence, the witness must attend court to undergo examination and cross examination.

A consequence of s 119 in Sam Hallam's case was that that from a prosecution perspective, the issue of what Bilel Khelfa said at the trial was of secondary importance to the question of whether he attended. In the event, the prosecution's 'star witness' against Sam Hallam proved highly reluctant to attend court. On the day he was due to testify, the court was informed that he had failed to appear and was refusing to leave his home. Police were dispatched to compel him to attend.

Information which has since emerged may help to explain his reluctance. While he was awaiting trial on remand at Feltham Young Offenders Institution, Sam Hallam was shocked to encounter Bilel Khelfa as an inmate. Sam raised concern about his presence with staff. He was told that no-one of that name was being held there. Inquiries by Thames Valley Police have confirmed that Bilel Khelfa was indeed held at Feltham YOI during the period in question while he awaited trial on a robbery charge (where he was even visited by officers from Operation Yocum).

A woman who in October 2005 accompanied her son while he was waiting to give evidence at the murder trial has given an account of Bilel Khelfa's arrival at court. As they were waiting in an ante-room adjacent to the courtroom, she says Mr Khelfa was '*dragged in*' by police officers. The officers told him not to move and then stood guard in the corridor outside. According to this witness, Mr Khelfa looked '*terrified*'. He asked if her son was there for the '*Old Street*' trial. Mr Khelfa then said '*Sam Hallam done it, didn't he?*' When her son answered in the negative, Mr Khelfa said that Phoebe Henville '*said he was there*'. Mr Khelfa then said he had just been released from custody and the police had said they would '*put me back in Feltham if I don't give evidence*'.

Bilel Khelfa tried twice to leave the court without giving evidence:- first from the ante-room and later from the witness box.

Police officers are rightly allowed to exercise force to compel witnesses to attend court. However, the above account indicates that improper threats may have been made against Mr Khelfa.

10 Inquiry

In November 2009, Sam Hallam was advised that the CCRC would use its powers under s19 of the Criminal Appeal Act 1995 to appoint an outside police force to investigate his case. Such a move was highly unusual. Since the Commission was established in 1997, it has dealt with more than 12,000 applications from persons claiming wrongful conviction. Outside police inquiries have only been ordered in 41 cases.

In January 2010, officers of Thames Valley Police began a lengthy major inquiry into Sam's conviction. Well over 100 witnesses were interviewed and a large amount of case material examined and analysed. Thames Valley Police presented the results of their inquiry to the CCRC in June 2011. Their report detailed extensive non-disclosure by the Metropolitan Police and Crown Prosecution Service of potentially vital case evidence at the time of Sam Hallam's 2005 trial. Thames Valley officers also uncovered glaring deficiencies and inexplicable failures by Operation Yocum officers to pursue reasonable lines of inquiry. One CCRC Commissioner described the Metropolitan Police's record-keeping during the murder investigation as '*just a disaster*'.

Another Sam

Thames Valley Police discovered that Operation Yocum officers were aware of the full name and home address of

the 'Sam' about whom rumours had been circulating of involvement in the murder. The existence of this individual was not disclosed to Sam Hallam's lawyers.

Although police were informed of the 'other' Sam's name and address before Phoebe Henville's encounter with Sam Hallam, no steps were taken to investigate the 'other' Sam. Information which would have been readily available to Operation Yocum officers made it almost certain that it was this person about whom Phoebe Henville had heard rumours and not Sam Hallam.

Had the identity of the 'other' Sam been disclosed to the defence at Sam Hallam's trial, it would have been possible for his lawyers to challenge Phoebe Henville's account of the circumstances in which she came to accuse him much more effectively. A connection between the 'other' Sam and another suspect who bore a resemblance to Sam Hallam would also have come to light which might have explained to the jury Ms Henville's unprompted remark at trial *'if it wasn't him, I saw someone who looked like him'*.

The mobile phone

When Sam Hallam was arrested, police seized from him a new mobile phone which he'd purchased on Friday 8th October 2004 just three days before the murder

Incredibly, the Metropolitan Police took no steps to carry out 'cell site analysis' on Sam's phone which might have established its whereabouts during the murder. Sam Hallam was the only person charged who denied being present at the murder scene. It would have been relatively straightforward for the police to disprove his account by

carrying out such analysis. Their failure to do so remains inexplicable. Unfortunately, mobile network companies routinely destroy the relevant data after twelve months and it was not open to Thames Valley Police to conduct such analysis.



The Metropolitan Police also failed to examine the phone to ascertain who Sam had called and when. Fortunately, the phone was still available for examination by Thames Valley Police. They found two significant pieces of evidence:

- A time and date stamped photograph which Sam had taken of Timmy Harrington not on the day of the murder but on the following evening. The prosecution claimed at trial that Timmy and Sam had not seen each other at all that week, and that Sam Hallam's lie was itself evidence of guilt. The photo suggests it was merely an innocent mistake.

- A photograph of Sam Hallam's late father, Terry taken approximately 1½ hours before the murder at a Hoxton pub called the George and Vulture which is almost two miles away from the murder scene. Another witness interviewed in 2004 said he'd seen Sam Hallam outside the same pub an hour after the murder. Thames Valley Police traced and interviewed three witnesses who recalled spending an evening with Sam in the George and Vulture around the time of the murder. Although they could not be 100% specific about the precise date, Thames Valley officers deduced that the most likely date was 11th October 2004.

In October 2004, the Metropolitan Police raised an instruction to examine any CCTV footage shot in or near the George and Vulture. This was not followed up until February 2005 four months after the murder. By then, footage was either not available, had been wiped or was not checked (Metropolitan Police records on this issue are unclear).

The weapon

The Metropolitan Police also failed to disclose full information about a weapon they'd seized from the home of another suspect which bore a striking similarity to the bat with a screw which Sam Hallam was supposed to have wielded.



The weapon in question comprised a wooden broom handle through which a nail was protruding. Inexplicably, the Metropolitan Police failed to commission any forensic examination of the weapon. By the time, Thames Valley Police conducted such tests, it was too late to obtain any conclusive results. A small dark hair was found on the broom handle but the laboratory were unable to extract DNA from it six years on. A small amount of debris was found near the nail which a scientist described as possible skin flakes but again it was impossible by then to be certain.

Another mobile

When the Metropolitan Police searched the above suspect's home, they found - concealed on top of a wardrobe - a light grey Nokia mobile phone which was missing its back cover. Louis Colley had related how his mobile phone had been stolen from him during the attack by *'the one who had the baseball bat'*. It was a white Nokia phone which did not have its back cover.

The Metropolitan Police currently claim that this phone was not the one stolen from Louis Colley. There exists, however, no record of Operation Yocum officers having eliminated the phone. The officer who was allegedly responsible for examining the phone has no recollection of having done so.

For reasons which were not recorded by the Metropolitan Police, the suspect was released without charge. Bullabeck Ringbong later admitted at trial that the suspect had been by his side when he first approached Louis Colley on the night of the murder. The Nokia phone was returned to the suspect on his release.

Information about the broom handle and mobile phone found in the suspect's possession was not disclosed to Sam Hallam's lawyers. The potential significance of this evidence is enhanced when Phoebe Henville's initial account to police officers at the murder scene is considered. She said she saw a black youth with a baseball bat. The suspect in question is a black male.

11 Referral

On 28th July 2011, the Criminal Cases Review Commission announced that the new evidence in Sam Hallam's case would be referred to the Court of Appeal. The Commission said it reached its decision *'because it considers that a range of issues, including new evidence capable of casting doubt on the reliability of identification evidence at trial, together raise the real possibility that the Court of Appeal would now quash the conviction'*.



It is expected that Sam Hallam's appeal will take place during 2012. He will be represented by his solicitor Matt Foot of Birnberg Peirce and Partners and barristers Henry Blaxland QC and Peter Willcock.

12 Campaign

In 2006, Sam Hallam's family and supporters met with individuals who played leading roles in the campaigns to free the Birmingham Six, Judith Ward, and the Bridgewater Four as well as campaigns on behalf of less well-known innocent prisoners. Belief in Sam Hallam's innocence is widespread in Hoxton. Prior to Sam's appeal, a public meeting about his case in February 2007 held at short notice on Hoxton's Arden Estate and publicised via word of mouth attracted 200 supporters.



Campaigners travel to Aylesbury Young Offenders Institution on Sam's 21st birthday 09/07/08

Following the dismissal of his appeal in March 2007, his family, friends and supporters launched a public campaign calling for Sam Hallam's release and exoneration. The campaign's objectives included:

- Seeking out new evidence in the case.
- Publicising the facts of Sam Hallam's case as widely as possible.
- Providing practical and moral support to Sam Hallam and his family during his wrongful imprisonment.

The campaign has no aims or agenda beyond securing the release and exoneration of this innocent young man and is not associated with any political organisation or grouping.

The campaign may be contacted at:

Sam Hallam Campaign

BM Sam Hallam

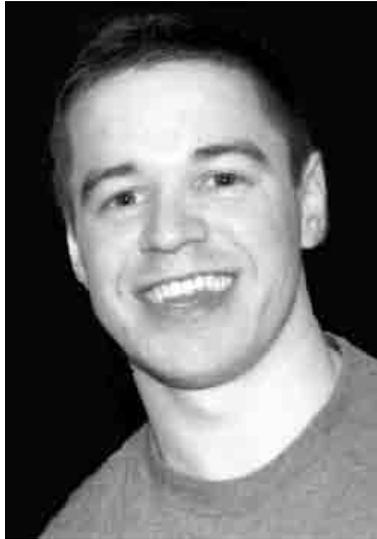
London WC1N 3XX

Email: response@samhallam.com

Web: www.samhallam.com

13 About Sam Hallam

Sam Hallam was born on 9th July 1987. He attended Central Foundation School in Islington. At the time of his arrest, he was working as a kitchen fitter but had plans to apply to join the British Army when he was a little older.



Sam Hallam HMP Bullingdon January 2011

He has two older brothers and one younger sister. Prior to his arrest, he was of good character and had never been charged with or convicted of any offence. He is currently imprisoned at HMP Bullingdon in Oxfordshire.

What You Can Do

- Join the campaign by sending your name to response@samhallam.com
- Ask your trade or student union, community or youth group, tenants association, church, political party or other body to which you belong to adopt Sam's case and to invite speakers from the campaign.
- Write to Sam letting him know you support his campaign for justice:

Sam Hallam
A3535AD
HMP Bullingdon
PO Box 50
Bicester
Oxon OX25 1PZ

14 Conclusion

It has long been recognised that identification evidence which is uncorroborated by other evidence is inherently unreliable and liable to error. A notorious example was media interviews given by eye-witnesses immediately after the shooting of Jean Charles de Menezes at Stockwell underground station in July 2005. Although witnesses gave what they sincerely believed were honest accounts, CCTV footage showed that their recollections were wrong in almost every detail.

Non-disclosure by police and prosecuting authorities of vital evidence has featured in many notorious miscarriages of justice most notably the case of Judith Ward wrongly convicted of the 1974 M62 coach bombing. It is inconceivable that the jury in Sam Hallam's case would have convicted him if they had been made aware of the fresh evidence which has now emerged.

Justice for Essayas Kassahun has not been achieved by an incompetent police investigation leading to the imprisonment of an innocent man. The murder was a tragedy which should have resulted in the conviction and punishment of those responsible. Sam Hallam's arrest and conviction for a crime he knew nothing about was a tragic injustice which must end now.