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CONFIDENTIAL - BY COURIER SERVICE

cc P.S. Tavis  
Mr Nally  
Dr. Havers  
PSS  
Mr. Matthews  
Counselor #1  
Rex

27 April 1988

Dear Assistant Secretary

Prospects for the Guildford Four

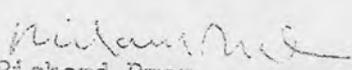
1. In the course of a lengthy conversation with Lord Havers, I raised the question of the investigation into this case (which he prosecuted for the Crown) on which the Home Secretary will shortly decide as to whether or not there is enough new evidence to re-open it.
2. Havers said emphatically that he understands the Home Secretary will not find enough to re-open the case; it will be rejected. He said the core of the new evidence argument is whether Yvonne Fox's allegation, that she spent all but 20 minutes of the night in question with Paul Hill, is reliable. It is not, he said: there are three separate statements from Yvonne Fox in the hands of the authorities:
  - one given to the police at the time of the trial in October 1975, when she waited at the court for three days but, inexplicably in the view of the Crown given that she should have been the key witness, was not called by the defence. "If her alibi for Hill had been introduced and had stood, my case was gone for all four of them", said Havers;
  - one given to the police when the Court of Appeal heard the case in October 1977 on foot of the Balcombe Street gang statement declaring their responsibility for the bombings and the innocence of the Guildford Four;
  - one given to the police (despite much opposition from Alistair Logan, the solicitor) when the whole thing was resurrected late last year.

All three statements by Fox, said Havers, are contradictory.

Havers had great difficulty cracking them however. Finally, he concentrated, in his cross-examination of the Balcombe Street gang as witnesses (individually; they were kept apart and none knew what evidence the others were giving), on what they did after the job. Their alibis, which were pretty uncrackable up to the event, fell apart - did not exist - after 7.00 p.m. Havers asked them what they did to celebrate. If they had each said they had gone separate ways he would have got nowhere, he said. But, instead, they each invented different scenarios for an evening spent together. This shattered their case. Havers was strong in his view that Alistair Logan had perverted justice on this issue.

4. About three months ago a Chief Superintendent from the Devon and Cornwall Constabulary who, under Deputy Chief Constable Sharples, was investigating the Yvonne Fox alleged new evidence, sought an appointment with Havers. He was a very sensible and intelligent man, Havers said, who wanted to sound out Havers' own recollections and feelings about the case so many years later. He wanted to know if Havers had any new views or perceptions on it. He did not, of course. Before leaving, the policeman observed to Havers that there seems to be nothing positive for the Guildford Four arising from the investigation.
5. Havers reiterated his close friendship with the Lord Chief Justice, Lord Lane, and with Lord Justice Stephen Brown, the second judge in the Birmingham Six case. They too are aware of the background to the Guildford/Woolwich case and recent developments: they see no prospect for the Guildford Four who, on the evidence, they like Havers believe to be guilty.
6. Havers mentioned that raising the Birmingham Six case inter-Governmentally "as though the Government had some sort of jurisdiction over the courts", has caused deep resentment and anger. The Lord Chief Justice, said Havers, is "considerably angry" at the fact, as he sees it, that his independence, and the court's, have been impugned by the Irish Government. I went through an elaboration of our Government's concerns and perspectives on the case, which Havers said he personally had no difficulty in at least understanding; he only wanted me to know the way reactions have gone on the question.

Yours sincerely

  
Richard Ryan