

R v Imran & Hussain [1997] Cr L.R. 754

Pre Interview disclosure with solicitor

Imran & Hussain were arrested for an offence of robbery and prior to their interviews at the police station, their solicitor received a 'pre interview disclosure' from the investigators, outlining the case against the clients. The officers then cautioned Imran and began to interview him, but had not disclosed that they had CCTV footage of him 'caught in the act' so to speak.

It was argued that this was unfair as the police should have disclosed all the evidence they had against Imran prior to the interview commencing. The defence relied on the principles of disclosure of evidence by the prosecution, but these are applicable post charge when the prosecution are presenting their case, not when the police are investigating. At the hearing the game of cricket was used to demonstrate the arguments re pre interview disclosure in that *'the police have to play a form of cricket under one rigorous set of rules whereas the suspect can play under no rules whatever, seems to us to lack reality'*.

The judge also added;

'It is totally wrong to submit, that a defendant should be prevented from lying by being presented with the whole of the evidence against him prior to the interview'

Simply not cricket.

*The interpretation and comments made within this document are not to be considered as legal advice.
Reference should always be made to the original case.*