

1953  
January 2  
HUSSEIN  
MOUSTAFA  
KIZIL  
v.  
THE QUEEN.

[HALLINAN, C.J., AND ZEKIA, J.]  
(January 2, 1953)  
HOUSSEIN MOUSTAFA KIZIL OF LARNACA,  
*Appellant,*  
v.  
THE QUEEN, *Respondent.*

(*Criminal Appeal No. 1934.*)

*Evidence in criminal cases—Statements by accused person in custody.*

Observations by Supreme Court on need for caution in admitting and weighing statements by accused persons made while in custody and after statements made by co-accused.

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*Appellant in person.*

*R. R. Denktash*, Acting Solicitor-General, for the respondent.

(The case was decided on its facts. Only the observations of the Supreme Court are set out).

HALLINAN, C.J. : . . . . At the same time we would like to make this observation : that in a number of cases coming before the Court of Appeal in recent months statements have been put in evidence from accused persons after they had been in custody for some considerable time. Co-accused have given statements implicating the accused whose statement is put in. It is probable the statements of the co-accused are known to the accused himself whose statement is put in evidence. It is very easy to imagine an accused person in these circumstances putting himself near the scene of the crime but not actually on it. His statement may not be necessarily true.

We would like to invite the attention of trial Courts in the Colony to these confessions by accused persons after being in custody for a considerable time. We would urge the greatest caution in receiving that evidence and the greatest caution in weighing it.