

**A BRIEFING PAPER ON ISSUES AND EVENTS
SURROUNDING THE OMAR BENGUIT CASE
CHARMINSTER AND THE MURDER
OF JONG Oki SHIN 12 TH JULY 2002**

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January 2007**

1] The case concerns the murder of a young Korean language student Jong Ok-Shin [Oki] on Malmesbury Park Road close to the main Charminster Road in Bournemouth in the early morning of July 12th 2002. At around 3am that morning Oki was returning to her home address when she was attacked from behind by a man wielding a knife. The assailant stabbed Oki three times. The knife [which remains undiscovered] was of some length as the blade was found to have penetrated 15 cm into Oki's body. On arriving at hospital Oki was still conscious and was to state in what proved to be her last words before her death following a heart attack that 'she had been attacked by a man wearing a mask' that she 'had seen her own blood' and then had 'fallen to the ground'. At the hospital Oki was to tell both a police officer and medical staff treating her that 'a man with a mask had attacked her'. Subsequent forensic investigation was to discover that she had not been sexually assaulted and that nothing had been taken from the deceased. Both her mobile phone and her hand-bag were still with her at the scene of the attack.

2] It is clear that at least initially the police who investigated Oki's murder had not placed Omar in the frame for her murder. Initially immediate suspicion appeared in fact to fall on Oki's Korean boy- friend with whom she had an earlier relationship which may in his part have been expected to lead to marriage. Some time before her murder Oki had however ended this relationship which may have deeply affected her friend. He was to be arrested and subsequently released. Shortly thereafter he was to leave the country in 2002 and no contact has been made with him since that time.

3] It appears that only after 6 weeks fruitless investigation and a series of further arrests by the police did Omar and others begin to fall into the police investigation frame. It was sometime after the murder that Omar was to be interviewed concerning her murder. Omar [along with a number of his friends and acquaintances] was a heavy drug user and was in fact already well known to the police because of this.

4] Under interview Omar was unable to state where he had been 6 weeks before on the night of 12th of June .He did however deny all knowledge of Oki or that he had been in any way involved in her murder. No forensic evidence was to be produced by the police linking Omar with the murder [or indeed the claim of rape made by Beverley Brown an ostensible witness to the murder]. No DNA evidence linking Omar to the murder has been subsequently discovered either. All of the prosecution case was therefore to rest on in effect the evidence of one witness and some circumstantial evidence.

5] Given the salience of the case – a factor highlighted by the attendance of a member of the Korean embassy at each of the trials- there may have been some pressure on police investigators to resolve the case by way of a successful conviction. There may also be elements within the Omar case of what is now identified as 'case construction' in evidence collection by the police. This is a process within which every conceivable piece of evidence that might throw further suspicion on the suspect is added to the case while any details that might conceivably challenge or contradict the police case are either not explored or pursued by them.

6] Central to the first trial in 2003 was the witness statement of Beverley Brown. Like Omar she was a heavy heroin user and had by her own admission been an addict for 6 or 7 years. Quite unlike Omar, she however, appeared to be able to provide a highly detailed description of events that had [she claimed] occurred that night 6 weeks before. She was to detail at the trial how she had been flagged down by three men including Omar and the co-defendant Nick Gbadamosi and asked to drive them to St Clements Road Boscombe, to buy drugs.

7] According to the police and prosecution case the rest of events can be quickly told. In the car they were [she claimed] to see Oki about whom Omar was to make comment of a 'sexual nature'. He was then to ask Beverley Brown to stop the car so that Omar and Nick could talk to her. This Beverley Brown did- but on returning to the car Gbadamosi was, she stated, to then angrily claim that Omar had made a mistake and 'hurt her'. This claim was presumably made to suggest that Omar had attacked Oki for her purse or handbag in order to buy drugs. Thereafter it was believed that Gbadamosi had been instrumental in disposing of clothes worn that night by Omar. Later when they arrived at St Clements Road Boscombe, other witnesses stated that Omar asked to wash his hands of blood.

8] The extremely tenuous nature of the prosecution case was to be fully revealed however when later counsel for Gbadamosi was to provide CCTV evidence demonstrating that he was not in the car of Beverley Brown at all that night. CCTV cameras had in fact picked him up driving his own car at this time. This immediately raised doubts as to the entire evidence provided by Beverley Brown and in particular the graphic detail she was to provide about what happened and what was said by the defendants prior to and just after the attack on Oki in her car.

9] Beverley Brown's recall was in fact to be also challenged by others. Thus neighbours in Malmesbury Road who were to respond to Oki's screams following the attack stated that Beverley's description of where the incident occurred was at variance with their own experience. This was significant as it was they who had

tried to help Oki after the attack and also call for an ambulance to the place she had been attacked. This suggests that Beverley may have in fact committed an act of perjury by swearing on oath to a number of events that had not in fact occurred and involving individuals who were not there.

10] In the event it is interesting to speculate why the police were to place so much importance on the word of a woman who was a heavy drug [heroin] user, street prostitute and unlikely given her admitted addiction to be able to provide any coherent detail of events which had taken place 6 weeks before. In the event the Court was to discover she was in fact unable to do this. Her evidence concerning the claim of gang rape was entirely fictional and a fabrication from beginning to end. This conclusion may have been assumed if only because Beverley was on no occasion to go to the police to report the rape or murder even though great publicity surrounded the murder case locally. Her 'witness statements' was in fact only to materialise after her own arrest for shoplifting. Interestingly in return for providing these statements it was to be subsequently alleged she was to receive a £10,000 reward for providing material evidence leading to the conviction of Omar.

11] Other matters of concern were to be identified in this case. While Gbabamosi was to be found not guilty of rape and murder Omar was to be held and subject to a further trial. While at this point no detailed analysis of the three trials to which Omar was subject can be attempted there are a number of disturbing facts surrounding the third trial.

12] Thus at the time of the third trial involving Omar it was to be discovered that important primary character witnesses were not available to appear in court to give evidence in his defence. Natalie Stanton for example, a single mother with 2 children and with whom Omar had an ongoing relationship, was not present to give evidence on his behalf. This was because it was subsequently alleged of 3 visits made to her by the police prior to the trial where it was to be also alleged it was strongly intimated that both she and her children might be at some risk if she were to give evidence. Such was the impact of this alleged warning concerning both her and her children's position that she was to precipitately leave the area with her children and not return to the Bournemouth area for over 2 years.

13] This unfortunate development for Omar's defence was to be matched by a curious exchange alleged to have taken place between the representative for Aldridge and Brownlee, the solicitors retained in defence of Omar. Here just prior to the final [third] trial of Omar, Nick Gbadamosi was to be informed by a representative from Aldridge and Brownlee that his presence in court could prove detrimental to his clients [Omar's] case. There may have been a genuine perception on the part of Aldridge and Brownlee, that Nick Gbadamosi presence

in court would have weakened Omar's case. Yet this conclusion, given the outcome of the previous trial where evidence provided in defence of Gbadamosi was to conclusively undermine the Crown's case against him, could be also be construed as extremely perverse. It might be thought indeed that the fact that Gbadamosi had earlier been able to entirely discredit the central witness statements presented by Beverley Brown as to his and therefore Omar's involvement in the rape and murder of Oki was surely of high potential value to the defence.

14] What factors determined the decision not to use Nick Gbadamosi remains a matter of speculation. It is however of interest to note that an earlier claim that Gbadamosi had been instrumental in disposing of Omar's blood-stained clothes in a nearby river following Omar's alleged murder of Oki was to be also later discredited. Clothing retrieved from the river and held by the police was to be subject to detailed forensic and DNA testing. No positive results linking the clothing to Omar were however to be discovered.

15] Whatever the explanation for the advice given to him it is clear that the absence of Gbadamosi from Omar's trial represented a further blow to his defence. Indeed at his third and final trial [February 2005] there was to be no supporting witnesses in his defence. This was to prove to be highly critical as a result of a decision on the part of the prosecution to unexpectedly introduce further evidence against Omar.

16] Following the failure of 2 previous juries to reach a verdict in 2002 and 2004 a further trial was to be held at Winchester Crown Court in 2005. It was at this trial that the prosecution were to claim that there was witness evidence that Omar owned and had been seen sharpening a knife at his flat prior to the murder of Oki. No use of this evidence had been made at either of the previous 2 trials and Omar was to consistently deny that he carried a knife. The new witness evidence concerning him being seen 'sharpening of a knife' was however to prove to be significant in persuading the jury as to his guilt.

17] The central evidence relating to Omar using or regularly carrying a knife was provided by a Mr Cutting who also lived in the same house as the defendant at Linwood Road Charminster. On one occasion when leaving the building and turning to see if the door was shut behind him was to 'notice Omar standing in the window and who appeared to be sharpening a blade'. Further prosecution evidence was given by witness Leanne Mayers who was to also state that she had seen Omar with a knife. Both statements are circumstantial but were used to suggest that Omar used and carried a knife on a regular basis.

18] However Omar's curtains were almost invariably drawn both day and night and were also protected by window netting. This would have certainly impeded a clear view into Omar's flat but of course cannot be adduced to argue that Cutting could not have seen Omar sharpening a knife. However irrespective of these later witness statements concerning Omar being seen with a knife at St Clements Road- no forensic evidence and no knife was found linking Omar with the murder.

19] This was demonstrated by the evidence provided by the forensic scientist dealing with the case. He was to state that he had examined the jacket worn by Omar on the night of the murder and had found no components of the deceased's DNA in any of the samples of blood found on the jacket. Similarly there was nothing to link the appellant to the car driven by Beverley Brown that night – indeed nothing linking any of the original defendants with Beverley's car was to be found by the forensic officers. This only served to further undermine her original witness statement. This would have included her statement to the effect that she had seen Omar remove his shirt in the car and to wrap it round what she believed to be a knife used to murder Oki. Both items it was thereafter claimed were to be disposed of by Nick Gbadomosi in the nearby River Stour.

20] Much of the evidence and argument provided above was to form the basis for Omar's appeal case launched sometime after the third trial. There are however some issues that may still need to be explored. Given for the example the highly detailed evidence presented by Beverley Brown which was subsequently to be refuted one question requires to be asked and this concerns her ability to provide such highly detailed evidence – some of which was to be related by Oliver her partner in a statement to the police [see para 36-37 below]. For an established drug addict the ability to recall such detail one and a half months after the incident borders on the incredible. Indeed the statements made by her fellow drug users at the time emphasise how difficult it is for drug addicts to recall many events at all. There must be a suspicion that the witness may have been 'coached' by persons unknown who may have provided the details. It is of interest here to learn that police officers involved as a witness- protection officers to Beverley were to be subject to an investigation by the Dorset Police Complaints and Discipline Department concerning claims made by Beverley about off-duty visits to her by these officers while she was under a witness protection scheme. Issues surrounding the police C+D investigation of her claims are detailed below [Para 46].

21] It is also evident drawing from witness statements that were not to be used in any of the trials that Oki had been subject to systematic harassment by some one Korean student who was known to her prior to her murder and whose odd and on occasion aggressive behaviour towards female students was known among the

Korean student community. Thus the witness statement made by Oki's friend Sueem Keem who worked with her in a part time cleaning job at the Chase Manhattan Bank was to refer to the frequent and unwanted presence of a young Korean man who often waited by the entrance of the bank when they were about to finish work. She was to state that she personally saw this Korean male approach Oki on five or six occasions.

22] Although at first Oki would talk to him Sueem was to state that as time went on 'she didn't want to talk to him anymore and she would get on her bicycle and go quickly away' whenever he approached her. She was later to talk to Oki about the man when they had both ended working at the Bank. Oki was to tell her that she didn't like him and that 'he was a nuisance to her'. Although she did not appear or say that she was frightened of him she found him 'bothersome' as she thought he was trying to get too close to her. Sueem was obviously very close to Oki and was able as a result to make some judgement concerning her character. She was to further state that while Oki was not 'a flirt' she was a 'popular girl with the boys' and that she [Sueem] was aware that 'some Korean boys liked her'. Oki was to tell her friend Sueem that back in January 2002 she had a short relationship with a Korean boy named Lee but that she had ended the relationship because 'she was embarrassed by him' as he appeared to her to be the 'stereotypical Pusan city male' and that she wanted to experience 'something different'. She was to also tell Sueem that Lee had also proved to be 'a bit upset when she had finished with him'. Lee was in fact to be detained on the 13th of July 2002 by the police on suspicion of the murder of Oki.

23] In a further witness statement dated 14th of July Paul Durden a member of the host family to Lee was to state that on the 12th of July 2002 he was to notice that a kitchen knife which he used regularly in the preparation of food appeared to be missing from the knife block. He was to check the dishwasher but was unable to locate it. The knife was part of a set and all were very sharp as Mr Durden sharpened them himself as he 'used to work on a fish farm and this was part of his job'. Later on the day of the 14th Mr Durden was to make a further statement to the effect that at 10pm on the 14th of July he was to open up the dish-washer and immediately identified a two tone grey knife which he 'straight- away recognised as the missing knife and which was lying on top of the top tray' in the dishwasher [S20B]. Although there may be no immediate factors linking Lee to the knife it is of interest that Mr Durden felt it important enough to immediately report to the police about his discovery of the knife.

24] Numerous witness statements particularly those from taxi drivers passing through the area on the night of the murder were to comment on seeing numbers of oriental males and females walking back through the area from night clubs et al in the centre of Bournemouth [see P Philips S 86;S88 S197]. Most were to state it

was not abnormal to see this as it was Thursday night was known to be 'foreign-students night' at the Elements Night club. Among the numerous individuals who were to pass through or along Malmesbury Park Road none were to refer specifically to a car driven by a female containing 2 males. The most frequent references were to be made in relation to groups of males /females or mixed groups

'Of oriental males/females' [S88 R Crouch Taxi driver]. As most of the Korean and other students attending language schools had their host families in the Charminster area this could be of no surprise.

25] In the light of later evidence it is however of interest that a student with whom OKi shared a residence was to report that on Monday 8th of July 2002 [the week of the murder] OK was to receive a Korean male visitor who was to be described as having black short hair and wearing oval shaped glasses. OKi was not to discuss the conversation she had with this male or identify him to Florence Pui Kong [S93]. It did demonstrate however that OKi appeared to remain a person of interest to the male Korean student population even though she was now mixing with non- Koreans to improve her spoken English. The visitor was in fact Kyun Choe who the police were also subsequently to interview in relation to Oki's murder.

26] The significance of the last statement from Oki detailing that her assailant wore a mask appeared not to match up with any of the defendants at any of the trials remains of interest. Why should Oki have described this detail first if [as was the case with Omar] the alleged assailant was not wearing a mask? Here it is of interest that in a later statement [S247] the head of a local nursery Catherine Taylor was state that on the 2nd August 2002 she noticed while clearing rubbish in the yard what appeared to be a pile of clothing on the earth in a corner by the fence to the building. Looking closer she was to discover that it was in fact a green woollen balaclava type head mask and zip -up trousers which were of a dark blue colour [S 247]. She was to take these items to the local police station. From the position they were in she did not believe the items could have been there long. There were also to be several sightings of individuals wearing balaclava type headwear in the immediate area and these were to be reported to police [S274]. Further reference to an unknown individual being seen wearing a black balaclava was to be provided by a local bus driver. He reported that on the 12th of July 2002 in the late afternoon he had seen a cyclist wearing a black balaclava in the late afternoon who appeared to be white skinned making his way in the direction of the Wessex Road bridge. The balaclava appeared to this witness to have two cut-outs for the eyes wearing this was unusual as he recalled that it was a very warm day and everyone was dressed in light summer clothing[S308].

27] In a statement that appeared to contradict much of what had been described as a 'innocent relationship' Gi Tim, a Korean student and friend of both OKi and Lee was to state that during their one month relationship Lee was to tell her that in April 2002 he had stayed with Lee at Shelbourne Road, Charminster and had sex with her but that OKi had thereafter ended the relationship. Latterly OKi was known to have established a close relationship with a Spanish student at the Language School with whom she was seen on at least one occasion to publicly kiss and hug at the Richmond Arms Public House used by a number of language school students [S259]. Gi Tim was able to recall that she had also told Lee that she had seen OKi kissing this male at the pub [S259].

28] Police interest in male members of the Korean student population was in the end not to be confined to the arrest of Lee. As noted above [Para21-22] Oki was to be subject to some harassment by a young Korean student usually at her place of work at the Chase Bank and this was to be described in some detail by Sueem Keem who was also to provide a detailed description of this individual [S33]. Sueem was to describe the man she often saw waiting for Oki as being Korean, 167 cm tall, quite brown skin, thin build 'with long curly black hair worn in a pony-tail'. He also wore round black framed glasses and was aged 27-28 years' [S33].

29] This description was that of Sang Kyun Choe a Korean language student who was studying English and residing in Charminster. A fellow student of Kyun was to describe his behaviour as 'quite strange' and that he would 'laugh at things that others did not find funny' [S312]. He was described as different in that he liked a Japanese girl. It was also discovered that he 'would wait for her outside her house until 2 or 3 am when she had gone to a disco'. A fellow student was to state that he did not think the Japanese girl was his 'girlfriend' so this behaviour was seen as 'really strange' [S312]. He could also act in a very aggressive way towards girls who were not that well known to him. One of Kyun's teachers was in fact to eject him from a class room following his aggressive behaviour to 2 female students earlier in 2002 [S313].

30] The same teacher was to state that Kyun's personality had an effect on the other pupils in the class 'and it became obvious that they did not like him and were not keen to work with him as a group' [S313]. This experienced teacher was to state that other teachers had experienced similar problems with Kyun but that as a teacher he had found Kyun 'strange and different from the rest' and that he did not want to or didn't know how to integrate with other students'. He was to add that 'I got the impression that other students did not want to socialise with him which was unusual' [S313].

31] Kyun appeared to another of his teachers as domineering and 'came across as a very determined person' [S314]. This was shown by the way he would in

class 'often shout out questions and would insist on an answer immediately'. The same teacher was to comment that:

'When he got his own way he was very charming but was very stubborn if things didn't go his way. If he didn't want to do something he made it very clear. He had walked out of a class claiming that the book used in the class was not right for him' [S314]. A teacher was to notice certain character traits about Kyun .He was to be described as ' quite uncooperative and off-hand in lessons and very difficult to teach and would often be quite stropky' [S313].

32] Although Kyun had worn his hair in a pony-tail fashion but he was to cut his hair sometime prior to the 7th of July 2002. His landlady was to annoy him by referring to his hair cut. She was however to also notice that Kyun made obsessive use of her hair- dryer for periods up to an hour over a number of days. As Kyun's landlady had her bedroom next to his she was able to state that she was sure that he was not in his room between 11- 12 midnight on the night of Oki's murder [S311] .

33] At some point in the enquiry police investigators were to conduct 2 interviews with Kyun. In the second they were to suggest that they thought Kyun had gone to the Chase Bank to 'attack Oki' [S311]. He was to deny this and to state that he was not a murderer. Kyun was however the same person who Sueem described Oki running away from on a number of occasions when he approached her as she and Sueem left the Chase Bank in the evening after finishing their cleaning work at the Bank [S33]. Police interest in Kyun was to lead -as with Lee- to his initial arrest. He was however to be released through lack of evidence.

34] At some point police interest in the Korean male student community appears to have declined and this may or may not be unconnected with the evidence provided by Beverley Brown subsequent to the release of both Lee and Kyun. In the first instance it appears that it was to be Beverley Browns partner John Oliver who was to make a statement to the police on the basis of disclosures made to him by Beverley in early September 2002 regarding the events surrounding the death of Oki in July 2002. However Oliver was to make clear in his second statement to the police on the 8th of October 2002 that Beverley's recall of events was somewhat uncertain. He stated that:

'The account of events made by Beverley has changed over the last few weeks. I am in effect drip- fed these details by Bev and I do now feel that she is getting nearer to disclosing the full events of that day' [S307c].

35] Beverley tells Oliver that on the evening of the 11th of July she had been in the Richmond Arms pub and at the end of the evening- after drinking half a lager- 'drove away in her car [a Volvo] and she made her way to 47a St Clements Road a known crack house. At some point in the early hours of the same night she is driving in the Charminster area and states that she sees Omar and Nick walking along the road. They flag her down and she then drove them all to Malmesbury Park Road. Omar then asked Bev to stop. He then got out and ran off back along the pavement. Bev then heard a loud argument and at that point Nick got out of the car and ran towards Omar.

'Beverley then says she heard someone being stabbed. It was so fierce and violent that she heard the knife go through the body and hit the pavement below' [S307c].

Omar then runs back to the car, returning with Nick. Omar has, she states, blood on his clothes. They both 'shout at her to drive' which she does as she is so frightened that 'her leg is shaking as she tries to use the clutch on the car' [S307c].

36] They drive away and at some point also pick up a black male named Darius with whom they go to Cunningham Crescent in Kinson. Bev relates that here Omar takes a shower and puts his blood- stained clothes into a plastic bag. They then leave this address- with Bev again driving. Bev relates she now drives down a gravel road that comes to a dead end. It is around 4.30am and she now claims that she is subject of serious rape involving all three men. Oliver relates that she is subject to an horrific sexual assault. She is told by Nick that 'she wants this' while another man holds a knife to her stomach [which she believes is in fact the murder weapon used on Oki]. They slice her stomach with the knife after which Nick and Darius proceed to rape her [S307c p2]. After physically raping her all 3 men takes tools from the boot of the car and proceed to insert them into both her vagina and rectum. Oliver relates the events surrounding the rape as told to him by Beverley:

'They initially used a socket -set, changing the size of the ratchets and inserting it into her rectum ...They used pliers using the handle ends and also inserted the handle of a large screwdriver into her. During this time all 3 males were goading each other on to more horrific things. Apparently above her cervix is a small plastic lump/ball and they inserted wire cutters into her to try and cut it out. At this time Nick also demands oral sex with Beverley' [S307c p3].

37] There is to be Beverley claims a further rape by Nick later on Friday where again tools are to be inserted into her by him [S307c p3]. In a relatively short

period of time – running from the early hours of Friday Beverley claims to have been witness to a frightful and unprovoked murder and thereafter to be the victim of an horrific ‘gang rape’. The detailed descriptions provided by Beverley of both the murder and rape are remarkable and demonstrate a power of recall that appears not to be shared by any of Beverley’s friends who like her are heavily involved in heroin/crack/cocaine use. This is perhaps best demonstrated by witness Mary Sheridan who was also a heavy drug user and resided at 47 St Clements Road.

38] In her statement to the police she was to highlight the difficulty a drug user could expect to experience in being able to recall any events after using hard drugs. The house, at 47 St Clements Road, was she stated a ‘crack house’ and that:

‘There was always a constant stream of visitors to the flat day and night. Many I cannot recall even who they were or what their names are. I am a crack cocaine and heroin addict myself. Due to my habits days and months roll into one and I cannot recall many things that have occurred. I have been questioned as to my whereabouts on the evening of the 11th of July - I can honestly say I have no recollection of that night where I was or what I was doing’ [S369A p1].

39] Mary’s inability to recall what she did on the night of the 11th of July 2002 contrasts very markedly with the remarkable power of recall exhibited by Beverley. Yet Beverley is well known to Mary as she is- like her- a drug addict ‘who would up until about a month ago come to her flat to buy and use her drugs’. Mary goes on to state that:

‘She [Beverley] would often supply people with drugs in my flat. I do not recall her supplying drugs by using a car to drive to a location to supply someone’ [S369A p2].

40] The nature and extent of those addicted to hard drugs being unable to remember much about events was to be reinforced by Ann Hazlett who also resided at 47 St Clements Road. She states that the fact that both she and her mother were both crack addicts means they cannot recall very much at all. She states that this:

‘Makes recollection of events at these premises vague and days seem to merge into one’ [S391].

41] Interestingly however Ann had been spoken to by the police about the murder of Oki and that Omar had been charged for this offence. She is quite unable-

given her drug use- to recall whether Omar did or did not attend the address where she lived on that particular night . She does feel able to state however that:

‘The rumours in the Boscombe area are that after committing the murder Omar attended 47 St Clements Road covered in blood. I cannot say with any certainty whether Omar did or did not attend the address on the night of the murder. I can say that I have never seen Omar covered in blood as the rumour suggests’
[S391p1].

Concluding Observations

42] This general commentary provides only an initial summary of the Omar Benguit case and much more unused material only recently released will need to be interrogated in some detail. However this overview serves to throw extreme doubt on the verdict of the jury in what proved to be Omar’s third and last trial.

43] In addition to this one further dimension to the case needs to be highlighted. Thus the multi- occupancy nature of much of the area surrounding Malmesbury Road – and indeed the Charminster area- has meant that it offers considerable cheap renting opportunities at the lower end of the accommodation market. It also has, perhaps reflecting this market position, a significant transient population of low paid or unemployed residents. This was to be reflected in a number of witness statements where the behaviour of people using public space was to prove to be very disturbing. Dawn Morris a resident of Malmesbury Road was to describe the behaviour of one white male in the street as being so potentially threatening that she had made her way home and sat in darkness for 10 minutes so this individual would not associate the light illuminating her with entering the flat [S287]. The area is used by drug takers and there also appears to be rented accommodation for those who have been ‘returned to the community’.

44] Further evidence of the nature of the area and the behavioural characteristics of some residents was to be identified by K Linin. Her evidence was to reinforce a feature of this area which is that it can all too frequently prove to be a difficult area for young females to use alone at night [S317]. Although it is a matter of speculation the Charminster area then as now is used by Social Services as a location for ‘care in the community’ clients. It would be entirely appropriate to reference a recent report completed in 2006 on treatment of the mentally ill. The report ‘Avoidable Deaths’ was to detail major failures surrounding the implementation of care in the community. It was to discover that as a consequence of poor professional risk assessments many mentally- ill people were being returned to ‘care in the community’ which has usually involved in

reality minimum care or support on their release. The Appleby Report was to estimate that one person a week was to be killed by mentally ill patients released into the community. Over a five year period it found that 52 homicides were perpetrated by people who were supposed to be receiving care in the community and that 10% of the victims were strangers to the perpetrators. The same report was to find that an increasing number of killings involved patients with a 'dual diagnosis' where they had both a mental -illness and a drug or alcohol addiction.*

45] Returning however to the primary witness in the Omar trials there remains nevertheless considerable doubt as to the veracity of any statement made by this principal witness – Miss Beverley Brown. There must be at least some suspicion that the detailed evidence she was to provide may have been either the result of 'coaching' by persons unknown or the result of wild personal imagination that she then initially relayed to her partner Oliver. Only in this way it could be argued could this self-acknowledged drug addict have provided the kind of detail concerning events and the actions of individuals surrounding the murder of Oki. It would appear that much of this evidence was in fact a fabrication on the part of Beverley Brown. All of the accused were to be found for example not guilty at trial of the rape of Beverley.

46] Yet Beverley was able to provide great detail as to the nature of the attack. If this was a fabrication then there must be grounds for suspicion that her description of events surrounding the murder is also a fabrication. Clearly it is contradictory as Beverley is to describe for example 2 different cars that she claims to have driven that night. There is also obvious confusion as to who wants her to stop the car and who gets out of it and walks towards Oki in Malmesbury Park Road. She claims at different times that Nick tells her to stop the car –then it appears to be Omar. Yet Nick has in fact initiated the whole process by making she claims a comment of a sexual nature about a girl they spot walking along the Malmesbury Road. It is Nick not Omar she claims who demands that Beverley stops the car having first made a comment of a sexual nature about her..

47] A disturbing feature of this case and the reliance placed on Beverley's evidence by the police investigation team was to be revealed in police documents arising from the Complaints and Discipline investigation undertaken by that department following a number of claims made by Beverley as to visits and trips with police witness protection officers outside duty time. These claims were to be strenuously denied by the two officers who were the subject of these claims. However the potential disaster which this problem represented was to be fully recognised by senior officers within C+D. As was to be noted by the senior superintendent in relation to the case:

'Beverley Brown has made a statement saying that she was visited separately by the 2 police officers. Both these officers have made statements saying the alleged visits did not take place. It is genuinely not known who is telling the truth but if not resolved this will undermine Ms Browns credibility at the forthcoming murder trial at which she is the key witness' [Superintendent C+D: Witness Protection Issues Involving Beverley Brown, 22/12/2003].

48] After what can only be described as exhaustive investigations conducted by Dorset C+D department into the circumstances surrounding Beverley's claims against the officers it was found that none of these claims could be substantiated [Covering report re: Witness protection Investigation, N Pardey 2003]. Interestingly during the course of an interview conducted with members of the Dorset C+D Department it was reported that one of the officers complained against was to state that her visit: **'and Beverley Brown's account of the day out was total fabrication and did not happen'** [File-note re: meeting 26/11/03 Ferndown Police Station].

49] Further evidence as to the unreliability of the primary witness was to be brought to the attention of the police some time after her false claims against their own witness protection officers. In January 2004 police investigations were to reveal that claims made by Beverley concerning her neighbours at her address provided under the witness protection scheme were also fabrications. Here Beverley was to claim that one neighbour was a 'paedophile' and that another was 'dealing in drugs'. The police were to conclude in relation to these later claims that:

'There is nothing to substantiate either claim and both appear to be completely false. According to X there is no evidence of drug use in X flat' [Meeting re: Further disclosure by witness Ferndown Police HQ 9/1/04].

In a follow –up meeting with Beverley she was to be informed by the police that the evidence strongly suggested that 'neither of the 2 witness protection officers had visited her as she had alleged'. It was noted that following this statement:

'BB immediately became defensive stating that she was fed up with it all and that she didn't want to mention the visits but had been pressured into doing so by 'X'. She maintained that she was telling the truth and said the enquiries must be wrong'. Thereafter the same report notes that 'considerable time was spent with BB explaining the implications on the trial if she was shown to have lied' [File note Re: Meeting with Beverley Brown 6/2/04].

50] The major problems surrounding the use by the police of Beverley as a primary witness may not have been subject to effective scrutiny. The evidence drawn entirely from internal police reports emanating from Dorset Police Complaints and Discipline Department demonstrate that members of this department were clearly aware that Beverley fabricated events and visits involving police witness protection officers. If, it might be asked, Beverley was ready to lie in relation to these officers and her claims were to be revealed by internal investigation as no more than falsehoods, why were the police yet prepared to use her as a primary witness in a rape and murder trial?

51] Beverley may inadvertently have provided the reason for this. In a statement to the Head of CID Dorset Police, Beverley was to relate that she **'spent weeks with the police when they wanted to know what had happened...sometimes they were with me till 0300 in the morning and I was talking to them for 13 hours at a time'**
[Witness para 2].

Thereafter she states however:

'I am the key with vital info. Without me giving the information [sic] I think the police would have a hard case to get to court' [Statement from Beverley Brown to Head of CID 12th August 2003].

52] In her assessment of the case as detailed above, Beverley was, for once, almost certainly entirely accurate. Yet it remains difficult to accept that police investigators did not have some doubt as to both the integrity of the witness and the veracity of any of the claims made by this witness. Indeed the subsequent claims of paedophilia and drug dealing made against her neighbours under the witness protection scheme which were to be dismissed by the police suggest that Beverley was in fact a manipulative fantasist. The same neighbours were to comment that they **'felt used by Bev. That they had found her out on lots of lies [sic] and that she seemed to be "playing them against each other"'**
[Dorset Police Contact Sheet 7-1-4]. It was to be discovered that the neighbour described by Beverley as a 'pervert who shouldn't be left with children' had in fact received a call on his mobile from Beverley's daughter Georgie:

'Around midnight over Christmas in a distressed state asking him to get her as mum was drunk and with men she didn't like. Both neighbours stated that they thought Bev had neglected Georgie whilst she was with her' [Dorset Police Contact Sheet 7/1/4].

53] There now appears to be further evidence that Beverley has made claims of paedophilia against a number of other individuals residing in the Bournemouth

area each of which was subsequently to be found to be entirely false. What real evidential value, it might be asked, could be placed on anything this individual might claim who was to be the primary witness to a major murder trial?

54] The evidence which was finally used to convict Omar was entirely circumstantial and nothing presented in court was to clearly link Omar to the murder. Most disturbingly given the later salience of Omar's interest in knives, no forensic or DNA evidence was to be found on any item of Omar's clothing linking him to the murder. This included the jacket worn by Omar that night and this entirely negative forensic result must be viewed against the later claims that Omar had:

1] Removed his blood- stained shirt after the attack in the back of Beverley's car and

2] He had needed to urgently wash blood from his hands when he later arrived at St Clements Road;

3] That he had to take a shower to remove blood at Cunningham Crescent Kinson;

55] The prosecution case against Omar does not satisfactorily answer any of these entirely pertinent doubts which challenge the veracity of their case. This matter is made more serious when evidence relating to the gang- rape following the murder – and a rag she used to clean herself with after the attack and that she stated she was subsequently to leave in the car -was found insufficient to convict [S307c p3]. As was to be found in the prosecution of the rape case no DNA evidence was to be discovered in the car linking Omar to the rape [or the murder].

56] Some indication of the non-involvement of Omar in the murder of Oki and his lack of knowledge about the entire case was in fact to be demonstrated early on as recorded in the remarkable response of Omar to questions about the gender of Oki in Omar's police interview on the 22nd of August 2002. After confirming his name, date of birth and place of residence et al the police interviewers go on to ask Omar about the murder.

DS 391 Connolly: “ Right well you've been arrested on suspicion of murdering Jong –Ok SHIN a Korean student a 26 year old goes by the nickname of Oki and that was in the early hours of Friday the 12th of [12/07/2002]

Respondent: “Is it I mean is it a woman, it's a bloke”

DS Connelly: "It's a woman"

Respondent: "It's a woman right"

DS Connelly: In the early hours of Friday the 12 th of July

R: "Yeah"

DS: "And she was found in Malmesbury Park Road which is in Charminster"

R: "Yeah"

DS Connelly: Did you attack that lady?

R: "No"

DS Connelly: "Do you know anything about the attack upon her?"

R: "No"

DS Connelly: Anything at all?

R: "No"

[Transcript Tape 1 1D923-1954 Bournemouth Police Station 22/08/2002]

57] As the tapes suggest in terms of his response Omar appears in fact not entirely sure as to the gender of the victim and appears initially to believe that Oki was male not female. For someone so intimately involved in her brutal murder as described in great detail by Beverley it comes as something of a surprise to discover that Omar appears to first learn about the gender of the victim from police officers conducting the interview at Bournemouth Police Station.

58] Meanwhile we are aware that there were significant reasons for the initial arrest of both Lee and Kyun by the police. Although to date NO immediate material evidence has been found relating to the mask this continues to be the only description given by Oki of her assailant. The fact that police suspicion fell initially on Lee and later Kyun may have been justified to the extent that the streets and area that night were populated with Korean students making their way home from central Bournemouth and/or Elements night club. However Oki remained popular with a number of young Korean boys and both Lee and Kyun were aware of this. Lee appeared to be upset by the rebuff he experienced when Oki dropped him. Sween's evidence tells us that. This of course is not enough to conclude that Lee murdered Oki. Moreover Oki's experiences with Kyun as described by Sween might also suggest an involvement in her murder that night. It suggests that either could offer a potentially much more encouraging line of inquiry than the convoluted and burdensome case pursued by the police and prosecution through no less than three trials to convict Omar Benguit.

59] It might be considered extraordinary that Omar's conviction still stands. This is despite admitted fabrications of Beverley Brown and the recognition that a primary suspect [Nick Gbadomosi] could not have been involved in either the

rape or the murder. Furthermore in the absence of 'Darius' who appears surprisingly [if not inexplicably] to have been allowed by the police and prosecution service to return home to Jamaica before the trial began, there was no evidence other than that of Beverley Brown's to sustain the prosecution of Omar. Moreover in the end the only suspect left was in fact Omar Benguit and the prosecution may have felt it was better to prosecute him than have no prosecution at all. At his final trial the prosecution case was to rely entirely on the word of Beverley Brown and what proved to be additional but entirely circumstantial evidence presented by Cutting. No scientific forensic or DNA evidence was ever to be adduced either at the first two trials or subsequently at Omar's third and final trial which linked Omar Benguit to Oki's murder on the 12th July 2002 in Malmesbury Park Road, Charminster.

END

Bibliography-

Evidence taken from Dorset Police
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PRIMARY DISCLOSURE FOLDER 14;

Record of Interview Benguit Omar, Full Transcript Bournemouth Police Station
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File Chambers of Guy Boney QC Pump Court Chambers

*Avoidable Deaths [2006] Professor L Appleby reported in The Observer 'One person killed a week by mentally ill' 3/12/06.

