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cc PSM
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17 September 1991

Mr David Donoghue
Anglo Irish Division
Department of Foreign Affairs
Dublin

JUDITH WARD CASE REFERRED TO COURT OF APPEAL

Dear David,

Further to our conversation of yesterday following the decision of the Home Secretary to refer the Judith Ward case back to the Court of Appeal, I can confirm that the reference was on one point, the forensic evidence.

As you know, Dr Frank Skuse, the Home Office scientist whose testimony in the Birmingham Six case was discredited, also gave evidence against Ward. I recall that Home Office officials were discussing the Ward case with me when the Birmingham Six appeal was going on and there is little doubt that the collapse of Skuse's credibility gave rise to concern about the Ward conviction.

Another aspect, which may not become public knowledge, is the involvement of Dr. McKeith, a psychiatrist whose study of the psychology of false confession has excited a lot of interest within the Home Office. McKeith examined the Guildford Four and Birmingham Six and it may have been his findings on Ward which triggered the Home Office interest in her case in the first instance.

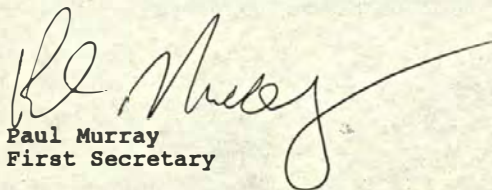
The Home Secretary's letter of reference will not be published but Alan Chapman, the responsible Home Office official with whom I discussed the case yesterday, was willing to say off the record that it was confined to the single point of forensic evidence. However, it is open to Ward's lawyers to raise any other matters which they consider relevant. Gareth Pierce is now Ward's solicitor [Chapman again expressed to me the Home Office's admiration for her] but the Home Office is not aware if she has appointed counsel.

Chapman said that Ward's case was likely to be the most complex ever to come before the Court of Appeal. A major problem is that, because she did not appeal previously, no transcript was written up of her trial and the notes have now been destroyed [this is done automatically after five years if a transcript is not requested, which usually only happens if there is going to be an appeal]. Some of the judge's summing up survives in the form of lawyer's notes.

The case is not likely to be listed by the Court, in the Home Office's view, before sometime in 1992. Of critical importance will be the DPP's decision whether or not to contest the case. Technically, the Crown Prosecution Service will not have had any contact with the case up to this point but I think it likely that some informal discussions have taken place. However, as we have already seen in the Birmingham and Maguire cases, the DPP appears vulnerable to pressure and the resistance of the legal establishment to admitting mistakes should not be underestimated.

One of the problems with the case over the years has been Ward's erratic behaviour, alternately admitting and denying guilt. Chapman said that the only way the case could now be prevented from proceeding would be for Ward herself to withdraw it. However, I got the impression that the Home Office has laid the groundwork carefully and the Ward has been primed to proceed with an appeal. A successful outcome can probably be anticipated with the main focus of interest being the form of facesaving indulged in by the DPP.

Yours sincerely,



Paul Murray
First Secretary