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IRISH EMBASSY, LONDON.

Note

No date has yet been fixed for the verdict announcement but it is expected very shortly. We have reserved six seats (4 As, etc).

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SECRET AND PERSONAL - BY COURIER SERVICE

6 January 1988

Dear Assistant Secretary

Birmingham Six Appeal/Guildford Four cases

Over a long conversation with Lord Havers today he conceded the following information.

- The Birmingham Six Appeal is to be rejected. One of the judges (he would not say which one although I returned to the point in a light way twice, but I have a feeling it is Lord Justice Brown), who is, he said, writing the judgement, told him that they have rejected the appellants' case: they did not believe the evidence of Tom Clarke (the ex-policeman who alleged that he saw serious intimidation in the police station while the interrogation process was under way). They also do not accept the "master plan" police conspiracy theory alleged by Lord Gifford. (You will recall that Mansfield and Ferguson, Gifford's colleagues, both felt that Gifford had overdone the case on this point.) "I know very little of the detail of this case", said Havers, "but they will go down".

But what about the Police Cadet & the forensic evidence?

- I then raised the question of the Guildford Four case. Havers told me that the Prime Minister herself, Douglas Hurd and Sharples, the Deputy Chief Constable of Somerset and Avon, (who is conducting the enquiry into the evidence of Yvonne Fox on Paul Hill's behalf) have approached him personally for his view on the case. They have, he said, all probed him on the depth of his conviction about the guilt of the Guildford Four.

He told them that he remains convinced of their guilt. In Hill's case, he said, there were six separate statements of confessions in 18 hours. I probed him, suggesting that personal interest by the Prime Minister, and

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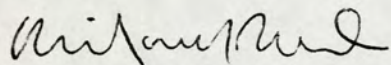
personal approaches by both Hurd and Sharples might - on the surface at least - suggest a measure of doubt and political concern (I stressed this) on the issue. Havers agreed that there is concern about the political implications of the case (as he put it, "they need to feel pretty confident that they are right to send it down"). I asked him if it is going to "go down" and he replied that Hurd's indication to him was that he was coming to the view that there is no good reason to re-open the case.

I asked whether the evidence of Yvonne Fox, that Paul Hill was with her for most of the evening in question, did not in his view throw up serious questions. His reply was that Yvonne Fox had made her allegation and was available at the time of the first trial, that she "stood outside the court for three days" during the original trial but was not called by the defence which was aware of her allegations. There are, he said, serious question marks over her evidence on the alibi point.

He added one final point of interest. In discussing the Greiss test used in the Birmingham Six case, he mentioned that when they were prosecuting the Maguires case they deliberately avoided a Greiss test ("We would not have wished to rely on such a test") but went for a TLC test in which, he said, they had full confidence.

The foregoing came out over a lengthy conversation about other issues. I did not wish to press him too hard for further detail and in fact he himself drew attention to the confidentiality of what he had told me. He asked me specifically not to report it formally.

Yours sincerely



Richard Ryan
Counsellor