

51. The Evidence

Mattan's conviction was quashed because the Appeal Court decided it had been unsafe. But it wasn't the court's job to declare anyone else guilty of the murder. In legal terms, it wasn't even the court's job to declare that Mattan was innocent – though it seems clear from the judgment that the judges believed he was.

Not everyone shared that belief. Roy Davies, a retired Detective Superintendent who had been deputy head of the Regional Crime Squad in Cardiff, wrote a short book in Welsh on the case in 2000. Although Davies acknowledged that Mattan's conviction had been unsafe, the book ended with a strong suggestion that he might still have committed the murder.⁹¹³ Perhaps Davies was one of the "Doubting Thomases" Mervyn Mattan had complained about in 2003.

What conclusions can we reach now about the murder, in the light of the available information? Could Mattan really have been guilty after all? If not, does the evidence point instead to Harold Cover, to Tahir Gass, to Dahir Awalhi, or to anyone else? Of course, after 67 years, we can't hope for certainty, but perhaps we can at least suggest some answers to these questions.

The police investigation of the murder of Lily Volpert fell into two very different phases. The first phase, which lasted nearly a week, was a painstaking search for the murderer by textbook detective work – looking for witnesses, interviewing likely suspects, searching premises, checking alibis and trying to trace the movements of nearly 140 merchant seamen for whom Lily had cashed advance notes. The second phase began when their attention moved to Mattan on 12 March, and was very different. The textbook went out of the window. They took as a starting point their suspicions against Mattan – which were entirely circumstantial – and did everything they could to confirm them. Some inconvenient facts were ignored or concealed, and others were twisted so that they would fit into a neat pattern. Mary Tolley was questioned repeatedly until she produced suitable evidence, and her earlier statement – which told a different story – was suppressed. The original statements of Lily's mother, sister and niece didn't fit in with the new story either. So they too were suppressed, and

⁹¹³ Even the title of the book, "*Crogi ar Gam?*" – "Wrongly Hanged?" – ends with a question mark.

replaced with fresh versions. When all else failed, the police relied on Harold Cover's testimony, which they knew was false. It's hardly surprising that the result was a miscarriage of justice. What happens if we try to look at the evidence more objectively?

The crime scene gives us some indications, but nothing very specific.⁹¹⁴ The murderer seems to have been familiar with the routine of the shop, and may have been a merchant seaman who had cashed advance notes there in the past. Apparently he posed as a customer, and probably he pretended he wanted to buy a pair of shoes. And he was right-handed. But none of this rules out any of the suggested suspects – Mattan, Cover, Gass or Awalhi.⁹¹⁵

The murderer wore gloves, and at least one of them would have been heavily blood-stained. Perhaps there would also have been other bloodstains on his clothing. He had a razor or a sharp knife, and obviously that would have been blood-stained too. Apparently he got away with a large sum of money – probably at least £100, and perhaps twice that amount – and most of it was in pound notes. But the money was never recovered, and no one was found with a blood-stained weapon or blood-stained clothing in his possession.⁹¹⁶

If the crime scene evidence had been all there was to go on, identifying the murderer would have been a hopeless task. But fortunately, we also have the descriptions of several men who were seen in or near the shop around the time of the murder.

In some cases, there's no reason to connect these sightings with the crime. There's the man Mary Tolley and Margaret Bush met in the street, after they'd left the shop, and the two men Esther Williams saw in the doorway of the next shop but one.⁹¹⁷ There's no indication that any of these men actually visited the shop, and their descriptions don't match those of the men who did. It was a rainy night, and it would be natural for people to be

⁹¹⁴ See Chapter 5.

⁹¹⁵ All four were or had been merchant seamen. None of them appeared on the police list of seamen for whom Lily Volpert had cashed advance notes, but evidently that list was very incomplete. Although it's not clear whether Cover and Awalhi were right-handed, Mattan and Gass evidently were. Ahmed Hassan and Frank Gibbins said Mattan had taken a razor out of his (left) breast pocket, and Lavery found the broken razor there. Olabisi Oshin said Mattan had held a razor in his right hand (see page 63). Gass drew a knife with his right hand when the police chased him across the fields in 1954, and he'd earlier cut the knuckles of his left hand with a knife (see page 226).

⁹¹⁶ Apart from the tiny specks of blood on Mattan's brown suede shoes (see Chapter 25).

⁹¹⁷ See page 37.

sheltering in shop doorways.

The man seen by Joyce Blackmore in front of Sam On Yen's, four doors away from the shop, can probably be discounted. She herself thought he might have been waiting for a bus. She said a bus went by as she went out of the shop, but it didn't stop because it was full. But very soon afterwards Bernard Sullivan saw a man in the same place, and they both got on a bus a couple of minutes later. Unfortunately the police didn't ask him to describe the man beyond saying he was "coloured." The only difference was that he was standing in a doorway, whereas the man Joyce saw had been standing towards the kerb. But that would have been natural if at first he'd been looking for a bus coming, and had retreated to the shelter of the doorway when one went past without stopping. After all, it was raining.⁹¹⁸

The statements of Dorothy Taylor and Sheila Rees seem more relevant.⁹¹⁹ They told the police they'd seen a man outside the shop twice – once at two or three minutes past 8 o'clock, and again five or ten minutes later. The second time Dorothy thought he looked as though he'd just rung the doorbell. But the descriptions they gave were vague – he was fairly tall and might have been a Somali, and they thought he'd been wearing a dark coat and perhaps a trilby hat. And vague though they were, those details didn't match the men seen by Fanny Volpert and Doris and Ruth Miara, or either of the men seen by Harold Cover. And if the man was really standing outside the shop between those two times, several other witnesses should have seen him there, and they hadn't. Could the women be sure they'd seen the same man both times they passed? Perhaps the second time they did see the man who rang the doorbell – we know it rang only once – but their statements probably don't give us any useful information beyond that.

The most problematical witness is Mary Tolley, with her story of the man who came into the shop while she was being served – some time between 8 and 8.05.⁹²⁰ She changed her story several times – in her first two statements she didn't mention that anyone was in the shop, then she said Mattan had come in and left a few moments later, then she said he might not have left, and finally she said in court that it hadn't been Mattan after all. Instead, she described the man as a tall Somali with a small moustache, wearing a light mackintosh and a trilby hat.⁹²¹ To make matters more

⁹¹⁸ Statements of Joyce Blackmore and Bernard Sullivan.

⁹¹⁹ See page 38.

⁹²⁰ See Chapters 17 and 18.

⁹²¹ When she'd first mentioned the man – and identified him as Mattan – she said he was in his 30s and of medium build, and was wearing brown trousers and a dark trilby hat.

confusing, her companion Margaret Bush hadn't seen or heard anyone, and it's doubtful whether it would even have been possible for someone to walk into the shop in the way Mary Tolley described.⁹²²

What are we to make of all this? Did Mary Tolley really see Mattan in the shop, and initially keep quiet about it because she was scared? Or did she falsely identify the man she'd seen as Mattan, under pressure from the police? Or did she invent the whole incident?

There was a reason why Mary Tolley might have been particularly vulnerable to pressure from the police. In October 1951 she had received a conviction related to prostitution in Bute Street. John Lavery later described her bluntly as a prostitute working the Docks area. Clearly, the police would have been in a position to make life difficult for her. Lavery insisted he knew nothing of any pressure having been put on her.⁹²³ But the newspaper report of a four-hour interrogation, and the inside story told by the man she lived with, suggest otherwise.⁹²⁴

Mary Tolley's story changed so many times that it's difficult to guess at the truth behind it, but one thing seems clear. The theory the police initially suggested – that the man hid in the shop and then committed the murder – really isn't tenable.⁹²⁵ Whoever the killer was, he must have entered the shop later.

That brings us back to the four witnesses – Fanny Volpert, Doris and Ruth Miara, and Harold Cover – who saw men apparently entering or leaving the shop.

Doris Miara told the police that after her sister had closed the shop, a man rang the doorbell and she went back into the shop to serve him, between 8.05 and 8.10. All the lights in the shop had been left on, so the customer would have been well illuminated as he stood in the porch. Doris Miara described him initially as a coloured man, apparently either Somali or West African, with rather bushy hair and of average height. He had a torch and was wearing a dark suit but no hat. In a further statement she added that he was 5 feet, 8 or 9 inches tall, aged about 35, with very dark skin, black fuzzy hair, a large wrinkled forehead and a full face. She thought his suit was a pin-striped navy blue one, and he had no coat. Fanny Volpert gave a very similar description. Initially she said the man was about 5 feet, 9 inches tall and aged about 30, of medium build, with a dark but not black

⁹²² See pages 16 and 97.

⁹²³ Glamorgan Archives, DCONC/3/6/8, p. 5; statement of John Lavery, 12 February 1998 (Ministry of Justice, file CCU 98 2/5/24).

⁹²⁴ See Chapter 17.

⁹²⁵ See Chapter 23.

complexion and black but not tightly curled hair. He had dark clothing and no hat, but she couldn't say whether he was wearing an overcoat. In a further statement, she described his skin as very dark and his hair as slightly bushy. By that time she thought he was wearing a dark suit but no mackintosh. Those descriptions, given initially the day after the murder, with the further details added nearly a fortnight later, differed in some respects from the one the police had circulated on the night of the murder. According to the earlier description – presumably also based on the descriptions given by Doris and Fanny – the man was a Somali, aged about 30, wearing a dark coat and suit.⁹²⁶ Fanny Volpert and Doris Miara failed to pick out Mattan in an identification parade. Doris did pick out four photographs of men who resembled the one she'd seen – two of West Africans, and two of West Indians. But at the trial she said she hadn't seen the man again.

Ruth Miara described a man she saw a few minutes after the doorbell rang, standing talking to her aunt as she held the door almost closed. Initially she described him as a young-looking coloured man, wearing a light-coloured mackintosh but no hat. In a further statement, she said he was about 5 feet, 9 inches tall and about 30 years old.⁹²⁷ Ruth, too, failed to pick out Mattan from an identification parade. In his report outlining the case against Mattan, Harry Power cast doubt on the accuracy of her statement. But a fortnight earlier – before Mattan was questioned – the police don't seem to have had any such doubts, because they told the press they knew "definitely" that two coloured men had visited the shop. It seems Power's doubts about Ruth's evidence arose only when it became inconvenient to the police case.⁹²⁸

Harold Cover said he'd seen two Somalis outside the shop. The first, walking out of the porch and heading south down Bute Street, was a man he knew to speak to – he was aged between 30 and 40, 5 feet, 10 inches tall, slightly built with a thin face, perhaps with scars on his face and a gold tooth in his mouth. He was wearing a brown suit with a collar and tie, but no hat and no coat. Cover later identified that man as Tahir Gass.

The second Somali was standing against the shop window, close to the doorway. Cover had seen him around the docks once or twice, and thought he'd know him again. He was aged between 25 and 30, 6 feet tall or a little more, with very young, pleasant features. He was wearing a light-coloured gaberdine mackintosh, a dark trilby hat, grey flannel trousers and black shoes.

⁹²⁶ See page 33.

⁹²⁷ See page 35.

⁹²⁸ See pages 52 and 124.

Hanged for the Word If

It's unclear what time Cover passed the shop. He gave conflicting information, which spanned a range of 20 minutes or so. Tahir Gass, according to his own account, had gone back home at 8.10-15 after a woman he'd arranged to meet in Sophia Street hadn't turned up. If that was when Cover saw him, it would indicate he passed the shop at about the time of the murder.⁹²⁹

Of course, Harold Cover lied in court and has been suggested as a suspect himself, so we can't necessarily take what he said at face value. And we should also bear in mind the final witness, Betty Walton, who told the police in 1969 that she'd seen Cover himself standing in the doorway of the shop, at about 8 o'clock on the night of the murder.⁹³⁰

In the light of this evidence, let's reconsider the four men whose actions have given rise to suspicion – Mahmood Hussein Mattan, Harold Cover, Tahir Gass and Dahir Awalhi.

⁹²⁹ See Chapter 7.

⁹³⁰ See Chapters 44 and 45.