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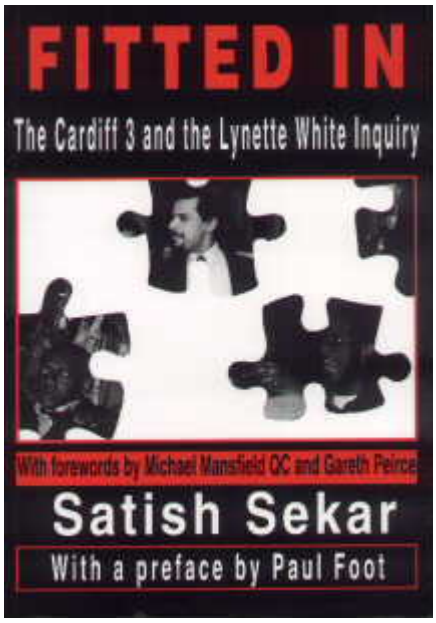


J'ACCUSE

[Further developments in Lynette White Enquiry]

FURTHER DEVELOPMENTS IN THE LYNETTE WHITE INQUIRY

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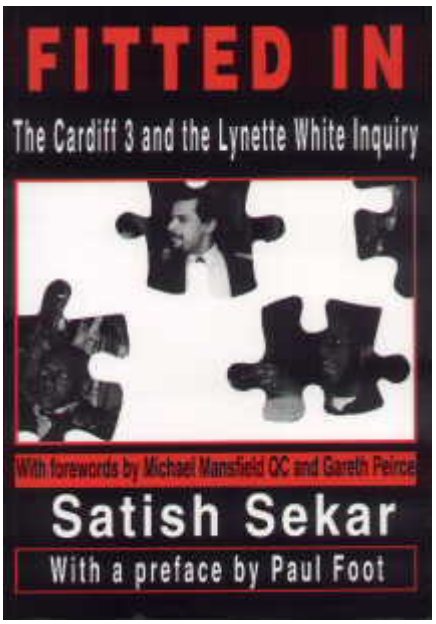


Editor's note: *You just read the reviews of Fitted in: The Cardiff 3 and The Lynette White Inquiry by Satish Sekar. He has done an update on this inquiry especially for this journal. The following piece was sent to us by Sekar on February 21, 2004, much after this journal issue had been closed (it is July - December 2002 issue, as can be seen). One option for us was to publish it in our Jan-June 2004 issue. However since we did not want to split this story needlessly into two, we decided to append it to the original review. Here it is:*

In December 1992 the Court of Appeal quashed the convictions of Yusef Abdullahi, Steve Miller and Tony Paris - the Cardiff Three. Many declared the story over, but in many ways it was just beginning. The original defendants were undeniably innocent, so who really killed Lynette White? Several miscarriages of justice in Britain had been exposed since the quashing of the convictions of the Guildford Four in October 1989. After the convictions of the Cardiff were quashed many more appeals have succeeded. Until last year one thing remained constant. Not one of these cases had ever resulted in the conviction of the real killer after a successful appeal in Britain. Legal history would have to be made. Nevertheless, as far as I was concerned the quashing of the convictions of the Cardiff Three alone just wasn't enough. The real killer of Lynette White still had to be brought to justice.

View this book on Amazon

QUOTES



The book by Sekar is interspersed with a number of interesting quotes. Sample some of them.. "A judicial blunder has been committed; and in order to hide it, it has become necessary to commit a new offence every day against sound sense and equity.
From the condemnation of an innocent man flows the acquittal of a guilty man. Today they bid you to condemn me in my turn, because seeing my country on such a terrible track, I have cried out in my anguish. Condemn me them but it will be just another blunder whose burden you will bear in history. And my condemnation, instead of restoring the peace which you desire, which we all desire, will only sew new seeds of disorder.

The cauldron of discontent, I tell you, is full to the brim; I do not make it so to overflow..."

-Emile Zola [From J'accuse (1898)]

First they came for the Jews
And I did not speak out
Because I was not a Jew.
Then they came for the communists
And I did not speak out
Because I was not a communist.

Then they came out for the trade unionists
And I did not speak out
Because I was not a trade unionist

Then they came for me
And there was no-one left
To speak out for me.

-Pastor Martin Niemöller (Victim of the Nazis)

South Wales Police were not prepared to re-open the case at that stage, but they did appeal for anyone with new information to come forward. I continued poring over the evidence. Three years later I made a significant breakthrough. All of the eliminations achieved by DNA in the original inquiry were faulty, as they may have been eliminated on blood which was shed by the victim. This

included the prime suspect and many others. However, this information had been applied selectively. Of all the eliminations of people by DNA testing, the only eliminations that were challenged in this fashion were those of the original defendants. Hidden in the undisclosed and unused material was evidence that ought to have halted these scandalous prosecutions in their tracks. Unfortunately the full significance of this material was not appreciated when it could and should have made a difference. It would take six years for the case to turn full circle. The evidence which had enabled this case to proceed in 1989 would force the authorities to re-open it in 1995.

In 1995 the polymerase chain reaction and STR typing were routinely used in casework. Not only were the original eliminations on DNA unreliable, but it was possible that valuable scientific evidence could be obtained using these then novel techniques. Armed with the opinion of an experienced forensic scientist I took my findings to the authorities. The case was re-opened. More than two years passed. Each of the relevant samples were subjected to amplification by multiplexing - the method favoured by the Forensic Science Service. No useful results were obtained. I had predicted that would be the case and had suggested switching to singleplexing after the first batch failed to yield useful results. Unfortunately, police insisted on trying multiplexing on every sample. Time, resources and precious DNA was needlessly wasted. This was a case where the needs of the samples being tested suggested that singleplexing ought to have been attempted from the outset. Even the more sensitive method of singleplexing failed to yield any useful results. Testing was suspended pending further advances in DNA testing. Astonishingly, there were no guidelines guaranteeing that DNA will be preserved under appropriate conditions in all cases pending the inevitable advances in DNA testing systems. It could have had dire consequences. Thankfully, it didn't.

In my book *Fitted In: The Cardiff 3 and the Lynette White Inquiry* I predicted that a new DNA testing system would be developed that would be able to obtain complete DNA profiles from seemingly useless samples like those that existed in the Lynette White Inquiry. I wrote the book to stimulate changes in the way such crimes are investigated and to the learn the lessons that this extraordinary case can teach us and also to find the real killer of Lynette White if that was at all possible.

I did not expect it to have the impact that it did. My calls for a public inquiry into the case and for an external force to take over the investigation were met within days by the South Wales Police announcing that they were establishing a new unit to investigate unsolved and unresolved homicides and that the first case it would investigate would be the Lynette White Inquiry. Unbeknown to me my book was having an impact within South Wales Police. The Association of Chief Police Officers established new guidelines on the investigation of homicides.

This was a glimpse into the future of investigations of homicides. From now on 'cold cases' - as they have been termed - would be subjected to the new process and current cases would also be subjected to the new methods. The investigatory process was split into a two-pronged approach - the first part would be a review of the original inquiry conducted by a senior officer from another police force and the second part would be taking advantage of recent developments in forensic science.

The former head of Lancashire Police's CID, Bill Hacking, was appointed the reviewing officer. The Lynette White Inquiry had been unsuccessfully re-opened before, so I was wary. In 1995 it had been re-opened as a result of developments in forensic science. I discovered a serious flaw in the DNA evidence at the time. This was, I believe, the first time that anyone had ever successfully challenged

the elimination of people by DNA profiling with evidence to back it up. The expert in 1989 had merely voiced concern over the elimination of Lynette White. He admitted that he did not evidence back then. In 1995 it turned out that his concerns were not only vindicated, but that there were further reasons to doubt the elimination of Lynette White. This meant that everybody eliminated on DNA alone had to be looked at again.

...One of the major problems with that re-investigation by South Wales Police was that they had a closed mind as to the best approach to scientific developments. They insisted on attempting to amplify the DNA by multiplexing when this was undoubtedly a borderline case that arguably called for singleplexing from the start...

One of the major problems with that re-investigation by South Wales Police was that they had a closed mind as to the best approach to scientific developments. They insisted on attempting to amplify the DNA by multiplexing when this was undoubtedly a borderline case that arguably called for singleplexing from the start. Several months, resources and precious DNA was wasted by attempting multiplexing in circumstances where it was likely to fail. No useful results were obtained and singleplexing had to be attempted. It failed as well. At this point Lynette's mother and I called for the tests to stop pending further advances, despite an offer to tailor the tests to the needs of the samples, as we thought it essential to guarantee the best prospect of success due to the limited supply of poor quality DNA. In that investigation the police were unnecessarily secretive with the information they gathered. In 1999 nobody wanted to repeat the errors of that re-investigation, including the senior ranks of South Wales Police.

Numerous unsolved and unresolved cases, including several miscarriages of justice has undermined public confidence in South Wales Police. The police realised that they needed to convince their critics that things had changed. Assistant Chief Constable Tony Rogers explained the procedures and promised to keep Lynette's family, two solicitors involved in the original case and myself informed of developments.

Former Detective Superintendent Hacking took fifteen months conducting his review. This was after all, the longest murder trial in British history. In September 2000 his review ended. South Wales Police announced that they were assigning 16 officers to the case and that the DNA tests would now be conducted. It also accepted that there had been warts in the original inquiry. The police said that the review had unearthed lines of enquiry that needed to be investigated, so the Hacking Report was not published. It still hasn't been. It is therefore impossible to properly assess the whole process.

In 1999 the Forensic Science Service announced the discovery of a new DNA testing system. In 1997 conventional SGM (Second Generation Multiplex) STR typing had been attempted and had failed to yield any useful results. SGM+ tested at ten loci rather than the six used in conventional the SGM system as well as amelogenin and it could amplify smaller amounts than previous systems. SGM+ would prove to be the system I predicted.

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In January 2002 it was announced that useful DNA profiles had been obtained from the crime scene samples. The most significant result was obtained from a male they believed 'was directly involved

in the murder'. This was a major breakthrough in the inquiry, but it could have come earlier. Advances in forensic science clearly offered the best possibility of obtaining evidence that could help to solve this case at long last. Consequently, the DNA tests could have been conducted when the case was re-opened in June 1999. In my view an opportunity to advance the investigation then was needlessly lost. Nevertheless, at least one thing was certain: the DNA evidence made it very unlikely if not impossible that this case could result in another miscarriage of justice.

Once the DNA results were obtained South Wales Police began an intelligence-led DNA screening operation. Among the first people to voluntarily give their DNA were the original defendants. They were keen to exclude themselves publicly even though they had either been acquitted in 1990 or had their convictions quashed in 1992. Their DNA profiles did not match the profile of interest. They were undoubtedly innocent and entitled to a public apology for their ordeal and the whispering campaign they had been subjected to since their release. Sadly it was not forthcoming - then.

It should also be remembered that had original DNA not been preserved after the failed attempt to obtain DNA evidence in 1997, it would not matter how efficient a system SGM+ was as there would be nothing to test. The Lynette White Inquiry is a compelling argument for statutory legislation or guidelines ensuring the preservation and storage of DNA from all crime scenes where such evidence exists.

...I established that it was possible to check the crime scene DNA against the DNA profiles of all offenders stored on national DNA databases throughout the world, even though differences in systems used would result in a loss of discrimination. Nevertheless, useful results could have been obtained from foreign databases that could have identified useful lines of enquiry...

Meanwhile, South Wales Police continued the DNA screening operation on an intelligence-led basis. One of the first things they did was to check the national DNA Database, but there was no match. It had been fourteen years since Lynette's murder. What if the murderer was no longer in the UK? That would explain why he didn't show up on the UK database. I established that it was possible to check the crime scene DNA against the DNA profiles of all offenders stored on national DNA databases throughout the world, even though differences in systems used would result in a loss of discrimination. Nevertheless, useful results could have been obtained from foreign databases that could have identified useful lines of enquiry. Requests for assistance in checking foreign DNA databases must be made through Interpol. There is no reason for such requests not to be made routinely, especially in cold cases such as the Lynette White Inquiry. Such checks could identify new lines of enquiry. Such international databasing could also allow crimes to be linked across national borders.

At my request the investigating officers had 140 national DNA databases checked through Interpol. There were no hits. This was a great surprise, as it indicated that the murderer of Lynette did not have a criminal record for a serious offence in any of those countries. South Wales Police now faced a stark choice; they could rest on their laurels and hope for the killer to make the mistake that would lead to his capture, or they could try new methods. To their credit they decided to continue actively seeking the murderer. A Detective Constable, named Paul Williams, began the laborious task of examining the DNA results more closely. The killer's DNA profile was not on the national DNA database, but that was not the end of the story. There were no twenty allele matches. However, there was another possibility. Perhaps the murderer was related to somebody whose DNA profile

was on the database. Williams noticed that one allele (band at each locus, or gene) position was so rare that it only occurred once in every hundred profiles checked. This allele position could eliminate 99% of people on its own. Williams broadened his search to eight and then twelve allele positions. This narrowed the search down considerably. He then narrowed it further by concentrating on the South Wales area. One profile belonging to a fourteen-year-old boy stood out. It was not the only 12 allele match, but it was the most significant. Williams had not found the murderer of Lynette White, but he had found the family he belonged to.

Police asked male relatives of the boy to give voluntary samples. In February 2003 they obtained a voluntary sample from Jeffrey Gafoor, then a thirty-seven year old security guard. Gafoor asked them if the DNA was from semen. He told them that he had had sex with Lynette. It immediately aroused their suspicion. Gafoor was setting up an explanation for the discovery of his DNA at the crime scene, but the crime-scene profiles were from areas of blood-staining. Gafoor was put under surveillance. He bought and took several tablets of paracetomol and made a serious suicide attempt. Police knocked down his door and saved his life. On his way to hospital he told police and ambulance staff: "Just for the record I did kill Lynette White. I sincerely hope to die!" The long and often frustrating hunt for the real murderer of Lynette White was over.

...In March 2003 Gafoor was interviewed. He admitted his guilt but did not want to give details or explain why he had committed this terrible crime. He was charged with Lynette's murder. On July 4th Jeffrey Gafoor became the first person in Britain to be convicted of murder after a miscarriage of justice that had been corrected on appeal...

In March 2003 Gafoor was interviewed. He admitted his guilt but did not want to give details or explain why he had committed this terrible crime. He was charged with Lynette's murder. On July 4th Jeffrey Gafoor became the first person in Britain to be convicted of murder after a miscarriage of justice that had been corrected on appeal. Yusef Abdullahi and Tony Paris were there to witness history being made, although Abdullahi did not want to go inside. Gafoor pleaded guilty to Lynette's murder. The facts of the extraordinary case and re-investigation were told in court and the judge rightly praised what had been an excellent investigation. Gafoor was trapped by several items at the crime scene bearing his DNA. This included both samples taken during the original investigation and ones obtained during this investigation. Gafoor had never occurred as a suspect in the original inquiry. He had acted entirely on his own and had not been previously linked to Lynette. He gave a self-serving explanation for Lynette's murder, claiming that he had gone to her flat for sex, changed his mind and demanded his money back. She refused. He claims she pulled a knife on him and he lost his temper, stabbing her repeatedly. Until the murder of shipping clerk Geraldine Palk one month after the scandalous convictions of the Cardiff Three this was the most brutal murder in Welsh history. It involved more than fifty stab wounds. According to Gafoor Lynette lost her life in this fashion in an argument over £30. Society is entitled to a very long rest from Mr. Gafoor.

Meanwhile, the Lynette White Inquiry will go down in his history as one of the worst investigations of all time, which was followed by one of the best of all time.

Some disconcerting facts emerged during the trial. Gafoor had no criminal record at all prior to Lynette's murder. In December 1992 - the month of the successful appeal - Gafoor received his only criminal conviction prior to his conviction for Lynette's murder, an assault on a work colleague that apparently involved provocation. Gafoor went to extraordinary lengths to avoid unnecessary

human contact. He appeared to have shut the murder of Lynette White out of his mind until forensic science caught up with the demands of justice and the fifteen year hunt for the real murderer of Lynette White finally reached the conclusion it deserved.

This was a case that should have been left unsolved until forensic science caught up. Five obviously innocent men lost a total of sixteen damaging years of their lives. It had a terrible effect on them and their families and on society as well. Lynette White's family, especially her courageous mother Peggy also paid a very high price. The original defendants finally received written apologies from the then Chief Constable Sir Anthony Burdon - he has now retired. However, Lynette's family still await an apology for the failings in the investigation of her murder.

...And where does this case leave the science of offender profiling? In 1988 the father of British offender profiling, Professor David Canter, produced a profile. It undoubtedly led the police to their original prime suspect, but not to Jeffrey Gafoor. Nor could it have. Who would have predicted that the real murderer of Lynette White would commit such a brutal murder as his first crime and then not commit another until 1992 before a decade without coming to the attention of law enforcement officers? I certainly didn't...

South Wales Police saw their reputation dragged through the mud over this case and others. And this, their greatest triumph, possibly the greatest triumph in the history of British policing was also their greatest disaster. They had found the real murderer after a miscarriage of justice. No other British force had ever achieved that before or since. They deserve to be commended on a superb investigation, but this triumph came at a high price for them. There could not be any doubt - never mind reasonable doubt - that the original defendants were and are completely innocent, so how and why was that appalling miscarriage of justice allowed to happen? South Wales Police are currently investigating this. Several witnesses from the original inquiry have been interviewed and bailed to return later.

And where does this case leave the science of offender profiling? In 1988 the father of British offender profiling, Professor David Canter, produced a profile. It undoubtedly led the police to their original prime suspect, but not to Jeffrey Gafoor. Nor could it have. Who would have predicted that the real murderer of Lynette White would commit such a brutal murder as his first crime and then not commit another until 1992 before a decade without coming to the attention of law enforcement officers? I certainly didn't. To the best of my knowledge no crime has ever produced an offender profile indicating a killer like Gafoor. How can killers like Gafoor be profiled? Is it even possible to predict the likely characteristics of killers such as this? It is to be hoped that Gafoor is a one off. The alternative is too appalling to contemplate. If Sherlock Holmes had been allowed to handpick a team of the greatest investigators: scientists and offender profilers and been given all the resources he wanted in 1988, they could not have solved this crime. It simply wasn't possible to solve this crime then. It required the development of SGM+ STR typing and the skill and determination of DC Paul Williams in particular to solve this crime. Another question that is worth thinking about is what would have happened if Gafoor's criminally active nephew had been law-abiding? It would have been impossible to solve this horrific murder. Lynette's family would never get closure. The original defendants would still be enduring the slings and arrows of outrageous fortune, the police would have failed to solve this crime not through lack of will or ability, but because nobody could have solved it. It would eventually have been closed as permanently unsolved, when in reality it should have been filed as unsolvable without a complete national DNA database. One of the legacies of this case should be that it leads to a fully independent complete national DNA database

with effective safeguards. This will not only help to convict the guilty, but equally importantly, it will protect the innocent. Society, the Cardiff Three, their families and friends, Lynette's mother, her family and friends and most of all, the memory of Lynette herself deserve no less!

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