

### **Peter Fell** ***'I only wanted to be somebody'***

Two rather strange things happened as we completed the investigation of the case of Peter Fell. A man rang in to say that he'd found the murder weapon, and the police threatened to have us charged with a criminal offence.

We don't come across the police very often, although Holborn Police Station is just at the top of the road, and their officers couldn't have been more polite on the four occasions the premises of Just Television have been burgled. So it was something of a surprise when we heard that the Assistant Chief Constable of Hampshire was on the line. Not an entirely pleasant surprise, as it soon turned out; there was talk of having the team charged with conspiracy to pervert the course of justice.

We knew that our re-investigation of the case of Peter Fell, convicted in 1984 of a double murder, would touch some raw nerves in the constabulary; because we think they got the wrong man, and that even at the time they may have suspected as much.

The senior police-officer said he had statements from people who said that we had offered them money as an inducement to give us interviews, and that we had claimed to be acting on behalf of the police. It is precisely to safeguard ourselves against accusations like that that we make a policy of never acceding to demands to be paid for interviews, and of recording - rather more scrupulously than many police-officers - all that happens on research visits. When it comes to the actual interview, I always begin with a formal 'caution', putting on record that the person I'm talking to is not being paid, not being told what to say, and not doing the interview under pressure. We don't transmit that bit, but if we ever get the case back to the Appeal Court, it's there on the transcript to reassure their Lordships.

The Assistant Chief Constable's threat wasn't the first time the police have used such ham-fisted tactics with us, and in itself the clumsy

attempt to bully is not worth talking about; but it raises two of the questions we are most often asked: what actually is our relationship with the police, and how much co-operation we receive from them and other official bodies. It's a sore point. Clearly the very nature of our work challenges the police's conduct of the case. We don't have to go very far into the paperwork before we find corners are being cut. It's not that surprising. Lift the lid on any of the little mafias of the trades or professions and you'll find that things aren't always done by the book. It always amuses us, for instance, that when two or more policemen are present at the scene of a crime or at the interrogation of a suspect or witness, their individual accounts are, to the very word, identical. It's not in itself sinister - why should three policemen waste their time when only one needs to prepare an account, and let the others copy it? The practice only becomes corrosive when it covers an unacceptable tilt in the interpretation, a prejudicial selection of what the witness has said. At the extreme - and much has improved since the introduction of the Police and Criminal Evidence Act - the police would make up what the suspect had said; the mistake in one case I was involved in was that they wrote up a 'contemporaneous' account in notebooks which hadn't even been issued from the stationery stores until several weeks later.

Other corners are regularly cut. The custody record, or Detained Persons Register, logs the treatment of those held in the cells, and, as we'll see, it was to prove important in the case of Peter Fell. A custody officer has a position of the greatest responsibility, and most discharge that duty admirably. But the custody officer is often comparatively junior, and, faced with a senior CID officer investigating the case of one of his charges, the 'woodentop' - as the sharper detectives are wont to refer to their uniformed colleagues - comes under considerable pressure to defer to his superior. As a result, the prisoner may receive visits from Detective Inspectors which go unlogged; he may make

requests for food, legal representation, or contact with his family that - even under new legislation specifically designed to prevent this - may go unrecorded and unheeded.

We don't ask the police for their side of the story, for the very good reason that we have their side of the story in front of us already, in the form of the statements they have taken, the transcripts of the interviews they have conducted, and other documentation. What we do ask the police for is all the other evidence which they have accumulated during their investigation, because this is where we usually discover the reason for things going wrong. What the Crown Prosecution Service, the accused's solicitor, and the court get, in the way of the police evidence, is that slice through the entirety of the evidence which points to the guilt of the accused. Everything else is, in legal terms, 'irrelevant'. The defence has an increasing, but not complete, right to ferret through these 'irrelevant' documents, most of which are, to tell the truth, pretty useless; but how many harassed solicitors, on tight legal aid budgets, have the time to read through the mountain of paper?

The mountain, in the case of Peter Fell, was as well-trodden as a Lake District peak in high summer. For as long as I can remember, there have been doubts about the conviction of Peter Fell for the murder of two women in 1982. Back at the BBC's *Rough Justice*, some had tried to unpick the case in 1986, with no success, and we know that others concerned with miscarriages of justice shared doubts about Fell's conviction. Now that we had formed a television company with the express purpose of investigating such concerns, could we make better progress?

Peter Fell was, very literally, the author of his own misfortunes. On 10 May 1982, two women were walking their dogs on Hungry Hill, part of the army tank ranges which fringe Aldershot, home of the British Army. It was that strange spring in 1982, when Argentina laid claim to some half-forgotten islands in the South Atlantic and Britain, to its own bewilderment, found itself on a war footing. Aldershot was fizzing with activity. A squad of would-be commandos was sweating its way through the gruelling endurance test that would qualify the survivors for a para's red beret. Within earshot of the platoon, and a hundred yards from the safety of the main road, the two women were stabbed to death. The weapon was never found - although by a strange coincidence our own researches may literally have unearthed it - but pathologists identified it as a double-edged knife, possibly of the sort

used by the army's elite SAS. No other clue was found at the scene of the crime - at least as far as we know; the police fingerprinted an entire housing estate near to Hungry Hill, and we assume that they must have had some suspicious print for comparison, but if they did, it was a piece of evidence they have kept to themselves.

That evening, a young man called Peter Fell staggered out of a local Aldershot pub and telephoned the police - without giving his name. We have seen the official note of that conversation. In it, Fell said he'd met a man in a pub, who had told him that he was the killer, and felt terrible about it. He said that the man lived at 10 York Road, Aldershot. (Peter Fell lived at Number 10.) The police did not come round. So, the next evening, he telephoned again, giving the same story, but this time providing the name Peter - his own.

Nothing happened.

In fact it was almost two weeks before detectives acting on the tip-off came round to Number 10. (Uniformed officers had called earlier, as part of routine house-to-house enquiries, because York Road was reasonably close to Hungry Hill and the murder site.) They asked Fell to account for his whereabouts at the time of the murder, three o'clock. Fell told them that he'd been in the pub until 2.30 p.m., and then he'd walked to the town centre and the pick-up point for the job he had at the time as a door-to-door salesman for a photographic company. He had arrived at 3.30 p.m. There simply wouldn't have been time to commit the murder, go home and change out of bloodied clothes, and reach his three-thirty appointment, and the CID effectively eliminated him; 'Sir,' says the hand-written note of the interviewing officers, 'we are satisfied with Fell.'

A year went by. The police investigation had yielded nothing, except for the suspicious sighting of a young man on Aldershot common at the relevant time. The man, apparently wearing a camouflage jacket, had been spotted by a jogger, a Ministry of Defence policeman called Brian Hackney. The police had also gone to great lengths to interview a lorry driver, a man who had been seen with his head in his hands, weeping, close by the murder scene, but had eliminated him from their enquiries. As for Fell, he had moved to Bournemouth, a town he'd chosen to live in - after getting on the wrong bus one day. He had married, but his pregnant and epileptic wife had gone home to her mother. Fell was out of work, bored, and back on the bottle.

Around the time of the anniversary of the murder, he tottered out to

a telephone box, and rang the police again. Bournemouth Police automatically tape 999 calls. This is the transcript of that call:

*Fell:* Uh, I know who did Bournemouth - uh - the Aldershot murders.

*Telephonist:* You know the what?

*Fell:* Aldershot double, double murderer on May tenth, seventy-eight.

[Fell, in his drunkenness, has got the date wrong by four years.]

*Telephonist:* May tenth, seventy-eight?

*Fell:* Yeah, double murderer of two women with two dogs.

*Telephonist:* I'm not quite with you. You've obviously got something you want to say ... do you want to say it?

*Fell:* Yeah.

*Telephonist:* Go on.

*Fell:* Uh, the guy talked to me in the pub ... in the Landsdown, tonight ...

*Telephonist:* Yeah.

*Fell:* (Belch) ... his name is Mr F., Peter Fell ... (Belch) ... Fell, I think.

*Telephonist:* Yeah.

This time the police were interested, although, it has to be said, it was some days before they paid Fell a visit, and they seemed mainly to be interested in a gas-meter break-in at York Road, the flat where Fell had lodged in Aldershot. Eventually, Peter Fell was driven back to Farnborough police station where he was held for three days. He was interviewed seven times, for a total of nearly ten hours. In spite of his constant requests for a solicitor - and police assurances that they'd look into the matter - he was denied legal representation. He took none of the food he was offered.

It's one of the curiosities of the case that the interviews were tape-recorded, long before the law was changed to make such taping compulsory. It was all done in a fairly rough and ready way - at one stage the principal officer did not seem to have realised that he had failed to switch his machine on - and it gives a revealing insight into the language of police interrogations before tape-recording made them more self-conscious. The conversations were a complete dialogue of the deaf. Why, the police ask Fell, did he make those self-incriminating phone calls? The following is an excerpt from one of the transcripts:

*DCI Long:* What did you expect, a police car to come screaming round with flashing lights and all the rest of it to apprehend Peter Fell and take him to

the police station, and the next day there it would be in the local press - POLICE SWOOP, DETAIN MAN ON SUSPICION OF MURDER?

That, of course, was exactly what we believe Fell wanted - his moment of transient notoriety. Fell was an inveterate attention seeker. His, we were soon to discover, was a sad and lonely life. His parents split up when he was three, and Peter was brought up by foster-parents. The first couple couldn't keep him, and the second rejected him after ten years. He went into a children's home, where he is still remembered as a lonely child, desperate to draw attention to himself in little ways, for instance, he once admitted breaking a cup which the staff knew he had never been near.

As he grew up, he moved from one institution into another - the Army. But here again he did not really fit in. His insecurity led him to overcompensate, boasting about his macho exploits, cocking a snook at authority in a vain effort to win the respect or friendship of his fellow-squaddies. They simply found him a nuisance. Fell scrawled a weird message: 'FELL WILL DIE IN TWO DAYS' on the barrack wall; you don't have to be much of a psychologist to recognize that as a desperate cry for attention. On two occasions, while on a tour of Germany, he was caught out lying about having been attacked by civilians. There was a touch of the child about him - he was, indeed, still in his teens; while in Germany he would dial a telephone number at random, and shout, 'Achtung! Spitfire!' down the line.

The summit of his army achievement was to complete a course as a pastrycook. But that wasn't the tale Peter Fell told, when he was discharged from the army 'in the interests of the service.' Fell went to a sports equipment shop, and bought a boxing trophy; then he had himself photographed holding it, and bragged that he was an army champion. He also boasted that he had served in the Falklands and Northern Ireland. It was all untrue. In Aldershot, he loved to drink in the local paras pub, as if some of their virile glory would rub off on to him. The clientele tolerated him, but he was generally recognized as a harmless, if pathetic, inadequate. He has since confessed that he telephoned at the time of the Yorkshire Ripper murders, incriminating himself, but we have no proof of that, and the claim itself may simply be another attention-seeking device.

But as far as the police were concerned, as they interviewed Fell, they had at last, after a year's futile investigation, someone who had

drawn suspicion upon himself. The police tactic - not unusual in those days - was to confront Fell with a mass of incriminating detail, to convince him of his own guilt. 'Bit by bit, it's building up against you,' they say at one point, 'and the sooner you see clear, my sunshine, the better it will be.'

Fell replies:

I have not murdered nobody, never have and never will, there's not a lot else I can say. I haven't murdered anyone. I know the phone calls and all that, but there's other things I've done, why I said to my wife and other people I used to box for the army, that's only because I wanted to be somebody, same as the Falklands ... it was just because I wanted to be someone. I think that's probably why the phone calls were an' all. I'm nobody, never will be and never was, that's the only reason I think I did the phone calls.

The second officer involved, Detective Sergeant Searle, adopts a more confiding tone: 'Peter,' he says, 'I'd like to explain something about human nature. The most difficult thing in the world is for anyone ever to admit they're wrong, no matter when or what circumstances. If you went back to the days of Adam and Eve you've got a point there when people started lying. You do it, forget this job. From the day you started to walk, you lied.'

Few scriptwriters would dare put such a speech in a fictional policeman's mouth.

In fact, the police had got next to no hard evidence against Fell, except for those phone calls which they blunderingly overlooked at the time. Photo-fits of a mystery man on the common had been issued a few weeks after the murders, and they apparently bore an uncanny resemblance to Fell. Eleven people called the police to remark on the similarities; but, again, the police had failed to act on the information. Now, it became part of the supposedly ineluctable weight of evidence against their suspect.

Gradually, Fell began to yield to the police suggestions. You could hear, on the tape, his stumbling, Lancashire whine move from defiance to compliance. At first he said he'd never been on the common, but then he admitted that certain parts of it were, after all, familiar. This was hardly surprising since, in an attempt, as they said, to 'encourage his memory' the police had twice taken him to the scene of the crime. Eventually, at the end of a marathon interview session - the beginning

of which incidentally, was unrecorded because of DCI Long's problems with tape technology - Fell stuttered out a partial admission. He had been on the common; he'd met the women, and struck one of them with a stick, because, he said, she reminded him of his hated mother. Reminded by a third officer that death had been caused by stab wounds, Fell said he couldn't remember anything about a knife.

It was a fairly useless confession, and a few minutes later Fell asked to retract it, saying it had all been untrue. The police were exasperated - 'words fail me, Peter'. The jogger who had identified the unidentified man on the common was called in to attend an identity parade, but failed to pick out Fell. So the police let him go.

But three months later Fell was arrested and charged. The police had discovered, from one of Fell's work colleagues, that he had arrived later than usual at work on the fatal day, and that he'd been surprisingly well-dressed. And they had the damning evidence of another lodger at 10 York Road, a man called John Harper. Harper had earlier said that he thought Fell owned a knife; now he was saying that he'd actually seen a double edged knife, of exactly the type we - and presumably the police - believe was used in the murders, tumble out of Peter Fell's kitbag when they were lodging together.

Fell was convicted of murder and sentenced to life imprisonment. At his subsequent appeal, the then Lord Chief Justice, Lord Lane, grumbled that the longer the appeal had gone on, the more convinced he had become of Fell's guilt, which was exactly the sentiment he was to express, four years later, in wrongly rejecting the appeal of the Birmingham Six.

It was a vast case. Throughout, the problem was where to stop. Stephen Phelps, for instance, began to analyse the whereabouts of everyone who had been on the common at the relevant time, duplicating the police effort of the time. But we had to remind ourselves that we are not the police; we do not have police powers - we cannot compel people to talk to us, for instance - nor their resources. Squadrons of officers had set to work - to no very obvious effect - in asking everyone who had been on the common to come forward, in cross-referencing them, and so excluding them from the investigation; just three of us were available to work on the Fell case. We did uncover some fascinating discrepancies in the evidence which seem to have eluded the Hampshire Constabulary, but the sheer scale of the task compelled us to cut our losses and abandon that particular avenue. In

retrospect, the exercise would have been as futile as was the police's original strategy; the common is a vast tract of land, and any number of people engaged in innocent, criminal, botanical or adulterous pursuits, might have had their own reasons for failing to come forward. But the problem with this sort of work is that you never know what nugget of information may lie round the next comer, or the next. In fact, months later, and after the programme had been made, one of Phelps' identification analyses was to come in very handy.

For Nina Davies, the Fell case was something of a contrast with her previous researches among the down-and-outs of Kingston. We knew, in most cases, where the relevant people lived, and, for a great deal of the time, the research was conducted on the telephone from the airy third floor of the converted warehouse where Just Television is based. Which brings us back to that question about the help and co-operation we get - or do not get - from various organizations apart from the police.

Not having police powers, we rely on people's goodwill, and, when it comes to individuals, we are constantly refreshed and delighted by their willingness to help. Once or twice in every case we'll come across the odd, truculent don't-want-to-get-involved attitude, but on the whole people are amazingly generous with their time and co-operation. A television team is a cumbersome unit; I remember one interview during the Fell investigation in a front room in Accrington, where the only material possessions on display were a fish-tank, a carpet, and a pot plant. I spilt a cup of generously-offered coffee on the carpet; one leg of the camera tripod somehow crushed the pot plant; the sound man asked for the fish-tank aerator to be turned off for the duration of the interview because of the bubbling noise it made, and I can't swear that we remembered to turn it back on again afterwards. And yet, for all the trouble we represent, once people are convinced of our sincerity and seriousness of purpose, they seem happy to help us.

Organizations are a different matter altogether. In the case of Peter Fell, the actions of Lancashire Social Services and Barclays Bank drove us mad with exasperation. We wanted to talk to a former house-mother at a children's home about Fell's childhood. Clearly, matters of confidentiality were involved and we would need official permission, not least from Fell himself. Fell, unsurprisingly, gave us *carte blanche* to rummage through his life. We knew where the house-mother lived, and that she possibly held important information; we also understood that

she was willing to talk to us. We were aware that she would want, and require, permission from her superiors before considering a formal interview. We lost count of the letters we wrote, the telephone calls we made, the sheer waste of days that passed as we tried to cajole a response - any response - out of the bureaucracy.

At one stage we called on a member of our esteemed advisory group, the MP and hero of the Birmingham Six campaign Chris Mullin, to see if we could exert a bit of parliamentary pressure. Chris told us that the etiquette was to get the local MP involved. Unfortunately, that backfired; we had asked for a little gentle pressure to be exerted, but the MP intervened so forcefully that it took us weeks extra to try to smooth ruffled bureaucratic feathers. It was clear, however, that this was an organization dedicated to thinking up reasons why things cannot be done, with the reverse-Micawber philosophy of hanging around waiting for things to turn *down*. It was such a small, uncontroversial thing we were asking - 'what sort of a lad was he?' - and yet the whole inertia of Lancashire Social Services seemed dedicated to obstructing our efforts.

The request dripped along from department to department until it reached the administrative black hole of the Legal Department. It spent a long time there, possibly because, in our experience at least, they seem to knock off from work surprisingly early of an afternoon, especially on Fridays, though I am constrained to say that almost certainly this is a misapprehension on my part, and that our telephone calls simply caught them at times when the staff were too busy to respond to them.

Eventually, we ran out of time. We had already wasted enough. We know the problems of confidentiality that our request might raise; but it was clearly beyond the collective bureaucratic wit of the department to do this simple service for the boy who had once been in their care, and to whom they stood in *loco parentis*. When and if the Court of Appeal quash the conviction of Peter Fell, I hope Lancashire Social Services acquire the institutional capacity to feel ashamed of themselves.

Barclays Bank was slightly more helpful. Fell hadn't been able to remember what he'd been doing on the afternoon of the murders, and it was dogged work by Roy Churcher, a former policeman working for Fell's solicitor, that unearthed his movements at the critical time. Churcher discovered that Fell had cashed a cheque for ten pounds at the Aldershot branch of Barclays. The cheque had gone through the

computer at 3.47 p.m. We traced the cashier, who explained that the cheque must have passed through her till between 2.30 and 3.30 p.m. This effectively alibied Fell for the murder, which had happened at three o'clock. We wanted two things - the cashier to repeat this story, and permission to film on Barclays Bank premises.

We did the proper thing and wrote to Barclays Head Office. Eventually, we were summoned to the palatial splendour of the former Royal Mint, where Barclays Bank spends our bank charges on keeping the management in the appropriate style - the reception area is slightly grander than the ballroom of Blenheim Palace. Present at the meeting were the head of security, the head of the legal department, the chief of PR, and someone who seemed to be the head of everything else.

After protracted negotiations, we got permission to film in a branch, and were told that the cashier could talk to us if she so wished. In fact, she later confided to us that they had told her that while they could not prevent her from giving an interview, the bank would prefer her not to. The feeling was, apparently, that for the bank to be associated with a convicted murderer was bad for business. It never seems to have crossed their minds that there might be some corporate sense of duty to help correct a possible - indeed likely - miscarriage of justice. Thankfully, the cashier had the courage and conviction to do what she thought best. In the end, we filmed the interview, with Barclays management hovering nervously on the margins, and we filmed a brief sequence at the Barclays branch where I have my account.

There is no excuse for the intrusive excesses of British journalism, but perhaps there is an explanation in the pig-headed reluctance of British institutions to volunteer the meanest degree of co-operation.

The cashier, Shirley Hower, sturdily disregarded the bank's advice. 'I'm retiring in a couple of months, anyway,' she said, and told us that she was '100 per cent certain' that she had cashed Fell's cheque at a time that alibied him. But that didn't advance the case very far from our point of view. The bank evidence had already been heard at Fell's trial. Indeed the judge had even invited the jury to accept it and throw out the case against Fell in mid-trial. For reasons which surprised lawyers at the time, the bank alibi was not accepted. We needed new evidence, because that's the only evidence the Appeal Court will accept.

The breakthrough on Peter Fell came through a combination of luck and application. Nina Davies was concentrating on the evidence about the knife. Fell was adamant in correspondence that the only knife he

owned at the time was a penknife, with which he opened the cans of cold baked beans which sustained his bachelor life. We were intrigued that his fellow-lodger, John Harper, had changed his mind about whether or not he'd seen Peter Fell with a knife.

For a witness to change his mind, on such a critical issue, rang alarm bells. We became all the more concerned when we investigated Mr Harper's background at the time. We discovered that when he made his second, damning statement, Harper was in a bail hostel, awaiting trial on a number of fairly minor charges. He was, then, clearly in a vulnerable position. Could the police, convinced of Fell's guilt but lacking the evidence to prove it, have found in Harper the convenient final piece of the jigsaw?

We wouldn't know until we ourselves found Harper. And clearly others had been doing that for some time, with no success. We discovered that the birth certificate of every John Harper of the relevant age had been sifted at the St Catherine's House register. Fell's solicitor, the admirable Mike Roberts, another of those unsung heroes, has pursued Fell's case assiduously for ten years. He told us that all his efforts to find Harper had failed.

Nina was about to go on holiday. On her final afternoon, she was leafing through some of the untendered witness statements - the so-called 'irrelevant' papers - when she discovered a vague reference to Harper from a man claiming to know him. Nina's last act, before setting off to Wales, was to go to this man's last known address, near Farnham. It seemed to be a wasted trip. There was no answer. Nina dropped her card through the letterbox, and went off for her summer holidays, not entirely hopeful either that he would respond, or that, ten years on, he would still know of Harper's whereabouts. When she came back to work, she was astonished and delighted to find a reply. Yes, the man said, he had known Harper for a long time; Harper and his own son were good friends. Indeed, following the recent breakdown of John Harper's latest relationship, the two had agreed to share a house.

Gently, Nina won the man's confidence, and finally gleaned the vital address: a small house in a place called Grays, in suburban Essex.

Nina and I set off one evening - the best time to find people in. The train from Liverpool Street dragged its load of weary commuters through the dim estuary-land of London. The lights of Dagenham, twinkling in the murk, provoked wry reminiscences of the glamorous life television had seemed to offer when we chose it as a career. A minicab

took us to a drab terrace on the outskirts of town. Dreary as it was, cold as we were, there was still an undeniable frisson of excitement at the prospect of meeting this key, but inconstant witness. Nina knocked on the door. There was no answer. I looked through the letterbox; there was no build-up of junk mail - a good sign - but the coat-hooks in the hall were bare. There was no one at home.

We sat and killed time in Britain's nastiest pub, and we speak with the authority of those who have killed time in a lot of tacky hostelrys. Tuesday night, a sign said, was Karaoke night; but this was Thursday. Two regulars sipped truculent halves of anonymous estuarine bitter. Time went by in lead boots. A satellite-television music channel blurted away, but the noise somehow only contrived to make the place seem emptier and more dead. For the first time in thirty years I ordered a Mackeson, reasoning that a drink I did not like would force me to drink it more slowly, thus prolonging my time in the pub. The crisps had a strange, chemical flavour that I have never encountered since. I swear my shoes caught mildew by the time we reckoned the house was worth a second visit. We returned an hour later, but the house was still dark. If we left now, we'd be home by bedtime. It would, however, be more professional to wait another hour. Nina and I looked at each other. We conspired to go home and try again another day. A lot of the work is like that. Waiting, watching, and going home - an evening wasted.

And there are simply some days when you get fed up with pretending to be Woodward and Bernstein, and you fancy an early night tucked up in your own warm bed.

Sometimes, rather more time than necessary gets wasted. I remember the small hours of one particular morning. We were just about the only people in the motorway cafeteria, except for the young couple at the corner table who seemed to be very much bound up with each other and presumably had their own elaborate reason for being there that late. Our own reason, rapidly becoming more threadbare, was that we were there to meet a policeman who said he had important information for us. He'd chosen this particular rendezvous because his colleagues had misbehaved here a few months ago and the management had complained, so there was an informal police boycott of the place. The trouble was he should have been here two hours ago. For the loving couple in the corner, presumably, time had no meaning, but, for us, the moulded plastic seats had grown very hard. It was now two minutes past three. We said we'd give it till three-thirty before

giving up.

As we got up to pay for a lot of coffee, the young man at the corner table looked up. 'You the people from the television?' he asked. Yes, we mumbled embarrassedly, adding that he didn't look much like our idea of a policeman. 'Well, if it comes to that,' he replied with a smile, 'you're not exactly my idea of investigative journalists.'

For the next attempt to talk to Harper, Stephen Phelps and Nina took the train to Grays. Once again, John Harper wasn't in, but his flatmate was. John would be back soon, they were told, when he got back from his weekly karate workout. The house - two up, two down - bristled with military trophies. His flatmate went back to his hobby - stripping down a Bren gun. It was that sort of a ménage.

Harper, who was currently in the middle of exams to qualify him as a life insurance salesman, was understandably surprised to have a ten-year-old incident come back to haunt him. Stephen Phelps explained what we were doing, and asked if he could take him through the statements he had made. Harper agreed. He looked at the first statement, in which he denied ever seeing Fell with a knife. Was that the truth? Yes, Harper indicated. Phelps then read him the second statement, in which he told the police that he'd seen a knife fall out of Fell's kitbag. Was that the truth? Harper, his face tight but expressionless, admitted that what he'd said was untrue. There was utter silence in the room. Nina kept her eyes fixed on her notebook, avoiding eye contact with Phelps. After ten years, here was the first crack in the case against Peter Fell.

Getting the admission was one thing; getting it on film another. We had several meetings with John Harper, each time asking about the possibility of a filmed interview. Each time we got a polite request for more time to think about it. At the same time, Harper was anxious to practise his salesmanship techniques on us. We agreed to help him, submitting to the whole patter about the advantages of endowment policies as provision for retirement, as his supervisor assessed his technique. It was an attempt to gain Harper's confidence, but the time came when we felt we had to bring matters to a conclusion. We finally made an appointment to meet him one Monday evening, leaving the open question of whether or not we would bring a film crew with us. We were let in, but Harper was late. Was he trying to avoid us? To make absolutely sure that there could be no accusation of undue pressure, we brought Mike Roberts, Fell's solicitor, with us. Eventually, Harper

arrived. His eyes fixed on the television camera which was parked on the sitting room floor as we sipped the cups of instant coffee we had been offered. 'I never said anything about that,' he said, indicating the camera. Slowly we explained our dilemma. We could not indefinitely continue to accept his procrastinations. Was he, or wasn't he going to give us the interview? The choice was his; with any interviewee, it always is.

Harper agreed. At any time over the next hour, as we put up the lights in the front room, he was in danger of renegeing on that agreement. But, finally, he sat down in front of the camera. For the next few minutes I had no idea how Harper would respond. He is a supremely fit and strong young man. His language is confident, his conversation is all about action, aggression, assertion. Yet I thought I saw in his eyes a touch of the little-boy lost. The relationship between the interviewer and the subject is an extraordinarily intimate one, in spite of the artificiality and distraction of a conversation conducted in front of a crew of strangers armed with an arsenal of technical equipment. In any interview, you have to decide the tone of the conversation; it's a matter of instinct as to whether you choose to be confiding and intimate, brisk and businesslike, confrontational, teasing, or whatever. Aggression would have been fatal; a confessional approach would have been alien and awkward. I decided I was dealing with a young man who needed to summon all his reserves of courage to admit to what must have been a long-buried shame. He would respond best, I reckoned, to a firm, adult, but understanding style of conversation. A father for the lost little boy.

It was, nonetheless, one of the most awkward - though compelling - conversations we have ever transmitted. There were aching gaps between question and answer; Harper wasn't tongue-tied; he was just hoping that something, anything, would fill the void, and spare him the pain of articulating his admission. On such occasions, agonizing as they are, the interviewer just has to keep silent and wait for the catharsis of confession. Does that constitute pressure? I suppose it does. Unwarranted pressure? I don't think so, if it's a question of putting on the record something you have already been told.

John Harper said he'd been under pressure from the police to say he'd seen a knife, 'I was a lot younger then,' and had finally told them what he thought they wanted to hear, but what he knew was untrue. Then the police had taken him to a knife shop where he picked out the

sort of knife which he assumed the police were looking at. Pathologist Dr Iain West studied the post-mortem pictures for us, and concluded that the likeliest weapon was a Fairbairn Sykes, first designed in 1940 and issued to British commandos. Horrifyingly, anyone can buy one of these killing knives over the counter in any number of shops specializing in militaria - especially common in Aldershot. The Fairbairn Sykes has no innocent function; 'its purpose is to stab, it's a killing knife, it's a strong blade, double-edged, it's easy to extract it from bone if it strikes bone.' Harper knew the weapon well, because he, the essential macho action man, was a member of the Territorial Army.

The admission did not prove Fell's innocence, but it blew a mighty hole in the case that convicted him, and gave us renewed confidence. At the same time, analysis of the taped interviews was yielding some fascinating information. In this awesome case, how many people had actually listened to all nine or ten hours of the recordings? Two women had been horribly killed, families had been destroyed, and a man had spent twelve years in jail. Yet few had deemed it necessary to go back to what had actually convicted Peter Fell. It was to prove a goldmine of information. We discovered, for instance, the origin of the supposed motive for Fell's attack - one of the women had reminded him of his hated mother. This had always puzzled us, because the picture of one of the victims shown to the court was a ten-year-old passport photograph which, anyway, bore no resemblance to Fell's mother. Listening to the tapes, through the hiss and the crackle, we heard Fell trying to explain to his interrogators why he had made those phone calls; he's done a lot of crazy things in his time, he admitted in his thin, clipped Lancashire whine. For instance, when he was a lad, 'I hit me brother for no reason at all.' DCI Long, a southerner, responds: 'You hate your mother?' Fell is baffled. He corrects the Chief Inspector: 'No, I said I hit me brother.' But the damage has been done. In the next few seconds, Long returns to the subject: 'What exactly was your relationship with your mother ...?' A simple mishearing has sown the seeds of a fatal misapprehension.

I took the tapes, all nine hours of them, home, and checked them against the official transcript. It was a simple, clerical chore, but it gave me a vital perception of the dynamics of Fell's interrogation. But as far as I could see - apart from the acknowledged gaps - the transcript was a worthy attempt to make sense of the distorted static-ridden recording.

It was Stephen Phelps' idea to time the tapes. In a properly

conducted interview, officers state the time at which the interview begins and ends. Fell's interrogators had been scrupulous in this respect, so we knew how long each tape ought to last. It was my fault for not having had the wit to time the tapes myself while I was listening to them, but my heart sank at the prospect of listening, in real time, to those wretched tapes again.

I was wrong, and Phelps' instinct was right; nearly all the interviews came up intriguingly shorter than they should have been, according to the timings logged by the officers themselves at the beginning and end of the interviews. There appeared to be a variation of between three and eight per cent. Fell had always claimed that the tapes were significantly edited, but we had not, in truth, taken him very seriously. The tapes, after all, did conform to the transcript. Had Fell been right all along?

We took our tapes to an expert in York who analyses recordings and appears as an expert witness both for the prosecution and the defence. We wondered if the apparent discrepancies in our tapes - which were, after all, only copies, and maybe copies of copies - might be the result of simple slippage between one recording machine and another. But the expert's analysis was that the deviation couldn't be explained away simply by mechanical causes. This was a long way from concrete evidence of deliberate tampering. But Phelps' fascination with the tapes yielded two other key discoveries. First, he was intrigued by those areas where, by the police's own admission, the tape had run out or failed to function. The police statements filled in the gap in the transcripts with their record of what they recalled of the missing conversation.

In the light of our new evidence about timings, this yielded some hilarious results. In one interview, logged as lasting seventy-five minutes, the tape runs out sixteen minutes before the end. The police account of what was said in those sixteen minutes consists of just twenty-five words. The pauses must have been of super-Pinteresque proportions. Sixteen minutes of conversation, conducted at the same pace as the recorded part of the interview, would have covered more than twenty typed A4 pages. Idleness or deception by the officers concerned? Certainly there is an arrogance implicit in the police attitude - the assumption that no one was going to notice this fairly substantial corner being cut.

The deeper we explored the tapes, the more surprises they

revealed. No one had thought to question them, because there was, after all, that transcript, which the police had, quite reasonably and properly, incorporated verbatim, like the script of a play, in their own sworn statements. But then we made an astonishing and quite accidental discovery. We were looking at a passage in a police statement, and comparing it with the transcript. Obviously, the transcript and the statement should match each other, word for word. But the police statement incorporates extra material - stage directions, if you like, such as 'the suspect was then shown copies of the photographs' - which doesn't occur in the verbatim transcript because, obviously, those words were not spoken. We discovered that where there were 'stage directions' in the police statement, there were physical gaps in the transcripts - blank, white spaces. The unthinkable began to dawn on us. The police hadn't copied the transcript into their statements, as is usual - it was the other way round; the transcript had been copied from the police statements. For years, the integrity of those police statements had been based on the existence of an apparently independent transcript. Now, we could prove that the transcript guaranteed no such thing.

In these days of word-processors, the discrepancy wouldn't have been noticed. But the documents dated from the time of Xeroxes and correcting fluid.

But the transcript held more surprises in store. We noticed references by Fell to things that had been said 'in the cells' - remarks that were curtly interrupted by the interviewing officers. It became clear to us that the recorded interviews told only half the story. Fell had been visited by officers in the cells, where, of course, the conversations went unrecorded. What could have been said during those encounters?

It was an important question, because at Fell's trial much had turned on whether or not Fell was induced to confess with the promise of a reduced charge - manslaughter - instead of murder, with its mandatory life sentence. The qualification for manslaughter, of course, is that you are not responsible for your actions, and Fell did give the somewhat stagey impression of being temporarily insane when he made his limited admission. 'Everyone was laughing at me ... the trees were laughing at me ...' is a fairly B-movie line of confessional dialogue.

At Fell's trial, the judge very sternly told the court that if there was the slightest suspicion that Fell had been offered an inducement to confess, he would stop the trial. Detective Sergeant Searle admitted

that an informal conversation about the difference between murder and manslaughter had indeed taken place in the car park of the police station, shortly before Fell was taken to visit the site of the murder. But he insisted that Fell had introduced the topic, and that no deal had been offered.

But the custody record showed us something rather interesting; just before the interview in which Fell made his fatal, if inadequate confession, the record shows that the detective leading the investigation visited him in his cell. Just before trial, DCI Long made a statement to the effect that he'd had an 'informal conversation' with Fell which lasted fifty minutes. His account of that conversation runs to twelve lines; fifty minutes of properly transcribed dialogue would take up seventy pages. Fell has always maintained that in those fifty minutes he was offered a deal and that, persuaded that the police had enough 'evidence' to have him put away, he opted for the hope of a reduced charge. He said that he naturally brought the matter up shortly afterwards with Detective Sergeant Searle when they were alone together in the station car park. Deprived of a solicitor, he was anxious for any advice. Long, the senior officer, told the court that he had not agreed to Fell's requests for a solicitor because to do so would impede the investigation.

The case against Peter Fell began to look increasingly ragged and rickety. But that, while possibly being enough in law to warrant the quashing of a conviction, didn't prove Fell's innocence. Most police malpractice is the result of officers 'improving' the evidence in a case where they are convinced, often reasonably, that the suspect is guilty. Presumably, there are many quite correct, and ultimately unchallenged convictions thus assisted. In Fell's case, there was, after all, the matter of those self-incriminating telephone calls. Not the action of an innocent man - though hardly, of course, the action of a guilty one. We knew about Fell's pathetic attention seeking, but what was the experts' view?

Nina traced the prison doctor at Winchester and, with Fell's permission and that of the enlightened prison department regime - Lancashire Social Services, please note - we discussed the Fell case. Dr Robin Ilbert is one of the old school, who hides a lifetime's expertise beneath a charming, apparent amateurism. The cell doors clanked again as he let us into the prison hospital wing. I had always imagined prison hospital to be a comparatively soft option, but the hospital cells of Winchester have changed little since Victorian times: cream-painted

brickwork, a small window too high to look out of, and a hatch on the door armed with bars at just the right height to aid distressed inmates to hang themselves with their sheets, as they often, in spite of the hospital staff's best endeavours, succeed in doing.

Dr Ilbert remembered in Fell a simple young man who clearly, he said, needed to boost his ego 'by telling whoppers; it seemed to have become a survival mechanism for him.' At the time, Ilbert had been relatively inexperienced as a prison doctor; these days he would have no hesitation in seeking the advice of a forensic psychologist such as the Maudsley Hospital's Dr Gudjonsson, a former Icelandic policeman who had a Damascene conversion when he witnessed at first hand a miscarriage of justice. Gisli Gudjonsson has since developed an international reputation in the assessment of vulnerable testimony.

We did what Dr Ilbert suggested, and showed the Fell case to Dr Gudjonsson and his colleague, Dr James MacKeith. His report, some months later, confirmed what we had, in our amateur way, always believed: Fell was, in 1983 'a psychologically vulnerable person ... I have serious doubts about the reliability of Mr Fell's self-incriminating admissions.'

An alibi at the bank which has never been overturned; a self-confessed perjury about the knife; doubt over both the police practices (they would be totally unlawful these days) and the mental state of Fell - all that was truly left of the case against Fell was his resemblance to the photo-fits issued a month or so after the murders. A number of people rang in to say how uncanny the resemblance was to Fell. But - and it's strange how often the glaringly obvious eludes us - that resemblance must have been to Fell as he was, not at the time of the crime, but as he was a month later.

It's a secret neither the police nor the BBC's *Crimewatch* have ever chosen to share with the public, but photo-fits are, on the whole, worse than useless as an aid to detection. Professor Graham Davies, of Leicester University, is an expert in identification, and he told me that forty-five per cent 'bear little or no resemblance to the suspect who is eventually apprehended ... only five per cent are sufficiently striking to allow the police to make an arrest.' The very first photo-fits were based on features of actual prisoners; and when, in the sixties, male fashion became more unisex, photo-fit experts simply borrowed some female hairstyles and put them in the men's box - so much for the forensic miracle of photo-fits. The inherent problem is that the very technology

forces you into being more precise than is warranted by memory - you have to choose one particular set of eyes, or a nose, or a mouth, when all you really remember was the suspect's hair. In fact hair, according to Professor Davies, is the single most reliable feature we can remember.

The photo-fit showed a man with long hair (described, in a statement I will treasure from a former President of the British Institute of Trichology whom we brought in as an expert witness, as 'sort of wodgy'.) Fell's hair was of medium length at the time the photo-fit was issued and people noticed the similarity. But critically - Fell's hair was short at the time of the murder, and the time of the sighting. We can tell this because we know how long his hair was when he had the infamous photograph taken of him posing as the army boxing champion. So those photo-fits should have served, if anything, to exclude Fell from suspicion.

When we came to make the programme, we discovered more telling details. The suspicious fact that Fell had turned up for work uncharacteristically neat and tidy on the afternoon of the murder, for instance, became a touch less suspicious when we traced his employer at the time. Fell was new to the job - he had only been doing it a couple of days or so - and the boss told us that on the very day before the murder he'd read Fell the riot act about his scruffy appearance, and told him to smarten up. We interviewed a woman who described a terrifying attack by a man who looked exactly like the photo-fit of Fell - at a time when we know Fell was still with the army in Germany.

But there were two possible pieces of the jigsaw which only came to light as a result of the publicity generated by the programme's transmission.

First, a woman regularly employed by the Hampshire Police rang in. She told us she was an artist, who helped the police in rape cases. She had the talents and tact necessary to elicit from victims descriptions of the assailant, and produce an artist's impression. Half-watching the programme, she saw the picture of Fell, 'and the hairs stood up on the back of my neck.' The genuine Fell bore an incredibly strong resemblance to a soldier convicted for rapes at knife-point; assaults which had been perpetrated some four years after Fell had been in prison. That soldier had been apprehended after she had produced drawings of him based on the victims' experience, and he had been found to own a vehicle described in the attacks. Fell may have had the

simple misfortune to look like the real murderer.

Another call was from a man whose hobby was treasure-hunting. Thirteen months earlier he'd been out with his metal detector a couple of miles from the site of the murder. His apparatus had picked up an echo. Buried deep was a rusty knife. A Fairbairn Sykes commando knife. We rang up the army to ask if there were any conceivable circumstances in which a soldier might innocently bury such a valuable piece of kit, and were told, unsurprisingly, no.

We handed it over to Fell's solicitor, asking that he pass it on to the police. It could be important evidence. And we don't want to be accused of suppressing evidence, or perverting the course of justice.

We are, at the time of writing, still waiting for the wheels of justice to grind. These things can take several years. Stephen Phelps always reminds me that his daughter was born six days after transmission of the programme we made on the case of the Darvell brothers in Swansea. By the time the two men walked free from the Court of Appeal, she was three-and-a-half. We know that the police are re-investigating the matter. And we haven't heard any more from the Assistant Chief Constable, who may have better and more important things to do.