TWENTY-THREE YEARS WAITING FOR JUSTICE

by David Renton

Here is the voice of one fan: ‘We were forced right up against the barriers which prevent the fans from getting on to the pitch. During the match we had to constantly bear the crushing force of the crowd swaying forward from behind. It would not have been so bad if we had been able to move sideways, away from this central part, but it was so packed, and the constant pushing, jostling and surging of the fans made this prospect appear even more dangerous... Some fans actually collapsed or fainted and were passed over people’s heads towards the front of this section of the ground... Some fans tried to open this gate but it had been padlocked.’

Here is a second supporter who attended the same game, ‘The whole area was packed solid to the point where it was impossible to move and where I, and others around me, felt considerable concern for personal safety. As a result of the crush an umbrella I was holding in my hand was snapped in half against the crush barrier in front of me. I would emphasise that the concern over safety related to the sheer numbers admitted, and not to crowd behaviour which was good.’

Neither fan was describing the scenes at the Hillsborough tragedy of April 1989. Both of these fans were frightened rather by their memories of an FA cup semi-final at the same stadium, at the same stage of the competition in 1988, the year before, a near-miss which was ignored by the club, the Football Association, and every other public authority.

The press coverage of the newly-published report of the Hillsborough Independent Panel has focussed less on the several warning signs that had been missed, but on the activities of those bodies that were charged with evacuating people in the event of emergency. The Yorkshire police, in particular, come out of the report with their reputation seriously tarnished.

The Hillsborough disaster took place on a Saturday. The very next day, police officers were called to a briefing at which they were instructed not to take notes in their pocket books, but to destroy them, and to record their memories instead in the form of written witness statements.

By the Thursday, i.e. just five days after the disaster, a solicitor had been found, Peter Metcalf then a senior partner at Hammond Suddards (since retired), to advise officers that there was no need to retain their pocket books, as the case would be investigated by way of an inquest, i.e. in civil litigation, and so the ordinary procedures needed for the investigation of crimes did not apply.

On the Wednesday following, there was a meeting of senior police officers, including DCC Hayes and Chief Superintendent Mole, and their standing counsel, Bill Woodward QC. Woodward was later a High Court Judge.

According to the notes of that meeting disclosed to the Independent Panel, ‘DCC Hayes informed Mr Woodward that the “main players in this are doing their own accounts”. He asked “is that OK or would you rather someone take their statement?”. Mr Woodward replied, “It couldn’t be better. They can put all the things in that they want and we will sort them out”.’

What Woodward appears to have grasped intuitively was the reason senior police officers were...
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so keen to keep their junior colleagues’ notes away from prying eyes. Many junior officers were profoundly unimpressed by their senior colleagues’ behaviour on the day. The views of junior officers could have embarrassed the force. It was incumbent on the senior officers and their lawyers to do all in their power to suppress any information which could have embarrassed the force.

A further achievement of the Independent Panel has been to publish the alterations made by the police officers, so that we can see exactly what the rank-and-file thought of their commanders. They tell us that there were insufficient radios on supply, that there were too few officers at Leppings Lane, which was the centre of the tragedy, that the force’s organisation collapsed on the day, that senior officers showed no leadership, milled about, or excused themselves from the scene.

The most significant passages of the Independent Panel’s report are those dealing with the coroner’s finding at the original inquest that all 96 people who died had been killed by 3.15pm, i.e. within 15 minutes of the game’s scheduled start. It followed that the performance of the police, or of the ambulance service, which is also criticised by the Panel, was irrelevant, as all the victims had died too quickly for any medical attention to have done them any good even if there had been any. Based on this finding, the coroner reached a verdict of accidental death.

The medical basis of this finding was that the victims had all died of a single condition, traumatic asphyxia.

But, as the Panel have noted, 41 of the 96 victims showed signs of a medical condition ‘cerebral oedema’, i.e. brain swelling, which only sets in after sustained exposure to asphyxiation. Its presence shows that these victims were not killed suddenly, and certainly not by 3.15pm, but could have been rescued had the emergency services been operating properly.

Many Liverpool fans have long held the view that these failures were not accidental. The police force charged with public protection at Hillsborough was the same South Yorkshire police force which had acted with lawlessness and judicial protection during the miners’ strike of 1984-5. Within hours of the tragedy, its leading officers were in contact with the Home Secretary Douglas Hurd – there is no note of what was said – and in no time at all, the police cover up had enlisted the support of the Conservative Party and of Tory newspapers, including infamously The Sun.
When the Taylor report, which blamed the force for the tragedy, was first published, Margaret Thatcher toned down an initial press statement welcoming it. ‘The broad thrust is devastating criticism of the police’, she wrote, ‘Is that for us to welcome?’

The new Panel’s findings cast more light on the police cover-up, including the decision to test the dead bodies for alcohol which included the youngest victim, who was just 10 years old. The idea behind the tests was to gather information which could be fed to friendly newspapers in order to nourish the lie that Liverpool fans were football ‘hooligans’ and responsible for their own deaths.

The wrongness of the original inquest also cast light inevitably on the decision of the House of Lords in the case of Alcock v Chief Constable of South Yorkshire Police, in which their Lordships ransacked the common law for doctrines of wafer thin plausibility tending to exclude the police from liability to the families of the victims.

The cover-up did not emerge from nowhere but was shaped by a class enmity. The Liverpool fans of 1989 had a place in the Tory imagination as the successors to the Toxteth rioters of 1981 and the Militant-run Liverpool city councillors of 1983-1987. Judging by Boris Johnson’s stint at The Spectator this memory has barely faded. Had this taken place at Glyndebourne or Wimbledon, it would not have taken 23 years for the truth to be admitted.

Some establishment voices have been quick to say that Hillsborough, while lamentable, could never happen again. But while football is certainly safer than it was, events such as the immediate press responses to the deaths of Jean Charles de Menezes or Ian Tomlinson show that our media remains willing to publish any lie, no matter how implausible, so long as the original source is a policeman.

Finally, the most remarkable feature of the report was that, having been set up in 2009, before the last election, its authors managed to survive the Tories’ ‘bonfire of the quangos’. Reverend James Jones, who chaired the panel, has been quoted as saying, ‘It is no secret that the incoming Government was not bound by the decisions of the previous Government and therefore I had to see various secretaries of State to make the case for the panel continuing at public cost when there were pressures on the public purse’. The Tories must be furious that they let the Panel report.

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