

**RETURN
TO AN ADDRESS OF THE HONOURABLE
THE HOUSE OF COMMONS
DATED 30 JUNE 1994 FOR A REPORT
OF THE INQUIRY INTO THE
CIRCUMSTANCES SURROUNDING
THE CONVICTIONS ARISING
OUT OF THE BOMB ATTACKS
IN GUILDFORD AND WOOLWICH
IN 1974**

**BY
THE RT HON SIR JOHN MAY**

FINAL REPORT

*Ordered by the House of Commons
to be printed 30 June 1994*

LONDON HMSO

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The total expenditure of the Inquiry is £2,150,000.

11th May 1994

The Right Honourable Michael Howard QC MP
Secretary of State for the Home Department

The Right Honourable Sir Nicholas Lyell QC MP
Her Majesty's Attorney General

Gentlemen,

I was appointed on 26th October 1989 by warrant of your predecessors to inquire into the circumstances leading to and deriving from the trial of Patrick Armstrong, Gerard Conlon, Paul Hill and Carole Richardson on charges arising out of the explosions in public houses in Guildford on 5th October 1974; of Patrick Armstrong and Paul Hill in relation to charges arising out of an explosion in a public house in Woolwich on 7th November 1974; and of Anne and Patrick Maguire, their sons, Vincent and Patrick Maguire, and Patrick Conlon, Patrick O'Neill and Shaun Smyth on charges of possessing explosives and to report.

My earlier reports in 1990 (HC 556) and 1992 (HC 296), dealt with the convictions of the four Maguires and their three co-defendants. In the first I concluded that the convictions were unsound for a number of reasons, and recommended that they should be referred to the Court of Appeal under the provisions of the Criminal Appeal Act 1968. These convictions including that of Guiseppe Conlon, who had died in custody in 1980, were so referred on 12th July 1990 and were quashed by the Court of Appeal on 26th June 1991.

This report deals with the cases of Patrick Armstrong, Gerard Conlon, Paul Hill and Carole Richardson whose convictions were quashed by the Court of Appeal on 19th October 1989. Because of the long delay in bringing to trial charges against three police officers involved in that case, who were eventually acquitted in May 1993, as you are aware I decided to pursue this part of my inquiry by examination of the extensive written material available, with necessary oral evidence being taken in private.

I now have pleasure in submitting my third and final report.

The Right Honourable Sir John May

FINAL REPORT
THE GUILDFORD AND WOOLWICH BOMBINGS

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FINAL REPORT

THE GUILDFORD AND WOOLWICH BOMBINGS

CHAPTER 1

INTRODUCTION

1.1 On 19th October 1989 the Home Secretary announced in the House of Commons that he and the Attorney General were appointing me to hold a Judicial Inquiry with the following terms of reference:

“... to inquire into the circumstances leading to and deriving from the trial of Patrick Armstrong, Gerard Conlon, Paul Hill and Carole Richardson on charges arising out of the explosions in public houses in Guildford on 5th October 1974; of Patrick Armstrong and Paul Hill in relation to charges arising out of an explosion in a public house in Woolwich on 7th November 1974; and of Anne and Patrick Maguire, their sons, Vincent and Patrick Maguire, and Patrick Conlon, Patrick O’Neill and Shaun Smyth on charges of possessing explosives and to report.”

1.2 The formal warrant was dated 26th October 1989. At my request Sir Richard Barratt CBE QPM, Professor Sir John Smith CBE QC and Mr Alistair Graham were subsequently appointed as assessors to help me in my work. They have continued throughout to be of the greatest assistance and I have remained most grateful for their wise counsel and expertise in their respective fields. In so far as my Secretariat is concerned, I have continued to receive from Tim Morris and Richard Mason all the help and support that I have needed and for which again I am most grateful. As to Counsel, my existing team of David Clarke QC, Timothy King QC, Ian Burnett and Victoria Peel has remained the same until recently, when David Clarke was appointed to the Circuit Bench. From them all I have again received throughout unstinting help and advice. Mrs Tompsett for most of the Inquiry and latterly Ms Ashford have provided sterling secretarial services. But for the assistance and support which I have received from Assessors, Secretariat and Counsel throughout and in full measure, my task would have been substantially more burdensome. I have been and remain intensely grateful to them all. I also gratefully acknowledge the help given to me by the Treasury Solicitor’s Department, in particular by Julie Murnane in relation to this part of my Inquiry.

1.3 This report deals primarily with the convictions of Patrick Armstrong, Gerard Conlon, Paul Hill and Carole Richardson. Without any disrespect I shall for convenience again refer to them collectively as the “Guildford Four” and individually by their surnames alone.

1.4 It was on the 19th October 1989¹ that the convictions of the Guildford Four on charges arising out of the public house explosions in Guildford on 5th October 1974, and the further convictions of two of them (Armstrong and Hill) in relation to charges arising out of an explosion in a Woolwich public house on 7th November 1974 were quashed by the Court of Appeal, Criminal Division. I shall have more to say later in this report on the approach of the Crown and the Court of Appeal when all these convictions came up for consideration.

1.5 On the same day the Home Secretary also announced in the House of Commons that the Director of Public Prosecutions had set in train a criminal investigation of the circumstances in which the various alleged confessions by members of the Guildford Four came to be made and recorded and upon which the convictions of the Four were based. This investigation was the responsibility of the Chief Constable of Surrey, who appointed the Avon and Somerset Constabulary to undertake the task.²

1.6 My two previous reports dealt in detail with the convictions of the Maguire Seven. In the first report (HC 556 - published on 12th July 1990) I reviewed in detail the scientific evidence upon which the convictions of the Maguire Seven had been based, concluded that there were a number of grounds for regarding the convictions as unsound and recommended that the Home Secretary should refer the case to the Court of Appeal under section 17 of the Criminal Appeal Act 1968. The case was so referred on 12th July 1990, the day of publication of my report, and the convictions were quashed by the Court of Appeal on 26th June 1991.

1.7 In my second report (HC 296 - published on 3rd December 1992) I examined the inception of the prosecution of the Maguire Seven and the full circumstances in which the decision to prosecute them was taken. I also examined the representations of miscarriage of justice made over the years after their conviction and the handling of those representations by the Home Office. In the course of hearing evidence on these matters further arguments were raised, which affected some of the scientific conclusions expressed in my first report, and it was necessary to mount a fresh scientific investigation which led to some unavoidable delay before I could complete my work on the Maguire case.

1.8 At that time the criminal proceedings arising from the Avon and Somerset investigation had still not been concluded. The resulting trial of three former Surrey police officers took place at the Central Criminal Court in April

¹ See Appendix A for a detailed chronology of all the main events related to this report.

² I shall hereafter, for convenience, refer to county police forces by the name of their county.

and May 1993, some three and a half years after the quashing of the convictions of the Guildford Four. There are other instances of delay in the whole story, but I regard that comprised in the period from October 1989 to May 1993 as particularly regrettable. It can be subdivided into three periods. The first, October 1989 to November 1990, was occupied by the Avon and Somerset investigation and report and the consideration of that report. It was reasonable to mount a wide-ranging investigation to consider the full extent of any possible criminal charges, but in the event the resulting prosecution was based on factual material which was known by October 1989 and which formed part of the basis for the decision of the Court of Appeal to quash the convictions of the Guildford Four.

1.9 The second period, from November 1990 to January 1992, was largely attributable to the defence application to stay the proceedings for abuse of process and the further consequences of that application. The defendants were fully entitled to make the application, as indeed were the Crown to seek judicial review thereafter, but the length of time taken to resolve this aspect caused me some dismay. The defendants having been committed for trial in March 1992, one might reasonably have expected the trial to start in (say) October 1992, though the defendants had witness difficulties which might have necessitated postponement to January 1993. The delay beyond this was due principally to the defence application on the ground that their leading counsel would be unavailable until a date which could be well into the New Year. Again I consider this regrettable.

1.10 Delays are believed to be endemic in legal matters and as such accepted as inevitable. In my opinion this is wholly wrong and an attitude to be deplored. If the courts and resources are inadequate to deal expeditiously with the business coming before them, then they should be augmented. If a particular counsel retained in a matter cannot be available on the date fixed for trial, or within a reasonable period (as the case may be), then he or she should be replaced. In appropriate circumstances defendants must be told that they cannot always have counsel of their choice, certainly not if to permit this would involve unnecessary delay.

1.11 As I explained in paragraph 1.3. of my first report, I was unable to make progress in my Inquiry into the convictions of the Guildford Four until the police investigation was complete and any criminal proceedings arising from that investigation had been concluded. Because of the delays to which I have referred, this stage was not reached until May 1993, when the trial of the former Surrey police officers at the Central Criminal Court on a charge of conspiracy to pervert the course of justice ended with their acquittals. There has been some public disquiet, expressed in the media and elsewhere, about this result, contrasting it with the comments made by the Lord Chief Justice (see paragraph 20.16 below) in 1989 when quashing the convictions of the Four whose case had been referred back to the Court by the Home Secretary in January 1989 under section 17(1)(a) of the Criminal Appeal Act 1968. The

grounds for this reference were fresh evidence about Carole Richardson's physical condition at the time of her alleged confessions and fresh evidence about alibi witnesses. At the hearing on 19th October 1989 counsel for the Crown indicated that the appeal based on these grounds would have been contested.

1.12 The effect of the reference was, however, to refer the whole case to the Court. As I describe in more detail in paragraphs 20.4 to 20.14 below, Avon and Somerset, in the course of examining original documents on behalf of the Crown for the purposes of the hearing, made certain discoveries which cast serious doubt on the reliability of some of the evidence given by police officers at the original trial. In particular, doubt was cast upon the evidence of Detective Chief Inspector (DCI) Style,³ Detective Sergeant (DS) Donaldson and Detective Constable (DC) Attwell, concerning their interviews with Armstrong. Though no full transcript of their evidence had survived, there was material to show that they had described certain handwritten interview notes as contemporaneous. The discovery of rough typed notes with handwritten amendments, from the amended form of which the handwritten notes appeared to have been copied, gave rise to an inference that the handwritten notes could not have been taken contemporaneously as the respective interviews progressed. A further disquieting discovery was made in respect of an interview of Hill by other officers before he made his fifth statement. This was a statement made after charge which the police had at trial claimed was made voluntarily without prior interview. Further details are given in Chapter 5.

1.13 In the light of those discoveries it was necessary to give urgent consideration to their impact on the safety of the original convictions. The urgency arose from the fact that the Guildford Four were still serving their sentences of life imprisonment. Interviews were conducted in early September 1989 with the three police officers DCI Style, DS Donaldson and DC Attwell. They were not cautioned because it was considered essential to seek their explanations for the discrepancies even at the risk that any evidence so obtained would be excluded at a subsequent trial or disciplinary hearing.

1.14 I have been provided with copies of the Law Officers' Department's file of papers which shows that the case was thereafter considered and discussed in detail by the Attorney General (Sir Patrick Mayhew QC MP), by the Director of Public Prosecutions (Allan Green QC) and by a team of Crown counsel led by Roy Amlot QC who also prepared detailed written opinions. The opinion of counsel, accepted by the Attorney General and by the Director after careful consideration, was that no satisfactory explanation for the form of the interview notes had been given and that the reliability of the police officers' evidence at the original trial was fatally undermined; accordingly the

³ Police ranks are given in full where they first appear and thereafter as in parenthesis. Ranks and other titles given are those current at the time.

decision was made that the appeals of Armstrong and Hill should no longer be resisted.

1.15 Counsel were asked to advise specifically whether the convictions of the other two defendants (Conlon and Richardson) were necessarily also to be regarded as unsafe. They advised that because the truthfulness and reliability of the police evidence was crucial to the convictions of all the defendants, against whom there had been no evidence other than their respective confessions, the discovery of the suspect interview notes contaminated the case for the prosecution as a whole. In the light of this advice the decision of the Attorney General and Director of Public Prosecutions (DPP) was that the appeals of all four defendants should be unopposed. Further detail about the preparations for the 1989 appeal and the appeal hearing are given in Chapter 20.

1.16 At the hearing on 19th October 1989 the Court of Appeal, after listening to detailed opening submissions by Mr Amlot on behalf of the Crown followed by brief supplementary submissions by counsel for the defendants, gave judgment allowing the appeals and quashing the convictions. The Court examined the interview notes on which the Crown's decision had been based but did not hear evidence or submissions relating to any other grounds of appeal or to the grounds on which the Home Secretary's reference had been made. Their convictions having been quashed, the Guildford Four's legal status is the same as if they had been acquitted at their trial and they cannot be prosecuted again for the same offences.

1.17 In not hearing evidence or submissions on the other grounds, the Court's procedure differed from that adopted in a number of later cases referred to the Court of Appeal in which evidence was heard and full submissions made despite the stance adopted by the Crown in not seeking to sustain the convictions. (I refer in particular to the cases of the Maguire Seven, the Birmingham Six, Judith Ward and Stefan Kiszko). The Guildford Four case was the first of this series, and it seems clear that the practice of the Court in dealing with such cases has changed somewhat since October 1989.

1.18 I return to the trial in 1993 of the three former Surrey police officers. As appears clearly from the summing-up, the issue before the jury was whether they were sure that the officers had dishonestly agreed to present the manuscript interview notes as contemporaneous when in fact they were not. The crucial first question for them to decide was whether they were sure that the notes were not contemporaneous. The officers did not give evidence at their trial but had made written statements under caution in 1990 which were before the jury. The statements were largely self-serving and would not normally have been admissible in evidence. However, they were adduced in evidence by the prosecution because they also contained admissions of writing the notes and alterations on which the prosecution needed to rely.

1.19 In their statements, while understandably stating that their memory for the detail was poor, the officers asserted that the handwritten notes were indeed contemporaneous and for the first time put forward a possible explanation for the form of those notes as compared with the typed version. This explanation was that the rough typed notes could well have been prepared hurriedly and inexpertly from the original manuscript notes, for some purpose such as the passing on of information to other officers involved in the investigation, then later checked against the manuscript notes and amended so as to accord with them. It was suggested that the amended typed notes could then have been used in the preparation of the officers' formal witness statements.

1.20 An interpretation of the verdict is that the jury thought that this explanation was credible, leading them to doubt the correctness of the Crown's assertion that the handwritten notes were not contemporaneous. This aspect of the trial attracted relatively little media attention after the first day. As the trial proceeded much more attention was focused on the evidence which was given about Armstrong's original confessions and about information on terrorist activities which he allegedly gave before his conviction. The evidence of senior Metropolitan and Surrey police officers was that he had confessed freely and that he gave extensive information. Leading counsel for DC Attwell referred to Armstrong as having "sung like a canary". Evidence was also adduced about detailed information given after conviction by Armstrong who, it must be said, at this time denied any involvement in or knowledge of the Guildford and Woolwich bombings. The jury also heard that Conlon after his conviction had admitted his involvement in the Guildford bombings. Not surprisingly, the media coverage of this evidence led to a belief in some quarters that an attempt was being made to re-convict the Guildford Four.⁴

1.21 It was no part of the jury's task in the latest trial to decide the guilt or innocence of the Guildford Four and they were so directed. In these circumstances some people may wonder why evidence about the extent and nature of their confessions, and especially the information given after their conviction, was admitted at the trial of the police officers. It is clear that this material was properly admitted, in fairness to the defendants then on trial, because it was regarded as relevant to refute any suggestion of motive to falsify the interview notes or to seek to pervert the course of justice. The Guildford Four had confessed so fully and freely (the argument ran) that the interviewing police officers had no reason to seek to embroider the truth.

1.22 It is hardly surprising that Armstrong and others of the Guildford Four and their supporters should feel aggrieved at the admission of this evidence and the media attention which it attracted. It seems to me to be an example of the lengths to which trial judges go to achieve fairness for the defendants

⁴ In particular, this was the theme of Ronan Bennett's book *Double Jeopardy: The Retrial of the Guildford Four* which was published towards the end of 1993.

on trial before them. The rule against the admission of hearsay evidence is commonly waived out of fairness to a defendant whilst applied with full vigour to evidence against him. The fact is that in April and May 1993 the Guildford Four were not on trial and not in jeopardy of conviction; the former police officers were.

1.23 Bearing in mind the burden and standard of proof⁵ required in criminal cases, there is in my opinion no inconsistency between the quashing of the convictions of the Guildford Four in October 1989 and the acquittal of the three former police officers in May 1993. The 1993 jury were not satisfied of the guilt of the officers. As I have said, an interpretation of their verdict is that they were not satisfied so as to be sure that the handwritten interview notes were not contemporaneous. If this interpretation is correct, it appears inconsistent with the finding of the Court of Appeal in 1989 that the notes were not contemporaneous and that police officers must have lied. The 1989 finding was, however, made in the context of the appeal of the Guildford Four, when the police officers were not in jeopardy of conviction. It is in my view inevitable that the price of fairness to a defendant on trial (or an appellant before the Court of Appeal) is occasional apparent unfairness to others.

1.24 It should also be borne in mind that, as lawyers appreciate but many laymen understandably do not, a jury's verdict of not guilty is not a positive declaration of factual innocence. Similarly a judgment of the Court of Appeal quashing a conviction does not constitute a finding that the appellant did not commit the offence. Herein lies a common misconception of the effect of an acquittal or of a judgment of the Court of Appeal.

1.25 There was no prosecution of the officers involved in the interviews of Hill. One of these officers had since died. The other, DS Peter Lewis who had been a temporary detective constable at the time of the original Guildford investigation, also made a written statement under caution in 1990 in which he denied any irregularity or impropriety in carrying out or recording the interviews of Hill.

1.26 In the course of their enquiries in 1990 Avon and Somerset investigated and reported on a specific allegation of ill-treatment which had first been made by Hill at his trial in 1975 in Belfast for the murder of an ex-soldier Brian Shaw. This trial pre-dated the trial for the Guildford and Woolwich bombings. The allegation related to the dry firing of a hand gun through the flap of his cell door while he was in custody in Guildford police station following his arrest.

⁵ In a criminal trial the burden is upon the prosecution to prove the guilt of the accused beyond any reasonable doubt. Juries are directed that unless the evidence makes them satisfied so they are sure of guilt, their verdict must be one of not guilty.

1.27 This allegation was recently considered by the Court of Appeal in Northern Ireland in an appeal hearing which led to the conviction being quashed. I return to the outcome of the Avon and Somerset investigations and this appeal later in my report (see paragraph 5.5). However, I should state at this early stage that if the material which was before the Court of Appeal in Belfast had been before the judge and jury at the trial of the Guildford Four in 1975, there can be little doubt that the statements made by Hill and the other three defendants would have been ruled inadmissible and the jury directed to acquit all Four.

1.28 In July 1992, before completing my work on the Maguire case and before the Surrey police officers had come to trial, I had decided to proceed privately with my investigation into the case of the Guildford Four so as to minimise the further delay before I could conclude the Inquiry in accordance with my terms of reference. By that time it had become apparent that if I were to await the conclusion of the criminal proceedings and thereafter to embark on wide-ranging public hearings examining all aspects of the case, my Inquiry would extend throughout 1994, and probably beyond. Meanwhile the wider questions affecting the Criminal Justice system as a whole, on which it was thought that some lessons would be learned from the events surrounding the convictions of the Guildford Four, had been submitted for consideration by the Royal Commission on Criminal Justice, of which I was a member and which was due to report in mid-1993. In these circumstances it seemed to me that it was in the public interest for me to wait no longer for the conclusion of the criminal proceedings, but to go ahead with a more limited form of inquiry in the Guildford Four case. Members of the Royal Commission did of course read my two reports on the Maguire case, and I was able to contribute my provisional views on a number of points of concern arising from the Guildford and Woolwich cases before the Commission completed its report in June 1993.

1.29 I decided that the most satisfactory way of proceeding in the Guildford Four case was not to hold public hearings as in the Maguire case but to prepare a report principally from the papers made available to me. A number of accounts of the case have been written and published since 1977. They include in particular *Trial and Error* by Robert Kee, *Time Bomb* by Grant McKee and Ros Franey, two Yorkshire Television *First Tuesday* documentary programmes and a BBC *Panorama* programme. Conlon and Hill have also written their own stories in two books published in 1990, *Proved Innocent* and *Stolen Years*. Some of these contained inaccuracies and I have thought it right to set out as accurate a history of the case as is possible on the material available to me. In my investigation I have taken account of the points made in these various commentaries and elsewhere but I have not felt it necessary in this report to cover separately all the allegations made or to repeat allegations for which I found no credible evidence.

1.30 Having decided to proceed in this way, I decided at the same time to make a close examination of a number of specific aspects of the case, all of which have been pressed at different times by campaigners for the Four as major issues of concern, and to seek written and oral evidence from a number of people who could assist me on those particular subjects. These topics all raised questions of the fairness of the procedures followed in the case of the Guildford Four and were therefore identified by me in consultation with counsel to the Inquiry to enable me to decide whether any unfairness had occurred.

1.31 I emphasise, however, that a finding of unfairness is not a determination of the issue of guilt or innocence. I am examining the circumstances leading to and deriving from a group of convictions which were described by the Home Secretary to Parliament on 19th October 1989 as a miscarriage of justice. This may have been due, in whole or in part, to procedural irregularities and if I think that these occurred then I shall comment upon them. However my concern is not only with matters of procedure: my terms of reference require me to look at the whole picture. What I cannot do, however, is to decide whether or not the Guildford Four committed the Guildford and Woolwich bombing offences. Further, it is equally the case that it cannot be for me to decide who bombed Guildford and Woolwich if not the Guildford Four. At the first preliminary hearing of my Inquiry on 4th December 1989 I made it clear that the Inquiry was not a retrial but an investigation. I added:

“The convictions cannot be restored and for all purposes the defendants are to be treated as if they had walked free at that time.⁶ If, having heard all the evidence, I were to come to the personal view that any of the defendants was either innocent or guilty I cannot at this stage envisage any circumstances in which it would be appropriate to express that view. If I believed them to be innocent it is manifestly unnecessary to say so. They have been acquitted. If I believed them to be guilty it would be wrong for me to say so in the light of the Court of Appeal’s decision to quash the convictions”.

1.32 My position has not changed since I made that statement and I have since publicly repeated on a number of occasions that I am not deciding the issue of guilt or innocence. However, those who have campaigned tirelessly on behalf of the Guildford Four have repeatedly pressed me to make such a determination by declaring their innocence. These campaigners and many other people believe that the Guildford Four were innocent of any involvement in the offences. I do not doubt the genuineness of that belief or the passionate sincerity with which it is held. Others, however, continue to believe in their guilt.

⁶ That is in 1975, after the trial.

1.33 My terms of reference do not call upon me to make any such determination and there are good reasons why I should not. A person should only be held guilty of a criminal offence after being proved guilty beyond a reasonable doubt within the criminal justice system with its strict rules of evidence and other checks and balances designed to ensure a fair trial. It would therefore be quite wrong for the report of a judicial inquiry to make a declaration of guilt. It would be equally wrong to embark on such an inquiry on the basis that a declaration of innocence can be made whereas a declaration of guilt cannot. Such an approach would lack the essential element of balance and openmindedness necessary to ensure that the inquiry is conducted fairly in the public interest rather than in the personal interest of any particular party.

1.34 Furthermore, the mass of evidence which I have received has convinced me that even if I had held full public hearings on all aspects of the investigation, trial and appeal processes I would still have been in no position to reach a clear and safe conclusion on the factual guilt or innocence of any or all of the Guildford Four. The history of previous judicial inquiries into miscarriages of justice shows some of the dangers involved in attempting to make such a determination. In particular my attention has been drawn by several of the campaigners themselves to the salutary lessons to be drawn in this regard from the way the Fisher Inquiry into the Confait⁷ case approached its task.

1.35 In other words verdicts of guilty or not guilty lie in the province of the courts and are not for a judicial inquiry to pronounce. From time to time since October 1989 it has been reported in the media that comments have been made, on some occasions by eminent people, impugning the judgment of the Court of Appeal and suggesting that the Guildford Four were guilty all along. Mention has frequently been made of an alleged "whispering campaign". I strongly deprecate any such suggestion or campaign. The judgment of the Court of Appeal fully entitles them to be treated as they would have been had they been acquitted by the original jury.

1.36 My decision to proceed with the Inquiry into the Guildford Four case on the basis of the papers available and private hearings, was endorsed by the Home Secretary and the Attorney General at a meeting held at my request on 27th July 1992. Since then, and particularly since the Inquiry's work on the Maguire case was completed in December 1992, I and my Inquiry team

⁷ See the report of the Hon. Sir Henry Fisher (ISBN 0-10-209078-5) into the case of three youths, two of whom had been convicted of the killing of Maxwell Confait and all three of setting fire to his house after the killing. Following a reference by the Home Secretary to the Court of Appeal the three's convictions were quashed. Sir Henry, whose inquiry was set up thereafter, made findings of guilt on the balance of probabilities. Later evidence showed that these findings were not supportable.

have read all the documents which have been supplied to the Inquiry concerning the events leading to and deriving from the convictions of the Guildford Four.

1.37 The Inquiry has received voluminous documentary material from:

The Home Office

The Law Officers' Department

The Surrey Constabulary

The Metropolitan Police

The Royal Ulster Constabulary

The Avon and Somerset Constabulary

The Director of Public Prosecutions

The Director of Public Prosecutions (Northern Ireland)

The Central Criminal Court

The Registrar of the Court of Appeal (Criminal Division)

Present and past solicitors for three of the Guildford Four. (Mrs Gareth Peirce for Conlon; Mr Alastair Logan for Armstrong and Richardson; Mr David Walsh for Conlon in 1974/5)

1.38 I am very grateful for the efforts of all those concerned in making this material available to my Inquiry. In particular I have been grateful to the three of the Guildford Four to whom I have referred for the co-operation which they have shown. Pending the decision on his outstanding appeal in Northern Ireland against his conviction for Shaw's murder Hill felt unable to give me similar assistance. Since that appeal was allowed on the 21st April 1994 (see paragraph 5.5) his solicitors have written saying that he has "no confidence whatsoever" in my Inquiry, and so there I regret that matter must rest.

1.39 Many of the documents provided by police forces and Government departments would not normally be within the public domain or referred to in a report intended for open publication. In the public interest, however, I have quoted from them in my report to such an extent as I consider necessary. In the case of some categories of documents such as Police Special Branch reports, the grant of this discretion to me was a wholly exceptional course, decided on because of the public alarm engendered by the Guildford Four case and other recent well-publicised miscarriages of justice. I am particularly grateful that this view was taken, since on several aspects of my Inquiry it has enabled me to provide a fuller and more balanced account of what occurred than would otherwise have been possible.

1.40 The references to Avon and Somerset which recur throughout this report do not do full justice to the enormous amount of work done by their inquiry team under Mr James Sharples from July 1987 onwards. Those involved in this work deserve great credit. Their detailed investigations and reports have, among other things, provided the material on which the convictions of the Four, including Hill's convictions in Northern Ireland, have been quashed.

1.41 The specific issues to which I have given particular attention are as follows:-

1. The number of arrests by Surrey and the Metropolitan Police in 1974 in connection with the pub bombings and the extent to which these were justified. (See Chapter 4).
2. The circumstances in which Frank Johnson, a potential alibi witness for Richardson, came to be arrested twice by Surrey after he had first volunteered his alibi evidence to the police. (See Chapter 10).
3. The circumstances in which evidence from two potential alibi witnesses, namely Maura Kelly for Richardson and Mrs Yvonne Fox for Hill, was not given at trial. (See Chapters 10 and 11 respectively).
4. The evidence which might have been given in support of an alibi for Conlon (the Burke alibi); the extent to which this was known to the Crown on the one hand and to Conlon's advisers on the other; whether there was any failure by the Crown to make appropriate disclosure to the defence of or concerning such evidence. (See Chapter 8).
5. Whether there was any failure to disclose to the Guildford Four and to their advisers, prior to, during, or after, the trial in 1975, forensic correlation statements comparing various bombing incidents. (See Chapters 14 and 15).
6. Why the original correlation statements referred to above were amended in 1976. (See Chapter 15).
7. Why counts relating to the Guildford and Woolwich pub bombings were not included in the indictment ultimately laid against the Balcombe Street gang. (See Chapter 15).
8. The allegation that following the arrest of the Balcombe Street gang in December 1975 the Metropolitan and Surrey police failed properly to pursue with them and thereafter to investigate alleged admissions to both the Guildford and Woolwich bombings. (See Chapter 15).
9. Whether there was any culpable delay on the part of the prosecuting authority in disclosing the fact of such admissions to the Guildford Four and their advisers. (See Chapter 15).

10. The way in which the police subsequently investigated admissions to Guildford and Woolwich made by the Balcombe Street gang and one of their former associates in October and November 1976. (See Chapter 16).

11. The provenance and the use by counsel for the Crown and by the Court of Appeal at the Guildford Four's appeal in 1977 of the letter which became known as the "Dear Joe" letter. (See Chapter 18).

12. The approach of the Court of Appeal to the evidence given to it by members of the Balcombe Street gang on the applications of the Guildford Four in 1977. (See Chapter 17).

13. The approach of the Court of Appeal to the evidence relevant to Carole Richardson's alibi. (See Chapter 17).

14. The handling by the Home Office of representations made on behalf of the Guildford Four after 1977. (See Chapter 19).

1.42 As part of my examination of these issues I heard oral evidence at a number of private hearings attended by the witnesses and their legal representatives, counsel to the Inquiry, members of my secretariat, my assessors and myself. I list below the dates of the hearings and the details of those who attended.

- | | |
|--------------------|---|
| 1st June 1993 | Witnesses : Mr Michael Hill QC, Mr Paul Purnell QC and Mr Philip Havers (surviving prosecution counsel); represented by Mr Simon Hawkesworth QC and Mr Nicholas Price QC, instructed by Mr Peter Crawford of Messrs Stitt and Co. |
| 7th June 1993 | Witness : Sir Peter Imbert QPM; accompanied by Mr Peter Essex of the Metropolitan Police Solicitor's Department and D.Supt Roger Newton. |
| 15th July 1993 | Witnesses : Mr Michael Hill QC and Mr Paul Purnell QC, represented as above. |
| 28th July 1993 | Witnesses : Mr Christopher Rowe QPM and Mr Ronald Underwood, former senior officers of Surrey Constabulary; represented by Mr Edwin Glasgow QC instructed by Mr Peter Stockwell of Messrs Payne Hicks Beach. |
| 16th December 1993 | Mr Simon Hawkesworth QC and Mr Nicholas Price QC made submissions on behalf of prosecuting counsel. |
| 22nd February 1994 | Witnesses : Mr Gordon Ward, junior counsel for Conlon at trial and for the 1977 appeal (now Chief Justice of Tonga) and Mr David Walsh of Conlon's solicitors in 1974/75. Also present were the counsel |

named above for prosecution counsel; Mr Michael Hill QC; Mrs Gareth Peirce, Conlon's present solicitor, and Mr Burton, a partner in Mr Walsh's firm (Messrs Simons Muirhead and Burton).

1.43 I am very grateful to all these witnesses and their legal representatives for attending the hearings and co-operating so fully with my Inquiry. Full transcripts of the evidence were taken and have been submitted to ministers with this report.

1.44 It will be noted that the specific topics which I have listed do not include the circumstances in which the confessions of the Guildford Four came to be made or the way the Four were personally treated while in police custody. Nor do they include any of the matters discovered by Avon and Somerset relating to the apparent interference with police interview notes or the disputed Hill interview or the discrepancies in the custody records, all of which led to the quashing of the Four's convictions by the Court of Appeal in 1989.

1.45 These are all matters which I have included in my historical account of the case and I have endeavoured to record in some detail the differing versions of events given by all concerned. However, for the reasons I have stated in paragraphs 1.26 to 1.33 above I did not consider it either advisable or practicable to seek to make findings of fact myself on any of these issues. Those who have been prosecuted and acquitted - be they the Guildford Four or police officers - should not be re-tried by a judicial inquiry. In any event, even in relation to those matters where there had been no prosecution, I decided that the delays to which I have already referred made it impossible for me to reach any worthwhile conclusions on any of these matters.

1.46 Though the principal purpose of my Inquiry has been to ascertain what occurred with a view to seeing what useful lessons for the future are to be learned, it is inevitable that some criticisms are levelled at certain individuals. I have been conscious throughout of the requirement of fairness to all those who might feel themselves to be directly or indirectly criticised in my report. Having drawn provisional conclusions on the particular matters to which I have referred, I therefore gave private notice of those conclusions to those affected by them, inviting further written observations on my conclusions.⁸ I am grateful for all the observations which have been submitted in response to this invitation, and have taken them carefully into account.

1.47 Once again I am reporting against the background of a continuing campaign of violence by the Provisional IRA in both Northern Ireland and mainland Britain and by other terrorist groups in Northern Ireland. The need to bring the guilty to justice is as urgent as ever, but it is no less important to ensure that only the guilty are convicted and that this is achieved by fair and proper means.

⁸ I set out in Appendix J the procedure I followed in this part of my Inquiry.

CHAPTER 2

THE BOMBINGS AND POLICE INVESTIGATIONS

Guildford

2.1 Two bombs exploded in the centre of Guildford on the night of Saturday 5th October 1974. Both had been placed under bench seats in the bars of two public houses popular with Guards and WRAC recruits from nearby army training camps at Stoughton, Aldershot and Pirbright, and were timed to explode when many of them could be expected to be among the customers. No warning was given.

2.2 The first bomb exploded in an alcove in the Horse and Groom in North Street at around 8.50pm⁹ causing the deaths of five people: Paul Craig aged 21, a civilian; William Forsyth aged 17 and John Hunter aged 17, two recently recruited Guardsmen; and Anne Hamilton aged 19 and Caroline Slater aged 18, two members of the Women's Royal Army Corps. More than 50 others of a total of almost 80 in the public house at the time were injured, some very seriously. The public house itself, an old listed building, was severely damaged and left in danger of collapse.

2.3 The second bomb exploded about 250 yards away at approximately 9.30 pm in the bar of the Seven Stars public house in Swan Lane. (A plan of Guildford showing the location of the public houses is at Appendix B). Warned of the risk of a further bomb the licensee had managed to evacuate the building and search the bars. Nothing had been discovered, and customers were beginning to re-enter the building when the device exploded injuring 11 people and severely damaging the building and several nearby shops.

2.4 The immediate effects of the explosions and the attempts to help the dying and injured were graphically described in many of the statements taken later from survivors and rescuers. Two women police constables in a police car nearby saw the front of the first public house blown out followed by a plume of smoke and dust. Having summoned help by radio they, with four other officers who had been on foot patrol in the area, began to evacuate the building whose ground floor had partly collapsed into the cellar, and to tend the injured. They were quickly joined by other police officers in the vicinity who had heard the radio message and by fire and ambulance crews who together with volunteer helpers removed the dead and the severely injured from the bar and cellar of the Horse and Groom.

2.5 All known casualties from the Horse and Groom had been taken to hospital by 9.25 pm and the second bomb exploded nearby in the Seven Stars

⁹ Referred to inaccurately in the trial summing up and in the 1977 appeal judgment as 8.30 pm.

shortly afterwards. Fire and ambulance crews standing by at the Horse and Groom were able to attend within seconds and take the injured to hospital without delay. Altogether 70 victims were recorded as receiving hospital treatment.

2.6 Police action at the scene was concentrated on dealing with the immediate aftermath of the explosions. An incident post was set up at the scene and teams of officers were engaged on rescue, traffic and crowd control duties. At Guildford police station the communications staff arranged the call-out of senior and reserve officers and began setting up an incident room which provided the central point for collating information later to be used in the murder investigations.

2.7 Meanwhile at the County Police Headquarters, near Guildford, the control room and telephone switchboards were fully staffed and in contact with all the neighbouring forces. Teams of officers were sent to the three hospitals concerned to take note of the details of the injured and a central casualty bureau was quickly established and remained open until 10 pm on 6th October to deal with enquiries about casualties.

2.8 The head of Surrey's Criminal Investigation Department, Detective Chief Superintendent (DCS) Walter Simmons, reached the scene at 9.50 pm. Shortly before this the Metropolitan Police Bomb Squad had been asked to attend and Commander Huntley, DCS Nevill and two explosives officers arrived in Guildford later that night. There was to remain a close link between the Bomb Squad and the Surrey investigating team throughout, although the Metropolitan Police were not asked to conduct the murder inquiry. Following discussion with his senior officers, the Chief Constable of Surrey, Mr Peter Matthews, decided at an early stage that the Inquiry should be led by Mr Christopher Rowe, Surrey's Assistant Chief Constable (Operations) (ACC(O)) who had nearly 30 years' experience as a CID officer in all ranks, mostly in the Metropolitan Police, with Mr Simmons in day to day charge of running it. At Mr Rowe's request Surrey officers were attached to the Metropolitan Police Bomb Squad and the Special Branch, each of which supplied an officer, namely DC Lewis and DCI Peter Imbert, to work with the Surrey police and provide liaison with their departments.

2.9 The murder inquiry headquarters were based in Guildford police station where Mr Rowe and Mr Simmons were helped in the operation by D Supt Underwood. Reporting to them were "action" teams of three detectives, comprising a chief inspector or inspector, a sergeant and a constable. The work of these teams was co-ordinated through an incident room controlled by DS Carter. In the course of the inquiry nearly 3000 statements were taken and at its height 170 officers were involved.

2.10 There were no immediate leads to the identity of the bombers. The first line of enquiry was to interview all those who had been injured in the bombings to eliminate them as suspects and to obtain descriptions of others in the public houses during the evening. The police sought to contact everyone else who had been there. Witnesses were asked to describe themselves and others present, their movements during the evening of 5th October and their exact positions when the bombs went off. By means of self identification, cross checking statements and the use of polaroid photographs the police were eventually able to plot on diagrams of the two public houses where individuals were at intervals during the evening. The results of this detective work did not, Surrey initially believed, produce enough evidence to show when the bomb was planted in the Seven Stars or to describe who might have planted it.¹⁰ However, descriptions were given of a "courting couple" in the Horse and Groom during the evening who had occupied a bench seat in the alcove where the bomb exploded and who had not otherwise been identified. The witnesses who had described the couple helped the police to produce photofit pictures. Their collective description was also depicted in an artist's impression which was circulated to all police forces in mid-November and shown on television news programmes on 19th November. As we shall see, the case for the Crown in the case of the Guildford Four was that this courting couple were the bombers.

Woolwich

2.11 The second bombing incident with which I am concerned took place on 7th November 1974 at about 10.10 pm, when a bomb was thrown through a window of the King's Arms public house, Woolwich. (A plan of the area is at Appendix C). For a matter of seconds the device lay on the floor with its fuse burning, just long enough for some of the people in the bar to realise what it was and to throw themselves away before it went off. Two people were killed by the explosion, Richard Dunne, a 42 year old soldier, and Alan Horsley, a 20 year old civilian. Immediately after the explosion first aid was given by passers by and military personnel from the nearby barracks. Further help was provided shortly afterwards by police, fire, and ambulance officers who had arrived by 10.19 pm. Of the 27 injured one, Owen Wynne, died shortly afterwards. He had been ill for some time and a post mortem examination demonstrated that he had in fact died from natural causes.

2.12 The bomb was later estimated to have contained 2-3 lbs of high explosive around which was a collection of nuts, bolts and washers, held in

¹⁰ It would seem that it was not until much later that Surrey realised that the statements of three soldiers, Kevin Pedley, Rowland Rehill and Michael Ryan, placed two men and a woman, whom each described, near the seat of the explosion in the Seven Stars from about 5.45 to at least 7 pm. There can be little if any doubt that the people the soldiers saw and described were the bombers. See also paragraphs 16.23 (under the heading "Interview of O'Connell on 2nd November 1976"), 16.36 and 17.3(b).

place by adhesive tape. It was the fourth in a series of “throw bomb” attacks after the Guildford bombings.¹¹

2.13 The Metropolitan Police Bomb Squad was told of the explosion at 10.20 pm and Commander Huntley and DCS Nevill went straight to Woolwich, the latter taking charge of the scene and, with the assistance of DCI Munday, of the investigation that followed.

2.14 The police took statements from those who had seen or might have seen the bombers. One was Joseph Corbett, a 60 year old Gas Board employee who had been sitting in the back of a Gas Board lorry near the King’s Arms keeping an eye on a compressor.¹² He saw a young man get out of a car parked immediately beyond the compressor facing northwards up Frances Street. The car did not show any lights. Corbett did not notice its colour or its registration number but believed it to be an Austin or Morris 1100. The man walked at a normal pace towards the King’s Arms but quickly returned and bent down to speak to someone in the back of the car. A second man got out of the car and walked quickly towards the pub with the first. Then the driver left the car and ran past Corbett to join the other two. They returned to the car “almost instantly”, jumped in and drove quickly away northwards switching on their lights when they were some distance away. According to Corbett it was only then that the explosion took place. He described the men as young but said that he would not be able to recognise them again.

2.15 Mrs Freeman was on her way home to Ogilby Street, the first turning to the left beyond the King’s Arms, with a friend. As they walked up Frances Street on the same side as the pub she noticed, among the parked vehicles, a dark four door Ford Cortina or Corsair. Although the windows were steamed up she could see four people inside. As soon as she passed the car she heard its doors slamming, she looked round and saw two men running towards the pub. As they reached Ogilby Street they heard the explosion but did not see the suspect car leaving the scene. The friend, Mrs Markham, recalled in her statement a long grey estate type car with a blond head against the rear nearside window and other people inside. However, she did not see anyone leaving the car and running towards the King’s Arms.

2.16 Three other witnesses saw a man or men near the pub or running from the scene at about the time of the explosion, but none was able to give a clear description. In addition to these witnesses, a number of others saw a vehicle moving quickly away from the pub northwards along Frances Street soon enough after the explosion to attract suspicion. Some of these saw the vehicle seconds after the explosion. Most of them said that it was a dark, probably

¹¹ See Chapter 14 below on scientific correlation.

¹² The lorry, compressor, and other vehicles parked nearby are shown in Appendix C.

maroon or dark red, Ford Cortina Mark II and some said that it was driven for a while without lights. One man, George Tyrell, who was passed by this car as he stood on the pavement said that it contained three men and, he thought, a young woman with fair shoulder length hair in the nearside rear seat. Mr Tyrell said the Cortina was maroon. An element of confusion was introduced however by a handful of witnesses who described seeing a white or light coloured car.

2.17 The Metropolitan Police had no clear description of, or lead to, the bombers. On 22nd January 1975, in a report on the progress of the investigation, D Supt Imbert recorded in relation to the search for the cars :-

“It should be known that in an effort to trace these vehicles a complete check is being continued, as recovery takes place, on all such vehicles (a figure in excess of 3,000) which were reported stolen in the week prior to the 7th November and recovered after that date, with negative result at the present time.”

2.18 However, a maroon Cortina Mk II, with the registration number PMX 334F, had been reported to the police as stolen from outside an address in West London at between about 6 pm on 7th November and 8.30 am on the 8th. It turned up in a road in South London where it had been standing for several days before the police were notified on 14th November. On the 19th it was examined for fingerprints and on the following day for explosives using a “sniffer” device although it was not swabbed for explosive traces. Both examinations proved negative. Despite the significance of a car of this type and colour being stolen and recovered in this period, PMX 334F seems to have escaped attention but, as we shall see in Chapter 16 of this report, there is little doubt that this was the car used in the Woolwich bombing.

2.19 The police did not identify the car until early in 1977. At the Four’s committal proceedings in March 1975 and at their trial in September and October prosecution counsel said, on the basis of the evidence to hand, that the bombing team at Woolwich had been three or four strong. Further, they said at committal that the bombers had used at least one and perhaps two cars but by the time of the trial were of the view that only one car had been used.

CHAPTER 3

THE GUILDFORD FOUR - THEIR BACKGROUNDS, IDENTIFICATION, AND ARRESTS

Paul Hill

3.1 Paul Michael Hill was born in Belfast on 13th August 1954. After leaving school in 1969 he came to England on several occasions working in different jobs and living in London with his aunt, Mrs Anne Keenan and her husband Francis (Frank). According to Hill's account to the police he returned to Ireland in December 1973 and remained there unemployed until August 1974. In May 1974 he was held in Belfast for questioning on unconnected matters and his photograph taken on 18th May 1974 shows him then to have had shoulder length fair hair. An army intelligence Sergeant in Belfast noticed the likeness between Hill and one of two women in photofit pictures in *The Sun* of 9th October. The women were in fact two victims of the bombing whose pictures were released in error as people the police wanted to trace. The sergeant telephoned the incident room at Guildford on 19th October suggesting that Hill could easily pass for a female and that he was a strong suspect for the bombings.

3.2 This direct contact with the Surrey incident room on 19th October from the army in Northern Ireland was the first that Surrey had heard of Hill and they thereupon asked the Metropolitan Police what they knew about him. Although there had already been some contact about Hill between the Metropolitan Police Special Branch (MPSB) and the security forces in Northern Ireland no information had at that stage been passed to Surrey.

3.3 Intelligence material in Northern Ireland gathered before August 1974 and which I have been seen, reported that Hill was a member of D Company of the 2nd Battalion PIRA and that he had been seen shooting at the security forces on different occasions during 1974. An RUC report of an interview with Hill when he was detained by them at Holywood Barracks between 31st October and 3rd November 1971, gave a detailed description of Hill's recruitment into the IRA which Hill was said to have provided. Then in August and September 1974, before the Guildford bombings, the army in Northern Ireland received reports that Hill had left for England in August to join a bombing team. A further army report of 17th October 1974 connected Hill specifically with the Guildford bombings.

3.4 On 13th September 1974 the RUC wrote to the MPSB referring to "a" Paul Hill who was reported to have "gone to" London to carry out bombings. On 27th September a further letter gave fuller details of Paul Hill with a copy of the photograph taken in May. On 11th October 1974 the MPSB received a communication from the army in Northern Ireland referring amongst other things to the belief that "Paul Michael (Benny) Hill" had "gone across to

London at the end of August to form a bomb team". This message unlike the earlier letter required specific action and was passed immediately to the Bomb Squad.

3.5 The Bomb Squad did not raise with Surrey the possibility that Hill might have been responsible for the Guildford bombings. It was only after Surrey had made contact with them on 19th October that both police forces came to regard Hill as a prime suspect. The Metropolitan Police then passed all their information on Hill to Surrey who also obtained the details of the earlier intelligence material gathered in Northern Ireland to which I have referred. As soon as both forces became aware of the direct allegation in the army report of 17th October that Hill had been involved in the Guildford bombings, they made immediate inquiries to trace him.

3.6 The approach of the Bomb Squad to the communication they had received about Hill prior to the 19th October is quite understandable. This was a period of continuing terrorist activity in Northern Ireland and in London. Two bombs had exploded in central London on 11th October and 72 devices had been planted in London alone in the previous 12 months. The Bomb Squad was therefore under great pressure both in dealing with incidents and their aftermath, and in evaluating and acting on information received from different sources. Hill's was not the only name put forward as a suspect for Guildford.

3.7 It is in the nature of intelligence obtained from informants that it often cannot be verified. There is also a risk that information may be invented or embellished to gain greater rewards or to inculcate an innocent person for ulterior motives. In this case the relevant information was gathered by the army and the police in Northern Ireland before Hill was known to the Surrey police. Subsequently a payment of £350 was made by them to the RUC informants' fund although no money was paid directly by Surrey to informants.

3.8 In any event, Hill disembarked at Heysham at about 5.40 am on 23rd August 1974. He was accompanied by his sister Elizabeth, his girlfriend Eugenia (Gina) Clarke and Joseph Brendan Kane. According to a statement made by Gina on 4th December 1974 it was her idea to come to England and she asked Paul to come with her. Hill and Kane were both interviewed at the port by a Lancashire Special Branch officer who compiled short proforma reports on them on 25th August, recording Hill's correct name and date of birth (13th August 1954) and the fact that nothing suspicious had been found in their luggage. Checks with the RUC disclosed three criminal convictions against each of them but no trace on Special Branch records.¹³

¹³ The report of the RUC interview with Hill of 1971 to which I referred in 3.3 wrongly gave Hill's year of birth as 1955. This error may have led to the failure on this occasion to identify Hill with this report.

Paul Hill's address in London and the address where Joseph Kane also said that he intended to stay for about six months was recorded as 91c Breakrock (sic) Road, London N7, an easy mishearing or misspelling of Brecknock Road where Hill's aunt and uncle, Anne and Frank Keenan lived. Paul and Elizabeth Hill, with Gina, stayed that night with another aunt of the Hills, Mary Smalley, at O'Donnell Court in Holborn. The next day Paul and Gina moved to Southampton where they stayed until 20th September 1974 with Gina's sister Mrs Kathleen Crosby and family at 2 Stainer Close. Using that address and his correct name, Hill claimed unemployment benefit until 3rd October 1974. Late on 19th September he had been found asleep on a bus at Bitterne after drinking. When questioned by a police constable he gave his correct name, date of birth and current address.

3.9 On the following day, 20th September, accompanied by Conlon whom he had met in Southampton (on 29th August according to Gina), Hill went to London, where they stayed overnight with Conlon's uncle and aunt, Hugh and Kathleen Maguire, at 25 Westbourne Terrace Road, Paddington. On 21st September, they moved to a Roman Catholic hostel for newly arrived Irishmen called Hope House at 20 Quex Road, Kilburn. On his admission card Hill stated that he had arrived in England on 20th September, that it was his first visit to Britain and that he had left employment in Ireland. At Hope House he and Conlon shared a four bed room called "St Louis" with two other men, Patrick Carey and Charles Burke, both of whom were to become potential alibi witnesses for 5th October, and to whom I shall return in due course.

3.10 Hill and Conlon started work as labourers for Robert Hart and Sons Ltd (Harts), on 23rd September, employed through a sub-contractor, Denis Culhane, who had for some time employed Frank Keenan in the same capacity. They were engaged by a foreman called Thomas "Tucker" Clark, who had dismissed two men in the summer of 1974 and told Mr Culhane that he could replace them with two more. However, the work records show that Hill and Conlon were not engaged until Monday 23rd September. They worked together until 11th October. On that date they went to a concert by an Irish Group called the Wolfhounds at the Carousel Club in London, which was also attended by Hugh Maguire, Frank Keenan and Anne Maguire. On 16th October they travelled together to Manchester, staying until 19th October with another aunt of Conlon's, Ann McCann, who was a sister of Hugh and Patrick Maguire, and her husband William who had not met Hill before. According to their statements to the police Hill was introduced and known to them only as Peter (though he denied this at trial), as he was at about the same time to Patrick Black an acquaintance of Conlon's. On 19th October Conlon and Hill returned to London, where Hill resumed work with Harts on 22nd October until he left on 22nd November. On or about 20th October he moved from Hope House to the Keenans' flat in Brecknock Road. Gina Clarke had meanwhile moved on 20th October from her sister's house in Southampton to live with another married sister, Mary Hammond, in Greenwich. She stayed there, often in contact with Hill by telephone, until

21st November when she went to stay briefly with him at the Keenans' flat in Brecknock Road.

3.11 The police had still not traced Hill. It appears that his port entry report dated 25th August with the address 91c Breakrock (sic) Road was not sought by the Surrey police until 29th January 1975. Information from the RUC suggested that he might be in the Birmingham area and Surrey officers were looking for him there in November. However, on 19th November 1974, further information from the same army intelligence sergeant who had suggested Hill as a suspect, led the police to 2 Stainer Close, which was kept under observation by Hampshire officers. Meanwhile Metropolitan Police officers had been searching for Hill in London. DS Day and DC Corby of the Bomb Squad had visited the Keenans at 91c Brecknock Road on 27th August 1974 to try to interview Patrick Hill, Paul's brother. Having drawn a blank in searching elsewhere for Paul Hill, DS Day decided to revisit the Keenans on 23rd November with DC Corby and asked whether "Benny" Hill, who he agreed with the Keenans might be Patrick Hill, was staying there. The Keenans said that he was not there. No mention of Paul was made by the police or the Keenans. Later that day Paul and Gina left 91c Brecknock Road and moved to Southampton to stay with Gina's brother, John Clarke, at 29 Alder Moor Avenue. According to the latter's statement to the police of 2nd January 1975, he met them at about 2.45 pm on 23rd November walking up Church Street, Shirley, and they asked if they could stay at his place for the weekend. They in fact stayed there until they were detained on Thursday 28th November. On 30th November, the Saturday following their detention, DS Day with Surrey police officers returned to the Keenans' flat where DS Day and Mrs Keenan exchanged words about whether or not she had deceived him in saying that "Benny" Hill was not there on 23rd November. The house was searched and the Keenans were taken to Guildford for questioning.¹⁴

3.12 Having been alerted from Northern Ireland to Hill's possible presence at 2 Stainer Close the police made further enquiries about where he might be living in Southampton and at about 10.40 am on 28th November a team of Surrey and Hampshire detectives arrived at 29 Alder Moor Avenue. According to the police reports DI Richardson (Surrey) and DS Fitchett (Hampshire) went to the front door and DS Jermey (Surrey) and DC Luty (Hampshire) to the rear. The front door was opened by Mrs Kathleen Clarke, who took two of the officers into the kitchen. While they were talking the other two officers, having seen a man trying to undo window catches and then close curtains at the rear of the house, entered through the front door, went to the back room and returned with Paul Hill to the kitchen where DS Jermey arrested him on suspicion of causing explosions. He was taken by DS Jermey and DS Luty to Shirley police station and later that day, escorted by DI Richardson and DS Jermey, transferred to Guildford police station where he

¹⁴ These events are considered in greater detail in paragraphs 11.8 to 11.13 below.

was placed in a cell at 4.30 pm. Gina Clarke was also detained and taken to Guildford, arriving at the police station at 4.55 pm. She was questioned by D.Supt Underwood and DS Jerney about her association with Hill and taken back to 29 Aldermoor Avenue in the evening.

3.13 Among the letters seized by the police at Aldermoor Avenue was one that Hill's mother had sent him on 16th October 1974 enclosed in an envelope addressed to Gina at 2 Stainer Close. The letter was addressed to "Pauline", and signed "your loving Mother". It said among other things, "I did not send it to your address for obvious reasons", "I will be at the phone Friday night so be careful what you say" and "it is too risky to send to your address". Enclosed with it was a recent newspaper memorial notice to dead members of D Company, 2nd Battalion of the IRA, including three men who had been killed by their own explosives on 10th October 1972, and a man called Martin Skillen who, with Hill, had been sought by the RUC in connection with the murder of Brian Shaw in Belfast on 20th July 1974.

3.14 It was Hill's arrest and his interrogation by the Surrey and Metropolitan Police which led directly or indirectly to the arrest and conviction of his three co-accused and the Maguire Seven, as well as the arrests of many others. It was also, as we shall see, Hill's interrogation by the RUC whilst in the custody of Surrey police which led to his being charged with and subsequently convicted of involvement in the murder of Brian Shaw.

Gerard Conlon

3.15 Gerard Conlon was born in Belfast on 1 March 1954. He went to St Peter's Primary and Secondary schools, as did Paul Hill, leaving at the age of 15. He had various jobs in Belfast and by his own account he was in England from August to December 1971 and from August 1972 to January 1973, working briefly in Manchester from November 1972 to January 1973.

3.16 On 3rd August 1974, accompanied by his girl friend Eileen McCann, Conlon returned to England. There is no official record of their entry but according to their own statements they left Belfast on 2nd August 1974, went by boat to Heysham and then by train to Southampton, where they first stayed with Mr and Mrs Donald (Danny) McQuaid at 9 Shirley Towers. Giving that address and his own correct particulars Conlon applied for a National Insurance card on 5th August. Conlon and Eileen McCann stayed with the McQuaids for seven to ten days and then by an arrangement made through Danny McQuaid they moved to 39 Shakespeare Avenue, Portswood. On 29th August, by Gina's recollection, they met her and Hill in the King's Arms public house in Shirley. Shortly thereafter Conlon's relationship with Eileen ended and she left to live in lodgings elsewhere.

3.17 Conlon moved to a boarding house at 101 Highfield Lane, Portswood, where he stayed for only two days before moving on or about 10th September

to share a flat at 43 Shirley Road in answer to an advertisement. He told his flatmate that he had been in Southampton for about a week sleeping rough on the common. He left the flat on 20th September and moved to London with Hill, staying together overnight with his uncle and aunt, Hugh and Kathleen Maguire, and moving on to Hope House hostel in Quex Road. As I have indicated they worked together as labourers at Harts until 11th October when Conlon ended his employment there.

3.18 On 16th October Conlon and Hill went to Manchester together but returned shortly afterwards and on the evening of 19th October Conlon signed out of Hope House and travelled by train to Holyhead. There he was checked by police at 2.25 am on 20th October before embarkation on the Dun Laoghaire ferry. He gave his correct name and the address of Hope House, producing his personal papers as identification. He told the interviewing officer that he was going back to his home in Belfast and intended to stay there for a few days before returning to London. Checks on his possessions and with the Criminal Record Office revealed no reason to detain him and he left on the 3.15 am ferry. There is no later official record of Conlon before his arrest, except a note by the security forces that he was stopped, with another man, in Belfast on 19th November 1974 for abusing an army patrol. However, as with Hill there were intelligence records dating in his case from November 1971 which showed that he had been screened and released a number of times by the army. This intelligence identified him as shooting in the Lower Falls area on two occasions and reported him to be a member of D Company, 2nd Battalion PIRA.

3.19 In his interview and statement to the Surrey police on 29th November 1974 Hill said that he did not know where Conlon was when he arrived in London on 23rd August but that they had met in London on 24th August. He went on to implicate Conlon in the Guildford public house bombings. The Surrey police therefore took urgent steps to trace Conlon and he was arrested at their request at his parents' home at 32 Cyprus Street, Belfast at 5.30 am on 30th November. The arresting officer, DC Marshall of the RUC, took him to Roden Street police station, from where he was transferred to Springfield Road police station arriving at 7 am. He complained of feeling sick and was seen by Dr McAvinney between 5.05 pm and 5.15 pm when he complained of moderate pain believed to be a kidney infection. He made no complaint of abuse or injury in custody and bore no evidence of injury.

3.20 He was interviewed at midnight by DCI Grundy and DS Jerney of Surrey, who put to him that he had been involved in the Guildford bombings. He denied involvement and continued to do so even after he was told that Hill, who he admitted knowing, had implicated him. He said that he would have been at a Club in Kilburn in the evening of 5th October. DCI Cunningham interviewed him again between 11.30 am and 12.40 pm on 1st December about terrorist activities in the Falls Road. He complained of feeling ill during the interview and Dr McAvinney examined him again in

DCI Cunningham's office between 11.50 am and 12.10 pm and confirmed the treatment he had earlier prescribed. Between 7 pm and 7.45pm on 1st December Conlon was interviewed for a second time by DCI Grundy and DS Jerney and maintained his denial. After being arrested and cautioned he said that he knew nothing about the explosions. He was then taken to Belfast airport, flown to London, and thence driven to Addlestone police station, near Chertsey, arriving at 11.30 pm.

Patrick Armstrong

3.21 Patrick Armstrong was born in Belfast on 24 September 1950 and educated there until the age of 15, latterly at St Peter's Secondary School where Hill and Conlon also went, although he was about four years older than they were. After periods in and out of work in Belfast he came to England and worked in London for several months in 1972. He returned to Belfast where he had various casual building jobs before taking full-time employment as a paint sprayer from March to October 1973. By his own accounts he returned to London in 1973 and took casual work, living in rented accommodation until March 1974 when he was arrested on charges of burglary and receiving stolen property. He was bailed on 8 May and acquitted of the charges in June. While on bail he moved into a squat at 35 West End Lane and it was at a party there in July 1974 that he first met Carole Richardson. In August he moved to another squat at 14 Linstead Street, Kilburn. He agreed to have a party there on 6th September 1974 for a friend Lisa Astin, who reappears later in this account, to which she brought Carole Richardson. Armstrong took Richardson back to her home nearby afterwards. Later that month she moved to live with him at the Linstead Street squat.

3.22 On 19th October, Armstrong left 14 Linstead Street because, according to his account, of threats made by two men who visited the squat. On 20th October he and Carole set off on a ten day hitch-hiking journey round England and Wales, following which Armstrong moved into a flat at 15 Rondu Road, Kilburn on 31st October. On 15th November he moved on to another squat at 14 Algernon Road, NW6 where he was living when arrested for the Guildford bombings. The squats in which he lived in Kilburn were shared with other young people, mainly young Irishmen, where heavy drinking, drug taking, petty theft and so on were commonplace. However, Armstrong had no criminal convictions and the security forces in Northern Ireland had no information to suggest that he was involved in terrorist activity.

3.23 Armstrong had been named in Hill's first interview with DCS Simmons on 29th November 1974. When the police arrested Carole Richardson on 3rd December and questioned her about Armstrong she identified his photograph and told the police after some initial reluctance that he was squatting at 14 Algernon Road. At 9.25 pm on 3rd December DI Sellars and DC Emmett of the Surrey Police accompanied by other officers from Surrey and the Metropolitan Police went to 14 Algernon Road where they met Patrick

Armstrong in the hallway. Having established Armstrong's identity DC Emmett arrested him, searched him and put him in a police car where he was told that he had been arrested in connection with the bombings at Guildford. In response to cautioning he said that he knew about the bombing but never had anything to do with it. He was then taken by DC Emmett, to Harlesden Police Station, where he denied knowing Hill or Conlon, or any involvement with the IRA or bombings, and later in the day moved to Woking Police Station.

Carole Richardson

3.24 Carole Richardson was born in Willesden, London NW6 on 19th June 1957 where she lived with her mother and maternal grandparents. She attended schools in that area until June 1972 and left home in August 1972 to work as a groom in Chipping Norton. Because of the difficult circumstances at home she was subject to a care order from January 1971 to June 1973. During 1973 and 1974 she worked variously as a groom, clerk, cashier and sales assistant in London and elsewhere returning to London in April 1974. On 18th April she made an unsuccessful attempt to join the Women's Royal Army Corps. In July she was turned out of her house at 88 Iverson Road, NW6 by her stepfather, according to her account, for spending several nights away from home, and after that she lived in various squats in the Kilburn area. She recalled first meeting Armstrong in August 1974 at a squat in West End Lane with her friend Lisa Astin.

3.25 On 6th September she met Armstrong again at Lisa Astin's birthday party and in the second week in September moved into the squat in Linstead Street. She stayed there with Armstrong until 19th October 1974 and on the following day they went off together on their tour during which Richardson was involved in an altercation with a man in Folkestone over the use of a public telephone. She told the police that she had been assaulted and gave them her correct name and home address. Armstrong was not asked for his particulars. On the night of 23rd/24th October they stayed in a guest house in Dover. According to the landlady's statement Richardson gave their names as Mr and Mrs Richardson and said she came from Guildford. Armstrong had nothing to say at all. After a row in Newcastle they split up and on returning to London Armstrong went to live at a squat in Rondu Road while Richardson went to a squat at Algernon Road in West Hampstead.

3.26 On 10th November Richardson, with a friend, went by boat to Dublin for four or five days. Soon after they returned to the squat in Algernon Road Armstrong called and decided to stay. Apart from a short period from 20th to 25th November as a residential chambermaid in an Earl's Court hotel, Richardson lived at the squat or at her mother's home until she was arrested on 3rd December. She was then a little over 17 years old. According to police records, Hill and Conlon had both named her on 3rd December as one of the girls involved in the Guildford bombing. As a result DS Venn of the Surrey

Constabulary was sent to 88 Iverson Road, Kilburn where Richardson's mother and stepfather lived. On arriving at the house at 6.40 pm Richardson was asked to go with DS Venn to Harlesden Police Station to assist in police enquiries and, having declined her mother's offer to go with her, she was taken there and handed over to DS Donaldson at about 7.30 pm.

CHAPTER 4

THE ARREST AND CHARGING OF OTHERS

4.1 Before considering the interviews and statements of the Four I wish to deal briefly with the wider arrests, arising immediately from the arrests of the Four, about which there has been criticism and which was a matter of some concern to me.

4.2 Though many of the contemporary records survive they are not complete and it is not therefore possible to say exactly how many arrests were made. A report by Mr Maley of the DPP's Office in October 1975 gave as 54 the total number of people detained in connection with the Guildford and Woolwich bombings. In evidence to the Inquiry Surrey and the Metropolitan Police were able to identify 51 arrests made between 28th November and 5th December 1974. It is also uncertain in a few cases whether the police did arrest the people concerned or were merely asking for help. Where arrests were made, the basis for the arrest is not always clear.

4.3 The Prevention of Terrorism (Temporary Provisions) Act 1974 (PTA 1974) had come into force on 29th November, immediately after its expedited passage through Parliament and on the day after Hill's arrest. Among other things the Act¹⁵ empowered a constable to arrest without warrant any person whom he reasonably suspected of belonging to or supporting a proscribed organisation; or arranging any meeting of three or more people to support such an organisation; or being concerned in the commission, preparation or instigation of terrorism. In oral evidence the Surrey witnesses told me that they had to obtain a copy of the Act themselves and that the Home Office copy with related guidance was not received until some time afterwards. As a result there was some confusion over its application and how far it was used as the basis for the arrests.

4.4 In giving evidence before me Mr Rowe, understandably, could not recall the details of individual arrests. However, he took responsibility for the decision to mount joint operations with the Metropolitan Police to visit various addresses in London and arrest all the occupants. That decision was taken in advance and put in writing. Under the circumstances and atmosphere at that time he felt that this approach was justified and that it was important to get the job done as quickly as possible. He accepted that the distinction between asking people to help with police enquiries and arresting them was not clearly drawn.

¹⁵ The Act also gave the Home Secretary the power to exclude from the British mainland - in effect, to deport and deny any right to return for as long as the exclusion order remained in force - those whom he had reason to believe were involved in terrorism arising out of the situation in Northern Ireland.

4.5 All the arrests arose directly or indirectly from the arrest of Paul Hill. Gina Clarke was arrested with him on 28th November in Southampton on suspicion of complicity in the Guildford bombings, but she was released at 8.45pm on that day. On 30th November, as a result of information from Hill the police arrested Gerard Conlon in Belfast, Frank and Ann Keenan at 91 Brecknock Road, Daniel Wilson and Albert O'Rawe at 24 Quex Road, Hugh and Kathleen Maguire and their lodger Maureen Hughes at 25 Westbourne Terrace Road, and five men at the squat at 15 Rondu Road, namely John Mullin, John McGuinness, Brian Anderson, Robert Carlisle and Alastair Culley. The police believed that the Keenans had deliberately not told them that Paul Hill was in their house when they visited it on 23rd November. They were arrested and interviewed but released on the same day. Danny Wilson was held under a detention order until 7th December 1974, although a police memo dated 4th December 1974 stated that there was no reason to hold him any longer after Hill had admitted that he had lied about Wilson's involvement in Guildford, and police enquiries revealed he had an alibi for 5th October 1974. The alibi was provided by his girlfriend and girlfriend's sister, Philomena and Mary Foster, who were themselves both arrested at 134 Brondesbury Villas, N6, on 1st December 1974 but released on 2nd December 1974. Danny Wilson later made a complaint to the National Council for Civil Liberties about his detention.

4.6 Albert O'Rawe was arrested following a police search of 24 Quex Road where material linking him to the IRA was found. On 30th December 1974 he was excluded under the PTA 1974. Maureen Hughes, who lodged with Hugh and Kathleen Maguire was released on 1st December after it had been established that she was just visiting. Mr and Mrs Hugh Maguire were released when their detention orders expired on 7th December 1974.

4.7 Armstrong was not present at 15 Rondu Road when the police arrived on 30th November but all five occupants were arrested. Alistair Culley (a Scot) was released later that day. Of the other four, all Irish, one was detained until the expiry of his detention order on 7th December 1974. The remaining three, Mullin, McGuinness and Anderson were charged on the basis of allegations made by Hill, Conlon, Armstrong and Richardson after they had been arrested and were detained in custody. The police had intelligence on McGuinness and Anderson suggesting links with the IRA. The police also arrested on 30th November a carpenter named Patrick Joseph Armstrong who lived in Slough with his family. His father-in-law Patrick O'Neil who was present at the time was also arrested. These arrests clearly arose from mistaken identity and after being questioned about their past history and family both were cleared and released the following day.

4.8 On 1st December a man called Dermot McKay was arrested in Arlington Road (where Hill had worked on a building site) following an anonymous phone call implicating him in the Guildford bombings. Noel McComb, who was present at the time was also arrested. McKay was

confirmed to have been in Pentonville Prison on 5th October and he was released on 2nd December 1974. Although McComb was eliminated from the enquiry he claimed to be an IRA member and was excluded under the PTA 1974 on 18th December 1974.

4.9 After the confrontation with Hill on 2nd December 1974 Conlon started writing the first of his two statements under caution to the police (Appendix E). In this statement he named Uncle Paddy and Aunt Annie (Maguire); his girlfriend's brother, John Clarke; 'Tucker' Clarke; a person called Jim or John, and also a 'Paul'. On 3rd December Hill said that the girl he had earlier referred to as Marion was in fact Carole, Paddy Armstrong's girlfriend. Having already implicated McGuinness on 1st December he named him as Armstrong's minder. He also referred to another woman called Annie who had gone down to Guildford with them. At about the same time Conlon told the police that the bombs had been made by his aunt, Annie Maguire of 43 Third Avenue. He said that 'Paul' had driven to Guildford and that Aunt Annie and Armstrong's girlfriend Carole went too.

4.10 As a result further arrests were made. DS Venn waiting at 88 Iverson Road, Kilburn arrested Richardson when she returned home on 3rd December 1974. Lisa Astin was with her and accompanied her to Harlesden where Astin stayed overnight, although not apparently under arrest. Richardson told the police that Armstrong was at 14 Algernon Road, where they arrested him at 9.25 pm on that day together with the other occupants, Hugh Bergin, Joseph Boylon, Mary Casserly, Margaret Carass, Paul Colman, Robert Joyce, Thomas Leniston, Colm Lane, and Caroline Wagner. Most of these people were released on 4th December 1974 after questioning, but Boylon and Joyce were subsequently charged with unrelated matters and Paul Colman was charged because Armstrong named and identified him as the driver for the Guildford bombing. However, on the advice of the DPP, no evidence was subsequently offered against him and Colman was released on 30th January 1975.

4.11 Further arrests were made on 3rd December, notably of Anne Maguire, her family and others who had been in their home on that day.¹⁶ Patsy Black who had been named by Conlon was arrested but released on 4th December after being questioned. Patrick Francis Rayn was also arrested because of his association with James Goodall who was said by Paul Hill to be in the IRA. He was detained on suspicion of conspiracy with others to cause explosions at Guildford but released on 4th December. The custody records suggest that Gina Clarke was re-arrested on 3rd December 1974. Although a statement by WDC Faull records that Clarke was asked to accompany her and WPC Mills to Guildford, to return the next day, a custody record sheet was

¹⁶ The history of these arrests, the subsequent conviction of the Maguire Seven and the eventual quashing of their convictions is dealt with in my two earlier reports.

completed giving the reason for detention as suspicion of complicity in bombings in Guildford. She saw Hill on 4th December 1974 and made a statement before being returned to Southampton.

4.12 On 5th December 1974 the police went to the home of the gangster Tucker Clarke who had engaged Hill and Conlon in September and October 1974 and whom Hill had named as being at Guildford. Clarke, whose real name was Thomas Rungay, was arrested together with his wife, their lodger and the lodger's girlfriend. It was established that Clarke had been in France on the day of the bombing and he was released on 7th December: however he was later re-arrested in relation to a robbery in Southern Ireland whither he was subsequently extradited. The other three were released on the same day.

4.13 Three other men who were also arrested on 5th December were released about three hours later. There is no record of these arrests beyond the names and addresses.

4.14 Of those arrested in the period to which I have referred, four were charged with murder, in addition to the Guildford Four, because the Four had named them as part of the bombing team. These were Anne Maguire, Brian Anderson, Paul Colman, and John McGuinness. John Mullin was charged with conspiracy to cause explosions. They were all held in custody on these charges until the end of January 1975, when the prosecutions were discontinued on the advice of the DPP acting in consultation with Crown counsel and all except Anne Maguire were released. (She remained in custody charged with the possession of explosives.)

4.15 I have investigated the basis for these latter charges and the reasons for their discontinuance. The decision to discontinue was taken on the ground of a lack of evidence sufficient to justify a prosecution and the DPP has conceded that this want of evidence would have been obvious to those concerned in the then Director's office.

4.16 The evidence given to me confirms that there never was any admissible evidence against these five defendants which could have supported a prosecution. In each case the arrests were the consequence of the inadmissible evidence of allegations made by a co-accused not in the presence of and adopted by the defendant.

4.17 There may be a distinction between the position of the police in deciding to charge a proposed defendant and of the Director in deciding not to proceed with the charge. The Director has submitted to me that the police would not be expected to apply the same criteria and that where the police on reasonable grounds believe they have arrested the perpetrator of a very serious crime and there may be sufficient evidence to warrant a prosecution,

it is entirely appropriate that the individual should be charged and the decision to proceed left to the Director. While I accept that proposition I would not expect the police to seek to sustain charges on the basis of inadmissible hearsay evidence of what a co-accused had said.

4.18 It was suggested to me that the police may have thought that the ordinary rule against hearsay did not apply because of the exception to that rule for statements made in the course of a conspiracy. If so, this was a misunderstanding of the rule which applies only to statements made in pursuance of the conspiracy, not admissions. In fact only Mullin was charged with conspiracy, although in a police report of 16th January 1975, Mr Rowe recorded that :

“The evidence against these individuals [referring to Anderson, Colman and McGuinness] is summed up in the Schedule of Prisoners submitted on 8th January 1975. It may be thought a better charge would be a general conspiracy to cause explosions in respect of all concerned”.

4.19 The Metropolitan and Surrey Police submitted to me that the police faced in 1974, and still face, a difficult task in deciding whether to make arrests of the close contacts of suspected terrorists or people connected with premises which may have been used for terrorist purposes. There are risks in such circumstances that those against whom there may be no clear evidence will destroy evidence, including traces of substances on their clothing or person, that they may alert others, or remove themselves to a jurisdiction which is not willing to extradite them. At a time of continuing outrages and less than a fortnight after the Birmingham public house bombings it is understandable that the police preferred to err on the side of over arrest rather than under arrest, and felt that they would not lightly be forgiven for allowing a perpetrator of such an outrage to escape inadvertently. Although it would be unreasonable of me to ignore these considerations, the need remains for the police at all times to act within the law, which in the form of the PTA 1974 required a reasonable suspicion as a basis for arrest.

4.20 I am satisfied that the arrests of Hill and McKay on information received by the police were justified, as were the arrests of the seven people named by Hill and Conlon as being involved in terrorist activity. However, there were inadequate grounds for detaining one of these, Daniel Wilson, for seven days when the police themselves conceded after four days that he was not involved. As to the arrests of those present at addresses lived at, or named, by suspects I am not now in a position to decide how far the police had grounds for reasonably suspecting that any of the occupants were involved in terrorism at the time of their arrests. The fact that some of them were subsequently implicated did not give retrospective legitimacy to the arrests. I accept that of the 26 in this category, those who were not charged or excluded were dealt with fairly expeditiously, although most were detained overnight.

4.21 So far as the other arrests are concerned there must be doubt whether the fact of being a close friend or an associate of a suspect was in itself sufficient to create a reasonable suspicion of involvement in terrorism and whether the 11 arrests in this category were supportable. I am sure that in the case of mistaken identity it should have been possible to establish that Patrick Armstrong's namesake and his father-in-law were not implicated without detaining them overnight.

4.22 In relation to the charges of murder brought against the four people referred to earlier and the conspiracy charge against Mullin it is clear to me that whatever the initial strength of police suspicion this was not confirmed by the discovery of any admissible evidence. There was no justification for detaining those concerned in the hope that such evidence might turn up and the charges against them should have been dropped by the prosecution much earlier.

CHAPTER 5

THE INTERVIEWS AND STATEMENTS OF THE GUILDFORD FOUR

5.1 Following their arrests and while in police custody the Four were interviewed by the police and made the statements under caution set out in Appendices D to G. Those statements alone formed the Crown case and were the basis for the convictions. The trial and acquittal of the Surrey police officers and Hill's long-awaited appeal in the Shaw murder case would have hampered any inquiry by me into the circumstances of how the confessions came to be made. As I explained in Chapter 1, I had decided that in any case it would be impossible for me, after a lapse of nearly 20 years, to reach any worthwhile conclusion about the contents of the statements or the circumstances in which they were said to have been made, even if all those concerned were willing to give evidence before me, which I have reason to doubt. This Chapter therefore records without findings the accounts of the police and the Four on how the statements came to be made.

5.2 The reader should bear in mind that many details of the police account were challenged by the Four, or on their behalf, before trial, at trial and since. Their own explanations for writing the statements are summarised later in this Chapter. All the allegations made by them at trial that part of the contents of the statements had been suggested or fabricated by the police, and that they had been ill-treated in varying degrees, were denied on oath by the officers concerned. However, substantial doubts generated by Avon and Somerset's discoveries in 1989 onwards about some of the evidence given by Surrey officers led first to the quashing of the Four's convictions and then to the prosecution of the three Surrey police officers whose trial and acquittal I have already discussed in Chapter 1. In these circumstances, in addition to the accounts given by the police and the Four, I set out briefly below the outcome of investigations made by Avon and Somerset in 1989 onwards into these and related matters.

5.3 As I have indicated in Chapter 1, apart from the discovery of the typewritten notes of the Surrey interviews with Armstrong which led to the prosecution of the three Surrey officers, Avon and Somerset found notes apparently of an interview with Hill, made by two other Surrey officers, DI Blake (who had by then died) and DC Peter Lewis. The content of these notes indicated that they could only have been made on 3rd December 1974, before Hill made his fifth statement under caution in which for the first time he implicated Carole Richardson and Anne Maguire in the Guildford bombings. However, the officers' own statements made no mention of such an interview to which the notes could be related. As can be seen from paragraph 5.20, the implication in the officers' record was that Hill's statement was voluntary and not preceded by detailed questioning. Since Hill had been charged with murder on 1st December 1974, any interview of the kind set out in the notes

was likely to have been in contravention of the Judges' Rules, in which case Hill's statement would probably have been excluded by the judge in the exercise of his discretion. Further enquiries made by Avon and Somerset tended to support the inference that Hill had probably been subjected to questioning after charge. However, after careful consideration of all the material the DPP decided not to institute proceedings.

5.4 Forensic examination of other interview notes undertaken at Avon and Somerset's request indicated that the notes of Richardson's interviews which were said at trial to have been made contemporaneously might not have been wholly so made. And an Electrostatic Detection Apparatus (ESDA) test of the statement recording the admission said to have been made by Richardson to WPC Croxon (see paragraph 5.50) showed that there had been a previous version of that statement. Police notes of interviews with Richardson's alibi witnesses Frank Johnson and Lisa Astin, (whose evidence is considered in Chapter 10), were also examined and appeared, at least in part, not to be the original contemporaneous records they were claimed to be.

5.5 In March 1990, after the Guildford and Woolwich convictions had been set aside, Avon and Somerset officers heard an allegation that a gun had been used to threaten Hill while he was in police custody in Surrey in 1974. At Surrey's request this allegation was investigated in detail by Avon and Somerset, whose eventual report was ultimately used in Hill's appeal against his conviction for the murder of Brian Shaw. Having heard evidence in that appeal in February and March 1994 the Court of Appeal in Belfast on 21st April 1994 quashed Hill's convictions for the murder and intimidation of Shaw. They did so on the basis that the Crown had not been able to discharge the onus of satisfying the Court beyond reasonable doubt that there was not an incident on the night of 28th November 1974 when a revolver was put into Hill's cell through a flap in the cell door. Further, they considered that the trial judge, had he heard the evidence given to the Appeal Court, would have ruled that there was a reasonable possibility that such an action took place, as Hill had alleged at the original trial, and that this inhuman treatment might have induced him to make a confession to RUC officers on the 29th November 1974. In those circumstances the Court considered that the trial judge (sitting without a jury) would have ruled the confession inadmissible and in the absence of other evidence would have acquitted Hill. The Court also took account of the apparent concealment of the interview of Hill by Surrey officers on 3rd December 1974, as a result of which the Court was unable to be satisfied beyond a reasonable doubt that there was no truth in any of Hill's allegations that he was interviewed and ill-treated by Surrey officers on the evening of 28th November and the morning of 29th November, although on a balance of probabilities they considered that there were no such interviews and that no such acts of ill-treatment did take place.

5.6 As I made clear in paragraph 1.27, there can be little doubt that if the trial judge in the Guildford and Woolwich case had had before him the

evidence before the Court of Appeal in Belfast, he would have found inadmissible the statements made by Hill and by those he implicated and would not have allowed the case to go to the jury.

5.7 As can be seen from Appendix H the statements made by the Four are full of inconsistencies on details of the Guildford bombings which should have been of common knowledge to those taking part. Inconsistencies appear whether one compares the statements made by the same person or statements made by one of the Four with the statements of the others. On behalf of the Four it is said that this reflects on the one hand their ignorance of the events they were supposed to be describing and, on the other the effects of threats and ill treatment combined with attempts to feed information to them. The police argue that the discrepancies at least in part reflect a deliberate IRA tactic to mislead and confuse enquiries. Allusions to this tactic recur in the papers supplied to the Inquiry (see, for example, paragraphs 13.9, 15.53 and 16.32). Sir Peter Imbert confirmed his knowledge of the tactic in oral evidence to me. DCS Simmons in a draft proof of evidence drawn up for the Inquiry before he died referred to warnings from the Army and RUC at an early stage of the police investigation that such statements were made by IRA suspects to cause confusion and provide an opportunity to challenge the contents later.

The police account

Paul Hill

5.8 On 22nd November 1974 DCI Cunningham of the RUC had written about his interest in Hill to the West Midlands Police in whose area he then believed Hill to be. DCI Style of the Surrey police, who was in Birmingham at that time, was shown the report and informed the incident room at Guildford that Hill was wanted for questioning by the RUC about the murder of Brian Shaw. The RUC were immediately advised of Hill's arrest and it was decided that RUC officers would be given an opportunity to interview him about the Shaw murder before he was interviewed about the Guildford bombings.

5.9 He had been interviewed briefly by D.Supt Underwood and DS Jerney at 4.35 pm on 28th November either in the charge room or his cell, during which time he denied any involvement in the Guildford bombings. That incident was noted on the detention sheet maintained for each prisoner which was designed to show the particulars of the prisoner, the name or number of the custody officer on duty and the times of visits made by him or others to the cell. Hill was also visited by D.Supt Imbert of the Metropolitan Police Bomb Squad and D.Supt Underwood at 10.15 pm on 28th November for about 10 minutes and by D.Supt Imbert alone at 11.30 am on 29th November for three minutes, in an attempt to obtain intelligence on IRA matters. Those visits were not noted on the detention sheet and the next record of interview appears as 4.10 pm on 29th November, when DCS Simmons and DS Jerney

accompanied RUC officers, DCI Cunningham and DC McCawl, to Hill's cell. After a short conversation with the RUC officers Hill was taken to an interview room where he made a statement to them under caution about the abduction and murder of Shaw. (Appendix D pages 1 to 3)

5.10 When the RUC officers left at 5.35 pm DCS Simmons with DS Jerney interviewed Hill about the Guildford bombings and Hill made a statement in the presence of ACC Rowe and DCS Simmons (Appendix D pages 4 to 12). Much of what is recorded in the statement about his movements since coming to London in August was subsequently shown to be true. He said that he had been sent over to meet someone by Gus Kelly of Leeson Street. An internal Surrey police report records that no trace of this man was found on RUC or other security force records in Northern Ireland at that time, but that he was killed with another man on 21st January 1975 when a bomb they were carrying in a car exploded in Belfast. His death notices in newspapers there declared him to be a "Lieutenant" and "Officer Commanding D Company 2nd Battalion". At trial Hill said that the name had been suggested to him by DCI Cunningham of the RUC.

5.11 The time at which the statement was completed is not recorded. But at 11.15 pm Hill was taken by car to London by D.Supt Underwood and other officers. According to D.Supt Underwood's statement of 17 February 1975 Hill directed them to Quex Road, Kilburn, where he pointed out number 24 saying "That's where Danny Wilson lives. I've just remembered the name of the man whose house it is - O'Rawe. He's something to do with the IRA too." He then directed them to number 15 Rondu Road saying "That's where Armstrong was." They then drove to Brixton where, after some difficulty, he identified a block of flats as the place where the bombs were made and how to get to the particular flat. The trip to London is not recorded on the detention record but an entry at 1.50 am on 30th November probably marks the time at which he was returned to his cell. D.Supt Underwood visited the flat which Hill had described but found that its occupants and layout did not fit Hill's description. Hill was taken from his cell at 6.15 am that morning by DS Jerney and DC Parratt and taken again by car to London to try to identify other addresses in Brixton, without apparent success, and was returned to his cell at 9.35 am.

5.12 According to the detention record, he was taken to the second floor interview room at 1.15 pm on 30th November and not returned to his cell until 7 pm. There is no record of the interviews conducted during that time. The next recorded interview was at 8.15 pm with D.Supt Imbert and DCI Munday of the Bomb Squad who wished to know more about Hill's involvement in the bombing of the King's Arms public house in Woolwich on 7th November which Hill claimed to have known about. At 9.15 pm Hill started his second statement which was written down by DCI Munday and concluded at 11.10 pm. (Appendix D pages 13 to 19).

5.13 When this statement was completed he was taken by DI Blake to Woking Police Station for detention overnight. On Sunday 1st December he was brought back to Guildford by DC Ward, arriving at 11.20 am. He was then further interviewed by DCS Simmons whose record of the interview is as follows:

“I said to Hill, ‘I understand you want to see me?’ He replied, ‘Yes, there are one or two things I should have put in my statement, do you want to know?’ I cautioned him and said, ‘Do you mean you want to say more about your part in the Guildford bombings?’ He replied, ‘Yes.’ I said, ‘Very well, if you wish me to I’ll take another statement from you. Before we start, however, let me ask you this. You have now made two statements about the part you took in the Guildford bombings, but I still don’t think you have told us everything you did.’ He said, ‘That’s why I wanted to see you.’ I said, ‘Are you also going to tell us more about the Woolwich pub bomb?’ He said, ‘Yes, I did go on that. That’s what I’m going to add to my statement.’ I said, ‘Do you want me to write down what you want to say?’ He said, ‘No, I want to write it myself.’”

5.14 DCS Simmons wrote Hill’s details on a statement form with the formal opening declaration. Hill signed it and then wrote out his third statement in his own hand during which time ACC Rowe was present for about ten minutes (Appendix D pages 20 to 26). When he had finished DCS Simmons read the statement over to him and asked whether he wished to make any alterations or additions. Hill replied “No, that’s the truth now” and signed each page of the statement and a concluding declaration that he had made the statement of his own free will and that it was the truth. He was then asked to identify the artist’s drawing of a man referred to in para. 2.10 above, and replied “That’s Paddy Armstrong, Sir, but he’s grown his hair longer since that photo was taken.”

5.15 Hill was prevented from seeing a representative of the Southampton solicitors engaged on his behalf, Messrs Woodford and Ackroyd, until 1st December, when Mr David Melton, the firm’s senior litigation clerk saw him in the presence of a senior police officer. There is no record of the time of that meeting or what was said but it preceded Hill’s being charged with the murder of Caroline Jean Slater at 6.12 pm. Shortly afterwards he was interviewed about the Woolwich bombing by DCS Nevill and D.Supt Imbert from 6.38 pm until 7.18 pm. D.Supt Imbert took shorthand notes of the interview in which Hill described how he and Armstrong had been driven to Woolwich by “Paul” with a bomb made in Rondu Road. Armstrong had lit and thrown the bomb through a window into the King’s Arms public house which Hill identified to the officers from a photograph. Hill was detained at Woking Police Station overnight and early next morning, 2nd December, taken to Guildford Magistrates’ Court where he was remanded to police cells on the murder charge and then taken to Godalming Police Station.

5.16 Gerard Conlon had by this time been arrested in Northern Ireland and brought to Godalming Police Station where Hill's allegations about Conlon's involvement in the Guildford bombings were put to him and initially denied. During the course of the interview DS Jerney brought Hill into the room and asked Conlon "Who is this?" He replied, "My mate, Benny. Benny what are you trying to do to me? For God's sake tell them the truth. I wasn't involved." Hill said "I'm saying nothing. I've cleared my conscience. I've made my statement. I'm not putting words into your mouth." Hill was then taken from the room.

5.17 Between 2.15 pm and 2.45 pm on 2nd December Hill was interviewed by two Wiltshire detectives about an unrelated incident.¹⁷ Shortly afterwards according to the detention record and the statements made by the two officers concerned Hill asked to see DI Blake and DC Peter Lewis. Blake's record reads as follows:

"Hill said, 'I feel I can trust you two. There's one or two things in the statements I have made that's not quite right and I want to put them right.' I cautioned him and he replied, 'I know. Can I make another statement?'"

I said to him, 'You realise that you don't have to make another statement and that it's a matter entirely for you.' Hill replied, 'Yes, I know. I want to make a statement.'

He was then taken to an interview room where later the same afternoon I was present when he wrote a statement himself. When he completed the statement he was invited to make any alterations or additions he wished and he then signed the statement."

5.18 This fourth statement referred to fixing alibis and states that:

"I might go down to my birds as she could always say I was there because she did not know what was going on and I never told her. He (Armstrong) said that he was going back to Kilburn I asked him to drop me at Waterloo."

5.19 The statement is endorsed by the detectives to the effect that it was written down between 3.55 pm and 4.58 pm (Appendix D pages 27 to 30). Hill was not returned to the cells until 5.25 pm and according to the detention sheet he was taken by DI Blake and DC Lewis to a further interview from 6.06 pm to 6.58 pm, although there is no other record of it.

¹⁷ The officers involved told Avon and Somerset in the late 1980s that Hill had talked freely about his part in the Woolwich bombing but had said nothing about Guildford. However, there is no contemporary record of the interview and its contents formed no part of the Crown's case at trial or appeal.

5.20 At 11.25 am on 3rd December Hill was taken from the cell by DI Blake and DC Lewis ostensibly for fingerprinting and not returned until 12.50 pm. There is no record of what was said during this period. At 2.10 pm DI Blake and DC Lewis took Hill to obtain details of his antecedents. (According to Hill's detention record DCI Grundy was also present but there is no reference elsewhere to this and according to his own statement he was interviewing Conlon at 2.20 pm.) When the details had been given the following conversation is recorded as having taken place:

"Hill said, 'You won't be mad at me if I tell you something.' I replied, 'What do you mean. Is it something connected with the statement you made yesterday?' Hill replied, 'Yes.' I then cautioned him and he replied, 'The girl Marion that's not her real name. It's Armstrong's girlfriend Carole. She's the one you want. I didn't tell you before as I was frightened of Armstrong.'

DC Lewis said, 'Why are you frightened of Armstrong?' Hill replied, 'He's well up in the Provos and his minder McGuinness has a gun. Christ I'll get a head job for telling you this. Give me a pen and I'll write it all down'."

5.21 Hill then wrote a fifth statement himself (Appendix D pages 31 to 34).¹⁸ The detention sheet shows that Hill was returned to his cell at 5.55 pm and interviewed there by a Special Branch Inspector (DI Brian Richardson) from 6.55 to 7.10 pm but there is no record of that interview.

5.22 He was later transferred to Guildford police station and seen by DS Jerney at 10 am on the next morning, 4th December. According to their statements DI Blake and DC Lewis had another interview with Hill at 11.25am during which he was confronted with Gina Clarke and they discussed the timing of his arrival in Southampton on 5th October. After the interviews Hill wrote his sixth statement himself (Appendix D pages 35 to 37). While he was writing it DCS Simmons and DS Donaldson came into the room with Armstrong who had been arrested at 9.25 pm on the previous evening (3rd December). DCS Simmons asked Hill, "Is this the Paddy Armstrong you have referred to?" Hill replied, "Yes, that's him." Armstrong was then taken away and Hill completed his statement, finishing it at 12.55 pm.

5.23 At 3.10 pm DI Blake asked Hill to clarify the route he took to Guildford on 5th October. Hill agreed to show him and was taken on a car journey during which according to DI Blake's account Hill pointed out, among other places, where they had stopped to prime the bombs, where they had parked in Guildford, and the Horse and Groom.

¹⁸ See paragraph 5.3 for the account of Avon and Somerset's discovery of notes relating to an interview preceding this statement.

5.24 After returning to Guildford, Hill was taken at 5.13 pm by DCS Simmons into a room where Anne Maguire was being interviewed by DI Powell and DS Robinson. DCS Simmons asked Hill when he had last seen Anne Maguire. Hill replied "The last time I saw her was in Guildford." She replied, "He didn't see me." Hill said, "I am telling you the truth." Hill was taken from the room but according to the detention sheet did not return to the cells until 6.35 pm. There is no record that he was interviewed again before leaving at 9.35 am on 5th December for Guildford Magistrates' Court where he was remanded to Winchester Prison. He was handed over to the prison authorities at 11 am by DI Hurst and examined on admission by Dr Scott who, according to a statement made on 13th January 1975, found him in satisfactory health, with "no abrasions, scratches or other evidence to suggest injury."

5.25 On 9th December Hill was seen in Winchester prison by Prison Officer Malcolm Gillen who had gone to his cell with another officer to carry out an inventory of the contents. According to a statement which Gillen made on 13 January 1975, Hill seemed to be a "bundle of nerves". Gillen recalled Hill's saying that if he had to share a cell with anyone he wanted it to be Conlon and not one of the other Guildford suspects. He was afraid of what Armstrong, Danny Wilson, McGuinness and two others whose names he said he could not remember might do to him. According to Gillen, Hill said "I used to stay with them in London, in Hackney, but I got pissed off with it all, putting bombs in pubs isn't my scene so I pushed off to Southampton." Asked "so you reckon you had nothing to do with the Guildford bombings?" Hill replied "no, but when they went off I knew who had done it."

Gerard Conlon

5.26 After his return from Belfast under arrest Conlon was taken from Addlestone to Godalming police station on 2nd December 1974, where he was interviewed by DCI Grundy and DS Jerney from 1.15 pm. In the first part of the interview Conlon confirmed that he knew Hill and Paddy Armstrong. He said that he had met Hill in the King's Arms, Southampton, in August and subsequently stayed and worked at the same places. But he denied that he had ever been to Guildford or that he knew anything about making bombs, or that he had been shown photographs of intended targets. When asked why Hill had implicated him in the Guildford bombings Conlon replied, "I don't know. I don't think he would. If you've got him show him to me and I'll ask him why." As I described in paragraph 5.16, at this point DS Jerney went and brought Hill back to the interview room and asked Conlon who he was.

5.27 DS Jerney then took Hill from the room and on returning said to Conlon, "You have seen Hill. He is quite definite that it was you and that he is not lying." Conlon replied, "But honest to God, on my mother's life I know nothing."

5.28 The officer's account of the interview continues as follows:

“DS Jermey It is all very well for you to say that Hill has made a statement naming you as having been involved and you have failed to give any explanation for him saying this. A mate wouldn't say this sort of thing if you were not involved.

Conlon then jumped to his feet and said, 'Alright, alright, I'll tell you. I'll tell you the truth, he hasn't.'

DCI Grundy What is the truth.

Conlon I don't know how to make bombs. He does. He told me once that if three IRA men had listened to him they would have been alive today and that I knew his crack.

DS Jermey What do you mean by his crack?

Conlon It's the way we say, like you know, the score.

DCI Grundy What was your part in the bomb attack on these pubs?

Conlon When he said we were going for a drive I thought I was going to get a head job.

DCI Grundy Why would you think that?

Conlon Because I had been taking dope and they don't like that. Benny knew all about this, and about me shoplifting, that's why I was frightened of him.

DCI Grundy Where did you drive to?

Conlon I don't know. Some place I'd never been before.

DCI Grundy What happened when you got there?

Conlon Hill called me from the car and told me to go with a girl.

DCI Grundy Who was the girl?

Conlon I hadn't seen her before. She was in one of the cars.

DCI Grundy What did you do?

Conlon This girl said to walk along with her. We got to this pub and she said go in first and buy a drink if you want. I went in but I didn't buy a drink. This girl came in and bought a drink and then sat down. After about

five minutes she tapped me on the shoulder and said, come on let's go see Benny.

DS Jermey Was she carrying a bag?

Conlon Yes.

DS Jermey What kind of bag?

Conlon One of them plastic shop bags.

DS Jermey Did she have it when she came out of the pub?

Conlon I'm not sure.

DCI Grundy Did you, honestly, not know where you were?

Conlon No.

DCI Grundy Did you read in the papers the following day about the bombings in pubs in Guildford?

Conlon Yes.

DCI Grundy Did you not think that that was anything to do with you?

Conlon No. I didn't give it a second thought.

DCI Grundy How many people came out with you on that night?

Conlon Eight or nine.

DCI Grundy Who were they?

Conlon Hill, Armstrong and some other men and girls I don't know.

DCI Grundy What were they doing while you went to the pub?

Conlon Two birds and one man went off together.

DCI Grundy Where did they go?

Conlon I don't know mister.

DCI Grundy Were they carrying anything?

Conlon I think the girl was carrying a bag.

DCI Grundy Do you know any more than what you have told us?

Conlon No, mister.

DCI Grundy Are you telling us the truth Gerry?

Conlon Yes, mister. I'll write it down if you want me to."

5.29 At 2.20 pm Conlon began a written statement under caution. He chose to write it himself. This statement and another which Conlon made prior to being charged in relation to the Guildford bombing are at pages 1 and 10 of Appendix E to this report.

5.30 At 11.50 am on 3rd December Conlon was taken for a further interview with DCI Grundy and DS Jerney. With a break for lunch between 1.15 and 2.25 pm, he was questioned at some length about his part in the bombings. He named Anne Maguire as the woman mentioned in his first statement who had shown him and others how to make bombs. She, Conlon, Hill, Armstrong and an unnamed driver had travelled in one car. There was a second car with a man and two girls. He named one of these as Carole Richardson and said she had taken a bomb in a bag into one of the public houses, accompanied by him, and had left it there. They were in the pub between 8 and 8.30 pm and then drove back to London arriving about 10 pm. After a drink in the Old Bell with Armstrong, Hill and Conlon went back to the hostel.

5.31 Then at 5.15 pm DCS Simmons came into the interview room and, according to police notes, the following exchanges took place, for most of which ACC Rowe was present.

"DCI Grundy This is Detective Chief Superintendent Simmons, he is in charge of this investigation and he has seen the statement which you made yesterday concerning your part in this matter.

Conlon Yes sir. But I've been telling these men more now, sure I have.

DCS Simmons I understand that Mr Conlon, and I know that you are now telling us more of what you say happened on the day of the bombing, but are you telling us the full truth yet?

Conlon Yes sir, I am. I want to get it off my chest. It's been worrying me for some weeks now

DCS Simmons Why didn't you tell us the whole story right away then if it was worrying you, instead of denying that you were involved?

Conlon I'm sorry about that sir. It was because I was frightened of what might happen to me.

DCS Simmons Do you mean you were frightened of the police?

Conlon No, I was frightened of what the Provies would do to me when I went home. I thought I'd get a head job for telling.

DCS Simmons But now you have changed your mind?

Conlon Yes. I want to get it off my conscience, honest I do. These men will tell you I am telling you everything now.

DCS Simmons I hope you are, but the fact remains that you have told us lies up to now and I do not think that you are telling us everything you can even now. Are you telling us the whole and complete truth about everything that happened before these bombings took place?

Conlon It's the truth mister, on my mother's life that's all I know. I thought we would only hit the pubs and frighten the Army. I am telling the truth. I'll write it down if you want.

DCS Simmons You make a further statement if you wish. That is a matter for you.

Conlon Yes, I will. I told you I want to get it off my conscience. I didn't want anyone to get killed.

DCI Grundy Do you wish me to write down what you say or do you want to write it down yourself as you did yesterday?

Conlon I want to write it myself, then you'll know I'm telling the truth."

5.32 DCS Simmons then left the room and at 5.47 pm, after caution, Conlon personally wrote out his second statement in the presence of DCI Grundy and DS Jermey completing it at 7.02 pm (Appendix E pages 10 to 12).

5.33 On 4th December, Conlon was taken to Guildford by DCI Grundy and DS Jermey and on the journey he was asked to point out places on the main London to Guildford road which he recognised. The police evidence was that he pointed out a number of places he remembered including the place "where Benny fixed the bombs" and confirmed, by identifying various buildings, that they had come that way into Guildford to North Street where the Horse and Groom was situated.

5.34 He was returned to Guildford police station at 1 pm for lunch and at 4.47 pm he was taken from his cell to the charge room where he was

introduced to representatives from his Belfast and London solicitors and said to them:

“I want you to know that this man (DS Jermev) has been very nice to me, and this man here (DCI Grundy). They haven’t punched or kicked me or anything and they’ve let me have cigarettes, but that man there (DCS Simmons) doesn’t believe me and I’ve told the truth.”

5.35 In the presence of his solicitors and ACC Rowe, Conlon was then charged by Supt Futter with the murder of Caroline Jean Slater and replied “Not guilty.”

Patrick Armstrong

5.36 On 4th December 1974 at 11.10 am DCI Style, DS Donaldson and DC Attwell, the three Surrey Police officers who were to be involved in the questioning of Armstrong, saw him at Woking Police Station and DCI Style told him that he would be taken to Guildford Police Station and interviewed in connection with the Guildford bombings. He made no reply and according to the police records nothing was said by Armstrong on the journey to Guildford, where they arrived at 11.40 am. Shortly afterwards Armstrong was seen by DCS Simmons in an interview room and taken by him and DS Donaldson to an adjoining room where he was confronted with Paul Hill who identified Armstrong as one of the men he had implicated in the Guildford bombings.

5.37 At 11.50 am DCI Style and DS Donaldson interviewed Armstrong with DC Attwell taking notes. Most of what is recorded in the interview notes is contained in Armstrong’s first statement. During the course of the interview Armstrong described the driver of the car in which he had gone to Guildford and named him as Paul. DCI Style left the room and returned to the doorway with DCI Horton and Paul Colman who Armstrong identified as the Paul who had driven him to Guildford. At the end of the interview Armstrong agreed to make a statement which was taken down by DCI Style in the presence of DS Donaldson and DC Attwell starting at 2.45 pm and ending at 6.50 pm. (The text of this and his other statements are at Appendix F) The custody record indicates that he was returned to his cell at 7.10 pm.

5.38 On 5th December, Armstrong was taken from his cell at 10.45 am for a further interview with DCI Style, DS Donaldson and DC Attwell, DS Donaldson taking notes. He was returned to the cells at 1.10 pm for lunch and when interviewed again at 2.30 pm by the same officers he agreed to make a second statement which was written down by DCI Style and signed by Armstrong who also wrote the declaration at the end (Appendix F pages 8 and 9).

5.39 At 3.52 pm Armstrong was taken by car into the centre of Guildford. According to the police accounts he identified the Horse and Groom as the public house they had bombed and a Wimpy Bar (see Appendix B) as the cafe in which they had sat before the bombing. He also indicated where they had parked the cars and the route they had taken to the A3 on leaving the town on the night of the bombings. On returning to the police station Armstrong was interviewed again between 4.40 and 5 pm and confirmed the information given on the journey round Guildford before being returned to the cells. He was visited at 8.50 pm by Dr Parkin who subsequently made statements on 30th January and 18th August 1975 to the effect that he had been called to treat Armstrong for scabies and had not been aware that he was a drug addict, and that although Armstrong had appeared to be nervous he was not unduly so in view of the charges he was facing. He had made no complaint of injuries or violence and Dr Parkin had seen no evidence of ill-treatment although he had not seen him fully undressed.

5.40 At 10.15 am on Friday 6th December Armstrong was questioned by DC Attwell in the cell passage at Guildford police station in the presence of DCI Longhurst and DS Donaldson. The notes made by DC Attwell record that he asked Armstrong the names of the two Belfast people he had said were in the cafe before the bombings. Armstrong replied that one was McGuinness and the other he did not know, though he thought he was from Belfast. Asked to confirm the two teams responsible for the Guildford bombings he agreed that one team consisted of Conlon, Carole, Paul Colman and him, while the other team was Hill, McGuinness, Auntie Edith and the unknown Belfast man.

5.41 He was further questioned from 11 am to 12.30 pm by DCI Style in the presence of DS Donaldson and DC Attwell. He denied that he was present when the bombs were made up. He was returned to the cells at 12.30 pm. At 3.30 pm he was taken from the cells for another interview. First his hands were swabbed for tests for explosives by DS Hopkins. Then there was some unrecorded general conversation between Armstrong, DS Donaldson and DC Attwell about Ireland before DCI Style returned at 4.20 pm and said he intended to confront Armstrong with Paul Colman. Armstrong agreed to this and was taken to another room where, in the presence of the three officers and DCI Horton and DC Hughes, Armstrong maintained and Colman denied that Colman was the driver of one of the cars used for the Guildford bombings. After the confrontation Armstrong was asked further questions about Colman and his part in the attacks by DCI Style and DS Donaldson. He was told that none of the other suspects including Carole had said that Colman was there. He replied that he would not put an innocent man in that position and continued to insist that there was no doubt at all that Colman was involved.

5.42 It appears from the custody record that Armstrong was interviewed by DCI Style on 7th December between 12 and 1.05 pm but no other record of that interview has been traced. At 3.38 pm on 7th December in the presence of ACC Rowe, DCI Style, DCI Longhurst, DC Attwell and other officers,

Armstrong was charged with the murder of Caroline Jean Slater and after being cautioned replied, "No, Sir".

5.43 On 9th December DCI Style, DS Donaldson and DC Attwell took Armstrong to see whether he could pick out the type of vehicle used for the Guildford bombings. In the police car park he identified McGuinness' car, a white Triumph Herald, as the car which had been parked outside the cafe in Guildford on the day of the bombings. According to the custody record Armstrong was seen by DC Attwell later that day at 3.02 pm but it is not clear how long for, and no other record of this meeting has been traced. On 10th December Armstrong was taken by DC Attwell to DCS Simmons' office at 11.30 am for interview by Commander Huntley and D.Supt Imbert of the Metropolitan Police in relation to the Woolwich bombing. The interview ended at 12.20 pm and Armstrong was returned to his cell at 12.45 pm.

5.44 On 11th December Armstrong saw his solicitor between 10.15 am and 10.30 am. At 7 pm he was briefly interviewed in his cell by DC Attwell and DS Donaldson who made notes of the interview at 7.10 pm. The purpose of the interview was to ask Armstrong to identify two men from photographs. After he had been shown them he asked the officers, according to the note, to find out the date of the Woolwich bombing because he thought he could prove that he was at his sister's home. The note records that he admitted to taking part in the Guildford bombing and to having reconnoitred for the Woolwich bombing but denied having taken part in the bombing itself.

5.45 On 12th December Armstrong was taken to Guildford Magistrates' Court where he was charged at 9.09 am with the murder of Richard Dunne one of the victims of the Woolwich bombing and replied, "No, Sir". He was then remanded by the Magistrates to Winchester Prison and successively remanded until committed for trial by the Magistrates on 17th March 1975.

5.46 In the course of his first statement to Surrey Armstrong referred in some detail to robberies which he had carried out with others on betting shops in Belfast. This information was followed up by the RUC who took from Armstrong on 20th January 1975 the statement included in Appendix F (pages 10 and 11).

Carole Richardson

5.47 On the evening of 3rd December, Richardson had been taken to Harlesden police station where she was cautioned and asked whether she understood. She replied, "Bombings, what the hell should I know about bombings?" When DS Donaldson said that he wanted to see Armstrong she replied "He's not involved in bombings is he?" In response to further questions she said that she had last seen Armstrong some weeks before and that he was living in a squat but she did not know where. On further questioning she admitted that she had seen him that evening and that he was likely to be at

14 Algernon Road. In the course of the interview she asked when the Guildford bombings had taken place and asked to see her diary to show that she had not been there.

5.48 On 4th December 1974, Richardson was interviewed by DCI Longhurst with DC Wise and WPC Mills who took a note of the interview. These three officers were responsible for the subsequent questioning of Richardson. The interview lasted from 1.15 pm to 6.20 pm. During that time Richardson agreed to make a statement which she wrote out herself between 4.25 pm and 4.49 pm (Appendix G pages 1 and 2). According to the interview notes she at first strongly denied ever having been to Guildford or having been involved in the bombings and protested that Armstrong, Hill and Conlon were lying when they said she had. She said that her black diary would show where she had been on Saturday 5th October.

5.49 The interview notes record that at 2 pm Richardson burst into tears and admitted that she had been at Guildford but “smashed out of my mind on barbs”. After further questioning about the details of the journey to Guildford and the other people present she agreed to make the statement. During further questioning Richardson indicated on a blank plan of the Horse and Groom bar her position and the position of a man, not Armstrong she said, who went into the public house with her.

5.50 At 8 pm on 4th December, Richardson asked to see a doctor. Dr Makos attended at 8.50 pm and examined her in the presence of WPC Lesley Croxson. In view of the concerns expressed subsequently about Richardson’s condition this statement and that of WPC Croxson, both made on 4th December 1974, are set out in full.¹⁹

“I state that on 4th of December 1974 I was called to attend at Addlestone Police Station to examine a detained female who suggested that she was suffering from drug withdrawal, previously having taken LSD, and Tuinal, admitting to be addicted to these two drugs although she has not been registered as the drug addict.

I commenced my examination at 20.50 hours.

I was introduced in the Police Cell to Miss Carole Marguerite Richardson, date of birth 19th June 1957, she told me that she was detained on suspicion of having taken part in the bomb throwing in one of the Guildford Pubs. She admitted to have been a sufferer from migraine; addicted to LSD, which she was given by injections by her

¹⁹ The question of the effect of drugs on Carole Richardson was one of the particular grounds on which her case was referred to the Court of Appeal in 1989 (see paragraph 19.63 below). The outcome of Avon and Somerset investigation of those statements is set out in paragraph 5.4.

friends and also that she was supplied by the friends. She also suggested that she was in the habit of taking Tuinal, the last capsule she had taken on Monday the 2nd of December: the LSD injection was given to her about two weeks ago.

During my interview in the presence of the WPC Lesley Crackson [sic] No 21, Miss Richardson made two following statements, namely:-

1. "The statement that I made previously is all the pack of lies. I did lie to protect my boy friend who was in the possession of the bomb and that he did throw the bomb at the pub in Guildford."
2. "I assisted not knowingly my boy friend planting the bomb in the pub in Guildford where he took me in the car from my house and at the time of him collecting me from the house I had an attack of migraine."

The clinical examination did not reveal that this girl was suffering from any injury nor any other diseased condition which would require treatment at the time of her arrest. She was considered by me to be fit for further detention. She was in a highly hysterical state, over ventilating, and trembling but finally settled to bed very well, calmed down considerably and was in a state of complete mental control and in control of herself. She was given by me one capsule of Tuinal of 200 mgm (100 mgm of butobarbitone and 100 mgm of Amylobarbitone Sodium). She made her above statements when she was in full control of herself and completely calmed down. I settled her on the couch and covered her with blankets. Before leaving the cell she asked for a cigarette which was given to her by the WPC. I left the cell when she was calmed and quite normal in her behaviour.

(Signed) K A Makos"

"At 8.50 pm on Wednesday, 4th December 1974, I was present when Dr Makos examined Carole Margaret Richardson in her cell. Carole said to the doctor, "My boyfriend is in prison, he put the bomb in the pub, I was with him, but I was on drugs that night, I didn't know what was going on." She then said, "I've told the police a load of lies in my statement."

Dr Makos finished his examination and left the cell.

(Signed) L Croxson WPC 21"

5.51 On 5th December Richardson was interviewed by DCI Longhurst with DC Wise and WPC Mills in attendance. She was questioned about the journey to Guildford. Dr Makos' statement was read to her and she denied that she had said anything like that but admitted that she and Armstrong had been into the Horse and Groom together, that Armstrong was the person depicted in the artist's impression (referred to in paragraph 2.10) and that he had

carried the bomb into the pub. She said that the driver was definitely not Paul Colman.

5.52 Richardson agreed to make a second statement which was written down by WPC Mills with breaks from 5.15 pm to 6 pm and 7.30 pm to 8 pm (Appendix G pages 3 to 8). She was then taken to Godalming Police Station where she was held overnight and interviewed again by the same officers on the following day (Friday 6th December) from 11.35 am to 1.45 pm and from 3 pm to 8.30 pm. WPC Mills again took the notes which recorded, among other things, Richardson's description of the man who drove the car to Guildford, her possession of a gun for the purpose of a robbery by Armstrong and others, and her presence at a house when three bombs were being made. Between 4 pm and 4.20 pm there was a coffee break during which Richardson had a telephone conversation with her mother. From 6.43 pm to 8.30 pm, with a meal break from 7.45 pm to 8 pm, Richardson made a third statement which she wrote herself describing how the bombs were made (Appendix G pages 9 to 12).

5.53 At 3.33 pm on Saturday 7th December, at Guildford Police Station in the presence of ACC Rowe, DCI Longhurst and other officers, Richardson was charged by Supt Futter with the murder of Caroline Jean Slater and replied, "I only knew one of them by name and that was Paddy and John".

5.54 On 9th December Richardson was remanded in custody by Guildford Magistrates and at 12.25 pm DCI Longhurst, DC Wise and WPC Mills saw her in the cell passage at Godalming Police Station. According to WPC Mills' notes Richardson said that there was something not right about what she had said before and that if she could see Armstrong it might help to get him to tell the whole truth. She was told that they would see her again after lunch and at 2.40 pm she was interviewed once more. There are no detailed notes of these interviews. Following general discussion about her background and her earlier statements Richardson made another statement which she wrote herself between 5.50 pm and 8 pm (Appendix G pages 13 and 14). (The typescript notes of the interview had 6.30 pm as the end time of the interview. A manuscript amendment changed this to 8 pm and added that there had been a break between 6.30 pm and 7.15 pm.) The custody record shows that after they returned to the cells at 8.40 pm Richardson was visited by D.Supt Underwood and DCI Longhurst from 9.10 pm to 10.15 pm. There is no other account of this visit. On 10th December Richardson was taken from her cell by DCI Longhurst at 11.50 am and returned at noon. There is no record of this apart from the custody note.

5.55 On 11th December at 1.15 pm Richardson was taken to the medical room by DI Sellars and DS Robinson and returned to her cell at 2.10 pm. No reason for this move is recorded but it may have been to see her solicitor. Between 2.15 pm and 2.55 pm she was visited again by her mother who had last seen her on 8th December.

5.56 On 12th December she was again remanded by the Guildford Magistrates and on the same day between 4.14 pm and 4.55 pm questioned at Guildford Police Station by D.Supt Imbert and DCI Munday about the Woolwich bombing. She admitted her involvement in the Guildford bombings but said she knew nothing about Woolwich.

5.57 At 11.40 am on 13th December Richardson was taken from her cell to the Club Room in Guildford Police Station and put on an identity parade to see whether she could be identified by witnesses who had been in the Horse and Groom during the evening of 5th October. She stood in line with eight other women aged between 16 to 22 and in the presence of her solicitor, Mr Avey, eight witnesses reviewed the parade. None of them picked her out. Neither was she identified at a separate parade held between 12.30 pm and 2.15 pm in relation to the Woolwich bombing on 7th November 1974.²⁰

5.58 On 16th December she was remanded to Brixton Prison and thereafter regularly remanded by Guildford Magistrates until 19th March 1975 when they committed her for trial. On 31st December 1974, while on remand in Brixton, Richardson was seen once more by DCI Longhurst, DC Wise and WPC Mills, following the emergence of her alibi for the evening of 5th October. She refused to answer any questions saying, "My solicitor's told me not to say anything. I wasn't in Guildford. I've 40 witnesses to prove it, and I don't know half of them."

The accounts of the Four

5.59 A number of accounts have been given over the years by the Four and others about how their confession statements came to be made. I have already referred to *Trial and Error* by Robert Kee published in 1986, *Time Bomb* by Grant McKee and Ros Franey published in 1988 and the more recent accounts written by Hill and Conlon both published in 1990 after their convictions had been quashed. Video taped interviews of Richardson and Armstrong were made in November 1991 setting out their versions of events, and these were submitted to the Inquiry by their solicitor, Mr Logan. There is of course, also the evidence given on oath by three of the four at trial in 1975 and Richardson's statement from the dock. In addition, I gave the Four through their solicitors the opportunity to comment upon these various explanations.

²⁰ Before the bombing on 7th November two unknown women had asked some soldiers in a Woolwich public house where they were billeted. The police believed that they were prostitutes, but thought that they should check whether the soldiers could identify Carole Richardson or Anne Maguire on an identity parade.

Paul Hill

5.60 The main reason put forward by Hill for his confessions was his concern that Gina Clarke would be implicated unless he confessed.

5.61 At trial he said that after his arrest DI Richardson had opened his gun and loaded it with bullets saying that one of them was for him if he tried to run. After his interview with the RUC officers on 29th November 1974 DCS Simmons and DS Jerney had interviewed him for about two hours. They wanted a statement from him on the Guildford bombings. He had denied that he had anything to do with it but they had accused him of not being truthful and threatened that Gina would be charged with the bombings. That was the sole reason for saying that he would tell them what he knew and for making the statements. Although he had said in substance what was in the first statement it was mostly untrue. Taken through the statement point by point he denied the truth of all the incriminating points. He recognised that anyone reading the statement might think he had been involved and he had not considered how he would be able to satisfy anyone later that it was untrue. Parts of his second statement were also untrue. The first description in it of a woman was made up by the police. The second was of a woman whose picture was on the wall.

5.62 On 1st December he had seen a solicitor before he saw DCS Simmons and agreed to make another statement. He said that the police suggested how it should be written down. He denied that he had asked to see DI Blake and DC Lewis on 2nd December. They came in when his fingerprints were being taken and said that his statement did not match what others were saying. He agreed to make a statement to stop them pestering him further. He got the ideas for what he wrote from earlier interviews and questions and what the police had told him. At that stage he wanted the police to believe he had been at Guildford at about 7 pm but knew that Gina would say that he had been with her in Southampton at that time because that was the truth. He therefore had put in his statement a reason why she would say that they were together at 7 pm, namely that he had asked her to give him an alibi because he was in trouble for stealing something during that evening. As to his fifth statement (which the police alleged was a spontaneous statement after charge) he said that this had been made after a lengthy interview.²¹

5.63 Before he wrote his sixth statement on 9th December he had been knocked off his chair and sat on by DI Blake. However, he had seen no point in complaining about the violence. He had not asked to see Gina. Before she came into the room DI Blake had told him to ask Gina to say that he had not arrived in Southampton until later that evening. He and Gina had not had the conversation about the time they met on 5th October recorded in DI

²¹ See the account of Avon and Somerset's discovery of the notes of interview in paragraph 5.3.

Blake's notes (see paragraph 7.10). He had written the first part of the sixth statement in the way the officers wanted it but had invented various details himself, such as giving the time at which the bombs were fixed as 4 pm. The account of his drive around Guildford reflected a mixture of what he had said and what the police suggested. He could identify the Horse and Groom because he had seen it on his journey from Southampton to Guildford after his arrest.

5.64 In cross-examination Hill repeated that he had made his statements, some parts true some made up and some provided by the police, to prevent Gina being charged with the offences. After his sixth statement he thought she would be all right but it had not occurred to him then to retract his previous statements. He had involved Conlon, Armstrong and other innocent people to make his story realistic and because he could not tell the police he had done it alone. He knew that this was not admissible evidence against them. He had not expected Armstrong and Conlon to name him. He could not explain why he had admitted to Woolwich but thought that it would make no difference since he had already admitted to Guildford. His description of a bomb was based on what he had seen on television and had mentioned a pocket watch as the timing device because everyone knew they were used for that purpose. He denied that he had ever been an IRA member.

5.65 In relation to his journey to Southampton on 5th October Hill said that on 4th December DI Blake had told him to tell Gina that he had got down to Southampton later than he had and, in the presence of the police, he had told Gina to say that. He had not been dropped off at Waterloo, there had been no diversions on the line and he had not had to get off the train at Eastleigh. He agreed that he had not been pressed to add as an addendum to the statement of 30th November that the statement was true and had been made under no pressure or threat. Although he knew he would have to stand trial for murder his attitude was that it made no difference what he wrote.

5.66 It was also suggested by counsel on Hill's behalf at trial that he made the statements because he was a compulsive talker.

5.67 I have already referred in paragraph 5.5 to the allegation that a gun was dry fired through the flap of Hill's cell door while he was in custody at Guildford police station, to the outcome of the investigations into the matter carried out by Avon and Somerset from 1990 onwards, and to the way in which it was dealt with by the Court of Appeal in Northern Ireland in 1994 in allowing Hill's appeal for the murder of Brian Shaw. Although Hill had first made the allegation at his trial for the Shaw murder he did not repeat it at the subsequent Guildford and Woolwich trial. This is understandable since neither Hill nor his defence team would have wished to refer at that trial to his having a prior conviction for a terrorist murder. It was, however, repeated in 1990 in Hill's book *Stolen Years* and, according to *Time Bomb* which was published in 1988, the gun was in fact produced on several occasions. At his

recent appeal in Belfast, Hill gave evidence about the gun incident in support of the allegation that his various statements to Surrey were obtained by oppression and that this also affected the statement he had made to the RUC about Shaw.

5.68 In *Stolen Years* Hill also claims that he was not left alone for the first 24 hours but interrogated at length. The book repeats the charges of ill treatment made at trial and gives details of verbal threats, deprivation of food and sleep, and the constant kicking and banging of his cell door.

Gerard Conlon

5.69 Conlon has maintained that his two confession statements were induced by police brutality and by threats to his family. He said in evidence at trial that after his arrest in Belfast on 30th November 1974 he had been hit on the jaw by DC McCawl and led about by his hair. When the Surrey officers arrived he spat and swore at DCI Grundy who had accused him of doing the Guildford bombings and DCI Grundy hit him. Later he had been threatened and kicked by RUC officers before being flown to London. At Addlestone Police Station in Surrey he had refused to make a statement and he had already been slapped about when DI Blake was summoned, came in screaming, ordered Conlon to strip naked and struck him in the kidneys, banged his head against a wall and squeezed his testicles.

5.70 DCS Simmons had then threatened to have Conlon's mother shot, and him denounced as an informer unless he made a statement. He ended up by making a statement containing no admission about the bombings but it was torn up and he was told to produce another one by the following morning. After further assaults by DS Jerney and DI Blake and threats by DCS Simmons he wrote his statement of 2nd December at the dictation of the police because he believed that otherwise his mother would be shot. The admissions in it were untrue. Before he wrote out his second statement on 3rd December 1974 similar threats had been made and he had been told by DI Blake or DS Jerney that his Aunt Annie (Maguire) had been at Guildford and had made the bombs. He had been made to write the opening caution indicating that he was making the statement of his own free will. The statement itself was a mixture of what the police dictated to him and what he made up. He had implicated Hill as the leader because that was what the police wanted and because the police said that Hill was naming him.

5.71 On 4th December Conlon had been taken round Guildford by car to identify places. One of the accompanying officers had uncovered a gun and said that it was for him. He had not pointed out any places or said anything, they had identified places to him. Before seeing his solicitors later that day he had been punched, slapped and had his hair pulled by the police who warned him not to say anything to the solicitors about his ill-treatment. He had said to the solicitors that DS Jerney and DCI Grundy had not hit him, but that

was not true and he thought that Mr Jones, as a Belfast solicitor, should have realised that he was saying the opposite of the truth. Finally, he denied that he had agreed with anyone to cause explosions or that he had carried out the Guildford bombing. Under cross-examination Conlon denied that he was a member of the IRA or had ever been to Guildford before he was taken there by the police. He had confessed to the bombings and named other people because of the threats to his family.

5.72 Conlon's book *Proved Innocent*, published in 1990, gave more details of physical violence against him following his arrest in Belfast and stated that he was not given the medicine prescribed for his kidney pains. He claimed that at Addlestone police station he was made to run the gauntlet while being kicked and spat at, and then deprived of food and sleep. He had made his statements to please the police in the hope that he would not be beaten or abused any more and would be left alone.

Patrick Armstrong

5.73 At trial Armstrong said that on the days before his arrest he had taken tuinal and amphetamines in combination. On 3rd December 1974 the police broke through the door of the flat and having ascertained who Armstrong was DC Attwell put a gun to his head and threatened to empty the chamber into him if he moved. Another officer put a gun to the other side of his head. At Harlesden police station ACC Rowe, after telling him to put his hands against the wall with his legs apart, kicked them further apart. On the next day he was taken to Guildford police station to an interview room with diagrams and pictures of the Horse and Groom and Seven Stars on the wall. He denied knowing anything relevant about the Guildford bombings and was punched and sworn at by ACC Rowe. During questioning he was hit by DCS Simmons and pushed against the wall by ACC Rowe. At this point, in tears and shaking, he agreed to make a statement.

5.74 Armstrong denied that a long interview had preceded his first statement. He had agreed that DCI Style should write down the statement but he had not said the first three sentences. The content of the statement had come about by question and answer. The answers, which were mainly untruthful, were combined with the questions and turned into a statement. Some particulars, for example about the armed robberies on bookmakers' shops in Belfast, came from working in one of them. He had answered the questions because he was frightened and threatened with violence.

5.75 On 5th December there had been some interviews with DCS Simmons who had discussed the first statement with him and said that if Armstrong gave more details he would get a much reduced sentence. DCS Simmons told him that Richardson had said that she and Armstrong had gone into the Horse and Groom with the bomb. At first he denied it but after a while he said that it was true. He had marked the plans of the pub showing the position where

he, Richardson and Connelly (Conlon) had been, on the basis of plans he had seen in the police station. He had put Carole in two different positions because he thought he was getting it wrong the first time. After the statement was finished he was driven around Guildford. When DCI Style had pointed to a boarded up building and said that it was the bombed pub he had agreed. He had pointed out where the car was parked and the Wimpy Bar (see Appendix B) where he had met the others and had indicated the route taken back to London but all that was made up. He had told Paul Colman when they were confronted that he should tell the truth but he had put blame on others because he had to say something to support his story to prevent the police carrying out their threats. Apart from some minor variations he agreed that DCI Imbert's record of an interview with Bomb Squad officers on 10th December was correct.

5.76 Under cross-examination he said that it had not occurred to him to tell the Metropolitan Police about his fears of further ill-treatment because they would have told Surrey. He or the police had invented parts of the statements; the rest had come from answering yes or no to police questions. Some was true and some not. He had involved Carole because she had involved him. He had involved Colman because he knew that Colman had nothing to do with it. He was able to describe the pub as an old pub with a horse sign because he had been shown photographs and diagrams. Other details such as giving the right time for being at the pub and the correct route for leaving Guildford he had got right by chance. He had invented his description of the bomb. The police had suggested that he drove the car to Woolwich to take reconnaissance photographs and he had admitted to that because he was still scared. He had not admitted to throwing the bomb at Woolwich because no one had suggested that he had done it. He knew of the armed robberies in Belfast because he had worked in a bookmaker's shop there, but he had made up the details of his involvement in the robberies and named people who had not been involved.

5.77 In relation to his statements of 5th December he denied that he had mentioned the fireplace and juke box in the pub. The suggestion that Carole bent down while he put the bomb under the seat and that they had been necking, had come from the police. His reference to a party going on was guesswork. In an interview with Metropolitan Police officers on 10th December he had repeated much of what he had told the Surrey officers about his involvement in the IRA and the Guildford bombings because he was still in a state of fear of the Surrey police although he agreed that none of them was present and the Metropolitan Police officer had not threatened him. All that he said in the interview about the reconnaissance at Woolwich had been invention. He denied that he had made any admissions to DS Donaldson and DC Attwell on 11th December.

5.78 The confessions attributed to Armstrong have been explained in *Time Bomb* and in his own video taped interview supplied to this Inquiry, as

stemming from his vulnerability, especially through drugs, which made him unable to stand up to the physical assaults and threats made against him. In 1987 he told Dr MacKeith, a consultant forensic psychiatrist, that he came temporarily to believe that he could have been involved without being able to recall it. He also maintains that much of the substance of his confession was put to him by the police.

Carole Richardson

5.79 Richardson did not give evidence at the trial but made a statement from the dock which was mainly concerned with her alibi. However, she said that she had taken nine tuinal tablets on the day of the arrest which made her feel drowsy. She claimed that before she made her first statement she had been hit by WPC Mills and by DC Wise. She had confessed partly out of panic and to stop the police getting at her. The statements she wrote were virtually dictated to her and she was forced to go along with what was happening because she was terrified of the treatment she would get if she continued to deny involvement.

5.80 It has since been affirmed on her behalf and in her own video interview supplied to the Inquiry that a combination of fear, the effects of drugs and police brutality made her put her name to material which had been suggested to her by the police, and that she hoped that by giving the police what they wanted to hear she would be left alone and given the chance to get a lawyer and her diary to prove where she had been. She also says that much of the information in her confessions came from overhearing informal conversations between police officers.

5.81 A psychological assessment by Dr James MacKeith put to the Home Office in August 1986 concluded that the statements were probably unreliable because of her vulnerable qualities and state of mind at the time.

CHAPTER 6

COMMITTAL PROCEEDINGS

6.1 The committal proceedings opened at Guildford Magistrates' Court on Monday 17th March 1975. All four stood charged with the murder of the five victims at the Horse and Groom and with conspiracy to cause explosions. They were also charged under the Explosive Substances Act 1883 with causing the explosion at the Seven Stars public house, the fiats required for prosecution under the Act having been signed by the Attorney General (the Rt Hon Sam Silkin QC, MP) on 17th and 18th February. Hill and Armstrong were additionally charged with the murder of the two men who died as a result of the bombing of the King's Arms in Woolwich. Armstrong was further charged with conspiracy to cause an explosion as an alternative to the Woolwich murder charge.

6.2 Mr Michael Hill set out the prosecution case in support of these charges in a long and detailed opening statement. The essence of the Crown's case was that the Guildford bombings had been carried out by a gang of some eight people, including the Four, who travelled from London in two cars arriving at about 5.30 pm, planted the bombs at around 7 pm and returned to London before separating. The Crown contended that the Woolwich bombing was carried out by a team of at least three or four people including Hill and Armstrong. Although Armstrong had denied being at the bombing he admitted to having been on a photographic reconnaissance to the King's Arms knowing its purpose, which would still amount to murder.

6.3 Having set out some of the admissions made by the Four, Mr Hill dealt with the conflicting contents of their statements in this way:

“As the interviews with these defendants are read and the statements that they made considered, it rapidly becomes apparent that at no one stage was anyone of them telling the whole of the truth. What also becomes apparent is that there were two reasons in the minds of each one of them for not telling the whole truth. Of course the obvious reason - a desire to minimise his or her culpability which I would trust is different from involvement. Secondly, what becomes clear is that there was a deliberate attempt to impede and confuse investigations by the police made by each of these defendants in the interviews and the statements where they were admitting taking part in the bombings. It is clear that this attempt to impede was carried out with determination and the Crown says that it is a proper inference from the evidence that one part of these attempts to impede the police in their investigations had been planned in advance. One way or another, each one of these defendants admitted to the planting of the bombs in Guildford and their subsequent departure from Guildford back to London later than those events had actually taken

place with the object of later producing alibis that each could not have been in Guildford at the times each asserted that the bombings had taken place.

As far as Woolwich in concerned, Hill deliberately lied about the vehicle used, knowing that the bombers had been seen, as had their vehicle. The prosecution says, therefore, that in the absence of independent evidence or in the absence of any proper inference from the evidence as a whole, what each of these defendants has said amounts to direct admissions of his or her part and should be treated with the greatest suspicion. ... it may be that in the case of Richardson she has admitted doing something which she simply did not do, that is, the planting of the bomb in the Seven Stars. It may also be that when the totality of those statements is considered it will become apparent that the defendant who has told the greatest amount of the truth most consistently is the defendant, Armstrong.”

6.4 Mr Hill then described Richardson’s unsuccessful attempt to join the WRAC in April 1974, which had it succeeded would have led to her being trained near Guildford. The court was invited to infer that this application was not mere coincidence and that it arose from her links with Armstrong. However, I have seen no evidence to suggest that she and Armstrong met before July/August 1974. It was also suggested that both Hill and Conlon had come over to England earlier in 1974 than they said as part of the build up for the bombing campaign. As I recorded earlier in this report there is no doubt that Hill was in Belfast on 18th May and that he re-entered England on 23rd August. There is no evidence that he was in England in the intervening period.

6.5 Mr Hill also described the night of the bombings in Guildford and the accounts of those witnesses who had seen a courting couple in the Horse and Groom that evening and whose evidence the Crown intended to call at trial. Two of these witnesses, Cook and Lynskey, had given detailed descriptions of a courting couple who left the public house a little before 7 pm and who the prosecution said were Armstrong and Richardson. Another witness, Julie Spooner, also described a courting couple, less specifically, who left at about 7.30 pm. It was suggested that she might have been describing the same couple but mixed up the sequence of events.

6.6 Mr Hill went on to describe the effects of the explosions in the two public houses and the examination of the debris which enabled the explosives officers to establish the type and size of the bombs and their position when they exploded. He then referred to the explosion of the throw bomb in the King’s Arms public house in Woolwich on 7th November and recounted the evidence of witnesses who had seen the vehicle (or vehicles) and the people believed to have been involved in that attack.

6.7 After summarising the accounts of the arrests of the Guildford Four and the statements which they had made to the police Mr Hill reminded the court of the charges against the Four and invited the court to commit them for trial at the Central Criminal Court. The oral evidence given by Lisa Astin and Frank Johnson at the committal proceedings in support of Carole Richardson's alibi is set out in Chapter 10. No other oral evidence was called at the committal and on 19th March 1975 the Four were committed for trial on all charges.

6.8 Under the terms of the Criminal Justice Act 1967 notice of alibi was required to be submitted to the DPP's office within seven days of committal for trial. Provisional notices of alibi were given for Conlon on 24th March 1975, for Richardson on 26th March, for Armstrong on 11th April, and for Hill on 17th April. The last details of alibi witnesses, for Armstrong, were not submitted until 4th September, 12 days before the trial started. The history of the alibis is set out in the following chapters.

CHAPTER 7

HILL'S GUILDFORD ALIBI

7.1 Hill's alibi for the Guildford bombings was that he was in Southampton with his girlfriend Gina Clarke having caught a train from Waterloo at 3.30 pm, arrived at Southampton at about 5 pm, and gone on by bus to Sholing at sometime after 5.30 pm. Numerous contradictory accounts of the timing of Hill's arrival were given in statements and evidence. It was suggested that his journey had been dislocated by engineering works on the line. The time at which these began was independently verified. If such a dislocation had affected Hill's journey the earliest time at which he could have left Waterloo was at 8.42 pm, which would have destroyed his alibi.

7.2 At the time of the Guildford bombings Hill was still living at the Irish Centre hostel in Quex Road. His girlfriend, Gina Clarke, was then living with her sister Kathleen Crosby and husband Malcolm at 2 Stainer Close, Sholing, Southampton. When Hill was first interviewed by D.Supt Underwood and DS Jerney at 4.35 pm on 28th November he denied that he knew anything about the bombings. According to DS Jerney's record, which is dated 30th November, he was asked whether he had ever been to Guildford and replied that he had passed through on the train on the day after the bombs when he "was coming back from Southampton to London and there was a diversion on the line". In his statement of 29th November admitting involvement in the Guildford bombings Hill stated that he had been taken to Waterloo by Armstrong after the bombings and had gone to Southampton by train. In his second statement, on 30th November, he said that he was dropped at Waterloo at about 5.45 pm. In his final statement on 4th December he said that he was dropped at Waterloo at about 9 o'clock, ran into the station and caught a train to Southampton. The statement continued "I got to Southampton around 10ish, caught a bus to Sholing and Gina was there. She was in a bad mood as I had told her that I would be earlier than that. I told her that I was in trouble and that I had stole something and if she was asked about me I was to have been with her since about seven o'clock that night and she said OK." This statement was made immediately after a confrontation between Hill and Gina where, at his urging according to the police accounts, she had retracted her original claim that she had met him in Southampton at 7 pm on 5th October.

7.3 Gina Clarke had been arrested at 29 Aldermoor Avenue on 28th November and taken via Shirley police station, Southampton, to Guildford police station where she was interviewed by D.Supt Underwood and DS Jerney. No record of what was said survives. At 8.45 pm she was taken back to 29 Aldermoor Avenue by DS Woodfield and WPC Steer. According to Hill's detention sheet Gina visited him at 11.50 pm on 2nd December but no other record of this visit has been found. Gina states that she visited him on 29th November. On Tuesday 3rd December at 5 pm

WDC Faull saw Gina at 29 Alder Moor Avenue and asked her to accompany her to Guildford. Gina asked whether she would be able to see Paul and was told that she would, if possible. She remained overnight at Addlestone police station and was taken on 4th December to Guildford police station where, following a conversation with WDC Faull about her association with Hill, she was taken at 11.35 am to see him. WDC Faull was present during the meeting. Afterwards Gina was taken to an interview room where she made a written statement about her association with Hill after their arrival at Heysham on 23rd August 1974. The part of the statement which related to 5th October 1974 reads as follows:

“On Saturday 5th October I waited for him all day at Cathy’s. I went out for a walk about half past six and came back about seven o’clock, Paul had still not arrived. I went out about 9.15 pm again I got some chips and walked around to the bus stop at Orpen Road beside Butt’s Road. I sat on the wall at Coates Road opposite the bus stop I must have waited there about an hour. The bus arrived about 10.15 pm and Paul got off it. I asked what had kept him away all day and I smelt drink off him. He told me he had broken into a shop in London and if any one had asked where he had been, to say I had been with [him] from seven o’clock that evening. I asked him what possessed him to do that, and he gave a short laugh and was about to tell me but I told him if he was going to do things like that, then I didn’t want to know. Both of us went to Cathy’s to let her know Paul was down OK. We then went to the Target for a drink. We came back to Cathy’s and watched the end of a film that was on TV. After the film was over which was to do with Indians Malcolm and Cathy went on to bed after it was over. The next morning Paul went round to the newsagent for some papers he bought a Sunday Mirror for to read going up on the train. We had some breakfast and I got ready to leave him [sic] up to the train station. We left Cathy’s about 12 o’clock so Paul could catch the 1.05 pm train the one he usually catches. Paul had not passed any comment about the pub bombings. Paul told me that there had been engineering works on the lines and that he would have to change [at] St Denys and get a bus to Eastleigh and get on the train at Eastleigh again. Paul hadn’t phoned but I had a letter from him on the following Tuesday. He came down the following Saturday 12th October again he arrived in the afternoon. That night we went out for a drink to the Eagle in Palmeston Road where we had stayed till closing time as we had seen a lot of American Marines in town. We missed the last bus and had to get a taxi home to Cathy’s.”

7.4 After completing her statement Gina was escorted to Guildford railway station at 6.45 pm by WDC Faull who bought her a ticket to return to Southampton.

7.5 On 20th December statements were taken from Mr and Mrs Crosby by DI Blake and DC Lewis respectively. Mrs Crosby said that Hill used to visit

Gina each weekend and could not recall his arriving later than 7.30 pm. She thought that he was due at 5 pm on 5th October but did not arrive until about 7.30 pm, going out with Gina to the Target public house shortly afterwards. Mr Crosby recollected that Hill had arrived after 6 pm but before 8 pm.

7.6 In her statement Gina had said that:

“Paul told me that there had been engineering works on the lines and that he would have to change [at] St Denys and get a bus to Eastleigh and get on the train at Eastleigh again.”

7.7 The inference drawn from this by the police, that Hill’s journey down on 5th October had been dislocated because of railway engineering works, was supported by a statement made by Gina’s brother, John Clarke on 2nd January 1975, when he recalled that Gina had said that she and Hill were together on the night that the Guildford bombs went off and that “... they had come as far as Eastleigh on the train from London and then got a bus to Southampton as the lines were up.”

7.8 Hill’s solicitors sent the alibi notice for Guildford and Woolwich to the DPP on 17th April 1975. In relation to Guildford that notice stated that Hill caught the Southampton train from Waterloo at about 3.30 pm, arriving at Southampton at about 5 pm. Between 5.30 pm and 6.20 pm he arrived at Sholing by bus, met Gina and walked with her to 2 Stainer Close where they remained until 7.30 pm when they went out to the Target public house walking back to 2 Stainer Close at about 11.30 pm. A further notice dated 22 May 1975 associated Malcolm and Kathleen Crosby with this alibi from 7 pm onwards. In a statement on 24th June 1975 Gina resiled from the timing given in her first statement and said that:

“Paul arrived about 6.20 pm and said he had difficulty in getting down as there were engineering works on the line.”

7.9 At trial Hill gave evidence about his alibi for 5th October.²² He agreed that he had written in his 2nd December statement that he was dropped off at Waterloo after the Guildford bombing and had told Armstrong that he thought he would go down to Gina’s because she could provide him with an alibi. The reason he had said that was because he wanted the police at that stage to believe he had been at Guildford at about 7pm. However, he knew that Gina would say he had been with her since that was the truth. He had therefore put in his statement an explanation of why she would say that they were together at 7pm, namely that he had asked her to give him an alibi because he was in trouble for stealing something during that evening.

²² See paragraph 12.3 in which I explain about the various records of the evidence given at trial.

7.10 He further said that he had not asked to see Gina before he made his statement on 4th December. She had been brought into the interview room. But before she came in DI Blake had told him to ask her to say that he had not arrived in Southampton until later than 7pm on 5th October. He denied that he and Gina had had the following conversation recorded in DI Blake's notes of that confrontation:

"I then left the interview room and returned at 11.35am with Eugenia Clarke and WDC Faull. Hill said, 'Gina tell them the truth.' Clarke said, 'I've told them love. You were with me since 7 o'clock that night'. Hill said, 'You know that's not true Gina. I've told them the truth about everything. You tell them what time I really came down that night.'

At that stage Clarke started crying and said, 'Are you sure love.' Hill said, 'Yes, I want you to tell them. I'm not putting words in your mouth.' Clarke then said, 'He didn't get down till about quarter past ten that night. He should have come earlier and I met him off the bus.' Hill said, 'And what did I tell you.' Clarke replied, 'You told me that you had stolen something and if I was asked to say that you were with me all evening.' WDC Faull and Clarke then left the room."

7.11 In cross-examination Hill said that he had not been dropped at Waterloo, there had been no diversions on the line, and he had not had to get off the train at Eastleigh.

7.12 Gina Clarke also gave evidence about the alibi and said that after Hill's arrest she had been taken to see him on 4th December. She was told that he had already said what had happened at Guildford and that she should tell them too. Hill told her to tell the truth. She denied that she had volunteered the information that Hill had told her to say she was with him all evening because he had stolen something. She had first been shown that by DCS Simmons in Hill's statement. She did not immediately agree that it was true but did so later because the police would not believe her denial.

7.13 In cross-examination Gina said that she had remembered accurately what had happened on 5th October about a fortnight after Hill had been charged. She had spoken about the events of that day with her sister Mrs Crosby and her brother John Clarke. She had not told John Clarke that they (that is Gina and Paul Hill) had come as far as Eastleigh but she had no doubt that she had told him that Hill had said to her that he had to get off the train at Eastleigh. She accepted that on the basis that the first train to stop at Eastleigh was the 8.42pm from Waterloo, Hill could not have been on it because he was with her then. She had also told her sister-in-law, Kathleen Clarke, about how she had spent 5th October and confirmed her account on a number of occasions. In Mrs Clarke's statements it was recorded that Gina had met Hill off the train at 4pm. Gina said that this was not so, she had met

him off the bus. She said that she had also spoken with her sister, Mary Hammond, and told her that she and Hill went to the Eagle public house on the evening of 5th October where they were the only young couple.

7.14 Gina said that when she made a conflicting statement to the police on 4th December she had not had time to think. She had put down what was in Hill's statement because the police had shown her his statement first. She had written her 4th December statement herself but when she wanted to put down that Hill had arrived at 7pm the police would not believe her and had threatened her. Further cross-examined Gina agreed that she had said what she had at the confrontation with Hill at 11.35am on 4th December but explained that she had done so because she had been shown his statement. Prosecuting counsel pointed out that Hill had not started making his statement until 11.50am. On re-examination Gina said that she had not left Guildford on 4th December until 8pm. She insisted that she had seen Hill's statement before she saw Hill and before making her own statement.

7.15 In checking the timings relating to Hill's alibi the police had discovered that the first train from Waterloo which had terminated at Eastleigh on 5th October because of the engineering works was the 8.42 pm and that subsequent trains were terminated or diverted at Eastleigh until 6.30 pm on Sunday night. Statements to that effect were taken by the police from British Rail staff on 20th December 1974 and 29th January 1975 and confirmed in evidence at the trial, contradicting Gina's evidence that Hill arrived at Sholing at around 6.20 pm having got off the train at Eastleigh.

7.16 In summing up the alibi evidence Donaldson J said:

“The passage I had in mind was this: She said: ‘I was not living in London on 5th October. I said that Paul said that he had got off the train at Eastleigh.’ This is referring to a statement she had made. ‘I said that Paul said he had got off the train at Eastleigh. There is no doubt about it.’ So there, in cross-examination she is being invited to re-consider, if she wants to, a previous statement which she had made to the police - ‘Paul had said he got off the train at Eastleigh’ - and she is confirming that on oath. That, of course, is to be considered in conjunction with the evidence that you have heard from British Rail that the first train which was stopped at Eastleigh was the 8.42 pm from Waterloo. The Crown rely heavily upon that as showing that this alibi of Hill arriving at Southampton at 5.30 pm or six or something in that order is a concocted alibi.”

7.17 In this passage the Judge was, it appears, referring to Gina's cross-examination about what was in John Clarke's statement of 2nd January 1975. She had made it clear that John was wrong in saying that she had travelled down from London with Hill on 5th October but correct in saying that Hill had told her that “he had got off the train at Eastleigh.” The learned Judge

was mistaken, however, in saying that Gina had used those words in her written statement to the police. I have set out in paragraph 7.6 the material part of the statement and the inference drawn from it by the police. This error was not raised on appeal in 1977. However, much later on, in November 1988, when the Home Office was being pressed to refer the case to the Court of Appeal, solicitors for Hill argued that this error constituted a serious misdirection of the jury and Lord Gifford indicated at the 1989 appeal that he would have pursued this argument on Hill's behalf had the appeal not been allowed for other reasons. While it is true that the Judge was wrong in saying that Gina had used the words in her previous statement she did in her evidence on oath at the trial confirm that Hill had told her that he had got off the train at Eastleigh and Hill's alibi was considerably weakened by her cross-examination by Sir Michael Havers.

CHAPTER 8

CONLON'S GUILDFORD ALIBI

8.1 One of the principal contentions of supporters of the Guildford Four, and particularly of Conlon, has been that the prosecution suppressed, or at best failed to disclose to Conlon's defence team a statement taken by the police from a witness, Burke, which fully supported Conlon's alibi evidence for the evening of the 5th October 1974, when the Guildford bombings took place. This allegation has been made on a number of occasions, in press articles, in radio and television programmes and in books: it also featured prominently in the recent film *In the Name of the Father*. I therefore now consider this issue in some detail.

8.2 Conlon's defence at the trial was that he was not involved in any way in the Guildford bombings and that he was never at Guildford. He said that during the evening of Saturday 5th October 1974 he was at the Hope House Hostel in Quex Road, London NW6, where he was then living.

8.3 Hope House hostel was run under the auspices of the Irish Centre in Camden Square. It had about 50 rooms catering for about 100 newly arrived young Irish men with the purpose of giving them temporary shelter and helping their integration into the community. The hostel was managed at that time by Father Patrick Carolan, assisted by Sister Michael Power and others.

8.4 Hill and Conlon had been admitted to the hostel on 21st September 1974. Conlon left on 19th October to return to Ireland; Hill moved to the Keenans' on or about 20th October. Until those dates, however, the hostel was their main residence. By the beginning of October they were sharing a four bedded room, named St Louis, with two other young Irishmen, Charles Burke and Patrick Carey. Carey (referred to by Conlon as Paddy Carey) knew them both from being at the same school in Belfast.

8.5 The police took statements from Father Carolan on the 14th and 19th December 1974. He confirmed that he knew Hill and Conlon and provided some details about them including the dates of their admission and departure. He also confirmed that he had gone on holiday to Ireland on 5th October handing over his duties to Father Ryan at lunch time on that day. In a statement of 21st January 1975 Father Ryan said that he remembered Hill and Conlon during his fortnight in charge of Quex Road. In particular he recalled Conlon's determination to leave for Ireland late on 19th October, despite attempts to persuade him to stay.

8.6 The staff of the hostel were unable to speak to the movements of Conlon or Hill on 5th October. The only potential alibi witnesses for Conlon were

therefore other residents of the hostel, or their friends, who might be able to confirm his presence in the hostel that evening.

8.7 I have been supplied with a copy of the surviving documents from the file of Conlon's then solicitors, Messrs Simons Muirhead and Allan of London WC1, who had been instructed to act for him by a firm of Belfast solicitors, Messrs Nurse and Jones. These documents include a diary of clear and informative attendance notes kept by Mr Walsh, the managing clerk who had the day-to-day conduct of the case on behalf of Conlon. I have also had the benefit of oral evidence from Mr Walsh on this part of my task. The latter instructed Lord Wigoder Q.C. and Mr Gordon Ward to represent Conlon at the trial. Understandably, after the years that have passed, Lord Wigoder has little recollection of the case. I have however had the benefit of Mr. Ward's recollection and he was kind enough to give oral evidence to me.

8.8 The documents provided to me include a copy of the proof of evidence of Conlon prepared by Mr Walsh and supplied to counsel as part of their defence brief. In this proof of evidence, Conlon described the bedroom which he shared with Paul Hill and went on:

"The room contained four beds and the other two persons who lived in the room were a Belfast man named Patrick Carey who I will refer to again and another young Irishman who I knew as Paul. He was working at a greengrocer's shop and I believe his second name may be Burke".

8.9 Later, having described his movements on the afternoon of 5th October and going to sleep drunk in the hostel bedroom, he went on:

"At about 6 p.m. Patrick Carey came into the room. I am sure it was about 6 because he had a watch and I did not and I asked him the time. He mentioned something about having been on a sightseeing tour. I believe that he had said something about this when we had seen him in the pub at lunchtime. I recall also that he had with him a big bag of cassette tapes and a tape recorder. He said that his girlfriend whom he called his "bird" had given him the tapes to hold onto. We spoke about the girl and he asked my opinion of her. In truth I was not very impressed but I told him I thought she was pretty. I believe that Carey's nose began to bleed - an ailment to which he is prone. The nosebleed would not stop and some blood went onto his shirt. We sat talking together and he asked me if I was going out that night. I said that I was not because I was broke at which he offered to lend me some money but for some reason I did not borrow it. He told me that he was trying to get a job as a painter and told me that that was his trade in Belfast. He also said that he was going out to meet the girl (whose name I now know to be Katharine Ryan) on that evening. I am not quite sure of the time

when he left but I believe it would have been about 8 p.m. I assumed that he had gone to meet the girl.

I stayed in at the hostel for the remainder of the evening. I watched television in the t.v. room there. Also watching television was a weasel-featured man who was another resident of the hostel. I believe that he was a Protestant from Rathcoole. I am not sure of his name but I believe that he was working as a shop repairer and his name may have been John. He told me that he was hoping to get a job at Fords in Dagenham. There was also another Irishman present with whom I talked about the pop singer Leonard Cohen. He was a small man with curly hair who worked at Chalk Farm. I would estimate his age at about 19 years.

At about 11 p.m. while we were watching the football another man who lived in the hostel came in. His name I think was Joe. He mentioned that he had been in a fight in a pub and I noticed that he had a black eye. I went to bed at about 11.30 or 11.45 p.m. The fourth man who lived in the room, Paul, came in somewhat afterwards and I recall that we had a conversation about the fight between Conteh and Ahumada which had recently taken place. I recall also that Paul told me that he was moving to Kensal Green. No-one else came in at that point and soon afterwards we went to sleep. Much later, I have no idea of the time, Patrick Carey came in through the window of the room which was his normal method of entry after the front door was locked. He woke me up but I did not have any conversation with him”.

8.10 This description of the evening differs in important respects from a later description contained in a long statement written by Conlon in two prison exercise books. These were obtained by Conlon’s present solicitor, Mrs Peirce, either from Mr Rose-Smith, the solicitor who acted for Conlon at the time of the Court of Appeal hearing in 1977, or from Mr. Logan who took over Conlon’s case again in 1985. In this statement, Conlon described the events of the early evening of 5th October as follows:

“I left Paddy at four and returned to the hostel and went to bed, I was pretty drunk and didn’t wake up till about half six or seven, Paul who also shared the room came in, he had just finished work, he worked in a greengrocer’s shop in Kensal Rise or in Harlesden, he was round about thirty and he came from the south of Ireland, he was about five foot eight and stocky, he had a long nose and wore a trilby hat, I’m not sure if Paddy Carey came back in but I think he did as I seem to remember him lending me a cassette recorder and a bag of cassettes, he said they belonged to his bird, I think I might have went with Paul to the cafe beside the Memphis Belle for something to eat, we may have had a pint at the Memphis Belle, if I did have a drink it was only one and then I went back to the hostel and then I went down to the television room..”

8.11 It is to be noted that in this statement, unlike the earlier proof of evidence, Conlon expressed some uncertainty about whether he remembered Paddy Carey coming back to the hostel during the evening, but did say that he remembered his other room-mate coming in as early as about 6.30 - 7.00 p.m.

8.12 The important difference between the two accounts is thus the significance accorded to Carey and the fourth occupant of the room as potential alibi witnesses. From the proof, Carey would be regarded as a principal alibi witness for the crucial period of the early evening. The other man would not be. From the handwritten statement there would be doubt about Carey's presence and hence doubt about his importance as a defence witness, whereas the other man would be regarded as an obvious witness in support of Conlon's alibi. In the proof Conlon describes the fourth man as "Paul... working at a greengrocers's shop" and expressly says his second name "may be Burke". In the handwritten statement the description is of "Paul" who "worked in a greengrocer's shop in Kensal Rise or in Harlesden". No surname is suggested.

8.13 I have not been able to establish when Conlon wrote the hand-written account but I am satisfied that it must have been written after his trial and conviction since there is overwhelming evidence that the defence team acting on behalf of Conlon up to the trial did not regard the fourth occupant of the room as an alibi witness and were patently acting on Conlon's instructions as set out in his proof. Conlon, however, through Mrs Peirce, says that he wrote it in 1975 before his trial. Mr Walsh has told me, and I accept, that he never saw it. If Conlon did write this before trial, I do not think that he can have shown it to Mr Walsh. This only confirms my view that it cannot have been written before trial.

8.14 Indeed Mr Logan has told me that the statement was written at his, Mr Logan's, request in or about 1985 when Mr Logan began to act for Conlon again, although there is some evidence which suggests that it may have been written by Conlon for Mr Logan in 1977 when Mr Logan first began to act for him prior to the 1977 Appeal. This evidence is a letter dated 23rd March 1977 written by Mr Logan to the Governor of Wakefield Prison in which he asks that Conlon be supplied with adequate paper and writing material to enable him to write a statement "about everything he wishes to say" and which statement Mr Logan thought would be "a lengthy one". On the other hand I have seen an Advice from Conlon's Counsel written just before the beginning of the 1977 Appeal following a consultation with Conlon in Canterbury Prison which clearly indicates that as at that date Carey was still regarded by Conlon and his legal advisers as the principal alibi witness. The advice was that steps be taken to ascertain if "the missing alibi witness Patrick Carey" whom "Conlon believes is still resident in Northern Ireland" would be willing to give evidence at the appeal hearing.

8.15 In the result I have concluded that the account was not available to Conlon's advisers before the 1977 appeal. In my view the account was written by him later but I have been unable to determine precisely when. On any view however the handwritten account came into the possession of Mrs Peirce when she took over Conlon's case in 1987/8 because she quickly acted upon it. Having traced the hostel records she discovered that the fourth man was called Charles Burke and in May 1988 she instigated extensive inquiries in an unsuccessful attempt to trace him. I have seen no evidence to suggest that at any time between 1975 and 1988 Burke was sought or put forward as a potential alibi witness on Conlon's behalf.

8.16 Returning to the narrative, after Conlon had been committed for trial on 19th March 1975, his solicitors were required to give notice of alibi within seven days, and on the same day they asked Mr Jones of Messrs Nurse and Jones to make urgent enquiries to trace witnesses who could support Conlon's account. On 24th March Mr Jones telephoned in response to this request and Mr Walsh noted the call as follows:

"Attending T.Jones on phone when he said Patrick Carey alibi witness was with him and cd. confirm basic details of Conlon alibi in that he was with Conlon in London at the Memphis Belle p.h. and at the hostel at Quex Road on 5/10/74, full statement to follow. Other witnesses are Joseph O'Brien address not known but then resident at Quex Road and Kathleen Ryan address not known."

8.17 On receiving this call, Mr Walsh gave notice of Conlon's alibi by writing to the DPP on the same day, 24th March 1975, in the following terms:

"Dear Sir,

Re: Regina v Gerard Patrick Conlon

We act for the above-named in his forthcoming trial at the Central Criminal Court on charges of Murder and Conspiracy to Cause Explosions in connection with the recent bomb explosions at Guildford.

In accordance with Section 11 of the Criminal Justice Act, 1967, we hereby give Notice of Alibi on behalf of our client who will say that at the time of the explosions he was in London in an Irish Hostel at Quex Road, London NW6 where he was then living.

At present we are in a position to name three witnesses who may be able to substantiate his alibi. They are:

Mr Patrick Carey of 26 Riverdale Park Gardens, Belfast.

Mr Joseph O'Brien - present address unknown but formerly resident at the Quex Road hostel.

Miss Kathleen Ryan, a native of County Tipperary, Eire - present address unknown.

We are making further efforts to trace Mr O'Brien and Miss Ryan and will inform you of their addresses if and when we are able to do so.

We would be obliged if you would inform us of the date and time when you propose to interview Mr Carey so that we, or our agents may be present at the interview.

Yours Faithfully”

8.18 None of these potential witnesses had been interviewed by the solicitors at the time this notice was given.

8.19 The notice of alibi made no reference to the other room-mate, the man remembered by Conlon as a greengrocer named Paul. As I mentioned earlier, the fourth occupant of the St Louis room was named in the hostel records as C.Burke. His admission card gave his full name as Charles Edward Burke, with the address of next of kin as 8 Connolly Terrace, New Castle West (sic), and the occupation of greengrocer. The admission card recorded his National Insurance number, showed that he was located in the St Louis room, and gave his date of departure from the hostel as 5th October 1974. He was also noted in the list of residents (which contained details of rent paid) as “Gone 5/10”, having paid up to the week ending 4th October.

8.20 However, in the course of their enquiries the Surrey police did trace Burke. DC Standen obtained a statement from him, in the name of Charles Joseph Burke, at 121 Harvist Road, Kilburn (wrongly described in some statements as Harvest Road) on 18th January 1975. After giving brief background details about himself, his upbringing in Newcastle West, Limerick, and previous periods in England, he said that he had returned to England on 5th September 1974. In view of its subsequent importance I set out the rest of his statement in full:

“I stayed in bed and breakfast place in Cricklewood for three days, and then moved into Father Carolan’s place in Quex Road, on the 8th of September. I was put in St Louis Room, which has four beds in it. I have shown you on my sketch where the beds were. When I first moved in the beds I show Paul [Hill] and Gerry in were as follows: Paul’s bed was occupied by a solicitor’s clerk, and the bed I show Gerry in was empty. The bed I show Pat in was occupied by a baker from Dublin. After I had been in St Louis room about one week, the solicitor’s clerk moved out and the baker fellow went home to Ireland. That’s when Paul and Gerry moved in, and Pat the labourer from Northern Ireland. While Paul and Gerry were there I went out with them on one evening only, to the Memphis Belle. They

met two girls there, I don't know their names. I will describe them. (1). About 5'7", 17-18 years, blonde, fairly plump, well built, English. Gerry was attracted it seemed to her, she knew his name. She was dressed in hippy gear, a long coat, with a big shoulder bag. (No.2), was more attracted to Paul. She was 17 years old, built smaller, fairish hair, shoulder length. I can't remember her clothing. I never spoke to her nor she to me. Paul and Gerry, apart from this once, kept very much to themselves at Quex Road. In fact I never asked to go out with them, I met them by accident in the Memphis. They never discussed work, but I knew they worked on the buildings. I was in work all the time, seven days a week at B & M Fruiterers, 308, Neasden Lane. Paul was the quiet one of the two, but Gerry was mouthy. I knew he didn't like the English, for when it said on TV a soldier had been shot, he laughed and said something like "Bloody good job". On the Friday before I left Quex Road, the 4th of October 1974 I remember Paul said he was going to Southampton for the weekend, to see some friends. When I left work on Saturday 5th October 1974, I had found a new place to live, this address, as I was fed up sharing a room. I got back to Quex Road about 7.00 pm, because we take stock Saturday night. I packed my gear, and Gerry was in his bed. He was the only other person in St Louis Room. He said he was broke and asked to borrow a quid, but I never let him have it. About 7.30 pm I caught a taxi and left Quex Road for the last time. When I left he was still in bed. I came straight to this address, and I haven't seen Gerry or Paul since. As far as I know Father Carolan wasn't there the night I left. I never said goodbye to anybody except Gerry. I don't owe no money at Quex Road and they don't owe me any either."

8.21 On its face, this statement provided an alibi for Conlon covering the material time, describing him as being in bed at the hostel between 7.00 and 7.30 p.m., about the time the bombs were placed in the two public houses in Guildford.

8.22 In the course of their further enquiries Surrey police (DC Standen) interviewed Sister Michael Power and obtained a statement from her on 22nd January. Her duties included keeping the records to which I have referred. In her statement she said:

"My records show that they, Hill and Conlon, were still there the week ending the 4th of October with the same room mates. The same arrangement appears to have been maintained except my records show that Charles Burke left the hostel on the 5th of October, and his bed was left vacant until the end of the next week the 11th of October".

8.23 Though Sister Power's statement did refer to Burke's new address at 121 Harvist Road, Kilburn, this address does not appear in any surviving

hostel record. It appears that either she knew the address to which Burke had moved, or this detail was supplied by DC Standen who already knew the address having interviewed Burke there four days earlier.

8.24 On 30th January DC Standen took a statement from Peter Henry Vine, the manager of B&M Fruit Stores in Neasden where Burke had been employed as assistant manager. He said that he had introduced Burke to a Working Men's Club in Paddington and his statement continued:

“I remember we went there for a drink on the 5th of October 1974. We went straight from the shop to try and find Alex, I don't know his surname, who drives for B and M. We got to the Club about 8.00 pm, because we stopped before in 'The Falcon', Queens Park, and had a drink, with the Supervisor Mr McLeish. I clearly remember that during this Saturday evening, Charlie was very keen about his new lodging in 121 Harvist Road, Kilburn, opposite the park. He had been in there for five or six days since, I think, the Monday night, that would be the 1st of October. The reason I remember Saturday 5th was because one week later, on the 12th of October, I was nicked for having the takings away and wheeled into Willesden.”

8.25 This statement conflicted sharply with the statement taken from Burke in that if it was true, Burke did not return to the hostel and see Conlon in bed between 7.00 and 7.30 p.m. Vine was therefore a potential witness on behalf of the prosecution, to be called in rebuttal in the event that the defence relied on Burke as an alibi witness.

8.26 The statements taken by the police from Burke, Sister Power and Vine were not available to the defence solicitors. On 26th March, however, having given the notice of alibi I have set out above, Mr Walsh visited Hope House and interviewed Sister Power. His attendance note shows that he prepared a statement for Sister Power following this interview. Although it appears that at least eight copies were made I have not been able to trace one. I find this surprising. It is clear, however, that he obtained from her the name and address of Burke as recorded on the hostel record card, as well as the name and address of D.P.O'Brien, who could have been the O'Brien referred to in the notice of alibi.

8.27 At about this time Mr Walsh made a note on his file “See Frs Carolan & Ryan - check Paddy Hackett²³ - Paul Burke”. On 4th April 1975 his firm wrote to Charles Burke as follows:

²³ Patrick Hackett shared the St. Louis room with Hill, Conlon and Carey after Burke moved out. He was a friend of Richardson's alibi witness Frank Johnson.

“Mr Charles E. Burke,
8 Connolly Terrace,
Newcastle West,
County Limerick,
Republic of Ireland.

Dear Mr Burke,

Re: Gerard Patrick Conlon

We act for the above named who has been charged with extremely serious criminal offences. Mr Conlon was a resident of Hope House in Quex Road, Kilburn, London NW6, during October of 1974. We understand from the staff at the hostel that you were also resident in the hostel at this time and we would be most grateful for the opportunity to interview you in this regard. Please contact us - if necessary by reversing telephone charges and speak to Mr Simons or Mr Walsh of this office.”

8.28 No reply was received and the defence solicitors, unaware of the existence of his statement to the police on 18th January, took no further steps to trace him. The terms of their letter might suggest that they did not appreciate that this Burke was a room-mate of Conlon's, though the very fact that they had obtained his name and address from Hope House suggests otherwise. In any event, it is clear that Burke did not figure largely in their search for alibi witnesses. I do not believe that Conlon, who had told Mr Walsh of Carey being present during the crucial early evening period, had in 1975 any clear recollection of the fourth man also being present at that time; he had described the fourth man Paul as coming in much later at nearly midnight.

8.29 The defence solicitors wrote a similar letter to D.P.O'Brien at 44 Wheatstone Road, London W.10, which was later returned undelivered. (At a later date another London address of O'Brien was supplied by the DPP. Mr Walsh then interviewed him but he was unable to speak to Conlon's movements on 5th October).

8.30 Thereafter the defence concentrated on Paddy Carey as the alibi witness to be called on Conlon's behalf. On 10th April 1975 a written statement was obtained from Carey in Belfast by Detective Sergeant Jerney in the presence of Mr Jones, and a copy of this statement was later provided to Mr Walsh. In that statement Carey said:

“About 3 weeks to a month after I had moved into the hostel 2 young chaps from Belfast, who I had known at school, Gerry Conlon and Benny Hill, moved into the hostel. Benny Hill shared my room and Gerry Conlon swopped with another chap and moved into our room the following night. Occasionally I went out and had a drink with

them, usually to the Cock P.H. I remember one Saturday but what Saturday it was, I am not sure, I was drinking in the Memphis Bell P.H in Kilburn High Road. I was with Kathleen Ryan, a girl who I had met at a dance hall in Kilburn about a fortnight after I arrived in London. She was my steady girl friend and I saw her most nights and at the weekends. We usually went drinking in the Kilburn or Kings Cross areas. On this Saturday lunch time I was in the Memphis Bell, when I went in Benny and Gerry were already in there drinking with a chap called Joe, who was also from the hostel. I don't know his surname. I sat down and had a drink with them, we only had the one drink then Kathleen and I left. What the time was I don't know. We went to Oxford Street shopping and sightseeing, I remember Kathleen bought a jumper. She then went home and I went back to the hostel for my tea. This is served between 5.30 pm and 6.30 pm and I got in about 10 minutes or so before it was served. As far as I can remember I had my tea with Gerry and Benny, I then went back to my room to get ready to go out and meet Kathleen again. I had arranged to meet her at 8 pm. When I left the hostel as far as I remember Benny and Gerry were still in the bedroom. I met Kathleen as arranged outside of the tailors shop at the bottom of Quex Road. We went to the Cock P.H. for a drink and we stayed there until closing time. I think about 9 pm Benny came in, had a bottle of Guinness and then left. After closing time I took Kathleen home and then went home myself arriving sometime shortly before midnight. As far as I can remember they were both in the room talking. They spoke to me about Kathleen and then we all went to bed. They also asked me if I had heard about the bombs at Guildford. I said I hadn't and I hoped they were not going to start over here. I cannot be positive that I saw them at tea-time on this particular day, and this was the only time I heard about the bombs at Guildford as I do not read the newspapers or listen to the news on the radio or TV."

8.31 That statement was tentative as to the Saturday on which the events described took place, and Carey's recollection of being with Hill at teatime and later clearly conflicted with Hill's alibi and Conlon's own account. Conlon's alibi was further undermined by a statement taken from Kathleen Ryan by DS Jerney in the presence of Conlon's solicitor on 22nd April 1975, which reads in full:

"I came to England from my home in Southern Ireland in July 1974. I had already obtained employment at the Grand Metropolitan Hotels, and I was employed by them until 4th October 1974. During the last week of September 1974, I met a man from Belfast named Pat Carey and I started going out with him. I remember Saturday 5th October 1974, because on that day Pat helped me move my belongings from the Grand Metropolitan Hotels hostel at 18 Berkeley Street to the Clifton Hotel at King's Cross.

On that day I had arranged to meet Pat at 10 am at the corner of Quex Road, Kilburn, but I didn't arrive until 11 am. After I met him we went across the road to have a drink in a pub. In the pub was two of Pat's friends, Gerry and Benny, it was the first time I had met them. I think we only had one drink. We then left the pub, that is Pat and I, and we went to King's Cross to find accommodation and eventually I booked into the Clifton Hotel at 31 Argyle Street. We then went to Tottenham Court Road, where I changed a blouse. After this we got a taxi to move my belongings to the hotel. I spoke to the girl who was sharing the room with me and after a few minutes Pat and I went out. We went to a pub in King's Cross, where we stayed for some time. I can't remember what time Pat left me, but I think it was about 11.30 pm. From the time Pat met me in the morning until the time he left me that night he was always in my company. He did not leave me to go back to his hostel for tea, but what we done about a meal, I can't remember. On Saturday 5th October 1974 the only time I saw Gerry and Benny was at lunch time, when he had the drink with them. I saw them at no other time that day."

8.32 It was then clear to Conlon's solicitors and counsel that reliance on Carey would be dangerous, and they so advised Conlon at a conference at Brixton Prison on 28 April. However Conlon maintained that Carey was mistaken in saying that Hill had been present at the hostel that evening, and that Kathleen Ryan was mistaken in saying that Carey had never left her company. He therefore stood by his alibi.

8.33 On 13th October 1975 Conlon gave evidence at his trial. No official transcript is available but the Inquiry has been supplied with notes taken by Mr Philip Havers (junior Crown counsel) and by Mr Maley of the DPP's staff.²⁴ Conlon's account of the events of 5th October 1974, as recorded in Mr Maley's notes, which are in similar terms to Mr Havers' notes, was as follows:

"Woke about 10.30: did some washing and had something to eat. Left about 12.00. Went to Woolworths: went to Memphis Bell; me and Paul went. Paddy came by with his bird (Carey). I went out and called them: left and went to another pub. Not with Hill all day: separated about 3.30. He said he was going to Soton. I went to the bookies, then to bed: I was drunk, had pints and shorts: no-one in bedroom: woken up after six by Carey: he told me time: after he left at 7.45 I went down and watched TV. Stayed in. Never went near Gford."

²⁴ See paragraph 12.3.

8.34 It is noticeable that in his evidence, which was in accordance with his proof of evidence, Conlon made no reference to the presence of his fourth room-mate (the greengrocer called Paul) in the room on that evening, as he described in his handwritten statement. He was expecting that Carey would be called, whereas his fourth room-mate had not been traced. In his book *Proved Innocent*, published in 1990, Conlon gave (at pages 51-2) a vivid description of Paul the greengrocer as always wearing a pork-pie hat and green clothes, and (at page 117) said that this man had come in from work at about the same time as Carey that evening.

8.35 Conlon's solicitors did all they could to secure Carey's presence to give evidence at the trial. On 17th September they notified the Courts Administrator of their intention to call Carey from Northern Ireland as a defence witness. On 18th September a witness summons to compel his attendance was obtained and sent to him by registered post on 26th September. A number of attempts were made by Belfast solicitors to serve a subpoena on Carey who was persuaded to travel to London on 8th October, telling the police on his arrival at Heathrow that he was a defence witness and was due to be at the Central Criminal Court on 8th October. He was not needed on that day and told the Clerk of the Court and his solicitors that he was prepared to stay in London and give evidence on 13th October, but did not wish to go back to Belfast in the meantime. Since he was not entitled to living expenses which exceeded the return air fare he went back to Belfast on 8th October, having been assured that when he attended Court on 13th October his evidence would be heard. In discussing his evidence with the solicitors on 8th October he confirmed that he could not be sure on what day the events described in his statements had occurred. He was contacted by solicitors in Belfast after his return there and invited to collect an air ticket for a flight back to London on 13th October. He agreed to do so but failed to turn up and did not attend the Court.

8.36 In his summing-up Donaldson J advised the jury not to draw adverse inferences from the failure of Carey (wrongly referred to as Kelly) to appear to give evidence, reminding them of the difficulties involved in bringing witnesses from Northern Ireland in view of the troubles there.

8.37 Had Carey given evidence the prosecution would have applied to call Kathleen Ryan in rebuttal, and I am sure that leave would have been granted; various other witnesses were called to give rebuttal evidence by leave of the judge. It is likely that the overall effect would have been damaging to Conlon's defence.

8.38 In the event, however, Conlon was without supporting evidence for his alibi. The important question, which I have considered in detail, is why Charles Burke (the greengrocer "Paul") was not called in support of Conlon's alibi. Neither his statement to the police dated 18th January 1975, nor his Harvist Road address which appeared on that statement, was ever seen by

the defence. Having received no reply to their letter of 4th April sent to the Irish address, the defence solicitors took no further steps to attempt to trace him.

8.39 The solicitors did carry out further enquiries in the search for other witnesses who might support the alibi. As I have said, they took a statement from D.P.O'Brien on 13th August, and on 23rd August Mr Walsh travelled to Dublin and obtained a statement from Patrick Hackett. Copies of those statements have been provided to me; neither witness could say anything about Conlon's movements on 5th October.

8.40 On 1st September Mr Walsh interviewed Father Carolan at Hope House, took a statement from him and examined records of residents. In the statement Father Carolan referred to a number of other residents including Burke. The relevant passage read as follows:

“I do remember the fourth occupier of the room which Hill and Conlon shared with Carey. This was a young man named Charles Edward Burke who left at about the same time as the explosions. I have been told that the police have traced this young man and have exonerated him of any part in causing the explosions”.

8.41 Despite their learning at the eleventh hour that the police had apparently found Burke, there is nothing to indicate that any further attempt was made by the defence at this stage to trace him. There was a consultation with leading and junior counsel which lasted an hour at Brixton on 10th September, but I have seen no note of what was discussed. Doing the best I can on limited information, I can only conclude that the defence team concentrated on Carey rather than the fourth man, “Paul”, because they did not realise that the fourth man might have been present in the hostel at a time which would have provided Conlon with an alibi for the Guildford bombings nor did they know that he had himself said that he was present at that time. Conlon's solicitors and counsel were dealing with a client who had on his own account been drunk at the time and who had first put forward an alibi based on the events of another day; they faced great difficulties in conducting his defence. It seems to me that ignorant as they were of the existence and contents of Burke's statement to the police, they did all that could reasonably be expected of them.

8.42 However, for the reason to which I referred at the start of this Chapter, it is most important to determine why the defence solicitors were aware neither of Burke's address, nor that he had made a statement to the police, nor of the nature of the evidence he could give. The statement taken from Burke by the police, but not intended to be used by the Crown at the trial of the Guildford Four, was part of what is described as “unused material”. I have therefore considered in detail the prevailing practice in 1975 for the disclosure of unused material to the defence and the way in which such disclosure was

dealt with in this case. As well as reading all the available written evidence, I have heard oral evidence from Mr Michael Hill QC, Mr Paul Purnell QC and Mr Philip Havers, who were the three junior counsel for the prosecution led by Sir Michael Havers QC. Sir Michael, later Lord Havers, died in April 1992.

8.43 At the material time there were no Attorney General's Guidelines for the disclosure of unused material. The general practice was for the prosecution to provide to the defence the names and addresses of those from whom statements had been taken but whom it was not intended to call; the statements themselves were not provided. This practice was set out in paragraph 443 of the then current edition (38th) of *Archbold's Criminal Pleading, Evidence and Practice* as follows:

“Where the prosecution have taken a statement from a person whom they know can give material evidence but decide not to call him as a witness, they are under a duty to make that person available as a witness for the defence, but they are not under the further duty of supplying the defence with a copy of the statement which they have taken: *R -v- Bryant & Dickson*, (1946) 31 Cr. App. R. 146”.

8.44 In this case over 2,000 statements had been taken from persons whom the prosecution did not intend to call as witnesses. At a conference with the DPP's representative and police officers on 23rd May 1975 Mr Hill advised in strong terms that the prosecution should not only supply schedules, prepared by the police, of the names and addresses of the persons from whom statements had been taken, but should also allow the defence access to the statements at suitable times by arrangement. Counsel recognised that adherence to the more limited *Bryant and Dickson* practice would be cumbersome, costly and probably ineffective where so many names and addresses were involved. I have no doubt that the general procedure adopted was much more helpful to the defence, and was calculated also to reduce delay and to achieve a speedier and fairer trial.

8.45 At the same time, however, Mr Hill advised that material should only be supplied to the defence with his approval and knowledge. Not every statement taken was to be listed on the schedules, and the lists were seen and approved by counsel before being served on 10th June 1975. In a later joint Opinion dated 25th June 1975, prepared by Mr Hill to enable the DPP to write to a defence solicitor, the Crown's approach was set out as follows:

“The obligations in law upon the prosecution are to disclose only the names and addresses of witnesses from whom the police have obtained statements containing matters relevant to the issues in the case, being witnesses whom the prosecution intend not to call at the trial. There is no obligation to disclose the statements of those witnesses. In this case, counsel has advised that the prosecution should go further (indeed, has undertaken that the prosecution will),

to the extent that the statements of persons whom the prosecution intended not to call at the trial, where the contents thereof seem to have any kind of bearing (actual or potential, real or speculative) on the case, should be made available to the defence. To assist the defence, again as counsel promised, the schedules with which you and the other defending solicitors have been served, have been prepared.

The prosecution are under no obligation to disclose the identities or the statements of witnesses about the calling of whom consideration is still being given and no such disclosure is made. Moreover, the prosecution will not disclose the statements obtained from persons apparently to be called on behalf of the defence, unless those statements were taken in the presence of the defending solicitors or their representatives.

In the event that counsel advises hereafter that further disclosure should be made, you will be informed forthwith.”

8.46 The names of Burke, Sister Power and Vine were not listed in the Surrey police schedule ultimately served on the defence on 10th June. The names of other potential alibi witnesses (concerning other defendants) were also omitted. This was because there was a qualification as to the timing of disclosure in the case of witnesses relevant to possible alibis. Mr Hill explained that no disclosure would have been made until all the defendants’ alibi notices had been received and the alibis were thereby “fixed”. He told me that the practice would still be the same today. I consider this reasonable in principle, to lessen the risk that a defendant might alter or “tailor” his alibi in the light of the statements taken by the police in investigating it. But the justification for delaying on this ground diminished as the trial date approached. Conlon’s alibi notice had been served on 24th March, thereby “fixing” his alibi. Richardson’s was served on 26th March, Hill’s on 17th April, but Armstrong’s last details not until 4th September.

8.47 Mr Hill and Mr Purnell told me that in no circumstances would the statement of Burke have been supplied to the defence under the then prevailing practice although they made clear that they would at the appropriate time have disclosed the name and address of the witness, notwithstanding that he supported Conlon’s alibi, if they had not believed the defence knew about him. The passage in the Opinion of 24th June, setting out two exceptions to the disclosure of statements, was thus subject to the further proviso that no statements relating to alibi would be made available to the defence at any stage, though this further proviso was not stated in the Opinion. Accordingly these statements, particularly that obtained from Burke, were not made available to Conlon’s solicitors for inspection.

8.48 I am satisfied that this approach was in accordance with general practice at the time, although there was no express authority for a specific

exception in relation to alibi witnesses and by today's standards it was unsatisfactory. The Attorney General's Guidelines issued in 1981 contained no such general exclusion of disclosure of statements relating to alibis, though they do include a discretion not to disclose:

“a statement (e.g. from a relative or close friend of the accused) believed to be wholly or partially untrue which might be of use in cross-examination if the witness should be called by the defence”.

8.49 If the Guidelines had been in force at the time, it is arguable that this provision would not have justified non-disclosure of Burke's statement since Burke was not a relative or close friend of Conlon; on the other hand, the statement would have been regarded as falling squarely within the other parts of this description. I feel that this paragraph of the Guidelines is itself insufficiently clear.

8.50 Returning to the history of this issue, as I have said Burke's name had not been mentioned in the alibi notice served by Conlon's solicitors in March. In a joint Advice dated 16th May 1975 dealing with the alibi notices which had been served, prosecuting counsel wrote:

“It is, perhaps, significant that this notice does not mention the witness Burke whose evidence the police have already contradicted and, effectively, destroyed through the statement made by the man Vine. It is probable, we think, that Conlon has discovered that Burke and Vine had made statements and has decided to drop Burke as an alibi witness.”

8.51 Then at a conference on 28th July 1975, Crown counsel and the DPP asked the two police forces to provide schedules of all statements obtained by the police which had not thus far been served on the defence. It is clear that counsel properly wished to satisfy themselves that all necessary disclosure had been made, so as to comply not only with *Bryant and Dickson* but also with the procedure being adopted in this case.

8.52 On 30th July 1975, in response to this request, DCS Simmons sent to the DPP a list, entitled in capital letters, “Alphabetical list of statements not yet disclosed or produced concerning background information and alibi”. This list included the names of Burke (with the comment “Destroyed by Vine”), Carey (with the comment “Destroyed by Ryan”), Sister Power, O'Brien, Kathleen Ryan and Vine. The DPP sent a copy of this list to counsel on 31st July and a copy annotated by Philip Havers at various times indicated the action to be taken on certain of the statements.

8.53 In a number of cases the advice was to serve the statement on the defence. The statements of Carey and Ryan were noted as not needing to be served because defence solicitors had been present when they were taken. The

instruction on Daniel O'Brien's statement was to tell the defence that he had been found and to disclose his address. This had been done in a letter from the DPP dated 29th July, presumably on the basis of a decision taken at the conference on 28th July. (As related earlier the defence solicitors had attempted to write to O'Brien at another address on 4th April, but did not trace him until they had this new address. They obtained a statement from him on 13th August, which showed that he could not assist on the question of Conlon's whereabouts at the material time.) No instruction was recorded against the names of Burke, Vine and Sister Power.

8.54 On counsel's advice four other names and addresses on the list, against which no instruction was recorded, were sent to Conlon's solicitors on 13th August by Mr Barnes of the DPP's office. They were described as "known material witnesses" not called by the prosecution and it was made clear that on counsel's current advice their statements would not be made available for inspection. Further in a note probably written in August 1975 Philip Havers asked the DPP's office for a number of the statements which had been taken in this case including, in particular, that made by Burke.

8.55 No disclosure was made of the names and addresses of Burke or Vine. It is clear, however, that their statements were not overlooked by Crown counsel. In the course of a wide-ranging consultation held on 15th September 1975, the day before the trial commenced, the topic of Conlon's alibi was discussed; the police were asked to check that Vine's arrest for theft of shop takings was on 12th October, and it was suggested that Burke might have moved to his new lodgings before the date (5th October) shown in the hostel records. Counsel were seeking to satisfy themselves that Vine could properly be relied on as a rebuttal witness, to be called in the event that Conlon sought to call Burke despite not having named him in the alibi notice.

8.56 A number of questions arise from this sequence of events. Before discussing them, however, I reiterate that I am not deciding questions of guilt or innocence and am therefore not expressing any opinion on the truth or falsity of Conlon's alibi.

8.57 The first point to be made is that for the vast majority of the unused material the Crown, on the emphatic advice of Mr Hill, went beyond the standard *Bryant and Dickson* practice and supplied not only the names and addresses of those from whom statements had been taken but also made their statements available to the defence. If counsel had advised adherence to *Bryant and Dickson*, this procedure would have been cumbersome and unhelpful but the advice would have been entirely proper in the light of the prevailing practice.

8.58 In the case of certain statements, however, including those of Burke, Sister Power and Vine, not even the names and addresses were supplied as

part of the original schedule. It is clear from the documents (Advice 16th May; police schedule 30th July) that a judgment was formed that Burke's evidence was undermined (even "destroyed") by that of Vine, and I have considered both the basis on which this judgment was formed and whether it played any part in a decision not to disclose.

8.59 Looking at the statements themselves in conjunction with the hostel records, there would be no reason for preferring Vine to Burke. Vine only destroyed Burke if he was (a) truthful and reliable generally, and (b) correct in attributing the events which he described to 5th October rather than any other Saturday. As to (a), Mr Hill told me that he remembered some discussion with the police in which Burke was described as a heavy drinker. I have been unable to investigate this further; there was no written report by DC Standen who interviewed Burke on 18 January 1975 and the officer has no recollection of it now. As to (b), the Crown appear to have formed the view that Vine's date was correct. They did so partly on the ground that Vine's assertion that the events occurred one week before he was arrested for stealing the shop takings was consistent with police records showing that this arrest was on 12th October. (They seem to have accepted his word that only one week elapsed between these two unconnected events).

8.60 I think, however, that there are two reasons for believing that as between Burke and Vine, Burke is more likely to have been accurate as to the date. First, he specifically described it as being the day when he left the hostel and went to new lodgings in Harvist Road. The hostel records show his departure date as 5th October 1974. Further, Sister Power confirmed this in her statement taken on 22nd January 1975, which was between the dates of the Burke and Vine statements. Secondly, Vine's statement said that on the Saturday which he was describing, Burke talked about his new lodgings where he had been for five or six days. If this was correct, the description cannot have been of events on 5th October.

8.61 It has been suggested to me that the hostel records may not have been accurate about actual departure dates, since they showed only the dates up to which rent was paid. The suggestion was that Burke could have moved out of the hostel earlier. I cannot resolve this. However I do not think he could have moved out later. The description in Conlon's proof of evidence of Paul the greengrocer returning to the hostel at nearly midnight on 5th October and sleeping there that night, was in my opinion a product of Conlon's own confusion.

8.62 I consider that there was another factor underlying the Crown's preference for Vine over Burke, namely their belief in the correctness and reliability of the confessions of Conlon and his co-defendants on which the entire prosecution was based. As Mr Hill readily agreed in evidence before me, that belief must have had a substantial effect. In my view there is a real

risk, demonstrated by this point and others, that once a confession has been made, other evidence will not always receive proper objective consideration.

8.63 If, therefore, the judgment that Burke's evidence was "destroyed" by that of Vine was the sole reason for any decision to withhold Burke's name and address, I would have condemned this as improper. Crown counsel have not sought to argue otherwise. They say, however, that it played no part. They tell me that they believed that those defending Conlon knew about Burke as a potential alibi witness. They suggest that this belief was a reasonable deduction from the facts: they were kept informed by the police of what enquiries the defence solicitors were making, particularly that they had visited the hostel and interviewed Sister Power. They therefore had reason to believe that she gave the solicitors similar information to that set out in her statement of 22nd January, including Burke's Harvist Road address. Thereafter the defence made no request for help in tracing Burke, even after they had interviewed Father Carolan and examined hostel records on 1st September shortly before the start of the trial.

8.64 In the Opinion of 16th May counsel said only that it was "probable" that the defence had discovered that Burke and Vine had made statements. Their evidence to me, however, was that what had been no more than only belief, had hardened to "actual knowledge" before the trial, indeed before the conference of the 15th September. Mr Hill told me in evidence that they received information later from which he came to know that the defence knew about Burke; but for this, his name and address (though not his statement) would have been supplied. Thereafter counsel acted in the belief that the defence knew about Burke; hence the advice which they gave on 15th September to cater for the possibility of Burke being called as an alibi witness although not named in the notice of alibi.

8.65 Prosecuting counsel cannot now say how or from whom they learned that the defence knew about Burke. On the evidence which I have received from both Mr. Walsh and Mr. Ward, who was junior counsel for Conlon at the original trial of the Guildford Four, I am satisfied that Conlon's defence team did not know about Burke, in the material sense of knowing that Conlon's version of events was supported by Burke. Further, apart from Mr Hill's recollection, which through no fault of his is nearly 20 years old, there is no evidence or other material available to me that anyone told Crown counsel that the defence did know about Burke. I find it difficult to see any good reason why anyone should pass such erroneous information to Mr Hill or any other member of prosecuting Counsel.

8.66 I am quite satisfied that the failure to disclose Burke was not deliberate suppression. In general the prosecution's policy on disclosure went further than it need have done and was highly commendable. In my opinion the paragraph from Mr Hill's Advice of the 16th May 1975, which I have quoted above, accurately reflected Crown counsel's state of mind at the time. They

deduced that it was probable that Conlon's team had discovered that Burke and Vine had made statements and had decided to drop Burke as an alibi witness. This deduction was in fact wrong. Thereafter Crown counsel acted in the belief that Burke had been traced by Conlon's solicitors so that no question of disclosure arose. In this way the deduction informed and affected their attitude to Burke. It simply did not occur to them thereafter that the alibi nature of Burke's evidence might not be known to the defence.

8.67 The failure to disclose Burke was thus the consequence of their erroneous reliance upon the reasoning and deduction set out in the Advice of the 16th May. This failure was not sinister but ought not to have occurred.

8.68 I should add that Mr Ward also told me of his recollection of a conversation with junior counsel for the prosecution, whom he believes was Mr Hill, about the whereabouts of the fourth man in Conlon's hostel room whom the defence were anxious to trace. Mr Ward's recollection was that Mr Hill agreed to check whether the police had anything on the man but that nothing had appeared. Mr Hill himself had no recollection of any such conversation although in the light of Mr Ward's evidence the submission was developed before me on behalf of Crown counsel that there must have been some contact between defence and Crown counsel about Burke and that it had become common ground between both sides that Burke had left London and was untraced.

8.69 If I were to accept Mr Ward's memory of his discussion with Mr Hill as reliable this would mean that Crown counsel had been put on notice that Conlon's team had not been able to trace Burke and had known this from a relatively early stage since Mr Ward's recollection is of this discussion having occurred long before trial. It would mean that from the time of this discussion Crown counsel would have had positive information indicating that the deductions set out in their advice of 16th May could not be correct.

8.70 However, as I have indicated I am quite satisfied that Crown counsel behaved at all times in the honest, if mistaken, belief that Conlon's team had traced Burke, knew what he could say and might yet call him. Mr Ward was frank enough to tell me that his memories of many of these events are vague. Indeed Mr Ward originally had a recollection that at some later stage before the trial the police told the defence that they had located the fourth man but said he was of no assistance to the defence. Mr Ward subsequently accepted that on this issue at least his recollection must be faulty.

8.71 In the circumstances I do not think that Mr Ward's recollection of any of these matters can be accurate and I am unable to find that any such discussion with Mr Hill took place.

8.72 In my view there was no good reason for the failure “to make Burke available” to Conlon for whatever purposes he might have been advised to make use of Burke’s evidence. Under the prevailing *Bryant and Dickson* procedure, the Crown should have supplied to the defence Burke’s identity and all known addresses. This should have been disclosed soon after the 30th July police schedule was prepared, if not before. It may be that this information would not have enabled the defence to trace Burke directly at that stage, but it would have given them a fresh line of enquiry through which they might well have traced him with police assistance. Paradoxically, they would have been less likely to have made efforts to trace him if the Crown had contented themselves with following the *Bryant and Dickson* practice and disclosed over 2,000 names and addresses, including that of Burke, but no statements at all.

8.73 I have also considered whether the Crown should have gone further and disclosed the statement itself, from which the importance of Burke’s evidence would have been obvious to the defence. Under the *Bryant and Dickson* procedure, as I have said, the Crown had no obligation to do this. But as the Court of Appeal has recently pointed out in *R. v. Ward (Judith)* (1993) 96 Cr. App. R.1, that procedure was merely an aspect of “the defendant’s elementary common law right to a fair trial which depends on the observance by the prosecution, no less than the Court, of the rules of natural justice”. It would be wrong to criticise those who adhered to *Bryant and Dickson*, which was generally understood in the mid-1970s to lay down the procedure to be followed in making disclosure of unused material to the defence. I believe, however, that such adherence tended to have the result that the wider obligation of fairness was not always kept in mind. It seems to me that pursuant to this wider obligation the Crown, had they realised that the defence might not know of Burke’s potential significance as an alibi witness, should have disclosed the statement or at least have given an indication of its contents so as to alert the defence to its importance.

8.74 What would have been the consequence if the gist of Burke’s potential evidence had been disclosed? I think that despite the difficulties Mr Walsh would probably have found him and taken from him a statement akin to that given to the police. Having regard to the weaknesses in the Conlon/Carey alibi, I think that an application would have been made to amend the original alibi notice, that this would have been allowed and that Burke would have been called as a witness. Both he and Conlon would have been strenuously cross-examined in the light of the original Carey alibi.

8.75 That Burke was not disclosed meant that rules designed to achieve fairness to a defendant and to assist in the ascertainment of the truth were not followed. If Burke had been disclosed, this in my view might have led to a different verdict by the jury in respect of Conlon. Thus in my opinion there was a miscarriage of justice in the sense set out in paragraph 21.4 of this report. However, at this distance in time it is impossible to reach any conclusion whether the disclosure of Burke would in the end have made any difference to the jury’s verdict.

8.76 I have also considered the non-disclosure of the statements taken by the police from Sister Michael Power and Peter Vine. The latter was of no relevance to any issue in the case other than the issue of the correctness of Burke's statement, and no obligation to disclose Vine's name and address, let alone the statement, arose in isolation from the question of Burke.

8.77 Different considerations apply to Sister Power. Her evidence provided no alibi, but provided important background information about Conlon's and Hill's stay in the hostel. On the basis of the procedure adopted in this case, as described in the Opinion of 24th June 1975, I consider that there was no good reason to withhold disclosure of her statement to the defence. From it they would have ascertained the Harvist Road address, at or through which they might well have been able to trace Burke.

8.78 Crown counsel are unable to recall any reason why Sister Power's name and address were not on the full list of persons from whom statements had been taken. Since on any view the defence knew her name and address from an early stage, the more important question is why her statement itself was not disclosed, but it appears that the statement was overlooked, for reasons which I cannot now discover. However I reject any suggestion that this statement was deliberately suppressed to prevent Conlon's team from finding Burke.

8.79 In preparing this Chapter I have considered various criticisms of the non-disclosure of Burke's statement to the defence, made in submissions to me and also in the media. Many of these arguments overlook the fact that the prevailing practice was to disclose only the names and addresses of persons who had made material statements to the police, rather than the statements themselves. In this case Crown counsel went further, which is a matter for congratulation rather than condemnation.

8.80 As I have already said I reject any suggestion that counsel or the DPP or Surrey acted deliberately to suppress Conlon's alibi. On the other hand, as I have explained, I do not think that there was any sufficient reason for failing to disclose Burke's name and address under the then prevailing practice. Further this practice obscured the wider obligation of fairness which in my view should have led to the disclosure of the statement itself or at least of some indication of the nature of its contents.

8.81 I describe in Chapter 19 the Home Office's handling of the Burke issue and how his 1975 statement and a further one taken by Avon and Somerset in 1988 came into the possession of Conlon's solicitor, Mrs Peirce, in 1989.

CHAPTER 9

ARMSTRONG'S GUILDFORD ALIBI

9.1 Armstrong's alibi for Guildford was very straightforward. He said that he was at the squat in Linstead Street with a number of other people. His recollection of the evening of 5th October 1974 included an incident, in which he had no part, involving a police chase in Linstead Street culminating in an arrest. By the time of the trial the police had been unable to find any record of any such event. In 1976 they did however discover an incident very similar to that described which had happened on 30th August 1974, well before the day of the bombing.

9.2 In April 1975 Armstrong's solicitor, Alistair Logan, obtained confirmation from the Metropolitan Police that Armstrong had been one of the squatters present on 29th September 1974 at 14 Linstead Street the home of one James Henry Goodall, when this was searched by the police following Goodall's arrest at Heathrow. He also obtained their confirmation that on 18th July 1974 a man named Armstrong had been present at 25 West End Lane when that too had been searched by the police. Mr Logan's purpose in seeking out this information was to rebut a suggestion which was current that Armstrong might have been trying to evade the authorities in the period before and after the bombings, although subsequently the DPP would not formally admit that the accused was the Armstrong present at West End Lane since the police officers could not positively identify his photograph. In the event at trial the Crown did not pursue any such allegation of evasion on the part of Armstrong.

9.3 Armstrong's solicitors gave notice to the DPP on 11th April 1975 that his defence would be that he had not been at Guildford or Woolwich at the time of the bombings, that he recalled that on 5th October he was in or near 14 Linstead Street from about 5 pm until the following morning and that on 7th November 1974 he spent most of the evening at 15 Rondu Road, going out only briefly, returning at 10 pm and remaining there until the next morning. He also recalled that various people were with him during these periods, but that potential witnesses would have to be contacted and interviewed before their particulars could be given to the prosecution. The preliminary alibi details were sent to the Surrey police on 15th April by the DPP with the request that the details should be investigated and reported on in due course.

9.4 On 13th June 1975 the solicitors wrote to the DPP asking whether anyone had been stopped and arrested in Linstead Street on certain dates, including the night of 5th/6th October 1974. In a letter dated 1st July the solicitors were told that no one had been taken into custody after being stopped in Linstead Street during the period in question and that the police station day records for arrests in the area on 5th October could be examined for

specific entries. In a further letter on 3rd July the solicitors explained that they wanted information about an incident said to have taken place in Linstead Street at this time when men had been arrested by police including dog handlers after a car chase. Detailed enquiries within the police failed to discover any records of such an incident or of arrests or detentions during the period in question and the solicitor was so informed on 28th July. Long after the trial this issue was revived by the solicitors who, in September 1976, placed advertisements in local West London papers asking for witnesses to the incident. A West Hampstead police officer (PC Ford) who recalled the incident contacted the Bomb Squad about it and further enquiries by Inspector Alan Lewis established that an incident very similar to that described by the solicitors had occurred in Linstead Street resulting in the arrest of the car driver suspected of driving with excess alcohol in his body. However, as I have said, it had happened on 30th August 1974, well outside the time limits set by the solicitors of 29th September to 20th October.

9.5 On 4th September 1975, 12 days before the trial started, Armstrong's solicitor wrote to the DPP to give details of the witnesses who would give alibi evidence for Armstrong in relation to Guildford, namely Thomas Leniston, Thomas Walker and his wife Jacqueline Walker.²⁵ Police statements were not taken from Thomas and Jacqueline Walker but the Surrey police (DCI Horton) had already taken a statement from Thomas Leniston who could not then remember what day the Guildford bombing was but did refer, among other things, to the incident in Linstead Street and a dog that Carole Richardson had found and brought to the squat for about two weeks.

9.6 Armstrong's own account of his movements on 5th October was summarised thus in the Judge's summing up on 20th October 1975:

"On the Saturday, that is, 5th October, I was at 14 Linstead Street. Most Saturdays I didn't get up until midday. Carole Richardson, Lisa Astin and Brian McCloughlin were in the squat. The rest of the people in the house were Tom Walker and his girlfriend Jacqueline, John Brown and two fellows. I went to the Kilburn Snack Bar with Brian McCloughlin to get something to eat. It was in Kilburn High Road. I then called into the Old Bell in Kilburn High Road. I saw a friend. I had £1.50 and I borrowed some money from him. I went across from the pub to the betting office. I was there for most of the day and left about four-thirty. I went back to the Kilburn Snack Bar and had a meal. Then I went to 14 Linstead Street. It was after five pm, not more than five-fifteen pm. When I got to number fourteen, I was with Brian McCloughlin. Carole Richardson and the others were there. Lisa and Carole did not stay. They left just after six pm. I was asked to dog-sit by Carole. The dog was Carole's. The others

²⁵ The alibi notice also included details of an alibi for the Woolwich bombing which is dealt with in Chapter 11.

joked about it. I did not go out. I sat and smoked joints, cannabis in cigarette form. Others were with me - John Brown, Tom Walker, Jacqueline, two friends and two girls. They were visitors. We played records. It was in a room on the ground floor. My room is on the ground floor. I shared it with Carole, Lisa Astin and sometimes Brian McCloughlin. Later on I got a bit high and I decided to go to bed. I went back to my own room. There was no-one there and I got into the sleeping bag. We only had a mattress. I went to sleep. I got into the sleeping bag after ten pm.”

9.7 Armstrong then described the incident later that night when police including dog handlers had arrested a person after a car had been stopped in Linstead Street. Thomas Walker and his wife Jacqueline both gave alibi evidence. Thomas said that he met Armstrong at about 1.30 pm in Kilburn High Road and saw him again when he returned to 14 Linstead Street at about 5.30 pm to 6 pm. He was jealous because Jacqueline was in the bedroom with Armstrong and Armstrong left after an argument. He could not remember on which Saturday this happened but linked it with the late night incident in Linstead Street.

9.8 Jacqueline Walker recalled that Armstrong had come up to her room and lent her his radio at 6.30 to 7 pm. She did not refer to her husband's returning at that time and said that she went out to meet him at the Memphis Bell at 9 pm. She was “stoned” later that evening and, according to her husband, did not hear the incident in the street.

9.9 Thomas Leniston also identified the day in question with the police arrest in Linstead Street. He said that he returned to No 14 between 6 and 6.30 pm. Quite a few people were there including Armstrong who was still there about one and a half or two hours later when Leniston left. Brian McCloughlin, who had given evidence in relation to other matters, recalled that Carole and Lisa had a golden labrador and that Armstrong stayed in with the dog and got high on “pot” on the evening when the police arrested someone in Linstead Street.

9.10 Armstrong and all his alibi witnesses, except Mrs Walker, linked their recollection of a particular evening thought to be 5th October with the incident involving the police later that night. As I have already indicated, the police enquiries made after the trial showed that in all probability this incident happened on 30th August.

CHAPTER 10

RICHARDSON'S GUILDFORD ALIBI

Introduction

10.1 Carole Richardson has always maintained that she spent the whole of the 5th October 1974 in the company of her close friend Lisa Astin. The gist of Richardson's account is that they got up at about lunchtime,²⁶ spent the afternoon in north London and then, after returning briefly to the squat, made their way to the South Bank Polytechnic for a concert by a band called Jack the Lad. At trial the evidence of witnesses whose integrity was not questioned - members of the band and a member of staff at the polytechnic - established not only that she had attended the concert but also that she had arrived there between just 45 minutes to 60 minutes after the time at which the prosecution alleged that she had left the Horse and Groom in Guildford. As the timed journeys made by the police and Richardson's solicitors were to demonstrate, this timing was tight by any standards. Richardson also maintained, with the support of another friend, Frank Johnson²⁷ and Lisa Astin, that the three met at a South London pub, the Charlie Chaplin, where they spent some time before going to the concert. If this was true Richardson could not have been one of the Guildford bombers.

10.2 Whilst at trial Richardson's counsel was able to argue strongly, though unsuccessfully, that if she had been at Guildford she could not have got back to the South Bank Polytechnic in time, there was only Astin's evidence in support of her account of the afternoon on which to argue that she could not have got to Guildford in the first place. However, at some point in the afternoon Richardson and Astin visited a mutual friend, Maura Kelly, at the ABC Bakery shop in Primrose Hill where she had a Saturday job. Kelly did not give evidence at trial, but it has been argued since the mid-1980s that had she done so she would have established Richardson's presence in North London sufficiently late in the afternoon to make it impossible for Richardson to have got to Guildford and then back to the South Bank.

10.3 It is convenient therefore, to look at Richardson's alibi in two parts. First, Frank Johnson and the concert, and secondly Maura Kelly and the events of the afternoon. In dealing with Johnson I have paid particular attention to the circumstances in which he came to be arrested by the police on two occasions: first on 19th December 1974 and then on 21st January 1975.

²⁶ It will be recalled that they lived together at the squat in Linstead Street.

²⁷ "Geordie Frank" as he was known to Carole and Lisa. Johnson was an acquaintance of members of Jack the Lad and had telephoned one of them to ask that he and two others be added to the guest list so that they would be admitted without having to pay.

Frank Johnson and the concert

10.4 On 3rd December 1974, the day of her arrest, Richardson told DS Donaldson, "If I can see my diary it will prove I was not at Guildford." She made a similar comment in an interview on the following day. Richardson's black diary, in which she said she recorded everything she did, was in fact destroyed by an acquaintance, Owen O'Sullivan, who went through her possessions in the squat after her arrest.

10.5 In any event, Richardson went on to make statements admitting her part in the Guildford bombings. Astin, according to police notes of interviews with her on 4th December, was unable to recall where she had been on the evening of 5th October. At the committal proceedings in March 1975 she maintained that she had not been asked what she was doing on the night of the bombings, but it is clear from her original statement to Richardson's solicitors that the police record on this point was correct.

10.6 On 11th or 12th December 1974 Johnson travelled to London from Newcastle-upon-Tyne where he was then living with his parents. He stayed with his friend Damien McArdle who, in a statement to the police of 9th January 1975, said:

"During the first two weeks of December 1974, Johnson came down to London from Newcastle and stayed with me for just two days. He brought nothing with him other than a toothbrush. During the time he was here he went out and saw friends. He came home one evening and said he had seen friends who had told him that people that he knew had been locked up for the Guildford bombing, but he explained that they couldn't have done it as he knew where they were at the time."

10.7 It seems that on 13th December Johnson saw Astin. They discussed Richardson's arrest and Astin's experience in police custody but it is not clear whether they discussed the alibi. Johnson and Astin both said at trial that they did not because neither of them realised at that time that they had been with Richardson on the night of the bombings. Johnson probably returned home to Newcastle on the 14th. Two days later, on 16th December, Richardson was transferred from police custody to Brixton Prison. In a letter to Astin that day she wrote:

"... find out what date we went to the Southbank Poly in Elephant and Castle to see Jack the Lad, Phoenix and Stackridge.²⁸ Time Out should be able to tell you if you ring them up. Its really important that you find out."

²⁸ Jack the Lad were the second of the three bands on the bill that night and did not begin their performance until 9.30 pm.

10.8 It was to be suggested later that Richardson was inspired to write this letter by Johnson and Astin. However, there is no record that she had any contact with them before writing it. Astin received Richardson's letter, it seems, on 18th December. She told the police when she was seen again on 24th December, that she looked in Time Out (the weekly London listings magazine) and also rang the Polytechnic. This call to the Polytechnic was confirmed to the police by Mrs Carla Saunders, a secretary at the Polytechnic, on 20th January 1975.

10.9 On 18th December Johnson, having already tried unsuccessfully to enlist the help of a local solicitor and to find out the details of Richardson's solicitors, went to the West End Police Station in Newcastle and said that he had information about Richardson's whereabouts on 5th October. He was recalled to the police station on the following day and interviewed in the evening by DCI Longhurst, DC Wise and WPC Mills of Surrey. He told them that he had met Richardson and Astin at the Charlie Chaplin public house at 6.30 pm. In the pub he played on a tennis machine. Both girls wore long dresses or skirts and no shoes. From the Charlie Chaplin they all went to the South Bank Polytechnic, arriving at 7 pm.

10.10 Johnson told the police that he had met Astin in London on or about 13th December when they had discussed Richardson's arrest in connection with Guildford. Astin told Johnson that she did not believe Richardson was involved. On his way home to Newcastle on Saturday 14th December it had occurred to him that he had taken Richardson and Astin to see the band on a Saturday. Knowing the date of the Guildford bombings he rang William Mitchell, a member of the band, to see whether the South Bank concert had been on 5th October. Mitchell confirmed that it had.

10.11 Having listened to Johnson's account, however, DCI Longhurst insisted that at 6.30 pm, the time Johnson said he met the girls in the Charlie Chaplin, Richardson had been at Guildford and that if Johnson was with her at that time then he too must have been at Guildford. Johnson maintained that he was telling the truth and at 9.20 pm he was arrested on suspicion of murder. I consider in paragraphs 10.53 and 10.54 the propriety of this and Johnson's second arrest.

10.12 Following Johnson's arrest the police went to his home address where they found items which clearly indicated sympathy with the Irish republican cause - support for which Johnson had earlier denied - and a signed statement recording the events on 5th October. The police found this document suspicious (as did the Court of Appeal in their 1977 judgment) but in a further interview the next day Johnson explained that he had prepared it in the expectation that it would be of use to the Newcastle solicitor he had approached. In it he said that he met the girls between 6 and 6.30 pm, though otherwise this document accorded with what he had told the police. He also

made a statement to the police in which he confirmed what he had said the day before. He was then released.

10.13 Later on 20th December 1974 one of the members of the Jack the Lad band, William Mitchell, was seen by the police and made a statement in which he put Johnson's, Richardson's and Astin's arrival at the South Bank Polytechnic at 7.15 to 7.30 pm. According to a Surrey police report of 30th January 1975 the other members of the band, Simon Cowe, Ian Fairburn, Raymond Laidlaw and Philip Murray, were also seen that day, and put the arrival of these three at the Polytechnic at "not later than 8.30 and probably slightly earlier", although Cowe did not in fact witness their arrival. Statements were not taken from them on this occasion and there is unfortunately no other record of what they said.

10.14 On 24th December 1974 Astin was interviewed again by DCI Longhurst and WPC Mills at Willesden Green police station. She showed them Richardson's letter of 16th December. According to the police record of the interview she at first said that on 5th October she met Richardson at the Kilburn Snack Bar at 7 pm. She later confirmed the order of events as given by Johnson but refused to give any further times for the events of the evening, allegedly saying "You're not tying me down to any times until I've met Richardson". However, in the statement she made at the end of this interview she did give timings for her visit with Richardson to see Kelly in the afternoon and her statement at least confirmed the order of events prior to her arrival at the Polytechnic.

10.15 Astin differed from Johnson on one matter. She said that Johnson and Richardson played on a soccer machine in the Charlie Chaplin whereas Johnson, on 20th December, had told the police that it had been a tennis machine. This discrepancy between the various accounts about whether it was a tennis or a football machine was used by the prosecution at trial to support their contention that Richardson, Astin and Johnson had met outside the Polytechnic and not in the Charlie Chaplin earlier in the evening. On 28th December the police took a statement from Barry Smith who had been the landlord of the Charlie Chaplin on 5th October. He said that on that date he had had a tennis machine in his pub but that by 27th November, when he left to take over another pub, it had been replaced at his request by a football machine. This evidence was confirmed to the police on 2nd January 1975 by Michael White, the managing director of the company that supplied the machines.

10.16 Smith did not recall seeing Johnson, Richardson and Astin in the Charlie Chaplin nor, it seems, did his wife Patricia to whom Surrey spoke but who did not make a statement. DCI Longhurst was later to tell Johnson that no-one in the Charlie Chaplin could remember him but it is far from clear whether Surrey attempted to find and interview all the people who had been in the pub and might have seen him. There is now no evidence that Surrey

spoke to anyone except the Smiths although in written evidence to the Inquiry Surrey said that extensive enquiries would have been made with bar staff and regulars. The Smiths were interviewed too by Richardson's solicitors, who in June 1975 also saw Mrs Susan Foster who had been a barmaid in the Charlie Chaplin on the night of the Guildford bombings. As she was not called by the defence to give evidence at trial she presumably was unable to help. It is possible, however, that she was the blonde barmaid Richardson was to refer to at trial in her statement from the dock.

10.17 The first record of any consideration of Richardson's alibi by Surrey police is to be found in a manuscript note of 29th December from D Supt Underwood to ACC Rowe or DCS Simmons which said as follows:

"It looks as though Carole Richardson could have an "alibi" from about 8.15 pm-8.30 pm onwards on Saturday 5th October 1974. There are also two people (Francis Johnson and her "drugie" friend Elizabeth Astin) who alibi her throughout the day and early evening, but I don't think they are too difficult to discredit (there's a copy SB file on Johnson en route from Newcastle). 8.15 pm [onwards] more difficult. Because of Xmas etc I did not have Richardson seen about this; thought you may want to discuss. (I'll come in on Monday.) DCI Longhurst knows all other facts."

10.18 Following this note DCI Longhurst, DC Wise and WPC Mills went to see Richardson in prison on 31st December. It was at this interview that Richardson made her first recorded denial to the police of involvement in the Guildford bombings since making her confessions. She said:

"My solicitor told me not to say anything. I wasn't in Guildford. I've 40 witnesses to prove it and I don't know half of them."

Richardson's solicitor, Mr Avey, had seen her in prison on 24th December and Lisa Astin had visited her for the first time on 26th December and again on the 27th.

10.19 Following their visit to Richardson on 31st December the police continued their investigation of the alibi which was now being put forward. On 10th January 1975 statements were taken from Mitchell's colleagues in Jack the Lad. As I have already said, Cowe did not witness anyone's arrival but the others did. Fairburn said that Richardson, Astin and Johnson had arrived at about 8 pm; Laidlaw seems to have put their arrival at between 7.40 and 7.50 and Murray at about 7.45. Laidlaw said that one of the girls, he could not recall which, had had bare feet. He also recalled that when Johnson arrived he said that they had walked from a nearby tube station, either the Elephant and Castle or Vauxhall.

10.20 On 16th January the police took a statement from the Polytechnic's accommodation officer, Simon Moodie, who said that he witnessed the arrival of the three at about 8 pm. He observed:

“It struck me that the bloke and the little girl [Lisa Astin] had come together and that the other one [Carole] had just arrived. I don't know exactly why but it just struck me like that. The fair haired one [Carole] looked quite warm, as if she had just come from somewhere and the other one looked frozen. They didn't somehow look as if they came together I also remember that the man and the younger girl [Lisa] looked stoned, as if under the influence of drugs of some sort. The older fair haired one looked quite normal.”

Moodie also thought that Lisa had been barefoot - “which struck me as ridiculous because of the weather, which was cold” - but that Richardson wore shoes.

10.21 In a police report of 16th January 1975 ACC Rowe gave the following assessment of Surrey's investigation of the alibi so far:

“An alibi in respect of Richardson has been made by Francis Robert Johnson and Elizabeth Ann Astin but it is believed that the first part of the alibi [their all meeting at the Charlie Chaplin] will be proved false.”

10.22 However, earlier in the report, ACC Rowe also said that the only people unaccounted for in the Horse and Groom were a young couple who had been in the alcove from 8.10 to 8.45 pm. I find this curious. By the time the Guildford Four were arrested Surrey had interviewed all the people who had been in the Horse and Groom alcove where the bomb was planted. Initially the time the bombers left the pub was of no significance and there was no reason for the police to look closely at the witnesses' accounts in order to establish a precise time. The bomb had exploded at approximately 8.50 pm and the bombers had obviously left the pub some time beforehand. However, the time of the courting couple's departure assumed great significance once the police realised that Richardson had been at the South Bank Polytechnic on the night of the bombings. For ACC Rowe to record that the couple had been in the alcove from 8.10 to 8.45 is therefore surprising since, if correct, the police would have had no alternative, given the evidence of Jack the Lad and Moodie, but to conclude first, that Richardson was not one of the courting couple in the alcove and secondly, that since the police believed that the couple were the bombers Richardson was innocent.

10.23 On 21st January 1975 Surrey contacted their colleagues in Newcastle and asked them to re-arrest Johnson. Three reasons have been put forward on Surrey's behalf for this action. First, it is said that Johnson had lied about his timings in an attempt to pervert the course of justice. Although they had confirmed the fact of the attendance of Richardson, Astin and Johnson at the concert the police investigations had led them to believe that the time Johnson had given for their arrival at the Polytechnic was wrong. Johnson had said 7 pm whereas of course the evidence of Moodie and the band put it 45 minutes to an hour later. The investigating officers undoubtedly took the view that

Johnson's placing his arrival at the Polytechnic at 7 pm and his account of the Charlie Chaplin episode was a deliberate lie rather than a mistaken recollection. This was probably because they were influenced not only by what Laidlaw had said about their having come straight from the tube and Moodie's comments about Richardson's appearing to have come independently of the others, but also by their continuing belief in the truth of Richardson's confession.

10.24 The second reason for Johnson's re-arrest appears in a Surrey police report of 30th January 1975 which said:

"Johnson was re-arrested in Newcastle on Tuesday, 21st January 1975, as it had been learned from William Mitchell of the group 'Jack the Lad' that following a heated discussion between Johnson and Mitchell over using the group as an alibi for bombers, Johnson had assured Mitchell that he was not involved in bombing but knew that bombs would be planted but not where or when. Mitchell is not prepared to commit this conversation to writing."

Although Mitchell was not prepared in 1975 to give any written statement about this matter he did do so in 1987 to Avon and Somerset. In the first of three statements he said:

"The next contact I had with Frank was when he phoned me at my home in North Shields and asked me for the date we played at the South Bank Polytechnic, when I asked him why, he told me that Carole Richardson had been arrested for the Guildford bombings. Frank explained that Carole Richardson had been one of the girls at the gig with him, at the South Bank Polytechnic. As far as I can remember no times were discussed and I wouldn't have been aware of the relevance anyway. I can't remember whether this was the only call that I had from Frank or whether he phoned me again later. I can remember saying to him at some stage that I believed he had set the band up as an alibi. I was very angry about this to put it mildly. I accused him of knowing about the bombs and using us as an alibi, but he said that he knew that something had been going to happen in London, but that he hadn't known about the Guildford bombings.
.....

At no time did Frank Johnson try to influence me concerning the times of arrival of the girls at the Polytechnic. I wasn't aware of the relevance of the times until I was interviewed by the police.

As far as any alibi for Carole Richardson was concerned at the time my opinion concerning Frank Johnson was that he knew something about the whole thing although he had tried to give the impression of surprise at Carole Richardson's arrest. I had known that he mixed a lot with Irish people, visited Ireland, and I suspected that he knew some people that he shouldn't, by this I mean the IRA.

At the time of the original enquiry I had the feeling that the band had been used.”

In a further statement to Avon and Somerset he said:

“As far as his knowledge of the Guildford bombings were concerned I can remember him saying, “I knew that something was coming off but I didn’t know about this” when I accused him of knowing about the bombs. I remember it because it was a great surprise to me that he admitted such a thing to me. I didn’t ask him any more about it. I left it because I didn’t want to get involved.

I cannot be more specific about my comment that there is more to Frank’s involvement than I am aware of. This comment is not based on fact, it is my opinion.”

10.25 The third reason put forward for the suspicions which the police had formed of Johnson by 21st January was the contents of the Special Branch file, a copy of which D.Supt Underwood had said in his note of 29th December 1974 was “en route from Newcastle”. This material indicated that Johnson had been the intended recipient of a letter post-marked 29th October 1971 from a man in Northern Ireland referring to a prospective small arms raid and giving the name and address of a “comrade” at whose house Johnson on his imminent visit to the Province could arrange to meet the writer. In January 1972 an article in a local Newcastle paper had described a visit Johnson had made to Northern Ireland and his interest in Northern Irish affairs, illustrated with pictures of him and an anti-internment Christmas card. When he was arrested on 9th February 1972, for unlawful possession of LSD, his home had been found to contain numerous books and papers supportive of Irish republicanism. He was known to the police as an active member of the Tyneside Branch of the Anti Internment League and recorded as having taken part in anti-internment demonstrations in London and in Northern Ireland. On 24th February 1972 he had been seen to take a leading part in a local demonstration calling for the withdrawal of British troops from Northern Ireland.

10.26 As I have said, on 21st January 1975 Surrey contacted their colleagues in Newcastle and asked them to arrest Johnson again. Johnson was met from his place of work and taken to the West End police station in Newcastle. At 9 pm he was seen by DCI Longhurst and DC Wise. The precise ground on which Johnson was arrested is not entirely clear. According to a statement of DCI Longhurst dated 31st January 1975 he said to Johnson, who was already under detention at the police station, “I have made numerous enquiries concerning what you told me when I saw you last. I do not believe that what you said about the first half of the evening of the 5th October is true and from my enquiries I have reason to believe that you may have been involved in the Guildford bombings. I shall be taking you back to Guildford in the morning.” DCI Longhurst cautioned him and Johnson said, “What I have

said is true". The detention sheet at Guildford police station, to which Johnson was taken on 22nd January, gives the reason for detention as being "on suspicion of being concerned in causing explosions at the Horse and Groom and Seven Stars on 5th October 1974." Whilst there is no record to indicate that Johnson was arrested under the provisions of the Prevention of Terrorism Act the form of words employed by DCI Longhurst in his statement indicate that Johnson was indeed arrested under that Act. I have already set out the reasons which have been put forward for his arrest and it is one of the subjects which I explored with Surrey at a hearing on 28th July 1993.

10.27 Having been taken to Guildford on 22nd January, Johnson was re-interviewed. Towards the end of the interview he admitted that he had lied about the time of arrival at the Charlie Chaplin. It was a lengthy interview, in the course of which the police persistently told Johnson that they had checked everything out and that by putting up what they said was a false alibi he had really involved himself. Following that interview Johnson made a statement to the police in which he admitted that although what he had said about events after the arrival at the Polytechnic was true, what he had previously said about the earlier times was not. He said this:

"What I said about the Polytechnic after we arrived there is true. In the previous statement I have fixed the times earlier because I didn't believe that Carole would have done such a thing and I wanted to help her. I am sorry for all the inconvenience I have caused to all the people concerned."

10.28 According to this statement and the police notes both of the interview on 22nd January and a further interview on 23rd January, Johnson admitted that he, Richardson and Astin had not met at the Charlie Chaplin as early as 6.30 pm (as he had said in his December statement to the police) and agreed that he and the girls arrived at the Polytechnic "much later" than 6.30 pm but could not be specific. It was dark and the street lights were on. He had waited for the girls in the pub for up to 40 minutes before they eventually arrived. The three of them stayed in the pub for no longer than ten minutes before walking to the Polytechnic. It was put to Johnson that Astin had said in her statement that the Charlie Chaplin had had a football machine and not, as he had said in December, a tennis machine. He replied, "That's what I call a football machine." He had had a good idea that there were going to be bombings but was not trusted with the details. It had been Richardson's idea to meet at the Charlie Chaplin. Johnson thought that she might have had shoes on in the pub but he was not sure if she was still wearing them when they got to the Polytechnic. He had gone to Quex Road about two weeks after the bombings where he had been introduced to two men whom he now identified from photographs shown to him by the police as Paul Hill and Gerard Conlon. Johnson said that when he met Astin in December 1974 they had discussed the fact that they had all been at the South Bank Polytechnic, albeit without going into great detail. It had been agreed that he would try to make contact with Richardson's solicitor to offer an alibi.

10.29 Johnson was released at 5.50 pm on 23rd January. He was to allege at trial, though not at committal, and continues to allege that the revised timings and otherwise incriminating or prejudicial evidence which he gave or put his name to in January 1975 were the result of threats and physical violence on the part of DCI Longhurst and DC Wise. He further denied that the police record of the interviews was accurate. Johnson's allegations were denied by DCI Longhurst and DC Wise at the trial. Reliance was placed upon the endorsement in Johnson's own handwriting, and signed by him, at the end of his statement of 22nd January 1975 in which he said that the statement was true, that it had been made of his own free will and that he had no complaints about his treatment at the police station. It is important to note, however, that the evidence as regards times that Astin and Johnson himself were to give at trial, as well as Richardson's statement from the dock,²⁹ accorded not with what Johnson had said in what he claimed were his honest and truthful statement and interviews in December 1974 but rather with what he said in his disputed, allegedly coerced statement and interviews of January 1975.

10.30 In his report of 30th January, to which I have already referred, DCI Longhurst recounted the police investigation of Richardson's alibi in considerable detail. The report contained the first reference to a photograph of Richardson and Raymond Laidlaw which had been taken in Jack the Lad's dressing room after the concert. It showed Richardson wearing a blue denim jacket which, DCI Longhurst noted, was what she had told the police she was wearing at Guildford. In the photograph she was also wearing a long skirt, which was not what she had said she wore at Guildford, but DCI Longhurst speculated that she could have had a change of clothing in her shoulder bag which, according to Moodie's statement, had been quite full. The report also drew attention to Richardson's hair style and colour having been "substantially altered" since 5th October. Commenting on Lisa Astin's statement of 24th December DCI Longhurst said:

"She substantially verified Johnson's story with slight variations. She agreed to make a statement but insisted on writing it herself. When she had finished writing the statement she gave it to me to read. It will be seen that she says "On the evening of 5th October, Carole and I left the squat ...". She would not commit a time to writing "until I've seen Carole" and on being told that Richardson had admitted being in Guildford during the afternoon on 5th October 1974, Astin took back her statement and made an addition showing that Richardson was with her virtually all day. Enquiries are still in hand to disprove this story."

As to Johnson, DCI Longhurst speculated along these lines:

"It is possible that Johnson has a better knowledge of the Guildford bombings than he is prepared to admit. During the course of the

²⁹ Unlike her three co-defendants, Richardson did not go into the witness box to give evidence on oath.

interview he admitted regularly visiting the Lord Palmerston public house in Kilburn with a friend 'Paddy' Hackett, who he said was a member of Sinn Fein. He also admitted going to an address in Quex Road, Kilburn with Hackett, about two weeks after the Guildford bombings, at a time when Hackett was living there, when he was introduced to two men, who he identified from photographs as Hill and Conlon. Hackett has since returned to Southern Ireland."

DCI Longhurst summed up at the end of his report:

"While Johnson has retracted the first part of the alibi, the fact remains that Richardson was at South Bank Polytechnic during part of the evening of 5th October. Taking account of all the enquiries which have been made, bearing in mind witnesses recollection of time after such a long period, the latest time one can accept that she arrived at the Polytechnic is 8.15 pm but it is very likely that it was at least 10 minutes earlier. If one accepts that she and Astin met Johnson in the Charlie Chaplin public house, her arrival in South London is about a quarter of an hour before this time."

Elsewhere in the report DCI Longhurst recorded that to walk from the Charlie Chaplin to the South Bank Polytechnic took fractionally over six minutes at a normal walking pace. On 1st February the police timed the journey from Guildford to the Elephant and Castle by car at 52 minutes.

10.31 I turn now to the way in which Richardson's solicitors were investigating her alibi. While the police enquiries were continuing, events were unfolding which must have dismayed her solicitors. On 16th January they had taken a statement from Johnson in which he said that he had arrived at the Charlie Chaplin at about 6.15 pm having agreed to meet the girls there at between 6 and 6.30 pm. He sat waiting for Richardson and Astin for about 20 minutes. He was not sure about the times but they were definitely all together in the pub by around 7 pm or maybe earlier. They arrived at the South Bank Polytechnic at just after 7 pm. This statement, then, accorded with what Johnson had told the police in December. However, on 25th January with his second arrest, further interviews and second statement to the police behind him, Johnson wrote to Richardson's solicitors in the following terms:

"Dear Sir

Re: Carole Richardson

I must inform you that I have wasted your time and that the statement I gave you was only true as regards the latter part of the evening in question. All of the times I gave you so accurately before 8 pm had been stretched excessively to fill in the earlier part of the evening.

Therefore the statement I gave you is untrue and I will not be able to give evidence for the defence without telling lies.

With my sincere apologies,

Francis Robert Johnson”

The solicitors replied on 27th January. I have not seen their letter but its contents are easily imagined. Johnson wrote back on 1st February:

“With regards to the statement I gave you concerning the evening and night of 5th October 1974, I gave you specific times for a number of things; the order of events I gave you were correct but I can’t really say what any of the times were. I think that the earlier times were quite a bit later but I tried to spread them out to fill up the evening.

When I entered the pub called the Charlie Chaplin, it was already dark - you can, no doubt, check the lighting up time for that evening. I also waited quite a long time, (I can’t put a definite number of minutes to it) maybe as long as 45 minutes. Due to my wait and the fact that we might miss the group, I told the girls to drink quickly, as Carole had purchased a round of drinks on entering the Charlie Chaplin. I doubt if we stayed in there for more than 10 minutes after which we walked to the polytechnic rapidly. It was due to our rapid walking that I noticed Lisa’s bare feet as she had difficulty in keeping up with Carole and myself. It was not until later that evening that I noticed Carole hadn’t any shoes on either.

You can probably get or already have the story of the rest of the evening from “Jack the Lad”.

As I have probably wasted some of your valuable time, if you send me a bill, I will do my best to pay it.”

10.32 The gist of Johnson’s letters was thus that although he had stretched his account of events before 8 pm, the actual order of events he had given was good. These letters belong not to him but to Richardson and she has agreed that they appear in my report so long as they do so in their proper context. With his letter notifying the Inquiry of her agreement to their use Richardson’s present solicitor, Mr Logan, enclosed a statement from Mr Johnson about the letters. In fairness to all concerned I set out in full the material parts of that statement:

“The effect of the treatment that I received from the Surrey police officers during that period of time [his second arrest in January 1975] was to reduce me to a state of fear, mental confusion and to render it impossible for me to know whether what I had originally believed to be true was now true or not. I recall that I was confused and

disinclined to rely upon my memory for many months after my arrest in January 1975.

It is my invariable habit, unless writing to family and friends that I know well, to draft any letter before I send it. I recall writing the letter of the 25 January 1975. I believe that I drafted it on the previous day and I wrote out the final version which I posted to Mr Avey of Carole Richardson's solicitors on the 25 January 1975. I can quite clearly remember writing the letter. I believe that the letter was written as a result of the effects upon me of the treatment that I received at Guildford Police Station which had produced a situation where I could no longer rely upon my memory and what I said in that letter was what the police had repeatedly said to me whilst I was under interrogation.

It is difficult to describe my mental situation but perhaps it is best described by likening it to layers of tiles, one upon the other. At the time of my release from Guildford Police Station the top layer of tiles was one of total disorientation and confusion. Everything was uncertain and I could not rely on my memory for anything. It was not just the events of 5 October 1974, it was everything. This layer obscured the layers of tiles below. However, isolated tiles of the layers below could be seen. Over the months that followed my arrest in January 1975 the upper layers were slowly and painfully removed until I regained certainty about my memory.

I wrote the letter of the 25 January 1975 because I was no longer certain at that time of the information that I had given to Mr Avey who had interviewed me before my second arrest.

There is no doubt in my mind now, and there has not been for a very long time, that the letter of 25 January 1975 was the product of the treatment that I was subjected to in Guildford Police Station."

10.33 On 17th March 1975 Johnson made a further statement to Richardson's solicitors in which he gave the same account of events as he had on 16th January but with revised times. Johnson said in this statement that he left his address in Brixton definitely after 6 pm but definitely before 7 pm, nearer 6 pm than 7 pm he thought. It took ten minutes to get to Brixton underground station. After going wrong on the tube³⁰ and having to double back on himself he emerged at the Elephant and Castle but then took about seven minutes to find the Charlie Chaplin. Between 20 and 40 minutes later the girls turned up. They left the pub before 8 pm to go to the Polytechnic.

³⁰ He forgot to change from the Victoria line to the Northern Line at Stockwell and so carried on to Vauxhall. He doubled back to Stockwell and from there to the Elephant and Castle. Johnson had previously recounted this episode to the police in January.

10.34 Astin also made a statement to Richardson's solicitors that day (17th March), confirming among other things what she had said in an earlier statement to them, namely that she and Richardson got to the Charlie Chaplin at about 7 or 7.05 pm, staying for about 15-20 minutes before going on to the Polytechnic.

10.35 Both Johnson and Astin gave evidence at the committal proceedings on 19th March. Johnson said that he had left his address in Brixton after 6 pm but could not say how long after. It was getting dark. Some lights were on but he was not sure whether they were street lights or shop lights. It took him between 25-45 minutes to get from home to the Charlie Chaplin because he went wrong on the underground, but he could not remember what time he arrived there. He thought the girls joined him after he had been there for between 20 and 40 minutes. They remained in the pub for between 7 and 15 minutes. In the Charlie Chaplin he played either a tennis or a football machine. He could not recall when they left the pub, saying, "It's possible it was seven. I think it was later it does not have to fall on an hour, it could have been eight o'clock." It took about seven minutes to get from the pub to the Polytechnic.

10.36 Johnson also said that he had told Richardson about the band some weeks before, but it was she who saw the concert advertised and two or three days before the event suggested they go. Johnson made the arrangements. He recalled that later in the evening both girls had gone barefoot but could not remember if they had been so at the start. He confirmed that he had met Conlon and Hill at Hope House, albeit on separate occasions, when he had gone there to see his friend Paddy Hackett.

10.37 In her evidence, Astin said that she and Richardson had left the squat at 6 pm - both barefoot - and arrived at the Charlie Chaplin at 7 pm. They stayed there for between 20 minutes and half an hour. They left the pub at about 7.30 pm, getting to the South Bank Polytechnic at 7.45 to 8 pm.

10.38 On 26th March Richardson's solicitors sent her notice of alibi to the DPP's office. It was to the effect that she and Astin had arrived at the Charlie Chaplin at about 7 pm and at the South Bank Polytechnic at about 7.30 to 7.45 pm. The notice listed Astin, Johnson and the members of Jack the Lad as potential defence witnesses. Thus the alibi notice accorded with the timings Johnson had given the police in January 1975.

10.39 The trial began on 16th September. As we shall see, Johnson did give evidence for the defence. However, on 30th September, according to a letter sent two days later from Richardson's solicitors to the DPP's office, Sir Michael Havers told the court that the prosecution had information to the effect that Johnson did not intend to attend as a witness. The solicitors complained that this indicated that a person or persons known to the prosecution had been in

contact with their witness and asked who it had been, under what circumstances, and what had been said. The notes of the trial made by Mr Maley of the DPP's office only record Sir Michael as saying that it was "Clear from what Johnson said he does not intend to come", though I do not doubt that the solicitor's letter was a fair representation of what Sir Michael actually said. A draft of the DPP's reply indicates that the matter was to be dealt with on a counsel to counsel basis between Sir Michael Havers and Mr Eric Myers QC, Richardson's leading counsel. I have attempted to get to the bottom of this incident without success. Neither the surviving members of prosecution counsel or the DPP on the one hand, nor Richardson's then solicitors or her counsel on the other have been able to recall the resolution of her solicitors' complaint.

10.40 Be that as it may, Richardson's defence opened on 7th October 1975. Eric Myers QC for Richardson said that she and Astin had left Kilburn at about 6 pm, met Frank Johnson in the Charlie Chaplin at about 7 pm and arrived with him at the South Bank Polytechnic at between 7.30 and 8 pm. Unlike her co-defendants Richardson did not go into the witness box but made an unsworn statement from the dock. She said that she left the squat with Astin at about 5.30 pm and arrived at the Charlie Chaplin at around 7 pm where Johnson was waiting. She described the drinks she bought and a blonde woman who served her. The three left the pub at 7.25 to 7.30 pm. On the way to the South Bank Polytechnic they looked into a number of pubs in case members of Jack the Lad were there. They eventually arrived at the Polytechnic at 7.45 to 8 pm.

10.41 Two members of Jack the Lad gave evidence on Richardson's behalf, namely Mitchell and Laidlaw. Mitchell was the first witness. He said that Johnson, Richardson and Astin had arrived at about 7.45 pm. (This is somewhat later than the time he had given in his statement of 20th December 1974.) Asked in cross-examination whether his timings were plus or minus a quarter of an hour he said, "That's about it." He recalled Johnson's apologising for being late and explaining that they had just walked from an underground station. Laidlaw thought they had arrived at between 7.45 and 8 pm, probably at about 7.55 pm. He too recalled an apology and that Johnson said they had just walked from a tube station, though he could not recall which one.

10.42 Martin Cornberg, Richardson's solicitor's clerk, gave evidence of the time he had taken to travel by car from South London to Guildford and back on Saturday 4th October 1975. The outward journey from the Elephant and Castle to the Horse and Groom had taken one hour. The return journey, leaving the Horse and Groom at 6.58 pm, had taken one hour and four minutes. He also told the court that the Northern line station at the Elephant and Castle was next door to the Charlie Chaplin.

10.43 Astin in her evidence said that she and Richardson had left the squat at between 6.15 and 6.30 pm and met Johnson in the Charlie Chaplin at

around 7 pm. They arrived at the South Bank Polytechnic at between 7.45 and 8 pm. She said that in the pub was a machine that had both a tennis game and a football game - by pressing a button you could play either. In cross-examination she admitted that in her statement of 24th December 1974 she had said to the police that she would not be tied down to times but denied that she had added "until I have seen Carole". She was pressed about why in that statement she had failed to give any times in respect of Richardson's alibi. Her first answer was that she had been on drugs and had not been able to remember but that she had since stopped taking drugs and her memory was therefore clear. However, later in the cross-examination she accepted that although she had been high on drugs on 5th October 1974 she had not been so when the police saw her on 24th December. The reason she had not given times, she now explained, was that she had been unsure of them and had not wanted to commit herself in case she was wrong. She had intended to refresh her memory first in order to be exact.

10.44 Johnson then gave evidence. The Court of Appeal in 1977 were to comment that Johnson had fared disastrously in the witness box. He said in his evidence that he had left his Brixton address after 6 pm and had arrived at the Charlie Chaplin at between 6.30 and 7.30 pm. He sat waiting for the girls for between 20 minutes and half an hour, though it could have been as long as 40 minutes. They stayed in the pub for between 10 and 20 minutes before walking to the Polytechnic which took a further 10 minutes. He was no longer sure whether it had been a football or tennis machine in the Charlie Chaplin. He said that he did apologise to Mitchell and Laidlaw for being late, since he had intended arriving earlier, and thought he probably also said that he had just walked from the station, but pointed out that the Charlie Chaplin was next to the underground station. He accepted that he was sympathetic to the Irish republican cause and had taken part in anti-internment protests. He agreed with the desired ends though not with the means employed by the IRA and said that if he had friends in the IRA he did not know it. He did not recall having admitted to DCI Longhurst on 22nd/23rd January 1975 that he had had a good idea that there would be bombings. The differences were put to him between what he had said about timings in his police statement of 19th December 1974 and what he had said on 22nd and 23rd January, together with his alleged admission in his January 1975 statement that he had fixed the times earlier in order to help Richardson. He gave evidence of alleged assaults on that occasion by DCI Longhurst and DC Wise and of their threatening to throw him off the roof of the police station. He said that they had asked him whether he would like to see his mother go up in flames in her wheelchair. Plainly, however, the evidence given by Johnson himself at the trial about timings accorded with what he had said in this second statement and of course with the evidence given at trial by Richardson and Astin.

10.45 Just before he left the witness box Johnson was asked by the judge why, given the allegations he had made in his evidence, he had not made an official complaint. Johnson said that he saw no point in complaining since the

complainant was never believed. The judge suggested to him nevertheless that when he left the court he should make a complaint. Johnson replied that he would prefer not to pursue his complaints. It had been a nasty experience and he just wanted to forget it.

10.46 Be that as it may, it is clear that what Johnson had told the police in his interviews and statement of January 1975 contained, on the police version of his interrogation, an admission by Johnson that the timings previously given to the police were lies deliberately told. The Court of Appeal in 1977 were to say that “the whole of this interrogation repays study. If the answers then given were voluntary and true, Johnson admitted that the alibi had been concocted”. The Court of Appeal characterised the alibi evidence given by Johnson and Astin as bearing “all the marks of concoction” and referred to the Crown’s allegation that Richardson’s alibi “was only belatedly produced after Johnson on his own admission had been concocting a story to help her.” It may well be that, as the Court of Appeal in 1977 also surmised, the jury did find that “two of [Richardson’s] friends had lied in order to seek to protect her” and held this against Richardson in reaching their verdicts. Whatever view one may form about the honesty of Johnson and Astin it is difficult to see how it can be said that the whole of Richardson’s alibi had been concocted. There was no concoction in the evidence of the band and Moodie about Richardson’s arrival at the South Bank Polytechnic which the Crown accepted had to have been between about 7.45 and 8 pm. This was consistent with the evidence which Richardson, Johnson and Astin gave at trial. Nor, consequently, was there anything concocted about the extreme tightness of the timings if Richardson, as the Crown alleged, had been one of the courting couple who had left the Horse and Groom at about 7 pm. As we shall see, it was urged on the Court of Appeal by Richardson’s counsel in 1977 that there was an inherent weakness in the case against her because of these tight timings regardless of that part of the alibi evidence which could be said to have been concocted. As will also be seen, I consider that there was and is much force in that submission.

10.47 In any event, the prosecution called evidence in rebuttal of Richardson and her witnesses. Their first witness was Moodie, the accommodation officer at the Polytechnic. He said that Richardson, Astin and Johnson arrived at between 7.45 and 8 pm and otherwise confirmed what he had said in his statement to the police about the girls’ shoes and other matters. DCI Longhurst in his evidence said that the police records of the interviews with Johnson on 22nd and 23rd January were accurate and that nothing that Johnson had said in the interviews nor anything in his statement of 22nd January was the result of threats or assault. There had been no such threats and assaults. The next witness, Michael White, confirmed that on 5th October 1974 the games machine in the Charlie Chaplin had been a TV tennis machine but that in the week of 7th November it had been removed and replaced with a football machine. PC Heritage gave evidence of the 52 minute journey by police car from Guildford to the Elephant and Castle and of a return journey in 45 minutes, by disregarding the speed limits. The last of the

rebuttal witnesses was DC Wise whose evidence was to the same effect as DCI Longhurst's.

10.48 No more evidence was called by either side. Fairburn and Murray, the other members of Jack the Lad who were in a position to give evidence of Richardson's arrival at the South Bank Polytechnic, were not called. Murray's statement of 10th January 1975 in which he put Richardson's arrival at about 7.45 pm was one of the seven statements handed to the Home Secretary by Cardinal Hume in 1987 as "new" evidence. However, given that both sides accepted at trial that Richardson probably arrived at some time between 7.45 and 8 pm and that sufficient evidence was called to establish that fact it is difficult to see how the Home Secretary could have used Murray's statement as a ground for a reference.

10.49 On 17th November 1975 Richardson filed a notice of appeal (the only one of the Four to do so in time) in which she cited her alibi as a ground of appeal. I deal with the 1977 appeal in Chapter 17.

Evidence to Avon and Somerset

10.50 Richardson's alibi was investigated again in the late 1980s by Avon and Somerset in the course of their enquiries on behalf of the Home Office. In February 1988 Richardson was seen by Avon and Somerset, in the presence of her present solicitor, Mr Logan³¹. She was adamant that what she had said in her statement from the dock was the truth and had nothing to add. It will be recalled that in that statement she said that she got to the South Bank Polytechnic at between 7.45 and 8 pm, evidence which was confirmed by Mitchell, Laidlaw and Moodie. However, three former members of Jack the Lad told Avon and Somerset that they now believed Richardson's arrival at the South Bank Polytechnic had been earlier. Cowe had seen a TV programme about the Guildford Four, "The case that won't go away", broadcast on 3rd March 1987, and had rung Mr Logan about it afterwards. Laidlaw had apparently seen it too. Cowe told Avon and Somerset he believed the three arrived at 7.30 pm, but as he did not witness their arrival this is of no evidential value. Laidlaw told Avon and Somerset that media coverage had led him to reflect upon his evidence and that he now believed Johnson and the girls' arrival was earlier but he could not be specific. Mitchell told Avon and Somerset he did not know why he gave the time that he did at trial (7.45 pm) and was sure his original statement of 20th December 1974 (7.15 to 7.30 pm) was correct. Avon and Somerset understandably concluded that all three had been influenced by the media coverage.

10.51 I have no doubt that what Laidlaw and Mitchell said on oath at the trial was their honest recollection. Fairburn and Murray, neither of whom had given evidence at trial, told Avon and Somerset that they stood by their

³¹ Mr Logan has been Carole Richardson's solicitor since the mid-1980s.

statements of 10th January 1975 in which the former said about 8 pm, the latter about 7.45 pm. I think this helps to put Mitchell's and Laidlaw's recent doubts in their proper perspective. So also does a statement which Moodie gave to Avon and Somerset in which he said that he stood by the evidence he had given at the trial.

10.52 Astin was seen by Avon and Somerset in February 1988, again in Mr Logan's presence. Asked if she had anything to add she said that she did not but made the point that she could have no ulterior motive, 13 years after the event, in maintaining that the alibi evidence she had given was the truth. As regards Johnson, Avon and Somerset decided not to interview him when he let it be known through Mr Logan that he had nothing to add. In December 1988 Johnson and Astin both made statements to Mr Logan which I have seen. These are long and detailed documents which are primarily concerned with their treatment by the police and really add nothing to the story of Richardson's alibi.

10.53 I turn in conclusion to one aspect of the treatment of Johnson by the police which has given me cause for concern, namely the way in which he came to be arrested twice in the course of the police investigation of Richardson's alibi. As we have seen, Johnson was first arrested on 19th December 1974 on suspicion of murder. This arrest was based solely upon the unwavering belief of the police in the truth of Richardson's confession. Their reasoning was that Richardson by her confession had been in Guildford at 6.30 pm and if Johnson was insisting that he was with her at that time then he must also have been at Guildford. The arrest cannot be justified on this basis. In assessing Johnson's evidence the police failed to keep an open mind about Richardson's confession and failed before his arrest to consider Johnson's account objectively independently of the confession. The influence of confessions on the assessment of other evidence in this case is a matter to which I return in the final Chapter of this report.

10.54 Johnson was re-arrested on 21st January 1975 in the circumstances which I have already described and which I explored with Surrey police at a hearing on 28th July 1993. As I have already explained, three reasons have been advanced in justification of the arrest. The first is that Johnson had lied about timings in an attempt to pervert the course of justice. On its own, however, this would not justify an arrest under the PTA and in any event the conclusion, as distinct from the suspicion, that Johnson had lied cannot be sustained on the basis of the police enquiries up to 21st January. All that could be said for certain was that he was wrong in his timings. The other two reasons concerned the suspicions raised as a result of the Special Branch Information and the evidence of Mitchell that Johnson had told him he knew that bombs would be planted. These matters did no doubt affect the minds of the police officers in their approach to Johnson and, although they would have provided an inadequate basis for a suspicion of murder, they would have justified an arrest under section 7 of the PTA. However, although terrorist related activity was touched on in the interviews with Johnson on 22nd and 23rd January the

primary purpose of the police appears to have been to interview Johnson about his evidence in support of Richardson's alibi with a view to undermining it. In these circumstances I do not believe that the arrest of Johnson was a proper exercise by the police of their powers. It reflected a regrettable approach adopted by the Surrey police on more than one occasion to the alibi evidence which contradicted Richardson's confession, namely that such evidence had to be false and should be discredited.

Maura Kelly and the events of the afternoon

10.55 I outlined at the beginning of this Chapter the part played by Maura Kelly in the events of the afternoon of 5th October 1974 and the campaigners' view of her significance. One of the new statements which Cardinal Hume handed to the Home Secretary in the summer of 1987 was a statement which Kelly had made earlier in the year to Mr Logan, one of the defence solicitors. Kelly's account in that statement (and indeed in a statement which she made in 1975) places her in Richardson's and Astin's company as late as 5.30 pm although other evidence, not least that of Richardson herself, suggests that Kelly is mistaken.

10.56 The earliest account of the afternoon was given by Astin when she was interviewed by Surrey police on 24th December 1974. She recalled visiting, with Richardson, a "friend" at the ABC Bakery shop in Primrose Hill although Kelly was not actually named. She could not or would not give the timings of events in south London later in the day but she did say that she and Richardson arrived at the shop at approximately 2.00 pm. They stayed for about half an hour then went shopping. They returned to the shop after about 15 minutes when they borrowed some money from the friend. They stayed for another half an hour then returned to the squat at Linstead Street to get washed and changed. From there they made their way to the Elephant and Castle. On the times in Astin's statement, therefore, she and Richardson would have left the shop at about 3.15 pm.

10.57 On 27th February 1975 Kelly was interviewed at Hampstead police station in the presence of her mother, Mrs Mary Kelly, by DC Mahan and WDC Parsons of Surrey. This was plainly a difficult interview and there has been some dispute about what exactly was said, the order of events, and whether the police behaved improperly towards Kelly. I set out below the various accounts of this interview given in the notes made by DC Mahan, Kelly's statement to Richardson's solicitors in 1975, and the accounts given by Kelly, her mother and the police officers to Avon and Somerset during their investigation in the late 1980s.

10.58 According to DC Mahan's notes, Kelly said that as she was going to lunch, at about 12 o'clock, she bumped into Richardson and Astin outside the shop. They said that they were going shopping and had come to borrow money from her. Kelly lent them 50p. She asked them if they wanted to go

with her that evening to see a film called the *The Exorcist* but they replied that they were going to a concert. Kelly walked to the bus stop with them. Richardson and Astin got on a No 31 bus and Kelly went home for her lunch. In all, Kelly was with them for about 10-15 minutes. Kelly thought that Richardson was wearing a long skirt but she could not recall what Astin was wearing. She thought neither of them had any shoes on. At the end of the interview Kelly was invited to make a statement but declined to do so. Thus, according to the police record, Kelly's story was simply that she had been in Richardson's and Astin's company between about noon and 12.15 pm.

10.59 In Kelly's statement to Richardson's solicitors, which was dated 9th April 1975, she gave the following account of the interview:

"I told the police that I had seen Carole and Lisa either between 12 noon and 1 pm, my usual lunch hour, or between 5 pm and 5.30 pm. At that time I was not sure of the time. I am now sure of my times because I saw another girl friend of mine that day at 4 pm and I would have told her then that I had met the girls. It was also at this time that I met the girl I was going to the pictures with, it was the same girl. I have since found out that I never told her of meeting Carole and Lisa. At the police station the police woman was sitting at a desk. I was sitting on the other side of the desk, my mother was sitting on my right and the policeman was standing. At one stage the policewoman got up leaned forward and slapped me on my face. This was at the beginning of the interview. They were trying to put words in my mouth to the extent that I was being used and that Lisa was threatening me. My sister was sitting outside and I screamed and my sister came rushing in and started shouting at the policewoman that I was only 16 years old. I actually screamed for my sister. I screamed "Melissa". All the time I wanted my sister in the room but they would not let her come in. After this incident I was told I should tell them what I knew as I had nearly got my sister arrested."

On this account of the interview Kelly had given the police two different sets of times for her meeting with Richardson and Astin, namely between 12 noon and 1 pm or between 5 and 5.30 pm and, further, had alleged that the police had been exerting improper pressure upon her.

10.60 Kelly gave a somewhat different account of this interview when seen by Avon and Somerset in 1988 who were at that time unaware of her April 1975 statement to Richardson's solicitors. She told them that she would have told Surrey only that the meeting with Richardson and Astin had been at the end of the working day and that she could not have told Surrey that she bumped into her friends as she left the shop on her way home to lunch because she did not take a formal lunch break on that day.

10.61 Avon and Somerset also saw DC Mahan and WDC Parsons about the interview. Both maintained that DC Mahan's record was accurate.

According to that record, at one point comparatively early in the interview Kelly became hysterical and screamed the name of her sister, Melissa, who was outside the room. WDC Parsons took hold of her left arm and said, "Calm down, you've nothing to worry about, just tell the truth" as the door crashed open and Melissa came in shouting "leave her alone". The interview later resumed and Melissa was allowed to stay. Kelly herself in 1988 repeated to Avon and Somerset the allegation, first made to Richardson's solicitors in April 1975, that the police woman had slapped her. Kelly's mother told Avon and Somerset that she had been abusive and generally uncooperative and the slapping incident emerged in the context of a discussion about her daughter's attitude. When asked whether Maura had been "truculent" Mrs Kelly said:

"I suppose in a way, yes. I could have slapped her sometimes, you know how it is. She did get a belt that is a slap from the lady police officer at some point of it."

Mrs Kelly was asked "Why was that?" and replied:

"I suppose her attitude, the way she was, and yes she nearly got it from me too. It was just her attitude to it all. She believed she was telling the truth, but they didn't want to know about that."

10.62 WDC Parsons was seen by Avon and Somerset again, after they had interviewed Mrs Kelly, and admitted that she had indeed slapped Kelly but explained doing so by saying that Maura had become hysterical at that moment and had been abusive throughout the interview.

10.63 Moving on from the events of 27th February 1975, it will be recalled that at the committal proceedings on 19th March 1975 Astin gave evidence. She said of the afternoon of 5th October 1974:

"We left Linstead Street around 12.30 or 1.00 pm and got to Primrose Hill around 1.30 pm. We went to see a school friend; her name is Maura Kelly. Maura Kelly works in a baker's called 'ABC Bakers'. I saw Maura, we were with her approximately half an hour. Carole was with me the whole time, then we looked around the shops in the Primrose Hill area. I bought two wooden dolls, Carole was with me, then we went back to the baker's shop, and Maura was there we stayed half to three-quarters of an hour. I left with Maura, Carole was with us. We left around 4.00 to 4.30. We three went to the 31 bus-stop in Adelaide Road. We all stayed together at the bus-stop until the bus came and then I went to Swiss Cottage with Carole. Maura didn't come with us. Maura said she was going to see 'The Exorcist'."

10.64 Prior to giving this evidence Astin had given a statement to Richardson's solicitors dealing with these events. The only difference between this statement and her committal evidence was that she had said to the

solicitors that they had arrived at the shop at about 2.30 pm. This statement, which was taken at the Magistrates' Court on 17th March, was additional to an earlier one to Richardson's solicitors in which Astin had not gone into any detail about the events of the afternoon, saying only that she and Richardson had gone to "the Primrose Hill area to do some shopping". Richardson's notice of alibi of 26th March 1975 did not mention Kelly. It said simply that Richardson was in Astin's company on the afternoon of 5th October 1974.

10.65 On 9th April 1975 Kelly made a statement to Richardson's solicitor, Mr Avey,³² which was witnessed by Mr Avey and by his colleague Mr Howard and was the statement in which she gave the account of the February police interview which I rehearsed earlier. In her statement Kelly said that on 5th October 1974 she met Richardson and Astin as she was leaving the shop at between 5 and 5.30 pm. She did not normally leave the shop until 5.30 pm but on that occasion she left early. She told Astin and Richardson that she was going to see *The Exorcist* and asked them to go with her but they said they were going to the Jack the Lad concert. She could not recall whether she was told where the concert was to be held. She could not recall what Astin was wearing but she remembered Richardson's bare feet under her long skirt. She had seen Astin with bare feet before but not Richardson. They all walked together to the bus stop, which took about three minutes, and waited for about five minutes until the bus arrived at between 5.15 and 5.30 pm. She remembered asking Astin whether she needed any money. She gave her some, she thought about 50p. Astin and Richardson said they were going to the swimming baths at Swiss Cottage for a shower but apart from going to the concert they did not say what they planned to do afterwards. Kelly said that Astin and Richardson had visited her at the shop on three occasions. One of these was 5th October 1974 when they came alone, on the other two occasions they were accompanied by Brian McLoughlin, who had been with them when Kelly gave Richardson and Astin small dolls.

10.66 No attempt was made by the solicitors to amend the alibi notice in the light of what Kelly had told them but it is clear that for a while at least Richardson's solicitors continued their enquiries into the events of the afternoon of 5th October. Both Mr Avey and Mr Cornberg have told my Inquiry that they remember that efforts were made to interview other staff at the ABC Bakery shop but cannot recall any details. Kelly believes that Mrs Margaret Bonner, the manageress, was seen by Surrey two days after they saw her, but there is no record of this in Surrey's papers. There is no record of Richardson's solicitors talking to Mrs Bonner or to another woman, Sally Bates, who also worked at the shop although Richardson's junior counsel at

³² It has been suggested since 1987 that Kelly in fact went to see Carole's solicitors before Christmas 1974 and gave them the account of events on 5th October which later appeared in her statement. All the contemporary evidence, however, and Mr Avey's and his clerk, Mr Cornberg's recollection, (Mr Howard has since died) is that she was seen on one occasion only, 9th April 1975.

the time, Nicholas Gardiner, has some recollection of the manageress' name. On 23rd May 1975, however, Mr Avey wrote to Geraldine O'Mara, another schoolgirl who worked with Kelly on Saturdays, asking her to get in touch with them as a matter of urgency because they were "endeavouring to substantiate our client's alibi". It appears that on 11th June Geraldine went with her mother to see Richardson's solicitor. I have seen no record of what was said and Geraldine's recollection to Avon and Somerset in 1988 was that she was unable to help with details of Richardson's and Astin's visit to the shop. Neither Mr Avey nor Mr Cornberg now recall anything about this interview.

10.67 In June or July 1975 Kelly went to stay with her uncle and his family in County Clare and took a job in the family business. She was still there in September 1975 when the trial began and indeed stayed in Ireland until Christmas.

10.68 Astin, in a statement made to Patrick Armstrong's solicitor, Mr Logan, on 10th August 1975, modified the version of events which she had given at the committal proceedings. She introduced a doubt about whether she and Carole had gone to Primrose Hill, the location of Kelly's shop, on 5th October 1974, by stating:

"On the 5th October 1974, everything happened that I have said in the deposition that I made at the committal proceedings before the Guildford Justices. The only thing I am not certain about is whether or not we went to Primrose Hill on that day. We were certainly in Primrose Hill but I am pretty certain now that Brian McLoughlin was with me when I bought the two wooden dolls that I described and if that was the case then buying the two wooden dolls did not take place on 5th October because I know that Brian McLoughlin was not there that day."

However, later on in the same statement she said that her doubt was not about going to Primrose Hill itself, of which she was certain, but rather about the times:

"I am certain about going to Primrose Hill but not about the times that I put into that statement.³³ Maura tells me that we did not appear until about 5.30 when she was closing the shop. I am not certain now whether my recollection at the time of the committal proceedings is right or wrong.

I remember that we went to the shop on three occasions. On two of the occasions the manageress of the shop was not there and Maura was in charge. She had to close the shop up. She would often close the shop early when the manageress was not there so she could get away early.

³³ In other words, her deposition at committal.

I know that when I bought the two wooden dolls Brian McLoughlin was with me so that it could not have been the 5th October that I bought the two wooden dolls.

I remember walking to the bus-stop on the 5th October with Maura but I did not remember Brian being there and if he was there I have no idea where he went to after that. I am however, certain that he was not with us on the 5th October.....

I was barefoot the whole day. Carole may have been barefoot the whole day I cannot remember. I think she was barefoot at the pop concert, certainly it was a warm day.”

10.69 The Guildford Four trial began on 16th September 1975. It will be recalled that Kelly did not give evidence nor did she attend at Court. However, it is clear that at the eleventh hour attempts were made by Richardson’s solicitors to secure her attendance. On 2nd October, when the prosecution completed their case, Richardson’s solicitors made an application for a summons to be issued by the court for Kelly’s attendance. The solicitors received no response to the summons and whether Kelly ever received it is a matter of dispute. She was of course in Ireland at the time but the address given in the summons was that of their mother in north London. Kelly’s sister Melissa told Avon and Somerset in 1987 that their mother had intercepted her sister’s mail and destroyed the summons. Melissa’s recollection was that Kelly had wanted to give evidence on Richardson’s behalf but that their mother had been determined that she should not. However, in her 1987 statement to Mr Logan, Kelly said:

“I was terrified about appearing in court and my mum didn’t want me to have any more connection with it which is one of the reasons why I agreed to go off to Ireland.”

Further, Mr Avey has told my Inquiry:

“I do recall that Maura Kelly and her mother were extremely anxious and concerned not to get involved in this matter. This was quite understandable as very strong emotional feelings existed about the bombings at that time, the local people in the area had strong feelings of condemnation towards anyone vaguely connected with this case, and equally because of the IRA involvement there was always fear of reprisals. In the event Kelly, at the instigation of her mother, was sent to Ireland to remain there until it was safe to return.”

I should add, however, that when they were seen by Avon and Somerset in 1988 both Kelly and her mother denied that this was why she went to Ireland.

10.70 Having received no response to the summons, Richardson’s solicitors sent a telegram to Kelly at her address in Ireland which they had managed

to discover. The precise date is not known. Kelly, in her 1987 statement, referred to receiving a 'summons' in Ireland which she ignored:

“Whilst I was in Ireland I kept in contact with Carole by letter and she wrote to me. Neither she nor her solicitors mentioned that I was expected to go to Court. Then a summons came for me when I was in Ireland to attend Court to give evidence on behalf of Carole Richardson but I ignored it. I ignored it because I honestly thought that the case was going to be over quickly and that it would prove Carole’s innocence. I felt that my statement was not needed to help Carole as I believed the police had no evidence against her and the case against her would be thrown out. I was told I could stay in Ireland, by my mother, whom I telephoned when I got the summons.”

10.71 Seen by Avon and Somerset in 1988 Kelly recalled that Richardson’s solicitor had told her that she would not be needed in court. She was therefore surprised when, at work one day in Ireland, her uncle brought her a telegram asking her to attend at the Old Bailey. She had not realised the trial had begun. She was upset at finding herself required to attend and rang her mother for advice. Mrs Kelly told her that if it was upsetting her she should ignore it. She took her mother’s advice. Mrs Kelly confirmed to Avon and Somerset that she had advised her daughter to ignore the telegram: “I didn’t think she could help in any way. I didn’t want her involved in it and didn’t think she knew enough”. After Richardson was convicted Kelly felt guilty about letting her friend down but, she assured Avon and Somerset, that she “honestly believed that the little bit [she] had to say would not have mattered”. Mrs Kelly also told Avon and Somerset that until Kelly had phoned her from Ireland she was unaware that her daughter was required at Court. In other words, she implicitly denied receiving the summons which, it will be recalled, Kelly’s sister Melissa said their mother had destroyed.

10.72 I have considered why Kelly was never added to Richardson’s alibi notice, and why, despite this earlier decision, it was decided at the last minute to call her to attend at the Old Bailey. Mr Avey, Mr Cornberg and Eric Myers QC, Richardson’s leading counsel, have been unable to help me although Mr Avey and Mr Cornberg recall the involvement of Nicholas Gardiner whose decisions these would seem to have been. If Kelly was to be of any use to the defence the crucial element in her account was the time she left Richardson and Astin at the bus stop which, according to her, was about three minutes walk from the shop. Of the evidence before counsel, we have already seen what Kelly had said in her statement of 9th April and what Astin had said in her statement to Richardson’s solicitors on 17th March and at committal two days later. In addition, of course, Richardson’s solicitors had by this time taken a proof of evidence from their client. In that document Richardson said that the three left the shop at 4.30 to 4.45³⁴ and that she and Astin got back to

³⁴ In her statement from the dock, as we shall see in a moment, she said 4.15 to 4.30 pm.

the squat at 5.00 to 5.15 pm. Against this background Mr Gardiner has told me:

“To have called her [Maura Kelly] would have been to ask the jury to prefer the account of this witness to that of the Defendant and Lisa Astin. Her evidence would have served only to cause confusion over the times and the events of that afternoon. She would simply have thrown doubt on the accounts of Lisa Astin and Carole Richardson. Furthermore, her statement [of 9th April] also said that she had told the police that she ‘had seen Carole and Lisa either between 12 noon and 1pm, my usual lunch hour, or between 5pm and 5.30pm. At that time I was not sure of the time’. She would have been a gift to the prosecution.”

Kelly, he said, would have been a “disastrous witness”. This then is the answer to the question why she was not added to the alibi notice. As to why she was sent a summons, Mr Gardiner told me:

“I cannot really remember but I have an idea that we decided to look at her again just in case the problems in her evidence could be sorted out, however unlikely that must have seemed. Had we been able to call her then, as a schoolgirl with a regular Saturday job, she would have helped water down the hippie image which was so characteristic of the defence evidence.”

10.73 To turn now to the trial, Richardson said in her statement from the dock that she got up at around mid-day and went with Astin to a launderette in Hempstall Road. The washing took about an hour during which time she thought she probably went to see her mother at a hairdressers in Cricklewood. Richardson and Astin then left the launderette together and returned to Linstead Street where they changed and from there probably went to the Kilburn snack bar. Later they caught a No 31 bus to go and see “a friend of Lisa Astin’s”, Maura Kelly, at the shop in Primrose Hill. They talked to Kelly for some time. There were two other girls in the shop, one of whom had long black hair and was about nineteen. “Shortly after” this Richardson and Astin went to a shop in which they bought two wooden dolls for 45p each. They stayed looking around the shop and then returned to the ABC Bakery shop at about 3.30 pm. They went into the back of the shop where they sat talking. One of the other girls came in and had coffee with them. They gave Kelly one of the dolls, perhaps both of them, though it was also possible, Richardson thought, that the second doll had been given to a girl called Dawn who was a friend of Kelly’s. Kelly gave Richardson a blue “bean bag” doll in return which she had with her at the concert later that evening.³⁵

³⁵ Richardson’s solicitors took proofs of evidence from the five members of Jack the Lad. Philip Murray said in his that he thought the “bigger girl” - Richardson - “had a little plastic doll with a green hat on”. He did not, it will be recalled, give evidence at trial. In his statement to the police of 10th January 1975 he said that he thought she “had a doll, 5” or 6” long, which had a pointed hat”.

10.74 They stayed in the shop for about three quarters of an hour. The manageress was not in the shop as it was her practice to leave at 3 pm to bank the takings and go straight home. At about 4.15 pm Kelly undid the till and took it around to the back of the shop for the "other girl" to add up the takings. Richardson thought that this was probably the day on which Kelly was trying to telephone her boyfriend's mother. She did not have the number so she tried to trace her through directory enquiries. Richardson recalled that there was a big chocolate cake in the shop which had to be sent back. She also recalled that Kelly lent Astin £2 in the shop and that Kelly asked if she and Astin would like to go with her to see *The Exorcist*. They said that they could not because of the concert.

10.75 At around 4.15 to 4.30 pm Richardson and Astin left the shop with Kelly who accompanied them to the bus stop. She waited with them until their bus arrived. Richardson thought they probably got off the bus at Swiss Cottage to have a shower at the swimming baths only to find that it was a men only day. They got back to the Linstead Street squat at 5 to 5.15 pm. Richardson went barefoot all day.

10.76 Astin said in her evidence that she and Richardson got up in the morning and went to the launderette. They returned to the squat then went to see Kelly in Primrose Hill. They left the shop and walked with her to the bus stop. They were unable to get a shower at Swiss Cottage and arrived back at the squat at between 5.30 and 6 pm. Astin was referred by Armstrong's counsel to her statement of 10th August to Mr Logan and was asked whether that statement was true at the time that it was taken. She replied that it was. Asked "What about now?" she replied "I do not remember". Cross-examined by prosecuting counsel, Astin said that she and Richardson saw Kelly between 4 and 5 pm but did not go shopping and bought nothing that day. The dolls had been bought the Saturday before when Brian McLoughlin was with them. He was not with them on 5th October 1974. Asked if what she had said at committal had been nonsense she explained that she had simply mixed up the two occasions. It would have been on the earlier Saturday that they saw Kelly at 1.30 pm (the time she gave at committal for their meeting). She could not recall whether Kelly was coming out of the shop when she and Richardson met her on 5th October.

10.77 As I have said, in November 1975 Richardson filed a notice of appeal in which she cited her alibi as a ground. Her revised and consolidated grounds of appeal referred to "The evidence of Lisa Astin and Frank Johnson which provided a complete alibi for the appellant for 5th October 1974". Kelly was not named and there was no mention of her at the appeal in 1977 although her failure to respond to the summons in 1975 would, of course, have provided grounds to call her had it been felt that her evidence would have been of assistance.

1987 onwards

10.78 I turn now to the substance of the statement which Kelly made to Mr Logan in 1987 and which was, as I have said, one of the statements handed

to the Home Secretary by Cardinal Hume and his deputation later that year. Kelly said that on 5th October 1974 Richardson and Astin had visited her in the shop “quite early, I think at about 2.30 pm or so”. The reason for the visit, which was unexpected, was that they had wanted to borrow money from her. They had said that they were going to a concert at the Elephant and Castle. Kelly knew she would be paid before the manageress left so agreed to lend them £2. There was never any doubt in her mind that it was a loan and not a gift. Because the manageress was still in the shop and Kelly had to get on with her work she told Richardson and Astin to go away and come back later when the manageress had gone, suggesting that they look around the shops in Englands Lane. They agreed that when Astin and Richardson came back to the shop they would all leave and walk down to the bus stop together, if Kelly could get away early. When they did in fact return to the shop after the manageress had gone they gave her a wooden doll dressed as a nurse. The three left the shop together as they had intended. Kelly kept the doll until about 1985 when she threw it out because it was broken.

10.79 Kelly did not say in her statement at that time she believed Astin and Richardson had returned to the shop with the doll or when they all left. She did say elsewhere in the statement, however, that she normally worked until between 5.15 and 5.30 pm although she might very occasionally, if she was there on her own, leave at about 5 pm after all the fresh cakes and bread had been sold. She said she thought that she was only left on her own twice because “the manageress was very fussy”. One of those occasions was 5th October 1974.

10.80 When Avon and Somerset saw her in 1988 Kelly confirmed that the contents of her 1987 statement were true. With regard to the other staff who worked in the shop, she said that Sally (Bates) would have left at 2 pm but Geraldine (O’Mara) would have finished when she herself did. On the afternoon of 5th October 1974, when Richardson and Astin came to the shop for the first time, Kelly told them to come back in ten minutes because the manageress was just going. Kelly “had a feeling”, though she was not sure, that after the manageress had banked up she (Kelly) took the money to the Post Office. In any event, she thought the manageress had left at around 3 pm and Richardson and Astin had returned to the shop at 3.40 pm. They talked while Kelly got on with her work then at 5.15 to 5.30 they had all left the shop together, the three heading for the bus stop, Geraldine walking away in the opposite direction.

10.81 Geraldine O’Mara was seen by Avon and Somerset in 1988. Her evidence conflicted with that of Kelly in certain respects. She said that Mrs Bonner would sometimes ask her to take the day’s takings to the Post Office but she could not recall Kelly ever having been asked to do so. She recalled that Mrs Bonner always locked the shop at the end of the working day and never went early leaving herself and Kelly in charge. However, when Mrs Bonner went on holiday for two weeks “between the end of the school summer

holidays and winter” in 1974, she took over the running of the shop. She was sure that she did not pass any of her responsibilities to Kelly. It was during this period that there was a visit by some of Kelly’s friends, two men and two young women, who arrived at about 2.00 pm and left about one and three quarter hours later. She could recall no other such visits.

10.82 Avon and Somerset established that Sally Bates had since died and were unable to trace the manageress Mrs Bonner. They interviewed Kelly’s friend, Dawn O’Keeffe, to whom Richardson had said in her statement from the dock that she and Astin might have given one of the wooden dolls. Asked about this, Dawn was sure that she was never given a doll by Richardson or Astin and knew nothing about their being bought or being given to anyone else. As I recorded at the end of the first part of this Chapter, Richardson herself had nothing to add when seen by Avon and Somerset in 1988 and neither had Astin.

10.83 However, Richardson did give a videoed interview on 21st November 1991 which was conducted by Mr Crawshaw and Dr MacKeith with a view to its submission as evidence to my Inquiry. She was not questioned in any depth about the events of 5th October 1974 but she did say “I know we had got these dolls, these little doll things at some stage, but now I couldn’t you know, 100 percent certainly say it was definitely that day we got the dolls. It’s just so long ago.” She gave no timings in respect of the events of the afternoon (the earliest she gave was the time she and Astin left the squat in the evening to go to the concert) although it is clear that in all material respects she still holds to her statement from the dock.

10.84 I explained at the beginning of this chapter that the point made by the campaigners in favour of the evidence of Kelly is that it is evidence not previously heard by a court which establishes that Richardson was in North London sufficiently late to make it impossible for her to have got to Guildford to plant a bomb. I have no doubt that Richardson and Astin saw Kelly on the afternoon of 5th October 1974. But one can only surmise what a jury or the Court of Appeal would have made of Kelly’s evidence. She said that Richardson and Astin did not leave her until around 5.30pm or perhaps even a little later. As Mr Gardiner appreciated at the time, however, this was contradicted by Astin and by Richardson herself who stands by what she said in her statement from the dock, namely that they all left the shop at around 4.15 to 4.30pm and that she and Astin got back to the squat at 5.00 to 5.15 pm. Further, of course, it would have been open to the prosecution to cross-examine Kelly about the earlier version of events she had given to the police.

10.85 All in all, having now considered all the relevant evidence directly or indirectly involving Kelly, I do not think that if she had come back to London in answer to the summons or telegram in October 1975 she would have been called to give evidence at the Guildford Four trial. Had she been called, it is doubtful whether the jury would have found her of much assistance.

10.86 Finally, it has been suggested to me that the evidence about the dolls is of considerable significance. However, this evidence is somewhat confused. Astin said in her statement to Richardson's solicitors on 17th March 1975 and at committal two days later that she had bought two wooden dolls on the afternoon of 5th October 1974. In her statement of 10th August and at trial, however, she was of the view that she had been mistaken and had bought the dolls on another occasion when Brian McLoughlin had been with them. Kelly began, on 9th April 1975, by saying that the occasion on which she gave Richardson and Astin small dolls had been on another day and with McLoughlin, but since 1987 she has said that it was the day of the Guildford bombings. Richardson said at trial and still says that the doll episode was on 5th October, though she now says she cannot be certain, just as Astin still says that it was not. There is also the evidence of Murray who recalled seeing Richardson with a doll later in the evening. He was the only member of Jack the Lad to see a doll but there is no reason to question his recollection.

10.87 Even if the doll which Richardson had with her at the concert was indeed acquired on the afternoon of the Guildford bombings, that tells us nothing about her whereabouts in the intervening period. Nor does it help with the crucial alibi point about when Kelly bade farewell to her two friends at the bus-stop.

CHAPTER 11

HILL'S AND ARMSTRONG'S ALIBIS FOR WOOLWICH

Hill

Introduction

11.1 The bomb in the King's Arms, Woolwich, exploded at about 10.10pm on 7th November 1974. Hill's alibi at the trial almost a year later was that he spent the whole of that evening at the home of his aunt and uncle Anne and Frank Keenan at 91c Brecknock Road, London N7, apart from a short time from about 9pm when he went out to telephone his girlfriend Gina Clarke. In support of this alibi he called to give evidence both Mr and Mrs Keenan and Gina Clarke. No one else was called in support and no one else was mentioned either by Hill or the Keenans in support of the alibi.

11.2 Some 12 years later, in the summer of 1987, Cardinal Hume handed to the Home Secretary a statement by a friend of Mrs Keenan, Mrs Yvonne Fox, which he regarded as fresh evidence in support of Hill's alibi. In this statement Mrs Fox said that she too had been at the Keenans' home at the time of the bombing and had seen Paul Hill there. Furthermore, the Cardinal handed the Home Secretary fresh statements by the Keenans in which they not only repeated what they had said at trial but added for the first time that Mrs Fox had been with them at the material time. As I have already indicated, the Keenans had not mentioned Mrs Fox's name when giving evidence at the trial and neither had Hill.

11.3 Armed with the 1987 statement from Mrs Fox and the Keenans' 1987 statements in support of it the campaigners have understandably argued that Mrs Fox should have been called to give evidence at the trial. I examine in this Chapter how it came about that Mrs Fox was not called. I should say at once that it is undoubtedly the case that Mrs Fox attended the trial and was sent away by a representative of Hill's solicitors. One of Hill's defence team told the Avon and Somerset police in 1988 that his recollection was that Mrs Fox was sent away because what she had said to them about seeing Hill on the evening of the bombing did not amount to an alibi. In other words Mrs Fox in 1975 was not saying that she was with Hill and the Keenans in the Keenans' flat at the time the bomb went off although she was clearly saying that she had been there earlier. The point made by the campaigners however in submitting the 1987 statements to the Home Office was that as Mrs Fox's evidence had never been heard by a court it should be regarded by the Home Office as grounds for a reference to the Court of Appeal.

11.4 The three 1987 statements to which I have referred were made to Mr Logan, one of the defence solicitors. I have also looked at and mention below evidence given by the individuals concerned to Avon and Somerset police in 1988.

11.5 I should also mention that soon after my Inquiry was set up Mr and Mrs Keenan indicated that they wished to give evidence to me. This they have now done in the form of a statement dated 16th March 1994.

The development of the alibi

11.6 From about 25th October 1974 (though possibly as early as 18th October) until 23rd November Paul Hill lodged with his aunt and uncle Anne and Frank Keenan and their four year old son at their home at 91c Brecknock Road, London N7. Hill and his uncle worked on the same building site and would travel to and from work together. Since 20th October his girlfriend, Gina Clarke, had been living at Azof Street, Greenwich with her sister and brother-in-law, Mary and Louis Hammond. She and Hill would usually spend the weekend together, having normally spoken on the telephone the preceding Thursday. Gina moved to the Keenans' on 21st November, remaining there until 23rd when she and Paul left for Southampton shortly after the police came asking for "Benny" Hill, of which more below.

11.7 The first time that Mr and Mrs Keenan mentioned their evidence in support of Hill's alibi was in an interview with Hill's solicitors in April 1975. The first time they gave a statement to that effect to the police was in May 1975 following service of Hill's alibi notice in which they, though not Mrs Fox, were mentioned. However, that was not the first occasion on which they had been seen by the police.

11.8 Earlier in this Report I told how the Keenans were visited by two Metropolitan Police officers, DS Day and DC Corby, on 27th August 1974. Those officers were enquiring about the whereabouts of Peter ("Butch") Masterson and Patrick Hill - brother of Paul - who were wanted for questioning in connection with the Tower of London bombing of 17th July. The Keenans confirmed the officers' belief that the two had stayed with them in the summer of 1973 and went on to say that they had returned in July 1974 asking to stay again but were turned away because they had caused trouble on the previous occasion.

11.9 Following the bombing, the Keenans were visited again by the same officers on 23rd November 1974. Paul Hill and Gina Clarke were in the flat at the time but stayed in a bedroom. Although the police were by then actively looking for Paul Hill, Day and Corby asked only about the whereabouts of "Benny" Hill. In a statement to Avon and Somerset of in 1987, DS Day accepted that he had not disclosed the name Paul to the Keenans but could not recall why he had not done so. The Keenans said that they were unable to help and did not volunteer that Paul was in an adjoining room.

11.10 Paul Hill, it will be recalled, was arrested on 28th November 1974. His defence was handled by Mr David Melton of the Southampton solicitors Messrs Woodford and Ackroyd, where Mr Melton was a senior litigation clerk

specialising in licensing and criminal matters. He was assisted by Mrs Jancis Wiles, an articled clerk, and Mr Raymond Bennett, a Salisbury based enquiry agent. Mr Melton, when interviewed by Avon and Somerset in 1988, recalled that following Hill's arrest he had received a call from a man or woman using the name Keenan asking him to represent their nephew. The Keenans, however, are adamant that they did not ring Mr Melton and believe it was another of Hill's relatives. I believe them. In any event, Mr Melton learned from the police that Hill had already been taken to Guildford.

11.11 It was not long after Hill's arrest that the police realised that he had in fact been in the Keenans' flat on 23rd November. The police had been told by Mr Melton that he had been engaged by the Keenans and this seems to have deepened their suspicion of the couple. DS Day made a further visit to the Keenans' address on 30th November, this time accompanied by officers from Surrey. DS Day told the Keenans that they had lied when they had said that they did not know where "Benny" was since "Benny" was Paul Hill's nickname and Paul Hill had been in the flat at the time. The Keenans protested that they knew Patrick, not Paul, as Benny and so had told the truth. Moreover, a statement which DC Corby made on 27th June 1975 indicates that, whatever he and DS Day might have intended, they led the Keenans to believe on 23rd November that it was actually Patrick they wanted. DC Corby said in his statement:

"DS Day asked Ann Keenan if she had seen 'Benny' Hill recently. She said, "do you mean Pat?" DS Day said Benny was probably Pat's nickname."

11.12 I have no doubt that the Keenans ought to have told the police about Paul's presence in the flat. It is not surprising that their failure to do so made the police highly suspicious. In the result Mr and Mrs Keenan were arrested and taken to Guildford for further questioning. Their flat was thoroughly searched in their absence but nothing of interest was found. (The Keenans were subsequently to complain about the state in which their flat had been left and were paid £30 by Surrey in compensation for the damage the police had caused.)

11.13 Before being released later on the day of their arrest, 30th November, the Keenans made statements to Surrey police. Neither statement contained anything about the 7th November. The absence of any reference to that evening is perhaps explained by the fact that by this time although Hill had already admitted his presence at Guildford, all he had said about Woolwich was that he had minded the "yellow liquid" for Armstrong. It is in any event unclear whether the Keenans were even told this much while they were with Surrey police. It was only on 1st December, the day after the Keenans made their statements, that Hill admitted being at Woolwich.

11.14 It was also on 1st December that Mr Melton saw his client for the first time. However, he was unable properly to take instructions from his client because he was only allowed to see him in the presence of a senior officer.

11.15 Gina Clarke, who had been arrested by Surrey police on 3rd December, made a statement on 4th December 1974 in which she said nothing about the day of the Woolwich bombing. Her explanation for this to Avon and Somerset in 1988 was that she had not been asked about Woolwich.

11.16 Mrs Hammond, in whose home Gina was living on 7th November, made a statement towards the end of 1974. It is dated 21st November, which is clearly wrong, and was probably made on 21st December. In it she said:

“During the time Gina stayed Paul phoned her every weekday about 9.00 pm. At weekends Gina would go and stay with Paul at his Aunt’s. The night of the Woolwich bombings on Thursday 7th November, Gina was in all evening. I remember seeing a news flash about it and went and told her, she was on the phone at the time. Paul only came to our house once during this time.”

11.17 It is not clear whether the police at this time put two and two together and asked whether it was Hill on the other end of the telephone during the newsflash. The timing of the newsflash is important. The first report of the bombing was at 10.28 pm, during News at Ten. This was not a “news flash” proper, though viewers might well have recalled it as such. Rather the newsreader was advised of the explosion while he was on the air and related what little information he had in an unscripted announcement. Thereafter there were news flashes on ITV at 11.21 pm and 11.46 pm, while the BBC reported the Woolwich bombing on BBC1 at 11.11 pm and 13 minutes past midnight and on BBC2 at 11.24 pm.

11.18 Although, as I have already indicated, the first time that the Keenans mentioned their alibi evidence was to Hill’s solicitor in April 1975, it is not clear when they first recalled for themselves that Hill was actually with them on the night of the bombing. In his 1987 statement Mr Keenan said simply that he had had good reason to recall these events “later on when I knew that Paul had been charged”, while Mrs Keenan in her 1987 statement said that she had had every reason to recall the matter “soon after the event” not only because Hill had been charged with the bombing but because “I had checked my recollections with Yvonne Fox”. It is thus clear that in 1987 the Keenans were saying that they had realised at a very early stage that they could support an alibi for Hill. However, the reference to Mrs Fox in Mrs Keenan’s 1987 statement must raise doubts about the accuracy of her recollection. Not only, as we shall see, did Mr and Mrs Keenan make no mention of Mrs Fox in any of the statements which they made before the trial or in their evidence at the trial, but they were later, in 1988, to tell Avon and Somerset that they did not remember the presence of Mrs Fox on the night of the bombing until at least April 1975.

11.19 Even if the Keenans realised at an early stage that they could speak to an alibi for Hill, it is clear that Hill’s solicitor was not told until much later

and probably by Paul Hill himself rather than the Keenans. It is equally clear, however, that Hill's own recollection was triggered by what the Keenans said to him during a visit in Winchester Prison on 15th March 1975. Mr Keenan spoke about this visit when interviewed by Avon and Somerset in 1988. In the tape recorded interview he said:

“What it was that happened exactly was, we went down to see him in prison in Winchester, I'm not sure how this happened - I said to him, um, I says ‘You couldn't have done Woolwich because I remember you being in our house that night. That was it, I said that to him and the next thing, Mr Melton wrote to us. I have the letter, he wanted to come and interview us about the 7th November.’”

11.20 Mr Melton's own recollection to Avon and Somerset in 1988 accorded with that of Mr Keenan in that he believed that it was Hill who first mentioned the Keenans as alibi witnesses. In fact Mr Melton wrote to the Keenans on 17th March 1975, obviously as a result of what they had told Hill in prison two days before, asking them to contact him. This letter, which was written on the day the committal proceedings began, read as follows:

“As you probably know we act for your nephew, Paul Michael Hill, in connection with various serious charges that have been brought against him.

We are instructed that you may be able to assist us with both background and more particularly evidence of his movements in the latter part of 1974 whilst he was living at your address in London. Our Mr Melton is most anxious to interview you at the earliest possible moment and we should be most obliged if you could contact us so that we can discuss where and when this interview can take place.

Your early reply would be greatly appreciated, as this matter is now becoming urgent due to the committal proceedings that are taking place.”

11.21 This was the first contact that the Keenans had had with Hill's solicitor. A meeting was duly arranged and Mr Melton and Mr Bennett interviewed the Keenans on 2nd April 1975. As I have said, this was the occasion on which the Keenans first gave details of their alibi evidence. Mr Bennett made notes from which the Keenans' proofs of evidence were prepared. As will be seen, these proofs, which were subsequently sent to the Keenans for their approval, made no mention of Mrs Fox.

11.22 Hill's notices of alibi for both Guildford and Woolwich were sent by Mr Melton to the DPP by letter of 17th April 1975. The notice in respect of Woolwich did not mention Mrs Fox. It indicated that according to Mr and Mrs Keenan, Hill arrived home from work at about 6.20 pm and thereafter

only left the house once, to phone Gina Clarke, between 9 and 9.30 pm, returning at between 9.30 and 10.00 pm. The notice also indicated that according to Gina the call itself lasted from 10 to 20 minutes.

11.23 Given the absence of Mrs Fox from the alibi notice, from the Keenans' 1975 statements and from their evidence at trial I have investigated when they and Mrs Fox first recalled the latter's presence at the Keenans' home on 7th November 1974.

11.24 Mrs Keenan's sister, Mrs Mary Smalley, told Avon and Somerset in 1988 that the Keenans had told her "from the outset" that Mrs Fox had called round "at about suppertime" and had stayed "for a good few hours". In her 1987 statement Mrs Fox said that her husband told her about the Woolwich bombing when she got home from the Keenans' on the night of the bombing and that "shortly afterwards" or "later" she was told by Mrs Keenan that Hill had been charged. She said in 1987 :

"Both Anne [Keenan] and I knew perfectly well that he had been in the house at the time and that he could not have done any bombing in Woolwich because he was only out of the house for about 20 minutes."

However, when in 1988 she was pressed by Avon and Somerset as to when she first realised that she had been at the Keenans' on the night of the Woolwich bombing, Mrs Fox conceded that she did not know. She thought that she had probably learned of Hill's arrest from Anne Keenan and that it would have been as a result of one of their subsequent conversations about the case that she realised she was an alibi witness, though she could not say when.

11.25 As to the Keenans' recollection about when they first recalled Mrs Fox being with them, there is nothing specific in their 1987 statements but they did tell Avon and Somerset in 1988 that, when they were seen by Mr Melton and Mr Bennett on 2nd April 1975, they had still not recalled Mrs Fox. However, Mrs Keenan has told my Inquiry that on the day after seeing Mr Melton it was Mrs Fox who triggered her memory and that she immediately telephoned Mr Melton to tell him. She said :

"The next day when I was in work I mentioned to Yvonne Fox that I had seen the solicitor the day before about Paul Hill being in our home on the night of the Woolwich bombing. Yvonne said to me 'I was in your flat that night. Get in touch with the solicitor and tell him.' I telephoned Mr Melton and told him and he said, 'Leave it with me'."

11.26 The records of Hill's solicitors, however, indicate that Mrs Fox was not mentioned to them by the Keenans until 15th May. In the circumstances and in the light of what the Keenans told Avon and Somerset I have to say

that I believe that Mrs Keenan's recent recollection of an earlier notification is a mistaken one.

11.27 I turn now to the circumstances in which on 15th May 1975 the Keenans mentioned Mrs Fox for the first time. On that day the Keenans were seen by two Metropolitan police officers, DS Day and DS McMillan, about Hill's alibi, the interview being conducted in the presence of the solicitors' enquiry agent, Mr Bennett, who made notes. The officers took statements from Mr and Mrs Keenan. There was no mention of Mrs Fox in these statements to the police. In his statement Mr Keenan said:

"I have been asked if I remember coming home from work on the night of the Woolwich bomb. I don't remember anything special about it. I know I was home but nothing happened. I am sure that Paul came home with me that night. We were watching the TV afterwards.

On the night of the Woolwich bomb Paul went out to 'phone Gina between 8 and 8.30 pm. I am not sure of the exact time, that is why I am saying between 8 and 8.30 pm. I watched TV. I saw Mastermind (a quiz programme) and later Monty Python's Flying Circus. I saw Paul again when he came in about half an hour after he went out.

I first heard about the Woolwich bomb from a news flash on the television in my living room at 91c Brecknock Road, It was about 10 o'clock at night or it might have been a bit later. In the house at that time was my wife Anne and Paul Michael Hill."

Mrs Keenan said:

"I can remember the night of the bomb at Woolwich as it would have been a normal Thursday night at our home. My husband and Paul going to work and returning about 6.30 pm. Both would freshen up, have their meals and then settle down to watch television. Paul would have gone down to the phone which was normal practice on a Thursday night. He returned about 20/30 minutes later and stayed in the rest of the evening. We would have watched "Top of the Pops" then "Six Million Dollar Man" they are on every Thursday and I think Monty Python was on. A news flash came over, it was definitely after 8 o'clock, I am not sure of the time, it was quite brief, it said word was coming in about something in Woolwich. Something about a pub I think it was I think it was after the 9 o'clock news and we said it was terrible or words to that effect. I think it was just the one flash. We didn't stay up late because we get up early for work in the morning. We probably went to bed about ten."

11.28 It was only after the two police officers had left that the Keenans mentioned Mrs Fox to Mr Bennett. (Mr Keenan was at pains to explain to

Avon and Somerset in 1988 that their failure to mention Mrs Fox to the police was not deliberate and I accept that it was not). A note dated 16th May 1975, written by Mr Melton, records the details of what the Keenans had said to Mr Bennett who in turn had reported back to Mr Melton. The note makes clear that although Mrs Fox's name had been mentioned there had been no suggestion that she was in a position to support the alibi. She had left the Keenans' well before the time of the bombing. The note said:

“Keenans OK. Nothing new came out at all.

Mrs Y Fox
15 Willingham Close
Leighton Road
London NW5

Visited Mrs K on 7th November
6.45 pm stayed until 7.45 pm
Remembers seeing him there
Recalls this as she gone along because
giving childrens party on 10th
Wanted to know if child be fit he
off with flu”

11.29 Despite the timings which the Keenans had given, Mr Melton clearly thought it advisable to contact Mrs Fox. He wrote to her on 20th May in the following terms:

“We are acting for Mr Paul Michael Hill who is due to appear at the Central Criminal Court in September to answer a charge arising out of the Woolwich bombing case that took place on the 7th November 1974.

We are given to understand that you may be able to assist us in our enquiries into this matter, and we should be most obliged if you could confirm that you would be willing to be interviewed by a representative of our firm in the near future.”

11.30 There is no record in the solicitors' documents seen by the Inquiry of their having received any reply to this letter or of their chasing Mrs Fox for a response. As we shall see, the next event according to the solicitors' file was the sending of a telegram to Mrs Fox on 6th October 1975 after the trial had begun. However, in 1988 Mrs Fox told Avon and Somerset that she had replied to this letter and in her 1987 statement to Mr Logan said that in her reply she had set down everything that she could remember about 7th November 1974. To Avon and Somerset she said “I suppose I told him that I was there that night,” but asked whether she went into detail about what had happened that night she said that she could not remember.

11.31 Meanwhile, Gina Clarke, Paul Hill's girlfriend and the other witness named in the alibi notice, was seen by police in Belfast on 24th June 1975. She gave the police a statement in which she said this about the evening of the Woolwich bombing:

“On the night of November the 7th, 1974, I received a telephone call at Hammond's house 15, Azof Street, London, it was from Paul Hill. He 'phoned me every night as there was a 'phone in the house, [the Hammonds' house, not the Keenans'] also he always 'phoned on Thursdays to make sure I would be coming up to meet him that Friday night. I got his 'phone call around 9 pm, and we stayed on the 'phone about ½ hour to ¾. I had to ring him back as he had ran out of change. I remember the next day plainly as we lived near Woolwich and people were talking about the bombings which had happened the previous night.”

11.32 On 4th July 1975 Mr and Mrs Keenan signed their proofs of evidence and returned them to Mr Melton. Their proofs had been amended by them with the help of the Camden Community Law Centre. Two significant points emerge from the proofs. First, there is no mention in either proof of Mrs Fox. Secondly, Mrs Keenan in her proof in relation to Hill's phone call to Gina expressed herself somewhat uncertainly. What she said was that Paul Hill often phoned his girlfriend and usually did so from one of several nearby phoneboxes sometime after 8 pm. He was usually gone for about 10 or 15 minutes. She said that on the evening of the bombing she was at home watching television with her husband, their four year old son and Paul Hill. As regards Hill making a phone call on that evening she said only “I believe he went out and phoned Gina. I am not sure though”. In any event she said that after Top of the Pops they watched Six Million Dollar Man together and Paul Hill was with them when there was a newsflash about the Woolwich bombing. Of these events Mr Keenan in his proof said simply that he agreed with his wife's account.

The trial

11.33 The trial of the Guildford Four began on 16th September 1975. Mr Melton told Avon and Somerset that he attended most days of the trial, certainly as the defence stage drew near. On other days Jancis Wiles would be in court. Hill's counsel were Arthur Mildon QC, whom Melton knew well, and Michael McMullan. They were instructed very early and appeared at all the weekly remands. Mr Melton said that he was in very close touch with them throughout the trial and discussed all important matters with them.

11.34 As I have said, a telegram was sent by Hill's solicitors to Mrs Fox on 6th October 1975. It was sent at Mr Melton's request and said:

“Please contact Mr Melton's secretary, Southampton 25261, immediately.”

This telegram is the next relevant document concerning Hill's Woolwich alibi which is to be found in the solicitors' papers after they wrote to Mrs Fox in May 1975. Unfortunately I have been unable to establish why it was suddenly decided to contact Mrs Fox. A further telegram followed later that day asking Mrs Fox to be at the Old Bailey at "10.30 am on Wednesday" - which would have been 8th October. A note by Mr Melton's secretary, Miss Higgins, records a call from Mrs Fox later on 6th October in response to the telegrams. This note, which was written by Miss Higgins for the attention of Mr Melton, is significant for its record that Mrs Fox did not know what time she had seen Hill on 7th November 1974. It said:

"She does not think she can be at court at 10.30 am on Wednesday but will arrive soon after. She has to pick her children up from school and must be back in Kentish Town by 3 pm.

How long will she be required?

She can remember seeing Hill at the Keenans on the 7th November.

Does not know what time.

She is phoning me at 12 tomorrow so please leave note about how long she will be required and what happens about her children if she is still in court."

11.35 In her statement to Avon and Somerset in 1988 Miss Higgins (now Mrs Labrum) commented:

"I received this call and wrote the message. In the message there are two lines which say "She can remember seeing Hill at the Keenans on the 7th November. Does not know what time." If I had been asked by David Melton to ask Mrs Fox some questions I would have included the question. I am sure that these two lines came from Mrs Fox unprompted. I always try to take down accurate messages and I am sure that I would write down what she said. Working as I did for a solicitor I know the importance of accurate notes and was experienced in taking them. The way I see the message is that I was trying to get her to attend court and she was not keen and said words to the effect that she could not help. My normal way of taking telephone messages would be to answer the telephone making shorthand notes on my pad. As soon as the call was over I would make out the attendance note. All my shorthand notes from those days have been destroyed."

11.36 In her 1987 statement Mrs Fox gave her account of how she came to attend court. She said that it was in response to a summons. She further said that she had to wait at court for a few days. Her words were:

"The next letter I received from Mr Melton [ie. after the reply she said she sent to his of 20th May] was a summons to attend Court. It

had a date in it being the day on which I had to attend. I attended Court in accordance with the Summons. I had to wait at Court a few days. It was the week commencing 9th October 1975.”

11.37 There is no record at the Central Criminal Court of Mrs Fox having been sent a summons. As regards the telegrams, Mrs Fox told Avon and Somerset in 1988 that she had no recollection of receiving any telegram and was sure that she had not telephoned Mr Melton’s office. She also said, contrary to what Miss Higgins had written on the attendance note, that attending court would not have caused her problems over looking after her children.

11.38 In any event, Mrs Fox in her 1987 statement explained how she came to leave court without giving evidence. The significant features of this account are, first, that Mrs Fox attended court for two or three days with Mr and Mrs Keenan before their evidence was called. Secondly, that she left the court before Mr and Mrs Keenan gave their evidence because she had been told by Mr Melton that she would no longer be needed, but no explanation had been given to her as to why this was so. The material part of her 1987 statement is as follows:

“On the first day that I attended Court, Mr Melton called out my name and I identified myself to him. He asked me what I could remember of the 7th November 1974, and I went over the events again with him. I remember asking him whether or not my address would have to be read out in Court and he told me that he could not guarantee that my address would not be given out in Court.

I had in fact attended Court with Anne and Frank Keenan because they had to give evidence on behalf of Paul Hill as well. We all sat together for those days before the evidence was called.

I was told by Mr Melton, I believe, at Court, that I would no longer be needed. No explanation was given to me as to why my evidence was not needed. I, in fact, did not remain at the Court but left before Anne and Frank gave their evidence. I believe I attended Court for two or three days.

I did not make it a condition of giving evidence that my address should not be read out, although I was concerned about it bearing in mind the nature of the case and the amount of public attention that it attracted. I saw Mr Melton on each of the days that I attended Court.

No explanation was ever offered to me as to why I did not give evidence and I was at all times willing to do so even if my address was going to be mentioned because I understood that the same thing had been said to Mr and Mrs Keenan about their address.”

11.39 Although Mrs Fox in her 1987 statement had said that she had attended court for about three days, a matter which she confirmed to Avon and Somerset in 1988, the court records show only that she attended on one day, namely 8th October 1975, and was paid for that day only. This is of course the date on which the solicitors' records indicate that she was asked to attend. That Mrs Fox attended only on this one day is also confirmed by a note by Miss Higgins dated 18th October 1975 in which she recorded a telephone call from Mrs Fox complaining that she had not yet been paid for Wednesday 8th October. No other day is mentioned. It may well be, however, that although she attended as a potential witness only on this one day she was at court on other days as a member of the public and friend of the Keenans.

11.40 Following the trial Mrs Fox had no further contact with Hill's solicitors, apart from the query about payment for attending court, until the mid 1980's. She was not aware of the 1977 appeal at the time, only hearing about it later (she believed) from Hill's mother.

11.41 Mr and Mrs Keenan's recollection of the circumstances in which Mrs Fox came to leave court is set out in their interviews with Avon and Somerset in 1988. (Their 1987 statements tell us nothing about these events.) They also explained to Avon and Somerset why they did not mention Mrs Fox when giving evidence. Mr Keenan said that they had been sitting out in the corridor waiting to be called. Mrs Fox had been there on one of the days and had told them that Mr Melton had asked her to go to court. Mr Melton had come out of the court room and called for Mrs Fox and her husband. A discussion followed between Mr Melton and the Foxes. The next thing that happened according to Mr Keenan was that Mrs Fox came up to him and his wife and told them that Mr Melton had told her that he did not need her. Mr Keenan told Avon and Somerset that when he heard this he had been "shocked" and "just couldn't think why". Mrs Fox had then gone home. Mr Keenan had not mentioned Mrs Fox when in the witness box because, "the solicitor had told her that she was not required" and he did not see any point in bringing it up.

11.42 Mrs Keenan gave Avon and Somerset a similar account although her recollection was that Mrs Fox had been at court "part of the week". Mrs Keenan said that although she had not herself said anything about Mrs Fox when giving evidence, "if they [counsel] had mentioned Mrs Fox in court to me I would most certainly have mentioned Mrs Fox back."

11.43 As I said in my introduction to this Chapter, one of Hill's defence team told Avon and Somerset in 1988 that Mrs Fox had been sent away from court because what she had said to them had not amounted to an alibi. This was a reference to what Arthur Woodford, a partner in Hill's solicitors, had told Avon and Somerset in 1988. He himself had not attended court. Accordingly his recollections must have been based on discussions with others. What he told Avon and Somerset was that Mrs Fox had turned up at court

and said “that she had seen Hill on the day of the incident” but that “what she said did not amount to an alibi and it was decided not to call her”. He remembered being told that “it was too dangerous to call her”, saying further that all decisions about which witnesses should be called had been made by counsel. The material point of his statement concludes:

“As far as I was aware Mrs Fox was never called because she could not help. If she had been able to give evidence of alibi she would have been in the witness box immediately.”

11.44 Mr Melton himself told Avon and Somerset in 1988 that he had no personal recollection of seeing Mrs Fox at court. He did say, however, that it would have been his normal practice to have seen witnesses and to take a proof from any witness likely to be called but in any case everything would have been discussed with counsel. He was unable to make any further comment but did say that:

“If Mrs Fox had given an account of events to me at court as recorded in her 1987 statement then it is likely that permission would have been sought to call her even though she had not been subject of an alibi notice. However, it would have been discussed by counsel and it may have been the case that even if such an account of events was given to me at the court, previous accounts of her recollection may have thrown doubt on the wisdom of calling her.”

11.45 There is some evidence that Crown counsel became aware at the trial that the defence had decided not to call Mrs Fox. This comes in statements made to Avon and Somerset in 1988 by the late DCS Simmons of Surrey in which he remembered Mrs Fox being mentioned by a member of prosecution counsel at one of their daily conferences. Mr Simmons’ recollection was that the gist of what counsel was saying was that the defence had decided that Mrs Fox should not be called to give evidence.

11.46 Crown counsel’s knowledge of the defence attitude to Mrs Fox probably arose because the defence team had considered it prudent to give advance warning that Mrs Fox might be called as an alibi witness, although not mentioned in the alibi notice, and had then told the prosecution that she was not to be called after all. I have, however, been unable to obtain from counsel then representing Hill any confirmation that this was the case or indeed the details of any recollection that they may have concerning Mrs Fox. This is because Mr McMullan has no recollection now of these matters and Mr Mildon has been unable to obtain Hill’s consent to speak to the Inquiry about his case.

11.47 The evidence given at trial about Hill’s movements on 7th November appears in the judge’s summing up. As I indicated earlier, neither Hill nor the Keenans mentioned Mrs Fox in their evidence. In his evidence Hill said:

“I first heard about the Woolwich bombing the next day. I could have heard about it on the News at Ten, but I am not positive. On the Thursday I went to work with Mr Keenan. I went in at eight am. I finished at about six pm. I left the site to get chips at twelve-thirty and was off the site for about two minutes. At six pm. I went home to my uncle’s flat, arriving at about six-thirty. I had a bath, watched television and had supper. The programmes were Six Million Dollar Man and Top of the Pops. I watched Six Million Dollar Man up to the time when I went out to telephone my girlfriend, it was nine-ish. I went to Camden Town tube station to do so. I walked. It is about nine minutes walk from Brecknock Road. I talked to Gina for twenty minutes to half an hour and then I walked back to the flat. I got back between nine-thirty and ten. I didn’t go out that night again. I lay on the bed watching television. The first time I am positive I heard of the bombing was the next morning, but I could have heard it at the end of the News at Ten.”

Having checked against the three sets of notes (to which I refer in paragraph 12.3) of the evidence given at trial it is clear that Hill said Kentish Town tube, not Camden Town, and that it took 5 not 9 minutes to get there. Otherwise the summing-up is an accurate account of Hill’s evidence.

11.48 The judge recorded Mr Keenan’s evidence as follows:

“On Thursday 7th November I went to work at about seven-twenty. I go to work at that time every morning. Paul went with me that morning. I was just labouring. I reported in at seven-thirty am. and left at about six pm. I made my way home by bus with Paul. We got in at about six-thirty. My wife was there. We had a clean up and wash and had supper. I spent the rest of the evening watching television. We started to watch television at about seven pm. We watched Six Million Dollar Man and part of Top of the Pops. Paul went out at about nine-thirty pm. There was nothing unusual about it. He went out and rang up Gina. I was there all day on the site.”

In fact Mr Keenan said that Hill went out at about 9 pm and returned at about 9.30 pm. Mr Keenan also said that he learned of the bombing from a news flash on 7th November. In cross-examination he said that there was really nothing different about that Thursday except the news flash.

11.49 Mrs Keenan said in her turn:

“I had prepared the supper. Paul and my husband came in, washed and had supper. They watched Top of the Pops and the second part of Six Million Dollar Man and Monty Python. Paul went out to make a phone call after nine pm. He was out for about fifteen minutes.”

Then in cross-examination she said:

“This Thursday was like any other. We usually go to bed around ten pm. It would have been later that night. We watched Monty Python and went to bed after that.”

When it was put to her that Monty Python finished at 9.32 pm she said:

“Then I must have been in bed by ten o’clock. We did see the news flash on the television. The Thursday was an ordinary one. Hill sometimes rang only on Thursdays. He always rang on Thursday because his girlfriend used to come on the Friday and she stayed at weekends. The Thursday call was to find out when he would meet her. He went out after nine pm. but after Monty Python began. I remember the night because it was just a normal night.”

11.50 It was put to the Keenans in cross-examination that their failure to mention that Paul Hill was in the flat when the police called on 23rd November was a deliberate attempt to hide him. This they denied, saying that they were only asked for “Benny” whom they believed to be Patrick Hill. They had no idea until Paul’s arrest that he was also known as “Benny”. Paul had never asked to be hidden.

11.51 Gina Clarke gave evidence about 7th November although the judge did not remind the jury of it in his summing up. She said that Hill rang her at about 9 pm from a call box at Kentish Town tube and they talked for 25-30 minutes. Mary Hammond was not called to give evidence.

11.52 When Hill came to put in his grounds of appeal³⁶ he made no mention of Mrs Fox. Mr Melton told Avon and Somerset that the question of Mrs Fox had not arisen as a ground of appeal and would not have done so “if the decision had been made at the trial not to call her”. He emphasised that “there was no question of her not being available to give evidence at trial”.

The events of 7th November 1974 as recalled in 1987 onwards

11.53 It will be recalled that according to the solicitors’ note of 16th May 1975 Mr and Mrs Keenan had told Mr Bennett on the previous day that Mrs Fox had visited them on 7th November 1974 at 6.45pm and had stayed until 7.45pm. In her 1987 statement to Mr Logan, however, Mrs Keenan said that Mrs Fox had called at about 7pm but “she had left by the time that the newsflash came on to the television. She wasn’t in the house when the newsflash came on”.

11.54 It will also be recalled that in her proof of evidence dated 4th July 1975 Mrs Keenan had said she believed that Hill had gone out and phoned

³⁶ Hill’s notice of appeal was not filed until 1977. See Chapter 16 below.

Gina but "I am not sure though". However, in her 1987 statement concerning this matter Mrs Keenan expressed no doubt. She said:

"Paul could not have left the house on 7th November for more than 20 minutes. I remember that evening we watched Top of the Pops, Monty Python's Flying Circus and Mastermind.

I have absolutely no doubt whatsoever that Paul was in the house, apart from that 20 minutes when he went to ring Gina, for the whole evening of 7th November, after he returned from work."

When Avon and Somerset pointed out to Mrs Keenan in 1988 that it was still unclear from her 1987 statement when, according to her, Mrs Fox had left, Mrs Keenan gave the following reply:

"Well, to be quite honest, usually whenever she [Mrs Fox] comes round and we go to her, we're there for several hours. I can recall her being there at the beginning of the 10 o'clock news. I looked at the clock and checked the time. I recall that when I found out that Paul was charged with the Woolwich bomb, I thought about it in more detail, about the 7th November. Yvonne put the time on her leaving time."

When pressed as to when she believed Mrs Fox had left, she said:

"Some time between quarter past - half past ten - she was not in the flat when the news flash came on."

11.55 In his proof of 4th July 1975 Mr Keenan had simply said that he had read and agreed with his wife's account of the evening of the bombing. His 1987 statement was essentially the same as his wife's. He told Avon and Somerset in 1988 that he could not remember the exact time of Mrs Fox's departure. He thought that she called round at about 6.30-7pm and stayed for between three and four hours.

11.56 In their evidence to me Mr and Mrs Keenan have remained adamant that both Paul Hill and Mrs Fox were with them on 7th November 1974 when the News at Ten started but that Mrs Fox had left before the news flash.

11.57 Although according to Miss Higgins' note of 6th October 1975 Mrs Fox had not then known what time she had seen Hill at the Keenans' on the night of the bombing, in her 1987 statement Mrs Fox gave a relatively detailed recollection of being at the flat at the beginning of News at Ten and leaving at about the end of part one. She said this:

"It took about 10 to 15 minutes for me to walk from my house to Anne and Frank's flat.

I think I arrived at Anne and Frank's flat about 7.00 in the evening.

As we sat and chatted we also watched TV. In the room with Anne and myself was Anne's husband, Frank, and Anne's nephew, Paul Hill. Paul was in the room for most of the time that I was there. However, he left the house saying that he was going to ring his girlfriend. As far as I can recollect he was gone for about 20 minutes. I remember that he just got up and walked out saying that he was going to make the telephone call to his girlfriend.

He came back about 20 minutes later as I have said and sat in the room watching television with us until I got up to leave.

By my recollection I saw the beginning of the News at Ten that night and I left about the end of Part One. I did not see any part of the Part Two of the News nor did I see any News Flash.

My husband told me about the Woolwich bombing when I returned home because he had seen the News Flash and I had not. Later Anne told me about Paul being charged with this offence."

11.58 Mrs Fox's husband gave a statement to Avon and Somerset in 1989 about these matters. He could not in fact remember when his wife left the house on the evening of 7th November 1974 nor when she had come home although he did say it was after the newsflash.

11.59 As we have seen, in his evidence at trial Paul Hill himself made no mention of Mrs Fox. When officers from Avon and Somerset saw him in prison on 23rd February 1988, in the presence of his solicitor, he said that he had known nothing about Mrs Fox being at the Keenans' at the time of the bombing until his aunt, Mrs Smalley, visited him in Gartree Prison in 1983 when the events of that night came up in conversation. He told Avon and Somerset that he had absolutely no recollection of Mrs Fox having been there and had known nothing of his then solicitor contacting her or that she had been at court. Nevertheless in his book *Stolen Years*, published in 1990, Hill does give an account of the evening of 7th November 1974 which accords with the Keenans' and Mrs Fox's 1987 statements in that he does now claim to remember Mrs Fox being present at the Keenans' flat at the material time.

11.60 Be that as it may, I have no doubt that the reason Mrs Fox left court on 8th October 1975 without having given any evidence was that she had told the representative of Hill's solicitors that she could not remember the time when she had seen Hill at the Keenans' on the day of the bombing. This explanation not only accords with Miss Higgins' note of the phone call from Mrs Fox some two days earlier but is also consistent with the record of what the Keenans had told Mr Bennett on 15th May 1975. The import of that note, it will be recalled, was that whatever time Mrs Fox was at the Keenans' there was no suggestion that she had still been there as late as the time of the bombing. Mrs Fox's inability in 1975 to remember the timings with any precision, together with the recorded accounts of Mr and Mrs Keenan in 1975 in which no mention is made of Mrs Fox's presence in their flat as late as

10pm, explains in my view why those representing Hill never put forward Mrs Fox as an alibi witness either at trial or at the 1977 appeal. I am bound to conclude, whatever is the present recollection of either Mr and Mrs Keenan or Mrs Fox herself, that if Mrs Fox had been called to give evidence at the trial in 1975 the jury would have found her testimony to be of little assistance.

Armstrong

11.61 By the time of the trial, the Crown case against Armstrong in relation to Woolwich was only that he had taken part in a photographic reconnaissance some time before the day of the bombing. So far as providing evidence of an alibi for that occasion was concerned, Armstrong was in a difficult position. The only source of the allegation and the only evidence relied upon by the Crown was Armstrong's own confession which Armstrong himself disputed. The confession had not been specific about any date for the reconnaissance. Armstrong had allegedly told the Metropolitan Police that he thought it had been on a Saturday morning about a week before the bombing. However, as no precise date was given any alibi to provide a defence would have had to cover a period of several days.

11.62 In the event, and perhaps understandably, Armstrong neither gave notice of any alibi in relation to the alleged reconnaissance nor sought at trial to prove any alibi for the time. In evidence he simply denied that he had been on the reconnaissance and disputed his confessions. The trial judge was obviously sympathetic to Armstrong's difficulties in providing an alibi for the time of the reconnaissance and expressly told the jury not to hold it against Armstrong that he had failed to prove one. He said:

“As far as the date of the photographic reconnaissance is concerned, it would be very relevant indeed to know what Patrick Armstrong was doing on that particular occasion, but as he had not been able to fix the date, and nor has the Crown, it is a little difficult for him to prove what he was doing at that particular time. It may be that you will think it is not right that you should hold it against him that he cannot prove an alibi for the time. But, of course, the photographic reconnaissance really begins and ends with his statement in which he says that he went on the reconnaissance. He now denies it and the only evidence you have got is from his statement.”

11.63 Nevertheless, in his alibi notice of 11th April 1975 Armstrong gave notice of an alibi for the bombing itself. This was no doubt because at that date and for a considerable time thereafter those representing Armstrong believed it was the Crown's case that Armstrong had been part of the bomb team. At the committal proceedings in March this allegation had been expressly made by the prosecution, although the only evidence in support of it was Hill's statement of 1st December 1974, made first to the Metropolitan and then to the Surrey Police, that it was Armstrong who had thrown the bomb into the King's Arms. This statement was of course inadmissible as

evidence against Armstrong. I am sure that the reason why by the time of the trial the allegation that Armstrong had been at Woolwich had been abandoned by the Crown was that no admissible evidence of Armstrong's presence at Woolwich had subsequently emerged.

11.64 In the circumstances it would have been understandable if Armstrong had not pursued any alibi for the evening of the bombing since his direct involvement was no longer part of the Crown case. However, not only did he give evidence at trial of an alibi for that evening, but he also called a witness in support, his associate Brian Anderson. In his summing up the trial Judge told the jury that as the prosecution were not suggesting that Armstrong actually took part in the Woolwich bombing Armstrong's whereabouts on that day were of little interest. In the circumstances the judge did not remind the jury of the alibi evidence they had heard. In fact the matter is not devoid of interest in any consideration of the material which was before the jury, since the evidence of Armstrong and that of his witness turned out to be somewhat contradictory. In his alibi notice of 4th September and in his evidence at trial Armstrong said that although he had spent most of the evening at 15 Rondu Road he did go out for a short time. In contrast Anderson's evidence was that although other members of the squat had gone out for a while, Armstrong had stayed in all evening. This was in keeping with a statement which Anderson had made to the police in September 1975 following their receipt of the details of Armstrong's alibi in the letter from his solicitors of 4th September. It will be recalled from Chapter 4 that Anderson was one of those living at the Rondu Road squat who had been arrested on the 30th November 1974 in connection with the Guildford bombings and then charged with murder, a charge which was subsequently dropped.

11.65 The Woolwich bomb exploded at about 10.10pm. Armstrong's detailed evidence at the trial of his movements on 7th November 1974 was that he had returned to Rondu Road not long after 4pm. He had then remained in the squat until about 8.30pm when he had gone out with John McGuinness and Robby Carlisle, leaving Anderson behind. Armstrong was not precise about the time he got back to the squat (but in his alibi notice he had said that it was about 10pm.) In the meantime he, McGuinness and Carlisle had been to a public house, the Windmill some 3 minutes walk away, staying there for about half an hour before going on to an Asian supermarket. There McGuinness and Carlisle had bought beer before all three returned to the squat, Carlisle picking up clothes from a launderette on the way.

11.66 Anderson's evidence, as I have said, was somewhat different. He said that he, Anderson, had stayed in all evening because he had no money but that although McGuinness and Carlisle had gone out for a drink for about one and a half hours from about 7.30pm until 9pm and brought a few cans of beer back with them, Armstrong himself did not go out at all. In his police statement Anderson had gone as far as to say that the only time Armstrong would have been out of his sight all evening was between 7pm and 7.30pm when he, Anderson, was having a bath.

CHAPTER 12

THE TRIAL

12.1 The trial opened at the Central Criminal Court before Mr Justice Donaldson and a jury on Tuesday 16th September 1975. Sir Michael Havers QC, Mr Michael Hill, Mr Paul Purnell and Mr Philip Havers appeared for the prosecution; Mr John Leonard QC and Mr Randolph Boxall for Patrick Armstrong; Mr Eric Myers QC and Mr Nicholas Gardiner for Carole Richardson; Mr Arthur Mildon QC and Mr Michael McMullan for Paul Hill; and Lord Wigoder QC and Mr Gordon Ward for Gerard Conlon. Armstrong, Richardson and Conlon pleaded not guilty to all the charges against them. At that stage Hill refused to take part in the proceedings and at the Judge's direction a plea of not guilty was entered to all the charges against him.

12.2 The charges against the Four are listed in paragraph 6.1 above. During the course of the trial Mr Leonard submitted that the three charges against Armstrong in relation to the Woolwich explosion could not be sustained, because the photographic reconnaissance in which he was said to have taken part was not closely enough connected to the subsequent explosion and the resulting deaths. The Judge ruled that an alleged reconnaissance with intent to cause an explosion (the ninth count in the indictment) did not disclose any offence known to English law and directed the jury to return a formal verdict of not guilty on that count. The two murder charges against Armstrong for the Woolwich bombings were left to the jury to decide. As I have already explained, the prosecution case was that having taken part in the reconnaissance Armstrong was guilty of murder as an aider and abetter.

12.3 No full transcript of the trial was ever produced. The shorthand writers' notes and the Judge's notebook are no longer available. A few short extracts of the evidence were transcribed and detailed notes of most of the proceedings were made by Mr Robert Maley of the DPP's office, by Mrs Jackson on behalf of Mr Logan and by prosecuting counsel. These have survived in full and together provide a good account of most of the oral evidence given at trial.

12.4 The prosecution was founded on the confession statements said to have been freely made by the Four. The defendants contended that these statements had not been made voluntarily and were the result of police oppression and suggestion. Further, it was claimed that such information as the Four had given to the police was largely untrue.

The evidence

12.5 The prosecution first called evidence from some of those who had been in the alcove of the Horse and Groom when the bomb exploded during the evening of 5th October 1974.

12.6 Carole Burns had been there with her parents and two friends, Paul Craig and Sheila Perrotte, to celebrate her birthday. They had arrived at about 7 pm - she remembered looking at the pub clock - and had remained in the alcove until the explosion, which killed Paul Craig and seriously injured the rest of the party. Her father said that he had seen two couples in the alcove during the evening, but they had arrived after 7 pm by which time the prosecution accepted that Richardson must have left in order to get to the South Bank Polytechnic before 8 pm. To identify the courting couple, alleged to have been Armstrong and Richardson, the prosecution relied on three soldiers, Jonathan Cook, Paul Lynskey and Julie Spooner.

12.7 Cook said that he had arrived with Lynskey at the Horse and Groom at about 6.45 pm. They stood by the bar and then near the juke box, from where he saw Spooner and her two friends. He also saw a young man and woman together on the far bench with their backs to the outside wall. He described the couple in some detail and said that the woman had fairly long rather dirty, but natural, blonde, wavy hair with a centre parting. She had a large, dark handbag which looked as if it was made of leather. Every time the door opened the man looked up. They were talking to each other and leaning forward, but he did not remember their kissing or smiling at each other and he thought they were not hitting it off. The couple left seven or eight minutes after he and Lynskey arrived in the pub and he and Lynskey then took their places. The Burns family party came in after the couple had left. Paul Lynskey confirmed Cook's evidence in general although he could not describe the couple and recalled that the man had his arm round the woman and was kissing her.

12.8 Julie Spooner said that she had arrived at the pub at about 5.45 to 6 pm with two WRAC friends. About 10 to 20 minutes later they got seats in the alcove. Two men who were sitting next to them left at about 6.30 pm and then Cook and Lynskey came in. She thought that Mr Burns and his family party came into the alcove at about 6.45 pm. At about 6.50 pm she noticed a couple who were kissing and thought they stayed until about 7.40 pm.

12.9 On Friday 19th September, in the absence of the jury, Lord Wigoder told the Judge that on Conlon's behalf he would be making allegations of duress and further that the explanation for much of what his client had said to the police was that they had suggested these things to him. Although such allegations would normally call for a trial within a trial, his client was willing for them to be taken as part of the main body of the evidence. Mr Leonard for Armstrong and Mr Myers for Richardson both associated themselves with this approach with which the Judge agreed.

12.10 Evidence in relation to the Horse and Groom showed that the bomb had been placed under the alcove bench seat against the outer wall. A device of similar size had been concealed under the end of the bench seat next to the entrance of the Seven Stars. The Guildford bombs used timing devices

made from pocket watches, which could provide up to either one hour or 12 hour periods of delay, while the Woolwich bomb had a short fuse and was packed with nuts and bolts to inflict the maximum amount of damage.

12.11 The police officers involved in interviewing the Four denied the accusations of impropriety made against them. The various allegations by the Four of the use of threats, violence, verbal abuse and other malpractice were rejected, as were the suggestions that the statements had been fabricated in any way. In his evidence D.Supt Imbert suggested that the inconsistencies in Hill's answers were not unusual with that type of person and that type of case.

12.12 The defence case was opened by Mr Leonard on behalf of Armstrong. He told the jury that Armstrong did not contend that the confessions had been beaten out of him. Only minor violence had been used against him but it had contributed to a state of mind in which he had confessed to things he had not done. Account had to be taken of his background and upbringing in the Divis Flats area of Belfast when he had been picked up and released by the army on a number of occasions. This too had contributed to a fear of what might happen if he did not confess. When Armstrong was arrested on 3rd December he had been under the influence of drugs. He was then subjected to skilful and sustained questioning. The combined effect of all this was to make him think that the safest course was to confess in detail, although his confessions were untrue and later wholly retracted.

12.13 Counsel said that he would put forward alibis for Armstrong both for 5th October and for 7th November, although in relation to the latter date it was alleged only that he had helped prepare for the bombing, not that he was there. Armstrong could not choose his alibi witnesses. They were people without diaries who would relate their recollections of what happened on 5th October to other events. If Armstrong and Richardson subsequently set off on a tour of the country to keep out of the way of the police, as the prosecution suggested, Carole Richardson would not have taken the risk of complaining to the police when she was assaulted by a man at a telephone box in Folkestone.

12.14 Armstrong gave evidence on these lines. He detailed the threats, violence and intimidation by the police which he alleged had led him to make his statements and described the way in which his answers, which were mainly untruthful, had been combined with the questions and turned into a statement. In cross-examination he said he had been lifted by the army in Northern Ireland on twelve occasions but had never admitted anything to them. He said that he had made these statements because he was frightened of what the Surrey officers would do to him.

12.15 John and Jacqueline Walker and Thomas Leniston then gave evidence in support of Armstrong's alibi for 5th October which is dealt with in Chapter

9. Brian Anderson gave the evidence referred to in paragraph 11.66 of having been with Armstrong at 15 Rondou Road for the whole evening of 7th November until 11 pm.

12.16 After Armstrong's evidence Richardson read a statement from the dock. She briefly set out her background and her links with Armstrong and then described in detail her activities on the 5th October which gave her her alibi. She spoke to the circumstances in which she was interviewed and made statements to the police. She claimed that she had been under the influence of drugs when arrested and that she had been assaulted before she had made any admission about Guildford. Her statements had been virtually dictated to her. Evidence supporting her alibi, which is dealt with in paragraphs 10.41 - 10.44, was then given by Lisa Astin, Frank Johnson and others.

12.17 Mr Mildon then opened the defence for Paul Hill, who went into the witness box and gave evidence relating to his alibis for 5th October and 7th November. He described the threats and the assaults he had experienced at the hands of the police and in particular the threat to charge Gina Clarke with the bombings, which led him to make the series of statements in which he admitted his involvement. He was taken through his first statement and agreed that he had said most of it, but he denied the truth of all the incriminating admissions. He also pointed out the parts of his second statement which were false. The contents of his statement on 2nd December were a mixture of his own ideas from earlier ones and what the police told him. His other statements were on much the same lines. Gina Clarke gave evidence relating to Hill's alibis for 5th October and 7th November which are dealt with in Chapters 7 and 11. This was followed by evidence relating to the 5th October alibi from John Clarke and Mrs Crosby and alibi evidence for 7th November from Frank and Anne Keenan.

12.18 Conlon gave evidence on his own behalf. He recounted how he had met his three co-accused. He then described his movements on 5th October in detail, including the alibi to be supported by Paddy Carey. He said that he had been picked up by the army three times in Belfast and been battered and brainwashed by them but had never admitted anything. He described various assaults on him by the police while in their custody and the threat that his mother could be shot unless he made a statement. He said that his statements were a mixture of his own ideas and what the police dictated to him. The identification of places in Guildford had been made by the police not by him. He finished by denying that he had been involved in the Guildford or any other explosions.

12.19 Under cross-examination Conlon denied that he was a member of the IRA or had ever been to Guildford before he was taken there by the police. He had confessed to the bombings and named other people because of the threats to his family. Patrick Carey was then to be called as an alibi witness for Conlon but he failed to appear.

Summing up

12.20 After closing speeches on the 14th, 15th and 16th October, the Judge began his summing up on Monday 20th October. He briefly set out the circumstances of the bombings at Guildford and directed the jury on the principles of law applicable, particularly on the onus and standard of proof. He suggested that the similarities between the two bombings in Guildford on the same evening might lead the jury to think that it was unlikely that the bombings were carried out independently by different groups. The King's Arms operation at Woolwich, however, was quite different not only in time but because of the nature of the bomb, a fused anti-personnel weapon wrapped round by coach bolts. Evidence given by witnesses to that bombing (see paragraphs 2.14 - 2.16 above) had shown that there were three or possibly four people involved. However, none of them identified Hill, and the car used by the bombers as described by them was different from the car described by Hill in his statement to the police. The jury should consider to what extent the evidence fitted in with what Hill had said to the police. It certainly did not do so in all respects and the jury would have to consider whether that statement, as with all the others, amounted to a true confession or not.

12.21 The Judge reminded the jury of a case reported during the previous weekend in which the Court of Appeal had set aside murder convictions based upon confessions which were subsequently shown to have been false and held that case up to them as a warning that they should act on the statements said to have been made by the defendants only if they were sure that what were relied on as confessions had been made voluntarily and were indeed just that.

12.22 He directed the jury to consider the cases against each of the Four accused separately. He summarised the evidence against each of them in a manner which requires no general comment and about which no justifiable complaint could or indeed has been made.

12.23 The Judge began with Patrick Armstrong and outlined the matters which had to be shown in relation to each of the charges. The issue in relation to the Horse and Groom was whether Armstrong placed the bomb. If they had any real doubt about that then he was not guilty of murder. In relation to the charge of conspiracy to murder at the King's Arms, the jury had to be satisfied that Armstrong went on the reconnaissance and did so knowing that its purpose was to prepare for a future bombing and murder. The Judge went through the content of Armstrong's two statements and reminded the jury that Armstrong had said that the contents were almost entirely untrue and that he had signed them because he was high on drugs and frightened of the Surrey officers as a result of their threats and ill-treatment. It had been said on his behalf that his background in Belfast might have made him fearful of authority. Another view might be that that experience had made him more able to stand up to it. It was a matter for the jury to decide. As to the effect of drugs, the jury might like to consider whether this would have persisted from the date of arrest on 31st November right through to the second Surrey

statement on 5th December, and then on to 10th December when Armstrong was interviewed by three senior Metropolitan Police officers about the Woolwich bombing. According to their evidence he had identified where they had parked and taken photographs on reconnaissance for that bombing. They said that he had denied responsibility for carrying out the bombing at Woolwich and the Seven Stars but had admitted to carrying the bomb into the Horse and Groom.

12.24 The Judge then turned to the case of Carole Richardson. The Crown said she was an IRA sympathiser who voluntarily took a key part in planting the bomb in the Horse and Groom, knowing that a second bomb was going to be planted in another pub, and was therefore guilty both of murder and conspiracy to cause explosions. Her defence was simply that she took no part in the bombing at Guildford, and was in London for the whole of Saturday 5th October with an alibi for the vital period during the evening. (I have examined this alibi in detail in Chapter 10.)

12.25 The Judge reminded the jury of her statement from the dock, the evidence of her friends and the failure of the witnesses to identify her on an identification parade. He set out the substance of her alibi, stressing the importance of the timing of her arrival at the Charlie Chaplin public house and the South Bank Polytechnic, and the time of the planting of the bomb. He reminded the jury of the time required to drive from Guildford to the Polytechnic and that a couple had been witnessed leaving the pub between 6.45 and 7pm. He also took the jury through Richardson's statements, reminding them of the circumstances in which she alleged they were made. He commented on the detailed account of the bombing, which might suggest that she was present unless the answers had been dictated to her as alleged.

12.26 The Judge finally referred to a later interview of Richardson by D.Supt Imbert and DCI Munday on 12th December 1974, which she could not remember but did not deny, when she was recorded as having admitted to the Guildford bombing but declined to say anything about anyone else. There was no complaint against those officers, who were then concerned with the Woolwich bombing, and if their evidence was accepted Richardson appeared to have made a voluntary confession of guilt.

12.27 The Judge then turned to the evidence relating to Paul Hill. The Crown based its case almost entirely on the six signed statements he made to police officers and their evidence of what he had said to them at various times. In evidence Hill said that he made the statements not because of police ill-treatment to him but to prevent the police carrying out their threat to charge Gina Clarke with the offences. The defence had put forward an additional line of defence which Hill could not have been expected to use himself, namely that he had made the statements because he was a compulsive talker. Counsel had also questioned why there was no pre-arranged and watertight alibi for what was a highly sophisticated crime. The Judge then reminded the jury that

it was not alleged that any violence had been shown to Hill before the first five statements, but that he had been clouted off a chair and sat on before making the sixth. Amongst the questions which the jury might ask themselves in considering Hill's case as a whole were whether Hill, undoubtedly in love with Gina Clarke as he was, would have been prepared to confess to murder to get her off the hook; what sort of danger of conviction was she in anyway; how his confessing to murder would help to get her off the hook; why he had confessed to Woolwich as well as Guildford; why he had not apparently sought any assurance from the police that if he did confess Gina would go free; and finally whether it would be possible to produce such a detailed confession if it were not true.

12.28 The Judge turned lastly to the case of Gerard Conlon who had denied that he was at Guildford and had put forward an alibi that he was in London. He had said that he had an independent witness to this alibi, Paul Kelly (a mistake for Patrick Carey) who had not come forward to support it. The Judge said that in other circumstances the jury might consider it odd that the sole alibi witness had not come forward. However, circumstances in Northern Ireland were such that there were real practical difficulties in getting witnesses to testify and his absence should not be held against Conlon at all. (I have dealt with Conlon's alibi in Chapter 8).

12.29 Conlon had said in evidence that he had been picked up by the army in Northern Ireland on a number of occasions but, though beaten and brainwashed, had never confessed. He said he had been assaulted by police officers after his arrest. However, he had not said that he confessed on that account but because of threats against his family, including a threat to have his mother shot by the SAS.

12.30 The Judge said that in considering Conlon's case the jury would take the fullest account of the facts put forward on his behalf that he had left England under his own name, had not disappeared to Eire or elsewhere, and was at his own home when the police came to arrest him. Lord Wigoder had also stressed that Conlon had not written on the statements that they were made of his own free will. The jury would have to decide on the significance of that omission in the light of the evidence of the officer concerned that it was not his practice to include such a sentence, and the thought that if Conlon was so scared that he had confessed to murder he might easily have been scared into adding such a postscript.

Verdict and sentences

12.31 The jury retired on 21st October and the next day returned unanimous verdicts of guilty on all the outstanding charges.

12.32 Carole Richardson was ordered to be detained during Her Majesty's pleasure for the offences of murder and to life imprisonment for the offence

of causing explosions with no separate penalty for conspiracy. Gerard Conlon, Patrick Armstrong and Paul Hill were sentenced to life imprisonment for murder and for causing explosions, and to twenty years' imprisonment for conspiracy to cause explosions. Armstrong was additionally sentenced to ten years' imprisonment for conspiracy to murder. The Judge made separate recommendations as to the length of time each of the men should serve, giving his reasons for making a difference between them. For Conlon he recommended not less than thirty years; for Armstrong not less than thirty-five years; and for Hill that he should never be released except on account of great age or infirmity.

CHAPTER 13

POST CONVICTION INTERVIEWS

13.1 Following their convictions Conlon, Hill and Armstrong, though not Richardson, were interviewed by the police. Conlon was seen on four occasions by the Metropolitan Police, Hill once by Surrey and Armstrong twice by Surrey. This Chapter, like Chapter 5, merely records without conclusions the different accounts of those events given by the police and by Conlon and Armstrong.

13.2 The Guildford Four trial, it will be recalled, ended on 22nd October 1975. At 7.45pm on 23rd October 1975 the Metropolitan Police received a message from Wandsworth Prison that Conlon urgently wanted to see a member of the Bomb Squad.³⁷ DCS Imbert and DS Lewis saw him for two hours later that evening. According to DS Lewis' record of the interview Conlon spoke about IRA activists and other republican sympathisers in England and Northern Ireland generally but also talked about the Guildford and Woolwich bombings. He is reported to have said that Hill with two others carried out the Woolwich bombing but that he was sure that Armstrong was not present. He believed the car used was almost certainly McGuinness' white Triumph Herald and that McGuinness was probably one of the two men.

13.3 Conlon is further reported to have said that the Guildford team had consisted of himself, Hill, Armstrong, a man called Tony, a woman called Marion and another girl he had described in his statements but whose name he did not know. They had all driven to Guildford in a red Cortina. They were joined there by Carole and a man whose name Conlon did not know, both of whom came down by train. Conlon said that the explosives expert who made the Guildford bombs was the woman Marion; he was not sure of her surname but he described her and said that her photograph had been in the papers some weeks previously.

13.4 Conlon was seen again by DCS Imbert and DS Lewis on 31st October 1975, on which occasion unbeknown to him the interview was taped. In the months leading up to the 1977 appeal Conlon initially denied that the voice on the tape was his but had to concede otherwise in the face of evidence from a phonetics expert engaged by his own solicitor. In this interview he added nothing of substance about Guildford or Woolwich, the interview being chiefly concerned with the activities of other republicans. However, he made it quite clear on tape, as the same officers had recorded in writing on 23rd October, that he was a member of D Company, 2nd Battalion PIRA in Belfast. He

³⁷ In his book *Proved Innocent* published in 1990, Conlon suggests that this interview was initiated by the police. The records made at the time show that it was initiated by Conlon.

also said that Hill was a member of D Company and that he was sure that Armstrong was a member of C Company, 2nd Battalion.

13.5 On 9th December 1975, when the Balcombe Street siege was underway, and again on 12th December, Conlon was seen by DCI Munday and DS Doyle. Neither interview was taped. According to DCI Munday's record of the interviews, which is dated 4th February 1976, Conlon said that it was originally intended to bomb a third pub at Guildford, the Three Pigeons. The Three Pigeons was an "army pub" favoured by the soldiers stationed nearby. There were only three such pubs in the town, the other two being the Horse and Groom and Seven Stars.

13.6 I have recorded here only those features of Conlon's four post-conviction interviews which seem to me to be directly relevant to the Guildford and Woolwich bombings. He said much else besides, however, and named many names. A Metropolitan Police Special Branch report of 3rd May 1976 assessed the information given to DCI Munday and DS Doyle on 9th and 12th December 1975. It concluded:

"As can be seen from the break-down of Conlon's information in this report, the majority of persons mentioned by him as being involved in, or associated with, terrorism or having other connections with extreme Irish political matters have come to the previous notice of Special Branch. Conlon was obviously well associated with PIRA matters both in Belfast and this country and, as such, his information concerning those other personalities so involved can, I feel, be taken seriously. It can be seen that the particulars of some of the persons mentioned by him are not exact but there is little doubt that he is referring to those persons identified in this report.

Of necessity, Conlon's information is somewhat old, albeit not specifically outdated. Some of the persons mentioned by him as being involved in terrorism are still at large and although often known to us and provincial Special Branches it cannot be definitely ruled out that such persons are not still engaged in such matters.

Bearing in mind that the information given by Conlon that can be checked is substantially verified, I feel that credence can be attached to the other names and particulars mentioned by him that are not known to the police. As such any further information offered by Conlon would be of interest although as time passes the substance and veracity of the particulars given will obviously decrease in value."

13.7 As will be seen in Chapter 17 of this report in which I deal with the 1977 appeal, the Court of Appeal refused a request by the Crown to admit transcripts of the taped interview with Conlon on 31st October 1975 and records of the other three interviews on the ground that to do so would be prejudicial to the other applicants. This material was disclosed to the Four's

solicitors before the appeal began, however, and its existence is no secret. In a joint advice of 7th October 1977, a matter of days before the appeal began, Conlon's counsel Mr John Lloyd-Eley QC and Mr Gordon Ward said this :

“We saw this Appellant at Canterbury Prison today and were told by him in consultation that when he gave the information to the police at the meetings in October and December 1975, he gave that information because he had been promised that his father, who was awaiting trial, would be assisted by the police. He asserted that much of the information which he then gave was either false, as in the case of his reference to the persons responsible for the Guildford and Woolwich bombings, or about matters which were general knowledge or common gossip. We take the view that it is important to establish by any independent evidence which can be made available that some of the information which he gave was false because this supports his assertion that he deliberately gave false information or agreed a false account of the persons involved in the Guildford and Woolwich bombings”

13.8 Conlon still continues to assert through his present solicitor, Mrs Peirce, that the reason he spoke to the police was to help his father who, with the other Maguire Seven defendants, was then still awaiting trial. It must be said in this regard that in his first interview with the police on 23rd October 1975 he said that he was sure that the Maguire Seven were all innocent and that he hated his Aunt Annie because although she had the connections “over the other side” she refused to get involved with the IRA. He added that his father was too pro-British to get involved and that he was sure that the nitro-glycerine traces found by the government scientists amounted to a “stitch up”. Further, Conlon has contended that the names he gave could easily have been picked up by anyone with a Belfast background who frequented certain pubs there, in London and in Southampton and who, like him, had spent almost a year on remand in the company of other republican prisoners.

13.9 On 5th November 1975 Paul Hill was seen in prison by DCI Gladwell and DS Woodfield of Surrey who were engaged in the investigation of an IRA attack on a pub at Caterham on 27th August 1975. Before discussing Caterham, Hill spoke about Guildford. According to DCI Gladwell's record of the interview, which was dated 6th November, Hill said that only two of the Guildford Four took part in the bombings. He would not say who but denied his own involvement. He said that he did not know Richardson, that Conlon was a “nut” and that Armstrong would “admit to anything”. DCI Gladwell's report continued:

“Hill would not be drawn as to how many, and who else were responsible for the Guildford bombings. He was adamant that he was not on the ‘job’, but knew what was taking place. He went on to say that it was all part of IRA tactics to give conflicting statements which incriminated persons who were not involved, and said that when

interrogated at Guildford he was left for 36 hours, which for him was too long, and gave him an opportunity to think up a story.

Hill showed no signs of remorse for his crimes, and said he did not care how many 'Brits' (British soldiers) were killed although he did not go along with indiscriminate bombings. He then said that he and other IRA bombers were confident that they would not serve even 5 years before they were released as part of a solution to the Northern Irish situation

In relation to the Caterham Bomb explosion, Hill said that this was, as the Guildford bombs were, a Military Target. He then went on to say that we could expect a lot more bombings in the UK and in particular 'Military Targets' in Surrey and Hampshire. His actual words were 'You haven't got enough police to deal with them, and you won't know if you are coming or going'."

13.10 On 30th October 1975 Armstrong was seen by DI Hurst and DS Anderson of Surrey. They remarked in their undated report of the interview that he was clearly still suffering from the shock of his minimum 35 year sentence. Armstrong said he was innocent of all charges and was not a member of the IRA, though he knew people in Belfast who were. He was prepared to answer questions about people of interest if the police came to him with a list of names and photographs but he would not volunteer names lest he be found out and punished. He said that Hill was a lieutenant in the IRA and suggested that a visit by the police to him in prison would be worthwhile. Hill, he said, had not been shocked by the sentence he received and indeed was seen to be laughing after sentence was given. Armstrong blamed Conlon and particularly Hill for his predicament. Armstrong said he had been fairly treated by the police, particularly by DCI Style, DS Donaldson and DC Attwell. (It was partly because of this comment that these three officers used Armstrong's post conviction interviews in their defence at their trial in 1993)

13.11 Armstrong was seen again, on 3rd December 1975, this time by DCI Style and DC Attwell who had with them photofits of suspects wanted in connection with the Caterham bombing and an album of photographs. According to their report of the interview, which was written on the following day, Armstrong repeated that he was innocent and said that he had decided to appeal. In the course of the interview he named a number of people who he said were in the IRA.

13.12 In a letter to my Inquiry dated 25th November 1993, Armstrong's solicitor, Mr Logan, told me that his client now remembers only one interview with the police after his conviction. He recalls that four police officers were present, including DCI Style and DC Attwell, which seems to indicate, as Mr Logan has suggested, that the two interviews have coalesced in Armstrong's memory over the years. In any event, Armstrong has "no recollection now of precisely what was discussed in specific terms". The point is made on his

behalf, in relation to the information he gave about various alleged republicans, that it was the kind of low level information available to anyone who had lived in the Lower Falls area of Belfast. As to the photographs Armstrong recalls that the police simply turned up with them and is sure that it was not at his suggestion. Armstrong does not recollect any questions about his treatment but is prepared to accept that in the presence of DCI Style and DC Attwell, whom he says he regarded with considerable apprehension, he might have said that they treated him well. Armstrong does not recall saying that Hill was a lieutenant in the IRA but Mr Logan suggests that this may have come from the police and that his client's equivocal response was recorded by the police as a firm statement.

CHAPTER 14

SCIENTIFIC CORRELATION

14.1 The Guildford bombings were the first in a new wave of Provisional IRA attacks in England. Between them and the Woolwich bombing there were a number of others. The Woolwich bombing was followed by still more, up to and including 27th January 1975 when seven devices were detonated in London. Thereafter there was a so-called cease fire until the Caterham bombing on 27th August. The incidents from 5th October 1974 to 27th January 1975 were to become known as "Phase 1"; those from 27th August 1975 to what has become known as the "Balcombe Street siege" in December 1975 as "Phase 2".³⁸ Of the four men arrested at the successful conclusion of the siege, three were later to claim that they had been involved in the Woolwich bombing and one was later to claim also that he had been at Guildford. All were to claim in due course that the Guildford Four were innocent. Who these men were, the events leading up to their arrest and the crucial part they were to play in the case of the Guildford Four are dealt with in Chapters 15-18 of this report.

14.2 The scientists at RARDE,³⁹ including Mr Douglas Higgs and Mr Donald Lidstone, were responsible for preparing reports and witness statements on individual bombings.⁴⁰ They also began to consider whether or not forensic links existed between one incident and another. Eventually Mr Higgs and Mr Lidstone prepared a number of linking or "correlation" statements. The first of these was made by Mr Higgs on 24th January 1975, well before the Guildford Four trial began in September 1975 and linked the Woolwich bomb to other throw bombs of similar construction. The second was also made by Mr Higgs and was dated 10th October 1975, that is during the Guildford Four trial, and linked the Guildford and Woolwich bombings to all the other Phase 1 bombings. Neither of these statements was disclosed to the Guildford Four's defence team until long after the trial was over. I look in this Chapter at what these statements said and set them in context. I then consider whether they should have been disclosed at trial and, if so, who was responsible for not disclosing them.

14.3 The importance of the correlation work to those who have campaigned on the Guildford Four's behalf is that they would interpret the work as meaning that all the bombings referred to were carried out by the same people.

³⁸ There were 29 bombings in Phase 1 and 16 in Phase 2. In both phases there were, in addition, numerous shootings.

³⁹ The Royal Armament Research and Development Establishment.

⁴⁰ In statements of 7th January 1975 and 10th January 1975 Mr Higgs dealt respectively with the explosions at the Seven Stars, Guildford, and King's Arms, Woolwich, and in a statement of 6th January 1975 Mr Lidstone dealt with the Horse and Groom, Guildford.

Hence since the bombings continued after the Guildford Four's arrest, the correlation work on this interpretation must indicate the Guildford Four's innocence.

14.4 As I have already indicated, the earliest correlation work was concerned with a series of "throw" bombs. The series began on 11th October 1974 when two London clubs, the Army and Navy Club and the Victory Services Club, were attacked with bombs similar to the one later used at Woolwich but without the "missiles" (nuts, bolts, washers and the like) included in the make up of that and other later thrown devices. On 22nd October Brooks Club was the first target to be attacked with a missile throw bomb of the sort used at Woolwich. The Woolwich bombing followed, of course, on 7th November. Thereafter there was an attack on the Talbot Arms public house on 30th November using two devices, one of which failed to explode, the Naval and Military Club on 11th December and, finally, 17 Wilton Street, the London home of the former Prime Minister Sir Edward Heath, on 17th December.⁴¹

14.5 On or about 27th November, Mr Higgs made a full size dummy bomb based on the debris recovered from the King's Arms, Woolwich, and the statements of witnesses inside the pub who had seen the bomb before it exploded. It was intended to represent not only the Woolwich bomb but also the one used at Brooks Club. When, a few days later, the unexploded Talbot device was dismantled it was found to be very like the model.

14.6 On 24th January 1975 Mr Higgs prepared the first of the correlation witness statements. In it he linked "six incidents involving seven devices", (actually the five missile throw bomb incidents to which I have already referred - from Brooks Club on 22nd October 1974 to Wilton Street on 22nd December - involving six devices.) Mr Higgs concluded:

"I have considered the evidence revealed from a close examination of the debris from the above six [five] incidents and am of the opinion that a positive link exists between all six [five] based on the following facts, namely:

1. The mode of delivery has not previously occurred in this manner on the UK mainland since terrorist activity started in 1969, all previous devices have been placed outside buildings or concealed in some manner.
2. With the exception of the first two incidents, which utilised somewhat expensive engineering products, there is a steady link

⁴¹ After their arrest the terrorists who were later to claim responsibility for both Guildford and Woolwich admitted to the police that one or more of them had been responsible for all of the missile throw bomb attacks. None however claimed responsibility for the incidents on 11th October.

between the remainder in which cheaper and more readily available building materials were used.

3. No evidence was found to suggest the more usual timing device employed for planted explosive devices. Such a control system for detonation of an explosive charge is not so readily adopted for the very short delay period involved in these six incidents.

4. Choice of target is common for the first five [four] incidents in that there has always been the likelihood for a large number of people gathered in one room and hence the possibility of inflicting maximum damage with minimum charge weight.

5. Seen against the general background of terrorist activity, in which some 84 mechanically timed high explosive charges have been placed during the period 1 January 1974 to 22 December 1974 I am of the opinion that the present series are so outstandingly different that they must indicate a new philosophy of attack to maximise fatalities.”

14.7 Mr Higgs’ statement was discussed at a conference on 28th January 1975 attended by Michael Hill and Paul Purnell of counsel, Mr Barnes and Mr Walker of the DPP’s office, and DCS Nevill, D.Supt Imbert and DS Lewis of the Metropolitan Police. A Metropolitan Police report of 6th February 1975 by DS Lewis recorded Mr Hill’s request for further evidence or clarification on a number of issues. Among the items requested was “a schedule showing details of bombs during the period 11th October 1974 to 22nd December 1974 including method of initiation” and a photograph of Mr Higgs’ model of the Woolwich bomb.

14.8 In my second report on the Maguire Seven case I considered at some length⁴² a visit to RARDE on 7th February 1975 by counsel, Surrey police officers and members of the DPP’s staff. The primary purpose of the visit was to see a demonstration of the TLC test and discuss the scientific evidence in the Maguire case. Since writing that report I have seen the programme for the visit. At 4.10 pm Mr Higgs was to give a talk on time bombs which used pocket watches as their timing devices, as did the two at Guildford, followed at 4.20 pm by a “talk on thrown bombs linked with Woolwich” and then at 4.40 pm by a question and answer session.

14.9 It is clear that Mr Hill and his colleagues were interested in RARDE’s correlation work because they suspected the involvement of the Guildford Four and of the Maguires in other incidents. In the statement of facts which was submitted with the draft fiats (in respect both of the Guildford Four and of the Maguire Seven) to the Law Officers’ Department on 14th February, Mr Hill said:

⁴² See paragraphs 5.4 and 5.5 of that report.

“A number of persons saw the [Woolwich] bomb, which was detonated by means of a short slow burning fuse, before it exploded and their descriptions of it resemble the appearance of one of the two bombs that were thrown at the Talbot public house in Little Chester Street, London SW1, on 30 November 1974 - the one which failed to explode. The experts who examined the scene of the Woolwich explosion and the items recovered there from completed a reconstruction of that bomb some time before 30 November and that reconstruction turned out to bear a remarkable similarity to the later unexploded bomb at the Talbot. Moreover, each of the four “throw” bombs which exploded at or were recovered from Brooks Club (22 October 1974), Kings Arms (7 November 1974) and the Talbot (30 November 1974) appears to have contained or did contain coach or engineering bolts, washers and nuts packed around the explosive and each was detonated by some kind of slow burning fuse.....

Whilst Anne Maguire had been implicated by Hill, Conlon, Richardson and Armstrong in the preparations for and the execution of the Guildford bombings, she and her family had no reason to suppose that they had been implicated in the bombing campaign since nothing that had been published about the police investigations seemed to point to them. However, the Talbot bombing took place on 30 November and, since one bomb did not explode, they will have feared that examination of that bomb might lead to them ...

Also found in the [Maguires'] house was a quantity of 1” black plastic adhesive tape, similar in all respects to the tape used to bind the unexploded Talbot bomb. Differing stories were told about the source of that tape. Forensic tests have revealed no mechanical match between the tape recovered at the house and the tape of the Talbot bomb. Investigations are still proceeding at the Metropolitan Police Forensic Science Laboratory to see whether threads found adhering to the Talbot bomb can be connected with any of the items of clothing taken from 43 Third Avenue ...”

14.10 Though there was, in the event, no forensic link between the Maguires and the Talbot bomb, the prosecution team continued quite properly, for a while at least, to take an interest in the Talbot and other thrown devices.

14.11 It was decided at a further conference between police and counsel on 11th February 1975 that “there should be a liaison officer who would seek all information respecting bombs in Surrey, the Met Police area and elsewhere, with a view to pointing out any similarities in method, manufacture or names etc. This will be undertaken by the Met Police Bomb Squad”. An undated manuscript note by D.Supt Imbert seems to be a record of the same conference. In it Mr Imbert said:

“At a recent meeting with Sir Michael Havers and Michael Hill QC who are conducting the Prosecution case in the Woolwich and Guildford bombings, Mr Hill said that there were a number of things about which he wished to be better informed; in particular concerning any possible co-relations between the Guildford/Woolwich culprits and other IRA activists and offences within the same jurisdiction. It was apparent that this request had been prompted for two reasons

(1) the report by Mr D Higgs of Woolwich which “forensically” linked the Woolwich bomb with similar types of bombs and modus operandi at the Talbot public house (30.11.74), the Army & Navy Club⁴³ (11.12.74), Brooks’s Club (22.10.74) and [Wilton Street (17.12.74)]

(2) the fact that Hill (who, together with Armstrong is a defendant in both the ‘Woolwich’ and ‘Guildford’ trials), Conlon and others in the Guildford trial are linked with the City of Southampton which in the light of investigations since the shooting of the police officers there on 23.12.74 has been shown to have been the base for a group of IRA activists who have committed many bombing incidents, not only in the Metropolis, but throughout the country over the past eighteen months.”

14.12 On 20th February 1975 Mr Higgs prepared a witness statement about his model throw bomb to which he attached a photograph of the model. This statement was submitted to the DPP under cover of a further report by DS Lewis of 24th February with which was enclosed an undated report, also by Mr Higgs, concerning the two Talbot bombs. Towards the end of Mr Higgs’ report the Talbot incident was compared with all the others in which throw bombs had been used, including the non-missile ones of 11th October. Mr Higgs concluded:

“The choice of targets, mode of delivery, charge weight and, in five cases, the inclusion of readily available rod-like metallic missiles all suggest that the whole series are linked.”

14.13 Counsel’s request for a schedule of bombings was dealt with on 10th March when a schedule of incidents from 18th August 1973 to the last series of time bombs on 27th January 1975 was appended to a Metropolitan Police report of that date by DS Blake. This report, which dealt with the matters referred to in Mr Imbert’s manuscript note arising out of the 11th February conference, said:

“It must be said at once that the information contained in this report is based not merely on ‘hard’ evidence, ie. fingerprints and forensic examination of bombs and bomb debris, but is mainly a summary

⁴³ When D.Supt Imbert wrote the Army & Navy Club he meant the Naval and Military Club.

of the current position, over the broad field of bomb incidents in the United Kingdom, as it relates to the incidents in Guildford and Woolwich.

It cannot be too strongly emphasised that some of the connections mentioned are at best only circumstantial and where they depend on fingerprint evidence none of the persons identified are in custody. Also, where identified or unidentified suspect fingerprints may have been found at an address it cannot be said with any certainty that the person has ever actually been there as in many cases the marks have been found on articles which may have been carried from elsewhere.

In order to put the Guildford/Woolwich and *suspected associated series of incidents* into perspective, the details of the present IRA campaign of violence commenced in this country on 18th August 1973 will be of interest to the reader. Since that time there have been some 262 bomb incidents as follows:"

14.14 The italics are mine. The report then recorded the number of incidents according to type of device (time bombs, book bombs, etc) and whether in London or elsewhere in England. It continued:

"All names and addresses mentioned in the Guildford/Woolwich prosecution reports and statements have been carefully searched and analysed by the Intelligence Collation Section at New Scotland Yard but at the moment no relationships can be found connecting anyone with the Southampton area other than Paul Michael Hill and Gerard Patrick Conlon. This was done with a view to strengthening the supposition that Hill and Conlon both having made previous trips to Southampton had used it as a 'safe area' - may well be connected with the resident Southampton IRA cell and possibly have some knowledge of the bomb factory discovered at 40 Westridge Road, Portswood, Southampton on 23rd December 1974 ..."

14.15 The report referred to Mr Higgs' witness statement of 24th January about the throw bombs by making the point (which was to be repeated at other times when the correlation work was under consideration) that there was no evidence that the bombs were actually delivered to their targets by the same people as distinct from being made in accordance with common IRA training as to construction and choice of components. The report said:

"Mr Higgs may be correct in his theory that these devices - forensically - form a separate series but there is no 'hard' forensic evidence that they were used by the same team of people. The connection is more likely to be that they were perhaps made up by the same person and issued to different groups for use within the period of attack or alternatively result from a directive issued to the

groups to use this type of device in a concerted effort during those two months.

However, if we accept that there is a connection between Woolwich and the other five devices - and indeed forensically at least there is such a connection - it would lead us eventually to stronger links with other incidents.”

14.16 By the time this report of 10th March was written the police had discovered IRA safe houses at Westridge Road, Southampton, and Fairholme Road, London, which were used by a group of IRA terrorists which included the Balcombe Street gang. The discovery and importance of these two safe houses are dealt with in Chapter 15 of this report. The police report went on to draw attention to the evidence linking the safe houses and the guns and other material found there with a number of terrorist incidents. It was the type of bomb alone, however, which suggested a link between Woolwich and other incidents and other terrorists.

14.17 The 10th March 1975 police report was the last document dealing with the correlation work to be put to prosecution counsel. I have seen no evidence to suggest that thereafter Mr Higgs' work was either discussed by them or that it was raised with them by the DPP's office or anyone else. Their interest in it seems to have ended once it had become clear that it provided no evidence that could be used at trial to demonstrate that the Guildford Four had a hand in other terrorist offences. It is likely that in these circumstances counsel lost sight of the potential relevance of the correlation work to the Guildford Four prosecution when considering questions of disclosure of unused material.

14.18 By the middle of July 1975 Brendan Dowd, one of the terrorists who, as we shall see, was later to claim involvement in both the Guildford and Woolwich bombings and who had at one stage been active with the Balcombe Street gang, had been arrested with other IRA men in Liverpool.⁴⁴ It was clear to the police that Dowd was connected with the group which had frequented Westridge and Fairholme Roads. The police could put names to some of them but the four who were later to be apprehended at Balcombe Street were known only by their fingerprints.

14.19 An important conference was held in Liverpool on the 29th July 1975 between the DPP, represented by Mr John Wood, and interested police forces. It was attended by senior representatives from the Hampshire, Manchester, Merseyside and Metropolitan Police. Its purpose was to review the current state of knowledge about the activities of Dowd and his apparently numerous associates in the south, midlands and north of England and to consider what more might be done to bring to an end the activities of those still at large.

⁴⁴ Dowd's arrest and his subsequent interviews with the police are dealt with in Chapter 15 of this report.

14.20 Shortly thereafter, on 13th August, Mr Higgs prepared a document entitled "Proposals for linked cases in southern England". At the end of the paper he said that he intended to cover the same ground in a formal witness statement but that it would have to await his return from annual leave. That statement was ultimately produced dated 10th October. Mr Higgs' 13th August paper is important as the fore-runner of his October witness statement. In it he said :

"During the period 5th October 1974 to 27th January 1975, 27 bomb incidents occurred. These have been examined and compared in detail with finds at locations at (1) 40 Westridge Road, Portswood, Southampton, (2) Fairholme Rd (No 39) London and (3) 14 Oxford Road, Merseyside. Statements or reports have already been prepared on all the above incidents and a recent review shows that several interesting connections are possible which might form the basis of an overall connecting statement, supplemented in detail by the individual statements already in police possession or shortly to be prepared. For convenience the following is a list of all cases now considered to be linked by forensic evidence."

14.21 Mr Higgs then proceeded to list all the Phase 1 incidents, among them the Guildford and Woolwich bombings. Explaining the links between the various bombings he said:

"The evidence of Smith's Industries 2" pocket watches, particularly the "Combat" design can be shown to link Aldershot, Fairholme Road, Easifit, Charco-Grill, the London pillar box bombs and the Tite Street bombs.

The second Tite Street bomb not only contained evidence of a "Combat" pocket watch but also a variety of "missiles". It is this latter inclusion which, together with tapes and explosive type, links the "placed" bombs with the "thrown bombs".

The "thrown" bombs consist of a unique set of 7 amongst all incidents on the UK mainland in that they employed no mechanical time delay mechanisms and were initiated by lighting a short length of safety fuse terminating in a plain detonator(s). The only unexploded "thrown" bomb was found at The Talbot Public House, Chester Mews. The bomb at the Kings Arms Woolwich is one of 5 incidents in which the thrown bombs contained missiles, the remaining two incidents (Army and Navy Club and Victory Services Club) consisted only of an explosive charge and were the forerunners of the series. The Woolwich bomb is also linked by evidence of a non-forensic nature. Four sets of bombings occurred on similar dates, namely (1) the Guildford Public Houses on 5th October 1974, (2) The Pillar Box Bombs of 25.11.74, (3) the London bombs of 17.12.74 and (4) the 7 bombings of 27.1.75. In all four the recovery of evidence in at least one case has been very poor but the linkage is nevertheless argued strongly on the basis of locality, timing and date."

Mr Higgs referred briefly to other relevant statements already in existence and said:

“A linking statement is already in your [presumably the DPP’s office or the police] possession for Portswood and Warminster and also for the five missile bombs.”

14.22 The reference to the five missile bombs was clearly a reference to the five missile throw bomb incidents, Woolwich included, dealt with in Mr Higgs’ statement of 24th January 1975. I have investigated the reference to the Portswood and Warminster statement. I am satisfied that this is a reference to a statement by Mr Higgs of 28th July 1975 prepared for the Hampshire police who were investigating attempted IRA bombings at Aldershot and Warminster both of which appeared to have been the work of terrorists based at Westridge Road, (Portswood) Southampton. Mr Higgs’ work demonstrated that these two time bombs, both of which were defused before they exploded, were in all probability the work of the same bomb maker given that the same terrorists’ fingerprints were found on the timing devices of both. The bombs were almost identical in construction. Mr Higgs’ statement indicated that the unexploded Talbot bomb appeared also to tie in forensically with these two time bombs in that three distinctive kinds of tape were used in the construction of the Talbot and Aldershot bombs. Further, a sketch found at Westridge Road appeared to be a diagram of the fuse arrangement employed in the Talbot device. This also appeared significant to Mr Higgs.

14.23 27th August 1975 saw the end of the PIRA’s ceasefire with an attack on the Caterham Arms at Caterham in Surrey. No one was killed but many people were injured, several very seriously. As at Guildford, the target was a busy public house used by soldiers, the bomb was placed under a bench seat and employed a Smith’s pocket watch as its timing device.

14.24 On 12th September 1975 Mr Lidstone prepared a report on the Caterham bombing. At the beginning of a section headed “Attribution and correlation with other incidents” he commented:

“The mode of attack is very similar to earlier attacks made upon public houses, for instance those made on the Horse and Groom and Seven Stars at Guildford on 5.10.74.”

He then proceeded to compare the Caterham bombing with four further Phase 2 incidents which had occurred by 12th September and concluded from various forensic factors that all five were connected. Later, in 1976, he prepared two Phase 2 correlation witness statements for the trial of those arrested at the end of the Balcombe Street siege. On 31st December 1975 he prepared a witness statement on the Caterham bombing which omitted any reference to other bombings. (By that time two of the men arrested at Balcombe Street had admitted that Caterham had been the work of their ASU but denied their own involvement.)

14.25 Each of the police forces that attended the conference in Liverpool on 29th July 1975 subsequently prepared a report dealing with the activities of Dowd and his associates from the perspective of that particular force. The Metropolitan Police report was written by Commander Habershon and dated 25th September. In his report Commander Habershon mentioned the apparent problem that persons had already been indicted for the Guildford and Woolwich bombings who did not appear to be connected with the Fairholme Road ASU, with which the various Phase 1 and early Phase 2 bombings could be seen to be linked. This problem and these links were analysed in a section headed "PIRA attacks in London October 1974 to January 1975", in which Commander Habershon said:

"46. In relation to several of these occurrences, for example the Guildford public house bombings on 5th October 1974, persons have already been proceeded against who would not appear to have formed part of the Fairholme Road unit, although it must be said that in relation to the devices and methods employed there is clearly a common thread and purpose. However, firm evidence does in many instances exist to place a number of these offences with common authorship, to an extent where our identification of any single terrorist with one offence conclusively indicates his complicity in all. It is thus necessary to discuss herein all the co-relatory features, either ballistic, forensic, fingerprint or human, which do serve to connect these events one with another.

.....

51. Turning from the ballistic to the forensic field and looking, for the moment, exclusively at the London bombings in this series, it is understood from [RARDE] that they will be in a position shortly to provide statements setting out findings which effectively link all but three of the London bombings. In these cases the recovery of identifiable debris was insufficient to enable comparisons to be carried out.

.....

55. It must be a relatively unassailable fact that all the bombings and shootings listed in Document No 10, with the exception of the three earlier mentioned, have a common source. That this was the 'active service unit' of the PIRA based on Fairholme Road would seem to be the next evidential challenge. Fortunately this is a matter about which there is a good deal of proof, again stemming from several fields of expertise."

Under the next heading "Links with other Active Service Units and incidents", Commander Habershon postulated that there was more than one IRA cell and that one person at least of the Fairholme Road unit, which he recognised to be of a higher calibre, was minding the activities of the other. He said this:

“57. It will have been appreciated and should receive early mention that amongst the co-related bombings which [RARDE] mention are the two public house bombings in Guildford on 5th October 1974, and the ‘King’s Arms’ public house ‘missile’ bombing on 7th November, all of which resulted in loss of life. Various persons have been charged in connection with these events, none of whom, so far as we have been able to establish, would seem to have had any direct connection with Fairholme Road or its so-far-identified inhabitants.

58. While no overt links have been established between these persons and the Fairholme Road unit both were pursuing PIRA operations to the same end and it would be remarkable if there did not exist some common direction and source of supply. Of the two, the Fairholme Road unit, from what we now know of them, would seem to have been of a higher and more determined calibre and it may well have been that amongst them was one person, at least, who was ‘minding’ the activities of the other ‘cell’.”

14.26 The terms of Commander Habershon’s report make it clear that he had read Mr Higgs’ August paper and was awaiting his promised witness statement. This emerged on 10th October 1975, by which time the Guildford Four trial had been under way for three weeks. In this statement Mr Higgs’ said:

“The purpose of this statement is to record strong evidential features which, in my opinion, suggests links in a chain of events, a common philosophy of attack and connections between seemingly unconnected series of bombings.”

The subject matter was the same as that of his 13th August paper except that he went into much greater detail about the forensic evidence on which the correlations were based. In a significant passage Mr Higgs made specific reference to the Guildford and Woolwich trial and further stated that although there was no forensic evidence which linked Woolwich with Guildford, the latter was linked with the remainder of the Phase 1 bombings. He said :

“Continuing the theme in which ... bombings ... have been linked via the use of a Smith’s pocket watch adapted as an electro-mechanical timer, it is now possible to consider the bombings at the two Guildford public houses. At the time of writing this statement a trial is in progress dealing with the Horse and Groom public house (statement by Mr D P Lidstone, dated 6 January 1975) and the Seven Stars public house (statement by myself, dated 7 January 1975), both of which have been linked for the purpose of prosecution with the incident at the Kings Arms public house, Woolwich (statement by myself, dated 10 January 1975). There is no forensic evidence which links the Woolwich bombing with those at Guildford but the latter incidents are linked with the remainder by virtue of a nitroglycerine based explosive and the identification of many components from a Smith’s pocket watch at the Seven Stars and fractions of a similar watch bezel from the Horse and Groom.”

Mr Higgs' conclusion was that the evidence showed a "continuing thread of common thinking and design behind the attacks" and that it was "a reflection of an underlying common source of supply, information and expertise" I set out his conclusion in full below but it is noteworthy that Mr Higgs did not suggest in this statement that the forensic evidence went so far as to suggest that a single team was responsible for the construction and delivery of all of the Phase 1 bombs. Mr Higgs concluded his statement of 10th October 1975 in these terms:

"This statement prepared herein is intended to crystallise the salient feature of this broad diffuse picture, representing as it does a variety of modes of attack, and to indicate the continuing thread of common thinking and design behind the attacks. In my opinion, the extensive use of Smith's pocket watches, particularly the "Combat" variety, the use of Ever Ready type 126 batteries, similar types of adhesive tapes and detonators and, above all, the great similarity of explosives types are too much of a coincidence to be other than a reflection of an underlying common source of supply, information and expertise. Many of the features described in the various statements are all well known to me in the broader context of the IRA bombing campaign that has raged on the UK mainland since early December 1973. However, the general absence of certain peculiarities consistently present in other areas of attack only strengthens my opinion that the incidents considered herein form a connected set."

When questioned at the Balcombe Street trial in 1977 on this issue, Mr Higgs refused to accept that the correlation work showed that the same team (the Balcombe Street gang and their associates) were responsible for all the Phase 1 bombings.

14.27 Although Mr Higgs' statement is dated 10th October 1975, twelve days before the Guildford Four trial ended, I have been unable to establish when the DPP's office received it. It is clear that the statement was not prepared for the purpose of the Guildford Four trial and thus, whenever it was received by the Director, it was not received in a context directly linking it to the trial.

14.28 In 1976, following the arrest of the Balcombe Street gang in December 1975, Mr Higgs' witness statements of 24th January 1975 and 10th October 1975 were amended with a view to their use in the Balcombe Street trial. Why this was done and who was responsible I consider in Chapter 14. The changes themselves amounted to this. On 19th February 1976 Mr Higgs produced a second version of his Phase 1 statement which still included Woolwich but excluded any reference to the Guildford bombings and reference to the Guildford trial. It followed that the express reference to the links between Guildford and the remainder of the Phase 1 incidents was omitted. On 12th July 1976 he produced a third and final version excluding not only Guildford but also Woolwich. On 17th June 1976 he amended his throw bomb statement to exclude Woolwich.

14.29 These 1976 witness statements all passed through the hands of the DPP's staff on their way to counsel prosecuting the Balcombe Street gang but were not seen by Sir Michael Havers' team or the Guildford Four's solicitors until after the Balcombe Street trial in 1977.

14.30 Before turning to my conclusions about the correlation work I should refer to a suggestion that there may be two more relevant correlation documents apart from those to which I have already referred. It is suggested that Mr Higgs made a statement in June 1975 "which linked all the offences together" and that by "the middle of 1975" Mr Lidstone had prepared "a complete history of thrown devices". Mr Logan, who raised this suggestion, has been unable to produce the documents to substantiate it. The Defence Research Agency (RARDE's successor) and the police have no trace of such documents. Since Mr Higgs' full Phase 1 statement of 10th October 1975 flowed from his proposal document of 13th August, it seems unlikely that there would have been an earlier statement drawn up in June 1975 covering the same ground. In any event, I am satisfied that the contents of Mr Higgs' statements of 24th January and 10th October 1975 represent the sum total of his work on the missile throw bombs and on the whole of the Phase 1 series of bombings respectively.

14.31 In conclusion it is important to remember that Crown counsel's interest in the correlation work was in whether or not it linked the Guildford Four with other incidents. When the work in January 1975 failed to show such a link it is perhaps understandable that those representing the Crown in this case apparently lost sight of the possible significance of the correlation work in the context of the Guildford Four trial. At the Balcombe Street trial early in 1977 and thereafter the significance of the correlation work was argued the other way. It was contended that because Guildford and Woolwich could be forensically linked to the many Phase 1 and Phase 2 incidents in which the Balcombe Street gang and their associates were involved the Guildford Four were innocent.

14.32 It is clear that none of this work was disclosed to the defence before the end of the Guildford Four trial. However, of the correlation documents referred to above, the only ones which would have been disclosable under the then prevailing practice were Mr Higgs' witness statements of 24th January and 10th October 1975.⁴⁵ None of the other documents (with the exception

⁴⁵ I bear in mind that Mr Higgs' statement of 20th February 1975, in which he dealt with the model which was intended to represent both the Brooks Club and Woolwich bombs, was also disclosable under contemporary practice. It was not, however, a correlation statement in the sense that were the statements of 24th January and 10th October. Moreover, its evidential substance - that the structure of the Brooks Club and Woolwich bombs appeared to have been similar - was already fully dealt with in the earlier statement which, of course, dealt also with the other four missile throw bombs. It was the statements of 24th January and 10th October that the defence needed to see.

of Mr Higgs' statement of 20th February 1975) were witness statements as such but rather internal reports or discussion papers. The substance of all of Mr Higgs' earlier work was in any case incorporated into his statement of 10th October 1975. (Mr Lidstone's Caterham work of September 1975 did not, however, find its way into a statement until December 1975). I set out in my first report on the Maguire Seven case my view that a wider principle of disclosure relating to the work of expert witnesses ought to apply for the future, but it would be wrong for me to consider the question of the disclosure of these various documents other than in accordance with the practice of the day.

14.33 Michael Hill has told me that in his opinion both of Mr Higgs' 1975 correlation statements should have been disclosed. I agree. Although I would have no hesitation in accepting Mr Higgs' interpretation of his correlation work as meaning no more than that the forensic links indicated a common source of knowledge and supply (and, in some instances, possibly the same bomb maker or makers), and not that the same persons had to have planted the bombs,⁴⁶ I can fully understand how those representing the defendants would have wanted to use the results of the correlation work as indicative of the innocence of their clients. As I explain in Chapter 16, the defence argument at the Balcombe Street trial based on the correlation work was that it showed that the same persons were responsible for planting the bombs. As I have indicated, I myself consider this argument to be fallacious for the reasons stated by Mr Higgs himself under cross-examination at the Balcombe Street trial. However, none of these considerations, in my view, would have justified the non disclosure of Mr Higgs' statements to the defence at the time of the Guildford trial, assuming that they were both then in the possession of the DPP. They were clearly relevant to the issues in the trial and it would not have been for the Crown to be the final arbiter of the evidential value of the statements. That would be a matter entirely for the jury before whom the defence were entitled to pursue their interpretation of the correlation work.

14.34 It is clear that Crown counsel had the 24th January statement, that they had discussed correlation with the police, RARDE, and the DPP's staff and had seen other documents which dealt with correlation up to the 10th March Metropolitan police report. There is no evidence that Crown counsel had any other involvement in the correlation work or saw the later 1975 documents including the 10th October statement before the trial was over.

⁴⁶ The following example illustrates the point: the timing devices of the successfully defused Aldershot (20th Dec 1974) and Warminster (21st December 1974) bombs bore the fingerprints of an associate of the Balcombe Street gang who has never been brought to justice. In their construction the two bombs were for all purposes identical. This evidence points to the conclusion that the same individual made both bombs but does not indicate whether or not he actually planted them. It will be obvious that those bombs which actually exploded generally yielded far less evidence than the Aldershot and Warminster devices.

Mr Hill has told me that he and his colleagues simply lost sight of the 24th January 1975 statement. I accept this. As I have already explained, once the correlation work had failed to show any link between the Guildford Four and other terrorist incidents, it was of no further interest to the prosecution team. I believe this is the reason why, unfortunately, counsel failed to consider later whether Mr Higgs' throw bomb correlation statement should be disclosed.

14.35 The Metropolitan Police knew all about this work. It is clear from Commander Habershon's report that by September 1975 they were not only aware of Mr Higgs' Phase 1 work but had also not forgotten about his 24th January throw bomb statement. I have seen no evidence of their urging or discussing disclosure of these two statements. However, I do not consider that it would be fair to criticise the Metropolitan Police since in 1975 disclosure was not a matter for them but for the DPP: the position is different today.

14.36 I have, however, had considerable difficulty over the approach of the DPP's office to this matter. They had received the statement of 24th January in the context of the Guildford Four case as well as the other relevant documents up to the 10th March 1975 police report. These documents would accordingly have been dealt with by the team within the DPP's office responsible for the Guildford Four prosecution. Commander Habershon's report of September 1975 went to the DPP's office although not as a Guildford Four case document. Mr Higgs' statement of 10th October 1975 also went to the DPP's office but I have been unable to discover whether it was received. I cannot therefore be satisfied that the DPP's office had both statements before the end of the trial.

14.37. However, I think that the DPP's staff should have appreciated the continuing significance of the statement of 24th January 1975 and drawn it to the attention of counsel to decide on disclosure. The same consideration would have applied if the statement of 10th October was in the hands of the DPP before the trial of the Guildford Four ended. Although it is right to remember that these statements (and the intervening work of Mr Higgs and the police reports) were not provided to the DPP for the purposes of the Guildford case there was in place within the office a co-ordinating function for terrorist cases. Evidence was given to me on that point during my inquiries into the inception of the prosecution of the Maguire Seven.⁴⁷ All terrorist material was channelled through the office of the Deputy Director. Those who saw the correlation work should have realised its potential significance and taken steps to ensure that proper consideration was given to its import by Crown counsel. Although the bare facts of the bombing campaigns were in the public domain, those representing the defendants could not reasonably have been expected to undertake the same correlation exercise as the substantial resources and expertise of RARDE had achieved. I recognise that in considering disclosure of such scientific detective work questions of security

⁴⁷ See paragraph 6.2 of my second report.

might conceivably arise. However, there is nothing in the contemporary material before me to suggest that this was a consideration at the time. The evidence suggests that the Director's staff did not put their minds to the issue at all. In my view they should have done so and sought counsel's advice on disclosure. There was, however, no deliberate suppression of this evidence and in due course the relevant material became available following the trial of the Balcombe Street gang.

14.38 I turn finally to the position of Surrey and Mr Higgs and his colleagues at RARDE. As regards Surrey, they had the statement of 24th January 1975 and were involved in the early discussions but, like the Metropolitan Police in 1975, disclosure was not a matter for them and they cannot be criticised. Moreover, Surrey had even less interest in the early throw bomb correlation work, since there had been no such attacks outside the Metropolitan Police area. I should add that there is no evidence, in any event, to suggest that Surrey saw the 10th October 1975 statement until long after the Guildford Four trial. As to RARDE, disclosure of the correlation work beyond the DPP was clearly not a matter for Mr Higgs or his colleagues.

14.39 In this section I have considered only the question of the disclosure of the correlation work that was in existence before the end of the Guildford four trial. I deal in the next Chapter with what disclosure should have been made of Mr Higgs' three revised 1976 correlation statements.

CHAPTER 15

THE BALCOMBE STREET CONNECTION

15.1 The basis of the appeal of the Guildford Four against their convictions which was heard in 1977⁴⁸ was that the IRA men Martin Joseph O'Connell and Brendan Dowd (sometimes "O'Dowd"), together with two women and another man carried out the Guildford bombings, and that O'Connell, Dowd and two other terrorists, Edward Butler and Henry ("Harry") Duggan were responsible for Woolwich. The Guildford Four themselves were innocent of any involvement. O'Connell, Dowd, Duggan and Butler all gave evidence at the appeal on the Guildford Four's behalf. O'Connell, Butler, Duggan and another man, Hugh Doherty, were arrested following the siege in Balcombe Street, central London, which lasted from 6th-12th December 1975. They are known collectively as the "Balcombe Street gang". Doherty was not in the South East of England on 5th October or 7th November 1974 and there is therefore no suggestion that he was involved at Guildford or Woolwich. Duggan and Butler both claimed not to have come to England until about 10th October 1974 and there is similarly no suggestion that they were involved in Guildford. Dowd had for a while operated in London and the Metropolitan Police speculated that during that time O'Connell and the others had taken their orders from him. He was the first to be arrested, being captured in Liverpool on 10th July 1975. In the next two Chapters I deal with the 1977 Appeal and the events which preceded it following the disclosure to the Guildford Four's solicitors in July 1976 of admissions made to the police by the Balcombe Street gang. I consider in this Chapter the origins of what one might call the Balcombe Street connection with the Guildford Four case.

15.2 The story begins on 23rd December 1974 when a Hampshire police officer went to a flat at 40 Westridge Road, Southampton, following a complaint from the landlord about two men who as far as he was concerned, should not have been living there. The two men were the IRA terrorists Ronald McCartney and John Walsh. The officer spoke to the men. When they realised that he was becoming suspicious they both produced guns and made their escape, firing at the officer as they did so. He was unhurt, but as other officers joined the pursuit through the surrounding streets more shots were fired and one of the officers was seriously wounded. For the moment at least McCartney and Walsh made good their escape.

15.3 The house in Westridge Road proved to be an IRA "safe house". Its discovery was the first step towards the police's eventual curtailment of the activities of the Southampton/London "active service unit" (or "ASU"), which consisted of the Balcombe Street gang, Dowd, McCartney, Walsh and several others. As well as a holdall of bomb-making equipment the police recovered fingerprints which were later useful to link the inhabitants of Westridge Road

⁴⁸ The Appeal is dealt with in Chapter 17.

with other terrorists, other addresses and other incidents. In all, the fingerprints of at least fourteen IRA terrorists were found at Westridge Road. Among them were those of Dowd and the Balcombe Street gang, though their names were unknown to the police until their capture in, respectively, July and December 1975. This evidence and the police reports that I have seen make it clear that it is wrong to regard the Balcombe Street gang as a discrete and wholly self contained ASU having no contact with other known or suspected terrorists or republican sympathisers.

15.4 On 16th January 1975 Paul Hill was seen in Winchester prison by two Hampshire officers, DS Pilbeam and DI Porter, who wanted his help with IRA activity in Southampton. DI Blake of Surrey was also present but Guildford was not discussed. According to the Hampshire officers' report of the interview, which was dated 17th January, when shown a photograph on a driving licence in the name of McParland, Hill at once said that it was Ronald McCartney who was the Quarter Master of the 2nd Battalion of the IRA and who had been interned in Long Kesh. Hill said that McCartney had been one or two years ahead of him at his school, St Peter's. His identification of McCartney gave the police the name of their suspect for the first time. A preliminary identification from fingerprint evidence was made on 18th January and this was confirmed on 16th April. McCartney was arrested in Belfast on 10th May.

15.5 On 27th January the then current phase of IRA activity - "Phase 1" - came to an end with the detonation of seven time bombs in London. A so-called "cease fire" was announced by the PIRA on 9th February.

15.6 On 26th February 1975 a man was stopped and questioned by a police officer in Fulham, West London. Discomfited by the officer's questions the man ran off and a number of officers were eventually involved in his pursuit. One of these was PC Stephen Tibble who was off duty at the time and who happened upon the chase as he rode past on his motorcycle. When he caught up with the fleeing suspect he was shot dead at point blank range. The gunman⁴⁹ made good his escape. However, when the police checked a doorway in Fairholme Road from which the man had originally been seen to emerge they discovered a further IRA safe house. Together with weapons, ammunition and bomb making equipment the police found a letter addressed simply to a "Dear Joe" which was to be of some significance in the Guildford Four's 1977 Appeal. The "Dear Joe" letter, as it is referred to hereafter, is dealt with in Chapter 18 of this report.

15.7 Late on 30th June 1975 three of Dowd's ASU, namely Paul Norney, Noel Gibson and Stephen Nordone went into an Asian restaurant in Manchester, having spent the earlier part of the evening drinking. Despite

⁴⁹ This man, William Joseph Quinn, was eventually extradited from the United States and is serving a life sentence for PC Tibble's murder.

contentions that the IRA at this time did not use heavy drinkers, Gibson was later to boast to the police that he could drink seventeen pints without effect. After their meal, at about 2 am the following morning, they asked for a bottle of wine to take out but the restaurant staff refused. The IRA men became angry. They produced guns and fired shots indiscriminately into the restaurant. No-one was hurt, and the three men ran off but shortly afterwards a police officer who intercepted one of them was shot and seriously wounded. Norney and Gibson were soon caught but Nordone evaded capture.

15.8 In Liverpool in the early hours of 9th July a car which had jumped a set of traffic lights was stopped by police who proceeded to question the three occupants who were in fact Dowd, Nordone and Sean Kinsella. When the officers queried the men's identity they were shot at and the three made off, abandoning their car shortly afterwards. They were later traced to a flat elsewhere in the city to which on 10th July the police laid siege. An officer was seriously wounded when a shot was fired through the front door from inside the flat but any resolve on the part of the IRA men to prolong the siege was short lived and they gave themselves up later that day. These events led to the discovery of a further safe house at Oxford Road, Liverpool.

15.9 On 14th and again on 15th July 1975 Dowd was interviewed by DCS Nevill, DCI Ison and DI Stephenson of the Metropolitan Police. He was asked about and admitted involvement in a number of IRA attacks, including the attack on the Talbot public house (30th November 1974), when two bombs of the type employed at Woolwich were used. This, he said, was the only attack of this type carried out by his ASU. The attack on the King's Arms, Woolwich, was among a list of incidents put to him but he denied any involvement. The list concerned incidents in the Metropolitan Police area and therefore did not include the Guildford bombings. While Dowd expressly denied his and his unit's involvement in Woolwich he implicitly denied their involvement in Guildford by saying that his ASU's first action had been the kidnapping of a bus inspector whose car they wished to use on 9th October 1974, four days after the Guildford bombings.

15.10 Dowd told the Metropolitan Police that the London ASU, in his time with them, was five or six strong. He said that he flew to Dublin from London shortly before Christmas 1974 and returned early in January. He told both the Metropolitan and Hampshire Police that on this occasion he had used as identification a British driving licence in the name of Martin Moffatt.⁵⁰ A letter from the Metropolitan Police to the RUC dated 31st July 1975 reveals that this driving licence was in fact found in Dowd's possession. The significance of the name Martin Moffatt will become clear in Chapter 17 below in which I deal with the Guildford Four's 1977 appeal. Dowd said that he was not in England on 26th February when PC Tibble was murdered but flew into Manchester from Dublin shortly thereafter to take control of an ASU there.

⁵⁰ The Hampshire record is a statement by DS Witt of 17th July 1975, the Metropolitan Police record one by DCS Nevill of 4th August 1975.

15.11 On 24th November 1975, 400lbs of explosive was found at Albion Towers, Southampton and a number of people were arrested. The explosives had originally belonged to the Balcombe Street gang. After his arrest in December 1975 Butler explained how on instructions from "the boss man in Dublin" he had packed them up and on or about 5th November they had been collected and driven down to Southampton. It was the IRA's intention to use them to blow up the Cunard liner, Queen Elizabeth II, which was then undergoing a refit in Southampton docks. Seven men were tried for their alleged involvement in the Albion Towers arms store and at Winchester Crown Court on 26th November 1976 all but one were found Guilty.

15.12 By early December 1975 IRA activity in London had reached such a pitch that the Metropolitan Police reasoned that if they saturated the West End with police officers they would stand a reasonable chance of sooner or later catching the terrorists red handed. The IRA campaign, which had resumed with the bombing of the Caterham Arms in August (the beginning of Phase 2), had continued through a further fourteen bombings and shootings and had culminated on 27th November 1975 in the cold blooded assassination on the threshold of his house and in front of his wife of Mr Ross McWhirter, an outspoken critic of the IRA. However, the massive police surveillance and counter-terrorist operation paid off on the night of 6th December. O'Connell, Butler, Doherty and Duggan fired shots into Scotts restaurant in Mount Street, Mayfair as they drove past in a stolen car. No-one was hurt. They were seen by Metropolitan Police officers who gave chase. O'Connell and the others abandoned their car just north of Baker Street and eventually forced their way into a first floor flat at 22B Balcombe Street, taking hostage the couple who lived there. During the chase there was an exchange of fire between the terrorists and the police. The siege lasted until 12th December when, largely due to the skill of DCS Imbert who was responsible for negotiations during the day time, and of DCS Nevill who took over responsibility during the night, the terrorists were persuaded to release the hostages unharmed and give themselves up. In the days following the siege the police found two addresses at which the gang had been staying in pairs since the loss of Fairholme Road - Butler and Doherty at 61 Crouch Hill, N4, O'Connell and Duggan at 99 Milton Grove, N16. At these addresses the police found a substantial quantity of bomb making material, weapons and ammunition together with documentary evidence of extensive reconnaissance of potential targets, both people and property.

15.13 The Balcombe Street gang were interviewed at length throughout the rest of December, principally by the Metropolitan Police but also by other forces with an interest in their activities. I deal in this report only with those interviews which are relevant to the case of the Guildford Four. Butler was the first of the four to be seen. In an interview with DCS Nevill and DCS Imbert on 13th December 1975 he said that he had come over to England on or about 10th October 1974. As will be seen from the extract from the interview that follows, Butler then admitted his involvement in the Woolwich bombing, which he claimed was his first job, but denied any involvement in

Guildford which he said was at a time when he was not in England. Butler (B) was asked by Nevill (N):

- "N Have you been involved in bombings and shootings in England?
B Yes.
N Which ones were they.
B I'm sure you must have a list.
N When did you first start bombings and shootings in this country.
B My first job, someone you've already put away for it.
N Which one?
B Woolwich.
N You mean the bomb thrown into the pub, the King's Arms?
B That's correct.
N Who were you with on that job?
B I'm saying what jobs I'm on.
N Were you in the car?
B I was out of the car.
N At the pub?
B Yes.
N Did you throw the bomb?
B No.
N But you were there when the bomb was thrown?
B Correct.
N When you went over there did you know they were going to do a bombing?
B Yes.
N Had you been there before on a reconnaissance of the pub?
B I was not.
N Who made the bomb?
No reply.
N Who made the bomb?
B I'm not saying.
N Fair enough. Now you know that Hill and Armstrong have been convicted of the Woolwich bombing, were you with them?
B No.
N I see. Do you know them?
B Never heard of them.
N What about the Guildford bombing?
B Wasn't in London at that time. Wasn't over here at that time.
N So the first bombing you were involved in was the Woolwich pub bombing, the King's Arms?
B That's correct.
N What was your actual job on that?
B To cover them who was throwing the bomb.
N As a gunman?
B That's correct.
N What gun did you have that night?
B I think it was a .38 not one of the ones we have now.
N Was that pub done on orders from headquarters?

- B Not the exact pub.
N What were the orders then?
B Pick out pubs like, pick out targets; military, that came under military.
N Was it you that picked the target?
B No.”

A little later in the interview there was this exchange:

- “N Do you know any of the people charged with the Guildford and Woolwich bombings?
B Never heard of them. Never heard of them until they were up in Court.
N At that time you did that bombing at the Woolwich public house were you part of this same ASU?
B That’s right.”

15.14 In the same interview Butler was taken through a long list of terrorist incidents. He denied that he had ever been to Guildford.

15.15 In the afternoon of the following day, 14th December, DCS Nevill and DCS Imbert saw O’Connell. He was read a list of incidents which included Woolwich (but not Guildford) but would neither confirm nor deny involvement in any of them. The officers saw Duggan immediately afterwards, who proved as unhelpful as O’Connell. Woolwich was among the list of incidents put to him but, like O’Connell, he made no reply.

15.16 Butler was seen again on 15th December. During the course of the interview there was the following exchange about Paul Hill and Woolwich :

- “N You remember speaking to us about the bombing of the Woolwich pub; as I told you Hill admitted being one of those responsible. If your team did it why should he say that?
B Perhaps Hill had a reason.
I But why should he say that; he even pointed out the window the bomb was thrown through.
B He had a reason for it, our boys were after him I think.
N We’ll see you about that later.”

15.17 This was the last occasion on which Butler was asked about Woolwich. On the same day Butler and his associates were each seen by DCS Simmons and D Supt Underwood of Surrey about the Caterham bombing. DCI Munday of the Metropolitan Police was also present. Neither Woolwich nor Guildford were discussed at these interviews.

15.18 It may be noticed in passing that Butler, having said on 13th December that he had never heard of Hill and Armstrong, told the police on 15th December that Hill might have admitted to Woolwich because “our boys

were after him". O'Connell as will be seen below repeated this suggestion to the police and in *Time Bomb* in 1985 it was suggested that the IRA were after Hill because of his misappropriation of an Armalite rifle after the fatal shooting of Martin Skillen in Belfast on 3rd August 1974. It seems unlikely, however, that the IRA would have had much difficulty in locating Hill in Belfast before he came to England on 23rd August 1974, or later in England where Hill was known to visit republican haunts.

15.19 On the 18th November 1975 O'Connell and Doherty were interviewed by DCI Munday and DI Chapman. According to the account in DCI Munday's statement of 19th January 1976 O'Connell denied his ASU's involvement in Woolwich. DCI Munday's record of the interview reads as follows:

“Q What can you tell us about the King's Arms, Woolwich, a throw in bomb on the 7th November, 1974. Two men were killed and a number seriously injured.

A That was not one of ours.

Q Whose was it then?

A I don't know.”

15.20 At the Court of Appeal in 1977 O'Connell denied that this interview had taken place. As we shall see, the Court believed DCI Munday.

15.21 On 24th December 1975, O'Connell was interviewed about the Caterham bombing of the 27th August 1975 by DCI Style and DCI Gladwell of Surrey in the presence of DI Chapman of the Metropolitan Police. Two of O'Connell's answers are relevant. First, he was asked whether the car used at Caterham had been hired and replied “No, we would always nick one.” Secondly, O'Connell was asked “Has a woman ever been with you on a job?” and replied “No, we did these on our own.” This was the closest Surrey came to asking him about Guildford.

15.22 On 30th December O'Connell was seen by DCS Nevill, DCS Imbert, D Supt Hucklesby and D Supt Holbrook. Once again he was taken through a chronological list of incidents, this time including Guildford. O'Connell said that he had nothing to say about Guildford and initially gave the same answer in respect of Woolwich. The interview ended, however, with the following important exchange in which O'Connell admitted to the police for the first and only time his ASU's involvement in Woolwich, but was ambivalent about his own participation. The exchange also shows that the Metropolitan Police were concerned to get to the truth in case the wrong people had been convicted:

“N Let us ask you something about Woolwich. You have said you won't say anything about that. Why not?

O Nothing to say.

N Why do you think Hill admitted to this?

O Why do I think it?
N Yes.
O I don't know.
N Did he do it?
O He has been convicted of it hasn't he?
N But you don't think he did it, do you?
O Nothing to say on that.
N Why not, it's done with now. Do you think he had anything to do with it?
O Do you think any of them did?
N Hill admitted it.
O Did he?
N Was it your team?
O I have nothing to say on it.
N Was it some of your team?
O I have nothing to say on it.
N But you don't think it was Hill and Co?
O One of our team has admitted it hasn't he?
N Are you saying that he did it or admitted it?
O One of our team has admitted being on it.
N Which one, Eddie?
O Butler.
N Did he do it?
O He has said he had hasn't he?
N Was it your team?
O There's no point in discussing it.
N There is a point in discussing it, if Hill and company did not do it and it was down to your team there is every reason to discuss it.
O It won't do any good.
N We are here to get the truth and if a person didn't do something that's as important to us as if he did. If your team did it there is no point in Hill and company doing time for it.
O It wouldn't make any difference.
N Are you trying to shield Hill or Butler or members of your team?
O I'm not trying to shield Hill.
N Was someone after Hill?
O I reckon our boys have been after Hill and Conlon for about 18 months now.
N I beg your pardon?
O They have been looking for them.
N For what?
O For passing information to the Army.
N Is that why Hill admitted it to get out of the way?
O Did he admit it? They knew nothing about it.
N Hill admitted the Woolwich bomb to both Peter and me I can assure you of that. Now why would he do that? How would he know the details of it? How would he? Was it your team? Was it? Was it? Was it your team? Were you on it?

- O Our team, not me, four.
- N Four of your team.
- O Yes.
- N And you?
- O Four, me.
- N You.
- O I have nothing to say on it.
- N You admit it was your team?
- O I have nothing to say on it.
- N Are you trying to shield your team or Hill?
- O Not trying to shield anyone.
- N Look, if it wasn't your team then I want no mucking about. If it was, the matter must be reported, we must do something about it.
- O What can you do, they have been convicted of it.
- N That doesn't matter, we have got to get the truth, both Peter and I interviewed Hill and Armstrong and Conlon and if they admitted it but didn't do it then we want to know. We are after the truth. Will you make a statement to someone independent about it.
- O I will have to speak to the other boys about it first. Butler has already admitted it.
- N Will you speak to them tonight and we will come back to see you and the others tomorrow?
- O I will see them tomorrow morning at exercises.
- N Good and we will see you afterwards, no mucking about though we want the truth."

15.23 Although at the end of this interview O'Connell had said that he was not prepared to say anymore until he had spoken to his associates overnight, when the same Metropolitan Police officers saw him briefly the following morning he refused to say anything further until he had spoken to Dowd as well. Dowd was at this time awaiting trial in a different prison. The record of the interview reads:

- "N Anything further to say to us about Woolwich?
- O No.
- N Well I can only say to you as I said last night we are concerned to get the truth.
- O We wouldn't be prepared to say anything anyway not unless we spoke to O'Dowd as well.
- N So if I ask you once again now, whether you or your team were involved in the bombing of the King's Arms at Woolwich in November 1974, what is your reply to that?
- O No comment."

15.24 Doherty was interviewed shortly afterwards. He too would say nothing about Woolwich. He said that he had seen Hill's and Armstrong's names in the paper but did not know them. Later that day Duggan was seen again but was equally unforthcoming when Woolwich was put to him. Later still, Surrey

officers saw Butler again about Caterham. Like O'Connell on 24th December he was asked about a woman taking part in the ASU's activities: and replied "No, we've only done these jobs on our own." As with the O'Connell interview on 24th December, this seems to be the closest the police came to asking Butler about Guildford. The result of Surrey's interviews about the Caterham bombing was that O'Connell and Butler both said that their ASU was responsible but denied taking part themselves. There were no further interviews with the Balcombe Street gang after 31st December 1975.

15.25 The Balcombe Street gang were initially charged with six offences, all concerned with events on 6th December 1975 and the subsequent siege, but it was clear that many more would follow once the Crown had had a chance to consider their many admissions and the forensic and other evidence found at the various safe houses and recovered from the scenes of bombings and shootings.

15.26 It is important to be clear what the Balcombe Street gang had told the police about Guildford and Woolwich by the end of December 1975 and what they had not. It has been claimed by Hill in his book *Stolen Years* and by others that in December 1975 the Balcombe Street gang made admissions about Guildford. This was not the case. O'Connell and Butler had both claimed that Woolwich was the work of their ASU. Butler said that he took part in the attack but O'Connell was ambivalent about his own presence at Woolwich. Duggan and Doherty would say nothing. None of the Balcombe Street gang gave the slightest hint that they were responsible for or knew anything about Guildford - though the questioning directed to them by the police about Guildford was, as I have indicated, very limited - and neither had Dowd, who after his arrest in Liverpool in July 1975 put his ASU's first job four days after the Guildford bombing.

15.27 On their face, the notes of the interviews with Butler suggest that he was more than willing to be helpful. As we shall see in a moment, according to Michael Hill in a note of 29th April 1976 to Sir Michael Havers (which is dealt with below), DCS Nevill's then view was that if he had to choose any of the Balcombe Street defendants as a person who had told the truth he would choose Butler whose admissions to the Woolwich bombing came on the day after his arrest. The question which arises, and which I have pursued with the Metropolitan Police, is whether he should have been interviewed at greater length specifically about Woolwich to establish whether, at a time when suggestions of collusion with Dowd or the Guildford Four could not easily be made, he was able to give details of the attack that only a member of the bombing team would know and which were more accurate than the account given by Hill. Had such an account been forthcoming at such an early juncture it might well have carried great weight in the minds of the police, DPP's office and counsel when, as events unfolded, they asked themselves whether there was compelling evidence to doubt the safety of the Woolwich convictions.

15.28 At the Balcombe Street trial in January/February 1977 the defence questioned whether the police had taken Butler's and later O'Connell's admissions as seriously as they should have done. DS Hucklesby said that DCS Nevill had taken immediate action to investigate them. Mr Nevill said in cross-examination that "they [Butler and O'Connell] refused to say anything more about it when pressed to give any details apart from saying 'Well I was there'." This is certainly true of O'Connell although, of course, he did not in fact say clearly that he was at Woolwich, but there is no indication that Butler was ever "pressed" to give further details. It was put to Mr Imbert (who by that time was the ACC(O) at Surrey) that Butler was asked nothing about Woolwich after 15th December 1975. He agreed, but counsel for Butler did not then pursue the point further. It is quite clear that Mr Imbert appreciated the importance of the admissions. Asked by the judge whether he felt that what Butler had said "could be of great help to [Paul Hill] if he wishes to go on with his appeal." He replied, "Most certainly, Sir." Sir Peter expanded on these matters in his evidence before me. He reiterated that the police were concerned about getting to the truth and that the possibility of a miscarriage of justice would have been very much in their minds following Butler's and O'Connell's admissions. His explanation for not pursuing Woolwich further with Butler was that although Butler appears from the interview notes to have been co-operative the reality was that he displayed an "extreme degree of surliness" at the time and that the police felt that they were going to get nothing more from him. Further it was O'Connell, who appeared to be the leader, on whom the police decided that they should concentrate. He was the one who, if anyone, was going to say something although in the event he refused to say any more without talking to Dowd. Sir Peter also emphasised the time constraints operating at that particular juncture. There was pressure upon the police from the media, Members of Parliament, and others about when they were going to lay charges.

15.29 If doubts were cast on Woolwich the effect was surely to cast doubt also on Guildford. As, interestingly, Michael Hill was to argue in his note to Sir Michael Havers of 29th April 1976, it might well have been thought, given the nature of the confession evidence which was the essence of the case against all of the Guildford Four, that if the admissions of Butler and O'Connell raised doubts about Woolwich, they also raised doubts about the admissions and hence the convictions of the Four for Guildford. One would therefore expect to see evidence that the Balcombe Street gang were asked about Guildford, if not by the Metropolitan Police then certainly by Surrey whose case it was. I have recorded above, however, the very few occasions on which Guildford was mentioned in the interviews with the Balcombe Street gang. Asked at the Balcombe Street trial why he did not take Guildford further DCS Nevill replied that it was Surrey's province. Surrey, it will be recalled, interviewed members of the gang on 15th, 24th and 31st December. As we have seen the record of these interviews contain no reference to Guildford.

15.30 Sir Peter Imbert told me that the contents of the Metropolitan Police interviews with O'Connell and Butler would have been the subject of

discussion between himself and his colleagues, Commander Habershon and DCS Nevill and, in all probability, with senior Surrey officers. He thought that Commander Habershon would have undoubtedly passed on details of the two men's admissions to other senior officers, including those from Surrey. As DCS Nevill said at the Balcombe Street trial, however, it would have been for Surrey and not the Metropolitan Police to take up the matter of Guildford with the Balcombe Street gang if they so chose. Sir Peter sought to explain why in fact he did not pursue the matter at that time by referring again to the constraints of time and the attitudes of the prisoners themselves. Butler of course had said that he was not in the country at the time of Guildford and O'Connell seemed to change his mood every time he was seen: "One minute he would say nothing, the next minute he would give an indication that his team were involved, and then he would say that he had to see Dowd before he would say anything further". When Mr Rowe and Mr Underwood, who were at the end of 1975 respectively ACC (O) and DCS in charge of the murder room at Surrey, appeared before me, their evidence was that they remembered discussing the matter with DCS Imbert and that it was left with the Metropolitan Police to do all the questioning. I have to say that I suspect this recollection has been affected by the passage of time. After all, the Surrey police continued to regard it as a part of their province to question the gang about Caterham, which of course is in Surrey.

15.31 The reality in my view was that, so far as both the Surrey and Metropolitan Police were concerned, at the time of the Balcombe Street siege there was no reason to doubt the correctness of the Guildford Four's conviction. In all probability they came quickly to the view that the admissions of O'Connell and Butler to involvement in Woolwich were not inconsistent with the convictions of Hill and Armstrong. Moreover, I accept that the Metropolitan Police found themselves concerned with a very large number of terrorist offences and, constrained by the usual rules relating to interviewing and charging, were keen to deal only with matters which seemed relevant at the time. In the face of what Butler and O'Connell were saying and the attitude being displayed by both men, I am not in the circumstances minded to criticise either force for not pursuing Woolwich more closely with Butler or for not making a concerted effort to interview any of the gang about Guildford. Nevertheless I find it regrettable in the overall history of this case, having regard in particular to the way in which the later admissions of the Balcombe Street gang and Dowd were open to accusations of collusion, that these matters were not pursued with vigour at the time.⁵¹

15.32 I turn now to consider how the charges against the Balcombe Street gang came to be determined and the related matter of the alterations to Mr Higgs' original throw bomb and Phase 1 correlation statements of 1975. These are matters which have troubled those campaigning on behalf of the Guildford Four for many years. At the outset I stress that the responsibility for the

⁵¹ It should be remembered however that only one of the Balcombe Street gang, O'Connell, has ever admitted responsibility for the Guildford bombings.

prosecution of the Balcombe Street gang and the decisions that were to be made in relation to charges and evidence was in a completely different set of hands from those responsible for the prosecution of the Guildford Four.

15.33 The Balcombe Street gang were to be prosecuted by John Mathew QC, David Jeffreys and Graham Boal. Although as a team they were not formally instructed until 5th March 1976, John Mathew himself was involved as early as 29th December 1975 when he was sent Instructions to Advise, which set out the background to the cases of McCartney, Dowd, and also to the brand new case of "Duggan and others" (the Balcombe Street gang). These instructions were sent in preparation for a conference on 9th January 1976 at which it was intended to discuss to what extent, if at all, these cases should be joined. The conference was attended by Mr Mathew, officials from the DPP's office, Commander Habershon of the Metropolitan Police, and counsel involved in the other cases. In the event it was decided to keep the cases separate, though Dowd remained a complicating factor given his Phase 1 activities in the south of England. It is quite clear from the documents I have seen and the recollection today of Sir Peter Imbert and Mr Nevill that the DPP's staff had been kept abreast of the developments at the end of 1975 and that the relevant counsel were quickly put in the picture. There is, however, no evidence that the Guildford Four prosecution team, that is Sir Michael Havers' team, were aware of what members of the Balcombe Street gang had said about Woolwich until the middle of April 1976. (I deal later in this Chapter with how they were notified of O'Connell's and Butler's admissions and their subsequent consideration of the disclosure of these admissions to the Guildford Four's solicitors.)

15.34 In a report written after the Metropolitan Police had interviewed the Balcombe Street gang but before 26th February 1976, Commander Habershon summarised the police knowledge about the activities of the Balcombe Street gang and their associates in 1974 and 1975. He said:

"From what has now been revealed it is evident that [the Balcombe Street gang], with Dowd and Gilhooley, comprised the main force of the Fairholme Road/Westridge Road ASU and were supported by McCartney and James Walsh - the two 'Belfast boys' referred to in the 'Dear Joe' letter⁵² - and the two women Margaret McKearney and Mary Mulholland.

McCartney, Walsh and Mary Mulholland, it would seem were virtually confined to the Southampton base and effectively disappeared from the scene of action following the shooting by them⁵³ of the police officer in Southampton at Christmas 1974. McKearney,

⁵² The police speculation about the identity of the two men referred to in the Dear Joe letter is dealt with in Chapter 18.

⁵³ Mulholland was not involved in the shooting and Commander Habershon did not in fact intend to imply that she was.

however, continued her activist role of bombing companion to Gilhooley, selector and reconnoiterer of targets and general courier between the Republic and the United Kingdom, until being effectively stifled and confined to Dublin by the massive publicity about her in August 1975.

So far as Duggan, Doherty, O'Connell and Butler were concerned it is now evident that following the killing of PC Tibble they went to ground in new 'safe houses' in North London, where they lay low and began setting themselves up for a renewal of the campaign, receiving and hoarding explosives, bomb-making materials, weapons and ammunition and carrying out detailed survey and reconnaissance of possible future targets.

.....

In addition, apart from the disclosure of their identities, other evidence has come to light which enables us to put Duggan and the other three even more firmly in responsibility for the events of the campaign which preceded the Tibble murder and with which these papers are principally concerned.

In brief, the evidence now accumulated against these four consists of fingerprint identification proving their association with the various premises occupied by the Fairholme Road/Westridge Road unit and with the making of devices, ballistic tie-ups between guns now in their possession and earlier shootings, including the Quartermaine and Tibble murders; bomb-making paraphernalia in their possession, eg. Smiths 'combat pocket watches', unique American detonators, etc, which were a feature of bombs already experienced in the series and bits and pieces of significant evidence such as the finding of Police Constable Lloyd's warrant card taken from him at the time of the Semley Place kidnapping in 1974. All this in addition to various admissions made by two of the four, Butler and O'Connell."

15.35 This report refers to, and hence must have been written before, an imminent major Metropolitan Police report on the Balcombe Street case which in the event was produced by D.Supt Hucklesby on 26th February 1976. This indicated that there was evidence to proceed against members of the Balcombe Street gang in respect of Woolwich, but not Guildford. Before I turn to that report I record that on 19th February 1976 Mr Higgs prepared a fresh version of his 10th October 1975 Phase 1 correlation statement. This was identical with his original Phase 1 statement save that in its turn Guildford, but not Woolwich, was excluded and the reference to the Guildford Four trial was removed.

15.36 In his 26th February report D.Supt Hucklesby gave a detailed account of the pursuit, eventual surrender and subsequent admissions of the Balcombe Street gang. In it he said:

“The capture of these four on 12th December, 1975, at the end of what became notorious as the “Balcombe Street Siege”, was the final chapter in a chronicle of terrorism carried out by them in London and its environs which had begun as early as October 1974 and had since that time encompassed some 50 separate incidents of bombing, kidnapping, shooting and assassination. Of these incidents 40 were bombings in which eleven people were killed and many injured, 8 were shootings in which two people were killed and two were kidnappings.”

15.37 The report said this about O’Connell’s and Butler’s admissions to Woolwich:

“A schedule of this mass of verbal and written evidence has been prepared which chronologically sets out the incidents and reconciles the admissions to the incidents. One feature of Butler’s and O’Connell’s replies is that they admit the bomb at the King’s Arms Public House, Woolwich (No. 9 on evidential schedule) for which offence others (Hill and Armstrong) have already been convicted. During questioning they were urged to give any information they might have which would indicate whether or not any miscarriage of justice had taken place but they refused to say any more. Their motives in making this admission are not clear at this stage but the fact that they did so should be noted.”

15.38 The evidential schedule (or incident chart) referred to in the report comprised 66 separate incidents. Whilst Woolwich was included because of O’Connell’s and Butler’s admissions, Guildford was not because there had been no such admissions in respect of the bombings there. Also included were the six other throw bomb incidents between 11th October and 17th December 1974 inclusive.

15.39 Copies of the 26th February 1976 police report, together with the evidential schedule and other enclosures were sent by hand to Mr D G Williams of the DPP’s office on 27th February. He and Miss Anne Butler were to be the officials there responsible for the Balcombe Street case. The report was in turn forwarded to prosecuting counsel - John Mathew and his team - on 5th March.

15.40 On 11th March 1976, at the first conference to discuss the case following the submission of D Supt Hucklesby’s report, a decision was made by John Mathew to reduce the number of incidents under consideration from 66 to 48. Woolwich was among the incidents excluded. A new (48) incident chart was duly prepared by the Metropolitan Police and submitted to counsel.

15.41 However, at one of three further conferences on 19th March, 29th April and 3rd May it was decided to bring 32 substantive charges in

addition to the original six referred to earlier in this Chapter. The Balcombe Street gang were formally charged with these additional offences on 6th May 1976 at South Western Magistrates' Court.

15.42 I do not know whether Commander Habershon attended the first conference on 11th March. I do know, however, that he was present when the 32 additional charges were under discussion and made clear in strong terms his view that proceedings against the Balcombe Street gang should be as wide ranging as the evidence would allow and should not be determined by considerations of convenience. He wanted them charged with Woolwich and with many, if perhaps not all, of the incidents on the original 66 incident chart. Something of this emerged at the Balcombe Street trial in the evidence of D.Supt Hucklesby under cross-examination by Mr Harvey, junior counsel for O'Connell.

“Q: I want to ask you something of your experience as a police officer who has undertaken prosecutions in the past and been responsible for them and I preface this by saying that of course in these cases that the court is considering now it is not a matter for the police to make the decision, the decision is taken in such conferences that you have described by counsel for the Department of Public Prosecutions; it is out of police hands to that extent? A. Yes, sir.

Q. But as an experienced investigating police officer you would accept that in your opinion you had sufficient evidence both from the forensic experts and with the defendants' alleged admissions to prosecute at least some of them for the Woolwich bombing. A. [after a pause] In relation to the Woolwich bombing there was the verbal admission of Butler and some evidence from Mr Higgs of scientific links.

Mr Justice Cantley: You mean common features with the others? A. Indeed, which were in fact not as strong as in other cases. To answer your question, if that was considered in isolation on the verbal admissions of Butler and those other scientific links, yes, I would have done, had it been the one, if it was my decision and that was the deciding factor as to whether they were charged or not, yes, I would have charged certainly Butler and, on the links, even perhaps the others, but the links by themselves showed very little indeed; it is the links taken as a whole that give the evidence and consequently I would only be considering the verbal admission of Butler.

Mr Harvey: Well, there was, of course, the verbal admission of O'Connell, was there not? A. At first O'Connell denied his involvement in Woolwich,⁵⁴ sir.

⁵⁴ This is a reference to O'Connell's interview with DCI Munday and DI Chapman on 18th December 1975.

Q. Yes, but do you only take the first answer and ignore the second?

A. No, but I often place more weight on what a person first says when I question him than what I have afterwards when he has had time to think more about it, and at first he denied it..

Q. Mr Hucklesby, you felt yourself ... I am aware you have done a lot of work in this case which in some respects you must feel has gone to waste but you must have felt at that stage quite sure in your own mind that you had sufficient evidence to amount to a prosecution on Woolwich? A. I submitted it to the Director of Public Prosecutions as such, yes.”

15.43 In his evidence to me Sir Peter Imbert said:

“I was in agreement at the time that the Woolwich offence should be included on the schedule. However, although it was somewhat frustrating to see the original schedule of 66 bombing, shooting and other terrorist offences whittled down to somewhere less than half that number, I did understand why Counsel was doing this.

I still feel, in spite of all the difficulties at that time, that if those who had admitted to the Woolwich bombing incident had been charged with it (in addition to Hill and Armstrong who had already admitted their involvement) then this matter may have been resolved many years ago. This is of course the wisdom of hindsight and, as mentioned above, Counsel’s view was persuasive and I firmly believe cannot be criticised some 18 years later.”

15.44 As Sir Peter indicated, whatever were the views of individual Metropolitan Police officers, however senior, counsel were determined to take a more robust and pragmatic line. In a letter of 18th May 1993 John Mathew told me:

“... there can be no doubt that the decision [not to charge the Balcombe Street gang with Woolwich] was mine, after discussion with my juniors, Dorian Williams, [of the DPP’s office] and the police officers concerned.

I felt very strongly that the original sixty-six offences had to be dramatically reduced to make the evidence comprehensible for the jury. I am now reminded by the documents that this happened in stages, and we were certainly looking for any excuse to drop any specific incident. I do have some recollection that Commander Habershon, true to character, was arguing for the book to be thrown at them, and I also seem to remember that Hucklesby (one of the best police officers I worked with) was more sympathetic to our view.

I do not have a date for the original sixty-six being reduced to forty-eight, but it seems that this was the time that Woolwich (and

seventeen others) was first dropped. It could well be that the conviction of Hill and Armstrong for that offence was a factor in that decision, it almost certainly was. There was definitely no ulterior motive behind it and there was certainly no pressure from anybody for that course to be taken.”

15.45 It has been suggested by some in recent years that the failure to charge the Balcombe Street gang with Woolwich was sinister. It has been alleged that in deciding not to charge at the very least Butler, if not O’Connell, the Crown was attempting to suppress evidence which pointed to the innocence of Hill and Armstrong of the Woolwich bombing and cast doubt upon the involvement of all of the Guildford Four in the Guildford bombings. I have seen no evidence of such an attempt. We shall see in a moment that as soon as prosecuting counsel in the Guildford Four case were told of Butler’s and O’Connell’s admissions they took action and came quickly to the view that disclosure was the proper course. Formulation of the Balcombe Street indictment was entirely a matter for John Mathew and his team and it was a task which they carried out with all propriety.

15.46 Just as there has been criticism of the decision not to include Woolwich on the Balcombe Street indictment so there has been criticism of the amendments that were made in 1976 to Mr Higgs’ correlation statements, and for similar reasons. A page (written between 13 April and 17 June 1976) from a note book belonging to John Mathew headed “Scientific (Correlation)” indicates that Mr Higgs had been asked to prepare a further version of his throw bomb correlation statement of 24th January 1975 “amended so as to exclude all reference to Woolwich” and do the same in respect of his second Phase 1 statement of 19th February 1976 - from which it will be recalled Guildford had been omitted but Woolwich included. Mr Higgs’ new missile throw-bomb statement was dated 17th June 1976, his new Phase 1 statement 12th July 1976. These two witness statements were the only versions of Mr Higgs’ correlation statements which were part of the prosecution depositions in the Balcombe Street trial and were the only versions provided to the defence. The existence of the original throw bomb statement of 24th January 1975 and the original Phase 1 statement of 10th October 1975 emerged during cross-examination, but not the existence of the second, 19th February 1976, Phase 1 statement.

15.47 Mr Higgs was cross-examined by Mr MacDonald, leading counsel for O’Connell, about why he left Woolwich out of his 17th June statement. He said that he was told to leave it out by DS Doyle of the Metropolitan Police, who he believed had been acting at the behest of counsel, on the ground that Woolwich had already been dealt with at trial. On the question of the propriety of his doing as DS Doyle asked, Mr Higgs said that his original throw bomb statement (in other words the one of 24th January 1975) was still available and that he had omitted Woolwich from a later statement did not alter the fact of the existence and therefore the availability of the first. When Mr MacDonald pointed out in effect that the existence of a previous statement

was of no use when it had not been disclosed, and that the later version on its own was misleading with Woolwich left out, Mr Higgs said that disclosure was nothing to do with him. Clearly not only defence counsel but also the judge thought Mr Higgs' answers unsatisfactory. Mr Justice Cantley said, "Why you should leave it out because people tell you to I don't quite understand." Similar questioning took place in respect of Mr Higgs' amendment of his original (10th October 1975) Phase 1 statement to exclude Guildford and Woolwich.

15.48 However, I do not think that Mr Higgs deserves criticism for the amendments to these statements. There is no doubt that his statements of 17th June and 12th July were prepared at Mr Mathew's request. What I have been unable to establish is who directed him to make the amendments to the original 10th October 1975 Phase 1 statement (so as to exclude Guildford but retain Woolwich) which emerged in the statement dated 19th February 1976. That statement was prepared before Mr Mathew and his team had been formally instructed in the case and before they had applied their minds to the formulation of the indictment. I have however already pointed out that the 19th February 1976 statement was dated just before production of the major police report of 26th February 1976 to which the 66 incident chart was annexed. That chart excluded Guildford (for which responsibility had not been claimed by the Balcombe Street gang) but included Woolwich. It may well be, therefore, that the 19th February 1976 version of Mr Higgs' Phase 1 statement was produced at the behest of the police on their own initiative so as to bring RARDE's evidence in line with their own 66 proposed charges.

15.49 It is quite clear, as I have said, that the amendments to the original throw bomb statement of 24th January 1975 (so as to exclude Woolwich) and those to the Phase 1 statement of 19th February 1976 (again so as to exclude Woolwich) were made at the request of John Mathew who has told the Inquiry:

"I entirely accept that the request for Higgs to amend his "throw bomb" statement to exclude Woolwich would have come from me. Indeed there is reference to it in [the note book page headed "Scientific (Correlation)"] which is my note, in my handwriting. Quite obviously the incident charts and schedules would only set out those offences charged, and the thinking must have been to also remove references to matters not charged from the statements. It will be noted that, presumably for the same reason, C & A Modes was excluded from one of Lidstone's statements.⁵⁵ I am sure it will be appreciated that this was not an easy matter to explain clearly to the Court."

⁵⁵ Mr Lidstone, Mr Higgs' colleague at RARDE, was responsible for correlating the Phase 2 incidents. His first statement was dated 13th April 1976 and included as the last bombing an explosion at C & A Modes Ltd, Oxford Street, on 6th December 1975. The last explosion dealt with in his amended statement of 8th June 1976 was the attack on Walton's Restaurant on 18th November 1975.

15.50 I now turn from consideration of how those responsible for the Balcombe Street prosecution handled the formulation of the charges and evidence against the Balcombe Street gang to consider the question of the disclosure to the Guildford Four's solicitors of the relevant developments in the Balcombe Street case. Two particular issues arise. First, whether there should have been any disclosure to the Guildford Four's defence at this stage of any of Mr Higgs' amended correlation statements. I have already expressed the view that the throw bomb statement of 24th January 1975 and the Phase 1 statement of 10th October 1975 (in so far as the latter might have come into the possession of the DPP before the end of the Guildford Four trial) should have been disclosed either before or during the trial. Had that been done then I do not consider that any criticism could be made of any failure to disclose the later (1976) amended versions which in those circumstances would have had no obvious relevance to the Guildford or Woolwich cases. However, the fact is that neither 1975 statement was disclosed. In my view, had anyone in the DPP's office applied their mind to this matter after the Guildford Four trial, then it should have been obvious that there was a need to disclose the entirety of the statements in all their versions since (as in fact happened) the defence might wish to argue that the process of making the amendments in itself cast doubt on the validity of the Guildford Four's convictions.

15.51 I should emphasise, however, as will become clear in Chapter 17 that by the time of the 1977 appeal the Guildford Four's solicitors were in possession of all Mr Higgs' throw bomb and Phase 1 correlation statements as well as Mr Lidstone's Phase 2 correlation statements. Surprising though it may seem, no point was taken by the defence at the appeal relating to non-disclosure and indeed, as will be seen, the correlation argument was not pursued with any vigour before the Court.

15.52 The second issue on disclosure is when and how the Guildford Four's defence were notified of O'Connell's and Butler's admissions about Woolwich. The question of that disclosure was obviously a matter not for the team prosecuting the Balcombe Street gang but for those who had prosecuted the Guildford Four, namely Sir Michael Havers and his colleagues. They were first alerted to these admissions by a note from the DPP's office of 14th April 1976 which said:

"Counsel is sent herewith a copy minute in the case of R v Duggan & Others (the Balcombe Street Siege). This minute as can be seen is very sketchy and contains only an outline of the conversations. Counsel is asked to advise in writing what action should be taken upon this and whether this information should be communicated to the defence solicitors who represented Hill and Armstrong at the trial. Should Counsel wish to see the full reports and statements in which the admissions were made, Counsel is informed that the papers are with Mr J Mathew, Mr D Jeffrey and Mr G Boal who will no doubt be willing to disclose upon request."

15.53 A conference was hastily arranged for the following day, 15th April, which was attended by Michael Hill, DCS Nevill and Mr Maley of the DPP's office. It was clear that a full scale conference was needed, preferably in early May, and it was agreed that in the meantime DCS Nevill should arrange for the submission of a further police report dealing with the admissions for counsel's consideration. The resulting Metropolitan Police report was dated 23rd April. Appended to it were the relevant admissions and denials from the interviews conducted with O'Connell, Butler, Doherty and Duggan. The report said:

“Apart from the admission by Butler there is absolutely no direct evidence to connect him or any other member of this ASU with the Woolwich bombing. All those concerned in the investigation and prosecution of those responsible for the Guildford and Woolwich incidents have not the slightest doubt that despite being of a different nature, ie. time bombs at Guildford and a throw-in bomb at Woolwich, the same team carried out both outrages. Forensic evidence has proved that thrown shrapnel type devices were used prior to and after the time bomb at Guildford and intelligence gained as a result of the arrest of the Balcombe Street four shows that an ASU will continually vary the type of attack. No assumption, therefore should necessarily be made on the *modus operandi*.

There is no direct link between the Hill/Armstrong ASU and the 'Balcombe Street four' except for the fact that they are all under the control of 'Provincial Army Council in Dublin' and part of the network in this country.

The only common factor to appear has been a mutual interest in Southampton. Paul Hill visited this city on a number of occasions to visit relatives living there and his girlfriend Eugenia Clarke who was staying with them. Similarly it is fairly certain that the four men arrested in Balcombe Street visited the Westridge Road bomb factory as well as O'Connell having been seen on 11.11.75 in company with 'Spotter' Murphy, (James Gerrard Murphy awaiting trial on charges of conspiracy to cause explosions)⁵⁶ in whose possession was found telephone numbers traced to Joe Baker and Roxy McAteer, two well known IRA sympathisers resident in Southampton.

⁵⁶ At the Central Criminal Court on 28th February 1977 "Spotter" Murphy was sentenced to ten years' imprisonment for conspiracy to cause explosions and conspiracy to discharge firearms. In addition to his meeting with O'Connell the evidence against him consisted of a reference to him in the Dear Joe letter, which is reproduced in full in Chapter 18, and the presence of his fingerprints on a copy of the 1974 edition of the Civil Service Year Book found after their arrest in a Balcombe Street gang safe house. Conlon told DCS Imbert and DS Lewis on 31st October 1975 that he believed that had Murphy lived in Belfast he would have been an officer at Brigade level. By contrast O'Connell told DCI Munday on 18th December 1975 when asked about Murphy "He is of no consequence, forget him".

It should be stressed, however, that no firm assumption should be made on this information since it has been known for some time that there was a strong PIRA enclave in that city.

It is commonly known that Hill confessed his part in the Woolwich and Guildford bombings to the point of incriminating others and that they in turn confessed their guilt. Further where no guilt was established on information given by Hill (ie. McGuinness, Anderson, Mullin etc) no other action could be taken, although it is known these people are not entirely free of terrorist involvement. No evidence has yet emerged to doubt Hill's confession that he and two others took part in the Woolwich bombings (this being supported by witnesses who saw three persons run from the pub), as opposed to O'Connell's statement that four persons were involved.

Another aspect to be considered is admissions by Hill, Gerard Conlon and others that a common 'anti-interrogation' tactic taught to all IRA personnel is to incriminate as many other persons as possible (including the innocent) in an effort to hamper Police enquiries by generally confusing the issue to hand. This tactic has come to notice on many occasions, and initially was probably quite successful, and thus must be borne in mind when considering ANY confession made by persons of this background."

15.54 Although, as can be seen, this report suggested that Hill's confession that he and two others took part in the Woolwich bombing was supported by witnesses, in fact, as paragraphs 2.14 to 2.16 make clear, the statements of Mr Corbett and Mrs Freeman and of other witnesses who saw a suspect car in Frances Street, Woolwich, at the material time allow one to conclude only that the bombing team was either three or four strong. In any event, the 23rd April report was submitted to prosecution counsel under cover of a Note to Counsel of 26th April which concluded:

"It is anticipated that a full conference of all Counsel, Police and the Director, will be held sometime in early May to discuss the implications of this particular material on possible appeals and any disclosure which may have to be made."

15.55 It is to be remembered that by this time in April 1976 only Carole Richardson had filed a Notice of Appeal; no appeal had as yet been lodged by Hill, Conlon or Armstrong, nor would it be in respect of any of them until 1977.

15.56 On 29th April 1976 Michael Hill wrote a note to Sir Michael Havers, copied to Paul Purnell and Philip Havers in which he said:

"As you will see from the papers recently delivered, one of the persons arrested in relation to the Balcombe Street siege (Butler), when asked

to identify the first bombing job that he had been on after his arrival in England on 10 October 1974, named the Woolwich bombing and said that it was done by a team of four not including any persons that he knew of as Hill and Armstrong. His interview, so far as it went, made it clear that he knew who Hill was supposed to be so that his assertion that Hill was not on the operation is not explicable on the basis that there was some confusion of name. Having regard to the contact between the persons arrested for Balcombe Street at the stage of the relevant interviews, there does not seem to be any significance in O'Connell's apparent confirmation of what Butler had said.

Before I had a conference with Nevill I spoke⁵⁷ to John Mathew who is leading for the prosecution in the Balcombe Street case. The position there is that no final decision has been made as to the extent of that prosecution, there being a large number of separate incidents in relation to which the prosecution have evidence against one or more of these defendants. For the time being, at least, the Butler admission has been discounted and it is John's tentative intention to exclude all reference to it in the prosecution, whatever form it takes. The only request that John has made is that we should not precipitately open up the problem and that he would be grateful if we would discuss it with him before we took any steps."

All of which, he said, gave rise to three questions:

- (a) Whether Butler's admission should be ignored.
- (b) If not, whether some further enquiry should be instituted.
- (c) Whether, further enquiry or not, the fact of the Butler admission should be disclosed.

15.57 Mr Hill advised strongly in favour of disclosure. He also advised, however, that there should be further enquiries to investigate Butler's admission before any such disclosure. This extract records Mr Hill's view that, first, the forensic links between the unexploded Talbot bomb and the Woolwich bomb were such that the inference that the same person or persons were responsible for making both was very strong, and secondly that it was artificial to regard Guildford and Woolwich as totally separate and that if there were an argument that the Butler confession raised doubts as to Hill's and Armstrong's confessions to Woolwich, then this had to raise doubts about all of the Guildford Four's admissions in relation to the Guildford bombings. Mr Hill's note continued:

"This is only my personal opinion but I think that the answer to (a) must be no and the answer to (c) must be yes. The two are connected and I cannot see that the prosecution would have any answer to a complaint made subsequently if we did not disclose this information

⁵⁷ This must have been either on 14th or 15th April 1976.

and it came out in some way. I accept entirely that, quite apart from any special problems applying to IRA investigations, there is no reason in principle why significance should be given to each and every confession of a crime for which some other person has been convicted. Moreover, the [“anti interrogation”] tactic referred to in paragraph 254 of the Police Report is well established and must throw considerable doubt, in theory at least, on Butler’s confession. As against that, however, Nevill’s preliminary view is that, if he were forced to choose any of the Balcombe Street defendants as a person who had told the truth, he would choose Butler. These factors seem to me, however to be incidentals. The fact is that Hill and Armstrong denied the admissions that were imputed to them either on the basis that they never made them or on the basis that they were forced to make them. In addition, notwithstanding what is said in paragraph 248 of the Police Report, there is a clear similarity between the unexploded Talbot bomb and the Woolwich bomb such that the inference that the same person or persons were responsible for making both, though not irresistible, is very strong. In those circumstances I think that we will have to make disclosure at some stage.

It is right to say that the absence of appeal or petition removed, in one sense, any pressure to act expeditiously and we could justify a delay until the conclusion of the Balcombe Street case on the basis that this new information only goes to the Woolwich murder and, on the face of it, does not affect Guildford. Since the relevant defendants are serving concurrent terms we are not under pressure to remove an effective sentence of imprisonment. However, it is artificial to regard Guildford and Woolwich as totally separate since our evidence against each one of the defendants in relation to the Guildford offences was essentially evidence of confessions which were challenged and, if there be an argument that the Butler confession raises doubts as to Hill’s and Armstrong’s confessions on Woolwich, this must spill over to raise some doubts about all four admissions in relation to Guildford. The principal argument for delay is that any enquiry at this stage is bound to interfere with the pending prosecution of the “Balcombe Street four” and I find that very persuasive. Moreover, nothing would persuade me that it would be right to make disclosure without first taking some steps to investigate the Butler confession. Having regard to the fact that the same two Metropolitan officers are involved in the Hill/Armstrong convictions on the one hand and the Butler/O’Connell convictions on the other, it would be undesirable to ask the Bomb Squad to conduct that investigation. With this Nevill agrees; indeed, whether it is in our extract of the interviews or not, I know that he suggested to Butler in an attempt to get him to talk that other officers should come and see him about what he had to say in relation to Woolwich.

Against that background, I think we should have a consultation (indeed, I have so advised) and that we should advise at that

consultation that, as soon as the Balcombe Street defendants have been committed for trial on those charges selected by the prosecution for that purpose, independent officers should see Butler and that consideration should be given to their seeing Hill and Armstrong as well.”

15.58 I have been unable to establish what became of Mr Hill’s advice that Butler and possibly Hill and Armstrong should be seen again. There is no record of its being discussed at the major conference which, as we shall see in a moment, was held on 26th May 1976, and it may well be that the idea was dropped in discussion between the four members of prosecuting counsel and was not raised by Mr Hill again.

15.59 On 7th May 1976 Ronald McCartney was convicted at Winchester Crown Court of various terrorist offences including the Westridge Road shooting on 23rd December 1974, and sentenced to life and other terms of imprisonment. Four days later at Manchester Crown Court, Dowd, Kinsella, Nordone, Norney and Gibson each received life sentences and various other terms of imprisonment to a maximum of 20 years for offences of attempted murder, conspiracy to murder, conspiracy to cause explosions, possession of firearms and explosives and other associated offences committed in Manchester and Liverpool in July 1975. Dowd had in fact been committed for trial on two indictments, the first relating to the Manchester and Liverpool offences, the second to his Phase 1 activities in London with members of the Balcombe Street gang and others. The trial judge, Mr Justice Cantley, who in 1977 was to preside over the Balcombe Street trial, agreed to a request from the DPP that the offences on the second indictment should not be dealt with at Manchester but be referred to the Central Criminal Court.⁵⁸

15.60 As I have already indicated, the conference to discuss Butler’s and O’Connell’s Woolwich admissions, which it had been hoped might be held in early May 1976, did not in fact take place until 26th May. It was attended by Sir Michael Havers, Michael Hill and Philip Havers of Counsel, Mr Barnes, Mr Maley and Mr Walker of the DPP’s office, Mr Imbert, who on 1st April 1976 had taken over as ACC (O) in Surrey, DCS Simmons from Surrey, and DCS Nevill and DCI Munday from the Metropolitan Police. It was decided that the admissions should be communicated to the Guildford Four’s defence solicitors but that before any final decision was made on the timing of disclosure Mr Mathew, as senior prosecution counsel in the Balcombe Street case, should be consulted and his views taken into account on the question of timing. According to a record of the conference written by Mr Maley on the following day, Sir Michael Havers and Michael Hill undertook to consult Mr Mathew on this point and to inform the DPP of the outcome. The memo continued:

⁵⁸ The suggestion then was that any trial of Dowd for his Phase 1 activities should be in a joint trial with the Balcombe Street gang. As we shall see, Dowd was not in the end proceeded against in respect of his Phase 1 offences.

“It was agreed that when this decision is finally arrived at, be it before or after committal of Balcombe Street, Mr Barnes, A/D Country,⁵⁹ would write to all the defence solicitors in a non-committal fashion and possibly enclose extracts with the relevant questions and answers of Butler and O’Connell.

A possible complicating factor in the disclosure time is the fact that Carole Richardson has lodged grounds of intended appeal already, a fact not communicated to the Director by the Court of Appeal who received the first notice in November 1975 and amended grounds in March 1976. Part of the advice received with the first grounds altho’ not the grounds of appeal themselves, makes mention of the admissions and statements of Richardson ‘had been forced from her by intimidation and suggestion’. The fact that this may be canvassed by Counsel on her behalf may slightly force the Director’s hand into earlier disclosure of the Butler/O’Connell admissions than was at first considered necessary. A copy of the Richardson Appeal documents is enclosed herewith for information.

It is not anticipated that the committal for the Balcombe Street accused will take place much before mid-July, and if they continue to be unrepresented this could be fairly lengthy.”

15.61 It may well be that the counsel to counsel discussion with Mr Mathew never took place. Neither Mr Mathew nor Mr Hill or his former colleagues can recall it. A handwritten note from Mr Maley to Mr Jardine, however, reveals that Mr Mathew did play a part in the timing of the disclosure. The note reads:

“On 1st June, Mr Mathew, prosecuting in Balcombe Street called Mr Barnes and said disclosure of the relevant parts [of the Balcombe Street gang’s interviews with the police] could be made after service of the statements etc on the Balcombe Street conspirators. This was communicated to me by Mr W Walker.

I am concerned in the Balcombe Street committal and am receiving copies of what is served on the defence. Service is now complete.⁶⁰ Therefore in accordance with the instructions of Mr Barnes I have drafted what I hope is a suitably non-committal letter and submit it to you for approval and signature.”

⁵⁹ Mr Barnes, as Assistant Director Country, was the official in the DPP’s office responsible for prosecutions arising out of offences committed outside London.

⁶⁰ Delivery of the relevant papers to the Balcombe Street gang’s solicitors - Mr Fisher of Messrs Fisher Meredith for O’Connell and Doherty, Mr Rose-Smith of Messrs Bowling & Co for Butler and Duggan - in fact took place on 21st June 1976.

15.62 Mr Jardine approved the draft and one of his staff, Mr Horn, wrote in identical terms to each of the Guildford Four's solicitors on 5th July. The letter said:

“On the advice of Counsel for the prosecution in the above-named case. I enclose herewith for your information a copy of certain verbal statements relating to the explosion at the King's Head [sic] Public House, Woolwich, made by Edward Butler, Joseph O'Connell, Hugh Doherty and Harry Duggan, persons arrested in connection with enquiries arising from the incidents at 22B Balcombe Street London, NW1.”

Non-committal indeed. How these disclosures were dealt with by the Guildford Four's solicitors I consider in the next Chapter of my report.

15.63 The Attorney General gave his Fiat in respect of the Balcombe Street case on 7th July 1976. Eight days later, on 15th July, the Balcombe Street gang were committed for trial at the Central Criminal Court on the 38 charges formulated before 6th May. Subsequently the number of charges was further reduced, first to 33 and finally, on 24th November, to 25. A Metropolitan Police report of 18th February 1977 commented upon Mr Mathew's further reduction of the indictment:

“The conviction of Dowd in Manchester before the Balcombe Street trial influenced Mr Mathew in his directions not to proceed with the early offences in the first indictment [of 38 charges] against the Balcombe Street four as it would have necessitated Dowd standing trial with them, thereby presenting the CCC jury with a vast and involved presentation of evidence.”

15.64 The earliest incident on the final indictment was the (successfully defused) Aldershot railway station bomb of 20th December 1974, and only 17 Wilton Street, of 22nd December 1974, remained of those correlated with Woolwich in Mr Higgs' original 24th January 1975 throw bomb statement. The only other Phase 1 incidents were two bombings of 27th January 1975, at 139 Putney High Street and the Charco Grill, Hampstead.

15.65 I deal with the Balcombe Street trial in the next Chapter. Suffice to note for the moment that on 10th February 1977 the Balcombe Street gang were acquitted of the 27th January bombings but, with the exception of Doherty, convicted of the earlier two. In all, they were found guilty of 20 of the 25 charges on the final indictment.

CHAPTER 16

THE EVENTS WHICH PRECEDED THE 1977 APPEAL

16.1 Although, as we have seen, the Guildford Four's solicitors were not told about O'Connell's and Butler's admissions to Woolwich until 5th July 1976, two of them at least learned something of them earlier. On 13th May 1976 Armstrong's solicitor, Mr Logan, learnt from Hill's solicitor, Mr Melton, who had it from a third party, that Butler had apparently made a lengthy admission to the Metropolitan Police about Woolwich. It was not clear to him, however, whether this admission extended to Guildford. Mr Logan decided that he should attempt to contact the Balcombe Street gang to establish what exactly they had to say. He approached the MP for Fermanagh, Mr Frank Maguire, who was used to visiting constituents in British prisons and whose right it was as an MP to do so in private. Mr Maguire agreed to go and see Butler to suggest that he invite Mr Logan to see him.

16.2 Mr Maguire saw the Balcombe Street gang on 27th May 1976 and as a result on 4th June O'Connell - not Butler - wrote to Mr Logan who visited him in prison four days later. It would seem that O'Connell told him that he and his associates would say nothing unless Dowd agreed to co-operate though O'Connell said in his evidence at the Guildford Four's 1977 appeal that he did at least tell Mr Logan that the Guildford Four were innocent. On 14th June Mr Maguire therefore made a second prison visit on Mr Logan's behalf, this time to Dowd (who was in a different prison from his former associates) and reported back that Dowd was willing to be of assistance. The arrival on 6th July of Mr Horn's letter of the 5th⁶¹, however, meant that Mr Logan could then proceed more openly. He immediately wrote to the DPP in the following terms:

"We thank you for your letter of the 5th July 1976 the contents of which we note.

Will you please let us know what steps (if any) your Department or the Police are taking with regard to the investigation of these matters or whether it is intended that we should investigate the matters on behalf of our client.

We would remind you that our client throughout the trial denied any involvement in Guildford or Woolwich.

Were any interrogations carried out on any of the men mentioned in your letter and in the extract that you supplied us with on the subject of the Guildford bombings? If so may we see copies of any extracts in respect of these interrogations.

⁶¹ Reproduced in paragraph 15.62.

Can you please supply us with a copy of the depositions in respect of the offences for which those arrested in Balcombe Street are being charged. We understand that those depositions are in the process of being served now and we would much appreciate the opportunity of studying them.

You will appreciate that so far as our client is concerned the matter is one of great importance and although we are aware that Mr Walker is away on leave and will not be returning until Monday 12th July we would appreciate a reply as soon as possible after his return and preferably a telephone call if this is possible.”

This letter was followed on 9th July by another:

“Further to our letter of the 6th July 1976 we have thought further on the subject of the information contained in your letter of the 5th July.

We are aware that those arrested in Balcombe Street are being committed probably on the 15th July 1976 and we feel that it is extremely important that Brendan O’Dowd whom we understand will be present at the committal in respect of certain offences be kept separate and apart from the four men charged in relation to the Balcombe Street bombings in the light of what was contained in your letter of the 5th July. We feel that it is essential that it cannot be said that there was communication between the Balcombe Street four and O’Dowd so that it is possible to obtain independent corroboration from O’Dowd in any subsequent investigation.

We are also of the opinion that a meeting should be arranged as soon as possible between members of your Department and the legal advisors on behalf of Armstrong and Hill to discuss the position and the steps that should now be taken. We shall be obliged to hear from you as soon as possible as to whether or not you would agree with this suggestion and any proposals you might have as to a date on which that meeting might take place.”

16.3 On 8th July Paul Hill’s solicitors wrote to the DPP expressing much the same concerns as Mr Logan. On 28th July Mr Horn replied to Mr Logan in the following terms. He wrote on the same day and in similar terms to the solicitors for Hill, Conlon and Richardson.

“Thank you for your letters of 6th and 9th inst. It seems possible that the disclosure of the statements of the officers who interviewed Butler, O’Connell, Doherty and Duggan may have given rise to some misapprehension. The purpose of this letter is to attempt to clarify the position.

Whilst the prosecution do not regard the contents of those statements (the only ones relating to either the Guildford or the Woolwich bombings) as casting any doubt upon the propriety of the convictions

in the Guildford/Woolwich case, Counsel instructed for the prosecution in the case of your client advised that those statements should be disclosed to the solicitors for all four defendants in the Guildford/Woolwich case, once decisions had been reached as to the nature and content of the "Balcombe Street" case. Counsel took the view that it must be for your client and his co-defendants, with their legal advisers, to take such steps as they thought fit.

There are no further statements to be disclosed and it is not the prosecution's intention to serve on you any of the statements tendered at the committal proceedings in the Balcombe Street case. Counsel have advised that there do not appear to be any further lines of enquiry to be pursued at this stage.

Questions have been raised about the way in which the Balcombe Street defendants have been held in custody. As should be apparent from the statements disclosed, any segregation of them ceased as soon as they were remanded to Brixton Prison.

The position of O'Dowd has been mentioned: a copy of the letter was sent to the Home Office by you and it must be for the Home Office to decide what should be done.

You have raised the possibility of a formal meeting with this Office to "discuss the position and the steps that should now be taken". As you will appreciate from this letter, there seems little point in such a meeting."

16.4 Despite the unhelpful tone, no objection was raised when Mr Logan indicated thereafter that he desired to conduct interviews with the Balcombe Street gang and Dowd in prison. Mr Logan and Mr James Still, an investigator employed by the Senate of the Inns of Court and former Metropolitan Police officer, saw Dowd on 26th October 1976. They saw Butler and Duggan on 1st November, O'Connell and Doherty on the 2nd and Dowd again on 8th November. The interviews were recorded by two accredited court verbatim reporters and were conducted in the presence of the solicitors for O'Connell and his associates. In addition to having the interviews transcribed Mr Logan and Mr Still took statements under caution from the men. All these papers were sent to the DPP shortly before the Balcombe Street trial, which began on 24th January 1977. For obvious reasons the DPP sent them to Mr Mathew and his team at once but they were not sent to Sir Michael Havers' team until 2nd February, eight days before the trial ended. Before looking at the consideration that was given by the police to the evidence of the Balcombe Street gang and Dowd I shall consider the trial.

16.5 On arraignment O'Connell refused to plead because the indictment did not contain the Guildford and Woolwich bombings for which, he said, he and others were responsible and for which innocent people had been wrongly convicted. Butler and Duggan likewise refused to plead and on similar grounds, Butler indicating involvement in Woolwich but Duggan in neither

Guildford nor Woolwich. Doherty refused to plead on the ground that he could not expect justice from an English court. Pleas of Not Guilty were entered and the trial proceeded. The defendants did not give evidence themselves nor did they call any, preferring simply to cross-examine the RARDE scientists responsible for the correlation work and the police officers to whom O'Connell and Butler had spoken about Woolwich and those who had been involved in the formulation of the indictment. Bearing in mind the length of the indictment, 25 charges in all, the trial was unusually short because, with the exception of the cross-examination to which I have referred, the prosecution evidence went almost wholly unchallenged.

16.6 I have already discussed, in Chapter 14, Mr Higgs' evidence about his omission of Woolwich from his revised throw bomb correlation statement of 17th June 1976, and his acceptance that Woolwich was properly part of that series. He further accepted at the trial that it was possible that the team responsible for Woolwich had also carried out the other bombings that he had linked with it in his original throw bomb statement of 24th January 1975, but would go no further than that. All that the links showed, he said, was a common source of knowledge about bomb construction. Questioned about the Phase 1 bombings dealt with in his 12th July 1976 statement, which included neither Guildford nor Woolwich, Mr Higgs agreed that there were "strong evidential features which in my opinion suggest links between the series of bombings" including "features which point to a common source of supply, the philosophy of attack and basic design" but again would go no further. Defence counsel of course were not only interested in Woolwich. They argued that Phase 1, if Guildford were included, really began in the same way as Phase 2 in that the *modus operandi* for Guildford and Caterham, the first Phase 2 bombing, were to all intents and purposes the same. Mr Higgs agreed that Guildford would in fact link forensically into Phase 1 and, asked if he had made an earlier Phase 1 statement, revealed the existence of the 10th October 1975 statement which did, it will be recalled, include Guildford and Woolwich.

16.7 Mr Higgs' colleague, Mr Lidstone, who had prepared a full Phase 2 statement on 13th April which had been amended at Mr Mathew's request on 8th June 1976 so as to exclude incidents with which the Balcombe Street gang were not to be charged, said in evidence that in his opinion the 15 incidents he had considered were "likely to be the product of the same person or persons". Not surprisingly defence counsel were keen to exploit what they saw as a contradiction between Mr Lidstone's evidence on Phase 2 and Mr Higgs' conclusion about responsibility for the Phase 1 bombings.⁶² Their

⁶² Mr Lidstone's evidence was ambiguous in that it can be read as meaning either that his Phase 2 work indicated that the bombs might simply have been *made* by the same people or, as the defence interpreted it, that they might have been both made and *planted* by the same people. In cross-examination at the Guildford Four's 1977 appeal (see paragraph 17.26) he made it clear that he had meant the former. Clearly in his mind there was no conflict between his evidence and that of his colleague Mr Higgs.

attempts to get Mr Lidstone to comment on his colleague's conclusion failed, however, when Mr Lidstone quite rightly refused to discuss work that was not his own.

16.8 I have already dealt, in Chapter 14, with the question of the responsibility for the omission of Guildford and Woolwich from Mr Higgs' 1976 correlation statements, with the Metropolitan Police view as to the sufficiency of O'Connell's and Butler's admissions as a basis for charging them with the Woolwich bombing, and with the question whether DCS Nevill and DCS Imbert failed in December 1975 to probe the Balcombe Street gang as much as they should or could have done about the Guildford and Woolwich bombings. All of these were matters for searching cross-examination by the defence at the Balcombe Street trial. In addition, DCS Hucklesby was cross-examined about fingerprint evidence. He told the court that there was no fingerprint evidence, on unexploded bombs, in safe houses or elsewhere, to link the Guildford Four with the four men in the dock. Further, there was no such evidence to link the Guildford Four with various (unnamed) associates of the defendants whom the police were still seeking.

16.9 Thus the defence argument at the Balcombe Street trial can be summarised as follows:

1. It was the Crown's belief that the Phase 1 incidents, but not the Guildford and Woolwich bombings, were the work of the Balcombe Street gang and their associates. It was the Crown's belief that Phase 2 was the work of the Balcombe Street gang.
2. As Mr Higgs agreed in evidence, and as his first two correlation statements (of 24th January and 10th October 1975) made clear, Guildford and Woolwich both belonged, from a forensic point of view, in Phase 1.
3. Mr Lidstone's conclusion that the scientific evidence indicated that the same people were responsible for Phase 2 also held good for the whole of Phase 1, Guildford and Woolwich included.
4. Fingerprint evidence, which was of considerable importance in the Balcombe Street trial, failed to link them or their associates with the Guildford Four.
5. The Metropolitan Police thought the admissions of O'Connell and Butler to Woolwich capable of belief and had originally intended that they be charged with that offence.
6. Taking 1 to 5 together, it was plain that responsibility for Guildford and Woolwich lay not with the Guildford Four but with the group of terrorists which included the Balcombe Street gang.

16.10 At the conclusion of the Crown's case O'Connell made a statement from the dock on behalf of all four defendants. In it he said:

“We have recognised this court to the extent that we have instructed our lawyers to draw the attention of the court to the fact that four totally innocent people - Carole Richardson, Gerard Conlon, Paul Hill and Patrick Armstrong - are serving massive sentences for three bombings, two in Guildford and one in Woolwich. We and another man now sentenced⁶³ have admitted our parts in both the Guildford and Woolwich bombings. Three of us here in the dock and the other man now sentenced have admitted our part in the Woolwich bombing. The Director of Public Prosecutions was made aware of these admissions and has chosen to do nothing. I wonder if he would still do nothing when he is made aware of the new and important evidence which has come to light through the cross-examination by our counsel during this trial.”

16.11 The Balcombe Street trial ended on 10th February 1977. The Balcombe Street gang were found Guilty on 20 of the 25 charges on the indictment. They were found Not Guilty of the Caterham bombing. All were sentenced to multiple life sentences and other long terms of imprisonment. The judge directed that the outstanding counts on the original indictment, the 38 incident indictment on which they had been committed on 15th July 1976, should remain on the file and not be proceeded with without leave of the Central Criminal Court or Court of Appeal (Criminal Division). He directed that Dowd's second indictment should be marked in the same way.⁶⁴

16.12 By this time three of the Guildford Four had filed Notices of Appeal: Richardson on 17th November 1975, Armstrong on 20th January 1977 and Hill on 27th January 1977. On 16th February 1977, however, Mr Logan wrote to the Registrar of Criminal Appeals to let him know that he was now taking instructions from Conlon (as well as Armstrong) and that he would be submitting grounds of appeal on his behalf which would be in identical terms to those already filed for Armstrong. Those grounds were the fresh evidence of the Balcombe Street gang and Dowd, which is set out in tabular form in Appendix I.

16.13 Although, as I have said, Mr Logan did not send this material to the DPP until shortly before the trial, he had alerted the police as early as 4th November 1976 to information he had been given about a car that he believed might have been used at Woolwich. On that day he wrote to Chelsea police station about a white Ford Corsair stolen on either the 6th or the 7th November 1974 “in the area of the King's Road or New King's Road and recovered north of the Thames but south of the area from which it was stolen”. Mr Logan believed the vehicle might have had a black band around the roof or possibly a completely black roof. He received by way of reply a letter from New Scotland Yard asking him to explain the reason for his enquiry and this he duly did in a further letter of 2nd December.

⁶³ Dowd.

⁶⁴ Paragraphs 15.33 and 15.59 of this report explain about the two indictments, the first for the northern offences, the second for London.

16.14 The enquiries that followed led to a report of 14th January 1977 by DC Nunn of the Metropolitan Police. It seemed that the vehicle referred to was a white Corsair, DWS 938C, which had been stolen from outside 2 Cresswell Gardens, SW5, sometime between 5 pm on 6th and 8 am on 7th November 1974 , and was found abandoned at 2 pm on 8th November at Aylesford Street, SW1. DC Nunn said:

“A vehicle of the description supplied by the solicitor of Armstrong did not come to notice during the intensive enquiries following the King’s Arms explosion, although this does not entirely exclude the fact that this vehicle may have been involved. There is the possibility that one of the ‘Balcombe Street Four’ was involved with Armstrong in the bombing, or that none was involved, and the information was supplied to them by Armstrong of a car that he did use, in order to assist his appeal.

What does appear strange, is that if this car was involved in the actual bombing then the bombers risked driving all the way back from Woolwich to Aylesford Street, SW1, where it was abandoned, unless another vehicle was used for the actual bombing and this particular vehicle was parked some way from the scene, and used to transfer into, and for the drive back to SW1.

The possibility that the vehicle was not connected whatsoever cannot be excluded however, and the fact that this car was stolen at this time may be a pure coincidence which has come to the notice of the defence.”

16.15 Michael Hill was sent a copy of this police report and related papers under cover of a Note to Counsel of 21st January 1977 which asked whether any of its contents should be disclosed to the Four’s solicitors. He dealt with the matter in an opinion shortly afterwards. The opinion is undated, but it must have been written before 2nd February, when Mr Hill and his colleagues saw the fresh evidence of the Balcombe Street gang and Dowd for the first time. Mr Hill said:

“It is always possible that George E Baker & Co were set on the trail of this vehicle theft by information from someone who heard of it and was deciding to use it (by inference, dishonestly) as a basis for questioning Armstrong’s (and, quaere, Hill’s) convictions relating to Woolwich. That would be a remarkable coincidence, particularly having regard to George E Baker & Co’s letter to Chelsea Police station, dated 4 November 1976. It is much more likely, as it seems to me, that IRA activists were responsible for the theft (if that is what it was) and, whether the vehicle was used in the Woolwich bombing, are intent on the theft’s being used to upset the Guildford and Woolwich convictions. The events at C.C.C [The Central Criminal Court] on the arraignment of the Balcombe Street defendants give weight to that suggestion, on one view at least.

Having discussed the matter briefly with DCS Munday, I have no doubt that the police are taking this development seriously, however unlikely it may be that the vehicle was used at Woolwich (so that "eye witness" evidence could not be conclusive as excluding it), I regard this matter as the most serious threat so far to the Woolwich (and Guildford) convictions. Every proper and sensible attempt should be made, therefore, to trace the vehicle, the vendor, the subsequent purchaser and the foreman.

It seems to me to be desirable that nothing should be done (or seem to be done) to suggest that the Crown regard the Corsair as the vehicle. If there were any other white or white/black Corsairs reported stolen or missing in the area mentioned by George E Baker & Co on 6 or 7 November 1974, then information relating to those vehicles should be obtained.

Once that has been done, and any losers, police officers, etc, identified and interviewed, full disclosure must be made to Armstrong's and Hill's solicitors."

16.16 DC Nunn's enquiries continued. He managed to trace a string of owners and keepers of the car but the trail ended in early 1975 when it had been seen being loaded onto a breaker's lorry. Mr Logan's letter of 4th November 1976 to Chelsea police station had not been specific as to whether the Corsair was stolen on the 6th or 7th November and, not surprisingly, the inference initially drawn by the police and counsel was that it was being suggested that it had been the vehicle used at Woolwich. In their interviews with Mr Logan and Mr Still, however, O'Connell, Butler and Duggan⁶⁵ said that the Corsair had been used on the 6th November for an attack on the King's Arms which was abandoned because there were too few people in the pub. In dealing with the night of the actual bombing, 7th November, they and Dowd spoke of stealing another car, a maroon Mark II Cortina. A Metropolitan Police report of 25th February 1977 considered their claim that Dowd had stolen this car on the evening of 7th November 1974 in the Earls Court area and that it had later been abandoned between Greenwich and New Cross in South London. The police had established that only one car fitted the bill; a maroon Mark II Cortina with the registration number PMX 334F which had been taken from outside 94A Ifield Road, SW10, some time between 6 pm on 7th and 8.30 am on 8th November, and had been standing in Heald Street SE8, for several days before being reported to the police on 14th November. On 19th November 1974 it had been examined for fingerprints and the following day was examined for traces of explosive with a mechanical "sniffer" device, both examinations proving negative. It was just one of a number of stolen cars so examined as part of the Woolwich investigation. The owner of the car in November 1974, a Miss Ann Simpson,

⁶⁵ As Appendix I makes clear, Dowd in 1976 had made no mention of the events of 6th November 1974 in which the others claimed he had been involved. The Court of Appeal were to find this significant.

had since returned to her native Canada and was being sought by the Canadian police in order to take a statement from her. The car had been traced to Scotland where on 7th February 1977 it received a second, more thorough, forensic examination, though again with negative result.

16.17 When she was seen by the Canadian police Miss Simpson recalled that her car had gone missing on the evening of 7th November 1974. She also recalled that on opening the boot after the car had been restored to her (on 26th November) she found what she called a “green army style hat”. A Metropolitan Police report of 19th April 1977 pointed out that the Balcombe Street gang and Dowd had referred in their affidavits to O’Connell, Butler and Dowd wearing bush hats at the time of the Woolwich bombing.⁶⁶ None of the officers involved in the recovery and examination of the car recalled a hat but, as the report admitted, there was no reason to doubt Miss Simpson’s recollection. She could not recall exactly what she did with the hat but thought she had thrown it away.

16.18 Dowd claimed (as did his associates) that he had been the driver at Woolwich although, as we shall see, the Court of Appeal were to come to the firm view that he had taken no part in the events at Woolwich. Whilst in their evidence to Mr Logan and Mr Still he and the others spoke of the good condition of the Cortina, it in fact had a defect which the driver might reasonably have been expected to have recalled. Miss Simpson told the police in 1977 that before it had been stolen her car already had a defective clutch. The car having been restored to her she took it to a garage for repair on 29th November 1974. The mechanic who worked on the car told the police in a statement of 7th April 1977 that the clutch pedal would have required pumping before engaging gear, especially first and reverse.

16.19 On 2nd March 1977 counsel were sent three documents: a comparison of the statements of Dowd, O’Connell, Butler and Duggan made to Mr Logan and Mr Still; a comparison of the statements under caution of Armstrong, Conlon, Hill and Richardson made while in police custody at Guildford; and a summary of the witness statements taken in relation to the explosion at Woolwich describing the device, suspects, cars which might have been used, and other matters.

16.20 As I said earlier, both the Metropolitan Police and Surrey were engaged in assessing the evidence given by Dowd and the Balcombe Street gang to Mr Logan and Mr Still. The outcome of this work was a Metropolitan Police report by D I Lewis of 7th March 1977 and a Surrey report by DC Ward and DC Crossan of 28th March 1977. The former was concerned

⁶⁶ Further, one of the men who bombed Brooks Club on 22nd October 1974 (see paragraph 14.4) was seen by witnesses to be wearing a bush hat and such a hat was found by the police at the Fairholme Road safe house in February 1975.

primarily with Woolwich, the latter with Guildford, though there was inevitably some overlap. I set out below extensive quotations from these reports because it is important to understand how the police felt able to reconcile the Guildford Four's convictions with the evidence of the Balcombe Street gang and Dowd. In his report DI Lewis said:

“It was not until the receipt of [the statements of the Balcombe Street gang and Dowd] that police had any knowledge of the actual degree of involvement in the Woolwich/Guildford cases, if indeed such admissions are true; this aspect of truth must be carefully considered before these statements are taken at their face value. Indeed, before one discusses the actual detailed content of the papers one must consider the motives which lie behind them.

The two extreme points of view which may be considered as a result of the allegation made by the Balcombe Street four are as follows:-

- (a) That the bombings at Guildford and Woolwich were indeed carried out by Dowd and others, and that Hill, Armstrong, Conlon and Richardson were wrongly convicted of those crimes.
- (b) That Dowd and others, although not responsible for those outrages and knowing with the multitude of offences standing against them, that they would get lengthy terms of imprisonment, were prepared to admit a further three bombings for which they knew they could not receive any more imprisonment but which fact might confuse the legal processes sufficiently to obtain the release of some of their comrades already convicted.

I would, however, suggest that by the end of this report the reader may well come to the conclusion that the real truth is in fact an amalgam of these two alternatives, ie. that the bombings under discussion were carried out by an ASU which comprised a hard core of Dowd and company but which also included Hill and others. It will be remembered of course that investigations had failed to trace any eyewitness to the incident and thus the precise number and descriptions of those involved were unknown. Nevertheless it was known that although only four persons were charged with the Guildford bombs, the team carrying out that incident comprised probably seven or eight terrorists.”

16.21 A schedule attached to the report showed a breakdown of the admissions so that on any particular issue each statement could be compared with the others:⁶⁷

“The schedule shows a remarkable similarity on many aspects of the admissions (Dowd and O’Connell re Guildford and Dowd,

⁶⁷ A similar schedule is at Appendix I.

O'Connell, Butler and Duggan re Woolwich), to an extent of detail which encompasses almost every pertinent point raised by witnesses. One may therefore accept that they are either telling the truth or that a conspiracy exists whereby one or more of them knows the true facts of each bombing and has 'schooled' the remainder to an extent where they are able to give an accurate version to Mr Still.

In the absence of a conspiracy between Still, Logan and the court shorthand writers (which has been discounted) it is difficult to imagine how such detail could be retained without either first hand knowledge or access to committal bundles by at least one of them and the subsequent interchange of information whilst in custody.

The fact that Police enquiries have failed to produce any evidence which would show them not to have committed the offences as stated, does not mean that they were working alone at the time, merely that each professes to have a certain amount of personal, rather than secondary knowledge of the targets."

The report then considered several aspects of the admissions which the Metropolitan Police had "been able to place under greater scrutiny".

"Visit to Woolwich on 6th November 1974.

Described in fair detail by O'Connell, Duggan and Butler whose recollection appears to coincide on all points. It is surprising, however, that Dowd, despite being described as the thief and driver of the car (and head of the ASU), can recollect almost nothing about this evening or the reasons for the abandonment of the foray. The Corsair used on this evening appears to have been identified by Police and is the subject of a separate report. [That of 14th January.]

Bombing of the King's Arms on 7th November 1974.

All four (Dowd, O'Connell, Duggan and Butler) are in agreement on the facts and there does not appear to be any major discrepancies in their statements. The Cortina car which they allege they abandoned near New Cross has been traced by Police as being recovered some eight days after the bombing in the precise position stated by the four. Police enquiries in this respect are also fully detailed [in the report of 25th February].

In reconsidering witnesses of the Woolwich bombing, in the light of these admissions, it should be stated from the outset that Police have no new and startling material to present. It is considered that the investigation and subsequent prosecution and any future appeal or re-trial could bring forth nothing on the prosecution side which was not presented at the initial hearing.

It will be remembered that the initial investigation by Police failed to locate any person who actually saw the bomb being thrown

through the window of the public house. Several witnesses however, were traced who saw either two or three men running from the scene or cars speeding away from the scene down Frances Street. All such statements have naturally been previously submitted and indeed, many witnesses were called to give evidence at the Central Criminal Court. Despite this every witness statement taken in connection with this case has been re-read in an effort to discover evidence previously thought to have had no relevance but which in the light of present knowledge could have been important.....

In regard to witnesses (of which we are lacking anyone who saw the actual throwing of the bomb) one is still left with Mr Corbett (SEGAS, Driver) and Mrs Freeman (pedestrian) who saw 2/3 men leave a stationary car near the pub seconds before the bombing and Mrs Markham, who although confused respecting various cars parked nearby, obviously saw the same men sitting in a car outside the King's Arms just prior to the explosion. It may be pertinent to note at this stage that Mrs Markham describes one passenger in the suspect car as being distinctly blonde when none of the four persons now admitting Woolwich can remotely be described as having that coloured hair.

The escape of the car down Frances Street is described, as previously, by a number of witnesses (some called at the trial), who agree the car to have been a Cortina. The main disagreement on the make of car comes of course from Corbett who had maintained it to be an 1100 type and although he could have been mistaken, it would be very wrong to induce a change of mind at this moment, some two years later. Mr Corbett it will be recalled was not called at the trial since he was ill with what was believed to be a terminal cancer. Recent enquiries show that he is still living but continues to be a very sick man. He has not been re-interviewed, but one must not eliminate the possibility of two cars being used for the Woolwich bomb in which case Corbett and/or Markham could well be accurate in their descriptions of a car other than a Cortina saloon.

There is, in fact, only one previously unknown action supposedly taken by the bombers and this is shown in the statement of O'Connell who on the night of the actual bombing apparently attempted to approach the pub from the rear, by way of an 'entry' or 'hallway' beside the pub near the hoardings covering two derelict houses adjacent to the King's Arms in Frances Street. It may be thought that this action was rather odd since the team are supposed to have reconnoitred the scene on previous occasions and one would expect this aspect to have been included in the previous visits.

Re-examination of the scene shows a side entrance to the Saloon Bar of the pub in Frances Street which leads to the rear garden. This gives direct access to the rear of the premises and O'Connell would have had no difficulty had this been the 'entry' referred to. The

second possibility of an 'entry' is a disused and boarded up alleyway between the two derelict houses referred to above which is in the centre of the hoardings. Local enquiries show these boards to be periodically removed by vandals and the possibility exists that this is the entry referred to by O'Connell.⁶⁸

Reference to the re-construction photo album shows the entry to be exactly opposite the position occupied by the suspect Cortina described by witnesses. However, his description of the 'high brick wall at the end' is not consistent with the true layout of the alley which leads directly into the rear (overgrown) gardens of Frances Street shops and which gardens are some six feet below and some 30 feet from the wall which forms the boundary of the King's Arms car park.....

MAKE UP OF WOOLWICH BOMB

Described fairly accurately by all four men which compare with witness statements attached on schedule of those persons who saw it land in the pub before the explosion. Copies of the admissions which refer to the make-up of the bomb have been sent to RARDE for comment by Messrs Higgs and Lidstone, but since one must accept the four to have been bomb makers with knowledge of the composition of such type of bomb no dramatic evidence is expected to emanate from this exercise.

The written statements, under caution, made at Guildford by Hill, Armstrong and Richardson have been analysed and indeed indicate at least three other (unknown) men to have been associated with Hill in connection with the Woolwich bombing which would re-enforce the supposition previously put forward [in this report].....

It is of interest to note that it was admitted during the interrogations of the Balcombe Street Four, that the shootings at Scotts Restaurant which immediately preceded the Balcombe Street siege, was the first

⁶⁸ In a statement to the police of 14th November 1974 Mrs Patricia Evans had in fact described seeing a man standing outside the doorway between some hoardings in Frances Street to the north of the King's Arms. (See Appendix C). The doorway led into a disused alleyway between two boarded-up houses. The man was about 5'6" tall and of medium build. He had his back to the road and although Mrs Evans saw no one else she got the impression that he was talking to someone standing in the doorway. He did not appear to be a very young man. He wore a brownish jacket like a suit jacket, not a donkey jacket or anorak, and had straight medium brown hair. Mrs Evans was in a car driven by her husband heading northwards along Frances Street. The bomb went off as they turned left into Rideout Street, the second turning after the King's Arms. The Evans' daughter Valerie was also in the car and she too saw the man by the hoardings. She described him as wearing a dark jacket and trousers, broad, and about 5'5" tall.

occasion on which all four of the men had been jointly concerned at the scene of any incident. Previous bombings and shootings were carried out either in pairs or by three of the men and as far as can be ascertained the throw bombs in the series were always carried out by two men only (one to throw and one to cover). It seems strange then that at Woolwich they admit to being four handed when the pattern which later became established corroborates Hill's admissions that he and one/two other(s) carried out the bombing at Frances Street.....

It would be unwise, without proof, to speculate on the true make-up of the ASU which carried out these outrages. However, in the compilation of this report and the intense amount of reading of statements of suspects, witnesses and the admissions, it would be less than honest for the writer not to form some conclusion as to the true facts and the following is a resume of circumstances which would answer the questions raised by these recent admissions.

If it is accepted, in general terms, that the admissions are accurate we find that Dowd and O'Connell admit Guildford, which took place on 5.10.74, and Dowd, O'Connell, Butler and Duggan took part in the Woolwich bomb on 7.11.74. It is fair to assume that Guildford was not carried out by only two persons, and although Dowd and O'Connell admit five persons were involved they do not volunteer details of the other members of the team. Similarly, Hill and company maintain the team was 8-9 in strength but do not know the identities of the 'strangers'.

For this reason it is suggested that the operation was organised by the 'hardliners', ie. Dowd, O'Connell and possibly another man who has not been identified. Not being sufficiently strong in numbers to carry out the task they were forced to draft in a number of sympathisers (eg. Armstrong) and known members of the PIRA (Hill and Conlon) who were in the country or who had been sent across to join them. In regard to Richardson, it can be assumed that they needed women as cover, and being Armstrong's girlfriend would make her ideal for the purpose.....

Having gathered the team together it is fair to assume that whilst the 'second rate' members of the team knew and were prepared at the outset to incriminate each other they were unable (or unwilling) to directly identify the 'hard men' running the operation. This would explain why the police had no clue, at any time, as to the identity of the 'missing' members and actual bomb makers.

A similar assessment of Woolwich in which all four claim to have taken part reveals a set of circumstances in which at the previous trial the prosecution accepted that only one of the two men convicted (Hill) was actually present at the bombing. [This report has already

shown] it to be extremely rare for the entire 'hardline' team to place themselves at risk at any one time, therefore it seems highly likely that the Woolwich bomb was carried out either by two/three of them with Hill. (It will be remembered, of course, that at no time was Hill able or willing to name his driver at Woolwich.)”

16.22 DI Lewis appended to his report extracts from the records of interviews which officers from the Metropolitan and Surrey police had conducted with Conlon, Hill and Armstrong in the latter part of 1975 following their conviction, the relevant contents of which appear in Chapter 13 above. There is no doubt that the police approach to the Balcombe Street evidence was influenced by their knowledge of these interviews.

16.23 Having dealt with the Metropolitan Police report I now turn to the Surrey Police report of 28th March 1977 by DC Ward and DC Crossan which focused on the Guildford bombings. It said:

“Intelligence on Guildford

Both O’Connell and Dowd state visiting Guildford in company with an unidentified third person. They mention three public houses two of which were the subject of later explosions and the third the Star Bar would appear identical with the Star Public House, Quarry Street, Guildford.

O’Connell goes into detail regarding the interior of both public houses, most of which is accurate to the point that he plots on [a plan of the pub] a coat rack in the Horse and Groom. [A police photograph] in fact shows this coat rack in this position. An enlarged photograph of this coat rack has been obtained.

Dowd, however, appears confused as to what he did or what he should say.

Guildford bombing - 5th October 1974

Interview of Dowd, dated 26th October 1976

He appears vague and declined to commit himself to any positive answers, other than ‘he’ and ‘one other’ went to the Horse and Groom public house and planted a bomb. He, however, does make reference to two old men with shopping in the far alcove. This is confirmed by witnesses, Cathro, Clerehugh, Middleton, Spooner, Kettle and McKay, who put these men there between 6 pm and 7 pm. Spooner in fact states that their places were taken by Lynsky and Cook. We have been unable to identify the two men described but two pairs of elderly men were traced. They are Jones and Hutton, and Grover and Marshall, who were in the public house at the relevant times but not in the position stated.

The description and location of the car park used would appear to indicate York Road multi-storey car park,⁶⁹ photographs of which are enclosed. There are no other car parks in Guildford where footbridge access is possible or where trees and park surround it. His sketch plan of the route taken from the car park to the public house is accurate. Plans enclosed.

Interview of Dowd - 9th November 1974⁷⁰

The make up of the Active Service Unit changed from four to five persons and included two females. He was also able to furnish more details concerning the bags used to convey the bombs.

Interview of O'Connell dated 2nd November 1976

O'Connell's description concerning the car park is reasonably accurate if he is describing York Road multi-storey car park. The location he gave of the position in the Seven Stars saloon bar that he and his two unidentified companions sat, is supported by the statements of Rehill, Ryan and Pedley. These witnesses say that two men and one woman sat at the table on the left, behind the saloon bar entrance partition, between 5.45 pm and 7 pm. Rehill states that he overheard one of a group of soldiers, who were sitting further along the bench seat ask the woman and two men direction to the Guards Depot, tending to support the statement of O'Connell.

Rehill disagrees, if the two men and one woman were O'Connell and his accomplices, with the action taken by the man on the outside of the table as stated by O'Connell.

Rehill also states that the girl he saw carried a shoulder bag and not the style of bag as described by O'Connell.

Consideration must always be given to the fact that all these details contained within the statements of O'Connell and Dowd are available from the statements and exhibits compiled during this enquiry and made available to both prosecution and defence.

It is noticeable that details given by Dowd on his second interview are both more accurate and more in keeping with the details given by O'Connell, who was interviewed in the intervening period.

The initial approach to the Balcombe Street four and Dowd was made by Frank Maguire MP who gave them Logan's name and asked that they write and request that Logan visit them.

⁶⁹ See Appendix B.

⁷⁰ Dowd was interviewed for the second time on 8th November 1976 but his statement was dated the 9th.

It would appear that the Balcombe Street four discussed the matter between themselves and O'Connell elected to write to Logan. O'Connell was visited by Logan in June 1976 and offered to help him but required confirmation that Dowd was also prepared to help. We are unable to say whether Logan visited Dowd before his affidavit of the 16th October 1976. (Prison visits by legal representatives are not logged by the prison authorities.) However it is interesting to note that O'Connell was apparently aware that Dowd was willing to help and had in fact made a statement, as there is no indication in O'Connell's affidavit of the 2nd November 1976 that he was informed that Dowd had agreed to co-operate. One can therefore assume that there was some form of communication between Dowd and O'Connell or that Logan or his agent have conferred with him between June and November 1976.

It must be considered that there could have been an exchange of information between Hill and company and O'Connell, Dowd and company, since the commission of the Guildford offence, although we have no evidence to substantiate this."

16.24 The officers then considered links between Hill and Conlon and IRA activists in Southampton. According to their report, in August 1974 Conlon had stayed at the home of Anthony John Dilucia, believed to be a senior member of the IRA in the city who was excluded to Dublin on 8th January 1975 under the PTA. Hill was also reported to have associated with Dilucia in Southampton. In the same month, it was said, Conlon went to the home of Donald Anthony McQuaid⁷¹ who was believed to be another important IRA man in Southampton. The police had a statement from McQuaid saying that Conlon had stayed with him for about ten days.

16.25 The report continued that McQuaid had asked a man called John Michael Smyth to arrange accommodation for Conlon in that month and that a woman friend of Smyth had found a room for him. Smyth had subsequently accommodated Ronald McCartney for a week in November 1974 and at Winchester Crown Court on 12th May 1976 was convicted of harbouring him and John Walsh after the Westridge Road shooting on 23rd December 1974.⁷² It was Hill, as Ward and Crossan reminded the reader in their report, who on 16th January 1975 identified McCartney from a photograph shown to him by Hampshire detectives.

16.26 Surrey believed that these connections served to associate Hill and Conlon with the IRA in Southampton and to link them, through McCartney, to Dowd (who had said after his arrest in July 1975 that he had seen

⁷¹ At Winchester Crown Court on 26th November 1976 McQuaid was acquitted of involvement in the Albion Towers explosives store. (See paragraph 15.11).

⁷² See paragraph 15.2.

McCartney in Southampton) and the Balcombe Street gang, all of whose fingerprints had been found at Westridge Road. The report concluded:

“During the enquiry into the Guildford bombings there was suggestion from Hill and the others that at least eight persons were involved in the Guildford incident. It is quite possible that Dowd and O’Connell were involved with those already convicted. We have been able to prove an indirect link between them and Hill and Conlon through the Southampton unit.

However, it cannot be overlooked that the Guildford four could have been the ‘second rate’ members of the active service unit, and were given orders to report to Guildford on 5th October 1974, where they were contacted and briefed for placing the bomb in the Horse and Groom Public House.

Another section of the active service unit being briefed for the placing of the bomb in the Seven Stars Public House. Therefore enabling each section to work independently and without knowledge of the other. This could account for the fact of Dowd and O’Connell denying knowledge of the Guildford Four. It must be remembered that at no time have we suggested that any of the Guildford Four actually planted the bomb in the Seven Stars. It is also possible that Dowd and O’Connell were engaged on the recognizance [sic] of Guildford, therefore enabling them to have a knowledge of both public houses.

It is also of interest that in November 1974 Hill was residing in Southampton at the same time as McCartney and others commenced occupation of 40 Westridge Road, Southampton.

Hill and Conlon visited Manchester in October 1974 and stayed with a relative of Conlon. It is not known if they had any contact with the Manchester Active Service Unit.

It appears that there is some similarity in the location of places visited and resided at by Hill and Conlon with those of other terrorists.”

16.27 This report was submitted to DCS Underwood who duly forwarded it to Mr Imbert, by then the ACC(O) at Surrey, under cover of a note of the same date as the report, 28th March 1977:

“In the final form of Dowd’s and O’Connell’s statements there are no substantial faults in the description of the interior of the public houses, the geography of Guildford nor prior events. Hence the testing of their versions has failed to discover any evidence of untruth. In fact it could be suggested that their memory of inconsequential events and the interior of the public house is almost too good, bearing in mind the time which had elapsed between the bombings and the

giving of their account. On this point it is worth noting that during the course of preparing Armstrong's defence Mr Logan had access to all documents in possession of police, including plans and non-material statements and he would have been aware of those which mention the two old men with shopping and the enquiry about the bus times. I put it no higher than that. I do, however, find it quite extraordinary that such minor events on such an occasion should still be capable of recall in such detail.

I find it even more extraordinary that Dowd should say in his interview of 26th October 1976 that four persons (two men and two girls) were involved, yet on the 9th November 1976 he has amended it to five persons (three men and two girls) - and this from a man who recollects seeing two old men with groceries. I wonder if the fact that O'Connell had given his full account in between is relevant. Dowd certainly seems to speak with more authority and certainly during the second interview. It is the only real discrepancy, and, of course, the two accounts now coincide.....

There is one piece of information which would go some way in corroborating their involvement and this would be their disclosure of sufficient detail to identify the car they say was hired to be used in the Guildford explosions. They have consistently refused to give this information to Mr Logan. I wonder why? Could there be something about this vehicle - if it exists - which either disproves their version or implicates any of the people convicted of the Guildford offences?

On a minor point, Mr Logan draws remarks from Dowd about the sobriety of his unit, obviously attempting to show that Armstrong does not come within this category, (see pages 14-15 of Dowd's interview of 26.10.76). Drink certainly played a part in the events in the Manchester Indian restaurant which led to Dowd's associates being arrested. Dowd also agrees that it is possible drunkenness leads to incidents. (See his interview with DS T A Witt of 15.7.75.) In the same interview he says, when speaking of making explosive devices, "I can't use watches, my hands are too big". In his interview with Mr Logan he claims to prefer drawing pins in completing the circuit on watches.

In general I am intrigued at the fact that neither of these men, one serving a long sentence and the other arrested under such circumstances that would make it inevitable he would receive a very long sentence, should wait so long to make their confessions which could free allegedly innocent Irish people, and then made them not of their own volition but after approaches by a solicitor. They claim to be patriots fighting for justice for the Irish yet they do not appear to have been very energetic in their efforts when they had nothing to lose. In fact Dowd makes the extraordinary statement that at one time he and his associates had a good laugh at the arrest. On this

point it may be thought worthy of note that Doherty who does not admit complicity in either Guildford or Woolwich, says in his statement to Mr Logan that he heard none of the others mention the offences. He planned and committed 'political' crimes with O'Connell and others. They must have had hours of intense conversation about their opinion of British justice, yet apparently not one word about four innocent persons wrongly convicted of two of their own unit's crimes. It does not make sense.

These are general comments and we have been unable to discover any real flaw in Dowd's and O'Connell's accounts. This is also the case as far as the enquiries made by the Metropolitan Police in connection with the Woolwich bombing is concerned. In fact, I understand that they have corroborated it to a certain extent by identifying a car which it is said was stolen to use in connection with this bombing.

I therefore chose to direct the enquiry into their admissions along lines which I felt more likely to arrive at the truth. If it is considered that the activities of the Provisional Irish Republican Army are part of one large conspiracy it is more than possible that Dowd and O'Connell were involved in some way in the Guildford bombings, either by intelligence gathering or in the actual placing of the bombs. It will be recalled that the prosecution in the trial of the Guildford offences did not claim that the four accused were the only ones concerned.

It was felt that if we could establish some connection between the persons convicted of the Guildford offence and Dowd together with the 'Balcombe Street Four', we would have gone a long way in showing they were part of this conspiracy which existed in England during 1974. Hence it is not surprising that Dowd and O'Connell have this intimate knowledge of the Guildford offences.

I believe we have succeeded."⁷³

16.28 By the end of March 1977 a conference with counsel had been arranged for the 25th April in preparation for which both Surrey and the Metropolitan Police continued to explore possible links between the Guildford Four and the Balcombe Street gang. In the meantime counsel were told on 18th April that Conlon had at last lodged an appeal and that the grounds were the same as those of Hill and Armstrong.

16.29 The 25th April 1977 conference was held at New Scotland Yard and was attended by counsel, officials from the DPP's office and Metropolitan and Surrey police officers. By this time counsel had had the opportunity of studying

⁷³ There then followed a detailed reference to Hill's and Conlon's Southampton connections as set out in the Ward/Crossan report.

the various police reports from which I have quoted at length in this section of my report. The connections, such as they were, between the Guildford Four and other proven or suspected IRA members were discussed. Sir Michael Havers raised the various post-conviction interviews given by Hill, Armstrong and Conlon, extracts from which, as I have said, were annexed to the Metropolitan Police report of 7th March 1977, and asked to see un-edited versions so that he and his colleagues might consider whether they had any evidential value for the forthcoming appeal. These documents were duly submitted under cover of a further Metropolitan Police report of 4th May, written by DI Lewis, which recorded the circumstances of the various interviews, the relevant contents of which I have already described.⁷⁴ It was also decided at the 25th April conference to ask Mr Logan for further details of O'Connell's and Dowd's accounts of the Guildford operation. Mr Maley of the DPP's office wrote to him on 2nd May asking for answers to two specific questions. First, whether O'Connell and Dowd were able and prepared to name those who they alleged were involved with them at Guildford, and secondly, whether they were able and willing to give the name of the firm from which they alleged that the car used at Guildford had been hired, the date of the hiring, the name in which the hiring was made and a description of the vehicle. In his reply Mr Logan said that he believed that O'Connell and Dowd were in a position to provide this information but, at the time when he and Mr Still had interviewed them they had not been prepared to divulge it and Mr Logan had had no contact with them subsequently. He pointed out that there was nothing to stop the police interviewing them but asked only that he and their own solicitors be given the opportunity to be present at any such interviews.

16.30 A Surrey report of 23rd May dealt with matters raised at the 25th April conference which fell within Surrey's province. Counsel were evidently interested in the question, speculated upon in earlier police reports, of possible collusion between the Guildford Four and Balcombe Street gang leading to the gang's admissions. Although the report drew no conclusions it stated:

“From an unprovable source we are aware that Hill knew of the impending admissions of O'Connell and Dowd in the first few days of May 1976. Following this, on 12th May 1976, Dowd joined Hill in Bristol Prison for eight days before Hill was moved to Hull Prison, where he joined Armstrong. Although Hill was in solitary confinement, it has been established that he would have had an opportunity to meet both Dowd and Armstrong.”

16.31 In fairness to those concerned I record here that in a letter of 9th August 1976 Mr Logan had asked the Home Office to ensure that Dowd was not allowed to come into contact with any of the Guildford Four. He explained:

⁷⁴ See Chapter 13.

“It is absolutely essential so far as O’Dowd is concerned that he should not have the opportunity of communicating with any of those convicted of the Guildford bombings if any subsequent enquiry into his knowledge as to these affairs is not to be prejudiced from the outset”.

Despite this, in May 1977 Hill and Armstrong found themselves in Gartree Prison with Dowd. Both asked to be separated from him, explaining that they intended to call him as a witness in their appeal and it might be thought that there had been collusion between them. Dowd was transferred to another prison on 13th May.

16.32 A Metropolitan Police report of 20th June 1977 set out to explore further the possible links between the Balcombe Street gang and the Guildford Four but in fact added little to those already thought to have been established or speculated upon in earlier reports. The report, which was written by DS Doyle, suggested however that:

“It is significant that on the same day as Hill was sent over to England [23rd August 1974] Patrick Joseph Gilhooley and Joseph Martin O’Connell, the latter one of the convicted ‘Balcombe Street Four’, took up residence at Flat 7, 21 Waldemar Avenue, Hammersmith W14, obviously having just arrived from Ireland as the advance party of this particular unit.”

DS Doyle was of the opinion that this tended to confirm the accuracy of intelligence received in September 1974 “that Hill was in London attached to a good bombing team in the Kensington area”, the Hammersmith area being, he pointed out, not far from West Kensington. DS Doyle continued:

“Another point to be considered in connection with the appeal is that when Adrian Vincent Donnelly was questioned by Detective Chief Inspector Watson after his arrest for the explosion on a train at West Ham and the murder of the train driver on 15.3.76, he threatened to “claim jobs all over the place done by others who have already been charged”. This appears to be an instruction given to the PIRA active service units to make political capital by alleging wrongful convictions.”

It will be recalled that at trial the Crown had explained the inconsistencies in the Guildford Four’s confessions as an IRA counter-interrogation tactic. The Donnelly example referred to by DS Doyle and Hill’s alleged comments to Surrey in his post conviction interview on 5th November 1975⁷⁵ were clearly regarded by the police as confirmatory of this explanation.

16.33 In reports of 4th and 13th July 1977 DS Doyle dealt with a matter that had been raised by Mr Logan. On 2nd June 1977 Mr Logan had written

⁷⁵ See paragraph 13.9.

to the DPP's office about a document which his client, Patrick Armstrong, claimed to have seen when prisoners at Hull prison gained access to prison records during a riot there between 30th August and 3rd September 1976. The document was said to be a report about Armstrong prepared by the police for the Prison Department to help them assess the likelihood of his attempting to escape and other aspects of his custody. The report, it was claimed, had been seen not only by Armstrong but also by other inmates, all of whom could give evidence if called upon to do so to the effect that the document "made quite plain that Armstrong is not now and never has been a member of the Provisional IRA."

16.34 DS Doyle explained in his reports that a prison kept two files on every prisoner. In the administration block would be kept a comprehensive file containing all the information available about a particular prisoner. In addition to this main file there would be a "wing file" which was kept in the wing of the prison in which the prisoner was located and which would contain only that information from the main file which might assist the prison officers in their dealings with the prisoner. The wing file might also contain any observations made about the prisoner by wing officers but all such observations would be copied to the main file. In short, there would be nothing in the wing file that was not in the main file. Whilst it was clear that in the course of the riot the wing files had been passed around among the prisoners before being destroyed, DS Doyle's perusal of the main file had established that there was no such document as the one Armstrong claimed to have seen. In addition DS Doyle had also studied the main files on Hill, Conlon and Richardson and was able to state that no such document appeared among their records either. Having seen all the relevant papers myself I can say that there is no reason to doubt the rightness of DS Doyle's conclusions.

16.35 At a hearing for Directions on 20th July 1977 the Court of Appeal, comprising Roskill LJ and Lawton LJ, set the Guildford Four's applications for leave to appeal for 10th October. For the Crown, Sir Michael Havers indicated that he intended to produce the evidence of about 70 witnesses who had been in the Horse and Groom in order to rebut the evidence of Dowd that he did not leave the pub until 8 pm. (It will be recalled that, with independent and unchallenged evidence that Richardson arrived at the South Bank Polytechnic at between 7.45 and 8 pm, it was crucial to the Crown case that the bombers had left by 7 o'clock). It was agreed that the evidence would be produced in statement form, rather than calling the individual witnesses. It was further agreed, with regard to the Corsair and Cortina apparently used at Woolwich on 6th and 7th November 1974 respectively, that the Crown would agree admissions as to the facts with counsel for the Four. It was also noted that an affidavit was awaited from Miss Simpson in Canada dealing with the hat she found in the boot of the Cortina. As to the car which Dowd claimed he hired for use at Guildford, Mr Leonard said that Dowd had indicated that he was now prepared to help and it was therefore proposed that Mr Still should interview him again about the matter. Mr Leonard said that Mr John Yallop, Mr Higgs' predecessor at RARDE who was by then

working in private practice, would be called to give evidence about correlation and about an examination he had carried out on debris from the Horse and Groom. Mr Leonard also intended to call evidence from a psychiatrist who had carried out research into confessions to show that Armstrong was person likely, in certain circumstances, to confess to a crime of which he was innocent. In the event such evidence was not called.

16.36 On 4th August, a conference was held in Michael Hill's chambers at which, among other things, he asked DI Lewis of the Metropolitan Police for a statement producing all the papers in respect of the "Linstead Street incident" on which, it appeared, Armstrong intended to rely as an alibi. I dealt with this matter in Chapter 9. It may be recalled that the police had established that the incident did not happen on 5th October 1974 but some weeks beforehand. At the same conference WDC Crossan of Surrey was asked for a composite statement showing where and when people had been in the Horse and Groom to enable Sir Michael Havers to rebut Dowd's evidence that he left the pub at 8 pm. In her statement, which was dated 12th September, WDC Crossan said:

"In the course of investigation into the bombings at the Horse and Groom and Seven Stars.... every person in those public houses between 5.30 pm and 7.30pm referred to by any other, by name or description was identified with the exception of a young man and woman in the Horse and Groom and two men and a woman in the Seven Stars. The majority of persons in both public houses after 7.30 pm were also identified".

16.37 In the course of the proceedings on 20th July Sir Michael Havers had referred in passing to further evidence which the Crown intended to call. This was a reference to Conlon's post conviction interviews. By early August the Guildford Four's solicitors were broadly aware of the nature of this evidence but had yet to see it. Mr Logan wrote to the Registrar of Criminal Appeals about the matter on 10th August. He believed, he said, that the new evidence was a statement about the Guildford bombings which Conlon had made to the police immediately after his conviction: "Whilst we have been aware of the possible existence of this statement by Conlon for some time we had no positive proof of this and Conlon denied the matter when questioned about it. Thus up until now there has been no conflict of interest at all". Mr Logan's concern was that there now appeared to be a very real conflict of interest between his original client, Armstrong, and his second client, Conlon. If such a conflict did in fact exist he would have to ask Conlon to find another solicitor, but he would not know for sure until he had seen the papers. Disclosure should therefore be made as soon as possible.

16.38 At a further preliminary hearing before Roskill LJ on 11th August it was agreed that the Conlon material should be served on the following Monday, 15th August. Mr Hill, for the Crown, was reluctant to agree unless Conlon could be placed in solitary confinement for his own protection. The

court adjourned for D I Lewis to telephone the Governor of Wakefield Prison who explained that Conlon could not be segregated unless he chose to be. The police papers I have seen from this time speak of considerable concern for Conlon's safety once the interview material had been disclosed. In the event, it was agreed that disclosure should be made on the 15th August and it was left that the Registrar of Criminal Appeals would talk to the Home Office to see what could be done to protect Conlon.

16.39 Mr Boxall, for Armstrong and Conlon, informed the court that the information which it had been hoped Dowd would provide about the car used at Guildford had not been forthcoming. The prison authorities had insisted that the interview be conducted within sight and hearing of prison staff and Dowd was unwilling to proceed on those terms. Mr Boxall hoped the Court might be able to at least indicate to the Home Office the desirability of the meeting going ahead, perhaps within sight but not hearing of prison staff, but Roskill LJ said that it was entirely a matter for the Home Office and the Governor of Wakefield; the Court would not interfere.

16.40 The material disclosed on 15th August included a transcript of Conlon's taped interview with DCS Imbert and DS Lewis of the Metropolitan Police on 31st October 1975. Before the appeal began a second, improved, transcript was made with the help of a former RUC officer (who had a better grasp of Conlon's Belfast accent) since it was felt that there were too many gaps in the original. Mr Logan, by now in little doubt that he could no longer represent Conlon, asked to listen to the tapes, which he did on 1st September. Shortly thereafter Mr Brian Rose-Smith of Messrs Bowling and Co became Conlon's solicitor. Conlon, as Mr Logan had indicated in his letter of 10th August, denied that the voice on the tapes was his and Mr Rose-Smith instructed Dr John Baldwin, a phonetics expert at University College, London, to listen to them and give an opinion. Dr Baldwin duly confirmed that the voice was Conlon's.

16.41 As we have seen in this Chapter, following the receipt early in 1977 of the Balcombe Street gang's and Dowd's accounts of the Guildford and Woolwich bombings the Metropolitan and Surrey Police embarked upon consideration of the question whether their admissions to Mr Logan and Mr Still raised doubts about the convictions of the Guildford Four. Contrary to allegations that have been made over the years that the police failed properly to investigate these admissions it is clear from the police reports that I have seen that the investigation was a thorough one.

CHAPTER 17

THE 1977 APPEAL

17.1 The hearing of the applications for leave to appeal began on 10th October 1977 and ended on 24th October. The Court, comprising Roskill LJ, Lawton LJ and Boreham J, gave judgment on 28th October.

17.2 The applicants relied on the fresh evidence of the Balcombe Street gang and Dowd, supported by other evidence which I shall summarise in a moment, to show that O'Connell and Dowd together with another man and two women were solely responsible for Guildford, and that O'Connell, Dowd, Butler and Duggan were solely responsible for Woolwich. It was submitted on behalf of all four applicants that on the basis of this evidence their convictions should be quashed. Counsel for Armstrong, Conlon and Hill asked not for their freedom but for a retrial, so that a jury might decide the case afresh, but counsel for Richardson argued that the strength of her alibi was such that, seen in the context of the new evidence, she should walk free. The application to call the fresh evidence was not opposed and leave was given to call it.

17.3 The supporting evidence consisted of:

- (a) the statements, taken by the police in 1974, of seven witnesses in the Horse and Groom who had not given evidence at trial but who saw the two old men sitting in the alcove, as described by Dowd; together with that of Miss Spooner, who had also seen them and who had given evidence.
- (b) The statements of three witnesses in the Seven Stars, namely Rehill, Pedley and Ryan, who likewise had not given evidence at trial but who had seen two men and a woman sitting where the bomb was planted at between 5.45 and about 7.00 pm. Rehill's statement was regarded as corroborating O'Connell's recollection that one of the soldiers sitting nearby asked his (O'Connell's) male companion the time of the Aldershot bus.
- (c) A report by Mr Yallop in which he described how debris he had examined from the two Guildford pubs was consistent with Dowd's and O'Connell's descriptions of the bags in which the bombs were carried into the pubs.
- (d) A surveyor's report by Mr K Marshall, FRICS, concluding that a multi storey car-park at Foxenden Quarry, York Road, Guildford (see Appendix B) was the one described by Dowd and O'Connell, even though some of the details they had given were inaccurate.
- (e) An agreed statement of facts in respect of the theft of the white Corsair, DWS 938C, which it was claimed was used on the abortive attack on the King's Arms, Woolwich on 6th November 1974.

- (f) A similar agreed statement of facts in respect of the theft of the maroon Mark II Cortina, PMX 334F.
- (g) An affidavit from Miss Simpson about the bush hat found in the Cortina.
- (h) A further report by Mr Marshall in which he compared the King's Arms and its situation with the descriptions given by O'Connell, Dowd, Butler and Duggan and concluded that their descriptions were sound.
- (i) The statements of three witnesses from Woolwich who had not given evidence at the trial, namely Cornford, Haxell and Mrs Markham. (Her evidence is summarised in paragraph 2.15.) Cornford and Haxell both saw the Mark II Cortina. Cornford said, correctly, that it was "dark red or maroon", Haxell thought it was "dark green or dark blue".
- (j) A further report by Mr Yallop about RARDE's correlation work in which he dealt in particular with Mr Higgs' statements of 24th January and 10th October 1975 and concluded that it was possible to go further than Mr Higgs had gone as to responsibility for the Phase I bombings.
- (k) Mr Higgs' correlation statements just referred to together with his later statements of 17th June and 12st July 1976 and Mr Lidstone's Phase 2 statement of 8th June 1976. All of these had come to Mr Logan's attention at the Balcombe Street trial and were sent to him at his request thereafter.

17.4 There is one other document which I should mention. The Notices of Appeal of the Four referred to the inconsistencies between and within their confessions. The Registrar of Criminal Appeals wrote to John Leonard QC on 12th May asking for a summary of these inconsistencies. This led to his producing a paper for the Court. An analysis of these inconsistencies in tabular form is at Appendix H.

17.5 Before the proceedings began Sir Michael Havers asked that the Crown be supplied with such information as Dowd was alleged to possess about the hiring of a car used at Guildford. Otherwise if it were "blurted out" from the witness box the Crown might have to request an adjournment for the matter to be investigated, thereby delaying the proceedings. John Leonard QC for Armstrong, who as senior counsel present took on the major burden of the application, told the Court that this information was not available. Dowd had not been re-interviewed about it but was in any case unwilling to divulge the details because it might involve an innocent party. As we shall see, in the course of the proceedings Dowd apparently had a change of heart.

17.6 The Court heard evidence from Dowd, O'Connell, Butler and Duggan. The first witness was O'Connell. John Leonard QC examined him in chief,

beginning with his being contacted by Frank Maguire MP and by Mr Logan, and moving on through his account of the Guildford bombings and then of Woolwich. His evidence was impressive and accorded with what he had told Mr Logan and Mr Still.⁷⁶ As a Metropolitan Police report of 14th November 1977 reveals, the officers present were left with little if any doubt that he had been at both Guildford and Woolwich and was one of the organisers of the attacks. O'Connell denied knowledge of any of the applicants and stated that they were not involved in these offences in any way.

17.7 Under cross-examination by Sir Michael Havers he refused to name the firm from which the car used at Guildford had been hired but would give no explanation for his refusal. He was taken through a brief history of his ASU during October and November 1974 including a list of the bombings and shootings with which he was known to have been involved. In the course of this he remarked to Sir Michael "you bore me" and asked what was the relevance of this line of questioning to the applicants. This cynical comment aside he admitted his part in the incidents put to him, but although he mentioned others of the Balcombe Street gang and Dowd he refused to name the other individuals who had been involved because, he said, they were still at liberty.

17.8 Taken through the Woolwich bombing O'Connell was adamant that on both the 6th and the 7th November 1974 he was accompanied by Dowd, Duggan and Butler. He stated that on the 6th, after he had looked in the window of the King's Arms and reported back to the three in the car that it was virtually empty, Dowd went to the pub to see for himself. Throughout his cross-examination, though evasive as to personnel, O'Connell gave detailed answers in respect of locations, procedure and timing. However, when his various interviews with the police were put to him he denied that the interview with DCI Munday on 18th December 1975, in which he had said that "Woolwich was not one of ours", had ever taken place. Further, although he maintained that he had no knowledge of Hill he admitted that on 30th December 1975 he had referred to Hill being wanted by the IRA. He also denied that photographs were ever taken of targets, but was then shown a photograph of a potential target found by the police at one of the Balcombe Street gang's safe houses. He said that he had never seen it. The suggestion was put to him that he was saying that photographs were never used because he knew very well that the Guildford Four had spoken of seeing such photographs. He denied this.

17.9 Taken through the Guildford bombings he said that he was not the bomb expert at the time; Dowd and the third man at Guildford were the experts, O'Connell himself developing his "expertise" in 1975. He said that he had declined to name the car hire firm because it might implicate some other person not in custody.

⁷⁶ See Appendix I.

17.10 Dowd was the next witness. His evidence in chief was vague and inaccurate in respect of times, locations and other important detail and was totally discredited in cross examination. He now recalled that he had been present at Woolwich on 6th November: there had been no mention of this in his evidence to Mr Logan and Mr Still. He did not recall whether he had gone back to the pub, as O'Connell said he had, and he was also wrong about the meeting place and the place where the car was later abandoned. He said first that the car used on 6th November had been an Escort, then that it had been a Cortina; in fact the appellants' case was that it was a Corsair. He could not explain why, if he had been present, he had neglected to mention the events of 6th November to Mr Logan and Mr Still. His descriptions of the containers for the bombs at Guildford and Woolwich did not accord with O'Connell's. Dowd admitted that when he was interviewed by DCS Nevill in Liverpool following his arrest he had denied being involved in the Woolwich bombing. At that time he had also denied that his unit was involved. His explanation to the Court was that he was prepared to admit to as little involvement in the London area as he thought it would take to convince Mr Nevill that he was being truthful. He could not recall how many times he had been to Guildford before the night of the bombings. Nor could he explain why in his original statement to Mr Logan and Mr Still he had said that four people were involved on 5th October 1975 but that in his second statement he had said five, in line with what O'Connell had by then said.

17.11 Pressed on the car hire firm used for the Guildford car, he at first refused to name it but then, apparently to the surprise of all present, said that the car had been hired from Swan National's office at Victoria, London, in the name of Michael Moffitt, (which he was asked to spell) using one of a number of forged driving licences in his possession. He thought the car used at Guildford had been a white Escort and that he had hired a white Avenger for a reconnaissance one or two weeks before the bombings. That car, like the Escort, had been hired from Swan National at Victoria. He thought that in all he had hired cars there on three or four occasions.

17.12 According to DS Doyle's report of 14th November 1977, DI Lewis then left the Court to institute enquiries. He was told by Mr Logan that the name Dowd had used to hire the cars had in fact been Martin Moffatt.⁷⁷ DI Lewis' enquiries of Swan National revealed that the following four cars had been hired in that or a similar name at or near the material time. The first two had been hired and returned in the weeks before the bombings at Guildford. The second two had both been out on hire on 5th October 1974, the day of the bombings. The details were as follows:-

1. On 10th September 1974 a yellow Marina, PUD 576M, was hired to an R C Moffat who gave an address in South Africa. He returned the car on 11th September.

⁷⁷ A name which, as I recorded in Chapter 15, Dowd spoke of using after his arrest in July 1975. I also recorded that a driving licence in the name of Martin Moffatt had actually been found in Dowd's possession.

2. On 21st September 1974 a white Escort, ROH 54M, was hired to an M Moffitt with an address in South Norwood, London SE15. The car was returned on 24th September.
3. On 27th September a yellow Cortina 1300, VGW 462M, was hired to a Moffat and returned, overdue, on 9th October.
4. On 4th October a white two door Avenger, RAE 211M, was hired to a Moffitt and returned, three days overdue, on 10th October.

17.13 Clearly, Dowd could not have used the white Avenger on the reconnaissance and the white Escort on the night of the bombings as he had claimed. Unfortunately, because a block of 500 hiring agreements was missing from Swan National's central records, the full details of the agreements in respect of cars 3 and 4 were not available and the only evidence was that contained in two fleet books produced by Miss Lynne Burnett, the manager at the Victoria office. The fleet books recorded only the date, time and name of the person hiring and returning the car alongside the vehicle details. Miss Burnett gave evidence for the Crown and I shall look at what she said in a moment.

17.14 Dowd, having revealed the name Moffitt, was unable, under further cross-examination,⁷⁸ to give details of the hire procedure at Swan National, saying that he could not recall if he wrote his details down or if he gave them to the receptionist. He could not remember which address he gave. Asked whether he had hired the yellow Cortina, Dowd replied "Well, it is possible but it is so long ago I don't remember". Asked whether he had hired the white Avenger he answered "yes". When it was put to him that he seemed therefore to have had two cars out on hire at the same time he insisted that it was impossible on the same licence. There was then the following exchange:

Sir Michael Havers: "You did not have⁷⁹ them out together, you got them at separate times."

Dowd: "Oh yes, I accept that. I will accept that."

Sir Michael Havers: "You had one on the 27th September and one on the 4th October, did you not?"

Dowd: "Yes, possibly. I don't remember actually."

17.15 It was put to him, and he accepted, that he might have used the yellow Cortina for a reconnaissance to Guildford but continued to insist that only one car was used for the actual bombings on 5th October 1974. Asked why O'Connell had been reluctant to give the name in which the cars had been hired and the office from which they were hired and why hitherto he himself

⁷⁸ The police having taken the opportunity to make enquiries, Dowd was in fact recalled after Duggan had given his evidence.

⁷⁹ He should have said "hire", but Dowd clearly understood what he meant.

had been reluctant to give this information, Dowd explained that it was to protect others who might still be using the licence. In fact, as we have seen, the Martin Moffatt licence had been found by the police in Dowd's possession after his arrest in July 1975.

17.16 Duggan was the next witness. His evidence, of course, had to do only with Woolwich. It was not as detailed as O'Connell's. He said that he had only been in London for a few weeks and could not remember locations but he supported what O'Connell had said, including the claim that Dowd took part in the attack. He relied on lack of memory or refused to answer questions when cornered in cross-examination but was thought by the police officers and DPP officials who heard him to be a reasonably accurate witness.

17.17 Butler was the last of the main witnesses. His evidence was vague. His account of the Woolwich bombing broadly agreed with the accounts of O'Connell and Duggan but his recollection with regard to detail was very poor, despite his claim that it was his first operation with the ASU. He, of course, had no evidence to give about Guildford.

17.18 In cross-examination all four witnesses were questioned about the "Dear Joe" letter which had been found in their safe house at Fairholme Road in February 1975. The extent and effect of this particular part of the Crown's cross-examination and its use by the Court has raised a number of specific issues. I deal with these in Chapter 18.

17.19 Before the Court heard from the next witness, Mr Yallop, the Crown made an admission to the effect that there was no fingerprint evidence to link the applicants with O'Connell, Dowd, Duggan and Butler.

17.20 Mr Yallop then gave his evidence speculating about the bags which had contained the bombs. After he had stepped down from the witness box the Court commented to Mr Leonard that he had not really helped. Mr Leonard agreed. Mr Yallop was not in the end taken through his correlation evidence. This may at first glance appear surprising given the emphasis that many have placed upon the importance of the correlation work over the years.⁸⁰ The Court, in their judgment, stated that "In the event this part of Mr Yallop's evidence was not led because it was conceded to be of little value to the Court". The judgment recorded the basis for this concession as being that although there was no doubt "that the bombings at Guildford and Woolwich were part and parcel of a larger terrorist campaign in the course of which similar weapons had from time to time been used", this fact did not "in the least assist to show who were or who were not the guilty parties on the two particular occasions with which this Court is presently concerned".

⁸⁰ See also paragraph 17.26 below.

17.21 Submissions were then made on behalf of the applicants. All relied on the fresh evidence. On behalf of Hill and Conlon it was submitted that their cases were based on that evidence and upon the explanations they had given at trial for their confessions. On behalf of Richardson it was submitted in addition that whereas at the trial the Crown had merely said that she might have been one of the “courting couple” in the Horse and Groom who, on the evidence relied upon by the Crown, had left at about 7pm, she was now entitled to have her position considered by the Court on the basis that the Crown case was that she must have been one of the couple. On this basis the timings of her alleged involvement in the bombing were very tight since the Crown had conceded that she was present at the South Bank Polytechnic in south London by 7.45 to 8pm. The Court accepted this submission. A further submission was made on her behalf that the only reason she did not refer immediately to the alibi when she was arrested was that initially she failed to connect the night she had gone to the concert with the night of the bombings. In any event if she had been one of the bombers and had concocted an alibi she would have remembered it at once.

17.22 Sir Michael Havers opened the case for the Crown by taking the Court through the prosecution case at trial and the evidence advanced in rebuttal of Hill’s and Richardson’s alibis and of the various explanations of all of the defendants for their confessions. As to the fresh evidence, he argued that the conclusion to be drawn from Dowd’s evidence was that he was neither at Guildford nor Woolwich. The Crown conceded that there was such a ring of truth about O’Connell’s evidence that it was probable he was at both. That did not damage the case against the applicants, however, because although O’Connell had said that they were not involved he had refused to name those who were, apart from his three fellow witnesses. It was submitted that having proved Dowd to be lying the Crown really needed to do no more to discredit the new evidence.

17.23 An attempt by the Crown to have Conlon’s post-conviction interviews admitted (see Chapter 13) was overruled by the Court after lengthy legal argument on the ground that to do so would be prejudicial to the other applicants.

17.24 Miss Burnett was called to give evidence about the Swan National records of the four car rentals described above. She said, crucially, that it was certainly possible for two cars to be on hire at the same time on the basis of the same driving licence since the hirings were not scrupulously checked. It was the Crown’s contention that both cars that were on hire over the period of the Guildford bombings were used at Guildford and had been hired on the driving licence of which Dowd had spoken, though not necessarily both by Dowd himself. Towards the end of his cross-examination of this witness Mr Lloyd-Eley QC, who led for Conlon, suggested that the second of the four cars, the white Escort hired on 21st September 1974 and returned three days

later, might have been used for a reconnaissance. The Court offered to have Dowd recalled to deal with this but Mr Lloyd-Eley declined the offer.⁸¹

17.25 Mr Lidstone was called to rebut Mr Yallop's opinion that some of the debris from the Horse and Groom and Seven Stars was consistent with O'Connell's and Dowd's descriptions of the bags in which the bombs were carried. Mr Lidstone's evidence was that the debris did not support such a view. In particular, he said that wood fragments which it had been claimed had come from the handles of one of the bags definitely could not have done. Such wood, had it been at the seat of the explosion, would have been reduced to the finest splinters, quite unlike the fragments Mr Yallop had shown to the Court. In the event, in their judgment the Court said that they found no help in this evidence from either Mr Yallop or Mr Lidstone "which through no fault of their own is far too nebulous in character to assist us in solving the crucial problems to which these applications give rise".

17.26 Although, as we have seen, Mr Yallop had not been led on the issue of correlation, counsel for Conlon cross-examined Mr Lidstone on the matter, but without success. The argument which it was obviously intended to advance on behalf of the applicants had been made at the Balcombe Street trial and Mr Lidstone was referred to his evidence on that occasion⁸²:

Q. Were you able to answer a question from the Judge at that trial that in your opinion all those 15 bombs including the exploded bombs, had come from a single cell or firm? A. Yes that was my opinion.

Q. By that you meant produced by and planted by the persons within a single cell? A. No. I would be quite unable to give an opinion as to who planted anything, but the connection between these lay in the design and the material used. I think at the time I said that in my opinion these were a product of the same person or persons, but that the last thing I would be able to do would be to cast an opinion as to who planted them.

17.27 As set out above, the Court in their judgment found no substance in this argument. However, it is understandable that counsel might have expected Mr Lidstone to support this line of reasoning in view of the evidence which he had in fact given at the Balcombe Street trial. On that occasion he had been prepared to concede that scientific correlation, albeit his own Phase 2 work, dealing with the 1975 bombings, was sufficient basis for the conclusion that a series of bombs had been the work of the same people (see paragraph 16.7 above).

⁸¹ In the book *Time Bomb* it is asserted that this car was indeed hired by Dowd for use on a reconnaissance and that the signature on the hire agreement corresponds with Dowd's.

⁸² See paragraphs 16.7 and 16.9.

17.28 The Crown then called two police officers, first Commander Nevill to confirm the accuracy of the police record of the interview with Dowd in July 1975, in which he had said that his ASU's first action had been on 9th October 1974 (four days after Guildford) and that they had not been involved in the Woolwich bombing; and secondly, D Supt Munday to confirm the accuracy of the record of the interview with O'Connell on 18th December 1975 in which he said that Woolwich was "Not one of ours".

17.29 The Crown closed its case by drawing the Court's attention to discrepancies in the evidence of Dowd and, to a lesser extent, of Butler, submitting that Dowd in particular had lied consistently. Counsel for the applicants closed by drawing the Court's attention to the similarities in the accounts of the four principal witnesses.

17.30 The Court adjourned on 24th October and delivered their judgment on 28th October 1977. All four applications for leave to appeal were refused. The judgment was read by Roskill LJ who set out the approach adopted by the Court to the fresh evidence of O'Connell, Dowd, Butler and Duggan. This was based on passages in the speeches of the House of Lords in *Stafford & Luvaglio -v- DPP* [1974] A.C. 878:

"We have to ask ourselves whether our appraisal and evaluation of the new evidence, coupled with certain rebutting evidence which we gave the Crown leave to call without objection, rightly so, on the part of counsel for any of the Applicants, leads us to think that any of the four convictions is unsafe or unsatisfactory. We emphasise that it is not enough that some parts of the evidence from O'Connell and others may in certain respects not have been challenged by the Crown, but have been accepted, if not as true, at least as possibly true. What we have to consider is whether any of that new evidence is credible in the relevant respects, namely that in relation to the Guildford bombings none of the Applicants was involved and that in relation to the Woolwich bombing neither Hill nor Armstrong was involved, and that none of the Applicants was known to O'Connell, Dowd, Duggan or Butler or was a member of the Active Service Unit to which those four men admittedly belonged. Only if credence can in our view be given to that part of the new evidence can the verdicts of the jury, based upon the several alleged confessions of the four Applicants, be displaced to the extent of ordering retrials. It is not enough merely for this Court to accept, for example, that O'Connell may with others, named or unnamed, have been involved in the Guildford or Woolwich bombings or both; a fact which in this Court the Crown did not challenge".

17.31 The Court went on to summarise in some detail the fresh evidence called from the witnesses and concluded by rejecting it in so far as it exonerated the Guildford Four from involvement in the Guildford and Woolwich bombings. Before turning to its final appraisal of these witnesses

and their evidence the Court set out and discussed some eight other items of evidence called before them, some of which they found to be of assistance in fulfilling their task. One of these items was the “Dear Joe” letter which I deal with in Chapter 18. The first two related to O’Connell’s and Dowd’s disputed interviews with the police in respect of which the Crown had called rebuttal evidence from Commander Nevill and D. Supt Munday. The Court had no hesitation in accepting these officers’ evidence and in concluding that both Dowd’s and O’Connell’s denials (that they had previously denied involvement in the Woolwich bombing) were lies. The eight items also included the evidence about the correlation work and the expert opinion of Mr Yallop and Mr Lidstone on the question of the bags, the Court’s conclusions on which I have already rehearsed. As indicated, they found this part of the evidence of no assistance. The remaining items concerned, first, the hiring of cars at Guildford, secondly, the issue of the likely numbers involved in an operation such as the Guildford bombings, and thirdly the point about inconsistencies in the Guildford Four’s confessions. I set out below the Court’s conclusions on these matters in my consideration of the overall judgment of the Court.

17.32 Having dealt with the eight points the Court turned to the fresh evidence from O’Connell, Dowd, Duggan and Butler. As I have already explained, the judges asked themselves the question whether the new evidence, considered in the light of the submissions advanced regarding the inconsistencies in the confessions, caused them to feel that the verdicts might be unsafe or unsatisfactory. They regarded the touchstone by which the credibility of all the new evidence was to be judged should be that of Dowd, and that the correct approach to the determination of the applications lay in first considering and then appraising his evidence regarding Woolwich. He had said in Court that he was present on both the 6th and the 7th November 1974, but in July 1975 following his arrest had denied any part in the Woolwich bombing. Further, he had been unable to explain to the Court why he had not told Mr Logan and Mr Still about the events of the 6th on either of the occasions on which they had interviewed him. The Court found that Dowd had been a “deplorable” witness who had “but imperfectly and recently” learned the details of the story he was telling and had no hesitation in concluding that he had lied about his part in the Woolwich bombing.

17.33 The Court did not find it necessary to determine whether and, if so, who of the other three main witnesses had actually been at Woolwich. The Crown had not challenged that O’Connell and Duggan might well have taken part in both Woolwich expeditions but questioned whether Butler had been there. The Court, indeed, found Butler almost as bad a witness as Dowd. His recollection of the detail had been poor but the Court bore in mind that he had been the first of the witnesses to admit participation in Woolwich.⁸³ The Court did not comment on Duggan’s evidence. As to O’Connell, who “gave the impression of utter ruthlessness in pursuing his aims”, they said that it was difficult to believe that had he not been present on both occasions his

⁸³ On 13th December 1975, the day after his arrest.

knowledge of the detail could have been wholly invented, corroborated as it was by, for example, the finding of the two cars. In the event the Court were content to proceed on the assumption that O'Connell and Duggan and, although with more hesitation, Butler, went to Woolwich on the 6th and 7th November. However, the judgment made clear that it did not follow that because their evidence might be credible in this respect it was also credible about their denial of Hill's presence at Woolwich. Having found that Dowd had lied to the Court in respect of the abortive journey to Woolwich on the evening before the bombing, and in respect of the bombing itself, the Court understandably drew the further conclusion that O'Connell, Duggan and Butler had also lied in asserting that Dowd had been their companion on each of these occasions. Once the Court had thus disbelieved the evidence of all the witnesses on the question of Dowd's involvement they saw no reason to give any credence to the same witnesses' denials of knowledge of Hill and Armstrong or of their involvement in the Woolwich operation.

17.34 The Court then turned their attention to Guildford. The Crown had asserted that even if O'Connell was at Guildford on 5th October 1974 Dowd was not, although he might have taken part in a reconnaissance on one or more earlier occasions. Sir Michael Havers had pointed out that save for the two "old men" in the Horse and Groom there was nothing in Dowd's evidence about the 5th October that he could not have learned from a reconnaissance and that as regards that detail it could easily have been acquired subsequent to the bombings. The Crown had also relied upon the "extraordinary vagueness" of Dowd's evidence about events after their return to London compared to that of O'Connell. The Court noted that Dowd's times were different from O'Connell's by an hour. They might also have commented upon Dowd's unexplained increase in the numbers involved at Guildford from four to five and that he recalled the bombing as having taken place in August 1974.

17.35 The Court noted that the applicants' original statements revealed "quite clearly" that two cars had been used at Guildford and that Hill had described a yellow car being used at Guildford, albeit a Granada. This, together with the evidence of Dowd and Miss Burnett referred to above, led the Court to the view that the third and fourth hire cars described earlier, namely the yellow Cortina and white Avenger respectively, had both been used at Guildford. They were sure that Dowd had hired the Cortina for use at Guildford. However, they were not completely convinced that Dowd had also hired the white Avenger but accepted that the evidence gave rise to a "strong suspicion" that he had. Had the rental agreement for the Avenger been available, the Court suggested, the evidence of Dowd's having hired that car "might have been overwhelming". As it was, the Court could not say that the hiring of the Avenger had been proved beyond reasonable doubt to have been the work of Dowd. There had also been "a massive weight of evidence before the jury" that more than five people were involved and the Court saw no reason why, since two attacks were envisaged, a greater number than five should not have taken part especially if, contrary to the evidence of O'Connell

and Dowd, there were two cars. (Commander Nevill had said in answer to a question from John Leonard QC that the total number involved in some way with the London/Southampton group was “possibly in the region of twenty”). As already indicated, the Court in its consideration of the eight items had already considered evidence about the size of the ASU acting in the south of England at the time of the Guildford and Woolwich bombings. They concluded that looking at this evidence as a whole they saw nothing inherently unlikely in the active members of a particular unit being eight or ten or even more; the number involved on any particular occasion being dictated by the nature of the task to be performed. On this basis the Court saw nothing improbable in seven or eight or even more being involved in an operation such as the Guildford bombings where two public houses were to be attacked or that two cars should be used in such an eventuality.

17.36 Having reviewed the evidence in respect of Guildford in this way, the Court reasoned that the crucial question in relation to the fresh evidence on Guildford was not whether O’Connell or Dowd or both were involved but whether any credence was to be given to the assertions that none of the Guildford Four was a participant. The nature of this reasoning is seen in the following quotation from the judgment: “If that part of their evidence is rejected then the new Guildford evidence avails the applicants nothing”. The Court, then, approached the issue of the credibility of O’Connell and Dowd on this issue by reference to their prior conclusions on the credibility of the same witnesses’ accounts of Woolwich. The Court having already found, as I have explained, that O’Connell and the others had lied regarding their lack of knowledge of Hill and Armstrong in regard to Woolwich and in their assertion that they alone were involved in Woolwich, the Court saw no reason to give any greater credence to the corresponding evidence regarding the Guildford Four in relation to Guildford. The Court recorded the reluctant acceptance of Mr Leonard that it had to be a “corollary of the rejection of the relevant part of the Woolwich new evidence that the applicants would not hope to succeed in relation to the like new evidence regarding Guildford”.

17.37 On this basis the Court duly rejected the crucial elements of the fresh evidence about Guildford, which had been meant to exonerate the Guildford Four. They said in their judgment :

“We are sure that there has been a cunning and skilful attempt to deceive the Court by putting forward false evidence. O’Connell, Duggan and Butler had ample opportunity whilst awaiting trial to work out how the attempt should be made. Doing so was well within the intellectual capacity of O’Connell. The difficulty lay in finding a substitute for Hill [as it were, the fourth man at Woolwich]. Dowd was brought in for this purpose. Providing him with his lines could not have been easy as he was not, at any material time, in the same prison as the others. He did not, or could not, learn his lines properly. That was the reason why the conspiracy failed.”

17.38 It can thus be seen how the rejection by the Court of the evidence of Dowd about his involvement in Woolwich was indeed the “touchstone” by which the Court reached its conclusions on the totality of the fresh evidence in so far as it purported to exonerate the Guildford Four. From their conclusions as to Dowd’s credibility flowed all their conclusions as to the credibility of the other witnesses. I consider in Chapter 18 the extent and manner in which the Court also used the “Dear Joe” letter to support the same conclusion. The process of reasoning can be likened to the collapse of a row of dominoes. The Court found that Dowd had lied about Woolwich. It then followed that the other three had similarly lied about his being there. All four therefore must have lied about the non-involvement of Hill and Armstrong in Woolwich. It further followed that the fresh evidence about the Guildford Four’s non-involvement in Guildford was equally tainted and to be rejected.

17.39 In passing it may be observed that the Court of Appeal in 1989 applied the same process of reasoning in order to quash the Guildford Four’s convictions although the tainted evidence then revealed affected on its face only two of them, namely Armstrong and Hill. Once the credibility of the police officers had been discredited in respect of these two then it was inevitable that the Court should find that the prosecution case against all four was in real doubt and therefore unsafe.

17.40 The rejection by the Court in 1977 of the crucial elements of the fresh evidence effectively disposed of the applications of three of the Guildford Four. As already indicated, however, it did not dispose of Carole Richardson’s application which was based also on a submission that the Court should find her conviction unsafe and unsatisfactory on a quite separate ground relating to her alibi evidence.

17.41 In dealing with this submission the Court first rehearsed the circumstances in which Richardson came to make her four confession statements. The Court were clearly influenced by the circumstances of the fourth confession which had been made on Monday 9th December 1974 after Richardson had been charged. The Court were to say at the end of their judgment that this confession “bears all the marks of a voluntary confession. The police did not rush at the opportunity of obtaining it, ample time was allowed to Richardson to reflect over her mid-day meal before she made that last statement, the contents of which of course the police could not possibly have been aware in advance”. It will be recalled that according to the Crown evidence this statement had been volunteered by Richardson on her own initiative.

17.42 The Court of Appeal then turned to the nature and quality of the evidence of the two alibi witnesses whom the defence had called on behalf of Richardson, namely Lisa Astin and Frank Johnson. They concluded that this evidence bore all the marks of concoction and that “the jury must therefore

have asked themselves why this alibi had been concocted and reached the conclusion that there could be only one explanation of its concoction". Nonetheless, the Court acknowledged that which they had already accepted, namely the tightness of the timings if Richardson had been involved in the bombings given that the Crown had conceded that she (to quote the summing-up of Mr Justice Donaldson) "was at the South Bank Polytechnic by quarter to eight to eight o'clock". Counsel on behalf of Richardson had invited the Court of Appeal to look at the whole of the case against her, the "concocted alibi evidence" apart, and to say that there was "an inherent weakness" in the case against her based on the timings to which I have already referred and the evidence as to the courting couple. The Court was invited to say that the inherent weakness was such that they should have a lurking doubt about the safety of her conviction notwithstanding her confessions.

17.43 As I have already indicated, the Crown had accepted that Richardson had been at the South Bank Polytechnic by possibly as early as 7.45pm. Further, as I have already indicated, it was now accepted that the Crown case against Richardson had to be viewed on the basis that if she had been involved in the Guildford bombings she was, and not merely might have been, one of the courting couple, of which the witnesses in the Horse and Groom had spoken. On this basis, on any view of the evidence about the time it would take to travel from Guildford to south London, if the courting couple had left after 7pm Richardson could not have been one of them. However, the evidence about when the courting couple had left the pub was not all one way. The high-water mark of the Crown case was the evidence of Cook and Lynskey who had said that the courting couple had left seven or eight minutes after their arrival at about 6.45pm. This would mean that the courting couple, and therefore Richardson if she had been one of them, would have left not later than 7pm. On the other hand, Miss Julie Spooner, whom the Crown had been quite prepared to accept had seen the same courting couple as that described by Cook and Lynskey, thought that the couple had still been there when the Burns family arrived (which on the evidence was at 7 o'clock) and had still been there up until 7.40pm. Mr Burns had spoken of seeing two couples, one between 7.25 and 7.40pm, the other between 8.10 and 8.35pm. Moreover, counsel for Richardson argued, the description given by Cook and Lynskey of the girl in their courting couple did not fit Richardson, they having described the girl as having hair of "natural blonde", whereas the photograph of her taken at the polytechnic later that night, of which the Court of Appeal were shown a copy, did not show her as blonde haired. Further, it was urged upon the court that that photograph of a young girl of seventeen was hardly one of someone responsible a few hours earlier for five murders and other outrages in Guildford.

17.44 Clearly, what was in issue in the Court of Appeal in the case of Richardson was the reliability of her confession statement. For myself, I agree that in order to test that reliability the Court were properly invited to look at the independent evidence to which I have just referred which could not be said to have been tainted by any doubts which the Court might have had

about the honesty of Frank Johnson or Lisa Astin. In this connection it is necessary to appreciate the precise nature and extent of the jurisdiction of the Court of Appeal when hearing a criminal appeal. It was not required to re-try the case on appeal: indeed it could not do so as it had not seen the witnesses who had given evidence nor did it know how these witnesses or some of them had appeared to the jury at the trial. The Court had to proceed on the basis that the jury's findings of fact, as they must be inferred from the verdict, should be accepted unless the Court could say that they were perverse or the Court had a 'lurking doubt'.

17.45 Although the time available to Richardson to have been at Guildford, but yet get back to South London and to the concert at the South bank Polytechnic, was very tight, this point had been stressed by her Counsel at the trial and put to the jury very clearly by the trial judge. By their guilty verdict the jury must inferentially have found that notwithstanding the difficulties in the timings, Richardson had been at the bombing as, it was suggested, she had admitted in her four statements. Further, even if her three earlier statements were tainted by having been obtained improperly, the Court took the view that the fourth statement, having regard to its content and the circumstances in which it was taken, bore "all the marks of a voluntary confession".

17.46 Thus, fixed as I have said with the finding of fact which inferentially the jury had made, the Court could only have allowed Richardson's application if they were persuaded that there was a lurking doubt in her case. Of this they were not persuaded and said - "before any lurking doubt can begin to arise in our minds as to the justice of Richardson's convictions, the fourth statement,- that of the 9th December which, as we have already said, is a complete confession - must somehow be explained away". The Court concluded that this could not be done and that accordingly Richardson's application failed.

17.47 For my part, I would not have found it as easy to dismiss a lurking doubt as did the Court of Appeal in this case. What I think was crucial was objectively to consider the independent evidence unaffected by any pre-existing appraisal of the fourth confession. Over the 20 years since these applications were heard commentators have suggested that this was what the Court of Appeal did not do in this instance. They have argued that the fact that Richardson appeared to have made a voluntary confession tended to obscure important issues in her case which were not fully addressed either at trial or on appeal. This is another instance in which the potential fragility of alleged confessions made in the circumstances that existed in this case must be very carefully considered.

17.48 Campaigners have also highlighted one puzzling feature of the emphasis that the Court of Appeal put on their assessment of the fourth confession. If, as the Court clearly found, the contents of that confession were

to be regarded as true, then the problem of timings to which I have already referred becomes even more difficult to resolve if Richardson was in fact involved in the bombings. This is because according to her fourth statement, she, after leaving the Horse and Groom, spent further time in Guildford before returning to London by going into a second pub. On this basis it would surely have been quite impossible for her to have been at the South Bank Polytechnic by the time that the Crown in fact accepted she was.

17.49 Two further observations on the Court's approach should be made. First, counsel for the applicants had made submissions about various aspects of the evidence given at trial, including the inconsistencies in the original confessions and their reasons for making them, but as the Court made clear in their judgment, the jury had to be taken to have rejected this evidence. The Court could only interfere with the jury's verdicts if the new evidence, considered in the light of what had been said about the inconsistencies in the confessions, caused them to feel that those verdicts were unsafe or unsatisfactory. As we have seen, the new evidence led them to no such conclusion. There was no lurking doubt in their minds. The issue of inconsistencies was one of the eight items of evidence to which I have already referred. The Court found that it was unnecessary to detail the inconsistencies in the various alleged confessions. They accepted that there was a considerable gulf between the stories told by Armstrong and Richardson on the one hand and Hill and Conlon on the other. But the Court were satisfied that the point about inconsistencies had been largely addressed by the judge in his summing up and that the jury could not have failed to have the point in mind when considering their verdicts. The Court's approach to the inconsistency argument is another good example of the limitations upon the Court of Appeal when asked to overturn a jury's verdict, which were recently considered in some detail by the Royal Commission.

17.50 There is one other point to be made. In their judgment the Court expressly said that they saw no reason to decide whether either or both O'Connell and Dowd took part in the Guildford bombings. They were "content to assume that O'Connell's story of his presence and participation may indeed be true and that Dowd may also have taken part, notwithstanding the doubts we have on the latter point". I am bound to record my own misgivings about letting the matter rest with such an assumption in respect of Dowd. It will be recalled that whilst the Crown had not been specific about Hill's and Conlon's role at Guildford, the Crown's case against Armstrong was that he and Carole Richardson had planted the bomb in the Horse and Groom. They were the "courting couple". Dowd's evidence was that he, and not Armstrong, was the male partner in that same couple and on any reading of his evidence either he was one of the couple or he was not at Guildford at all. It must follow that Armstrong's guilt had to be inconsistent with any acceptance by the Court of Dowd's presence. The Crown were clearly alive to this point since their case at appeal was that even if O'Connell was at Guildford, Dowd was not. Dowd's involvement, the Crown contended, went

no further than reconnaissance, even if he had actually hired one or both of the cars used for the bombings.

17.51 The story of the appeal does not end there. There is a footnote, as it were, which has to do with the cars hired from Swan National prior to the Guildford bombings. As we have seen, the Court accepted the Crown's argument that both of the cars which were out on hire on 5th October 1974, the yellow Cortina and white Avenger, were used at Guildford. In the book *Time Bomb* it is stated that after the appeal Mr Logan traced Mr R C Moffat, the South African who undoubtedly hired the yellow Marina on 10th September 1974, (and which he returned the following day) who told him that he had also been responsible for the hiring of the yellow Cortina. Plainly, the authors of the book asserted, only one car, the Avenger, had been used at Guildford after all.

17.52 However, in 1989, at the request of Mr Roy Amlot QC who was then engaged in preparing the Crown's case for the forthcoming appeal, officers from Avon and Somerset went to South Africa and took a statement from Mr Moffat. Mr Moffat confirmed that he had been telephoned by a lawyer in England whose name he did not recall. He said that he had told the lawyer that he had not hired the Cortina and was able to prove to the Avon and Somerset detectives, having retained his old travel documents, that he had returned to South Africa some days before the Cortina had been hired. Business colleagues who had travelled to England with him were also able to support his story.

17.53 I have taken up this point with Mr Logan. He tells me that his files contain a note confirming that in October 1977 Mr Rose-Smith contacted Mr Moffat who told him that he had left England on 19th September 1974 and could not therefore have hired the car on 27th September. Although these files were made available to the authors of *Time Bomb* their account on this point is wrong.

CHAPTER 18

THE “DEAR JOE” LETTER

18.1 As I have earlier described, the principal ground on which the applications for leave to appeal by the Guildford Four was based was the contention that the Guildford and Woolwich bombings had been the work of O’Connell, Butler and Duggan (three of the Balcombe Street gang) together with Dowd, and that the Guildford Four themselves had played no part in these offences. The applicants sought and obtained leave to call fresh evidence from the four men to whom I have referred. I have already set out how this evidence in its crucial aspects came to be rejected by the Court. I deal in this Chapter with one specific matter which was before the Court and the way in which it was used, first by the Crown in its presentation of its opposition to the applications and secondly by the Court in its judgment refusing them. This is the matter which has been referred to throughout my inquiry as the Dear Joe letter.

18.2 This letter came to play a significant part in the forceful and effective cross-examination by Crown counsel of the fresh witnesses at the Court of Appeal. For obvious reasons that cross-examination was of great importance to the Crown who necessarily set out to establish that O’Connell and the others were liars. Crown counsel sought to question the witnesses on numerous matters on which their credibility was thought to be vulnerable and open to challenge. As we shall see, the content and provenance of the Dear Joe letter were to be prominent among them.

18.3 The Dear Joe letter was the letter found at the Balcombe Street gang’s safe house at Fairholme Road after the murder of PC Tibble on the 26th February 1975. In full the letter read as follows:

“Dear Joe,

These are the addresses for collecting from McGills man whatever weapons etc. that were not under Ben’s control.

11, Leatherwood Road,
Hammersmith (either W12 or W6)
Ask for Ernie Johnson & say “Damage” sent you. Ask him to get the Army List from “Spotter Murphy” & send it back to us through Liverpool.

Enclosed is also some information on possible targets. If you let us know when you need money too we’ll send it via Liverpool.

Everything at this end is now under Brendan’s control so things should be OK. When you write make it a

proper letter - Dear Anne etc - just in case it gets opened in error.

Fowerboy House (By St Pauls) all international calls, exchange for telex used by city dealers.

Cowboy Club - Picadilly (top serving officers) one girl with english accent dressed in tweeds to leave a suitcase for collection would do Fortnum & Mason, Cartiers of Bond St Harley St.

Hotels - Savoy Claridges, Grosvenor, Ritz & Berkley, all streets around Knightsbridge & Chelsea.

Bite lives in No.2 the little Boltons.

Goodge St Station on the platform if you look at the roof you see a large diam pipe with supports around it. This carries a river which when shattered should flow on to the electric lines & fuck up at least that underground system.

Lewisham

There is a shop called ALPAT (it is a kind of pawn shop) on the pavement the same side as the shop about 20 yards further on you will see a large man hole (post office) inside 15 feet down (there are steps) is the main international London Link.

Walthamstow reservoir this has eight locks with tunnels connecting other which lead to hackney downs pumping station (there are two) a new one was built 2 years ago. Do intelligence on it with a view to poisoning lakes & blowing up pumping station.

New Pumping Station is under large roundabout where North Circ Rd & All meet at Woodford (I think). London underground works on its own

power station do some intelligence on it Frank, at 32 Grosvenor Crescent is still safe and should anything happen & you need it also Mick, 146 Sutton Court Rd, Hillingdon they are only for real emergencies

In general keep clear absolutely of any army or S.F. people in Britain

Get those two Belfast fellows home

- clean them up, change them a bit &

send them singly through Glasgow
unless you can think of something better
If you want any help let us know
There should be a drop Tuesday
morning & Thurs. morning
Mind yourselves.

Graine

PS. Some of the enclosed you probably
have, I had difficulty deciphering the writing
so please excuse the spelling & any
inaccuracies”

18.4 The letter speaks for itself. Its writer was believed by the police to be a woman called Graine or Grace Cooling, sister-in-law to David O’Connell, then Vice-President of Sinn Fein. She has never been arrested nor questioned in connection with its contents. The addressee was thought to be one of three men with the Christian name Joseph; either Gilhooley, who was active with Dowd and others during “Phase 1”; or William Joseph Quinn, the man who murdered PC Tibble; or Joseph O’Connell of the Balcombe Street gang. The letter was undated and when it was sent and received remains a matter of inference.

18.5 The importance of the letter in this case was the reference towards its end to “those two Belfast fellows” which at once led to speculation about their identity. A Metropolitan Police Special Branch letter of 1st March 1975, which appears to be the first record of a police view on this point, ventured that they might be McCartney and Walsh, the men responsible for the shooting in Westridge Road, Southampton referred to in Chapter 15 of this report.⁸⁴ The suggestion was repeated in a police report of 8th April 1975 by DS Day of the Metropolitan Police who also deduced, correctly I believe, that it was possible to date the letter to the last few days in November or early December from, first, the reference towards the beginning of the letter to Brendan - “everything at this end is now under Brendan’s control so things should be O.K.” - and secondly, the list of potential targets set out in the letter. The police knew that Brendan Magill had returned to the Irish Republic on 21st November 1974 and the first attack on a listed target took place on 11th December at the Cavalry Club, referred to in the letter as the “Cowboy Club Piccadilly (top serving officers)”.

18.6 Since the Westridge Road shooting did not take place until 23rd December, however, there is no reason to think that McCartney and Walsh were in need of cleaning up, changing and sending back through Glasgow before that date, and if the Dear Joe letter was written before 11th December, it was unlikely to refer to them. Indeed the Inquiry has seen material

⁸⁴ As I recorded in Chapter 15, McCartney was convicted of this and other offences on 7th May 1976.

**RETURN
TO AN ADDRESS OF THE HONOURABLE
THE HOUSE OF COMMONS
DATED 30 JUNE 1994 FOR A REPORT
OF THE INQUIRY INTO THE
CIRCUMSTANCES SURROUNDING
THE CONVICTIONS ARISING
OUT OF THE BOMB ATTACKS
IN GUILDFORD AND WOOLWICH
IN 1974**

**BY
THE RT HON SIR JOHN MAY**

FINAL REPORT

*Ordered by the House of Commons
to be printed 30 June 1994*

LONDON HMSO

demonstrating that McCartney was active as a terrorist in the weeks prior to 23rd December 1974. However, that inference was not drawn and the Metropolitan Police continued, for some months at least, to speculate with varying degrees of firmness that McCartney and Walsh were indeed the men in question.⁸⁵

18.7 The documents I have particularly considered on this point were internal police documents and were not included among those submitted to the DPP for the use of the respective teams of prosecution counsel in the Guildford Four and Balcombe Street cases. There is no evidence that any of these documents were seen by prosecuting counsel and it follows that there is no reason to believe that before the appeal of the Guildford Four in 1977 Sir Michael Havers and his team were aware of the thoughts of the Metropolitan Police as to the identity of the two Belfast fellows. Further, in his evidence to me Sir Peter Imbert warned against drawing any inference that there was more than a single source for the suggestion that the two Belfast fellows were McCartney and Walsh. It was probable, he said, that the Metropolitan Police Intelligence Unit had suggested the possibility and that the suggestion had been repeated by others and never contradicted. Mr Michael Hill and Mr Purnell in their evidence told me that they had no recollection of seeing any document containing the suggestion. They had frequent discussions with police officers in the months and weeks leading up to the appeal hearing but cannot recall ever learning of it. Furthermore, the fact is that their questioning at the appeal proceeded not on the basis that McCartney might have been one of the Belfast fellows but rather that he could not have been.

18.8 There is no record of the circumstances in which the Dear Joe letter came to counsel or how they were able to anticipate that Butler and O'Connell might identify McCartney as one of the Belfast fellows. It is clear from the way in which the issue emerged late in the day at the hearing that the letter had not originally been part of the appeal papers or part of the original Crown strategy for resisting the applications. Mr Hill has suggested to me that the likelihood is that something happened overnight between the close of proceedings on the second day, when Sir Michael Havers had apparently concluded his cross-examination of Dowd, and the beginning of the third day when Dowd was recalled in order, as we shall see, to be asked about the letter. O'Connell, who had given evidence before Dowd, had been asked nothing about the letter. It is the firm recollection of Mr Hill that the Dear Joe letter was discussed and analysed by him and by Sir Michael Havers with the assistance of senior police officers. Mr Hill told me that he believes that this discussion probably happened in the evening between day two and day three and then again as the appeal proceeded, and that the officer with whom he discussed the matter was the late DS Doyle who had been involved in the Balcome Street case. I am satisfied that the probabilities are, having regard to way in which the cross-examination developed, that the significance of the

⁸⁵ See for example Commander Habershon's report of early 1976 from which I quote in para 15.34 above.

letter and its potential did only emerge at this late stage in the appeal. However, it is known that the letter was used in the Balcombe Street trial itself and at the trials of Dowd, McCartney and Spotter Murphy, and would thus have been a familiar document to those with a knowledge of these four related cases.

18.9 Whichever police officers were present at the appeal hearing, I have considered whether they should have drawn the documents containing the suggestion that the two Belfast fellows were McCartney and Walsh to counsel's attention. It is unclear which officers were present. Sir Peter Imbert has told me that he was not there. As already indicated, DS Doyle, referred to by Michael Hill, has since died. Whoever the officers may have been I am satisfied that any discussion between counsel and the police concerning McCartney and Walsh as possible candidates could only have ruled them out. Hence no criticism can sensibly be made of any failure by the police to draw the documents containing this misconceived speculation to counsel's attention.

18.10 What has been of greater concern to me is the way in which Crown counsel questioned witnesses about the letter. If there had been any admissible evidence available to the Crown that the two Belfast fellows mentioned in the letter were Hill and Armstrong, both of whom were from Belfast, that would have been powerful evidence against them which, if accepted by the Court, would have had a decisive effect on their appeal. There was, however, no such evidence at any time. It follows that any specific suggestion that Hill and Armstrong were the two Belfast fellows, implying that the Crown had evidence to that effect, would have been improper and any conclusion founded expressly or by necessary implication upon such a finding would have been wholly unjust. It has been suggested by those campaigning on behalf of the Guildford Four that such a specific suggestion was in fact made by the Crown in the course of the cross-examination and that the Court's judgment does contain such a finding. In these circumstances I have carefully considered the sequence of events at the hearing of the appeal concerning the Dear Joe letter.

18.11 O'Connell was called first and was cross-examined by Sir Michael Havers. At that stage he was asked nothing about the Dear Joe letter. Dowd was called next and was also cross-examined by Sir Michael. Though he was one of the two who had actually lived at Fairholme Road, he was only shown the letter. He said that he had not seen it before and the point was not pursued.

18.12 Then Duggan was called and was closely cross-examined by Mr Hill about the Dear Joe letter. He persistently refused to answer, claiming he did not know anything about it. When Mr Hill asked him about the "Belfast fellows", Duggan maintained he knew nothing about them. At this point Mr Hill asked Duggan directly:

"Q. Did you know of any Belfast staff ASUs operating in England in 1974? A. No.

Q. Not at all? A. No.

Q. Did you know of a man called McCartney? A. Who?

Q. Ronald McCartney, Ronnie McCartney? A. I have heard of him, yes.

Q. Did you know him at that stage? A. No.

Q. You say that you did not know Hill or Armstrong or Conlon? A. No.

Q. All of them came from Belfast? A. No, I did not know them."

18.13 Butler then gave evidence and was cross-examined by Sir Michael Havers. When asked about the two Belfast fellows he said he knew about them, saying "One of them is in prison here in this country". When asked if that was Hill he replied "Ronnie McCartney". This led to a line of cross-examination about the dates. It was suggested that the reference could not be to McCartney because he was not on the run until after 23rd December when he shot a policeman in Southampton. The letter, it was suggested, must have been written before 11th December because of its reference to the "Cowboy" (Cavalry) Club as a target. The appeal judges were anxious to be told the dates. The Cavalry Club shooting on 11th December was the earliest attack on a target mentioned in the letter, though it was itself after the arrests of the Guildford Four. Butler maintained, however, that the Belfast fellows were McCartney and another whom he would not name.

18.14 I do not read Sir Michael's questions as positively suggesting that the Belfast fellows were Hill and Armstrong, rather as enquiring whether they might be. Counsel no doubt hoped for a positive reply. But they certainly challenged Butler's assertion that one of them was McCartney. Sir Michael's cross-examination of Butler indicated that he knew he was likely to get the answer that McCartney was one of the two Belfast fellows since he was immediately able to demonstrate the fallacy in that suggestion given the dating of the letter.

18.15 O'Connell was then recalled, without objection from defence counsel. (It appears from the discussion at the end of his evidence that there was some misunderstanding about the purpose of recalling him; Mr Leonard QC, leading counsel for Armstrong who was effectively leading for all Four, said that he would have objected if he had realised it was only to deal with the Dear Joe letter). O'Connell was again cross-examined by Sir Michael and said that the Belfast fellows were McCartney and another man (who he would not name) who the police wanted for the Southampton shooting. He also said that he was the "Joe" to whom the letter was addressed, though it was brought to him by hand. He said he got it in January 1975, which was more than a month after the arrests of Hill and Armstrong, and maintained this despite the references in the letter to targets which had already been attacked, notably the "Cowboy" Club. The line of cross-examination ended as follows:

"Q. Because, you see, if the letter was before the 23rd December, if the letter was before the first of the Cavalry Club shootings - in other

words, some time late November - the two Belfast boys who were on the run then were Hill and Armstrong, were they not?

A. The letter was in 1975.”

18.16 This was the high-water mark of the cross-examinations on the question of the identity of the two Belfast fellows. The question was in the form of a positive suggestion that they were Hill and Armstrong. There was no positive evidence to support that suggestion but, as both prosecuting counsel and the Metropolitan Police have submitted to me, there is no evidence that any particular known Belfast-based IRA suspects were being sought by the police before 23rd December. Indeed, as I said earlier, the Inquiry has seen material which demonstrates that McCartney was active as a terrorist before that date although there is nothing to suggest that this material was seen by counsel. In the circumstances notwithstanding my initial concerns I am satisfied that the form of the questioning did not carry any implication that there was evidence supporting the suggestion that the Belfast fellows were Hill and Armstrong. Accordingly there was in my view no impropriety in formulating the question in this way, though it went further than anything in the cross-examinations of the other witnesses on the point. However, counsel have frankly conceded that once they were satisfied that McCartney could be excluded as one of the Belfast Fellows because he was not “on the run” at the time the letter was written, they did form the view that the only IRA terrorists from Belfast who were known to be “on the run” were Hill and Armstrong on the basis of their own confessions. Accordingly it was proper to canvass the possibility that Hill and Armstrong were the Belfast fellows in the absence of any reliable intelligence to the contrary.

18.17 The dates of the Cavalry Club attack on 11th December and the Southampton shooting on 23rd December were obstacles to the notion that McCartney could have been one of the two Belfast fellows. From this counsel argued that the Belfast fellows must have been men other than McCartney, thereby attacking the credibility of Butler and O’Connell. The form of questioning became less tentative and more specific as the sequence of witnesses proceeded, but I do not believe that the Crown were at any time seeking to advance a positive case that the Belfast fellows were Hill and Armstrong and that the Court could rely on the letter as providing confirmation of their guilt; they were properly using the letter to undermine the witnesses’ credibility. Some support for this conclusion can be found in the limited notes available of the closing submissions to the Court by Sir Michael Havers who did not argue that the Court could or should reach the conclusion that the Belfast fellows referred to in the Dear Joe letter were Hill and Armstrong. Having said this, however, I equally have no doubt that Crown counsel were hoping for a positive reply from the witnesses to the suggestion that Hill and Armstrong were the Belfast fellows for, of course, if they had received such a reply that would effectively have been the end of the appeal.

18.18 I turn now to the use made by the Court of the Dear Joe letter in its judgment which was delivered on 28th October 1977 by Roskill L.J. I have

already set out the expressed basis of the Court's approach to O'Connell, Dowd, Duggan and Butler, and have explained how the letter was one of the eight items of other evidence to which the Court referred before turning to evaluate the evidence of the four witnesses. In their judgment the Court said:

"Third, we must deal with the "Dear Joe" letter found at 39 Fairholme Road, and on which, as was admitted, the fingerprints of O'Connell, Duggan and Butler were found. This is a truly remarkable document, O'Connell and the others denied all knowledge of its signatory, although O'Connell admitted that the letter was addressed to him. Who the signatory was remains unknown and unproven. If this letter were written and received, as the Crown claimed, at the end of November or early December, it was written not only after the Guildford bombing but also after the Woolwich bombing, and the sentence towards the end of the letter: "Get those two Belfast fellows home - clean them up, change them a bit, send them singly through Glasgow unless you can think of something better" becomes of great significance in relation to Hill and Armstrong, both of whom come from Belfast.

It was argued and indeed not seriously disputed that what is referred to earlier in that letter as the Cowboy Club - for top serving officers was, in truth, the Cavalry Club. It was admitted that the shooting there had taken place on the 11th December, 1974. Though neither Selfridges, which was attacked on the 19th December, nor Harrods, which was attacked on the 23rd December, are mentioned in the letter, nor is the Churchill Hotel which was attacked on the 14th December, other well-known London hotels and shops are there mentioned. The Woodford Pumping Station is also mentioned and that, it was agreed, was attacked on the 23rd January 1975.

If this letter were written before any of the Applicants were arrested and the reference to the Belfast boys is a reference to Hill and Armstrong, it provides a clear link between the new evidence and, for example, that of Hill and Armstrong. O'Connell was cross-examined about this letter. He admitted that he was the "Dear Joe" to whom the letter was addressed, but claimed that it had been received in 1975, that is to say after the arrests of all the Applicants. He sought to say that one of the Belfast boys was Ronnie McCartney who had been wanted for shooting a policeman in Southampton, a shooting which took place on the 23rd December 1974. O'Connell was pressed as to the meaning of the phrase "clean them up, change them a bit". He suggested that the phrase "clean them up" itself meant change them. This explanation is, of course, quite inconsistent with the next following phrase. On the other hand if, as was the fact Armstrong, although not Hill, had before his arrest been living in a squat, the phrase indeed has significance. We need not spend further time dealing with the answers of Duggan and Butler regarding this letter. We have no hesitation in rejecting their answers and the

explanations and those of O'Connell as lies. We regard this letter as of great significance”

18.19 Having dealt with the eight points including the Dear Joe letter, as above, the Court turned to the fresh evidence from O'Connell, Butler, Duggan and Dowd. As I have already explained, the judges asked themselves the question whether the new evidence, considered in the light of the submissions advanced regarding inconsistencies in the alleged confessions, caused them to feel that the verdicts might be unsafe or unsatisfactory. I have also explained how they regarded the touchstone by which the credibility of all the new evidence was to be judged to be that of Dowd; how they rejected the evidence of Dowd that he was present on the abortive journey to Woolwich on the evening before the bombing; how they went on from there to reject his evidence of being present at the bombing itself and from there to draw the further conclusion that O'Connell, Duggan and Butler had also lied in their evidence that Dowd was present. After dealing with the evidence on this point, the judgment continued:

“Once we have disbelieved, as we do, the evidence regarding Dowd's presence on the Wednesday and the Thursday, we see no reason to give any credence whatever to their denials of knowledge of Hill and Armstrong, a denial inconsistent, to put the matter at its lowest, with a possible reading of the passage in the “Dear Joe” letter to which we have already referred or to their denial of the presence of Hill on the night of the Woolwich bombing”.

18.20 It is clear that the Court attached great significance to the “Belfast fellows” passage in the letter, perhaps a greater significance than Crown counsel themselves expected, and the evidence of O'Connell, Duggan and Butler regarding the letter was roundly rejected. This rejection was one of the steps on the path towards the Court's conclusion that their evidence as a whole was unworthy of belief.

18.21 I have been concerned, first, about the nature and extent of the Court's reliance on the contents of the letter and, secondly, whether that reliance was justified. What was the great significance of the letter, to which the Court referred? Some commentators over the years have inferred from these passages in the judgment that the Court made a finding that the Belfast fellows were indeed Hill and Armstrong and relied in part on this finding in dismissing the appeals. I do not find it surprising that this interpretation has been placed on the judgment. If such a finding had been made, however, it would have been unjustified and wrong. When the letter was written and sent had never been spoken to in evidence. O'Connell was prepared to admit that he was the addressee but this may or may not have been correct. There was at no stage any evidence that the reference to the Belfast fellows was a reference to Hill and Armstrong. So to conclude would have been to act on no evidence at all.

18.22 In these circumstances I took this point up with the members of the 1977 Court of Appeal, that is to say Lords Justices Roskill and Lawton and Mr Justice Boreham, as they each respectively then were. Each of them told me that the Dear Joe letter was only used by the Court in connection with the credibility of the Balcombe Street gang as witnesses; it was not and was never intended to be used as directly implicating Hill and Armstrong. Although, as I have said, I have had my concerns on this issue, I accept that the great significance of the letter lay in its impact on the credibility of the witnesses, not in any implied positive finding that the Belfast fellows were Hill and Armstrong.

18.23 I reach this conclusion for two main reasons. First, I would have found it surprising if three highly experienced lawyers had allowed themselves to act upon a view of the law of evidence which they would know was patently wrong. Secondly, the real issue before them was whether the Balcombe Street gang were credible witnesses; this was the point to which cross-examination had been directed and with which the final submissions of counsel were concerned. The question of credibility was the substantial point dealt with in the greater part of the judgment and the references to the Dear Joe letter in the judgment were not inconsistent with being made in connection with considering the issue of credibility.

CHAPTER 19

THE HOME OFFICE

19.1 Following the dismissal of the appeals of the Guildford Four in October 1977 many representations were made to the Home Office over the succeeding years that their convictions and those of the Maguire Seven should be reviewed. I explained and discussed the legal and constitutional position of the Home Office in relation to such representations in criminal cases in my second report (HC 296) published in December 1992. These questions were also considered by the Royal Commission on Criminal Justice and its views and recommendations were set out in its Report (Cm 2263) which was published in July 1993. I also described in my second report the parts played by Cardinal Hume and others in the particular representations which were made in relation to the Maguire Seven. Although their case and that of the Guildford Four were treated quite separately at their respective trials and this part of this report is concerned primarily with the handling of representations about the Guildford Four convictions it would be artificial to attempt to separate entirely the representations made in the two cases. It will be recalled that the arrest of Mrs Anne Maguire and the other six resulted from her being named by both Hill and Conlon as one of the Guildford bombing team, an allegation for which it was later accepted there was no supporting evidence.

19.2 On 1st January 1982 an article in the *New Statesman* by Mr Chris Mullin contained an account of both cases which concluded that the Guildford Four and Maguire Seven had been convicted of offences which they had not committed. This article was drawn to the attention of Mr Richard Needham MP by a constituent who was concerned about convictions based on confession evidence alone and about the absence of proven links between the Guildford Four and the Balcombe Street gang, and who asked him to raise it with the then Home Secretary, Mr Whitelaw, which he did in a letter dated 15th January 1982. A number of other representations were also made to the Home Office as a result of the article. Following consideration of these representations within the Home Office the Minister responsible, Mr Patrick Mayhew QC, replied to Mr Needham on 25th February commenting on some of the main issues raised in the article and explaining the Home Secretary's power to intervene in cases of alleged miscarriage of justice in these terms:

“Paul Hill, who was the first to be arrested, made a series of statements between 29th November and 4th December 1974 in which he named Conlon and Armstrong as his accomplices and described the way in which the bombings were planned and carried out. The article suggests that his confession was a device intended to prevent his return to Northern Ireland; however, this seems to me to be rather unlikely, given that he had within a day of his arrest, when interviewed by RUC officers, admitted to his part in a murder in the Province. By the time of his trial for the Guildford and Woolwich offences he had been convicted of that murder and was serving a life

sentence. The jury was made fully aware that Hill's statements contained inaccuracies and that he claimed to have made them so that his girlfriend, Gina Clark, would not be charged.

Each defendant put forward an alibi as part of his or her defence and, with the exception of Conlon, was able to call upon witnesses to give supporting evidence. It would be wrong to assume that, in challenging Miss Richardson's alibi, the prosecution relied solely on the test drive of 48 minutes from Guildford to the Elephant and Castle. The precise time at which the bomb was left in the Horse and Groom could not be determined and the statements of different witnesses allowed for some margin of error in the timings. It was, however, accepted by the prosecution that Miss Richardson arrived at the South Bank Polytechnic between 7.45 and 8 pm on the night of the explosion but they maintained that she and Armstrong may well have been the couple seen leaving the Horse and Groom shortly after 6.50 pm, and that this would have allowed sufficient time for completion of the journey. It was, of course, for the jury to decide upon the credibility of the witnesses on whose evidence the alibis depended.

Miss Richardson and her co-defendants applied for leave to appeal against their convictions, putting forward in support of their applications the admissions which had been made by three of the four men who had been arrested in Balcombe Street in December 1975 and by Brendan Dowd who had been arrested in July 1975. (The fourth Balcombe Street man had not been in the country at the time the offences at Guildford and Woolwich were committed.) There was, as might have been expected, a similarity in the explosive devices used at Guildford and Woolwich and those used in other incidents with which the four men had been connected, but the forensic evidence on which this assumption was made did not serve to identify the makers or users of the devices. The Court of Appeal found the new evidence unconvincing, particularly that of Dowd, who gave the impression of speaking of events in which he had played no part, and of having failed to learn his lines properly. They concluded that there had been "a cunning and skilful attempt to deceive the Court by putting forward false evidence".

In Miss Richardson's grounds of appeal it was contended that, even if the new evidence was rejected by the Court of Appeal, her conviction was anyway unsafe and unsatisfactory. Having considered her case further the Court refused her application and gave its opinion that the main alibi evidence given on her behalf had been concocted and that her fourth statement bore all the marks of a voluntary confession.

As you may appreciate, it would not be right for the Home Secretary to seek to act as a further court of appeal or to review cases on the

basis of evidence that has already been before the courts; nor can he order a re-trial. He has power under section 17 of the Criminal Appeal Act 1968 to refer a case back to the Court of Appeal, but he would only be justified in doing so where new and significant evidence was brought to his notice which had not been available at the time of trial and considered by the courts, and which raised serious doubts as to the rightness of the convictions. On this basis I have looked carefully at the matters raised in the article, but I can find no grounds on which the Home Secretary might be justified in taking action of this kind.”

19.3 On 18th April 1983 Mr Christopher Price MP wrote to Mr Mayhew, following up their meeting to discuss the case of Guiseppe Conlon, enclosing a letter from Mr Alastair Logan (Armstrong’s solicitor) which set out in some detail his concerns about the basis for the convictions of the Guildford Four and the Maguires, with particular reference to the admissions made by the Balcombe Street gang accepting responsibility for the Guildford and Woolwich bombings. However, as Mr Price acknowledged this did not disclose new evidence which had not been before the Court of Appeal in 1977.

19.4 On 17th August 1985 Mr Logan, then representing all of the Four, wrote to the Prison Service Headquarters on their behalf to ask for agreement for them to be examined by Dr MacKeith, a psychiatrist, and Dr Gudjonsson, a psychologist, in anticipation of a further appeal. The reply, dated 13th November, stated that because the Prison Medical Officers responsible had found no evidence of mental abnormality or psychiatric disorder in the Four there was insufficient justification for acceding to the request.

19.5 On Tuesday, 1st July 1986 Yorkshire TV broadcast a *First Tuesday* programme on the case, which reviewed the circumstances leading to the arrest and conviction of the Four and in which positive assertions of innocence were made by solicitors on their behalf and doubts were expressed about the safety of the convictions by Lord Fitt and Mr Merlyn Rees among others. The programme ranged over many of the issues raised during the trial and the appeal, drawing attention primarily to the content of the confessions on which the convictions depended and the circumstances in which they had been made.

19.6 As a result of this programme and an article in *The Observer* a submission was put to Ministers on 3rd July by Mr Brian Caffarey, the head of the Home Office division responsible for examining alleged miscarriages of justice (C3 Division), advising them of the intention to review the papers relating to the Guildford Four case taking into account the points raised. The submission pointed out that the programme makers had acknowledged that they had produced no new evidence and that if established practices were followed the Home Secretary would have no grounds for referring the case to the Court of Appeal.

19.7 On 7th July Mr Rees wrote to the Home Secretary (Mr Douglas Hurd) forwarding a letter from Mr Logan, who was still acting on behalf of all four and wished to be involved in any enquiry into the case in view of the material which he alone held. The Home Office's reply to Mr Rees confirmed that the Home Secretary was reviewing the case in the light of the *First Tuesday* programme and the Observer article but not by means of a formal inquiry. The question for the Home Secretary would be whether there appeared to be any grounds to justify his referring the case to the Court of Appeal and to that end he would welcome any evidence which was thought relevant and he would consider the need for enquiries to be made.

19.8 On 20th August Dr James MacKeith wrote to the Director of Prison Medical Services, Dr Kilgour expressing his deep concern about the case and enclosing a psychiatric report on Carole Richardson following an examination by him and a clinical psychologist, Dr Gudjonsson, at the request of Dr Lawson, the Senior Medical Officer at HM Remand Centre Risley where she was held, who had been concerned about her reaction to the news that the minimum time that she would spend in prison would be 20 years. The report concluded that the statements that resulted in her conviction were very probably unreliable because of her vulnerable qualities and her state of mind at the time, regardless of whether her allegations of mistreatment by the police were true.

19.9 On 12th October the Observer published an article by Mr Robert Kee on the eve of the publication of his book *Trial and Error*, a detailed account of the Maguire Seven and Guildford Four cases in which he argued that there was considerable doubt about whether the accused were guilty. In the concluding chapter which summarised the main reasons for his doubts he acknowledged the lack of new evidence but suggested in the extract quoted below that the cases should nevertheless be referred to the Court of Appeal or be re-heard in some other way:

“The only new feature of the cases since the convictions and their confirmation is that all those convicted have consistently continued to assert their innocence. Striking as this is and unusual after such long periods of imprisonment, it cannot of itself be reasonably regarded as sufficient justification for a re-trial, for this would provide an easy opportunity for every sort of convicted person always to exploit. And yet there must come a point where the continued assertion of innocence by eleven people after such a long time becomes a consideration of some weight. There is no new evidence as such, nor, given the circumstances of the two cases, could there now possibly be unless either a police officer or a government scientist were to come forward and say that the evidence he or she gave at the time was incorrect. On what grounds, other than that the juries seem to have come to the wrong verdicts and the Appeal Court to have confirmed wrong verdicts, can it be argued that the cases should be formally reassessed? The simple answer is: no other grounds - just

those. Under the 1968 Act every individual case is subject to re-consideration on its merit on this score. Possibly the Act should be widened to include provision for re-trials as well as reference to the Court of Appeal. But the intention of the Act is plain. The pursuit of truth is the end of all justice and, if the technical formalities of justice stand in the way of that pursuit, then the pursuit must take precedence over the formalities.”

19.10 The points covered in Mr Kee’s book were taken into account in the review of the Guildford and Woolwich case then being undertaken by C3 Division of the Home Office in accordance with the undertaking given to Mr Rees on 7th August.

19.11 In an article on 6th December in the Tablet a former Attorney General (now Lord Rawlinson) re-examined the evidence with reference to *Trial and Error* which he described as “a passionate polemic written with style and clarity”, but put the case for believing that the jury and Court of Appeal had come to the right decision.

19.12 On 19th December 1986 Mr Caffarey made a written submission with extensive supporting material to Ministers reporting the outcome of the review of the Guildford Four’s convictions. In summary he reported that:

“We conclude that there is little or no reason to doubt the safety of the convictions in respect of Hill and Conlon. Doubts in the case of Armstrong and, especially, Richardson are stronger but they rest almost entirely on points which were before the court of trial and the Court of Appeal. Nor do we think that there are sufficient grounds for taking any other action; but Ministers will wish to consider this in the context of my separate submission which discusses possible options in the Birmingham, Guildford and Woolwich and Maguire cases.”

This conclusion was arrived at after detailed consideration of the points raised in the New Statesman article of 1st January 1982, the Observer article of 29th June 1986, the *First Tuesday* programme on 1st July 1986, and Mr Kee’s book, in the light of examination of papers from the DPP’s office and the Court of Appeal, and the result of enquiries by the Metropolitan Police and Surrey Constabulary.

19.13 At a meeting on 6th January 1987 the Home Secretary, Mr Douglas Hurd, considered with Mr Mellor and officials, including Dr Kilgour, the substance of Dr MacKeith’s report on Richardson and whether that in itself gave grounds for intervention in her case. In the result Mr Hurd concluded that Dr MacKeith’s report did not do so.

19.14 A further meeting was held by the Home Secretary with Ministers and senior officials on 12th January 1987 to discuss the cases of the

Birmingham, and the Guildford and Woolwich bombings and also the Maguire case. The consideration given at this meeting to the Maguire case is recorded in Chapter 11 of my Second Report (1992 HC296), as are the arguments put forward in Mr Caffarey's second submission dated 19th December 1986 which evaluated the options open to Ministers in the three cases.

19.15 The note of the 12th January meeting records the Home Secretary's conclusion in relation to the Guildford Four that none of the convictions should be referred to the Court of Appeal. In reaching that conclusion he accepted that Richardson's conviction appeared to be on weaker grounds than that of the other three, but in the absence of new considerations of substance he could not justify distinguishing her case from the others.

19.16 As part of the supporting material for the submission to Ministers officials had prepared a commentary on the main grounds on which the convictions had been challenged. On the same day the Home Secretary sent copies of the commentary and Ministerial statement with a covering letter to Mr Rees and others who had taken an interest in the case, namely Messrs Roy Jenkins, Gerald Kaufman, Clive Soley, Alex Carlisle, John Farr, Stephen Ross, John Hume and Lords Devlin, Fitt, Scarman and Stallard. In the covering letter he said:

"I have considered with great care, against the background of a thorough review of the case, all the points which have been raised on behalf of the four persons. I am satisfied, however, that no new points of substance have been raised which would justify my exercising the power which I have under section 17 of the Criminal Appeal Act 1968 to refer a case to the Court of Appeal. All the main issues - the admissions, the alibis and the confessions by the Balcombe Street Gang and Brendan Dowd - were fully aired at trial and/or on appeal."

19.17 Two further letters from Mr Logan were received by the Home Office in January 1987. The first enclosed a memorandum criticising the decision not to charge the Balcombe Street gang with the Guildford, Woolwich and other attacks, the revision of correlation statements before use in evidence at their trial, and the way in which the Court of Appeal had applied the decision of the House of Lords in *DPP v Stafford*. The second enquired whether the report of Dr MacKeith and Dr Gudjonsson had been considered by the Home Secretary, what his powers were under section 17 of the Criminal Appeal Act 1968, and how these powers had been exercised by previous Home Secretaries.

19.18 Mr Caffarey replied in a letter dated 23rd February. He confirmed that the Home Secretary had fully considered Dr MacKeith's and Dr Gudjonsson's report in reaching his conclusion not to refer the convictions of

the Guildford Four to the Court of Appeal. His letter also referred to section 17 of the Criminal Appeal Act 1968. He accepted that thereunder the Home Secretary's power to refer a case was unqualified; that he had such power "if he thinks fit". However he reiterated the limitations by which successive Home Secretaries had felt that they should restrict their power in the light of the constitutional considerations to which I have already referred. Mr Caffarey also confirmed that the Home Office was aware and had taken account of the line of argument based upon Lord Devlin's criticisms of the *Stafford* judgment though the procedure which the Court of Appeal should follow in these matters was for the Court itself to determine and not a matter for the Home Secretary.

19.19 On the 24th February 1987 The Times carried a report of a forthcoming broadcast of a further *First Tuesday* Yorkshire Television programme in which "a new witness", Mrs Yvonne Fox, would say that she was with Paul Hill on the night of the Woolwich bombing, 7th November 1974. On the basis of this report Mr Caffarey wrote to the programme producer, Mr Grant McKee, on 27th February with a copy to Mr Logan, in the following terms:

"As you know, the Home Secretary has a duty to consider any conviction in which it is alleged that a miscarriage of justice may have taken place, but he can only do so when new material is placed before him. Mrs Fox is not known to us, and at present we have no information about her other than that she did not give evidence at trial. We should be grateful therefore for any information which you can give about Mrs Fox and any evidence which she may be able to give which is relevant to Mr Hill's conviction. It would be helpful if this information could be provided as quickly as possible so that the matter can be considered without delay."

19.20 This crossed with a letter of the same date from Ms Franey of Yorkshire Television inviting the Home Office Minister, Mr Mellor, to an advance showing of the programme for MPs in the House of Commons on 2nd March, the day before the public transmission, and promising the Home Office a cassette copy of the film on the day of transmission and a typescript of the full programme thereafter. However on 2nd March, in reply to Mr Caffarey's letter, Mr McKee made it clear that access to the material Yorkshire Television held about Mrs Fox and the other issues raised in the programme would be a matter for Mr Logan. The latter also wrote to Mr Caffarey on 2nd March setting out the alibi evidence which Mrs Fox could give for Hill, and raising the question whether this could be regarded as new evidence in view of the fact that though she was available Mrs Fox had not been called to give evidence at the trial.

19.21 In replying on 5th March Mr Caffarey asked for a copy of Mrs Fox's statement as soon as possible, together with her address and that of Mr and

Mrs Keenan so that they could, if necessary, be interviewed by the police, and drew attention to his earlier letter of 23rd February which had explained that it was not the Home Secretary's practice to reject representations simply on the ground that evidence had been available and could have been adduced at trial.

19.22 On the *First Tuesday* programme Cardinal Hume, Lord Devlin and Mr Logan reiterated their belief in the innocence of the Four. They expressed their doubts about the reliability of convictions based on uncorroborated confessions, particularly those made after lengthy interrogation, and where the suspect, as in Carole Richardson's case, was suggestible and vulnerable on other grounds, such as the effects of drug withdrawal.

19.23 Meanwhile, Parliamentary pressure was also growing in the form of an increasing number of signatories to an early day motion in the House of Commons calling on the Home Secretary to use his powers to reopen the case in the light of new evidence available.

19.24 On 11th July 1987 Mr Caffarey put two notes to Ministers; first, a progress report on further consideration of various matters raised in the review arising from the *First Tuesday* programme on 3rd March; and secondly, a note on Mr Kee's comments on the Home Office memorandum of 20th January. The first note reported that in the absence of Mrs Fox's statement (which had been requested from Mr Logan on 5th March) it would not be possible to complete the review as hoped in time to announce the decision before the Summer recess. Further representations expected from Cardinal Hume, Lord Scarman, and Mr Roy Jenkins would also add to the delay. The second note indicated that Mr Kee's comments largely covered old ground and suggested that any response to them should await the forthcoming representations, a suggestion that Ministers accepted.

19.25 On 20th July Cardinal Hume wrote to thank the Home Secretary for agreeing to see him with Lord Devlin, Lord Scarman, Mr Roy Jenkins and Mr Merlyn Rees. He enclosed an aide-memoire on the case; opinions by Lords Devlin and Scarman critical of the Court of Appeal's decision not to order a retrial of the case; new statements by Maura Kelly (in support of Carole Richardson's alibi) and by Mrs Yvonne Fox and Mr and Mrs Keenan (supporting Hill's alibi for the night of the Woolwich bombing), and statements by Father Ryan and Father Carolan about Hill's and Conlon's stay at the Hope House hostel.

19.26 The aide memoire concerned the cases of both the Guildford Four and Maguire Seven. The relevant part stated that:

"In our view a substantial miscarriage of justice may well have occurred in the two trials resulting in the wrongful conviction of the accused. In the Criminal Appeals Act 1968 provision is made which

enables the Secretary of State, if he thinks fit, to refer cases to the Court of Appeal for review. If the Secretary of State so decides, the Court reviews the whole case, fact and law; it is not confined to “new evidence or matters of substance”: see *R v Lattimore and others* 62 Cr. App. R.53, and *R v Perry and Harvey* (1909) 2 Cr. App. R.89, 92 and *R v Chard* (1983): 3 All E.R page 637.

We understand that a practice or convention has developed in the Home Office under which the Secretary of State refers cases only if satisfied that new matter (ie. evidence or other matters of substance) has arisen or emerged since the conclusion of the judicial process. Any such convention fails to measure up to the wide powers possessed by the Court if a reference is made. If upon a reference the Court can review the whole case, the Secretary of State should be able to refer if of the opinion that there is a strong likelihood that there has been a substantial miscarriage of justice whether the likelihood arises from some incident or omission or other error in the judicial proceedings resulting in conviction or from new matters arising thereafter. In the *Lattimore* case the true ground for referral was mistake at trial either in the medical evidence or in the judge’s understanding of its effect.

Further, the statute itself does not, upon its true construction, confine the Secretary of State to “new” matter. The power to refer arises if he thinks the case fit to refer. It would be wrong to confine the width of the power which Parliament has conferred by an executive practice or convention.

But, if the Secretary of State chooses in this case to require new evidence or matter of substance, we submit that such matter exists in both cases. Put broadly, for the reasons which we have already developed in documents available to the Secretary of State the convictions of the Guildford “four” based as they were exclusively on “confessions” were unsafe at the time and are now demonstrably unsatisfactory and unsafe. The Court of Appeal fell into grievous error when, instead of ordering a new trial so that a jury could decide whether in the light of the evidence, which had become available, of Dowd and of the Balcombe Street men, the guilt of the accused was established beyond reasonable doubt, it formed, and acted upon, its own assessment of the new evidence. The paper by Lord Devlin and myself refers.”

19.27 The aide memoire and the accompanying paper by Lord Devlin and Lord Scarman repeated the contention which had previously been raised on a number of occasions, namely that the Court of appeal should not have heard the new evidence itself but should have ordered a new trial, so that all the evidence, new and old, could be considered by a jury. Although these distinguished lawyers suggested that the decision of the House of Lords in *Stafford v. DPP* (1974) A.C. 878 did not apply on the facts of the Guildford

Four case, I take a different view. Further, the House of Lords so held in rejecting an application for leave to appeal in the case of the Birmingham Six, where the point of law involved was the same.

19.28 On 31st July Mr Caffarey informed ministers that the Chief Constable of Avon and Somerset Constabulary (Mr Broome) had agreed that officers from his force led by the Deputy Chief Constable, Mr Sharples, would undertake inquiries into the new material submitted by Cardinal Hume. On the same day he wrote to Mr Broome formally asking him to interview the authors of the statements submitted to the Home Secretary and make such other enquiries as might be necessary to report on the facts these statements purported to disclose. That letter and a subsequent one of 10th August notified the Chief Constable of the conditions attached by Mr Logan to any interviews of Mr and Mrs Keenan, Mrs Fox and Miss Kelly.

19.29 On 3rd September Mr Caffarey reported to ministers that Mr Sharples had undertaken to submit a report by early December although he might not by then have been able to cover all the points raised. He also reported that Drs MacKeith and Gudjonsson were in the process of seeing and reporting on all of the Guildford Four. The provisional view of the Home Office advisers on the first report on Carole Richardson was that its factual basis was weak and that a court would be unlikely to receive or give weight to such evidence. On the criticism of the Court of Appeal it was submitted that, while a reference on the ground of concern about the rightness of the Court's action could not be regarded as improper, the critical question was whether this led the Home Secretary to think that there might have been a miscarriage of justice. A reference on this ground would not be justified if, as officials believed, there had not been a miscarriage. Inquiry into the allegations in Mr Logan's memorandum that scientific reports relating to the links between the Guildford, Woolwich and other bombings had been deliberately suppressed had not revealed any evidence of conspiracy to withhold evidence.

19.30 A Private Secretary minute of 7th September records the Home Secretary's comment on this progress report that a point of law, provided that it was new and substantial, could on the face of it justify referral to the Court of Appeal and the fact that the point was not taken by appeal to the House of Lords was not a decisive reason against a referral.

19.31 On 20th November following a meeting on the previous day with Mr Sharples and Chief Superintendent Coates, Mr Caffarey notified ministers that the Avon and Somerset police inquiries were taking longer than expected to complete because of the difficulty in obtaining documents from solicitors and in reaching agreement with them on the terms on which potential witnesses should be interviewed. A meeting with ministers on 10th December to discuss these difficulties resulted in correspondence between the Home Secretary and Cardinal Hume in which they expressed the hope that the problems in the way of the progress of police inquiries would be resolved. The

Home Secretary also made it clear that although he would be willing to go over the ground covered in the police report the report itself would not be made available because of the need for officers in preparing such reports, normally in view of possible prosecutions, to be absolutely frank in their assessment of evidence and of the reliability of witnesses.

19.32 There was then a further letter from Cardinal Hume enclosing some new evidence. This comprised a short letter from a Mr Michael Kennedy in County Galway responding to a written enquiry sent by Father Ryan to a large number of people who had lived in Quex Road Hostel at about the time of the Guildford bombing. Mr Kennedy claimed that he had seen both Hill and Conlon in the television room at the hostel at the time when the first newflash of the bombing appeared on the television. Mr Robert Baxter, who had succeeded Mr Caffarey as head of C3 Division, advised ministers in a note of 31st March that Mr Kennedy's evidence conflicted with Hill's own alibi evidence that he was in Southampton on the evening of 5th October, and that even if both Hill and Conlon had been at the hostel at 10 and 10.13 pm when the first newflashes appeared both would have had plenty of time to return there after planting bombs with timing devices at Guildford at around 7 pm. The Avon and Somerset inquiry team took a statement from Mr Kennedy on 19th April 1988 in which he confirmed his recollection that Conlon had entered the television room at the hostel at around the time of the newflash. He went on to say that he had received a visit from Conlon's solicitor, Mrs Peirce, in connection with his letter and had told her, having thought about it, that he could not say that Hill was there that night.

19.33 On 8th April Avon and Somerset Constabulary submitted to the Home Secretary their report on the result of their inquiries into the issues raised through the Home Office on behalf of the Guildford Four. The report set out briefly the history of the case and examined in detail three main issues. First, Paul Hill's alibi for the Woolwich bombing and the involvement of Mrs Fox; secondly, the alibi of Carole Richardson for the Guildford bombing and the evidence of Maura Kelly; and thirdly, the alibi of Gerard Conlon for the Guildford bombing and the evidence of Charles Burke. The history of each of these alibis has been set out separately earlier in this report. In dealing with the evidence of Burke, Avon and Somerset assumed that what he had had to say about the events of 5th October 1974 had been known to the defence. They knew from the bill of costs that the solicitors had written to Burke and believed that Burke's statement of 18th January 1975 had been among those made available to the defence before the trial. This was expressly stated in the report to the Home Secretary.

19.34 On 25th May 1988 Mr Baxter put forward a lengthy submission to Ministers with supporting annexes based on consideration of the Avon and Somerset Constabulary's report and a review of all the other material that had been put to the Home Secretary. It summarised as follows the main points

previously made in support of the claim that the Four had been wrongly convicted:

- i. Their confessions were made under duress or, in Hill's case to avoid being returned to Northern Ireland and for other reasons;
- ii. Carole Richardson's alibi remains convincing, and timings given by witnesses show that she could not have had time to travel from Guildford to the concert in London where she was later seen;
- iii. Members of the 'Balcombe Street gang' and Dowd confessed to the Guildford and Woolwich pub bombings before and during their trial. Their confessions contained convincing detail;
- iv. The four people convicted have been denied their proper rights under English law in that all the evidence pertinent to the question of their guilt or innocence has not been heard before a single jury. In effect the issue is whether or not the Court of Appeal when considering applications for leave to appeal against conviction by the 'Guildford Four' was right to assess the evidence itself as if it were a court of first instance. This is a point of law which the Court of Appeal should have an opportunity to consider and which therefore of itself provides grounds for referral."

19.35 Three additional arguments, supported by further material, were summarised in the following terms:

- i. **Alibi evidence.** This is basically in two parts. The first is new alibi evidence regarding Carole Richardson's whereabouts on the afternoon of the day of the Guildford bombings which suggest it is not possible for her in the time available to travel from Kilburn to Guildford and take part in the bombings. The second is new evidence by a witness, Mrs Fox, who offers support for Paul Hill's alibi for the evening of the Woolwich bombing;
- ii. **Scientific evidence.** This is essentially a claim by Mr Alastair Logan, a solicitor acting for some of the Guildford Four, relating to the suppression by the prosecution of reports by two forensic scientists identifying similarities between the bombings at Guildford and Woolwich and other explosions, which the Guildford Four could not have caused. This 'scientific evidence' was offered to the police in the investigation into the activities of the Balcombe Street gang;
- iii. **Medical evidence.** This is a report by Dr James MacKeith, a forensic psychiatrist, based on interviews and tests of Carole Richardson which he and a psychologist colleague have carried out. They conclude that Richardson has a 'suggestible' personality and that her confession evidence would consequently be unreliable."

These three elements and the legal argument were analysed by Mr Baxter in the following way:

“i. Alibi evidence

13. A number of issues have been raised relating to alibis and a discussion is at annex B. Much of the new material is of little substance and can be set aside. The new claims relating to Richardson do not appear to bear scrutiny, nor do those relating to Conlon’s and Hill’s alibis for the Guildford bombing. However, there could be more substance to the statement from Mrs Fox claiming to have been with Hill and the Keenans throughout the evening of the Woolwich bombing, except for a short time when Hill went out to make a telephone call. Mrs Fox’s statement is clear, as was a television interview she gave. Consequently we cannot dismiss it lightly, although we understand from the police that she is likely to be a poor witness and under cross-examination may appear more hesitant and confused than her statement and an edited television interview suggest. Moreover, the police inquiries have revealed recollections of two people employed by the original defence solicitors which suggest that at the time of the trial she had no clear or specific evidence to assist Hill.

14. Mrs Fox’s evidence is new and relevant to Hill’s conviction for the Woolwich explosion. There is consequently a presumption in favour of referring the case on the basis of her statement, but there are arguments against this. It may be that she would be discredited in the witness box, and the court may find more persuasive the views of those involved in the conduct of the defence case at the time of the trial as to what they believed or assumed was her evidence then (that she was with the Keenans and Hill for only an hour between 6.54 and 7.45 pm). We must be careful not to be guided unduly by the police assessments of the characters of the witnesses. It can be argued that if Mrs Fox had given at the trial the evidence she now puts forward, the jury might have been more inclined to believe the Keenan’s evidence that Hill was with them at the material time and could not have gone to Woolwich. The Keenans and Mrs Fox are now implying incompetence on the part of the defence lawyers in 1975, claiming they had been told that Mrs Fox said she was present throughout the evening, and attended court in the expectation of giving evidence to this effect. Mrs Fox says she cannot understand why she was not called, and Mrs Keenan says she did not tell the court of Mrs Fox’s presence because she was not asked. These are not unreasonable explanations, and we would not argue that failure by defence lawyers to produce evidence available at the original trial would be a reason for refusing a referral.

15. The real weakness with Mrs Fox’s evidence is that she was not mentioned in Hill’s alibi notice or anyone’s written statements. There

is no satisfactory explanation for this. While it might be possible to explain away the alibi notice on the grounds of lawyers' incompetence - that, for example, it never registered with them that Mrs Fox claimed to be with the Keenans and Hill - it is not easy to believe the Keenans' explanation for failing to tell the police that Mrs Fox was with them for the whole of that evening - they claim they just forgot. Hill's explanation for failing to mention Mrs Fox's presence is even more curious - he has told the police he was not aware she was present. At best, he too has to fall back on a claim of forgetfulness.

16. Mrs Fox's statement can be rejected on the grounds that she was not mentioned as an alibi witness at the time of the trial, and the explanation for this failure is unconvincing. This, however, may appear to penalise the defendants for being inadequate or incompetent in organising their defence rather than for being guilty. The fact that Mrs Fox did attend the court expecting to give evidence lends some credibility to the argument that she was there because she was going to give the evidence she is now putting forward, and incompetence rather than dishonesty may account for her failure to do so.

ii. Scientific evidence

17. Mr Logan, one of the defence lawyers, had argued that, at the time of the Balcombe Street gang's trial, not only did members of the gang claim to have committed the Guildford and Woolwich offences but there was also scientific evidence relating these two bombings to other incidents which the Guildford Four could not have carried out. This scientific evidence was not put before the jury nor was it considered by the Court of Appeal when hearing the Guildford defendant's application for leave to appeal. Had the jury been aware of it they would not, in Mr Logan's view, have felt able to convict. A discussion and a copy of Mr Logan's memorandum) is at annex C.

18. As the Balcombe Street gang were arrested after the Guildford Four's trial there was no discussion of the likelihood of the Guildford and Woolwich bombings being the work of another gang although it is claimed the police were aware of information which suggested links with other explosions. However, the scientific evidence that was put forward in the Balcombe Street gang investigation was more limited than Mr Logan had suggested. It did no more than draw attention to similarities between a number of explosions (including those at Guildford and Woolwich) such as in the nature of the construction of the bombs, the materials used, and the time, place, and method of delivery, and suggest there was a common approach in the incidents. There are a number of possible explanations for these similarities which do not lead to an assumption that they must all have been carried out by the same people. It seems clear, for example, that others were involved in the Guildford bombing apart

from the four who have been convicted. They could have provided a link with the Balcombe Street gang. The IRA itself could have provided common guidance and materials to a number of groups to enable them to make and explode bombs.

19. The possible role of the Balcombe Street gang was considered by the Court of Appeal in the Guildford Four's appeal though it did not have before it the views of the forensic scientists on the similarities between the Guildford and Woolwich and other explosions. This leaves the question of whether the 'scientific evidence' lends credibility to the argument that the Balcombe Street gang was responsible for the Guildford and Woolwich explosions. It is doubtful that it could because there are other reasonable explanations. If the Balcombe Street gang's confessions are believed, the scientific evidence would lend some substance to them. But if they are not believed the scientific evidence in itself would not be persuasive. The Court of Appeal chose not to believe the confessions.

iii. Medical evidence

20. Dr MacKeith, a forensic psychiatrist, and Dr Gudjonsson, a psychologist, have put forward professional advice arguing that Richardson's personality is such that she is highly suggestible and any admissions she might have made under questioning were likely to have been unreliable because she would be easily led. (This advice is considered more fully in annex D). The status of this advice is not entirely clear, but it seems that the Court of Appeal might be willing to consider it. The weight that would be attached to it is a different matter. It might have been more persuasive at the original trial for there is bound to be doubt about the validity of a diagnosis 12 years after the event. The suggestibility argument can also be used the other way -it could make it easier to understand a young girl with no apparent ideological background being persuaded to take part in the Guildford bombing. She appears to have had a background of involvement in petty crime, was a drug taker, and drifted through life. She may have been easily influenced by her friends to take a supporting role in the Guildford bombing, and to have been under the influence of drugs when she did. Against this it might be argued that if she has a 'suggestible' personality now she was even more likely to have had one in 1974, that it is unconvincing to suppose that her own petty criminality would extend to so serious an activity as terrorist bombing, and that the influence on her was not of her friends but of the police while in their custody. In view of this, as she claimed her confessions had been made under pressure from the police, the medical evidence now might weaken any reliance a court would be willing to place on them.

iv. The legal argument

21. Lord Devlin, joined more recently by Lord Scarman, has argued that the Court of Appeal acted wrongly in the way it

considered the applications for leave to appeal by the Guildford and Woolwich defendants after the claims of the Balcombe Street gang became known. Lord Devlin argues that, instead of testing and assessing fresh evidence as if it were a jury, the Court of Appeal should have considered whether, taken together with the evidence originally presented at the trial, the new evidence might have led to the jury producing a different verdict. If the answer was yes, the Court should have quashed the convictions and either ordered a retrial or freed the defendants. It should not have assessed the evidence and decided for itself whether the convictions were sound.

22. This is a controversial argument. We recognise that the Home Secretary felt that there might be some weight to it because of the standing of its proponents. However, it is not a view widely held among the judiciary and it was at the heart of the recent appeal by the Birmingham bombers to the House of Lords. In effect, they too argued that the Court of Appeal had been wrong in its approach when the case was referred by the Home Secretary. The House of Lords was not impressed by the argument and declined to hear the appeal. This rather forecloses any options the Home Secretary might now have on this issue. He has no power to refer an issue to the House of Lords. He could only refer the question to the Court of Appeal, whose answer would be based on the House of Lord's decision in the Birmingham case. For the Home Secretary to raise the issue now would suggest that he was questioning the view the Lords have taken and was challenging the Court of Appeal's established practice.

23. The most likely role for the Devlin-Scarman argument is as an issue to be raised by the defence if the Home Secretary were to decide on other grounds to refer the case to the Court of Appeal. The defence could then argue in favour of a retrial and, if this were refused, seek leave to appeal to the Lords on the point of law. (Though there is no reason to believe they would be any more successful than the Birmingham Six.)”

19.36 The submission from Mr Baxter and the accompanying papers are a good example of the care and thoughtful analysis which Home Office officials gave to representations in these cases of alleged miscarriage of justice. Mr Baxter's submission concluded that:-

“It is desirable to base any reference of the case to the Court of Appeal on new evidence or other considerations of substance which has not previously been considered by a court. This is to preserve a coherent approach to such references which avoids interference by the executive in the work of the courts as a consequence of political pressure. In the Guildford case there is some new evidence. It is not conclusive, but it can be reasonably argued that the statement of Mrs Fox is new and relevant and merits examination by the court. The

other evidence might provide some supportive arguments, but none of it appears in itself to be of sufficient substance to provide the basis of a referral. With regard to the Maguire case no new evidence or other consideration of substance has been put forward relating to the safety of their convictions. Consequently it is proposed that:

- i. the Guildford Four's case should be referred to the Court of Appeal; and
- ii. the Maguire case should not be referred."

19.37 At a meeting on 10th June 1988 the Home Secretary, with Mr John Patten and officials, considered the case in the light of the various submissions. At that meeting the Home Secretary concluded that the arguments for referral were finely balanced and that before a decision was reached Malcolm Crosby and Dr Makos should be interviewed by the police. Mr Crosby, Gina Clarke's brother-in-law, had recently made a statement in which he recalled seeing Hill in Southampton in the early evening of 5th October 1974. Dr Makos had already been interviewed by the Avon and Somerset team in connection with their enquiries and on request a copy of his statement to them dated 3rd November 1987, together with correspondence between him and Dr MacKeith about Richardson, was sent to the Home Office on 20th June. Dr Makos' statement confirmed that what he had set down in his statement of 4th December 1974 (see paragraph 5.50) accurately recorded his dealings with Richardson on that day. He also referred to an injection of pethidine given to her at that time to counteract her drug withdrawal symptoms. This was a new factor so far as the Home Office was concerned and Professor Lader of the London Institute of Psychology was asked by the Home Office on 27th June for his opinion on the possible effect of the injection on Richardson and on her state of mind during Dr Makos' interview. On 29th June Mr Logan wrote to the Home Office enclosing a further report from Dr MacKeith stressing the importance of Dr Makos' disclosures, in particular the pethidine injection, in reconstructing Carole's state when he examined her on 4th December 1974.

19.38 On 30th June the Avon and Somerset Constabulary, having interviewed Mr Crosby on 17th June, forwarded their report into the statement made by Mr Crosby to Hill's solicitors on 28th May 1988. They found nothing in the statements which could be construed as credible new evidence or a new consideration of substance which had not been considered by the Court or which cast doubt on the safety of Paul Hill's convictions.

19.39 On 6th July Professor Lader reported his opinion that Richardson, when seen by Dr Makos, was in a state of barbiturate withdrawal with anxiety, restlessness and distress. The administration of pethidine did not suppress withdrawal but might have induced drowsiness, euphoria and perhaps a sense of mental detachment. Her withdrawal state could have continued for about

three or four days after the effect of the single dose of tuinal given by Dr Makos had worn off.

19.40 On 13th July Mr Baxter put a submission to ministers, annexing all the supporting papers, on the results of the Crosby and Makos enquiries. He also reported formally that Hill's solicitors had decided to interview the two counsel who had acted for Hill in 1974 about Mrs Fox and the use made of her evidence. After reviewing the material Mr Baxter concluded in relation to Mr Crosby that:

“His latest statements to Mr Fisher and the police give us no reason to believe his evidence is reliable. There are inconsistencies with what he has said previously and with what others have said. Consequently, I would not see this as casting any doubt on the reliability of Paul Hill's conviction.”

On the medical evidence he concluded:

“This provides some new material which is likely to open an area of dispute. I believe this is significant enough to warrant consideration by the Court of Appeal for it to reach a view on the possible effect of the drugs on the reliability of Carole Richardson's confessions.”

19.41 At about this time Avon and Somerset told Mr Stanton of C3 that they had now learned that Burke's statement to the police of 18th January 1975 had never been disclosed to the defence. They also reported that they had traced and interviewed Burke themselves. This information to C3 was given orally. Mr Stanton thereupon prepared a supplementary submission to Ministers dated 14th July 1988, reading as follows:

“I am sorry to have to put up a further submission hot on the heels of Mr Baxter's of yesterday, but this covers a matter now reported to us orally by Avon and Somerset police, on Gerard Conlon's alibi.

Facts

In 1974 one Charles Joseph Burke made a statement to the police in which he said that he saw Conlon at the hostel at Quex Road at about 7.00pm on the day of the Guildford bombings. Burke said he had returned to the hostel to collect his belongings on moving out, but there is no clear corroboration that this was the day he left.

Mr Burke's account was contradicted by that of Peter Henry Vine. Mr Vine said that he and Burke left work together (before 7.00pm) that day, and were together drinking for the whole evening. He also said that Burke had been in new lodgings for 5 or 6 days. Vine fixes the day by the fact that he was arrested the following Saturday.

Avon and Somerset police covered this matter partially in their report. The police now believe Vine's account could be confirmed by two other men, one of whom is too ill to be interviewed, and one of whom is in Spain. (The police will be attempting to contact the latter.) They have seen Burke and regard him as a hopeless witness. He is virtually an alcoholic and cannot now recall Conlon's name. He can only say that whatever he said to police at the time must presumably be true.

The police had assumed that what Burke had to say was known to the defence, even though he was not cited in Conlon's notice of alibi, because of reference to a letter sent to Burke in the solicitor's application for costings. There therefore appeared to be no reason to raise this matter with Ministers, in particular given the uncertainty of Burke's evidence. However, a DPP list of disclosed documents now reveals that neither Burke's nor Vine's statements were disclosed.

Assessment

What has therefore come to light is an apparently new statement ("new" in that it was not disclosed to the defence, and did not emerge as evidence at trial) which on the face of it supports Conlon's alibi. It is open to challenge, and difficult to think the Court would find Burke's evidence credible, but as it has not been considered by the courts it might be said to offer limited and partial grounds for a reference. Ministers may therefore wish to take account of this matter in their consideration of the case."

19.42 Avon and Somerset had in fact traced Burke in June 1988 and had taken a statement from him dated 9th June. In that statement Burke confirmed his belief that what he had said in January 1975 was true, though in 1988 he could only remember the name of Hill as one of his room mates. This statement was not sent by Avon and Somerset to the Home Office and it appears that the Home Office were not told that a statement had been taken, but only that Burke had been traced and interviewed.

19.43 In the meantime Mrs Peirce of B M Birnberg & Co, who had taken over Conlon's legal representation in mid-1987, had written to the Home Office on 22nd June setting out detailed arguments for believing that Conlon had been wrongly convicted and requesting that if a decision against reference of the case was about to be announced that action should be delayed to enable the Home Office to consider fuller arguments backed by evidence of witnesses. The letter did not reach the Home Office because it was wrongly addressed and a copy of it was not received by the Department until 3rd August. Before advice had been tendered on this letter the Home Secretary had re-read the earlier papers on the case and commented:

"I am not inclined to believe that Mrs Fox's statements justify referral. It is not only the failure of the defence lawyers to call her, but the

failure of Hill and the Keenans, particularly Hill, to mention her presence, which seems to make her statement very unlikely to convince the Court of Appeal. It is new but not substantial.

I agree that in view of the line taken by the Lords in the Birmingham case there is no point in pursuing Lord Devlin and Lord Scarman's argument.

So it turns on the medical evidence about Carole Richardson's condition and treatment in 1974. This leads me to consider the possibility of referring her case alone."

19.44 In a note of 8th August recording these comments the Private Secretary asked Mr Baxter for advice on separating the Richardson case from the others and on the options in law for doing so.

19.45 Mr Baxter responded on 17th August advising that:

"It is clear that it is open to the Home Secretary to refer the case of only one of the four petitioners. The risk would be of judicial review if the grounds of the referral also cast doubt on the safety of the convictions of the other petitioners, in which case separating the cases might be argued to be unreasonable. The medical evidence concerning Miss Richardson's treatment by the police surgeon relates directly only to her circumstances and consequently such a decision should be justifiable.

My own view has been that the basis of the campaign in support of the Guildford Four is a belief in their innocence because the Balcombe Street gang claimed to have been responsible for the Guildford and Woolwich bombings, and because the only evidence against the Guildford Four was their confessions. It has been claimed that the confessions were unreliable or false because they were obtained by oppression. People who hold this view of the case will be inclined to see the material which has been put to us as tending to confirm the innocence of the Guildford Four - the 'scientific evidence' indicating that the Guildford and Woolwich bombings could have been the work of the Balcombe Street gang, the alibi evidence for Paul Hill casting further doubt on the reliability of his confession, the medical opinions about the 'suggestibility' of the petitioners. To refer only to Carole Richardson's case on the grounds that she may have been under the influence of drugs administered by a police surgeon when she made most of her confessions is likely to strengthen the argument that the confessions of all the petitioners were obtained improperly. They implicated each other and inconsistencies and inaccuracies in all the confessions have been pointed out. If the reliability of Miss Richardson's statements is undermined this is bound to have implications for the credibility of

the others because of their common features. The medical evidence in Miss Richardson's case will be seen as confirming the common unreliability. The absence of such evidence in respect of the other three may not, however, be accepted as implying they were not also subject to improper treatment, merely that there was no doctor to make a written record.

Despite the view which the House of Lords took in the Birmingham case, a reference only of Carole Richardson on the drugs issue is likely to arouse accusations that 'once again' the four will have been denied the opportunity to have all the evidence heard by a single court. Limiting the reference by picking out one case may also encourage the argument that we are attempting to divide the petitioners and make it particularly difficult for them to present their case and establish their innocence. The prosecution case was that the four were involved in the Guildford explosions together. If the Court of Appeal were to accept that one of them may not have been involved that is likely to be seen as casting doubt on the prosecution argument against the others also.

These are essentially presentational considerations. The Home Secretary's decision is likely to be misconstrued by the supporters of the Guildford Four, whatever it is, and consequently I would not wish to place great weight on them. My main concern is with the importance of the confession evidence in this case. Information which casts doubt on the reliability of one may be seen as undermining the credibility of the others and this leads me to see the cases of all the Guildford Four as closely linked."

19.46 On 1st September Mr Baxter put to ministers a note about the representations made on behalf of Conlon. These raised six specific issues:

- (i) the examination by the police of his prison records;
- (ii) his alibi;
- (iii) the unlikelihood of the IRA using a person of his character and behaviour in their activities;
- (iv) the ambiguities in and unreliability of his confessions and the lack of any corroborating evidence;
- (v) the incredibility of the Hope House hostel having been used as a base for IRA activities; and
- (vi) evidence that Conlon had been heard to cry out while being interviewed by the police in 1974.

Referring to the alibi issue, this note stated that Burke had been interviewed by the police and did not have "anything of consequence to say"; it made no reference to Mr Stanton's submission of 14th July or to the fact that Burke's

original statement to the police had never been disclosed to the defence. Mr Baxter did not consider that any of the six issues gave adequate grounds for referring Conlon's case to the Court of Appeal; in particular he concluded that examination of available records did not suggest that either Armstrong or Conlon was suffering from drug withdrawal symptoms at the time they made their confessions.

19.47 The Home Secretary then held a meeting on 6th September 1988 with Mr Patten and senior officials to consider whether or not to refer the Guildford Four convictions to the Court of Appeal. It was concluded that there were sparse grounds for a reference to the Court of Appeal, and it was therefore agreed that Conlon's solicitors should be asked to provide any evidence which would support such a reference.

19.48 On 8th September the Home Secretary visited Cardinal Hume privately to explain the position he had reached in his consideration of the case, the difficulties surrounding the decision whether or not to refer the case and his inclination at that stage not to refer. On the following day the Cardinal wrote to the Home Secretary acknowledging the difficulties but emphasising the growing doubts of the deputation about the safety of the convictions and the need to consult the other members before responding to the points discussed between them. On one other main point raised, namely the links between the Caterham public house bombing and Guildford, in a note of 9th September Mr Baxter advised as follows:

“Links with Caterham explosion

8. The 1974-75 IRA bombing campaign has long been identified as falling into two distinct phases. Phase 1 of the operation occurred between 23 August 1974 and 27 January 1975, with Phase 2 beginning on 27th August 1975. The Guildford pub bombing occurred on 5 October 1974 and the four convicted of the offence were all arrested by 3 December 1974. The Caterham pub bombing occurred on 27 August 1975 opening phase 2.

9. Forensic examination of the Horse and Groom public house established that the explosive device consisted of 10lbs of nitroglycerine-based explosive with an electrical firing circuit operated by a Smiths pocket watch. The device, contained within a shoe box, had been placed under a bench seat in an interior alcove of the public house by an outside wall. It was timed to explode at 9.00 pm when the public house would be busy with military personnel. The Caterham bomb consisted of 5lbs of explosive with a timing device based upon a Smith's pocket watch. The device was again placed internally against an exterior wall by a bench seat. It was timed to explode at 9.30 pm, again when military personnel would be present. The four known as the Balcombe Street Gang were charged with the Caterham offence, although eventually acquitted

by the jury. At their trial the defence sought to establish that because of similar links between the two bombings the same group must have been responsible for both. As the Guildford Four had been in custody since December 1974 they could not have been responsible for the Caterham bomb. However this did not apply to the Balcombe Street Gang who claimed responsibility for Caterham. On the basis of similarities therefore, the defence advanced the argument that the gang must also have been responsible for the Guildford bomb, and consequently those convicted must have been innocent of the offence.

10. The two forensic scientists to give evidence at the Balcombe Street trial, Higgs and Lidstone, were questioned on this point. Lidstone accepted that both bombs were similar in a number of respects, but he stressed that all the features quoted as the basis of comparison had also occurred in the Tavern-in-the-Town public house bombing in Birmingham. The only exception was the use of a Smiths clock rather than a pocket watch. Lidstone pointed out that many of the similar points had also appeared in other bombings.

11. On the general issue of collecting information from bomb incidents, Higgs explained to the court that all he was able to identify were common features between various bombs and a common *modus operandi*. It did not enable him to say that the same team had been involved. Lidstone, when asked about the connections between the Guildford bomb and those in Phase 2 of the IRA campaign, considered it unlikely that they were linked because of the length of time between the incidents.

12. It is known that IRA units operated in numbers greater than four. This was admitted by the Balcombe Street Gang at the appeal of the Guildford Four in 1977. The confessions of the Guildford Four suggested this bombing team numbered between six and nine, and O'Connell and Dowd (of the Balcombe Street Gang) said that they and unnamed others were present at Guildford but not those convicted. The Court of Appeal in rejecting this appeal suggested that even if they were prepared to accept that O'Connell and Dowd may have been at Guildford, this did not affect the conviction of the Guildford Four.

13. Forensic science evidence, as explained at the trials, can only identify similarities in design, mode of attack etc. It may also be able in some cases to identify the bomb maker. However, none of the available evidence would enable the person planting the bomb to be identified and it may be thought unlikely that the IRA would consider the person with expertise in preparing the device to be expendable by delivering it to the chosen target. The claim that similarities exist between the Guildford and Caterham bombs cannot be denied, but this has to be viewed against such similarities occurring in other bomb incidents such as in the Birmingham bomb. Other similarities, such

as choosing a military public house target at busy periods and planting a bomb under a seat by an outside wall, are not sophisticated techniques which would identify specific individuals.

14. It is not clear from the appeal papers whether this line of appeal was advanced by those representing the Guildford Four, but the court was not satisfied with the evidence of the Balcombe Street Gang. The police never claimed to have caught all those involved in the Guildford bombing; and the convicted four never confessed to making the device even though reference was made to seeing bomb making materials. The finding of 'not guilty' by the jury in relation to the charge against the Balcombe Street Gang of the Caterham offence also casts doubt on the line of argument advanced by Cardinal Hume of connection between both offences and the Gang."

19.49 On 13th September the Home Secretary's Private Secretary wrote to the Private Secretary to the Secretary of State for Northern Ireland to acquaint that office with the Home Secretary's conclusion that the material then available did not justify his referring the case to the Court of Appeal and seeking views from departments involved on the timing of an announcement to that effect. A postscript to the letter referred to a further letter just received from Cardinal Hume which expressed concern about doubts voiced by the Home Office over the reliability of Maura Kelly's evidence. He enclosed a letter from Mr Logan alleging that the original police notes of their interview with Miss Kelly in 1974 relating to when she saw Richardson on 5th October had been altered and that they did not record the fact that she had been struck by a woman police officer during the interview.

19.50 Mr Baxter wrote to Avon and Somerset on 16th September to ask them to enquire into various matters raised concerning Miss Kelly. On the same day Mr Logan wrote with further background about Patrick Armstrong, his drug habits and advice given by counsel in 1974 to 1977 on the admissibility of evidence about this.

19.51 Also on 16th September 1988, Mrs Peirce delivered to the Home Office a number of statements to support detailed points which she had made on behalf of Conlon in her letter dated 22nd June. At this meeting the contents of her letter were discussed and Mr Chapman of C3 made a number of notes. From the letter and these notes it is clear that Mrs Peirce told C3 that she had attempted to trace Burke without success and that she had no knowledge of any witness who could deal specifically with Conlon's whereabouts in the crucial "alibi period" i.e. between about 6.00/6.30 p.m. and 8.00/8.30 p.m. on 5th October 1975.

19.52 On 22nd September Cardinal Hume wrote again to the Home Secretary reaffirming his delegation's growing belief that the convictions were unsafe and unsatisfactory despite the doubts raised by the Home Office about

the reliability of Miss Kelly's and Mrs Fox's evidence, the persuasiveness of the medical evidence relating to Richardson, and the feasibility of a further appeal to the House of Lords on the point of law concerning the hearing of new evidence by the Court of Appeal.

19.53 Mr Baxter then put up another submission to Ministers on 27th September:

- a) offering for consideration a first draft of a memorandum for publication in conjunction with a decision that the material presented by Cardinal Hume in 1987 did not justify referring the case to the Court of Appeal;
- b) reviewing the further recent representations on behalf of Conlon and Richardson; and
- c) suggesting that in view of the similarities between some of the material recently put forward as affecting the reliability of confessions and the material already available on Richardson, it might be preferable to postpone a decision until the latest material had been properly assessed.

19.54 In the course of this submission Mr Baxter referred to the recent meeting with Mrs Peirce and to the information and statements which she had provided. An annex to the submission contained a discussion of these issues, including a reference to Burke and to his police statement of January 1975, commenting as follows:

“The solicitors are unable to trace Mr Burke, but what he has to say is of course countered by Vine's account. Furthermore there is the account of Carey to consider. If both were indeed present with Conlon, then neither mentions the other. Furthermore Conlon did not refer to Burke in his alibi evidence and if Conlon had tea with Carey (as the latter suggests) then he would hardly be likely to have returned to bed for the arrival of Burke”.

In a marginal note to the first line of this passage, Mr Stanton of C3 wrote: “tho' police have seen him: Shld we tell sols?”

19.55 Following a discussion of this submission with officials the Home Secretary agreed that, in the light of the new material that had been made available by Birnbergs and following his visit to Cardinal Hume, he could no longer proceed to an early announcement rejecting a referral. He wrote to the Cardinal on 30th September to inform him of this decision and a Home Office news release was issued on 5th October to make it public.

19.56 The book entitled *Time Bomb* by Mr Grant MacKee and Ms Ros Franey, examining the case was published on 30th September 1988 and a copy was sent to the Home Secretary by solicitors who asked him to take its contents into account.

19.57 Cardinal Hume wrote to the Home Secretary on 16th November expressing his deputation's deep concern about the convictions and the delay in reaching a decision. The letter which was made public read in part as follows:

“We trust that you will shortly be coming to a conclusion yourself and, as a delegation, we decided that at this stage we should put to you three key considerations. These are of compelling importance and we would urge you to give them the most careful consideration in forming your own judgment.

The first is that items of new evidence have to be considered both individually and then collectively in the context of the case as a whole. Of course it is necessary to test each fragment of evidence separately to assess its significance. And some pieces of new evidence - such as the new medical opinion in relation to the injection of pethidine which Carole Richardson was given shortly before making the confession on which alone she was convicted - are matters of substance which in themselves unquestionably warrant a re-investigation of the case. But this is not all. Having examined each piece of evidence separately, it is then equally necessary to stand back and assess the whole scene. And when all the evidence is taken together, the cumulative weight of probability points to the very great unlikelihood of any of those convictions being “safe and satisfactory.”

The second consideration is this. The Guildford Four were convicted solely on their own confessions. The Court of Appeal in 1977 described the confessions as “the partially true intermingled with the deliberately false.” Yet they were the only evidence for the prosecution at the trials. Not a scrap of circumstantial evidence corroborated anything they said. This damaging criticism of the confessions by the Court of Appeal was made of what was the only evidence for the Crown. How could a verdict reached in such circumstances and based on evidence which contained many falsehoods be accepted as safe and satisfactory?

The third consideration is the evidence of O’Connell and Dowd considered by the Court of Appeal in 1977. At the appeal the testimony they gave, in particular their command of details which they would have known only by participation, compelled acceptance that their evidence that they committed the Guildford and Woolwich bombings could be true. But the Court of Appeal refused to believe the other part of their evidence in which they claimed that the Guildford Four were not also involved. The question remains whether a jury, whose purpose is to decide the facts, would have believed them. The Guildford Four have yet to be tried by a jury on that evidence. This is one of the main aspects of the point of law in our original submission.

You will appreciate that in making these three points we have in our minds one question: namely, would a jury have convicted the

Guildford Four and the Maguires if all the evidence now available had been presented at the trial? In the view of each and all of us it is highly unlikely they would have done so.”

19.58 In reply on 24th November the Home Secretary wrote:

“Thank you for your letter of 16 November about the Guildford Four and Maguire cases.

Since you mention the Maguires, I should perhaps say that I regard the material which has been submitted to me by your delegation and by solicitors acting on behalf of the Guildford Four as concerning only the convictions of Patrick Armstrong, Gerard Conlon, Paul Hill and Carole Richardson. I have received no representations other than repetitions of those I considered before my statement of 20 January last year, which appear to bear directly on the safety of the convictions in the Maguire case. So in line with the principle which I have consistently followed about new and substantial matters, I am considering only the case of the Guildford Four, not the Maguires.

I understand the weight which you attach to the arguments which you have advanced and I will, of course, take these into consideration in reaching my decision. I am examining the new material which has been submitted to me, including that submitted in the last two months, in the context of the case as a whole, and will let you know when I have reached my decision.

I share your concern about the length of time it is taking to review this case. I had originally hoped to reach a decision before now, but I have deferred this at the request of some of the firms of solicitors acting for the Guildford Four. They made it clear that they wished to submit further material to me - some of which I now have - and asked that I should defer my decision until I had been able to assess it. As you know, I have agreed to do this. I do not believe it would be right to reach a decision until I have done so, and I am aware that some of the solicitors may have further material they wish to present. If there are no further delays, my present hope is that I will be able to announce my decision early in the new year.”

19.59 On 16th December Mr Baxter put forward a 37 page submission, supported by numerous reports and letters. It is unnecessary, however, for me to quote this submission in detail. Suffice it to say that it recapitulated most of the earlier representations that had been made and collated those that had been advanced later although again, as occurred in the submission of the 1st September, no reference was made in the context of Conlon’s alibi to the fact that Burke’s original statement to the police had never been disclosed to the defence. Nor was there any express mention of the fact that the defence had recently been attempting to trace Burke without success although the police

themselves had been able to interview him. That apart it was very thorough and ensured that every point that had been raised by the many commentators criticising the verdicts in the case of the Guildford Four was brought forward for Ministers' consideration. It ended:

“I should be grateful for Ministers' guidance on whether the case should now be referred to the Court of Appeal, or whether work should be put quickly in hand to prepare a draft memorandum for issue to the solicitors and Cardinal Hume, and placing in the Library explaining our response to the material submitted to the Home Secretary and why it is not thought to constitute grounds for a referral.”

19.60 In preparing this submission C3 Division had taken into account an oral report from Avon and Somerset of their inquiry into the fresh statements made by Hugh and Kathleen Maguire about Conlon's detention by the Surrey Constabulary, and Conlon's medical treatment while in police custody. Their written report was sent to the Home Office on 20th December, supplemented by a further report on a number of outstanding details on 5th January 1989.

19.61 Mr Logan had also written to the Home Office on 20th December enclosing affidavits from Miss Astin and Mr Johnson which described their contacts with Richardson on 5th October and their mistreatment by the police when being questioned about their association with her. These were put to ministers on 22nd December with a covering submission by Mr Baxter in which he commented that he did not know why the affidavits had not been presented earlier, and that it was unlikely that any assessment could be made of their reliability as no independent witnesses to the claimed mistreatment were named.

19.62 Ultimately, on 3rd January 1989 officials were advised that the Home Secretary had decided to refer the case to the Court of Appeal. The Home Secretary minuted the Prime Minister and other colleagues on 12th January of his decision and of his intention to inform the House of Commons of the decision by means of a Written Answer to an arranged Question, a copy of which was enclosed. In his minute the Home Secretary explained that:

“Consideration of this case has been long and difficult, in large part because of the way in which material and representations have been made to me in a piecemeal and disjointed fashion. When in January 1987 I announced that I had referred the “Birmingham Six” case to the Court of Appeal I explained that I had found no grounds to justify such intervention in the case of the “Guildford Four”. At that stage I had had nothing new and of substance presented to me, and that essential criterion for intervention by referring the case to the Court had not been met. But since then new matters have been raised, some of which appear to me substantial, and some of which have been the subject of police investigations. The prime mover in these

representations has been Cardinal Hume, who brought a delegation of eminent people to see me in the summer of 1987. These included Merlyn Rees, Roy Jenkins, and Lord Scarman and Lord Devlin.

The police reported to me in April of last year on allegedly new evidence presented by Basil Hume. Further matters continued to be put before me, and as recently as September last year I remained of the view that I had not seen new material of sufficient weight to justify my intervention. However, at a private meeting I had with Basil Hume at that time he indicated that he wished to put forward further representations, and asked me to defer reaching a decision until I had had an opportunity to consider them. I agreed to this request. That meeting was followed by further representations by solicitors acting for the four people convicted, as well as from the Cardinal. It is only after further careful review of the case over Christmas that I have felt that the weight of material is sufficient to justify referral.

I do not believe that any of the points presented me is sufficient weight on its own to justify this course, but taken together they present a case in favour of referral. I have been particularly influenced by three points to which I draw attention in the statement - the question of the drugs given to Carole Richardson while in police custody, the alibi evidence of Maura Kelly concerning Richardson's movements on the day of the Guildford bombings, and the alibi evidence of Mrs Yvonne Fox concerning Paul Hill's movements on the day of the Woolwich bombings. A refusal now to refer would be difficult to justify and to defend publicly."

19.63 The Parliamentary Question was duly put down and Mr Hurd replied as follows:

"On 22 October 1975, Patrick Armstrong, Gerard Conlon, Paul Hill and Carole Richardson were convicted of murder and other offences connected with the bombing of two public houses in Guildford on 5 October 1974, in which five people died. They were sentenced to life imprisonment. In addition, Patrick Armstrong and Paul Hill were convicted of two murders arising from the bombing of a public house in Woolwich on 7 November 1974. On 28 October 1977, after a hearing lasting 11 days, the Court of Appeal refused applications by all four for leave to appeal.

Since then, considerable efforts have been made by many people to establish that these convictions were unsafe. A large number of arguments have been adduced and, in the last two years, much allegedly new evidence has been brought to light.

In circumstances such as these a Home Secretary has, broadly speaking, three choices:

- (a) to take no action and allow the verdicts to stand;

- (b) to refer the case back to the Court of Appeal;
- (c) to recommend the use of the royal prerogative to pardon.

The Home Secretary is an elected politician representing the Executive. The judiciary is and must be seen to be independent of the Executive. It follows that the power of the Executive over decisions of the judiciary needs to be exercised with very great care. Those who are seriously concerned about civil liberties in this country should be particularly chary of urging the Home Secretary to use these powers. I believe that the Home Secretary should only exercise the power of referral within stiff constraints. He should resist the temptation to substitute his view of the case for that of a court of law. The opinions of those who make representations to him, however distinguished, on whether the jury or the Court of Appeal dealt correctly with the evidence before them should not be decisive. Nor should his own personal opinions. This rules out at a stroke many of the matters raised in this case, because they were before the jury or the Court of Appeal. Those who were not in court are not well placed to challenge the decision of those who heard the evidence, except on the ground that there is new evidence or other consideration of substance which was not available at the original trial or appeal hearing. In January 1987 I told the House that in the light of that constraint my view was that there had not been raised any new substantive points which justified action on my part.

A large amount of further matter has been produced since then. The question, which I have examined with great care, is whether it is new and substantive, and now justifies my intervention.

At this point I should refer to the argument, on law not fact, advanced by Lords Devlin and Scarman when they came to see me on 23 July 1987 and further developed in an article in *The Times* on 30 November last year. In brief, I understood them to argue that the Court of Appeal was wrong to dismiss as worthless without reference to a jury the confessions to the Guildford and Woolwich bombings by members of the Balcombe Street Gang. These confessions were made between the original verdict and the appeal hearing. Lords Devlin and Scarman believe that the jury should have been given the chance to reach a conclusion on the convictions of the Guildford by a previous jury in the light of these confessions, of which the jury knew nothing. I understand that a similar point of law was raised in the context of the Birmingham bombings. The Appeal Committee of the House of Lords, composed of three Law Lords, on 14 April 1988 refused leave to appeal on these grounds. Although I personally would be reluctant to contest an opinion held by Lords Devlin and Scarman, I do not think it would be sensible to base a reference to the Court of Appeal on a point of law which the Appeal Committee had recently declined to consider.

I should, however, point out that when a case is referred to the Court of Appeal by the Home Secretary he may cite grounds for such reference but the subsequent hearing is not confined to those grounds. Once a case is referred, it is treated for all purposes as an appeal by the persons convicted, and the defence may thus seek to raise any matters of fact or law which they regard as pertinent.

Against this background and after prolonged study and thought, I have decided to refer this case to the Court of Appeal. It is right that I make clear now that I do not feel justified in recommending the use of the royal prerogative to pardon or release them. But I am satisfied that amongst the many matters raised with me since January 1987 there are new and substantial points which clearly, and within the constraint set out above, are best considered by the court.

There are three particular matters, to which my attention was drawn:

(a) first, there is the matter of the use of drugs by Carole Richardson, and medical treatment given to her while in custody. There are two points here. Dr Makos, the police surgeon who saw her in 1974, volunteered in August 1987, and repeated to the Avon and Somerset police in November 1987, that he had administered an injection of pethidine to Carole Richardson. Later, in December last year, in a letter and subsequent statement to officers of Avon and Somerset, he withdrew this admission. Dr Makos' recollections may be uncertain or unclear, but it does appear that pethidine might not have been a suitable treatment for someone in Miss Richardson's apparent condition, that is suffered from withdrawal from barbiturates. Even if she was not given pethidine, at least some of her confessions would appear to have been made at a time when she was suffering from withdrawal to a greater degree than has hitherto been thought. The admitted administration of the drug tuinal to Miss Richardson would appear, in medical opinion now, to have had the effect of prolonging and increasing withdrawal symptoms. The possible effects of these drugs on the reliability of her statements were not adequately exposed to the jury or the Court of Appeal;

(b) second, the alibi given by Maura Kelly in March 1987 for Carole Richardson, alleges that during the afternoon of the Guildford bomb, 5 October 1974, she was visited at the baker's shop where she worked by Richardson and her friend Lisa Astin, at about 2.30 pm. The two left and returned to the shop some time later, when Richardson gave Maura Kelly a doll. When Maura Kelly closed the shop at around 5 pm the two girls were still with her. She walked with them to the bus stop when they separated. Maura Kelly had left the country before the trial and the defence were unable to call her to give evidence. Neither a jury nor the Court of Appeal have therefore had the opportunity

to assess the value of her evidence alongside the alibi presented by Carole Richardson, that during the course of the afternoon she had no opportunity to make any journey to Guildford;

(c) third, the alibi by Mrs Fox for Paul Hill, produced on 15 July 1987 states that on the evening of the Woolwich bombing, 7 November 1974, she was at the flat of Mr and Mrs Keenan, where Paul Hill was living. Mrs Fox says she was with Mr and Mrs Keenan between 7 pm and 10.15 pm. During that period Paul Hill was present except for a period of about 20 minutes when he left to make a telephone call to his girlfriend. Mrs Fox attended the trial but did not give evidence, and Mr and Mrs Keenan and Paul Hill, who did give evidence, made no mention of her. In statements of 15 July 1987, both Mr and Mrs Keenan now confirm that Mrs Fox had been at their flat that evening.

Paul Hill said he left Mr and Mrs Keenan's flat only to make a telephone call. This was supported by the Keenans in their evidence. The account Mrs Fox offers appears to add weight to the alibi evidence, but neither the jury nor the Court of Appeal have had the opportunity to consider it.

Little purpose would be served by setting out in detail here the other points put to me. The three main points I mention seem to me to bear directly on the safety of the convictions. The points were not available to the jury or the Court of Appeal. They need to be tested in court.

I am grateful to all those whose genuine concern for justice has led them to take an interest in this case. Among many I would single out Cardinal Hume, with whom I have several times discussed the case and who led the delegation which came to see me in July 1987. I am also most grateful to the Avon and Somerset police, who conducted painstaking and invaluable inquiries into certain of the new matters submitted to me."

19.64 On the same day (16th January) Mr Baxter wrote to the Registrar of Criminal Appeals formally referring the case to the Court of Appeal on the three specific grounds, namely the evidence of Maura Kelly in support of Richardson's alibi, the medical evidence concerning Richardson and the evidence of Mrs Yvonne Fox supported by Mr and Mrs Keenan in aid of Hill's alibi for Woolwich.

19.65 The Home Office then passed to the DPP the Avon and Somerset report of March 1988, including its annexes, to which I referred in paragraph 19.33 above. So far as I have been able to ascertain, however, the supplemental information given orally by Avon and Somerset to the Home Office in July 1988 concerning Charles Burke was not passed on. As I explained in paragraph 19.41, this was the information which corrected the

assumption mistakenly made and stated in the main report that Burke's original statement of 1975 had been disclosed to the defence.

19.66 As we have seen, when the Home Secretary referred the case of the Guildford Four to the Court of Appeal in January 1989, the grounds of the reference did not mention the issue of Gerard Conlon's alibi and the statements of Charles Burke. I have been concerned to discover why this was and what consideration was given to the issue within the Home Office. I have examined the steps taken by the Home Office when it became apparent that Burke's statement had not been available to the defence at the time of the trial and that Burke had recently been traced by the police and re-interviewed. I have also examined what consideration was given to Mr Stanton's submission of 14th July 1988 by Ministers and others. My concern arises not only from the fact that this issue was not one of the grounds of the reference, but also from the fact that the existence of the statement and the fact that Burke had been traced by the police and had given a confirmatory statement in June 1988, was unknown to Conlon's advisers until some months after the reference had been made.

19.67 Conlon's present solicitor, Mrs Peirce, has told the Inquiry that she only discovered Burke's original statement of 1975 when looking through some seven volumes of statements which had been submitted to the Home Secretary by Avon and Somerset and which were served upon her by the Crown Prosecution Service (CPS) after the case had been referred. She says she found Burke's 1988 statement amongst a quite separate Avon and Somerset volume of statements which had not been annexed to the report to the Home Secretary. This led her to believe that the Home Office had never been told that Burke had recently been traced or that he had given a recent confirmatory statement. However, as I have already explained, although Burke's 1988 statement was not itself given to the Home Office, officials were told that he had been recently interviewed and given the gist of what he had to say. I deal in paragraph 19.83 with the circumstances in which Mrs Peirce's first saw Burke's 1975 statement.

19.68 Mr Stanton's submission recorded Avon and Somerset's description of Burke as a hopeless witness who was a virtual alcoholic, as well as their view that his evidence could be discounted by that of Vine and two other men. This clearly affected C3's overall assessment of the significance of the new revelation that Burke's statement had never been disclosed, but Mr Stanton was nevertheless aware that the fact of its non-disclosure might be regarded as affording a ground for referral to the Court of Appeal. In his submission he expressly drew Ministers' attention to the point.

19.69 There is, however, no evidence that the non-disclosure aspect was ever specifically considered by Ministers as a discrete point. It was not mentioned in the submissions to Ministers dated 1st and 27th September, nor in the note of discussion of 6th September 1988. In a note dated 26th October

1989 written after the Court of Appeal hearing in which the convictions had been quashed and reference had been made by Conlon's counsel to the non-disclosure of an alibi witness, Mr Baxter of C3 said:

“Last year when we considered what weight to attach to Burke's evidence we did not feel it was of great significance - he, Carey, Vine and Ryan appeared to have provided contradictory accounts of the events of the relevant time and Burke seemed probably to be the least credible”.

This confirms that C3's approach to Burke had been based on their view of the value of his evidence rather than the significance of the non-disclosure of the statement. It is likely, as has been submitted to me by Sir Clive Whitmore (Permanent Under-Secretary of State at the Home Office), that Ministers agreed with the view of their officials in this respect.

19.70 Thus it is clear that the Home Office allowed their view of the value to be attached to Burke's evidence to inform their judgment about whether it afforded grounds for a reference to the Court of Appeal. I have been concerned to discover how this came about since on any view, the evidence, if it was true, was both relevant and significant. If it was true, Conlon could not have been one of the Guildford bombers.

19.71 Under section 17 of the Criminal Appeal Act 1968 the Home Secretary has power to refer a conviction to the Court of Appeal if he thinks fit. Although this would appear to confer a limitless discretion upon the Minister, in fact and quite properly the Home Office operate defined criteria when considering a referral. This is to ask whether there is *new evidence or a new consideration of substance*. As I discussed in my second report on the Maguire Seven, these criteria are soundly based in both law and logic, given the existing statutory provisions under which the Court of Appeal decides whether to allow an appeal. However, it is important to appreciate that the criteria involve two quite separate matters, either or both of which may feature in any given case and call for separate consideration. Either one may justify a referral without the existence of the other.

19.72 The first criterion is that of new evidence. It must be remembered that under section 23 of the Criminal Appeal Act 1968 the Court of Appeal has to decide whether fresh evidence is “likely to be credible”. Hence, once a new piece of evidence can be said to be both relevant and significant, if true, I do not consider that the ultimate weight of that evidence should be a matter for the Home Office, unless the evidence is so incredible that any reliance upon it would be unreasonable. In other words the Home Secretary ought in my view to apply a low threshold test as regards the potential credibility of any new evidence, since the final decision in this matter must be for the courts. The important factor to be assessed by the Home Office is not so much the credibility of new evidence, but its significance and relevance,

if true. This was all recognised by Mr Baxter who in his submission to Ministers of 27th September 1988 wrote:

“There is also a danger that in assessing the strength of the arguments which have been put to us we may run the risk of appearing to assume a role - that of assessing the credibility of evidence - which constitutionally belongs to the courts. There is, of course, a narrow boundary between that and performing the perfectly proper role of rejecting evidence which is obviously irrelevant or unsatisfactory.”

19.73 The second criterion is that of a new consideration of substance. Clearly the Home Office must form a view about the strength of the new consideration in order to decide whether it is of sufficient substance to justify a referral, but this is not the same as deciding upon the weight or credibility of any new evidence. It is the nature and substance of the new consideration which falls to be weighed.

19.74 In my opinion an explanation for what occurred in this case lies in the fact that when decisions were made by Ministers in September 1988 and January 1989, these two separate criteria were not properly applied to the material in the possession of the Home Office relating to Burke.

19.75 First, the Burke issue was considered only from the standpoint of new evidence and then a much higher threshold test on credibility was applied than in my view was appropriate. Further, whatever test of credibility is applied, for the reasons set out in paragraphs 8.59 and 8.60 above, it is difficult to see good reasons for rejecting the Burke statement in favour of the other witnesses' statements.

19.76 Secondly, the non-disclosure aspect raised by Mr Stanton's submission appears not to have been specifically considered by Ministers. This was clearly capable of being relied upon as a new consideration of substance and as such a ground of referral in its own right. The true significance of Burke lay both in the contents of his 1975 statement and the fact that the statement had not been made available to the defence at the time of the trial. Assessment of Burke's qualities as a witness in 1988 was irrelevant to this consideration, and unless his 1975 statement was so patently incredible that no weight ought to have been given to it, the credibility of Burke should have played no part in the Home Office assessment of the substance of this new consideration. The discovery that Burke had not been made available to the defence pursuant to the practice in *Bryant and Dickson* showed that there had been an irregularity at the trial. Whether it was a material irregularity resulting in the quashing of Conlon's conviction could only be determined by the Court of Appeal.

19.77 In paragraph 12.14 of my second report on the Maguire case I expressed surprise that the staff of C3 included no lawyers. One of the problems appears to have been that C3 neither sought nor obtained legal

advice on the significance and effect of the discovery that Burke's statement had not been available to the defence at the time of the trial. The distribution list of Mr Stanton's submission of 14th July 1988 included the name of Mrs Evans of Legal Adviser's Branch, but this means only that the submission was "side-copied" to her for information. Under normal Home Office practice this would not have been regarded as a specific request for legal advice; it is therefore understandable that Legal Adviser's Branch did not come to realise that this might be a matter calling for their attention. I consider that a lawyer's perspective, applied to this problem, might well have altered Ministers' views of the matter.

19.78 In all the circumstances I consider that the Burke issue ought to have been made a ground of reference of Conlon's case, and thus of the convictions of all the Guildford Four, to the Court of Appeal. Having said this, however, I can well understand how officials came to regard Burke as of little significance, having regard to the police assessment of the case and the fact that by July 1988 they had already made a recommendation of referral of all four cases on quite separate grounds. Hence one can appreciate why they may well have regarded the Burke point as adding little to the recommendation they had made.

19.79 I have also considered whether C3 officials were at fault in not disclosing the existence of Burke's statement and the fact that he had been re-interviewed by Avon and Somerset to Conlon's solicitors, particularly when meeting them on 16th September 1988. I have referred in paragraph 19.54 to Mr Stanton's subsequent note asking whether the solicitors should be told. He has frankly told me that he and (he believes) Mr Baxter gave consideration to this question but he cannot now recall the reason for deciding not to do so.

19.80 I am satisfied that the reason lay in the general policy of the Home Office in considering alleged miscarriages of justice, which I discussed at length in my second report on the Maguire case. In essence it was to be "reactive" rather than "proactive", to hear and consider representations rather than to provide information or suggest further lines of enquiry. Pursuant to this policy, there was a general rule that evidence obtained by the police in the course of inquiries commissioned on behalf of the Home Secretary should not be disclosed to a convicted person or his advisers and that those advisers were not normally to be invited to comment on material which such inquiries had brought to light. I am satisfied that C3 officials were acting in accordance with this policy and that it would therefore be wrong to criticise the individuals concerned for not passing on this information to Mrs Peirce.

19.81 On the other hand, I feel that the system and policy should have been flexible enough to allow this particular information, of which Mrs Peirce was known to be ignorant, to be provided to her. If this had been done, she would clearly have made further representations on Conlon's behalf which might well have resulted in an earlier reference to the Court of Appeal.

19.82 I have also examined the suggestion most recently repeated in the film *In the Name of the Father* that the existence of Burke's 1975 statement to the police was deliberately kept secret from Conlon's lawyers even after the Home Secretary had referred the case back to the Court of Appeal. A story has gained some currency that Mrs Peirce, Conlon's solicitor, came across Burke's statement by chance on a visit to Avon and Somerset police in the summer of 1989 and that its contents were a revelation to her. This is not so.

19.83 On 17th May 1989 in the course of comprehensive disclosure for the purposes of the appeal, the CPS served Burke's 1975 statement upon Mrs Peirce. It was in one of six boxes of copy statements from 1974 to 1975 sent to the CPS by Avon and Somerset for disclosure to her, the papers being divided into material used by the Crown and non-used material. As I recount in Chapter 8, Mrs Peirce had by then made attempts to find Burke since she had discovered from the hostel files that he was the fourth man in the room at Quex Road and Conlon's handwritten exercise book indicated that the fourth man could provide an alibi. After the statement was disclosed, Mrs Peirce deduced that it had not been served in the course of the original proceedings. She did so by examining the correspondence file of Conlon's original solicitors containing lists of the names and addresses disclosed under the *Bryant and Dickson* procedure and an index of non-material statements served by the Crown in 1975 which Mr Logan had retained. Mrs Peirce therefore undertook the preliminary drafting of grounds of appeal based on its non-disclosure.

19.84 Then in July 1989 on one of her visits to Avon and Somerset Mrs Peirce found confirmation in bundles of original statements held by them that Burke's 1975 statement had indeed not been served before the trial. This confirmation was a note which she says was on the bundle containing Burke's statement indicating that these statements had not been disclosed to the defence. Mrs Peirce cannot now recall the exact wording of this note but I am satisfied that it was in no way sinister and merely stated that these were undisclosed statements. There is no evidence to support the suggestion that the note contained words such as "Not To Be Shown To The Defence".

19.85 Thus there can be no suggestion that at that stage in July 1989 Burke's 1975 statement was being kept from the defence since it had already been disclosed some two months earlier. Nor following the reference was there any suppression of Burke's 1988 statement. As I have indicated, this was discovered by Mrs Peirce in a quite separate Avon and Somerset volume containing statements taken in the course of their investigations carried out since the submission of their main report to the Home Secretary. This volume was served on Mrs Peirce by the CPS in June 1989.

19.86 However, although there is no question of any deliberate suppression of Burke's 1975 or 1988 statements following the reference, it is true that even then these statements were never expressly drawn to the attention of Conlon's

lawyers. They were simply included amongst the many other statements comprising several boxes which I have already indicated were served upon the defence by the CPS for the purposes of the appeal. I have examined how this came about together with the associated fact that those representing the Crown in 1989 were apparently taken unaware by the suggestion that there had been a non-disclosure of Burke's particulars to the defence in 1975. The allegation of non-disclosure was first publicly aired by Conlon's solicitor Mrs Peirce in a television interview the day before the hearing in the Court of Appeal in October 1989 and it was then repeated in Court by Conlon's counsel. In an advice written for the Attorney General following this court hearing, Roy Amlot QC who appeared for the Crown, said that "Mrs Peirce's allegation on television was the first we for the Crown knew about the matter". Mr Amlot pointed out that in the Avon and Somerset report of March 1988 not only was there no reference to any allegation of non-disclosure but that there was an express assertion that Burke's statement was very likely to have been amongst those made available to the Defence. I have already explained these matters in paragraph 19.33 above.

19.87 What clearly occurred in this case is that following the reference, the CPS, prior to the October court hearing, never became aware of the information given orally to the Home Office in July 1988 by Avon and Somerset which corrected the assumptions made in their main report about the disclosure of Burke. I have already described how following the reference in January 1989 the Home Office passed on to the CPS the main Avon and Somerset report but not it would seem the oral supplemental account. I am quite satisfied that this was no more than an oversight. The Burke issue was not one of the grounds on which the decision to refer the convictions to the Court of appeal was based. It would not therefore have been specifically mentioned in the letter of referral or any accompanying documents. The reality is that by January 1989 the question of Burke was not in the forefront of anyone's mind within the Home Office, the view having been formed many months earlier that Burke's evidence was of little significance. Moreover I accept that the question of disclosure of material to the defence once a referral had been made was for the CPS and the strict responsibility of the Secretary of State was only to make available to the CPS material obtained other than through the police of which the CPS might otherwise not have been aware. In this case it does appear that exceptionally the transmission of police reports was undertaken by the Home Office rather than by the investigating police force, out of a desire to ensure that the Secretary of State's decision and supporting material were available to the CPS as soon as possible. In the result the supplemental oral report from Avon and Somerset was overlooked and not passed on. Although this may have had the regrettable consequence of delaying the discovery of the non-disclosure issue by both Conlon's defence team and those acting for the Crown, this was in all the circumstances an understandable lapse.

19.88 Overall, having studied in detail the Home Office files relating to the Guildford Four case I conclude that the Department and its officials dealt

carefully and efficiently with the various representations made by Cardinal Hume, Lords Devlin and Scarman, by previous Home Secretaries and others. The only matters which have given me some concern have related to the question of the Burke alibi evidence but these concerns do not reflect upon any of the officials but rather the policy and practice which they were expected to carry out. I dealt with that policy and practice in some detail in my second report⁸⁶ and have already made my recommendation that some alternative machinery is required in place of the existing power of the Home Secretary to refer cases involving alleged miscarriages of justice to the Court of Appeal. I have no doubt, however, as I have already said, that the criteria applied by the Home Office before a referral can be made under the existing statutory provisions are soundly based in both law and logic and that no criticism can be properly made of the Department in this regard.

⁸⁶ See in particular paragraphs 10.6, 10.7 and 12.1 to 12.5 of that report.

CHAPTER 20

THE 1989 APPEAL

Preparations

20.1 Once the reference was made the Crown Prosecution Service (CPS) set about preparing for the hearing. At a conference on 28th March 1989 attended by counsel (Mr Roy Amlot QC and Mr Nigel Sweeney) and the Avon and Somerset Police (Mr Sharples, the Chief Constable, and D.Supt Brock) it was agreed that further police inquiries should be made, including possible interviews with witnesses in Spain, Canada and South Africa. One of the potential difficulties recognised at the meeting was the absence of a full transcript of the Guildford Four trial. The shorthand notes on which these were based had been destroyed in January 1986. Unfortunately the Judge's note books had by that time also been destroyed and the subsequent examination of proceedings at the trial, by both the Court of Appeal and, more recently, myself relied on notes made at the time by Mr Maley of the DPP's office, by prosecution counsel (Mr Purnell and Mr Havers) and by Mrs Jackson (a member of Mr Logan's staff).

20.2 An undated note records that the hearing had been provisionally set down for 9th October 1989, but that the defence request for full disclosure of archive material on the Balcombe Street gang offences in addition to Guildford and Woolwich material, to which Mr Amlot had advised the CPS to respond as cooperatively as possible, was likely to lead to pressure from the defence for postponement. The note also referred to the absence of records of the trial although the CPS had the benefit of Mr Hill's trial notebook. The grounds of appeal had not yet been submitted but at that point Crown counsel considered the Crown's case a strong one. He intended to seek to bring before the court Conlon's post-conviction confessions of guilt which the Court of Appeal in 1977 had refused to admit.

20.3 At a hearing for directions on 20th July 1989 before the Lord Chief Justice (Lord Lane) and Lords Justices Glidewell and Farquharson, Mr Amlot said that the defence had been served with most of the papers they sought, or given access to examine them, and the Crown were ready to proceed on 9th October. However, Counsel for the defence argued that the mass of paper to be digested meant that they could not be ready on that date. After expressing concern about the delays Lord Lane agreed that the grounds of appeal should be presented by 31st October 1989, with a view to a hearing early in 1990.

20.4 In the meantime, in the course of detailed examination of the papers to be disclosed to the defence, Detective Inspector Bryant of Avon and Somerset had checked some rough typed copies of notes of interviews of Armstrong by DCI Style, DS Donaldson and DC Attwell on 4th, 5th and 6th

December 1974. These notes contained certain alterations, deletions and additions, both typed and handwritten. In their altered form with some inconsistencies they were later found to correspond with a manuscript version of the interviews, which had been presumed to be the original notes of the latter, which were contained in the officers' statements.

20.5 In view of the discrepancies between the typed and manuscript notes, D.Supt Brock directed that a detailed comparison should be made of the notes of all the Armstrong interviews and that all the papers relating to the interviews of the Four should be checked. This further investigation indicated that the manuscript notes of Armstrong's interviews were the notes claimed at trial to have been made during the interviews. However they corresponded almost exactly with notes which had been typed and then amended and rearranged, and thus there was reason to suspect that they had been completed after the typed notes and could not be regarded as contemporaneous. The implications of these findings were discussed on 29th June 1989 with Mr Sharples who agreed that the three officers should be given an opportunity, without being cautioned, to explain the genesis of the two sets of notes. The officers were interviewed in July and accepted that the manuscript notes were the notes which they claimed were made during interview. None of them could explain the existence of the typed notes. DS Donaldson did not recall having seen them before. DC Attwell said that he might have typed the notes but the only reason for them that he and DCI Style could give was to assist a typist in understanding the handwritten notes.

20.6 On 26th July the Solicitor General, Sir Nicholas Lyell, held a meeting with the DPP, members of the CPS and Crown counsel to discuss the possibility of serious improprieties in the original investigation by the Surrey Constabulary. It appeared either that notes of the interviews were made in rough form, then typed up and amended with a final polished version being put forward as the contemporaneous note, or that no notes at all were taken and that it had been falsely claimed that they had. The Solicitor-General concluded that the importance of the proceedings in the Court of Appeal and the public interest in establishing precisely what had taken place was such that nothing should be done which might inhibit the officers from proffering an explanation for the matters which had come to light. It was agreed therefore that Mr Sharples should be asked to arrange for the officers to be interviewed again without caution, but without any question of offering immunity from prosecution and the CPS wrote to him accordingly on 27th July.

20.7 On 6th October the Attorney General, Sir Patrick Mayhew, considered advice from Mr Amlot, which set out the background to the convictions and the details of the discoveries made by Avon and Somerset Constabulary. These included the typescript notes of Armstrong's interviews, for which it was considered that no credible explanation had been given; handwritten notes of interviews with Paul Hill on 3rd December 1974, which were not given in evidence and were inconsistent with evidence given at trial by the two officers concerned about the timing and content of the interviews with Hill; and

discrepancies between the times of movements of the Guildford Four shown in the custody records and the times of interviews given by interviewing officers.

20.8 On 11th October the DPP, Allan Green QC, received further advice from Mr Amlot and his colleagues. Having explored with them various alternative courses of action in relation to the appeal he concluded that it could not be contended in the light of the evidence that had been discovered that any of the convictions, based as they were solely on the confessions, could be regarded as safe and satisfactory. The DPP advised the Attorney General of his conclusion by letter on 12th October. Following discussion between the Law Officers, the DPP and Treasury Counsel on 13th and 16th October, at which further advice on the application of the Perjury Act 1911 was considered, the Attorney General wrote to the Home Secretary and other colleagues on 16th October to notify them of his concurrence with the conclusion of the DPP and counsel that it would be wrong for the Crown to seek to sustain any of the convictions.

Hearing

20.9 The expedited appeal was heard at the Central Criminal Court on 19th October. At the hearing Mr Amlot told the court (Lord Chief Justice Lane and Lords Justices Glidewell and Farquharson) that new evidence of great significance had come to light since the referral of the case by the Home Secretary in January 1989, which cast such doubt on the honesty and integrity of a number of the Surrey officers that the Crown felt unable to say that any of the convictions were safe or satisfactory.

20.10 Having explained that the case depended entirely on confessions alleged to have been made to the police, he described the circumstances of the Guildford and Woolwich bombings and summarised the interviews and statements of the Four and the alibis which they had later put forward. He then set out the evidence given at the Guildford Four's appeal hearing in 1977 by three of the Balcombe Street defendants and Dowd as to their involvement in the Guildford and Woolwich bombings, which the court had accepted in part, and their claims that the Four had not been involved, which the court had not accepted.

20.11 Mr Amlot told the court that the Avon and Somerset police had thoroughly investigated various statements provided to the Home Office by the deputation led by Cardinal Hume, but he emphasised that the police had not then been asked to investigate the behaviour of the Surrey officers or the circumstances of the detention and interrogation of the Four in 1974. Mr Amlot said that after consideration of the results of these police enquiries the Home Secretary had referred the case to the Court of Appeal on three grounds: namely, Miss Maura Kelly's alibi for Richardson; the effects of drugs on the reliability of Richardson's statements; and Mrs Fox's evidence relating

to Hill's alibi for Woolwich. Had the appeal been confined to those three issues, he said, it would have been firmly resisted by the Crown.

20.12 However, he next referred to the manuscript notes of interviews with Armstrong, which the officers concerned had claimed were made contemporaneously and the corresponding draft typed notes with amendments. He said that it was impossible to see why the typed notes took the form they did unless they were made before the manuscript notes, in which case the manuscript notes could not have been made during the interviews. No satisfactory explanation had been given and the inescapable conclusion was that the notes claimed to be contemporaneous were not.

20.13 Secondly, Mr Amlot drew attention to the manuscript notes of an interview with Hill two days after he had been charged and before he made his fifth statement under caution. That statement was of importance because in it Carole Richardson was named for the first time. The interview notes had never been disclosed and their contents bore no resemblance to the evidence given by the officers as to how Hill agreed to make his fifth statement. The inescapable conclusion was that the true interview was suppressed and a false version given by the officers to the court in order to circumvent the rule that except in special circumstances a suspect must not be interviewed once charged. Mr Amlot gave examples of how the notes contrasted with what had been given in evidence at the trial.

20.14 Mr Amlot then told the Court that the discovery of the Hill and Armstrong notes had led to a painstaking examination of all the documents and records relating to the detention and interrogation of the Four. This had revealed discrepancies between the number and times of interviews shown on detention sheets and those given by police officers in evidence. Having given examples of these discrepancies Mr Amlot told the court that a full criminal investigation was called for and had already been instituted by the DPP. Whatever the outcome of that investigation, however, it was the Crown's view that there was *prima facie* evidence that five of the twelve officers responsible for the interviewing of the Guildford Four had seriously misled the trial court in relation to the interviews of Hill and Armstrong. The Crown had therefore had to assess what impact this material would have made at the trial had it been available. Mr Amlot went on to say :

“The Crown has come to the conclusion that it would have contaminated the case for the prosecution as a whole. That case depended entirely upon the confessions and in turn upon the integrity of the officers taking them. Moreover, it was a case where the confessions produced substantially inconsistent accounts between the appellants.

In asking the jury to consider where the truth lay the Crown at trial pointed to Armstrong's confession as the one that was the closest to the truth, and Armstrong was placed first in the indictment. It is

therefore inevitable that anything which affects the reliability of Armstrong's confession must affect the case as a whole.

It is the case that separate confessions were made by Armstrong and Hill to Metropolitan officers investigating Woolwich. We have, of course, carefully considered the reliability of those confessions. Nothing that has come to light casts the slightest doubt on the integrity of any Metropolitan police officer concerned. But it is necessary to put the separate confessions into perspective. They were made following interviews by Surrey officers, in which initial confessions to involvement as to Woolwich had been recorded, and they were made in Guildford Police Station after Armstrong had been in continuous custody for seven days and Hill for two days. In all the circumstances we feel unable to argue that the factors undermining the reliability of the confessions recorded by certain Surrey officers, to which I have already referred, do not also undermine the reliability of the confessions repeated to the Metropolitan Police officers.

We have taken these factors into account. First, both defendants, Hill and Armstrong, confessed to Woolwich to Surrey officers in the first place. Second, neither defendant gave the Metropolitan officers any detail of any substance which they had not already given the Surrey officers. On the contrary, Hill's change of account was only given to the Metropolitan officers after it had been given to the Surrey officers, despite an opportunity to do otherwise.

Thirdly, it is in the case of the interviewing of these two defendants, Hill and Armstrong, that the Surrey police evidence is now tainted.

Fourthly, the Metropolitan officers saw both defendants in the Guildford Station, where Hill had been in custody for two days and Armstrong for seven days.

The argument that each defendant was simply continuing to confess to more officers, albeit from a different Force, would be very difficult to combat in the circumstances. In Armstrong's case the Metropolitan officers did not in fact introduce themselves as Metropolitan officers. In any event the two defendants produced inconsistent accounts in their confessions as between themselves.

Finally, there is no evidence independent of either confession on Woolwich that either implicates each defendant or goes to verify the accuracy of each confession. In particular, Hill's account of the bombing is not supported in most important respects by eye witness accounts.

It is therefore the Crown's considered view that the recent discovery in the Surrey Police files of the material I have analysed with your Lordships throws such doubt now upon the honesty and integrity of that part of the investigation which led to the confessions that it would

not be right for the Crown to contend that the conviction of any appellant was either safe or satisfactory.”

20.15 In responding to this concession on the part of the Crown, Mr Carman QC for Richardson referred among other things to the grounds on which her appeal would have been pursued, namely her medical condition at the time the confessions were made and the alibi evidence of Maura Kelly. Mr Scrivener QC for Conlon referred to undisclosed alibi evidence as one of the grounds on which his appeal would have been pursued. Mr MacEntee for Armstrong said that although there was no new evidence for his client apart from that now accepted by the Crown, it would have been argued that he was gravely disadvantaged by the failure of the prosecution to disclose the scientific evidence linking various bomb attacks in 1974 and 1975. Lord Gifford QC, on behalf of Hill indicated that he would have put forward fresh alibi evidence and also contested the conclusion at trial that train timetable evidence had invalidated his client’s alibi for Guildford.

20.16 The Court in its judgment delivered by Lord Lane on 19th October accepted Mr Amlot’s submissions. Having reviewed the reasons given by the Crown for conceding the case Lord Lane said:

“We have no doubt that these events make the convictions of all of these four appellants in respect of the Guildford and Woolwich events unsafe, even though the latest revelations have no direct bearing on the evidence relating to the Woolwich bombing.

It is some comfort to know that these matters are now in the hands of the Director of Public Prosecutions with a view to criminal proceedings being brought. We earnestly express the hope that nothing will be allowed to stand in the way of a speedy progress of those proceedings. It seems that by about May 1989 these papers had come to light having been discovered by the Avon and Somerset Constabulary. No doubt it was necessary thereafter to conduct meticulous enquiries as to their provenance. We are told that the various writings and typings have been identified, namely, that the authors of them are known and can be proved or are the subject of admission. We hope that those enquiries may have paved the way for expeditious criminal proceedings.

Whatever may now happen, the painstaking and perspicacious efforts of the Avon and Somerset Police have salvaged something from this unhappy matter.

This morning each of the appellants through their learned counsel has addressed us. They have indicated that there were other arguments and other pieces of evidence that they would have advanced in support of their appeals had not the matter been, so to speak, pre-empted by the latest revelations explained by Mr Amlot.

We note what they say, but so far as this court is concerned these appeals are allowed and the convictions are quashed.”

20.17 Later that afternoon the Home Secretary (Mr Hurd) made a statement in the House of Commons (repeated by Earl Ferrers in the House of Lords) informing Parliament of the Court of Appeal’s decision and announcing the setting up of this Inquiry and its terms of reference. (House of Commons Hansard - 19th October 1989, columns 271-285.)

CHAPTER 21

CONCLUSIONS

21.1 In his statement to the House of Commons after the Court of Appeal had quashed the convictions of the Guildford Four, the then Home Secretary described them as miscarriages of justice. Thereafter the Court of Appeal quashed the convictions in a number of other high profile cases, such as the Birmingham Six and the Maguire Seven, each of which was also described as a miscarriage of justice.

21.2 In some of the representations made to me, reliance has been placed on some abstract notion of justice, by reference to which it has been argued that the convictions of the Guildford Four were clearly wrong and indeed should never have occurred. Such reliance is impractical. Without any defining criteria, my personal view of what is just may well differ from that of lay commentators or the producers of media programmes.⁸⁷ Further, given that we do have a sophisticated criminal justice system in the country, with many checks and balances to ensure fairness to an accused, we must rely on it. It may occasionally require adjustment, for instance as recently recommended by the Royal Commission on Criminal Justice (RCCJ), but if this is done then following and complying with that system is much more likely to achieve a fair and correct result, in other words 'to do justice', than the use of a crystal ball with its undefined notion of justice.

21.3 In the course of the many and varied representations which have been made to me during the course of this Inquiry, as well as of those which were made to the Home Office in relation to this case after 1977, the phrase "a miscarriage of justice" has been used frequently. In the public understanding a miscarriage of justice occurs in a case in which an innocent person has been convicted, or one in which a guilty person has been acquitted. In my opinion, however, this is too limiting a definition. A miscarriage also occurs when something goes seriously wrong in the criminal justice process which may have affected the result of the trial, even though one cannot be sure that it has done so. Further, if a miscarriage of justice is to be limited by definition to the alleged wrongful conviction of an innocent person, or *vice versa*, who is to assess the underlying innocence of the person concerned and by what standards or criteria?

21.4 Thus I suggest that a miscarriage of justice occurs when the result of criminal proceedings is one which might not have been reached had a specific failing in the criminal justice system not occurred in connection with or in the course of those proceedings. Such a failing may be one of procedure, it may be a breach by the investigating police officer of the rules of proper practice, it may be an error on the part of the trial judge or the Court of Appeal, it

⁸⁷ See paragraph 10.9 of my second report on the Maguire case.

may be that a witness or witnesses perjured themselves, it may arise because a witness who could give relevant evidence could not be found or refused to testify, or through the passage of time has forgotten or has a muddled memory of that which he observed. It may be the result of incompetence on the part of the lawyers, or the inadequacy or inherent uncertainty of some of the rules of evidence. It may even be due to prejudice on the part of the jury.

21.5 In the case of the Guildford Four it was accepted by the Crown in 1989 that in the course of investigating the case and taking statements from the accused some police officers failed to follow proper procedures, and that in giving evidence they failed to be wholly truthful. The Crown then accepted that these failures within the criminal justice system might well have affected the jury's verdict had they known of them. Bearing in mind the principle that in every criminal case a jury should only convict the accused in their charge where there is no reasonable doubt of guilt, it necessarily followed that the appeal of the Guildford Four should be allowed.

21.6 The material then in the possession of the Crown, including such explanations as the police officers concerned were then prepared to offer, cast such a real doubt upon the reliability and veracity of the evidence upon which the prosecution was founded that it was inevitable that the convictions should be regarded as unsafe. Indeed it would have been sufficient in order to quash the convictions, if the Court of Appeal, who examined the suspect interview notes themselves, had gone no further than to refer to such doubt. In many ways it has proved regrettable that the Court went further and expressed the opinion, without hearing any evidence, that the police officers must have lied. I say this for two reasons: first, as I have explained, because it was unnecessary to make such a finding; secondly, because it has given rise to the view of some observers that in the light of the subsequent verdict in the officers' own trial the concessions made by the Crown in 1989, and even the very quashing of the convictions by the Court, were too hasty. However, as I have endeavoured to explain in Chapter 1 (see in particular paragraph 1.23), there is in fact in my opinion no inconsistency between the quashing of the convictions of the Guildford Four in October 1989 and the acquittal of the police officers in May 1993. Both decisions resulted from the application of the same principle of law: in the presence of real doubt no conviction can be allowed to stand and no conviction should be recorded in the first place. A similar approach was adopted by the Court of Appeal in Northern Ireland in allowing Hill's recent appeal against his conviction for the murder of Brian Shaw. In that connection I repeat that which I have already written earlier in paragraphs 1.27, 5.5 and 5.6 of this report.

21.7 In one respect, however, I do have some sympathy with the view expressed by commentators, including campaigners on behalf of the Guildford Four as well as those supportive of the police, that the Court of Appeal in 1989 did not do enough. It will often be preferable, subject of course to considerations of time and cost, both for the greater satisfaction of defendants and also in the public interest, that even where the Crown is not seeking to

sustain a conviction and is willing to concede an appeal on limited grounds, the Court should nonetheless hear evidence and receive full submissions on all the grounds put forward by the appellant and then give a decision on them. As I have indicated in Chapter 1, such a practice has been developed by the Court of Appeal in cases subsequent to that of the Guildford Four.

21.8 Accordingly, a miscarriage of justice within my suggested definition can be said to have occurred in this case by reason of the failures within the criminal justice system identified both at the hearing of the Four's successful appeal in October 1989 and at the hearing of Hill's successful appeal in Northern Ireland in 1994. When one asks how such a miscarriage may be prevented in the future, one can point to the provisions of the Police and Criminal Evidence Act 1984 and the Codes of Practice issued thereunder in relation to the mechanics of taking confessions. However, I do not forget that some of the provisions of PACE do not apply to cases (such as this) which are investigated under the Prevention of Terrorism (Temporary Provisions) Act. A number of safeguards provided by PACE in the interests of fairness are denied in terrorist cases although, as the Royal Commission noted, an important recent development has been that interviews of those detained under the PTA are now tape recorded. If all the safeguards of PACE are necessary to avoid miscarriages of justice then it must be recognised that in terrorist cases greater risks of injustice are accepted than in the ordinary course of criminal cases. The Royal Commission carefully and fully considered the use of confessions in the criminal process - see paragraphs 31 to 87 of Chapter Four of its Report. One must bear in mind not only that some false confessions are obtained by oppression or similar means, but some may be false for other reasons. The suggestions made by the Commission should, if implemented, enable the Courts and the system to cope with these possibilities.

21.9 In paragraph 1.41 of this report I set out 14 discrete areas of inquiry to which I have given particular attention. I have considered them in some detail in the body of this report and here summarise my conclusions on each.

(1) **The number of arrests made by the police** (See Chapter 4)

In addition to the arrests of the Guildford Four themselves, within three months of the bombings the Surrey and Metropolitan Police had arrested some fifty suspects. In my view, a number of the arrests made by the Surrey Police were unjustified in law. Whilst I appreciate that in some cases the police may feel that widespread arrests, for example of all those connected with a "suspect" address, may be necessary as a precautionary measure, the suspicion needed to found an arrest is well established and requires more than an association with people or places believed to have some connection with an offence. Subject to the limited provisions in the PTA, the police presently have no power to arrest people simply "in order to help them with their enquiries". However, although I think that the Surrey police did exceed their powers of lawful arrest, it is plain that the arrests of the Guildford Four themselves were fully justified. The policy of multiple arrests did not itself have a bearing on the subsequent convictions.

(2) **The arrests of Frank Johnson** (See Chapter 10)

Richardson's alibi witness Frank Johnson was arrested on two occasions, first on 19th December 1974 and then again on 21st January 1975. I do not think that Johnson's first arrest was justified. So far as the second was concerned, whilst there existed by then material which would have justified an arrest under the PTA, I do not believe that this arrest was in fact a proper exercise by the police of their powers since it is quite clear from police records that the primary purpose of arresting Johnson again was not to elicit information about terrorism but to investigate the alibi.

When Johnson came forward with his evidence in December 1974 he was arrested without any investigation having been undertaken on the part of Surrey to discover whether it might be true or not. Believing as they did that Richardson's confession was unassailable, Surrey's approach was to seek to destroy her alibi rather than to investigate it with a truly open mind. That approach continued even though by the end of December 1974 Surrey knew that the underlying basis of Johnson's account, namely that Richardson had been at a pop concert with him, was true. I fully appreciate that Surrey must have been under great pressure from the public and media to arrest and prosecute to conviction those responsible for the bombings, but police officers must anticipate such pressures and their training must be such as to ensure that they remain impartial and unaffected by such circumstances. Alibis should be investigated in the first instance to determine their underlying truth, not to destroy them.

(3) **The circumstances in which Maura Kelly and Yvonne Fox did not give evidence as alibi witnesses** (See Chapters 10 and 11 respectively)

Maura Kelly was potentially an alibi witness for Richardson but she did not give evidence at trial. That omission provided one of the grounds on which the Home Secretary referred the case back to the Court of Appeal. However, her account of events contradicted in material respects the evidence of Richardson herself and also that of Lisa Astin (an important alibi witness for Richardson) and she had given inconsistent accounts to the police. At the time of the trial she was in Ireland and Richardson's lawyers failed in their attempts to get her to attend at court. I have concluded that even had she attended, she would not in the end have been called to give evidence. Furthermore, had she been called I very much doubt whether she would have helped Richardson's case at all.

Yvonne Fox was a potential alibi witness for Hill for the Woolwich bombing. Like Maura Kelly she did not give evidence at the trial and again like Kelly that omission provided a ground on which the Home Secretary referred the case to the Court of Appeal. In fact Mrs Fox had been interviewed by Hill's solicitors and did attend at the Old Bailey on 8th October 1975. She left court without giving evidence and I have no doubt that this was a consequence of her telling Hill's solicitors that, as they already believed, she was unable to remember the time when she had seen Hill on the evening of the bombing.

Her account was judged to be of little or no assistance to Hill's case and a decision was taken not to rely upon her. That decision cannot reasonably be criticised.

(4) **Conlon's alibi and the Burke statement** (See Chapter 8)

Charles Joseph Burke was the fourth occupant of the room in which Conlon lodged at the Quex Road hostel. In January 1975 the police interviewed Burke and took a statement from him which, if true, provided Conlon with a complete alibi. I am quite satisfied that the omission to provide Conlon's legal team with the last known address of Burke or to provide them with a copy of the statement he had made to the police was not a deliberate suppression of evidence which might have assisted Conlon. Nonetheless, in my view Burke's whereabouts, so far as they were known to the Crown, and at least an indication of what he could say, should have been disclosed. Although there was nothing sinister in the non-disclosure it ought not to have occurred. Nevertheless the practical difficulty in Conlon's abandoning one set of alibi witnesses and relying instead on Burke should not be underestimated. But as events transpired he was deprived of the opportunity of seeking to call Burke as an alibi witness at the trial.

(5) **Disclosure of the scientific correlation evidence** (See Chapters 14 and 15)

On 24th January 1975 Mr Douglas Higgs of RARDE made a witness statement linking the Woolwich bombing with other throw bomb incidents. That statement was not disclosed by the prosecution prior to the trial of the Guildford Four. It should have been. It was overlooked by all concerned. Counsel had it in their possession at the very beginning of their involvement in the case but by the time questions of disclosure were being considered by them they had lost sight of its potential significance. The staff of the DPP's office should also have appreciated its continuing significance and sought Counsel's advice on disclosure. On 10th October 1975 Mr Higgs made a statement linking the Guildford bombing with Woolwich and with many other bombings. This statement post dated the commencement of the trial and was not seen by Counsel until 1977. I have been unable to establish whether it was provided to the DPP before the trial ended. Had it been, it should have been disclosed. In any event, I have no doubt that these statements and the later amended versions of them (see immediately below) should have been disclosed prior to the 1977 appeal irrespective of what had happened in the context of the trial.

(6) and (7) **The amendment of the correlation statements in 1976 and the reasons for not proceeding against the Balcombe Street gang for Guildford and Woolwich** (See Chapter 15)

Many of the terrorist offences identified in the correlation statements were undoubtedly the responsibility of members or associates of the Balcombe Street

gang. The correlation statements were amended in 1976 so as to exclude references to the Guildford and Woolwich bombings. These amendments were made, however, when the number of incidents under consideration for inclusion in the indictment against the gang was reduced in order to make the trial simpler and shorter.

Counts relating to the Guildford and Woolwich bombings were not included in the indictment ultimately faced by the Balcombe Street gang. At the time the indictment was framed there was no evidence that any of the Balcombe Street gang had been involved in the Guildford bombings. The confession to Guildford made by one of them came later. There was, however, confession evidence of the involvement of two of them in Woolwich. The Metropolitan Police were keen to proceed against them for Woolwich but were overruled by John Mathew QC who was anxious to keep the number of counts on the indictment within manageable bounds. The result was that from an original list of 66 incidents considered for inclusion, the final indictment included only 25.

The allegation that the amendments to the correlation statements and the failure to include the Guildford and Woolwich offences in the Balcombe Street indictment amounted to an attempt by the Crown to suppress evidence favourable to the Guildford Four is without foundation.

(8) The investigation of the admissions made by the Balcombe Street gang in December 1975 (See Chapter 15)

It has been suggested that the police failed to investigate admissions to both the Guildford and Woolwich bombings made by the Balcombe Street gang immediately after their arrest. It should not be overlooked that only one member of the gang, O'Connell, ever admitted taking part in the Guildford bombing and that was to a solicitor acting for one of the Guildford Four, of which the police were not informed until early 1977. Following their arrest in December 1975 two of the gang, O'Connell and Butler, did however make admissions to the Woolwich bombing. With the benefit of hindsight one might say that the Metropolitan Police should have pursued the precise involvement of these two in the Woolwich bombing further and then thought of the possible implications for the Guildford Four. It would, no doubt, have been better if they had done so. However, I do not believe that any criticism can reasonably be levelled at them for not doing so, given that they regarded the two terrorists' admissions to Woolwich as credible and probably reasoned that what they had said was not inconsistent with the presence at Woolwich of Hill. Further, neither the Metropolitan nor the Surrey police deserve criticism for not pressing the Balcombe Street gang about Guildford at this time since they had no reason to doubt the correctness of the Four's convictions for Guildford. I bear in mind in any case that O'Connell, the only member of the gang who has ever claimed to have been at Guildford, when asked about Guildford in December 1975 gave no indication that he had been there.

(9) Timing of disclosure of the Balcombe Street admissions to Woolwich (See Chapter 15)

It has been suggested that O'Connell's and Butler's admissions should have been disclosed sooner to the solicitors acting for the Guildford Four. Having investigated that matter I am satisfied that there was no culpable, nor indeed unreasonable, delay on the part of the prosecuting authorities in disclosing the admissions to the Guildford Four or their advisers.

(10) The investigation of the admissions made by the Balcombe Street gang and their former associate, Dowd, in 1976 (See Chapter 16)

In October and November 1976 at interviews in prison organised by a solicitor for one of the Four, Dowd and O'Connell of the Balcombe Street gang admitted to bombing Guildford with others. They and two other members of the Balcombe Street gang, Butler and Duggan, admitted to bombing Woolwich. All said that the Guildford Four were innocent. The police learned of these admissions early in 1977. It has been alleged that the police failed thereafter to conduct a full and proper investigation of what O'Connell and the others had said. However, the evidence that I have seen indicates on the contrary that the Metropolitan and Surrey Police investigation was a thorough one.

(11) The "Dear Joe" letter (See Chapter 18)

In the course of the appeal in 1977 Crown counsel cross-examined members of the Balcombe Street gang and their former associate, Dowd, on the identity of the "two Belfast fellows" referred to in the Dear Joe letter. The credibility of those so questioned was seriously undermined by their answers. One reading of the judgment of the Court of Appeal might suggest that it made a finding that Hill and Armstrong were the Belfast fellows. There was, in fact, no evidence to support such a finding and I accept that no such finding was made. Notwithstanding my initial concerns, I accept that the use to which the letter was put by counsel and the sense in which the Court of Appeal relied upon it related to that of credibility.

(12) The approach of the Court of Appeal to the Balcombe Street evidence (See Chapter 17)

There has been a long-standing academic legal debate about the proper approach of the Court of Appeal to new evidence adduced before it in criminal appeals. The approach adopted by the Court in 1977 has been the subject of substantial criticism by very eminent lawyers, not least Lords Devlin and Scarman, ever since the Guildford Four's applications were dismissed. The debate concerns the extent to which the appellate court should evaluate the strength of evidence called before it or return the case for a retrial before a jury. In my opinion such criticism was ill-founded given the decision of the

House of Lords in *Stafford v DPP* (1974) A.C. 878. In addition, the House refused leave to appeal in the case of the Birmingham Six on the same point. However, academic criticism of the decision in *Stafford* has persisted, not merely in relation to the case of the Guildford Four. The point is considered in Chapter 10 of the report of the RCCJ which recommended various amendments to the powers and jurisdiction of the Court of Appeal in criminal cases.

(13) The approach of the Court of Appeal to evidence relevant to Richardson's alibi (See Chapter 17)

The Court was urged to consider evidence showing an inherent weakness in the case against Richardson, but in their rejection of this argument they do not seem to have made or relied upon any detailed analysis of the evidence. They said: "Before any lurking doubt can begin to arise in our minds as to the justice of Richardson's convictions, the fourth statement - that of the 9th December which, as we have already said, is a complete confession - must somehow be explained away. We are all of the opinion that it cannot be explained away. It bears all the marks of a voluntary confession." It was, in my view, crucial to consider objectively the independent evidence unaffected by any pre-existing appraisal of the fourth confession.

(14) The handling by the Home Office of representations made on behalf of the Guildford Four after 1977 (See Chapter 19)

From the early 1980s the Home Office considered representations made on behalf of the Guildford Four. In January 1989 the then Home Secretary, Douglas Hurd, referred their case to the Court of Appeal and their convictions were quashed in October of that year. The Home Office and its officials dealt carefully and efficiently with the many representations that were made over the years. The non-disclosure of Conlon's Burke alibi should have been one of the grounds on which the case was referred to the Court of Appeal. That it was not was the consequence of the policy and practice within the Department and no official deserves blame for it. I considered this policy and practice in my second report on the Maguire Seven case and recommended the setting up of an independent review body to take over the Home Secretary's responsibility for investigating alleged miscarriages of justice.

21.10 Apart from these specific issues I think that the most important lessons which one can draw from the case of the Guildford Four derive from the fact that they were convicted solely on the evidence of their own confessions. There was no other evidence against them. Further, these confessions were mutually inconsistent in many important respects and each of the Four retracted their admissions before or at trial. They contended that the confessions were in no way voluntary; that each had been induced by oppression. This, they said, comprised assaults, threats of assault and threats of violence against members of their family. Whilst being questioned at excessive length they had been deprived of sleep, food and drink.

21.11 At their trial they alleged that they had become so frightened by their interrogation that they wanted to get the whole procedure over with as soon as possible. An issue arose whether some of them were substantially affected by drugs, the effect of which may have been to accentuate their fear and further to muddle their thinking.

21.12 In addition they contended at trial that much of the contents of their alleged statements had been suggested to them by the questioners rather than being their own words. They also contended that a substantial part of the information they gave in the statements had been invented or included by them as matters which they thought the police wanted to hear, in the hope that the questioning would stop.

21.13 Having regard to the public outrage and concern over these bombings, which were followed shortly afterwards by the Birmingham pub bombings, I would not have been surprised if any police force had adopted a hostile approach to each of the Guildford Four; the police may have been threatening; they may even have behaved improperly: at this length of time I am in no position to make findings on these questions.

21.14 Further, I have little doubt that once they had arrested Hill, had been led by him in succession to the other three members of the Four and had then obtained the confessions, the Surrey police were wholly satisfied that they had arrested and charged the right people. Any further material or evidence which suggested the contrary could not be credible and was, in effect, put out of mind.

21.15 The judge considered these points in his summing-up and left them for the jury's consideration. It appears that the Court of Appeal had during the previous week allowed an appeal against convictions for murder based upon statements made to the police by the accused persons, but which in the light of subsequent investigation the court was satisfied were false confessions. Donaldson J pointed out to the jury that such things could happen and that they should give long and anxious consideration to the question of the accuracy of the confessions of the Guildford Four.

21.16 The judge reminded the jury to consider carefully the allegations of violence or impropriety made against the police. He pointed to the apparent detail contained in many of the confessions and directed the jury to consider whether that was consistent with the accounts of the Four. In the result, the jury saw and heard all the witnesses in the case, both police officers and defendants. They were correctly directed as to the burden of proof in a criminal case. They convicted the Guildford Four. The only inference that could be drawn in those circumstances was that the jury found the police officers to be truthful and credible witnesses.

21.17 Juries deciding cases on disputed confessions alone are faced with particular difficulties. The RCCJ, in its consideration of this matter, was unable to reach a unanimous view on the proper approach to such evidence. The majority, however, recommended that in any case where substantial reliance is placed upon confessions by accused persons, the judge should give a strong warning to the jury (see paragraphs 77 and 87 of Chapter Four of the report). Although in the Guildford case the judge did not give a warning in the full terms contemplated by the Royal Commission, he did warn the jury in general terms. Today, in 1994, I would expect such a jury to be warned first that, surprising though it may seem on occasions, accused people do make false confessions. Secondly, that against the background of a terrorist bombing campaign such as there was in 1974/5, and the consequent public demand for the arrest and conviction of those responsible, there may be pressure on the police to induce persons accused to confess by conduct which is not acceptable. Further, where the police feel certain that they have indeed arrested the right people, perhaps on the basis of what is regarded as reliable intelligence, but have little or no admissible evidence to prove their guilt, there may be a strong temptation to persuade those persons to confess. A jury needs to be warned of such a possibility.

21.18 Be all that as it may, in 1989 the Home Secretary referred the convictions of the Guildford Four to the Court of Appeal having received reports from Avon and Somerset on a number of matters to which attention had been drawn by those who had campaigned over the years for the release of the Four. I have listed and considered each of the three main grounds on which the reference was made earlier in this report. Had these matters remained the only grounds of the ultimate appeal by the Guildford Four, the Crown made it clear that they would have contested them and contended that the convictions were safe.

21.19 However, as I said in the first Chapter, in the course of examining original documents on behalf of the Crown for the purposes of the appeal, Avon and Somerset made certain discoveries which cast serious doubt on the reliability of some of the evidence given by police officers at the original trial concerning their interviews with Armstrong and Hill. In the result the Attorney General and the DPP decided that the appeals should not be opposed. At the trial the burden had been on the Crown to satisfy the jury so that they were sure that the Guildford Four were guilty. This the Crown sought to do by putting the defendants' alleged confessions before the jury and relying upon them. Before they were entitled to convict they had to be sure that the police evidence was credible and honest, that the defendants had in fact made the alleged confessions and that they were true.

21.20 The result of the Avon and Somerset investigation showed that in important respects the police evidence at trial had been unreliable. In a case in which the credibility and integrity of the police officers involved was essential in proving guilt any evidence which seriously undermined that given

by the officers was plainly of the greatest importance. Had the jury known what the Crown were later to accept as being the true position they clearly should not have convicted.

21.21 One should not underestimate the impact which apparently full confessions may have upon the conduct of an investigation. Because a confession may be false it is essential for the police, lawyers and courts to consider other evidence on its merits independently of that confession and be cautious before relying upon it at face value. I am quite satisfied that in a number of respects this need for caution was neither understood nor followed in the case of the Guildford Four.

21.22 In this context I have been particularly concerned with the treatment of alibi witnesses, especially Frank Johnson. However, there are other examples in this report of the potentially harmful influence of the unquestioning acceptance of a confession upon the assessment by the police, lawyers or the courts of apparently independent evidence. As a result, independent evidence tending to suggest innocence was not given the weight it might otherwise have deserved.

21.23 I refer for instance to prosecuting Counsel's dismissal of Burke's evidence in preference to that of Vine, when in fact any careful analysis of what each had to say viewed independently of the confession could easily have led to the opposite conclusion. In his evidence to me Mr Michael Hill Q.C. was very frank in recognising that Counsel preferred Vine to Burke in part because of the confessions: as he said - "it (the confession) is going to have a huge effect." There was also the Court of Appeal's approach to the assessment of the evidence in Richardson's case apart from her confession.

21.24 Nevertheless the miscarriages of justice which occurred in this case were not due to any specific weakness or inherent fault in the criminal justice system itself, nor in the trial procedures which are part of that system. They were the result of individual failings on the part of those who had a role to play in that system and against whose personal failings no rules could provide complete protection. For my part I would repeat the undesirability of the uninformed general criticism of the criminal justice system which has accompanied the high profile miscarriage of justice cases in recent years. (See paragraph 10.11 of my second report)

21.25 It is for this reason that I am also seriously concerned about the mythology which now surrounds aspects of this case which, in my view, has led to significant misrepresentation of the essential features of the history. For example, in the recent film *In the name of the Father* it is suggested that the appeal of the Guildford Four succeeded on the ground that Burke's witness statement was deliberately suppressed. It was not. Its non-disclosure in fact did not

feature in any notice of appeal before the Court in October 1989 and it played no part whatsoever in the Court's decision to quash the convictions.

21.26 Many of the difficulties which have arisen in this case over the years since the bombings of the public houses in 1974 and the lessons which it has taught those concerned with the criminal justice system have already been addressed. PACE and the Codes of Conduct promulgated under it provide considerable protection to accused persons in the custody of the police. The treatment of confessions may well be the subject of change in the light of the recommendations of the RCCJ. Furthermore, the rules governing the disclosure by the prosecution of "unused" material, which in 1974/75 were those laid down in the case of *R v Bryant and Dickson*, have been superseded by the Attorney General's Guidelines of 1981. Substantial further changes of procedure have resulted from the decisions of the Court of Appeal in *R. v. Ward (Judith)* (1993) 96 Cr. App. R. 1; *R. v. Davis (Michael)* (1993) 97 Cr. App. R.110; and *R. v. Keane* (The Times, 15th March 1994).

21.27 In the last three paragraphs of my second report about the Maguire Seven I expressed the view that some alternative procedure for the examination and, where necessary, the rectification of alleged miscarriages of justice should be established. Nothing that I have seen in my inquiry into the case of the Guildford Four has led me to change my mind and my view has been supported by the RCCJ. A consultation paper on this subject was published by the Government as the final draft of this report was being prepared. There has been inadequate time for me to express any considered view on the paper in this report, but I hope that some such body will be set up without unnecessary delay.

21.28 As is now clear, it is my opinion that the investigation of the bombings and the trial of the Guildford Four comprised miscarriages of justice within the definition I have suggested. If the various failings in the operation of the system had not occurred, then the verdicts of the jury at the trial or the outcome of the 1977 appeal might have been different. Thus nothing should now derogate from the acquittals of each member of the Guildford Four. As I have said, however, it is impossible 20 years after the event to discover the truth of what happened at all points in the story which I have sought to elucidate in this report. The truth, where I have not been able to establish it, must now and hereafter remain a matter for the consciences of all those concerned.

CHRONOLOGY

1974

- 5th October Bombs explode in the Horse and Groom (8.50pm) and Seven Stars (9.30pm) in Guildford.
- 7th November Bomb explodes at 10.08pm in the King's Arms, Woolwich.
- 21st November Birmingham pub bombings.
- 28th November Paul Hill arrested in Southampton.
- 29th November Prevention of Terrorism Act 1974 came into force.
- 30th November Gerard Conlon arrested in Belfast.
- 3rd December Carole Richardson arrested at her mother's home in Kilburn. Patrick Armstrong arrested at 14 Algernon Road. Maguire family and associates arrested.
- 23rd December Shooting in Westridge Road, Southampton by McCartney and Walsh and discovery of IRA safe house.

1975

- 24th January Mr Higgs' first "correlation" statement forensically links the Woolwich bomb with other throw bombs.
- 27th January Final explosions in current PIRA offensive.
- 9th February PIRA announces cease fire.
- 26th February PC Stephen Tibble murdered. Fairholme Road safe house and "Dear Joe" letter discovered.
- 17-19th March Proceedings at Guildford Magistrates' Court leading to committal of Guildford Four for trial.

1975

- 23rd June Hill convicted of murdering an ex-soldier Brian Shaw in Belfast on 20th July 1974.
- 10th July Brendan Dowd arrested in Liverpool and discovery of safe house at Oxford Road.
- 14th-22nd July Dowd, interviewed by the Metropolitan Police, explicitly denies involvement in Woolwich and implicitly denies involvement in Guildford.
- 27th August PIRA bombings resume at Caterham, Surrey. This is the beginning of "Phase 2" which ends with the capture of the Balcombe Street gang.
- 16th September to 22nd October Trial of the Guildford Four at the Old Bailey before Sir John Donaldson.
- 10th October Mr Higgs' full "Phase 1" correlation statement links Guildford and Woolwich to all the other bombings between 5th October 1974 and 27th January 1975.
- 23rd & 31st October Conlon interviewed by Metropolitan Police, second interview tape recorded.
- 17th November Richardson applies for leave to appeal.
- 6th to 12th December Balcombe Street siege followed by arrest of Butler, Doherty, Duggan and O'Connell.
- 13th to 31st December Balcombe Street gang interviewed. Butler admits to being at Woolwich. O'Connell says his ASU was responsible but goes no further. No admission to Guildford.

1976

- 19th February Mr Higgs' second "Phase 1" correlation statements omits any reference to Guildford but retains Woolwich.
- 4th March Maguire Seven convicted of possessing explosives.

1976

- 7th May McCartney convicted at Winchester and sentenced to life imprisonment.
- 11th May Dowd and others convicted in Manchester and sentenced to life imprisonment.
- 27th May Frank Maguire MP visits Butler, Doherty, Duggan and O'Connell in prison on behalf of Patrick Armstrong's solicitor Alastair Logan.
- 17th June Mr Higgs' second throw bomb correlation statement omitting Woolwich.
- 12 July Mr Higgs third "Phase 1" correlation statement omitting both Guildford and Woolwich.
- 26th October to 8th November Alastair Logan and James Still interview Butler, Doherty, Dowd, Duggan and O'Connell. All but Doherty claim responsibility for Woolwich. Dowd and O'Connell say that they were at Guildford with others. All say the Guildford Four are innocent.

1977

- 20th January Armstrong lodges appeal on basis of Balcombe Street gang's and Dowd's admissions. Thereafter Conlon and Hill give notice of appeal on similar grounds and Richardson amends existing grounds of appeal to include claims of Balcombe Street gang and Dowd.
- 24th January to 10th February Balcombe Street gang tried, convicted and sentenced.
- 30th July Maguire Seven appeals dismissed.
- 10th to 24th October Guildford Four's applications for leave to appeal heard. (This is usually referred to as their "1977 appeal")
- 28th October Court of Appeal give their judgment refusing leave to appeal.

1982

1st January Article by Chris Mullin in New Statesman alleging miscarriage of justice in Guildford Four case.

1985

July/August Alastair Logan, then representing all Four, writes to Court of Appeal to revive appeals, and to the Home Office seeking medical examination of the Four.

1986

30th April Richardson interviewed at request of Prison Medical Officer by psychiatrist Dr MacKeith and psychologist Dr. Gudjonsson.

29th June Observer article by Nick Davies and Ros Franey suggesting alternative bombers.

1st July "First Tuesday" TV programme asserts innocence of the Four.

3rd July Home Office Secretary (Mr Hurd) advised that internal review of the case is to be carried out.

13th October Publication of "Trial and Error" by Mr Robert Kee about the Guildford and Maguire cases.

19th December Home Secretary (Mr Hurd) advised by his officials that in the absence of new evidence there is no basis to intervene in convictions.

1987

20th January After consideration of medical report on Richardson Mr Hurd announces his decision not to intervene and publishes a memorandum on the representations made.

1987

- 3rd March "First Tuesday" TV programme asserts innocence of the Four and introduces Mrs Fox as a new witness.
- 23rd July Mr Hurd and Minister of State Mr John Patten meet deputation of Cardinal Hume, Lord Devlin, Lord Scarman, Mr Roy Jenkins and Mr Merlyn Rees.
- 31st July Ministers told that Avon and Somerset Constabulary will make enquiries into the evidence submitted by Cardinal Hume.

1988

- 16th February William Joseph Quinn convicted of the murder of PC Tibble.
- 8th April Avon and Somerset forward to Home Office reports on the results of their enquiries.
- 10th June Mr Hurd considers the case and decides that enquiries are required into evidence of Dr Makos and Mr Crosby.
- 13th July Submissions to Ministers on the Makos and Crosby evidence.
- 14th July Further submission advising that the Burke alibi statement of 18th January 1975 had not, contrary to what C3 had earlier believed, been disclosed to the defence.
- 3rd/4th August Letter received from Gareth Peirce detailing her grounds for doubt about Conlon's conviction.
- 6th September Mr Hurd discusses conclusions with officials and decides reference to Court of Appeal is not justified at that stage.
- 8th September Mr Hurd visits Cardinal Hume to explain his conclusions.
- 22nd September Cardinal Hume writes to Mr Hurd with evidence relating to Mr and Mrs Keenan and Miss Maura Kelly.

1988

- 30th September Publication of "Time Bomb" by Grant McKee and Ros Franey.
- November/
December Further representations made to Home office by Cardinal Hume, Lords Scarman and Devlin, Gareth Pierce, Alastair Logan and Barry Irving.
- 20th December Avon and Somerset report on new statements by Hugh and Kathleen Maguire and the detention and medical treatment of Gerard Conlon.

1989

- 5th January Avon and Somerset report on treatment of Richardson by Dr Makos.
- 16th January Case referred to the Court of Appeal following written statement to Parliament.
- 20th July At pre-appeal hearing Lord Lane (LCJ) directs that grounds of appeal be presented by 31st October 1989.
- 26th July Solicitor General (Sir Nicholas Lyell) holds meeting with DPP (Allan Green), CPS and Crown counsel to discuss possible serious improprieties in original police investigation.
- 27th July Avon and Somerset police asked to interview Surrey officers concerned.
- 6th October Attorney General (Sir Patrick Mayhew) considers advice from Roy Amlot QC based on Avon and Somerset findings.
- 12th October DPP advises Sir Patrick Mayhew that the convictions cannot be held to be safe and satisfactory.
- 19th October Hearing of expedited appeal and judgment by Lord Lane quashing convictions.
- Mr Hurd announces Inquiry under Sir John May to examine Guildford, Woolwich and Maguire cases.

1990

- 12th July Publication of Inquiry's first report recommending that Maguire Seven case be referred to the Court of appeal.
- Home Secretary (Mr David Waddington) refers Maguire case.
- 13th December Information laid at Bow Street Magistrates Court against three Surrey police officers on charges of conspiracy to pervert the course of justice.

1991

- 26th June Maguire Seven's convictions quashed.
- 11th July Chief Metropolitan Magistrate (Mr Bartle) rules that the proceedings against the three Surrey police officers should be stayed.

1992

- 24th January Divisional Court decides on judicial review that the case against the Surrey police officers ought to proceed.
- 30th July Announcement of Sir John May's decision to proceed with inquiry into Guildford Four's case on basis of written material and private hearings.
- 3rd December Publication of Inquiry's second report on the Maguire case.

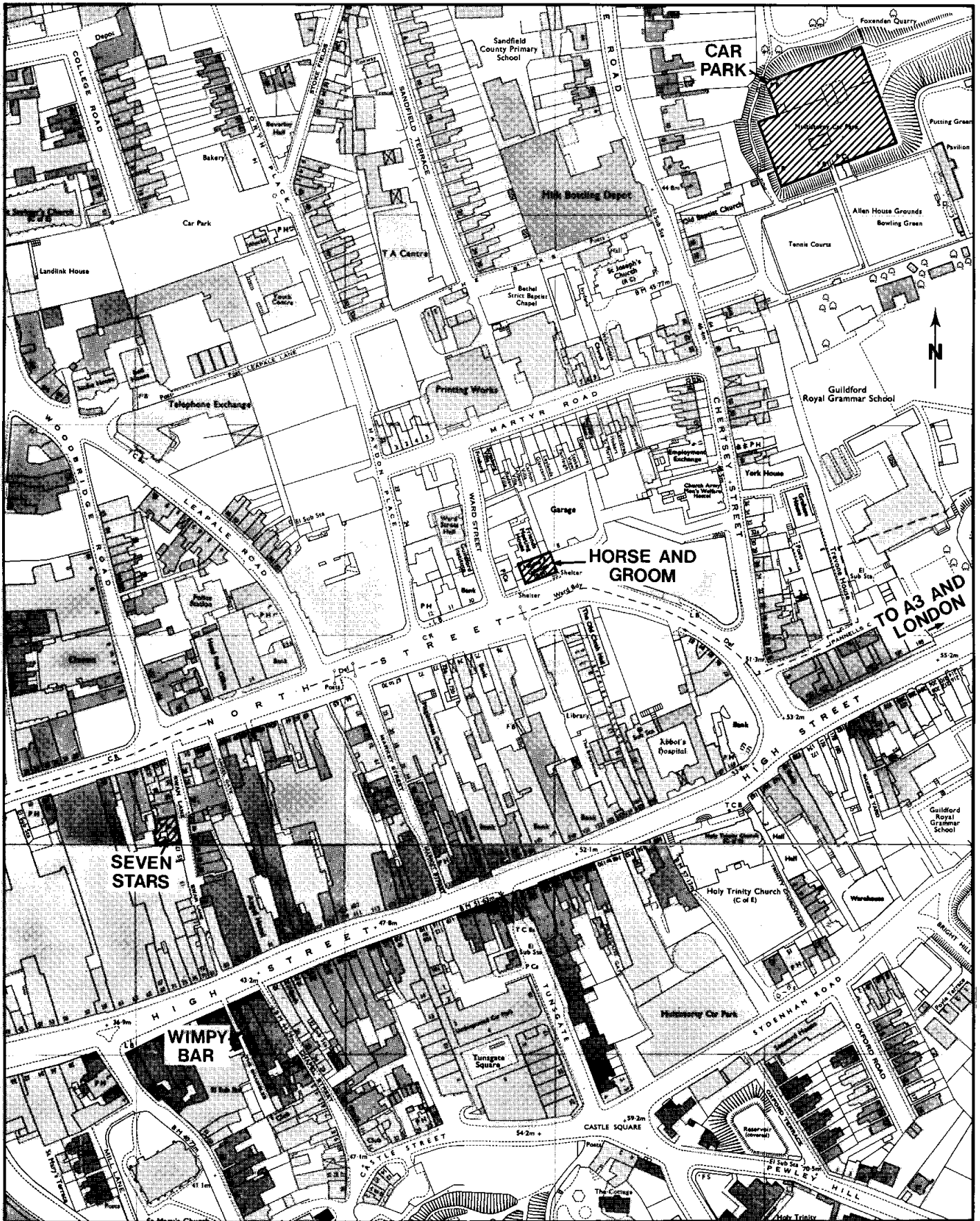
1993

- 10th May Surrey officers acquitted after trial at Old Bailey.
- June/July Private hearings by Inquiry.
- 6th July Publication of Report of Royal Commission on Criminal Justice.
- December Further Inquiry hearing.

1994

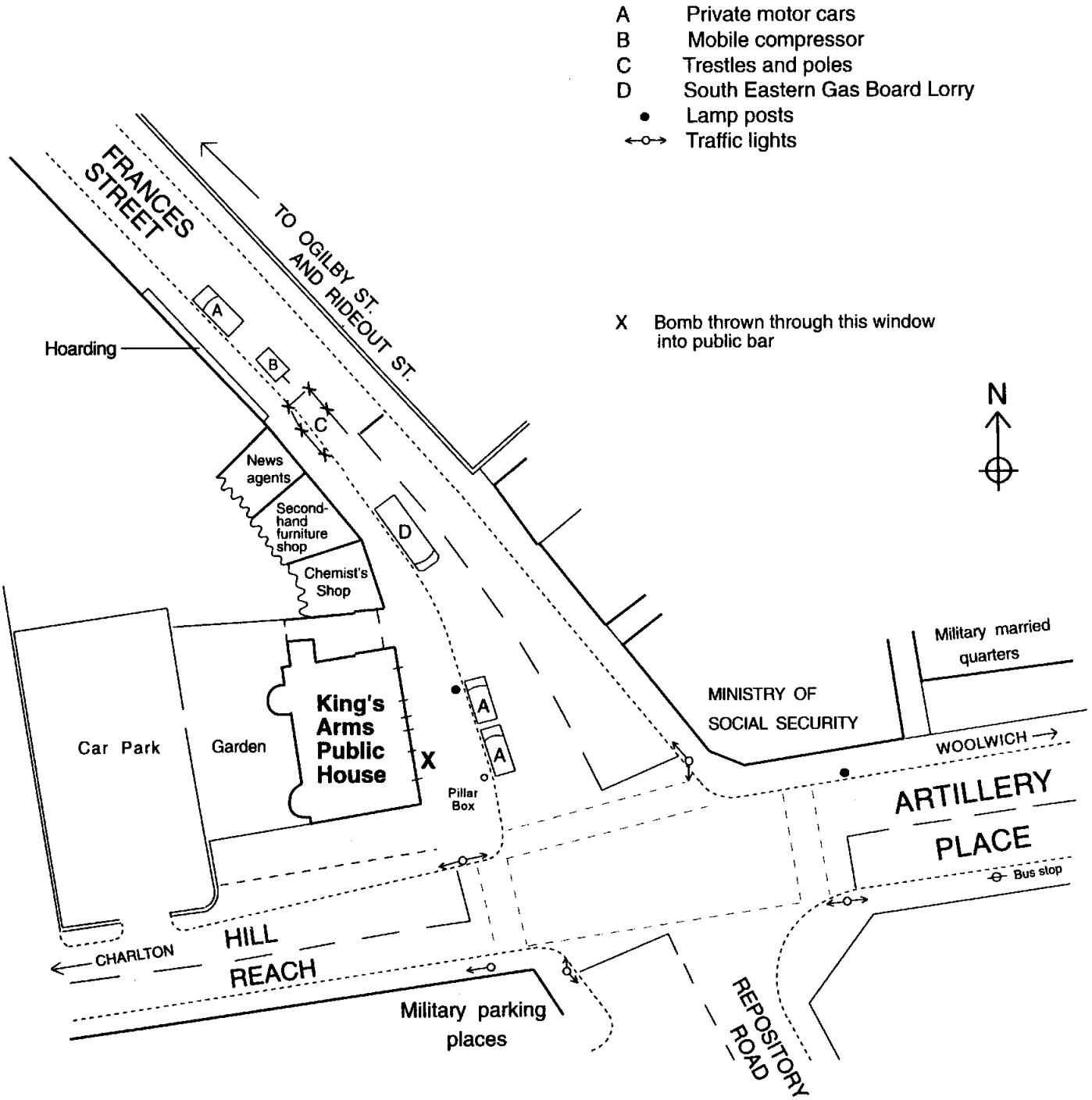
- February Further Inquiry hearing.
- February/March Hearing of Hill's appeal against conviction for murder of Brian Shaw.
- 21st April Judgment given in Hill's Belfast appeal.
- 11th May Final report of Inquiry delivered to Home Secretary and Attorney General.

GUILDFORD CITY CENTRE-1974



APPENDIX C

THE KING'S ARMS PUBLIC HOUSE, WOOLWICH



Scale : 24 feet to 1 inch

APPENDIX D

Statements made under caution by Paul Hill

on 29th November 1974 (2)

30th November 1974

1st December 1974

2nd December 1974

3rd December 1974

and 4th December 1974

The four statements made on 1st to 4th December were written down by him. The first statement on 29th November (pages 1-3) was made to RUC Officers. The statement of 30th November was made to Metropolitan Police officers.

Statement of Paul Michael Hill, DOB 13.8.54, labourer of 27 New Barnsley Crescent.
Taken by D. Const. McCawl on 29.11.74

I have been told by Det. Const. McCawl that I am not obliged to say anything and I understand that anything I say will be taken down in writing and may be used in evidence. I clearly understand this caution and wish to make a statement.

4.30

29-11-74

Paul Hill

I remember Saturday the 20th July this year. I was drinking in Walsh's bar at about half six. Joseph McKenna of Dunlewey St came into the bar. He is the O.C. of D. Company Provisional I.R.A. He asked me to go down with him and Martin Skillen to Divis Flats. We walked down. On the way down Skillen left us at Raglan St. McKenna and I walked on and he told me that a guy called Young had brought a soldier to the Glengeen Bar for him, and he said he had brought him from Mooneys bar. The excuse that Young had given the soldier was that he was taking him to the Glengeen to see a girl. We went to the Glengeen and waited outside until Skillen joined us. He had a car with him. It was a blue Volkswagen and Skillen was driving it. Skillen said he had got it, I took this to mean that he had hi-jacked it. Skillen and I went into the bar, McKenna remained outside at the door, Before going in McKenna told us that the soldier would be sitting on his own in the far corner of the bar. Skillen and I went in and saw a man sitting on his own in the far corner. There was a woman sitting beside him. We went over and both of us said at the same time, 'come on outside, we want to speak to you'. The man said nothing, he got up and walked out with us. When we got outside, Skillen produced a gun from the waistband of his trousers. It was a big gun, it looked like a police gun. He told him to get into the car. He got into the car, and I got into the back seat beside him. Skillen drove the car. We drove up to Linden St, and went into Kate Larkins house. When we got in, Eddie Doherty, Jim Linden and John Cavanagh were there. Eddie Doherty comes from Craigavon. Doherty and Cavanagh told him to come into the back room, and he did so. Linden and I were standing between the scullery and the living room and we could hear all that went on. He was asked his name and he said he was Shaw, and that he came from Nottingham. In reply to more questions he said he lived on the Newtownards Road, that he was married and his wife came from there. He said he was then employed as a driver by Cantrell and Cochrane. He said he was an ex-soldier, off the Army for about six months. He said he was now a plain clothes soldier and that he was stationed in Albert St. Mill. He said he wanted to work for the I.R.A. and that was why he came to the Glengeen. Eddie Doherty was writing down what he was saying and Cavanagh was doing all the questioning. McKenna, who had arrived almost immediately after we got to the house, read the notes and left. He came back in about twenty minutes with a girl who I don't know. The girl took the notes away
/and I

and I went with her. We walked to a house in Waterford St. It was the first house on the left beside the Bank. A Paddy Monaghan lives there. The girl asked for him at the door. He came to the door and they both went into the house. I waited outside across the street. She came out in about fifteen minutes, and she didn't have the notes with her. I do know this girl's name, she is O'Rawe, about 18 yrs and she come from the St. James district. She is a sister of Martin O'Rawe. She said we were going back to the house. When we got back to the house she called McKenna outside. There was a lot of shouting in the back room at that time. I looked in and Shaw was sitting on the floor in the corner. He face was marked and he looked frightened. McKenna came back in and he sent Skillen to get the car. While Skillen was away I saw Doherty slap Shaw across the face. Skillen came back with the car. McKenna ordered me ~~Fisher~~ Linden and Cavanagh to take him out and put him in the car. When Cavanagh and I were putting Shaw in the car, McKenna was talking in the hall to Linden. Linden came back and got into the car. I was sitting in the front. Cavanagh was driving and Linden and Shaw were in the back. I saw a gun in the waistband of Lindens trousers and it looked the exact same gun Skillen had earlier on. I heard since that this gun was found on ^{Mash} ~~Maurice~~ Trainer When he used it to rob Daly's bar. Shaw asked Linden where he was going and Linden told him the Grosvenor Rd. We drove to Arundel St. by the Grosvenor Rd. When we turned into Arundel St. Skillen was already there. He waved the car into Arundel St. We drove in and stopped outside an empty house. Linden told Shaw to get out of the car, and told him to go into a derelict house. The door of this house had been filled up with breeze blocks, but there was a big hole knocked in it Shaw walked in first followed by Linden. I was following Linden. Linden stopped and told me to look where Skillen was. I looked up to the corner but Skillen wasn't to be seen. I stood for about half a minute looking to see if Skillen was coming back. I turned to walk into the house and I saw Lindens back. I then heard two shots. I cogered my ears and the next thing Linden was pushing me back to get out of the house. I did not see Shaw fall but I saw his feet where he was lying on the floor. I heard nothing from Shaw, Linden was making a terrible racket pushing me out of the way. We got out of the house. Linden jumped into the car first and I got into the back seat. We drove on to the Grosvenor Rd and turned up towards the Falls Rd. Linden said he had killed him, the guy is dead. He said, "I shot him in the face". We drove up to the lights and drove towards the Lower Falls. I saw McKenna standing at the Sports Bar at the corner of Waterford St. We stopped. McKenna came over and told me and Linden to get out of the car. Cavanagh drove the car away. Me and Linden stood and told McKenna what had happened. Linden told him he had shot the guy. McKenna asked me if that was right and I said it was. McKenna then told Linden to go and get rid of the gun. I saw
/Linden

Linden go up Linden St. He never came back. McKenna told me to get offside and I went home to New Barnsley. I'm not sure of what time it was but I think it was about half nine. We had Shaw in Linden St. for about an hour. About three days afterwards I saw McKenna at the corner of Dunlewey St - Falls Rd. He told me to go up to the house in Linden St. that we were all going to Dundalk. I went to Linden St and met Skillen, Cavanagh and Linden there. A girl called Frances Fusco came of Dunville St came into the house and gave Linden money. I think it was about £80. We left, but before we left, Linden told us to be back at the house at seven o'clock. I came back at seven and Skillen, Linden and Cavanagh were there. One of the black taxis driven by Oliver Smith of Falls Rd picked us up and took us to Dundalk. We stayed in Russells Hotel on the Main St. We stayed there for about four days. We came back by train to Belfast on the following Friday evening, I left Belfast on or about the 23rd of August and came to England. That was a short time after Skillen's funeral. We didn't give the driver of the taxi any money.

Paul M. Hill

29-11-74

5-55 pm

This statement was taken by me in Guildford Police Station in the presence of Det. Chief Inspector Cunningham. Before signing I read it over to him, he declined to read it over. I invited him to make any alterations he wished. He then initialled alterations on Pages 3, 4 and 5.

J. McCawl D/Const.

A. J. Cunningham Ch. Insp.

SURREY CONSTABULARY

Station or Section GUILDFORD Division GUILDFORD
Date 29th November 1974

Statement of (name of witness) PAUL MICHAEL HILL
(in full - Block Letters)

Age of witness (if over 21 enter "over 21") 13.8.54 Belfast

Occupation of witness UNEMPLOYED

Address 27 NEW BARNSLEY CRESCENT, BELFAST 12

This statement, (consisting of pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the day of 19
Signature

being unable to read the above statement I
of read it to him before he signed it.

Dated the day of 19

I, Paul Michael HILL, wish to make a statement.
I want someone to write down what I say.
I have been told that I need not say anything unless I wish to do so and that whatever I say may be given in evidence. (signed) Paul M Hill
About 23rd August 1974 I came to London, after Gerry CONLON. I didn't know where he was then. I came with my sister Elizabeth and my girlfriend Gina CLARKE, neither of whom knew that I was coming over to do anything. I had been told to come over and meet someone by a fellow called Gus KELLY, who lives in Lesson Street, in Belfast. When I came over I went to my Aunt's house at 178, O'Donnell Court, Holborn, Tessa SMALLIE. I stayed one night, she said we all couldn't stay there because three were too many. Next morning I told my girlfriend that she would be best going down to her sisters at Southampton. She went and that day I met CONLON at my aunts house. He told me we had to go and meet a fellow. We went and met a chap called Paul at a pub called the Wheatsheaf in Camden Town. He told us that he had no stuff - I knew he meant explosives. He told us to go to

Signature (signed) Paul M Hill
Taken by

Quix Road and tell the Priest that you've just come over. I phoned the girlfriend up and said I wasn't staying with my Aunt and could I come down there. She asked her sister and her sister said yes I could come down. I stayed that night at my aunts house and I went down the following day to Southampton, and stayed at 2 Stainer Close. Paul had already given me the phone number of a call box in Kilburn and told me to ring him on the Wednesday. I remember he told me the phone box was opposite the Old Bell PH in Kilburn High Road. I phoned him up on the Wednesday and he told me to stay where I was. He told me to phone the following Wednesday between 8 and 9. He would be drinking in the Old Bell PH and he would have someone by the phone box who would call him. I phoned him and I done this for about 5 weeks and he kept telling me there was nothing there so we could do nothing. One Wednesday when I phoned him he told me to come up to London to Waterloo. He met me at Waterloo and told me to go to a pub at Maida Vale which was beside Maida Vale Police Station. I met him at the pub and he told me to go to 25, Westbourne Terrace, which is CONLONS uncles house. His name is Hugh MAGUIRE. I was told to stay there and I stayed there 2 days. CONLON had come up from Southampton with me. Paul came to the house and told us both to go to Quix Road and tell the priest that we had just come over from Ireland. We went there and saw Father CARLYN who put us up. The next day Paul came to the house and he told us we would have to get a job. He told us to go to Arlington Road on Monday morning and he said he would get in contact with us on the job. We started work for Robert HART'S a building contractors. During the first week he came and saw us on the job and told us to

Signature (signed) Paul M Mill
Taken by

Continued statement of: PAUL MICHAEL HILL

meet him in the Black Cap pub in Camden High street. We went there after work and Paul was with a guy named Dermot. We had a couple of drinks. They were "sussing" us out to see if we were the right people. Dermot left about every 10 minutes and went out he didn't have any drink. They kept asking us if there were any Belfast blokes over here and who we knew back home. We learnt from them that they were from Southern Ireland and members of the Provos. We stayed in the pub for about 3 hours. Dermot was wearing a long black overcoat and kept pressing his side as if he had a gun as if to frighten us. Paul then said come with us in the car. It was an old Morris. They didn't tell us where we were going but we drove to Brixton. We came into a housing complex of old prewar flats. There was a builders skip in the middle of the yards. We went up to the first floor and went into a flat. We were told not to smoke when we went in. There was a girl in the flat called Marion. She asked me if I knew how to make bombs. There was a lot of explosives in there in plastic bags and it looked like brown sugar. It was stacked in a corner. It made my eyes water and caught my chest. It smelt like a bakery as I had worked in one back home. The room was poorly furnished with a small table and a couple of chairs. I told her I couldn't make bombs and she laughed and said she would show Jerry CONLON. Then she started fiddling with a square cardboard thing. There was a watch in the centre of the box like one you take out of your pocket. It had a white face and 2 hands, no glass and it wasn't ticking. Paul was talking to me about work and where I came from back home and the girl was kneeling down in the far corner with Jerry. After we had been there about an hour Paul said he

Signature (signed) Paul M Hill
Taken by

would drive us back to Quix Road. During the time we were there I heard Marion talking to Jerry about wires. When we left Paul told us to leave one at a time and go down to the car. I sat in the back of the car and Jerry and Paul in front and Paul asked Jerry if he could do that again what she had showed you. He dropped us off and told us to keep on working. A week before the bombings in Guildford Paul came up and stayed at Quix Road the whole week. He asked us if the priest had been given our right names and we said yes. Paul went out on the Friday night and told us to go over to the Memphis Bell pub in Kilburn High Road and we were to ask the barman with a limp where was Paul. He told us he was in the Cock pub and we went up to the Cock where Paul was with a man who was about 50. The other man asked us if we had seen him before and we said no. He said that was the best way to keep it and we wouldn't see him again either. He asked us do we know the score and Paul said no I'll tell'em now. The other guy said OK I'll leave them with you, meaning Paul. Paul got us a drink and told us to sit down. He said its on for to-morrow, we asked what is and he said two bombings. He didn't say where. Before I go any further I remember that when we were in the flat in Brixton Paul showed me photos of pubs including the Seven Stars and Horse and Groom in Guildford. I hadn't seen them before but I recognised them when I saw pictures in the paper. There was a picture of another pub and he said it was in the Midlands. He also showed me a picture of an Army barracks where he said Cadets train. He said soldiers drank in the pubs and cadets trained in the barracks. Back to the Cock, that was all he said that two pubs were going to be bombed. He would see us at Quix Road on Saturday morning. He never came back that night. Between noon and 1 pm the next day he came

Signature (signed) Paul M Hill
Taken by

Continued statement of: PAUL MICHAEL HILL

to the house with another guy who I know to be Patrick Joseph ARMSTRONG. He's from Belfast but I didn't know him in Belfast. He's about 4 years older than me. He introduced himself as ARMSTRONG. He had a brown paper bag in his pocket with photos of two pubs that were blown up. The bag had HITTTS written on the front of it. They were coloured photographs. Two cars came up to the door. I asked ARMSTRONG if we had to put the bombs in the bars and he said no the girls will do that. When the two cars came he told me the two bombs were in the boots. One of the cars, a bright coloured car, was an estate car with a door at the back. We were told to get in the cars. I sat in the front of the first car which was driven by ARMSTRONG and Jerry and Paul got in the second car. I didn't see who brought the cars to the house and who ever it was didn't go with us. We drove to Clapham Common Way and into the country and I remember ARMSTRONG pointing out a race-course. I asked him if he knew the way and he said, Yes I've been down a couple of times. We drive down through what looked like a forest to me and some roadworks and I looked back for the other car and it wasn't with us. ARMSTRONG said here and pulled up two girls got in, one was Marion, I didn't know the other girl but she was older, about 30. They got in the car and we sat there for a moment. ARMSTRONG said to them are you fixed up. They were both carrying shopping bags. Marions was a Pricerite bag it was white plastic with the lettering in black and a red circle. The other girls bag was a dark tan carrier paper bag. They didn't appear to have much in them. While we were driving the other girl asked ARMSTRONG where was Paul. ARMSTRONG said he had gone to pick someone up. When we got into Guildford

Signature (signed) Paul M Hill
Taken by

we drove through the town once, around all the town. He knew he couldn't get down the High Street. We went round by the side of the train station and told me to get out and wait for a guy. He would know I had blue trousers on. I was wearing light blue trousers. He said I know who the guy will be but you don't all you have to say is wait here and stand with him. I waited there for quite a while and nobody came. ARMSTRONG came back just as it was getting dark. He told me to get in the car and he took me to Quix Road. On the way back he asked me if anyone had passed me who had wavy ginger hair. I said No. He never talked much on the way up, he was on his own. When we got to Quix Road he told me to go inside and ask the priest if anyone had called for me. I did and the priest said no. About 10 minutes after ARMSTRONG came in with me a guy WILSON came. ARMSTRONG gave WILSON a telling off for not being there at the right time and keeping us hanging about. ARMSTRONG told me he was driving me to Waterloo and WILSON came in the car. He asked me if I had seen him before as he lived in Quix Road a couple houses up from where I was. ARMSTRONG then told me to get to Southampton and then I would have somewhere where I had been. He said that'll be you cleared up. I said fine and when would he see me again. He said he would contact me at Quix Road. He knew I had a girlfriend down there. I went down to Southampton to my girls house. I didn't tell her anything. I went out with her for a drink. I stayed in Southampton that night and came back to Quix Road on the Sunday. I went round to get a paper and seen it in the paper. I met Jerry CONLON at Quix Road and he asked me where I had been and I told him Southampton. He told me he knew that because ARMSTRONG had told him. He said everything went OK. We kept on working for about a week and the

Signature (signed) Paul M Hill
Taken by

Continued statement of: PAUL MICHAEL HILL

following week-end went back to Southampton. During the 2nd week after the bombing ARMSTRONG came and saw me and Jerry on the job. He called me away on my own and said have you anywhere to go as they are probably looking for us. I said not that I knew of. Then he asked Jerry. Jerry said he had an uncle and aunt in Manchester and that we could go up there. That night ARMSTRONG phoned us up and said we could go. He came round the next morning to Quix Road and gave us £30 each. We went that morning to Manchester. We stayed in a house in Benjamin Street, Newton Heath, I think it was no. 16. We stayed with his uncle William McCANN and his family. We didn't tell them anything. They weren't expecting us. We stayed from the Wednesday until the Saturday and then came back down to London. The fare was £10.20p return each. We went from Euston and came back from Piccadilly, Manchester. We went to Quix Road and I told Jerry I was going to see Gina. I went to Southampton came back on the Sunday and there was a note on the wardrobe and it said everythings OK. Gone home. It was from Jerry. It also said he would phone me up on the Monday night. That was at the Quix Road address at 7 o'clock. The evening I was expecting the phone call from Jerry, ARMSTRONG came to the house and said he wouldn't be phoning as he hadn't gone home but he was OK. I asked him where he was he said he didn't know he had received the same message. He told me to keep on working, which I did and that he would come to the job. This was at Harts. One day he came down in a car to the job, it wasn't neither of the cars used at Guildford. It was a small sports car. He asked could I mined anything on the job and I asked him what it was. He said it was a plastic container, like you would keep water in. I said yes I probably could in the cement store. He brought it

Signature (signed) Paul M Hill
Taken by

back the next day at lunchtime when nobody was there in the same car. I hid it in the cement store, it contained a yellow coloured liquid and he told me not to smell it and not to leave it in a warm place. It was a container like you take camping with a tap on it. He came back that weekend and told me to leave Quix Road, and asked me where I would go to, he said he had a place and I said it was OK. I could go to me Uncles place. I went to my uncles and told him that I had been thrown out of Quix Road. He said it was O.K. I could stay there. The week after I moved to my uncles ARMSTRONG came to the job and said to me to come round to the pub round the corner to see him. Marion was already in the bar and Dermot was also there sitting near the door. When I went in they told me they were going to do another pub and he said when could he come back for the stuff. He told me to go back to the site to see if the stuff was still there and to give it a shake. Which I did. I went back round and told him it that it was still there. He asked me did I shake it and I said yes. He laughed. Told me to be on the job early next morning and I gave him the container and he still had the same car, with the back that opened and the sun roof. In the back was some foam padding, he told me to put it down and pull some padding over it. I did this and he drove off telling me he'd see me next day. When I came out from work the next morning, I see in the paper that a pub in Woolwich had been blown up. It was the pub that he'd shown me a picture of at Brixton. He told me in the pub when I met him 2 days before what pub it was for. When I came off the job that day he was parked at the corner of the road with Paul. He got out of the car and walked up Camden High Street with me. Paul stayed in the car. When we got up to the Mother Red Cap it was opening and we

Signature (signed) Paul M Hill
Taken by

Continued statement of: PAUL MICHAEL HILL

went in and had a pint. Paul came in and on the way round ARMSTRONG didn't seem too happy and when Paul came in he didn't have a drink, he said you're too fucking hot get lost ARMSTRONG told him to cool down. I asked ARMSTRONG what was wrong all of a sudden and he said to me do you want to go down to Southampton and live with your bird. I said yes. He said he would get in contact with me again and look me up in Southampton. I asked them what they were doing and they said they were still working. I haven't seen him since. (signed) Paul M Hill

I HAVE READ THE ABOVE STATEMENT AND I HAVE BEEN TOLD THAT I CAN CORRECT ALTER OR ADD ANYTHING I WISH THIS STATEMENT IS TRUE I HAVE MADE IT OF MY OWN FREE WILL.

(signed) Paul M Hill

I took this statement at Guildford Police Station on Friday 29/1/74 in the presence of Mr ROWE (A.C.C) and Detective Chief Supt. SIMMONS.

(signed) A JERMEY D/S

(signed) C ROWE

(signed) W E SIMMONS

D/Ch Supt

SURREY CONSTABULARY

Station or Section Metropolitan Police Division CO. CI Bomb Squad
Date 30.11.74

Statement of (name of witness) PAUL MICHAEL HILL
(in full - Block Letters)
Age of witness (if over 21 enter "over 21") 13.8.54 Belfast
Occupation of witness Unemployed
Address 27 New Barnsley Crescent, Belfast 12

This statement, (consisting of pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the day of 19
Signature
being unable to read the above statement I
of read it to him before he signed it.
Dated the day of 19

I, Paul Michael HILL, wish to make a statement.
I want someone to write down what I say. I have
been told that I need not say anything unless
I wish to do so and that whatever I say will be
taken down in writing and may be given in evidence.
(signed) Paul M Hill
(signed) D MUNDY DCI
(signed) P D IMBERT D/Supt

Q You have already made a written statement under
caution to the Police at Guildford, dated 29th
November 1974. Is that statement the truth?

A All of it is the truth except when I said the
explosives were in a flat on Brixton. That was
wrong. They were in the flat at Rondu Road,
Kilburn. I told a lie there because I
saw guns in the house at Rondu Road.

Q I want to ask you some questions
about the explosion at the Kings Arms
public house, Woolwich on Thursday 7th
November 1974 and I want you first to
tell me what you know about that
explosion, as you have already said.

A About three or four weeks before the

Signature (signed) Paul M Hill
Taken by (signed) D Mundy DCI
(signed) P D Imbert D/Supt

Continued statement of: Paul Michael HILL

explosions in the two pubs at Guildford, a man called Paul asked me to go to a flat downstairs at the back of Rondu Road, Kilburn, you get there by a side entrance. I've pointed this house out. That was the first time I'd been there. I met Paul there at about 9 pm. Sorry Paul took me there from the Black Cap pub, Camden Town. We met a girl Marion, Jerry Conlon came with Paul and me to the flat as well, I forgot that, and she was the only one there. I don't know who lived in the flat. Paul introduced Jerry and me to Marion. She said to Jerry 'Would you mind coming over to look at this', and Jerry and me and Paul looked at about eight bags of brown substance on top of a polythene bag, with two small hardboard brown colour boxes, with watch, like pocket watches, set in holes cut in the middle of the top of the boxes. We looked at them, she didn't say anything then she asked me if I could make explosives I said no. Then Paul asked me to look at some photographs which were loose on a table, about 15 to 20 all of public houses, bar one, which he told me were a military barracks where cadets were trained, somewhere in the Midlands. The two of us sat down and looked at them, they were in colour about 3"x3", I would say. I didn't know any of the pubs. I asked him why he was showing me photos of the pubs and he said soldiers drank in them. Meanwhile, Jerry and Marion were talking about wires, she was telling him about different colours of wires. We just sat there me and Paul just discussing photos. He told me

Signature	(signed) Paul M Hill
Taken by	(signed) D Mundy DCI
	(signed) P D Imbert D/Supt

Continued statement of: Paul Michael HILL

the pubs were going to be blown up and it was obvious he wanted me to help. We discussed them for about 20 to 30 minutes as I couldn't have refused to help. If I had refused Paul would have sent me back to Belfast. I also saw guns lying on the settee, put that down please. We talked about how near the pubs were to London, how many soldiers drank in some of the pubs, he didn't say numbers, he just said more drank in some pubs than others, and all of them were used by soldiers. The idea was to kill soldiers. He didn't tell me the names, he mentioned Winchester, he didn't mention Guildford or Woolwich. He said most of them were in army towns and he talked very slowly, it seemed like it was his idea but he did tell me that he had the photographs taken for him. Marion and Jerry were talking about wires and a bomb from what I overheard, they weren't talking too loud because Paul said not to talk too loud. They didn't look at the photographs with us. Paul then said he'd drive Jerry and me home to Quex Road in his car, and we left Marion there. After he dropped me off, Jerry asked me what the photos were about. I said they were army pubs which were going to be blown up. He said he already knew because Marion had told him. That's all he said. Jerry was staying with me at the time. The next time I met Paul was the night before the Guildford bombings in the Cock, Kilburn. He told me and Jerry to be in the house at Quex Road the next morning, he didn't say what time.

Q Is what happened then, that is the

Signature	(signed) Paul M Hill
Taken by	(signed) D Munday DCI
	(signed) P D Imbert D/Supt

Continued statement of: Paul Michael HILL

day of the Guildford bombings, recorded in the statement dated 29th November 1974?

A Yes.

Q What happened after the Guildford bombings?

A Well after I had gone down to Guildford to bomb the two pubs, I didn't see Paul again until after the Woolwich pub bomb when he said I was too hot. The morning of the Guildford explosions, before coming down, I remember Patrick Armstrong had two photographs of the pubs in Guildford which we were going to bomb, and I know that these two were amongst those I had seen previously. I want you to put that, anyway after two weeks after the Guildford explosions, Patrick Armstrong came to where I was working at Robert Harts, Arlington Road, Camden Town, and asked me would I mind something for him on the job. I didn't know what it was until he gave it to me. It was a plastic, white see through about a foot high with a yellow liquid substance in it. He told me not to smell it, or put it in a warm place, which I did. I put it in the cement store, on the job, beside the gate, and left it there. A couple of days later, a Wednesday or a Thursday, immediately before the Woolwich pub bomb, I know I had a job that day, he came to see me, he came to where I worked and asked if he could have the container back, I knew it was explosives. He asked me to shake it first and then bring it to him and put it in the back of his sports car, and put foam which was already in there on top of it. I asked him what it was for and he said another pub was going to be blown up. That's all he said.

Signature (signed) Paul M Hill
Taken by (signed) D Mundy DCI
(signed) P D Imbert D/Supt

Continued statement of: Paul Michael HILL

The next morning or the day after that, I can't be sure to be honest with you, I read in the paper that Woolwich had been done. I saw pictures of the Woolwich pub in the paper, in either the Mirror or the Sun as these are the only papers I read, and I recognised it as being one of the pubs I had seen a photograph of at Rondu Road. It was definitely the same pub. I didn't ask why I wasn't on it or anything else, because you don't ask questions, which is what I was told by Paul. I thought I had done my part of it in looking after the explosives. The next week, a Monday or a Tuesday, I came off the job at about 5 pm and Patrick Armstrong and Paul met me in Armstrongs' sports car and asked me if I was going for a drink. The pubs don't open until half five so we had a walk up the road and left Paul. Armstrong told me when we were walking up the road that the pub job went okay. He didn't mention any name or place but the one at Woolwich was the only one done, it was obviously that one. He didn't seem too happy. We went to the Mother Red Cap pub, had a pint and Paul came in. He never had a drink. The first thing he said to me was that I was too fucking hot. Armstrong tried to cool him down and then Armstrong said I'd be as well to go away and that it.

Q What cars did Patrick Armstrong use?

A On the Guildford job he used a dark colour four door car, with plastic sheets on the seats, like a saloon. He drove a silver coloured sports car, with two doors and two seats, a sun roof, the back opened up, there was glass

Signature (signed) Paul M Hill
 Taken by (signed) D Mundy DCI
 (signed) P D Imbert D/Supt

Continued statement of: Paul Michael HILL

in the boot lid, you could look into the boot, That was all he used.

Q What cars did Paul use?

A He used an old dark colour Morris 1100. It looked very dirty, two doors. It had old coloured tan leather coloured seats.

Q What is his surname?

A O'MALLEY or O'MALLON.

Q How many times did you meet ARMSTRONG and where?

A Five in all. I met him in the Wheatsheaf, the Black Cap. Quex Road, Kilburn, and twice on the job.

Q Will you describe his girlfriend.

A He hadn't got a girlfriend.

Q Describe Marion.

A She is nice looking, long blonde hair, obviously dyed, with dark roots in the middle, age 18/20, nice build, modern dresser - a dark check coat down to her knees with three buttons on it, high patent leather platform shoes.

Q Did she have any mates?

A Yes, a woman about 30, heavy make up, same length dark hair, with a sheen off it, medium build, same height as Marion, sorry a bit taller, wearing a dark coloured raincoat, a bluish colour.

Q What was her name?

A I don't know, I only met her once coming down to do the Guildford jobs.

(signed) Paul M HILL

(signed) D MUNDY DCI

I KNEW WHAT WAS GOING ON AND PUBS WOULD BE BLOWN UP AND PEOPLE WOULD BE KILLED I AM SORRY NOW AS I HAD OPTION AS I KNEW WHAT WOULD HAPPEN TO ME I HAVE MADE THIS TRUE STATEMENT UNDER NO PRESSURE OR THREAT AND WHAT I HAD

Signature (signed) Paul M Hill

Taken by (signed) D Mundy DCI

(signed) P D Imbert D/Supt

Continued statement of: Paul M Hill

DONE I WILL NOW PAY FOR IN A
COURT OF LAW.

(signed) Paul M HILL

(signed) D Mundy DCI

(signed) P D IMBERT D/Supt

I HAVE SEEN AND READ THE ABOVE STATEMENT
IT IS TRUE AND I HAVE BEEN
TOLD THAT I CAN CORRECT ALTER ANYTHING
I WISH I HAVE MADE OF MY OWN FREE

WILL. (signed) Paul M HILL

(signed) D MUNDY DCI P D IMBERT Det/Supt

There is something I want to add, I have just remembered. It was one of the pubs which Patrick Armstrong told me would be a target. He was leaving me off at Waterloo at about a quarter to six the day of the Guildford bombings after we had come back from Guildford in the afternoon. Wilson was in the car as well. He pointed out the pub where he said soldiers had a drink before they got trains. It was below a railway bridge just facing Waterloo Station, Waterloo bridge I think, you go straight over the roundabout and the pub is on your left, and Waterloo is on your right, I think it is the Britannia. An off licence is attached to the pub, which is just under a railway bridge. That is all he said. I don't think it was one of the photographs but I'm not sure.

(signed) Paul M Hill

(signed) D MUNDY DCI

(signed) P D IMBERT D/Supt

I HAVE READ THE ABOVE ADDITION TO MY
STATEMENT I HAVE BEEN TOLD I CAN ADD
ALTER OR CORRECT ANYTHING I WISH IT IS
TRUE I HAVE MADE IT OF MY OWN FREE

WILL. (signed) Paul M HILL

(signed) D MUNDY DCI P D IMBERT Det.Supt

SURREY CONSTABULARY

Station or Section Bomb Squad Division HC
Date 1st December 1974

Statement of (name of witness) Paul Michael HILL
(in full - Block Letters)

Age of witness (if over 21 enter "over 21") 13.8.54 (20 yrs)

Occupation of witness Labourer

Address 27 New Barnsley Crescent, Belfast 12

This statement, (consisting of pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the day of 19

Signature

being unable to read the above statement I

of read it to him before he signed it.

Dated the day of 19

I Paul Michael HILL wish to make a statement. I wish to write it myself. I have been told that I am not obliged to say anything unless I wish to do so but that whatever I do say will be written down and may be given in evidence.

(signed) Paul M Hill

I WAS TOLD TO COME TO THIS COUNTRY BY A MAN CALLED JUS (BAP) KELLY WHO TOLD ME TO DO A COUPLE OF MESSAGES WHICH I TOOK TO BE BOMBS HE GAVE ME £30 POUNDS FOR MY FARE AND SAID GERRY CONLON WOULD CONTACT ME AND I WENT AND STAYED WITH MY AUNT AT O'DONNELL CURT HOLBORN AND I STAYED THERE ONE NIGHT AND GERRY CAME UP.

EVERYTHING I HAVE SAID IN MY LAST STATEMENT IS TRUE ONLY THE BOMBS WERE MADE IN RONDU ROAD. AND NOT IN A FLAT AT BRIXTON. AND WERE MADE BY GERRY AND MARION A GIRL WHOM I MET AT THIS ADDRESS AND WHOM I LATER MET AT THE ROAD SIDE ON THE WAY TO GUILDFORD. WHEN WE WENT TO

Signature (signed) Paul M Hill
Taken by

THE MEMPHIS BELL PUB IN KILBURN WE WERE
TOLD TO MEET PAUL AND ASK
THE YOUNG BAR MAN WITH THE LIMP AND
WHO SPEAKS A BIT QUEER WHEN WE ASKED
HIM WHERE PAUL WAS. HE WENT DOWN
TO PATRICK ARMSTRONG AND SAID SOMETHING
TO HIM ARMSTRONG THEN NODDED TO US
TO COME DOWN TO HIM AND WHEN WE
GOT DOWN A GUY CALLED McGUINNESS
CAME IN AND SAID TO ARMSTRONG
WHO ARE THEY AS HE SAID IT HE UNZIPPED
HIS JACKET A HELD IT BACK WITH ONE
HAND AND THERE WAS A GUN IN HIS
WAISTBAND. HE TOLD US TO COME ON
UP AND SEE PAUL IN THE COCK PUB
IN KILBURN AS WELL ARMSTRONG DID
NOT COME AND ON THE WAY UP HE TOLD
US THAT HE WAS ARMSTRONG'S MINDER
AND TOLD US NOT TO GET OUT OF
LINE HE SAID THAT HE HAD BANGED A
BIG SHOT IN THE ARMY AT HIS OWN
DOOR. WHEN WE WENT IN THE COCK
HE STOOD AT THE BAR AND PAUL
WAS SITTING WITH A MAN OF ABOUT
50 WHO WAS GOING BALD AT THE
FRONT HE HAD A DARK SUIT ON + SHIRT
+ TIE HE GOT UP AS WE WENT OVER
AND SAID TO PAUL DID WE KNOW THE
SCORE PAUL SAID NOT YET BUT I WILL
FILL THEM IN THE OLD MAN LEFT AND
PAUL SAID THAT TWO PUBS WE HAD
SEEN IN PHOTOS AT RONDU ROAD WHERE
BEING DONE THE NEXT DAY "SAT" AND HIM
AND JERRY LEFT TO GO TO THAT HOUSE
I WAS TOLD TO WAIT AT QUIX
ROAD THE NEXT DAY. JERRY CAME
BACK TO QUIX ROAD LATE THAT NIGHT
AND SAID THE BOMBS WHERE ALL READ
TO GO THE NEXT MORNING ARMSTRONG
AND PAUL CAME TO QUIX ROAD AND
ARMSTRONG HAD A BROWN PAPER BAG AND

Signature
Taken by

(signed) Paul M Hill

Continued statement of:

Paul Michael HILL

THE BAG HAD HITS ON THE FRONT OF IT AND INSIDE IT WERE THE SNAPS OF 2 PUBS IN GUILDFORD HE SAID I HAD SEEN THEM BEFORE IN RONDU ROAD. AS WE WERE TALKING GERRY AND PAUL WERE TALKING AWAY IN THE CORNER AND I HEARD TWO CARS STOP OUTSIDE PAUL SAID COME ON AND ME AND ARMSTRONG WENT IN THE FIRST CAR A DARK SALOON WITH FOUR DOORS AND JERRY AND PAUL WENT IN THE SECOND CAR A FOUR DOOR LEMON OR YELLOW XL GRANADA WE THEN DROVE OF AND WHEN WE GOT TO ABOUT CLAPHAM WE LOST THE SECOND CAR BUT ARMSTRONG DID NOT SEEM TO WORRY HE TOLD ME THE WAY DOWN THAT WE HAD JUST PASSED A RACECOURSE FURTHER ALONG THE ROAD AS I WAS LOOKING BACK FOR THE SECOND CAR HE SAID HE WE ARE OR THERE THEY ARE HE STOPPED THE CAR AND TWO BIRD'S GOT IN ONE OF WHICH WAS MARION I HAVE MENTIONED HER IN MY OTHER STATEMENT SHE WAS WEARING A MOD DARK CHECK COAT AND PATENT SHOES AND THE OTHER BIRD WAS ABOUT 30 WITH A DARK COULOR RAIN COAT TYPE THING ON AND BOTH HAD CARRIER BAG'S ONE WAS BROWN AND THE OTHER WAS WHITE WITH PRICERITE ON THE SIDE I WAS TOLD BY ARMSTRONG IN THE CAR I KNEW MARION BUT WAS NEVER TOLD THE OLDER'S WOMEN'S NAME WE DROVE ON IN TO GUILDFORD AND MARION WAS ASKING A LOT ABOUT PAUL WHERE HE WAS AND ARMSTRONG SAID HE HAD GONE TO PICK SOMEONE UP OR TO DO A MESSAGE. WHEN WE GOT TO GUILDFORD WE DROVE ROUND THE TOWN AND WE

Signature
Taken by

(signed) Paul M Hill

COULD NOT GO DOWN ONE STREET BUT THE
NEXT TIME WE CAME ROUND I WAS
TOLD BY ARMSTRONG TO GET OUT AND
WAIT AT THE TRAIN STATION AND A GUY
WOULD COME UP TO ME AND HE WOULD
KNOW ME AS I HAVE LIGHT BLUE TROUSERS
ON. I WAITED THERE FOR QUITE A WHILE
AND HE CAME BACK HE ASKED IF
ANYONE HAD COME AND I SAID NO AND
HE SAID HAD I SEEN ANYONE WITH
GINGER HAIR I SAID NO WE DROVE
BACK TO QUIX ROAD LONDON
AND HE TOLD ME TO ASK THE
PRIEST HAD ANYBODY COME I DID
AND HE SAID NO WE WERE THERE
ABOUT 5 "MIN"S AND WILSON CAME
DANNY WILSON ARMSTRONG TOLD HIM
OFF FOR KEEPING US HANDING ABOUT
AND FOR NOT BEING ON TIME WE
GOT BACK IN THE CAR AND WE
DROVE OVER A BRIDGE AT THE THAMES
ARMSTRONG SAID DO YOU STILL SEE YOU BIRD
AT SOUTHAMPTON AND I SAID YES
HE SAID IF YOU GO DOWN THERE AT LEAST
THAT IS SOMEWHERE YOU HAVE BEEN.
I WENT IT COST ME £2-99P RETURN
WHEN I GOT DOWN I TOLD MY BIRD
NOTHING AND WE WENT FOR A DRINK
NEXT DAY WHEN I SAW THE PAPER
I KNEW THE BOMBS HAD GONE OFF
IN THE PUB'S IN GUILDFORD. WHEN I
GOT BACK TO QUIX ROAD I SAW GERRY
AND HE SAID EVERYTHING WENT OK
AND ASKED WHERE I WAS I TOLD HIM
AND HE SAID HE ALREADY KNEW. AS
ARMSTRONG HAD TOLD HIM WE KEPT ON
WORKING FOR ABOUT A WEEK ON THE
SECOND WEEK ARMSTRONG CAME TO THE
JOB AND SAID HAD WE ANYWHERE TO
GO. GERRY SAID YES HE HAD AN
UNCLE IN MANCHESTER. ARMSTRONG SAID

Signature
Taken by

(signed) Paul M Hill

Continued statement of:

Paul Michael Hill

GO THERE AND KEEP YOUR HEAD DOWN. HE
GAVE US ABOUT £33 POUND EACH AND
NEXT MORNING WE WENT IT COST US
£10-20 RETURN FROM EUSTON TO PICCADILLEY
WE SAYED AT A WILLIE McCANN'S HOUSE
I THINK IT IS 16 BENJAMINE ST
NEWTON HEATH WE STAYED FOR
A COUPLE OF DAYS AND CAME BACK
DOWN ON THE SATURDAY GERRY WENT
TO QUIX ROAD AND I WENT TO SEE
MY GIRLFRIEND IN SOUTHAMPTON I CAME BACK
ON THE SUNDAY AND HE HAD LEFT A NOTE
WHICH SAYED EVERYTHING OK. GONE HOME GERRY
HE ALSO SAID HE WOULD PHONE ME UP
ON THE MONDAY. I WAS WAITING ON
THE PHONE AND ARMSTRONG CAME IN
AND SAID NOT TO WORRY ABOUT GERRY.
AS HE HAD NOT GONE HOME BUT WAS
OK HE SAID KEEP WORKING AND I DID
NOT TOO LONG AFTER THAT HE CAME TO
THE JOB AND ASK ME COULD I MIND
SOMETHING FOR HIM I SAID YES AND
HE BROUGHT A PLASTIC CONTAINER A BOUT
1 FOOT HIGH AND IT WAS ABOUT FULL
OF A LEMON COLOURED LIQUID AND HE SAID
FOR ME NOT TO SMELL IT OR KEEP
IT IN A WARM PLACE I PUT IT IN THE
CEMENT STORE JUST BESIDE THE GATE AT
WORK. A WHILE AFTER THAT HE CAME
BACK AND SAID COULD HE HAVE THE
CONTAINER BACK I SAID YES AND HE ASKED
ME TO SHAKE IT WHICH I DID HE
ASKED ME IF I HAD AND HE LAUGHED
HE GOT A CAR AND BACKED IT TO
THE GATE IT WAS A SPORTS CAR OF
SOME KIND IT WAS A TWO SEATER
WITH A SUN ROOF AND A BACK TAIL GATE
AND A GLASS WINDOW IN THE MIDDLE IN THE
BACK WAS SOME FOAM HE SAID PUT THE FOAM
OVER AND UNDER THE CONTAINER AND I DID

Signature
Taken by

(signed) Paul M Hill

HE SAID HE WOULD MEET ME AT THE
BOTTOM OF QUIX ROAD AND BESIDE BURTON'S
THE TAILOR'S SHOP. I WAS THERE AND
HIM AND PAUL CAME IN THE SPORT'S
CAR HE TOLD ME TO GET IN THE BACK
AND TO WATCH THE BAG A SHOPPING BAG.
AS THERE WAS A BOMB IN IT WHICH WAS
MADE UP IN RONDU ROAD THAT DAY WE
WENT TO A PUB AROUND THE CORNER
AND HAD A DRINK WE THEN WENT
DOWN TO WOOLWICH AND I WAS STILL
IN THE BOOT OF THE CAR HE SAID
WHEN WE STOP AT THE PUB WOULD I
GIVE IN THE BOMB WE WENT PASSED
THE PUB ONCE AND AS WE CAME
PASSED AGAIN THE CAR DRIVEN BY PAUL
STOPPED DEAD FAST ARMSTRONG JUMPED
OUT AND OPENED THE BOOT AND I
PUSHED THE BOMB OVER TO HIM HE
HAD A LONG LIGHTER THE TYPE WHICH
ARE DISPOSABLE HE THEN LIT THE BOMB.
WHICH HAD A FUSE ON THE TOP A SMALL
BLACK STUB AND IT SPARKED AND
SMOKED A BIT HE THEN THREW
IT THROUGH THE WINDOW OF THE
PUB. AND HE JUMPED IN AND AS
WE SPED OF A LITTLE THE BOMB WHEN
OFF HE DROVE ME BACK AND I GOT
OUT A CAMDEN TOWN AND HAD A
COUPLE OF PINTS SOME DAY'S AFTER THAT
I WAS COMING OF THE JOB AND HE WAS
PARKED IN THE SAME CAR WITH PAUL.
HE ASKED ME TO COME UP TO
THE PUB BUT THEY WERN'T OPEN YET
AS WE WALKED UP CAMDEN HIGH ST
HE DID NOT SEEM TO HAPPY BUT
SAID THE PUB JOB WAS OK. WE
WENT INTO THE MOTHER RED CAP AND
WAS DRINKING MY FIRST PINT WHEN
PAUL CAME IN HE CAME UP
TO ME AND HE SAID YOU

Signature
Taken by

(signed) Paul M Hill

Continued statement of: Paul Michael Hill

ARE TOO FUCKING HOT ARMSTRONG TOLD HIM TO COOL DOWN AND THEN SAID FOR ME TO GET OFFSIDE AND HE SAID I COULD SEE HIM AT RONDU ROAD WHEN I WANTED TOO I WENT DOWN TO MY GIRL'S AFTER THAT AND NEVER MADE CONTACT WITH HIM SINCE. (signed) Paul M HILL

I HAVE MADE THIS STATEMENT OF MY OWN FREE WILL WHAT I HAVE SAID IS THE TRUTH. (signed) Paul M Hill

This statement was written down in my presence by Paul Michael HILL, at Guildford Police station on 1.12.74
(signed) W E SIMMONS
D/Ch Supt.

SURREY CONSTABULARY

Station or Section CID Division G
Date 2nd December 1974

Statement of (name of witness) Paul Michael HILL
(in full - Block Letters)

Age of witness (if over 21 enter "over 21") 13.8.54 Belfast

Occupation of witness LABOURER

Address 27 New Barnsley Crescent, BELFAST 12

This statement, (consisting of pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the day of 19

Signature

being unable to read the above statement I

of read it to him before he signed it.

Dated the day of 19

I MAKE THIS STATEMENT OF MY OWN FREE WILL. I HAVE BEEN TOLD THAT I NEED NOT SAY ANYTHING UNLESS I WISH TO DO SO AND THAT WHAT EVER I SAY MAY BE GIVEN IN EVIDENCE. (Signed) Paul M. Hill. I AM NOW MAKING A THIRD STATEMENT THE FIRST 2 WHICH I MADE WHERE NOT THE WHOLE TRUTH BUT MOST OF THEM WHERE. THIS IS MY FINAL STATEMENT AND I WILL TELL THE WHOLE TRUTH. EVERYTHING I HAVE SAID UP UNTILL THE TIME WHEN WE REACHED GUILDFORD AND WHEN I WAS TOLD TO WAIT AT THE STATION THE CAR LEFT AND I WAS WAITING ABOUT 30 MINS TO 45 MINS I WAS TOLD TO WAIT ON A BLOKE CALLED WILSON WHICH I DID HE DID NOT COME AND ARMSTRONG CAME BACK IN THE CAR ON HIS OWN. AND ASK ME HAD HE COME I SAID NO AND HE SWORE HE SAID WE WERE GOING BACK OUTSIDE GUILDFORD AND HE SAID IT WAS TO MEET THE OTHER CAR. CAR WE DROVE FOR A SMALL WHILE AND STOPPED BY LIKE A WOOD OR STUMP OF TREES THE OTHER CAR WAS

Signature (signed) Paul M Hill
Witnessed by (signed) T Blake D/I P J Lewis D/C 236

ALEADY THERE ARMSTRONG SAID WAIT HERE
 HE GOT OUT WENT TO THE SECOND CAR
 AND SAID A FEW WORDS IN TO THE
 GIRL'S I MENTIONED IN MY OTHER STATEMENT
 HE THEN OPENED THE BOOT OF IT
 AND GAVE THE GIRL'S SOMETHING WHICH
 LOOKED LIKE A BOX HE CAME
 BACK TO ME AND SAID THAT WE WOULD
 BE LOOKING AFTER THE CAR'S WHILE THE
 JOB'S WERE FIXED UP. WHEN HE TOLD ME
 THAT HE ALSO SAID THAT GERRY AND
 THE OLD BIRD WAS ONE TEAM AND
 THAT PAUL AND MARION WAS ANOTHER
 I HAVE BEEN FRIGHTEND TO MAKE
 THIS TRUE STATEMENT TO NOW AS I
 DON'T THINK I WILL BE PROTECTED
 FROM THEM. WE THEN DROVE BACK
 THROUGH GUILDFORD AND WE STOPPED
 ON THE ROAD WHERE WE HAD CAME
 ME AND ARMSTRONG IN THE FIRST CAR
 AND THE OTHER FOUR IN THE SECOND.
 ON THE WAY OUT ARMSTRONG SAID THAT
 THE FIRST CAR WAS SO AS THE SECOND
 CAR DID NOT GET STOPPED. AS IT WAS
 THE CAR WITH THE BOMBS IN WHEN
 WE GOT TO GUILDFORD WE DROVE ON
 THROUGH AND PARK A DISTANCE FROM
 THE TOWN. ON THE SAME ROAD WE
 CAME DOWN ARMSTRONG SAID THAT
 THEY WOULD WALK BACK INTO TOWN
 MEANING THE OTHER'S IN THE SECOND
 CAR THAT HAD PARKED BEHIND
 US ON THE SAME ROAD. THEY GOT
 OUT AND WALKED HE SAID THAT HE
 WAS WORRIED BECAUSE WILSON HAD NOT
 TURNED UP. AND THAT HE MIGHT HAVE
 BEEN HAD AND HE SAID WE HAD
 PARKED HERE BECAUSE WILSON HAD SEEN
 THE CARS THAT MORNING IN LONDON.
 WE WAITED A LONG TIME AND
 WHILE WE WERE THERE HE WAS
 TALKING ABOUT WHERE WE COULD

Signature
 Witnessed by

(signed) Paul M Hill

(signed) T Blake D/I

P J Lewis D/C 236

SURREY CONSTABULARY

Station or Section CID Division G
Date 2nd December 1974

Statement of (name of witness) Paul Michael HILL
(in full - Block Letters)

Age of witness (if over 21 enter "over 21")

Occupation of witness

Address

This statement, (consisting of pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the day of 19

Signature

being unable to read the above statement I
of read it to him before he signed it.

Dated the day of 19

GO WHEN WE GO TO BE O.K. LIKE
FOR AN ALIBY I SAID THAT I
MIGHT GO DOWN TO MY BIRDS AS SHE
COULD ALWAYS SAY I WAS THERE
BECAUSE SHE DID NOT KNOW WHAT
WAS GOING ON. AND I NEVER TOLD
HER HE SAID THAT HE WAS GOING
BACK TO KILBURN AND THAT HE
WOULD BE O.K. THEN HE TALKED
ABOUT GIRL'S AND ALL THE HIPPI
BIRDS HE KNEW. HE KEPT SAYING
THAT HE HOPED THE OTHERS WOULD
BE O.K. AND HOPED THEY DID NOT
GET CAUGHT WE JUST TALKED ABOUT PUB'S
AND BIRD'S AFTER THAT AND HE SAID
THAT WE WOULD BE ALL SPLITTING UP IN
LONDON AND I ASKED HIM TO DROP ME
AT WATERLOO. WHEN THE OTHERS
GOT BACK WE JUST STAYED IN OUR
CAR AND PAUL BUMPED HIS HORN.
AND ARMSTRONG SAID THAT EVERYTHING
WAS SOUND WE THEN DROVE OFF
AND WE STAYED IN FRONT OF THE
SECOND CAR AGAIN UNTILL WE GOT
TO LONDON HE ARMSTRONG SAID

Signature (signed) Paul M Hill

Witnessed by (signed) T Blake D/I P J Lewis D/C 236

TO ME TO GET OUT OF THE WAY.
WHICH I DID AND HE TOLD ME TO
KEEP MY MOUTH SHUT AS I KNOW
WHAT WOULD HAPPEN IF I DID
NOT AND I KNEW WHAT HE WAS
ON ABOUT WHAT I HAVE JUST
WROTE WAS ALL I LEFT OUT OF
MY LAST STATEMENT AND THE FOLLOWING
STORY AFTER THIS IS ALL STILL THE
TRUTH. AND I CAN SHOW YOU WHERE THE
CAR'S WHERE PARKED AND WHERE MYSELF
AND ARMSTRONG WAITED WHILE THEY PLANTED
THE BOMBS. (Signed) Paul M Hill
I HAVE READ THE ABOVE STATEMENT
AND I HAVE BEEN TOLD THAT I
CAN CORRECT ALTER OR ADD
ANYTHING I WISH. THIS STATEMENT
IS TRUE. I HAVE MADE IT OF
MY OWN FREE WILL. (Signed) PAUL M Hill

Statement written down by Paul Michael HILL between
3.55 pm and 4.58 pm Monday 2nd December 1974
at Godalming Police Station in the presence
of Detective Inspector BLAKE and Detective Constable
236 LEWIS

(signed) T Blake D/I
(signed) P J Lewis D/C 236

SURREY CONSTABULARY

Station or Section CID Division G
Date 3rd December 1974

Statement of (name of witness) Paul Michael HILL
(in full - Block Letters)

Age of witness (if over 21 enter "over 21") 13.8.54 Belfast

Occupation of witness Labourer

Address 27 New Barnsley Crescent, Belfast 12

This statement, (consisting of pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the day of 19

Signature

being unable to read the above statement I

of read it to him before he signed it.

Dated the day of 19

I MAKE THIS STATEMENT OF MY OWN FREE WILL.
I HAVE BEEN TOLD THAT I NEED NOT SAY
ANYTHING UNLESS I WISH TO DO SO AND
THAT WHATEVER I SAY MAY BE GIVEN IN EVIDENCE
(signed) Paul M Hill. ALL I HAVE SAID IN MY
STATEMENTS BEFORE THIS IS TRUE EXCEPT
THAT THERE ARE SOME PEOPLE I HAVE
NOT MENTIONED AND THESE ARE WHERE
MYSELF AND GERRY USED TO WORK THERE
WAS A GANGER MAN BY THE NAME OF
CLARK AND WHEN WE MET THE REST OF
THE ONES I NAMED HE TOLD US WHERE
TO MEET THEM AND HE SAID THAT
HE WAS WATCHING US. ONCE HE MENTIONED
COULD WE GET HIM SOME GUNS FOR A
BANK JOB. ANOTHER PERSON I LEFT OUT
WAS MAGENISS HE CAME TO THE FLAT
AT RONDU ROAD AFTER WE HAD GOT THERE
AND HE LIFTED THE GUNS THAT WAS ON
THE SETTEE AND HE STARTED PLAYING
AND FIDLING ABOUT WITH THEM I LATER
LEARNT THAT HE CARRIED HIS OWN GUN
AND LOOKED AFTER ARMSTRONG. MAGENISS
LIVED AT RONDU ROAD AND HIS FIRST

Signature (signed) Paul M Hill
Witnessed by (signed) T Blake D/I P J Lewis D/C

NAME WAS JOHN ALTHOUGH
I ALWAYS CALLED HIM MAGENISS AND
SO DID THE REST AND WHEN I
MET DERMOT BEFORE IT WAS IN THE
WHEATSHEAF BAR IN CAMDEN TOWN AND
HE HAD A LONG COAT ON AND THAT HE
KEPT PRESSING HIS SIDE AS IF TO
SAY OR INDICATE HE HAD A GUN HE DID
NOT DRINK MUCH AND HE KEPT GOING IN
AND OUT ALL THE TIME. HE ONLY HAD
AN ORANGE AND PAUL SAID TO US THAT
DERMOT WAS FROM THE SOUTH AND THAT HE
WAS OK AND HE LOOKED AFTER HIM.
IN MY OTHER STATEMENT I SAID THERE WAS
A GIRL CALLED MARION WHICH IS UNTRUE
THIS GIRL IS CALLED CAROL AND I AM
NOT TO SURE OF HER SURNAME BUT
I BELIEVE IT IS LINNBERG OR SOMETHING
LIKE THAT AND THAT SHE IS ARMSTRONG'S
GIRL-FRIEND AND THAT SHE WAS SQUATTING
SOMEWHERE IN KILBURN BUT I WAS
NEVER AT THE HOUSE. HER DECSRIPTION
IS THE SAME AS THE ONE I GAVE
OF MARION EXCEPT THAT SHE HAS GOT
AN ENGLISH ACCENT AND NOT AN IRISH
ONE. AND SHE WAS THE GIRL WHO
CAME ON THE GUILDFORD BOMBING WITH
US AND WENT WITH PAUL TO PLANT THE
BOMB AND THE OTHER WOMAN WHICH
I SAID I DID NOT KNOW IS A
WOMAN CALLED ANNIE WHO I FIRST
MET IN A MIADA VALE CLUB AND
ANOTHER TIME AT THE CAROUSEL
BALLROOM IN CAMDEN TOWN AND
ON BOTH TIMES SHE WAS WITH
HUGH MAGUIRE AND HIS WIFE
KITTY. SHE TOLD ME SHE WAS
FROM BELFAST AND WAS FROM ABYSINIA
ST AND SHE SAID SHE HAD A
BROTHER CALLED ROBERT WHO WAS
ABOUT 20ISH AND WAS RETARTED

Signature

(signed) Paul M Hill

Witnessed by

(signed) T Blake D/I

P J Lewis D/C

THE NEXT TIME I SEEN HER WAS
WITH CAROL AND THAT WAS WHEN
WE WERE ON OUR WAY DOWN TO
GUILDFORD AND SHE WAS ALSO ON THE
BOMB PAIR WITH GERRY SHE SAID SHE
WAS OVER IN LONDON FOR A GOOD
TIME AND SHE WAS VERY FRIENDLY
WITH GERRY AND CAROL. AND WHEN I
WAS BACK IN BELFAST I WAS TOLD BY
BAP KELLY WHO I KNOW TO BE HIGH UP IN
THE BATTALION OF THE PROVOS IN BELFAST AND
THAT SOME WEEKS PREVIOUS TO THIS I HAD
SEEN GERRY AND HE HAD TOLD ME THAT
I MIGHT FOLLOW HIM OVER HE ASKED ME
FOR MY AUNTS ADDRESS WHICH I GAVE
HIM IN CASE HE HAD NO-WHERE TO
STAY. BAP KELLY THEN TOLD ME
THAT GERRY WAS ALREADY AWAY OVER
AND THAT HE WOULD SEE ME OVER
THERE AND THAT WE WOULD BE INVOLVED
IN BOMBINGS AND HE GAVE ME £28 TO
30 POUND FOR MY FARE. KELLY TOLD ME
THAT THE BOMBING TEAM WOULD ALREADY BE
OVER HERE AND DURING MY TIME HERE
I WORKED OUT WHO WAS WHO. THE CO

Signature (signed) Paul M Hill
Witnessed by (signed) T Blake D/I P J Lewis D/C

OF THE TEAM WAS AN OLD MAN OF ABOUT 50 WHO I HAVE SAID IN ANOTHER STATEMENT THE ADJ WAS ARMSTRONG OR ELSE PAUL AND MAGENISS WAS I THINK QM AS HE ALWAYS HAD A GUN AND THE BOMBS WERE MADE AT HIS PLACE IN RONDU ROAD AND CAROL AND GERRY WERE THE BOMB MAKERS. MYSELF AND WILSON WHO WERE WITH THE BOMBING TEAM BUT HE DID NOT TURN UP AS I HAVE SAID APART FROM BEING TOLD I HAD TO MEET HIM I HAVE NOT SEEN HIM DO ANYTHING. (signed) Paul M Hill
I HAVE READ THE ABOVE STATEMENT AND I HAVE BEEN TOLD THAT I CAN CORRECT ALTER OR ADD ANYTHING I WISH THIS STATEMENT IS TRUE I HAVE MADE IT OF MY OWN FREE WILL. (signed) Paul M Hill

Statement written down by Paul Michael HILL between 3.50 pm and 5.30 pm Tuesday 3rd December 1974 at Godalming Police Station in the presence of Detective Inspector BLAKE and Detective Constable 236 LEWIS.

(signed) T. Blake D/I
(signed) P J Lewis D/C

SURREY CONSTABULARY

Station or Section CID Division G
Date 4th December 1974

Statement of (name of witness) Paul Michael HILL
(in full - Block Letters)

Age of witness (if over 21 enter "over 21") 13.8.54 BELFAST

Occupation of witness Labourer

Address 27 New Barnsley Crescent, Belfast 12

This statement, (consisting of pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the day of 19

Signature

being unable to read the above statement I
of read it to him before he signed it.

Dated the day of 19

I MAKE THIS STATEMENT OF MY OWN FREE WILL.
I HAVE BEEN TOLD THAT I NEED NOT
SAY ANYTHING UNLESS I WISH TO DO SO AND
THAT WHAT EVER I SAY MAY BE GIVEN IN EVIDENCE.
(Signed) Paul M. Hill. WHAT I HAVE SAID IN THE
OTHER STATEMENTS IS BASICALLY TRUE EXCEPT FOR
ONE OR TWO THINGS WHICH I WILL NOW SAY.
WHEN THE CARS CAME TO QUIX RD. ANNIE AND
CAROL WERE ALREADY IN THE SECOND CAR IN
THE BACK. IT WAS THE GRANDA CAR WHAT
I SAID AFTER THAT WE DID DRIVE TO
GUILDFORD BUT DID NOT PICK THEM UP ON
THE WAY. LIKE I SAID I WAS DROPPED
AT THE STATION TO MEET WILSON ARMSTRONG
CAME BACK AFTER HALF AN HOUR AND I SAID
THAT HE (WILSON) HAD NOT COME HE THEN
DROVE ME TO JUST OUTSIDE GUILDFORD AND THE
OTHER CAR WAS THERE ARMSTRONG THEN GOT
OUT AND WENT UP TWO THE FIRST CAR
AND ANNIE AND CAROL GOT OUT AS WELL
THEY ALL LOOKED AT THE BOMBS IN
THE BOOT AND FIXED THEM WHILE THEY
WERE DOING THAT IT WAS ABOUT 4 O'CLOCK
WHEN WE DROVE AWAY WE DROVE ABOUT
TOWN AND PASSED A LOT OF TIME ONCE

Signature (signed) Paul M Hill
Witnessed by (signed) T Blake D/I P J Lewis D/C

ME AND ARMSTRONG PARKED AND HAD A
CHAT HE SAID THAT EVERYTHING WAS FIXED
UP AND TOLD ME THAT GERRY AND ANNIE
WERE GOING TO DO THE HORSE & GROOM AND
PAUL AND CAROL THE SEVEN STARS HE
TOLD ME THAT THE OLD BOY HE SAID
IN HIS OWN WORD'S (THE BOSS) THAT HE
SAID THERE WOULD BE NO WARNING AND
WE TALKED ABOUT HIS BIRD AND HE
SAID HE HAD BEEN AT A LOT OF
CRAZY PARTIES ARMSTRONG HAD TOLD ME
THAT WE WOULD MEET THE OTHER CAR.
ROUND THE CORNER FROM THE PUBS AT
ABOUT 7.45 AND WHEN WE GOT THERE
THE OTHER CAR WAS JUST THERE AND
WE GOT OUT AS THE GIRLS AND GERRY
AND PAUL HAD TAKE BAGS FROM THE
BOOT THEY WALKED PAST US IN TWO'S GERRY
AND ANNIE WERE ONE PAIR THE FIRST THEY
CARRIED A BROWN PLAIN BAG. LIKE A
CARRIER BAG. AND THEY WHEN UP THE
STREET FIRST. AND THE SECOND PAIR
PAUL AND CAROL WENT ACROSS THE
ROAD. BEHIND THEM CAROL CARRIED
A WHITE COLOURED BAG PAPER AS WELL
ME AND ARMSTRONG FOLLOWED DOWN ON THE
OTHER SIDE OF THE ROAD AND STOOD
ON THE CORNER JUST UP ABOVE THE HORSE
AND GROOM AND WE HAD JUST SEEN
GERRY AND ANNIE GO IN THERE.
PAUL AND CAROL WENT ON ROUND
THE CORNER TO THE OTHER PUB.
THE SEVEN STARS. AFTER ABOUT 10 - 15
MINS GERRY AND ANNIE CAME OUT AND
WE JUST WALKED IN FRONT OF
THEM BACK TO THE CAR. WE SAT
ABOUT 2. MINS IN THE CARS AND
PAUL AND CAROL CAME BACK AND
GOT IN THE SECOND CAR WITH ANNIE
+ GERRY. THIS WAS ABOUT 10 PAST EIGHT
WE THEN DROVE VERY FAST BACK TO

Signature (signed) Paul M Hill
Witnessed by (signed) T Blake DI P J Lewis D/C

Continued statemet of

LONDON THE OTHER CAR WAS STILL WITH US
WHEN I WAS DROPPED AT WATERLOO. THIS
WAS ABOUT NINE O'CLOCK OR AROUND THAT
TIME I RAN INTO THE STATION AND
CAUGHT A TRAIN TO SOUTHAMPTON. I GOT
TO SOUTHAMPTON AROUND 10 ISH A CAUGHT
A BUS TO SHOLING AND GINA WAS THERE
SHE WAS IN A BAD MOOD AS I
HAD TOLD HER I WOULD BE EARLIER THAN
THAT. I TOLD HER THAT I WAS IN
TROUBLE AND THAT I HAD STOLE SOMETHING
AND IF SHE WAS ASKED ABOUT ME I
WAS TO HAVE BEEN WITH HER SINCE
ABOUT SEVEN O'CLOCK THAT NIGHT AND
SHE SAID O.K. (Signed) Paul M. Hill
I HAVE READ THE ABOVE STATEMENT AND
I HAVE BEEN TOLD THAT I CAN CORRECT
ALTER OR ADD ANYTHING I WISH THIS STATEMENT
IS TRUE I HAVE MADE IT OF MY OWN
FREE WILL (Signed) Paul M. Hill

Statement written out by Paul Michael
HILL between 11.40 am and 12.55 pm on Wednesday
4th December 1974 at Guildford Police Station
in the presence of Detective Inspector BLAKE
and Detective Constable LEWIS.

(signed) T. Blake D/I
(signed) P J Lewis D/C

APPENDIX E

Statements made under caution by Gerard Conlon

on 2nd December 1974

and 3rd December 1974

and written down by him.

SURREY CONSTABULARY

Station or Section BOMB SQUAD Division GUILDFORD
Date 2.12.74

Statement of (name of witness) GERARD PATRICK CONLON
(in full - Block Letters)
Age of witness (if over 21 enter "over 21") 1.3.54 (20 years)
Occupation of witness UNEMPLOYED
Address 32 CYPRUS STREET, BELFAST 12

This statement, (consisting of pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the day of 19
Signature

being unable to read the above statement I
of read it to him before he signed it.

Dated the day of 19

I make this statement of my own free will.
I have been told that I need not say anything unless
I wish to do so and that whatever I say may be
given in evidence. (signed) G Conlon
I came to England on the 3/8/74 with Eileen McCann to
get married on the way over Micky McQuad said
if we had no were to stay his brother Danny
might put us up and he give me his address
and telephone number his address is 9 Shirley Tower
Shirley Southampton and phone number is 777797.
Eileen and I got the train to London and left our
baggage in the station and went see my
uncle Paddy. I sent Eileen to his house to see if
he was in his wife Annie answered the door
and said he was working so we tried to
get digs but could not get any so I telephone
McQuad in Southampton and his wife Mary talked
to me and said she could put us up for
a few days so we got the train from
Waterloo to Southampton and got their at
five o'clock pm. We got a taxi to his
flat and told him. Micky give us his
address and he let us stay their for
three week inside the three week I had
got a job and moved into a new flat of our

Signature (signed) G Conlon
Taken by

own in 39 Shakespear Ave Portwood Southampton.
We were living for about one week and Eileen
and I had arranged to meet Danny McQuad and
his wife for a drink on Saturday night in the Kings
Arms Church St Shirley we were walking up the
street and Danny was standing outside the pub
he said their is a belfast bloke in there who knows
you so we went inside and Paul Hill was sitting
there with his girl Enignia Clarke who I knew form
Belfast also their was her brother John Clarke
which I did not know. At first I though Hill had
been sent over from Belfast by the Provies to take
me back as I had been shoplifting and my mate
had already been shot in the leg for the same
thing I had already been arrested by the Provies and
beaten up for this, I knew Hill was in the Provies
as I had seen him shooting at soldiers.
So we sat down beside him and his girl
I was a bit frighten but he just said things
had got bad in Belfast and the soldier were
looking for him, I believed him because he
had got hair cut short and it was dyed.
Eileen and I left the pub at closing time to
go home but on the way out he called me back
and said he want to see me tomorrow in the
same pub at opening time. The next morning
I got the pub about 12 o'clock and was waiting
inside with John Clarke he brought me a pint
and started to tell all about Belfast. He told he
was D.C of D.Company in the Falls were I live
and that how Martin Skillen got shot dead I knew
Skillen because a couple of month before he was
killed I used to steal with him. Hill also told
me that he fire the shots from a rifle and his
funeral and he was told by a head man form
to come to England or go down South as
he was to hot in Belfast. I later played cards
in the pub and won about 30 pounds and I
hill ten pounds because I was frighten of him
because in Belfast when I stealing he
used to take money of me and he said if I did
not give him some he would get me fell in.

Signature (signed) G Conlon
Taken by

Continued statement of: Gerard Patrick Conlon

HILL asked me if I could get him a job were I was working and I said I would try when the pub shut he came back to my flat for some dinner and said he hate the stickie bastard who he was staying who was his girl brother in law. So we let him and his girl stay the night but my girl Eileen told them they would have left the next day because we would get in trouble the landlord. Hill and his girl stayed with a bloke who used to give me some dope for a few days then went back to his girl sisters house again because of Hill me and my girl broke up because he would keep coming to our flat and asking to go out drinking with him but he never had any money and I alway had to pay for the drinks, as I result of this I lost my job my girl and my flat. A few weeks later he asked me to go up to London as he could get me and him a job as he said he knew a lot people there and we would be alright. So I said I would have to see Eileen and find out if we finished she said yes so I packed my bags and went to London by train on Friday 20/9/74 we got into London about 8 pm and got the tube to Queen Park Station because my uncle Paddy used to drink in a pub beside the station we tryed the pub but he was not their so we went to his house but no one was in so we tryed a few more pubs but could not find I said to Hill what about this uncle of yours but he said that the bomb people were watching his flat and had already raided and showed his aunt and uncle a photo graph of him which is Hill. So we went to my other uncle Hugh who lives at 25 Westbourne Terrace Paddington and he put us up for night. Next day my aunt Kate told us to go to the Irish Center in Camden Town and they would put us up so we went to the place and filled in a form

Signature (signed) Gerard Patrick Conlon
Taken by

while filling in the forms Hill said put down that we had just come over from Belfast and that we knew nobody in England and had no money I ask him why he said your are a stupid bastard because if they knew we have aunts and uncles here in London they will not let us stay in the hostel so I did as he said and give the priest the form back and he give us a letter to take to Quex Rd Kilburn as they had another hostel their. Instead of going to Kilburn Hill he wanted to see his uncle Frank who works in Arlington Rd Camden Town so we went to his uncles job but he was not there but the ganger man who name is Tucker Clarke said are you Frank nephew Hill said yes I am and Clarke said I have heard abit about you they talked together for a few minutes but I did not hear what said Hill came back and told me he had got a job and I was to come as well on Monday but he was not sure if I would get a start. On the way back to get the bus for Kilburn I found £16 pound in the street we went to Quex Rd and seen the priest and give him the letter. Hill and I later went to Waterloo to collect our bags on the way out of station I said let get a pint in the pub across the street from the station he said no that soldiers and queers drinks in that pub and if I went in it would get me in trouble because of my Belfast accent but he would be alright because he could talk cockney and they would think he was from London. We took a taxi from the station to Kilburn and left luggage in our rooms and that night went out with my aunt Kate and had drink in paddington. On Monday we went to the job in Camden Town and started work a few day later I started smoking dope again. Hill would not take any of it and said if the boys back home found out he was taking dope he would get done. I said was he going to tell them I took drugs and he laughed

Signature Gerard Patrick Conlon
Taken by

Continued statement of: Gerard Patrick Conlon

and said no but if he did I would get a head job just like Brain SHAW got. A week or so later he said to me how would like to do a little job with him and some people he knew and I asked him who it was and he said what about giving the English a little fright. I asked what he ment and he said a bomb scare. I was smoking dope and was feeling high because of the dope and I said I did not want to hurt anybody I am not into volince that way I came a away from Belfast he just laughed and said that I should not be taken dope because if he told the lads in Belfast it would curtains for me but he also said it would just be to scare the bastards and let them know we are still here I said I did not want to get involved he said its help us or get a head job in Belfast went you go back. He told me to think about as he had to go and meet some people and he would be later I went to my uncle house and stayed for a few hour watch ing telly went I back to the hostel Hill was lying on the bed and said we going to see some of his friend in a few day I said for fuck such leave me out of this and he will get in touch with back home and tell I am taking dope and am talking about the IRA so I had a chance of getting killed when I went home or help him and his friend and he said he would not hurt anyone it was just to let them know we are still a round. On the job next day him and Tucker Clarke were talk about guns Clarke said he would like to get a gun for a wee job he wanted to do Hill said he would try and get him it if he could.

Signature (signed) Gerard Patrick Conlon
Taken by

A few night later Hill said we were going to see some people I had just taken a tablet of acid which is LSD I remember Hill telling to stand outside a pub in Kilburn High Road that he had to telephone somebody I later remember having something put over my eyes and I started to have a bad trip I must have been screaming or shouting because they took it of. One of them said dont worry nothing going to happen. I was took into a flat I do not know were this flat was. I was sitting on a settee beside Hill and he said to me this is Jim or John and someone called Paul there were other people their but I did not hear their names but I think one of them was Tucker Clarke but I am not sure also Paddy Armstrong could have been there a girl who I have never seen before put a box on the table I think their was sand in the box and something long a black with what looked like a watch everyone was standing round the table and she was talking but I did not understand what she was saying later she and the rest went out of the room and Hill and I were left alone he laugh and their you are nothing to it but I did not understand what he ment. They all came back and Hill started to talk to them they went to the table and Hill said to me just sit their and be quiet so I sat till Hill came over and said we are going home the next I remember was getting out of the car in Kilburn. He then took me into a pub we got a drink and he ask if I had any dope I said yes and looked at me and said have a smoke so I did we went back to the hostel and went to bed. Next morning on the way to work he said it was alright he would not tell the boys back home about me and the dope and would see if he could get me into the boys back home when I went back to Belfast. Hill used to go to Southampton to see his girl that he used to tell but I am not sure if he was

Signature (signed) Gerard Patrick Conlon
Taken by

Continued statement of: Gerard Patrick Conlon

telling me the truth. He used to leave the hostel every Saturday Morning and I would not see him again till late on Sunday afternoon. When he would come back he would tell to ring my uncle and ask if he would lend me a few pounds and when I got the money Hill and I used to go to my uncle club with my uncle and aunt. While HILL went a way every Saturday I went out with my aunt and uncle to their club a working man club.

One Saturday I though Hill had gone away so I went down to Ladbok Grove to buy some dope and brough £4.00 pounds of grass and a tablet of acid - LSD I went back to the hostel and smoked some of the dope then I went to the betting shop and the pub I came back to the hostel and smoked some more dope about 6 pm Hill came in and caught me smoking the dope he said was I still taking the drugs and I said please dont tell anybody he said we are going for a little drive I said I told my uncle that I would go out with him tonight he said never mine your uncle your going for a drive. He then took me to the Old Bell pub in Kilburn he brough some drink for him and me a short time later Armstrong and some other people came in Hill got up from the table and went to talk him they talk for a few seconds and Hill called me over and said right we are going for a drive now I asked him if it was alright to go to the toilet he said well make it quck I went to the toilet and was sick as I though they were going to do me in for taking dope I knew Hill would do it as he had told me how he had killed Brain Shaw and what he had done in Belfast. Hill and Armstrong came in to the toilet and laughed at me beening sick one of them said don worry youll be alright we then left and got a tube I think it was to Chalk Farm.

Signature (signed) Gerard Patrick Conlon
Taken by

We came out of the station and walked up a road which I do not know the name of I was then told to get in to a car I was told sit in the middle Hill at one side of me Armstrong at the other a girl and man were in the front seats the driving was done by the man I think two or three girls got in to another car with two men both cars drove of in to the country we were going down a country road when both cars stopped it was then I though I was going to shot the driving of our car got out and walked to the other car I asked Hill was I going to get shot Hill said nothing just smiled Armstrong said shut up the car later drove of the next time we stopped it was in a place I had never been to before Hill got out of the car so did the driver and went up to the other car two or three girls got out and started talking to Hill and the driver. The girl walked of and Hill and the driver of the car I was in stood at a corner Hill called me out of the car and told me to go with a girl she was carrying a bag two men went with the other girl. The girl I was with took me to a pub she had drink but I did not know what was in the bag I swear to god I did not know what was going on I went with the girl because I though if I did not what Hill told to do I would get shot. After the girl finish her drink the came over to me and said we might as well go back and see Paul Hill we went back to were he and the driver were standing Hill said to me get back into the car so I walk back and got in Armstrong was still sitting in the car. Hill the driver and the girl stood talking for a few seconds then Hill and the driver came back got into the car and drove back to London on the way back Hill said dont tell anyone were you was tonight I said way he said dont tell your mother in your letter and dont tell your uncle or aunt or you had it.

Signature (signed) Gerard Patrick Conlon
Taken by

Continued statement of: Gerard Patrick Conlon

The next day when I readed the papers and heard of what happened I did not know it was the place I had been to as I though the night before Hill had just tried to scare me I did not know anything what was going to happen. The next day when we went to work as soon as we got there Tucker Clarke said to Paul Hill were where you on Saturday night in Guildford and laughed Hill replied you know my crack Tucker and they laughed. What I have told you is the truth every single word.

(signed) G Conlon

One thing I forgotten is when Hill first told me about a bomb scare I said I did not know how to make bombs, he said you know my crack I know how to make bombs remember Balken Street which is in Belfast were three IRA MEN were blown up their names are J MCKINNEY J DONAGHY AND P MAQUIRE Hill told me he told them they did not make and he said they would not listen to him he also said if they had they would still be alive and he not to worry he would see I was alright if I did what he said. (signed) G Conlon

This statement was written at Godalming Police Station on the 2nd December 1974 between 2.20 pm and 8.5 pm by the above named person in the presence of Detective Chief Inspector GRUNDY and Detective Sergeant JERMEY.

(signed) L H GRUNDY D/Ch.Insp

(signed) G JERMEY D/S

SURREY CONSTABULARY

Station or Section BOMB SQUAD Division GUILDFORD
Date 3-12-74

Statement of (name of witness) GERARD PATRICK CONLON
(in full - Block Letters)

Age of witness (if over 21 enter "over 21") 1.3.54 (20 years)

Occupation of witness UNEMPLOYED

Address 32 CYPRUS STREET, BELFAST 12

This statement, (consisting of pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the day of 19

Signature

being unable to read the above statement I

of read it to him before he signed it.

Dated the day of 19

I make this statement of my own free will. I have been told that I need not say anything unless I wish to do so and that anything I say may be given in evidence. (signed) G Conlon
My aunt Annie showed six of us how to make bombs Annie is the women in the flat I has spoken about in my first statement. Hill is the leader also their was Paddy Armstrong Coral who surname I do not know a man called Paul his second name I dont know and myself. Paul Hill and Annie did most of the talking on how they were made. They showed us a box with a long black thing and a pocket watch on top of it also sand was in the box. Annie said to me I bet your surprised to see me here I said yes I am she said I know Paul from long ago I did not know what she ment. She said to all of us that we might have to do this one of these days. A few days later Hill said to me we are going for a drive and I asked him were he did not answer me. I went with him and he took me to a car in which their

Signature (signed) Gerard Patrick Conlon
Taken by

were some people sitting in the car their names are Annie, Paul, Armstrong then Hill told me to get in he then also got Paul then drove of after a while we stopped in a country lane their was another car in front of us Paul the driver of our car got out and walked up to the other car a few second later Annie and Hill also got out and walked up to the other car leaving Armstrong and myself in the car Hill came back and told us to get out which we did and walked we him to the boot of the other car which Annie Coral Paul and a girl and a man who names I do not know Hill joined them while me and Armstrong stood behind them. Hill told Paul to go back to the car and put the headlights on he told Armstrong and myself to go to the boot of the car we were in and get the sack out of it Armstrong took it and give it to Hill who then started to do something in the boot of the car with the others Armstrong and myself stood behind them Hill was doing something with two shopping bags after a few second Hill told all of us the bombs we ready we then went back to the car and drove of again Hill said to me I had to go with Coral I said I did not want to hurt any one he said I told that it is only to scare them nobody will get hurt a time later we stopped in a town which I had never been to before Hill and the driver and Annie got out went to the other car the two girl and driver and out Hill came back and told me to get out and go with Coral I said to him Benny I hope no one is going to get hurt he said that nobody will get hurt and also said remember Brain Shaw and look what happen to him so do as I tell you I then went of with coral she said

Signature (signed) Gerard Patrick Conlon
Taken by

Continued statement of: GERARD PATRICK CONLON

to walk beside her which I did we walk for a few minutes she had a bag which Hill give her and there was a bomb in it she took me to a pub and said to me go you in first and if you want buy a drink for yourself I went but did not buy a drink I just stood in side she came in a had a drink a few minutes later came over to me and said lets get back to Paul Hill we left and went back to Hill who was talking to Annie and Paul he said to me get back in the car so I did him and the other came back and got in the car we drove off on the way back Hill said to me you tell nobody were we have been dont tell your uncle Hugh or write in you letters to your mother or you will get filled in like Shaw and I said all right but I hope no one will get hurt he told me not to worry Paul drove us back to London. One thing I forgotton to say is when I went into the pub I stood between the door and the bar. Coral sat down on a bentsh on my left half way up the wall there was some people sitting at some tables when she left the pub she had no bag with her. (signed) Gerard Patrick Conlon
This statement was made by the above named person between 5.47 pm and 7.2 pm on 3rd December 1974 at Godalming Police station in the presence of Det. Chief Inspector GRUNDY and Detective Sergeant JERMEY.

(signed) L H GRUNDY D/Ch.Insp

(signed) A P JERMEY D/S

APPENDIX F

Statements made under caution by Patrick Armstrong

on 4th December 1974

5th December 1974

and 20th January 1975

The statement of 20th January was made to an RUC officer

was just before closing time on a Saturday. We all wore hooded masks. The shop was still open, McKEE and HUGHES went in first where the punters were. I came in and ordered the manager to open the door. Docherty went in to the office and got the money. We got about 3 to 5 thousand pounds. I never got a penny, it was all for the funds. We all had guns. The girl had a Thompson sub machine gun, I had a colt .45 and the other two had Lugar automatics. All the guns were loaded. They were brought to us by DOCHERTY who knew where the arms dump was. If anyone came to stop us we had orders to shoot. We used a stolen car for the job. The same team did the same bookies on two other occasions in June and July of 1973. On each occasions we had the loaded guns. We didn't get much on these jobs, just about two to three hundred. DOCHERTY told us afterwards how much we had taken. The same team has done two other betting shops, Paddy GRAHAMS in PANTON Street, Falls Road area of Belfast, we used the same method we got about £200 on that one which was about the end of July 1973. We were all armed just the same. The other one was between August and October 1973 that was at a bookies Shaun GRAHAM'S, LEESON Street, Falls Road, Belfast. That was a Saturday again, the same as before, this time we got about £500. We were all armed. All these bookies were Catholics in the Falls Road area. Apart from these jobs I was given orders to go out shooting at night time. I've fired shots at British soldiers I don't know whether I've hit any or not. Sometimes I've shot at Protestants but only when they have shot at us. On two occasions I've been instructed to walk round the corner of Albert Street, Falls Road and empty my revolver in the direction of the army post. My colleagues would then open up on them once they had shown their position by opening up on me. I came to this country about six weeks before Christmas in 1973. I went to see DOCHERTY before I left and he agreed I should go. He told me that three jobs had been planned. He said that CONLON would be coming over to England himself and would let me know the details. DOCHERTY also told me to write to him and let him know where I was staying. I came over to England with Ray CLARKE. He's not a member of the IRA. He used to live in ARDOINE area of Belfast. I used to work with him in Ireland. He didn't know I was a member of the IRA. Prior to 1971 I was over here for about 4 months living in KINGSLEY Road, KILBURN at number 35. I was working at the Grand Hotel, Southampton Row, near Euston Railway Station. That was before joining the Provisionals. When I arrived over here with Ray CLARKE I lived at 47 Chichilly Road, Cricklewood, NW2. I worked at VOUGE Construction as a labourer. After about 2 weeks I wrote to DOCHERTY and told him where I lived

Signature (signed) P Armstrong
 Taken by (signed) T Style D/C/Insp

Continued statement of: Patrick ARMSTRONG

and told him the pubs I went to. The main one was The Old BELL in KILBURN High Road. I didn't have any reply so after about 4 weeks I wrote to him again saying that I was still at the same address. On the 5th March 1974 I was arrested for two offences of burglary in Cricklewood. I was charged with four offences two of burglary and two receiving. I was tried with four others, George ARMSTRONG, Martin McCARTHY, Terry O'SULLIVAN and KELLIER who was nicknamed 'BONES'. KELLIER, McCARTHY and me were acquitted of all four charges. This was not connected with the IRA. I was getting a bit surprised that I hadn't heard from CONLON. In the beginning of September this year I was having a drink in the Old BELL pub. It was a Saturday morning. I was on my own. As I went in the public bar I saw CONLON at the counter. He was talking to a man I knew Danny WILSON. I joined CONLON and WILSON and had a drink with them. CONLON and I then sat on our own at a table. CONLON told me that he had been to Guildford and taken some photographs and that he would show them to me the next week. We didn't discuss anything then because Danny WILSON and his friends came over to our table. Although we couldn't discuss details I knew from what he said there was going to be a IRA job at Guildford. Before CONLON left I arranged to see him the following Saturday in the same pub. The next Saturday I went as arranged. CONLON was already there. This time he was with HILL. This was the same HILL that was a Lieutenant in the IRA in Ireland. I was surprised to see him. I didn't know he was over in this country. HILL, CONLON and me went and sat at a table. CONLON showed me some photos of the two pubs. There was about 8 photos, four of each pub. There was one of the outside, one of the inside and one of each side street. CONLON showed me one set of photos and told me that I was going with him, Carol and Paul to bomb it. He told me it was military target. I said "OK, so long as there's no civilians in it". He told me it was just used by soldiers and that he wanted to kill them. This didn't worry me because it was a military target and I was under orders. I wasn't told the name of the pub or any details. HILL did say much. He just cut in now and then saying that he and three others were going to do the other Guildford pub. The arrangement was that CONLON would pick me up at the Old BELL on a Saturday and that we would go down by car and do the job. He mentioned that it would be in a couple of weeks time. We then were joined by others in the pub. We stayed until closing time then CONLON and HILL left and I went back to squat in 14 Lynstad Street, Kilburn.

Signature (signed) P Armstrong
 Taken by (signed) T Style D/C/Insp

Two weeks later I was in the Old BELL when CONLON came in the public bar. It was about 10 minutes to three. He called me over and we went out. Round the corner a car was parked. It was a Ford make, 4 door colour grey. I think it was a Capri. When we got to car there were two people already in it. A man sitting in the drivers seat and a girl in the back. I sat in the back next to the girl and behind the driver. CONLON got into to front passenger seat. When I got in he told me that that the driver was PAUL and the girl was CAROL. This was the first time I had seen either of these people. We left Kilburn at about 3 pm. As we started to drive off CONLON said we were going to that place he had showed me on the photograph. In between CAROL and me was a parcel. It was about 18"x12"x6". It was in the shape of a box, wrapped in brown paper with sellotape and string on it. I asked CONLON what it was and he replied, "Its the bomb". I got a bit worried about having it so close to me but CONLON said that it was alright. I asked him how it worked. He told me it consisted of gelignite or dynamite sticks with a detonator attached to it with a timer wired on to it. There was nothing showing on the outside and I thought it must have been already set. PAUL never said much he just carried on driving. He seemed to know where he was going. We didn't stop to ask the way at all. I started to have a general chat to CAROL in the back seat. I got the idea that CAROL was CONLON'S girlfriend. We travelled for about an hour. On the journey CONLON told me that there was enough explosive in the parcel to kill a right few people. I didn't ask about the other Guildford pub I was just concerned about the job I was going to do. When we got to Guildford we drove to a cafe. On the way through the town CONLON pointed out the second pub he said, "Thats the other pub that I showed you photographs off". I assumed that was the other pub that was going to be bombed. We went to a cafe near the second pub. The cafe was quite crowded. I recognised HILL in a group of four sitting at a table. Including HILL there were three men and a woman in that group. HILL was the only one I knew. When we went into the cafe CONLON told me to put the parcel on the floor at the back so it wouldn't be seen. We had parked behind a Ford Anglia car, light colour, right outside the Cafe. I knew later that that car was the one used by HILL's group. When we went in CAROL, PAUL and me sat down and CONLON went over to talk to HILL and that group. When he came back we got something to eat and a cup of tea and when we were all sitting at the table I asked CONLON what was going to happen. He told me that him and CAROL we going in with the parcel and that Paul was to sit in the car

Signature (signed) P Armstrong
 Taken by (signed) T Style D/C/Insp

Continued statement of: Patrick ARMSTRONG

and I was to stand outside. He said that I was to keep watch and if I saw any Police go to the car I was to go in and tell them. I asked CONLON the name of the girl in the other group. He said, "It's my aunt EDITH or EDNA". I asked him about the other two blokes with HILL and he said that they had just come over from Belfast. I had asked him about these two because I had recognised them in the Old Bell pub. They were in that pub on the second meeting with CONLON when he showed me the photos of the pubs. They were sitting on their own that time. I remember that HILL had spoken to them both and had bought them a drink. We had arrived at the cafe about 4.30 pm. We stayed in the cafe till just before 7 pm. CONLON gave us the instructions when to leave. He just got up and said "We're going". HILL's group got up at the same time and went out in front of us. As we got out I saw them driving off in the Ford Anglia tht had been parked in front of us when we arrived at the cafe. My group got in the same positions in our car and we drove to the pub. I recognised it when I got there from the photos CONLON had showed me. It was a country type pub in a main road. I dont know the name of it but I remember that the sign outside the pub had a picture of a horse on it. We drove from the cafe up a main road. PAUL parked the car just down from the pub. PAUL sat in the car and we all got out. CONLON was carrying the parcel. I walked with CONLON and CAROL to the pub. I stood a few yards away from the pub on the pavement keeping watch. There were quite a few people around. CONLON and CAROLE went in to the pub. CONLON had said that he was going to plant the bomb as near as he could to the counter under a table. There were people standing by a bus stop just outside the pub and I noticed quite a few youngsters going in and out of the pub. I kept watch for about 1/2 to 3/4 of an hour. All this time I kept PAUL in my sight. CONLON and CAROL came out of the pub at about a 1/4 to 8. I saw that they weren't carrying the parcel bomb. When I saw them come out I went and got in the back seat of our car. CONLON and CAROL came over and got in. CONLON seemed very calm. When he got in he said, "Thats that one, we've got a good hour, so lets get away". We drove up past the pub and turned left. We then turned down a side street and left again back into the main street and turned in a direction away from the pub. There was quite a bit of traffic about. We drove at a normal speed. We drove straight back to the Old BELL at Kilburn. PAUL, CAROL and me were nervous

Signature (signed) P Armstrong
 Taken by (signed) T Style D/C/Insp

but CONLON was calm. On the way back he was talking of going back to Southampton once he had dropped me off. Before I got out of the car CONLON told me that he would see me soon about another job for me. When I had seen him on the second time when he showed me the photo's CONLON had told me there were three jobs that he wanted me in on. One was the Guildford job, the Woolwich job and a bank in Kilburn and that they would be done near enough in that order. So when he told me he would see me about the second job I knew he meant the Woolwich job. At that time I didn't know what type of job it would be at Woolwich. When we were dropped just round the Old Bell pub at Kilburn, CAROL and I left the car and walked up the Kilburn High Road, PAUL also left the car at the same time as us and walked away from us. The last I saw of CONLON was him sitting in the passenger seat. I took CAROL home and then I went home. It wasn't until the next morning when I read it in the papers that I realised what I had done to innocent people. I was upset because I was told it was a military target. It started to bother me and I started taking drugs. I know it affected CAROL the same way and she started taking drugs as well. By this time CAROL and me had started going out together and she came to live with me. I didn't receive anything for the Guildford job. I went back to work and I didn't see CONLON or HILL or any of them for about a fortnight. About a fortnight later on a Wednesday morning PAUL came to see me at my address. It was about 11 am. He told me that we were going to WOOLWICH to take some photographs. He didn't say what of. I asked him if it was orders from CONLON. I asked him this as I only take orders from CONLON. PAUL had known my address because I had told him where I lived when we had driven down to Guildford. When I came out of the house I saw HILL sitting in a car. He was sitting in the driving seat. It was a sports car like an E type Jag. I asked PAUL what it's all about he said "It was to take some photographs and get other things". We drove straight to WOOLWICH and parked outside a pub in a side road near the centre. PAUL and HILL got out and left me in the back seat. PAUL was carrying a camera in a leather case. They had told me to sit in the car. I assumed it was just to look after the car when they went. HILL had driven the car to WOOLWICH. They were away from the car for about 20 minutes. When they came back they said they had got the photos they wanted. I knew this was preparation for a bombing. They always take photos first. We drove straight back to Kilburn and on the way back I asked them about CONLON. PAUL said they would be meeting him the next

Signature (signed) P Armstrong
 Taken by (signed) T Style D/C/Insp

Continued statement of: Patrick ARMSTRONG

day. I asked them if they would be needing me again and Hill said that they would not. A day or two later I was watching the television at my sisters address at 31 Linton street, New Barnett, when I saw that a pub in WOOLWICH had been bombed. I thought PAUL, HILL and CONLON had done it. Since these jobs I hitchhiked with CAROL round the country we were away for about a fortnight. We went to North Wales, Bristol, Devon, along the coast to Dover then back to KILBURN. Since the bombings I've been really worried about what I've done. I've been taking drugs, a lot of them. I don't feel proud about what I ve done. I was under orders. If I had'nt done it I would have been shot. They will still get me now for giving names. CONLON is bad cunt. He hates everything British. He was in Belfast as well. Even if there is trouble between the official IRA and the Provisionals he is just a wicked to the Official IRA. He is even a bastard to his own volunteers. He has hit me with a gun a couple of times. I know he has a gun over here. He said he can get shooters anytime.

(signed) P ARMSTRONG

I read the above statement and I have been told that I can correct alter or add anything I wish this statement is true I have made it of my own free will.

(signed) P ARMSTRONG

(signed) T Style D/C/Insp

Statement taken by T L STYLE D/C/Insp at Guildford Police Station between 2.45 pm and 6.50 pm on Wednesday 4th December 1974 in presence of Det. Sgt. DONALDSON and Det. Con. ATTWELL.

SURREY CONSTABULARY

Station or Section	CID	Division	Guildford
		Date	5th December 1974

Statement of (name of witness) (in full - Block Letters)	PATRICK ARMSTRONG
Age of witness (if over 21 enter "over 21")	24th Sept 1950 @ BELFAST
Occupation of witness	LABOURER
Address	14 ALGERNON RD, KILBURN, LONDON NW6

This statement, (consisting of pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the day of 19

Signature

being unable to read the above statement I
of read it to him before he signed it.

Dated the day of 19

I Patrick ARMSTRONG wish to make a statement. I want someone to write down what I have to say. I have been told I need not say anything unless I wish to do so but whatever I say will be written down and may be given in evidence. (signed) P Armstrong

I've been thinking over what I said to you and there's something else I want to tell you. I went into the pub with Carol and it was me that planted the bomb under a seat. The story I told you before was dead right up till the time we pulled up at the pub. For some reason CONLON changed his mind and said that I was to go in. I had an argument with him about it. I didn't want to go in. He told me that if I didn't go in I would be shot. So me and Carol got out of the car with the bomb. I was carrying it under my arm. We went in through the front door. I gave Carol the bomb and went up to the bar and bought some drinks I had a pint of Light and Keg and Carol had a short, I think it was a Vodka. As I had gone to get the drinks Carol had gone over to an alcove by a fireplace. It had a juke box and tables in it. When I got the drinks I went over and sat by Carol. The pub was quite crowded and the alcove as well. At first Carol and me sat right at the end of a bench seat in the alcove opposite the fireplace. We put our drinks on the table. The bomb was on the seat between us. CONLON had told me to act normal in the pub. Both Carol and me were nervous. I sat nearest the outside wall and

Signature (signed) P Armstrong

Taken by (signed) T Style D/C/Insp

Carol was sitting on my right. After a few minutes some people came and sat by CAROL and both Carol and me shifted round the seat so that both of us had backs to the outside wall and facing the bar. I decided to put the bomb under the seat where I was sitting. Because it was so crowded there Carol leant forward and bent down in front of me. I got hold of the bomb with my right hand and slipped it under my seat. I pushed it under as far as it would go. After that we sat there having our drink I saw CONLON came in and stand by the bar opposite us by a pillar. He did not acknowledge or signal to us. I saw him look at us though. I saw him go to the bar and get a drink. Carol and me then started necking, I put my arm round her and she cuddled up. I started kissing her round her neck and ear. We did this so we would'nt get involved with other people in that place and have to talk to them. After a few minutes I noticed CONLON going towards the gents toilet. I did'nt see him again in the pub. After about 20 minutes I decided we should go. I said to Carol, "We'll go now", we got up and left. on the table on my left there were a couple of old people a man and a woman. I think they were in their forties. The rest of the people were young, teenager type. There were a lot round the fireplace and juke box. We left the pub at quarter to eight. When we came out CONLON was in the car with PAUL. Carol and me got in the car. The rest of what I've told you is right. I've been shown a map of the inside of the pub. I've mark on the map with crosses where Carol and me were sitting when we first went into the pub. The circle near my position shows where I put the bomb. The cross near the bar is where I first saw CONLON. The crosses near the outside wall show where we were sitting when I placed the bomb.

(signed) P Armstrong

(signed) T Style D/C/Insp

I have read the above statement and I have been told that I can correct alter or add anything that I wish this statement is true. I have made off my own free will.

(signed) P Armstrong

(signed) T Style D/C/Insp

Statement taken between 2.45 pm and 3.35 pm on Thursday 5th December 1974 at Guildford Police Station by T L STYLE Det/Ch/Insp. in presence of DS DONALDSON and DC ATTWELL.

Signature (signed) P Armstrong

P.A.

Statement of Patrick ARMSTRONG, DOB 24.9.50, labourer of
14, Algernon Road, Kilburn.

Taken by: D. Con. McCawl on 20.1.75.

I have been told by Det. Const. McCawl that I am not obliged to say anything and I understand that anything I say will be taken down in writing and may be used in evidence. I clearly understand this caution and wish to make a statement.

(Signed) P. Armstrong. 20.1.75. Time 3.00

As you know I come from Belfast. I lived at No.3, Massereene Row, Divis Flats. Before that I lived at No.8, Milton Street. I came over to England in 1971. I had been in the Official I.R.A. but left it when they called the truce. I was living at 35, Kingsley Road, Kilburn. I remained in London until August '71, when I went back to Belfast. About a month after I went back I joined the Provisional I.R.A. It was Benny McKEE of 52, Bearna Drive and Patrick DOHERTY from the New Lodge who approached me to join. I was a member of D. Coy., 1st. Battalion in the Lower Falls area. DOHERTY was the C.O. Benny HILL was a Lieutenant, Gerry CONLON was Lieutenant of C. Coy McKEE was a volunteer the same as myself. After two or three weeks I went for training to a place near Dundalk. It was in a forest, and we stayed in week huts. There was fifteen or twenty of us. We were trained in short arms. After my training, the first job I done was McCartans the booking shop of 38, Falls Road. This was about the second week of December, 1971. I took my orders from DOHERTY. There was four of us on the job, they were Paddy DOHERTY, myself, Benny McKEE, and a girl called Brig HUGHES. I met DOHERTY and the others in the Kashmir.

We drove down to McCartans. It was a hi-jacked car. DOHERTY drove it. We were all in the car. DOHERTY handed me a forty five revolver when I got into the car. The rest of the arms were two short automatics and a Thompson.

Brig. HUGHES had the Thompson. We went into the bookies. She and I covered the punters while DOHERTY and McKEE went into the office. After they got the money we all got back into the car and drove off. They dropped me off at Panton Street. Whilst we were doing the job we all wore black woolen caps pulled down over our faces with holes cut for the eyes and nose. I was dropped off and they went on. DOHERTY had the money with him. I saw DOHERTY three or four days later. He told me they had got over £1000 from the job, and he had handed it over. The next job I did was McCARTANS again. This was in February, 1972. It was the same crowd of us again and we were armed exactly the same. We went through the same routine. I think we got between £300 - £500 this time. We did McCartan's again July '72, before the 12th week. It was the same four, same arms and same routine. We got roughly £300 this time. All these jobs were done on a Saturday just before closing time about 5 p.m. About August, 1972, we did McGranoghan's Bookies in Panton Street. It was the same four again, the same routine. We got about £400 on that job. About the end of January beginning of February, 1973, we did Kelly and McCartons of Leeson Street. It was the same four again and the same method of operation. We got about £600 there. these last two jobs were also on Saturday afternoon, before closing. I never saw the money on any occasion. DOHERTY took charge of it and told me later that he had handed it over. The reason for doing these jobs was to get funds for the Provisional I.R.A. I think the finance officer lived about Clonard Gardens, it was either 152 or 52. I can't remember his name but it was either John or Jim and his surname was a funny sounding name. He was a young fellow, 18 or 19 years, long black hair with a moustache, about 5ft. 6" or 5ft. 8", stout build. DOHERTY supplied the weapons on each occasion, and they were always loaded.

20.1.75

(Signed) P. Armstrong. Time: 3.45

APPENDIX G

Statements made under caution by Carol Richardson

on 4th December 1974

5th December 1974

6th December 1974

and 9th December 1974

The statements of 4th, 6th and 9th December were written down by her.

hair got out they came back about 5 minutes later Paddy dropped his Jacket on my lap and the other bloke shut the door after him I did not see a parcel of any sort not long after that we stopped and a man came over to the drivers window I think they might have been getting directions but I am not sure.

About 5 minutes later we stopped again and Paddy brought me back a can of coke or pepsi we started of again after a few minutes. I cannot remember much more about the day exept for a shop very brightly lit. I think I went into a public house but I am not certain I think it had red or orange lights a timber roof with wooden beams if I was in the pub the toilets were downstairs.

At one point we crossed a flyover going there just before I went to the public lavertory. I don't think we stopped coming back. I slept for about a day and a half after the journey. And the first I heard about it was on the television Monday night.

(Signed) c Richardson

I have read the above statement and I have been told I can correct, alter or add anything I wish. This statement is true. I have made it of my own free will.

(signed) c Richardson

Statement written in the presence of: (signed) A Longhurst. DCI.

Statement written in the presence of: (signed) A Mills WDC 31

Statement written in the presence of (signed) Martin A Wise
DC 1079

Taken in Room 322, Guildford Police Station.

SURREY CONSTABULARY

Station or Section	CID	Division	Guildford
		Date	5th December 1974

Statement of (name of witness) (in full - Block Letters)	Carole Margaret RICHARDSON
Age of witness (if over 21 enter "over 21")	19/6/57 (17 years) Willsden
Occupation of witness	Housekeeper
Address	88 Iveson Road, West Hampstead, 44 Kennelworth Road, Kilburn

This statement, (consisting of _____ pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the _____ day of _____ 19

Signature

being unable to read the above statement I
of _____ read it to him before he signed it.

Dated the _____ day of _____ 19

I Carole Margaret RICHARDSON wish to make a statement. I want someone to write down what I say. I have been told that I need not say anything unless I wish to do so and that whatever I say may be given in evidence. (signed) c Richardson.

I would like to say that the statements I made yesterday was'nt completely true. I started going out with Paddy ARMSTRONG regularly on the 6th September 1974, after a party at 14 Linstead Street, West Hampstead, where he was living at the time. But I had seen him previously in a Pub called The Cock in Kilburn. I moved into the Squat in Linstead street round the end of September, and I met Tom and Jack'o, and Vintie, (all gone back to Ireland now) and Maggie we spoken to them before. Also staying there were Pearce, and Johno, Lennor and Jimmy, some of these moved in after me. From time to time Paddy would say things about the British soldiers, when he heard one had been shot, he would say that it was good, and it was a pity only one or so had been shot. He gave me the impression that he hated the soldiers in Ireland, and I had the feeling he belonged to a group over in Ireland. As he used to say things about being put in barracks. Apart from living in Iverson Road, we lived in Algernon Road for about three or four weeks. Then I went to my present or last address in Earls court. On Saturday the 5th October, around about 3 o'clock I was walking up Kilburn High Road, towards Brons'bury

Signature	(signed) c Richardson
Taken by	(signed) A Mills WDC 31

Railway Station, after I'd been to 'Kilburn Snack bar' for a meal, when I saw Paddy, he'd been away for a few days and I thought he'd been to his sisters in Welling garden City. He had supposed to have come back the night before but he had'nt. Paddy was in a car coming from the other direction. It pulled up in front of me on the other side of the road. Paddy got out and walked over to me. He asked me if I wanted to go for a drive, but didn't say where, I agreed to go. Paddy got in the driver's side at the back. I got in next to him behind the front passenger. It was a creamy coloured big car. I think it was a ford car, a saloon sort of a car, and I think it had a radio in it. The driver of the car, I knew as 'Dodger' who I'd seen in the Memphis bell, who sometimes talked to Paddy, Dockerty (gone back to Ireland). Little Jimmy (he's inside now) and Frank MULLOY. This man has dark brown curley hair, 26-27 years of age, 5'8". He had highish cheek bones, and large noticable eyes. He was of medium build, may be a bit smaller than Paddy. On this particular day, he was wearing a dark blue suit. The other man in the front, I've seen a few times before, again in the Memphis. This man was about 25 years old, and a bit taller than the driver, say 5'9". He was bigger built than the driver. His hair was dark say black and not to long, he may have had a moustache, but I am not positive. He wore a black leather jacket. When I got in the car Paddy moved a large parcel which was laying longways on the seat towards him and turn it around. The parcel was about 15" x 8" and had a deffinite oblong shape. The top of the brown paper bag was folded over and underneath the complete parcel. It looked like a couple of shoe boxes, but I didn't ask what was inside, as I thought it was stuff he'd taken from his sisters. We drove straight out of London, towards Hendon and I think along the North Circular. We got to the flyover at the bottom of the North Circular, and went underneath it. About 5 minutes after this whilst still in the outskirts of London, I went into a public loo which was on the same side as me, and It was close to a park. and it had a weighing machine at the top of it. When I came back they were all in the car, I got in and we drove off. A couple of minutes later the passenger turned around and faced Paddy, and said, "You're taking that into the pub." and looked at the parcel on the seat. He turned to me and said, "You had better listen as it concerns you to". I said, "Why?" and he said "Co's you're going to blow up some British Barstard Soldiers". I said, "I am not". He said, "Thats what you think"

Signature

(signed) c Richardson

Taken by

(signed) A Mills WDC 31

Continued statement of: Carole Margaret RICHARDSON

I said, "I'am not". and he said, "If you don't you'l end up dead, like a few others in Ireland." I said, "Thats up to you." He said, "Dont worry Paddy will get it to."
I just burst out crying and Paddy didn't say anything.
We drove off, and now they openly discussed the bomb, they were saying that the bomb should take care of a good few people, and that it would make up for some in Ireland.
I think we were in Guildford, I don't know where, but we passed either a brightly lit garage or Hotel, and drove on a bit further and stopped the car. It was parked in a side street and we walked around a corner into the Wimpy. We had walked up a road, and across a street before we reached the cafe. When us four entered the cafe, I saw four other people, sitting there were about ten other people in there, but four were sitting together. These four, as you enter the door, were sitting at the first table to my right. Out of these I recognised a man with a beard, who I had previously met several times in Rondu road, and he is Paddys mate. I knew his name was John. At that time he had a full black beard, and moustache. When in Rondu road, as you go into the main bedroom he has the first cubicle on the right. There are four other men living there, thats a Scottish lad called Alistair, three other Irish lads who I know as Shawn, Andy and Robie. I've been present at "get-togethers" in 15 Rondu Road with Paddy where John and all these others have been present, and where we all sing rebel songs. He quite often wore a black leather jacket, which does up at the waist also black boots or sweede boots. Most of the time he does wear a 'V' necked jumper, but it's always in dark colours. There was another man there who I have seen in the Memphis Bell, at Kilburn with Paddy, Dodger, John and Shawn. (the last two from Rondu Road) He was about the same height or a bit shorter than John Medium build but slim round the waist. About 25 or 26 years of age, darkish hair, longish and over his collar. I can't remember what he was dressed in. I didn't know the woman he was sitting with. She was 5'5" and about 25-27 years old but may have been older. She was podgy but not fat, and was dressed in either a brown coat or jumper. I couldnt really say much about her as she was sitting between the other man I described and a man wearing a jean jacket which was dark blue, and brown turn-up trousers. This man had brown hair

Signature (signed) c Richardson
Taken by (signed) A Mills WDC 31

but it looked as though it was beginning to go grey. I only got a glance at him but he seemed the oldest one of the lot say 30-32. Paddy went to a table right next to theirs I followed. The driver of our car sat on the seat oppersite Paddy. John left the group of four and sat next to him oppersite me, the passenger sat next to him, so that Paddy and me, saw the backs of the woman and man in jean jacket, and the other man. John from Rondu road said, "This should get rid of a few more". The younger man from the other car (next to the window) said to Dodger, "You'r group can do the Horse." Paddy and John were talking to each other, and John said, "Don t worry no-one will find out". Someone asked the woman or she asked them for a cigarette, otherwise she didn't speak, or if she did I did'nt hear her. Just before we left John said, "What will we do about meeting?" and the younger man, said, "We'l all meet tomorrow." Dodger said "The usual place." When in the cafe I had a better view of Dodger, I noticed that when he reached for something he had, 'Eire' or something tattooed on his left arm. I say left, but could be wrong as he sat oppersite me. There was another tattoo which was on the back of his hand and part of his arm. He had a moustache, which was like an over grown Charlie Chaplin thing. My car load left and went back to our car, the others were still in there when we left. We seemed to drive round and round, when the passenger asked for the parcel, Paddy handed it to him and he kept it for about five minutes. I don't know what he did with it. But when he handed it back to me he said, "We've got at least half an hour." We drove on for approximately five minutes and parked the car in a road, which I thought was a dead end, and I saw several other cars parked near. Going back when I was in the cafe, the younger man, told Dodger something and he in turn said to Paddy "Paddy you can take it in the pub". He walked just round the corner to the pub, I went in first, as I left the others at the door, co's I wanted the loo. I asked a woman where it was, she pointed the way, when I came back Paddy was walking back from the bar to the passenger who was sitting nearly in the corner by a table on the right, in the first alcove as you come out the ladies toilet on the oppersite side of the fireplace. He was by the outside wall, sitting next to the passenger was either a man and a woman. I saw the otherside of that couple and Paddy stood by the table. (I have shown these positions marked on the Horse & Groom plan "first"). After a couple of minutes these two people got up and left. Paddy went and sat where these two people had been sitting, between me and the passenger who then got up and told Paddy to move along

Signature (signed) c Richardson
Taken by (signed) A Mills WDC 31

Continued statement of:

Carole Margaret RICHARDSON

so Paddy ended up where the passenger had been. The passenger then sat next to me so that the order was the passenger, me and Paddy sitting together in that corner, as I have shown on a plan marked "Second" The parcel was then lying on the floor between me and Paddy. At this time we were drinking the first round of drinks, which were a Guinness for the passenger, a bottle and a half a drink in a pint glass, I had a brandy. The passenger said I ought to have one to quieten me down. Paddy was trying to quieten me down, so he put this arm around me, and we kissed each other for a short time. I'd like to say that when Paddy came back from the bar with the drinks, the passenger had the parcel on his lap. When Paddy got it he immediately bent down, and placed it on the floor by my feet. near the corner. Before the second round of drinks, and after we had changed places, the passenger said, "Do your shoelace up". I said, "It's not undone". He then said, "Well undo it and do it up again". So I remained sitting, and just bent forward, and Paddy pushed the parcel under his seat. Paddy could't be seen due to the position of the table. The passenger then got up and got the second round of drinks. Paddy had a short, I think it was scotch, I'am not sure but I think the passenger had half a pint and I had half a larger and lime. We drunk up and left. As we walked outside the pub, the car was parked underneath a lampost or something, We turned left, walked about ten yards, and got in the vehicle, which already had the engine running, as the Driver had never left the car, as far as I know. We all got back in where we had been sitting before and drove off up the slope, at about 35 m.p.h, we picked up speed at the top of the hill. The driver said, "Did it go alright." The passenger said, "Yeh, but now much longer to go?" The Driver said, "A few minutes." Paddy said, "What now?" someone said, "Home." The passenger said, "We'l find out about the the others tomorrow." Very little was said about the bomb on the return journey I now know the pub I went into was the 'Horse and Groom' but it had previously been reffered to as the 'Horse' this was in the cafe. When we got back into London, they dropped Paddy and me behind the park on the corner of Hempstel road and Linstead Street. Me and Paddy went home, the next day I read about it in the papers. Paddy said, "It seemed to have gone off okay I just hope we don't get caught." As far as I know I never saw any of the other people who

Signature

(signed) c Richardson

Taken by

(signed) A Mills WDC 31

came to Guildford, except for John and Paddy. I last saw John 3 weeks ago, when I went to his flat in Rondu road, to collect some clothes and personal belongings of mine. He answered the door and I nearly died as he'd shaven off his beard, and the front of his hair seemed different, the side bits, from the centre parting seemed a lot shorter. Lanny from 14 Algernon Road came with me, to see a friend. Several weeks later with Paddy we went hitch-hiking round the country. We went to Wales, Devon Exeter, Hasting's, Folkesdon, in fact I can't remember all the places. We were away a week and two days, all the time we slept rough. While we were in Dover on the 25th October 74 I wrote a letter to John in Rondu road, on Paddy's behalf I have been shown the letter and envelope and I identify the letter as the one I wrote and the envelope the one I addressed. All that I've said is true, I havnt been pressurised and it's all voluntary. Also because I want to get this terrible thing off my chest, and stop them doing it again. At the time I didn't realise the consequences of a bomb and because they threatened to shoot me if I didn't do it. There's not much else I can say, except that I'am sorry for the family's involved. At this time I was in love with Paddy, and we had talked of getting married. I have read the above statement and I have been told that I can correct, alter or add anything I wish. This statement is true. I have made it of my own free will. (signed) c Richardson

Statement taken in room 322 at Guildford Police Station, between 16.15 pm and 17.15 pm, 18 pm and 19.30 hrs, 20.00 and 21.40 pm, on Thursday 5th December 1974. Officers present, Detective Chief Inspector A Longhurst and Detective Constable M Wise. (signed) A Mills WDC 31
(signed) A Longhurst DCI
(signed) Martin A Wise

Signature (signed) c Richardson
Taken by (signed) A Mills WDC 31

SURREY CONSTABULARY

Station or Section	Godalming	Division	Guildford
		Date	6th December 74
Statement of (name of witness) (in full - Block Letters)		Carole Margaret RICHARDSON	
Age of witness (if over 21 enter "over 21")		19/6/57 (17 years) Willsden	
Occupation of witness		Domestic	
Address		88 Iveson Road, West Hampstead. 44 Kennelworth Road, Kilburn	

This statement, (consisting of _____ pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the _____ day of _____ 19

Signature

being unable to read the above statement I
of _____ read it to him before he signed it.

Dated the _____ day of _____ 19

I make this statement of my own free will.
I have been told that I need not say anything unless
I wish to do so and that whatever I say may be
given in evidence. (signed) c Richardson

In the statement I made yesterday the discription
I gave of the driver is not right, the man I
described was not the driver I didn't want to say
who he was a he has not been caught and I did
not want anything to happen to my Mum. One
night after the Guilford bombings while I was
present at Rondu Rd John McGuinness took my
mums address of off Paddy and wrote it down on a
piece of paper put it in an envelope wrote
an address on the envelope and put it in his pocket.
Three day's after my first visit to Rondu Rd John
threatened me and said if I say anything I would
end up dead like others in Ireland. When I said
nothing he said think of your mother. And that
frightened me and because of this I have been
frightened about naming people.

The man who was driving the car was
about 6ft tall blonde hair shoulder length he had
an Athletic body aged around 22-24 with a
Belfast accent.

The man in the Jean Jacket who I described from

Signature (signed) c Richardson
Taken by

the cafe in Guilford, I know as Andy who I have spoken about and lived in Rondu Rd he was dressed in a jean jacket very dark brown or black trousers but without turn ups.

I would now like to say what happened in 50 Glengal Rd Kilburn NW6. When some bombs were made there. It used to be a squatt but at this time no one lived there. The downstairs windows were covered in corrugated iron. You could get in through an upstairs window after climbing a drain pipe then by coming down stairs and unlatching the door. In the first room there was an orangy coloured carpet. In the second room at the back I think the floor had lino on it. There was a big wooden packing case about 3ft square with a flat top, there is a fitted cupboard opposite the door as you go in there was a mantelpiece on the same wall. About a week before the Guilford bombings I went to this house with Paddy a man let us in who I think was the passenger in the car when we came to Guilford. we walked up the hall to the back room and all three went in the room I think that the light was on and in the room was a woman who is the woman I said in my previous statement was the woman who I saw in Guilford. There was also a man in the room who spoke to our driver in the cafe and spoke about who was going to put which bomb in which pub. This woman was sitting on the packing case a we were all standing. I think I had seen all the people in the room in the Memphis Bell.

There were four boxes on the floor one metal like a biscuit tin one wooden and two cardboard. About five minutes later Andy from Rondu Rd came with the man who was the driver of the car we went to Guilford in. He was carrying a brown cardboard box about 6" by 5" by 5" with a lid the box had tape down the joins, this other man carried a box about 10" by 4" by 2" which was also of brown cardboard. The blonde bloke said lets get down to work. Andy undid the box he was carrying in the box was a creamy yellow putty like object. Which Andy took out of the box a seperated into 4 lumps. Which had been

Signature (signed) c Richardson
Taken by

Continued statement of:

Carole Margaret RICHARDSON

wrapped in waxy paper. he left three lumps in the box and passed one over to the woman. The lump was about 4" by 4" by 3". She picked up a piece of wood which she pressed into the side of the lump it was smaller than the lump as some of the lump overlaped.

Either Andy or the man who was a passenger in our car at Guilford passed the woman a clock which was tied face inward onto the wood and the putty with some shiny string. There was a drum on the floor with some silver wire round it, the bloke who was the passenger in our car cut of two lengths one longer than the other and I think the woman held the bomb while the passenger stuck the two pieces of wire in. The short piece was put in first then the longer piece further along, the end of the short bit was twisted around the second bit. The second bit was bent. I think the driver of our car picked up a piece of metal about twice as thick as the wire which was attached to the longer peice of wire with a clip. The other end of the piece of metal was attached to the back of the clock. It was then passed to Andy and they started making another two the same exsept the clocks were different one a small travelling clock the other round and slightly smaller which could have been a pocket watch.

While the bombs were being made an Irish woman with blonde shoulder blade length hair tucked behind her ears 5ft 7":5ft 8" about 24 years old well built came in for about 5 minutes and spoke to Andy and the driver and then left.

Andy then left carrying 2 of the bombs and our driver with 1.

While the bombs were being made Andy and our driver spoke in Irish I think there was not much conversation other than that.

One afternoon after the Gilford bombs I was at Rondu Rd with Paddy John who lives there and Andy who also lives there who was present at the time of the bombs being made and also at Gilford I have mentioned before being frightened of John and

Signature
Taken by

(signed) c Richardson

Andy. They were discussing bombings including Gilford, and Andy said that the tower of London Kings Cross and one in the city had been good ones.

Three or four days after the bombing at a pub in Woolwich, Paddy said to me Andy had been with him on it. This time I have not named anyone in connection with the bombings who were not involved. (signed) c Richardson

I have read the above statement and I have been told that I can correct alter or add anything I wish. This statement is true I have made if of my own free will.

(signed) c Richardson

This statement written in my presence, between 6.43 pm and 8.30 pm

on Friday 6th December 74, at room 19, in Godalming Police Station.

Officers present, Detective Chief Inspector A. Longhurst and Detective

Constable M. Wise. (signed) A. Mills WDC 31

(signed) A Longhurst DCI

(signed) Martin A Wise DC 1079

the driver and the passenger, We were there for 10-15 minutes. After we left the cafe what I said about bombing the Horse and groom is right after we got in the car we drove for a while, I would say about 5 minutes the road in which we stopped was badly lit and I didn't notice any cars pass us or going in the other direction the road was about 12-14ft wide. The driver turned around and said "go in and have a drink" so I got out of the car from behind the passenger seat and crossed behind the car and walked about 10 yards we entered the pub which was or looked like old brick with I think a flat front, as we went in Paddy said "get me a short" and then he said "I'll be back in a minute" and walked away, so I went to the bar and got him a Pernod and I had a rum and black. I was at the bar about 4 minutes. then I walked away from the bar and Paddy came over we stood about 4ft from the bar, inside the pub it wasn't so bright and the people seemed younger and I could hear music, the bar was curved round into a corner. The inside wasn't as nice as the Horse and Groom I think there was a cigarette machine on one wall. There was a man standing at the bar he was plump and he stood on my toe. While we were standing drinking Paddy said "Thanks don't worry it'll be alright". We finished our drinks left the pub and went back to the car, the driver started the car and we reversed out of the road. And drove up the road and back to London. As far as I know Paddy did not carry anything into the pub and if he did I didn't see him.

The reason that the other four people were given the wrong names and Identities was because I was scared of to many questions being asked outside and I had already been threatened once by Paddy and my mothers address isn't to hard to get if asked about in Kilburn. When I was waiting for Paddy I looked around and saw him talking to three of the people who were in the cafe earlier on in the evening the missing man was the driver of our car in my previous statement. Paddy said if I did ever mention this I'd better get out of the country and take my mum with me or he'd see we both ended up six feet under. I didnt know that there was going to be a bomb planted in the second pub but I guessed there might be when I saw the four of them talking together. I have read the above statement and I have been told that I can correct, alter or add anything I wish. This statement is true I have made it of my own free will. (signed) c Richardson.
Statement written in my presence, between 5.50 pm and 6.30pm, 7.15 pm and 8 pm on Monday the 9th December 74 at Room 19, in Godalming Police station. (signed) D/C/I Longhurst
& D/C Wise also present.

(signed) A Mills WDC 31

(signed) A Longhurst DCI.

(signed) Martin A Wise DC 1079.

Signature
Taken by

(signed) c Richardson

THE GUILDFORD BOMBINGS
Comparison of information in statements and interviews
of the Four while in police custody.

<u>Subject</u>	HILL (6 Statements)	CONLON (2 Statements)	ARMSTRONG (2 Statements)	RICHARDSON (4 Statements)
<u>Visit to bomb factory</u>				
	Date 3 to 4 weeks before bombing (H 2)	Date Not mentioned.	Date No references to bomb factory.	Date About one week before bombing (R 2)
	Place Brixton (H 1) Rondeu Road (Brixton wrong) (H 2,3,4,5)	Place Do not know (C 1)		Place 50 Glennal Road Kilburn (R 3)
	Those present Conlon (H 1,2,3) "Marion" (H 1,2,3,4) ie Carol Richardson (H 5) Paul (H 1,2) Dermot (H 1) McGuinness (H 5)	Those present Hill (took me) (C 1) Armstrong (C 1,2) Carol (Richardson) (C 1,2) Paul (C 1,2) Aunt Annie (Maguire) (C 2)		Those present Armstrong , car driver, passenger, woman and man later seen in cafe in Guildford, Andy from Rondu Road and young Irish woman. (R 3)
	Materials Explosives in plastic bags looked like brown sugar. (H 1) 8 bags of brown substance. (H 2) Two small hardboard brown boxes with (?) pocket watches set in holes cut in the middle of the top of the boxes (H 2)	Materials Box with (?) sand in it and (?) watch. (C 1) Box with long black thing and pocket watch on top. Sand in box. (C 2)		Materials 4 boxes - 1 metal, 1 wooden, 2 cardboard. 2 more brown cardboard brought in (6" x 5" and 10" x 4" x 2"). Creamy yellow putty like object in box - separated into 4 lumps. Small travelling clock/pocket watch(?). Silver wire on drum. (R 3)

HILL

CONLON

ARMSTRONG

RICHARDSON

Bomb Making

"**Marion**" (**Richardson**) showed **Conlon**. Fiddled with square cardboard thing with watch (white face, two hands, no glass). Talked to him about wires. (H 1) (different coloured wires - H 2). Smelt like bakery - eyes watered. (H 1) Paul showed me photos of several pubs. (H 1) Shown photo of Woolwich pub. (H 2) Discussed bombing pubs to kill soldiers. (H 2) Guns at flat. (H 2) McGuinness handled them. (H 5)

Bomb Making

Girl talking - I did not understand. (C 1) Annie showed us how to make bombs. She and **Hill** did most of talking on how they were made. (C 2) Went whilst high on acid. Just sat. (C 1)

Bomb Making

3 made by women helped by driver and passenger. Lump of putty (4" x 4" x 3"). Piece of wood pressed into it. Clock tied to wood with shiny string. Two unequal lengths of silver wire stuck in, partly twisted together. Piece of metal attached to larger wire with clip and other end attached to clock. Discussed bombings including Guildford (Sketch of bomb) Andy took 2 bombs, driver the other. (R 3)

Preparations for bombings

4 October **Conlon** and I met Paul and man of about 50 in The Cock pub. Paul said 2 bombings on for next day and I would be picked up at Quex Rd. (H 1,2,3) (In interview (29 Nov) he said **Conlon** had told him that he, Paul and Dermot had picked 2 pubs.)

Early September met **Conlon** in Old Bell pub. He had taken photos of Guildford. Arranged to see them next Sat knew there was to be a bombing. 2 weeks before bombing I met **Conlon** and **Hill** in Old Bell. **Conlon** showed 4 photos of each Guildford pub and said I was to bomb one with him, **Carol** and Paul. I agreed. Two other men on job also in pub, **Hill** spoke to them. (A 1)

	HILL	CONLON	ARMSTRONG	RICHARDSON
<u>Departure on 5 Oct</u>	12:00 - 1.00 p.m. Armstrong and Paul came to Quex Rd. Kilburn. Conlon there. Armstrong had bag with photos of 2 pubs in it. Told me bombs were in car boot. Cars parked at door. (H 1,2,3) Got into front car with Armstrong . Conlon and Paul got into second. (H 1)	About 6.00 p.m Quex Rd. Hill arrived and said going for drive. Been smoking dope. Went to Old Bell. Armstrong and others arrived. Took tube to (?) Chalk Farm I there picked up by car. Hill and Armstrong got in. Man and girl in front. (C 1) Annie and Paul (C 2) Another car there too (C 1)	2.50 - 3.00 pm approx In Old Bell. Conlon called me out. Left Kilburn about 3 pm. Car parked near pub with Paul and Carol inside. (A 1)	About 3.00 pm Car stopped in Kilburn High Rd. Armstrong got out and asked if wanted to go for a drive. Agreed. Two others in car. (R 2)
<u>Cars and occupants</u>	First car Bright coloured estate car with door at back (H 1) or dark 4 door saloon car. (H 2,3) Driver - Armstrong Front passenger - Conlon Back - 2 girls - "Marion" (ie Richardson) and girl aged about 30 who we picked up en route. (H 1,3) Girl was Annie. (H 5,6)	First car Driver - Paul (C 2) Front passenger - Annie (C 2) Rear - Hill , Armstrong and Conlon (C 1,2)	First car Grey 4 door Ford Capri. Driver - Paul Front passenger - Conlon Behind driver - Armstrong Behind Passenger - Richardson (A 1)	First car Creamy coloured (?) Ford, saloon. (R 2) Driver - man (various descriptions given 1. Man - fuzzy hair. 2. "Dodger" - description given. (R 2) 3. Description of driver not right. He was 6' tall blonde hair shoulder length. Aged about 22/24. In case at Guildford. (R 3)
				Front passenger - man - description given. Behind driver - Armstrong Behind passenger - Richardson (R 2) (In interview said driver not Paul Colman but called something like Michael O'Donnell.)

	HILL	CONLON	ARMSTRONG	RICHARDSON
<u>Descrip- tion of bomb and tainer</u>	Second car Yellow/lemon 4 door Granada Conlon and Paul (H 1,3) Annie and Carol in Grenada car when it arrived at Quex Rd. (H 6)	Second car 2 or 3 girls and 2 men. (C 1)	Second car Light Ford Anglia (A 1) or white Triumph Herald (identified on 9 Dec as McGuinness' car). (In interview with DS Donaldson on 6 Dec) he said Hill , Aunt Edith/Ethel, McGuinness and Belfast boy were second team and used McGuinness' car)	Second car Refers to a man from "the other car". (R 2)
	"Marion"/(Carol) had white plastic Pricerite shopping bag. Lettering in black with red circle. Annie had dark tan/brown paper carrier bag (H 1,3) Armstrong gave girls something like a box out of the car boot (H 4) Bombs in boot (H 6) Conlon and Annie went to pub with brown plain carrier like bag. Carol took white paper bag to pub. (H 6)	Hill did something with 2 shopping bags then said bombs were ready - Hill gave Carol a bag which had a bomb in it (C 2)	18" x 12" x 6" box shaped parcel wrapped in brown paper, string and sellotape. Conlon said it was gelignite or dynamite sticks with detonator and timer wired to it. Nothing showed. On car seat between me and Richardson (A 1)	15" x 8", oblong shape like a couple of shoe boxes. Top of brown paper bag folded over and underneath the parcel. On car seat by Armstrong . (R 2)

Journey to
Guildford

HILL

Drove Clapham Common way.
Into country. **Armstrong**
pointed out a race-course.
Passed forest and
roadworks. **Armstrong** said
he had been couple of times
so knew the way.
Lost other car.
Stopped en route. "Marion"
(**Carol**) and another girl
aged about 30 got in with
bags. (H 1,3,5)
Not true that car picked
Carol and Annie en route -
already in the car. (H 6)

CONLON

Cars drove into country and
stopped (I feared being
shot). Driver went to other
car. Later drove off
again. (C 1)
Paul stopped car in country
lane. Other car in front.
All got out. **Carol**, girl
and man there. Hill told
Paul to put headlights on
and **Armstrong** and me to get
sack out of our car's boot.
Armstrong gave it to **Hill**
who started to do something
in boot of car. Drove off
again. **Hill** told me I had
to go with **Carol** and no-one
would get hurt. (C 2)

ARMSTRONG

Travelled for about 1 hour.
Paul drove, seemed to know
the way. Did not stop to
ask. chatted to **Carol** got
idea she was **Conlon's**
girlfriend. **Conlon** told me
enough explosive in parcel
to kill a right few people.
(A 1)

RICHARDSON

Drove for about half an
hour. Stopped at public
toilet for me. Passed
field. Stopped. **Armstrong**
and passenger got out,
returned after about 5
mins. Later stopped ? to
get directions. Stopped
again **Armstrong** got me can
of pepsi. (R 1)
Drove towards Hendon /
North Circular. Under
flyover at bottom of N.
Circular. Visited public
loo whilst still in London.
Front passenger told
Armstrong he was to take
parcel into pub. Told me I
was going to blow up some
British soldiers. When I
refused he said "If you
don't you'll end up dead.
Paddy will get it too". I
cried. They openly
discussed the bomb saying
it should take care of a
good few people. (R 2)

HILL

CONLON

ARMSTRONG

RICHARDSON

Guildford
Events
before
visiting
pubs

Got to Guildford. He drove through town once, and around town. He knew he couldn't get down High St. At-train station told to get out and wait for a man who would recognise me and stand there with him. Waited quite a while, none came. Getting dark so **Armstrong** returned and picked me up and we returned to Quex Rd. (H 1,3)

After waiting at station for 30-45 mins. for man called Wilson, **Armstrong** collected me (on his own) and drove me out of Guildford to join other car. **Armstrong** went to it, opened boot and gave girls (Annie/**Carol**) something like a box. Told me he and I would be looking after the cars whilst jobs fixed up. (H 4)

Just outside Guildford the bombs were fixed at about 4.00 pm. (H 6)

Then **Armstrong** and me in first car drove back to Guildford. Bombs in second car. Drove through and parked some distance from town on the same road we came down. Second car parked behind. **Armstrong** said the others would walk back into town. They did.

When got to Guildford drove to a cafe (On 5 Dec at interview **Armstrong** identified this cafe as a Wimpy and said they parked in Mill Lane) near second pub - Conlon pointed it out. Arrived about 4.30 pm. Parked right outside cafe behind **Hill's** group's car. Took parcel in. **Hill** in cafe with two men and woman (named at an interview on 6 Dec as McGuinness, Belfast boy and Auntie Edith).

Conlon spoke to **Hill's** group and on return told me I was to keep watch. He was taking parcel in with **Carol**. Paul to sit in car. If any police came I was to go into pub and tell them. **Conlon** told me the other woman was his Aunt Edith or Edna. The two men had just come from Belfast. **Conlon** told us when to leave. Just before 7.00 pm. **Hill's** group also left. Drove to pub. (A 1)

Parked in side street and walked up road and across street around corner into a Wimpy. Four others sitting at table on right.
1. John, **Armstrong**, mate from Rondu Rd. (In R 4 says not John McGuinness).
2. Woman aged 25-27 or older. (R 4 says not her)
3. Man about of 25/26 longish darkish hair seen in Memphis Bell
4. Man of about 30/32 brown hair wearing jean jacket. (R 2)

(In R 3) says this was Andy from Rondu Rd. In (R 4) says it was not).

In (R 4) says there were 4 people in cafe. 1. Man I said was driver or our car (fair haired) in (R 3)
2. Girl 24/25 mousy shoulder-blade length hair
3. Man about 5' 10" skinny, light shoulder length hair, about 26
4. Man about 28, short black hair, short, podgy. Fair haired man got up and spoke to driver and passenger. Stayed about 10-15 mins. Younger man from other car said to "Dodger" (driver) that our group could do "The Horse". "Dodger" told **Armstrong** he could take it into pub. Our carload left whilst others were still inside.

HILL

Armstrong and I waited long time. Discussed alibis. I said I might go to my bird's as she could always say I was there. He said he was going back to Kilburn and was OK. (H 4)

Drove about town, passed time. Once **Armstrong** parked, had a chat. He told me **Conlon** and Annie to do the "Horse & Groom"; Paul and **Carol** the Seven Stars. There would be no warning. (H 6)

Parked car round corner from the pubs. Other car there.
About 7.45 pm **Conlon** and Annie went up street with bag. Paul and **Carol** (with bag) went across the road. **Armstrong** and I followed on other side of road. Stood on corner just above Horse and Groom. Saw **Conlon** and Annie go in. Paul and **Carol** went round corner to The Seven Stars. (H 6)

Outside
the Pubs.

CONLON

Hill and driver went to other car. 2 or 3 girls got out spoke to them. **Hill** called me out of car and told me to go with the girl carrying a bag. She took me to a pub 2 men went with the other girl. (C 1)

Hill, driver and Annie got out and went to other car. 2 girls and driver got out. **Hill** told me to go with **Carol**. Threatened me. Walked few minutes. She had bomb in bag **Hill** had given her. She told me to go into the pub first. (C 2)

ARMSTRONG

Left cafe just before 7.00 pm and drove up main road to country type pub. Sign with horse on. (In interview on 5 Dec **Armstrong** pointed out Horse and Groom as the pub he had done).
Paul parked just down from pub and stayed in car. **Conlon** and **Carol** went into pub. I stood a few yards away. (A 1)

When we pulled up at pub **Conlon** changed his mind and said I was to go in. We argued. He said I would be shot if I refused. Got out of car carrying the bomb. With **Carol** went into pub. (A 2)

RICHARDSON

Drove round and round. Passenger asked for parcel - kept it for about 5 mins. Handed it back saying "We've got at least half an hour".
Drove for about 5 mins and parked (R 2).

Parked car in road I thought was a dead end. Other cars were parked nearby. **Armstrong** walked just round the corner to the pub. I went in first because I wanted the loo. (R 2)

HILL

CONLON

ARMSTRONG

RICHARDSON

Inside the
Horse and
Groom

I gave **Carol** the bomb.
Bought pint for me and
short for **Carol**. **Carol** had
gone to alcove by fireplace
with juke box and tables.
We sat right at end of
bench seat opposite
fireplace, **Carol** on my
right and bomb between us.
Put drinks on table.
Nervous. a few minutes
later people sat by **Carol**
so we shifted round with
backs to outside wall and
faced bar. Decided to put
bomb under seat. **Carol**
bent down in front of me
and I put it under. Drank.
Then saw **Conlon** come in,
get a drink and stand by
bar opposite us by a
pillar. He did not
acknowledge us. Started
kissing **Carol** so as not to
get involved with others.
Conlon went towards 'Gents'
after a few mins. Didn't
see him again. About 20
mins. later decided we
should go. Told **Carol**. On
table to my left man and
woman in (?) 40s. Rest
were young. (A 2)

Left the others at the
door. Went to loo.
Passenger sat in alcove by
outside wall nearly in
corner (opposite side to
fireplace). He put parcel
on floor. Couple sitting
next to him. I sat on
other side. **Armstrong** got
drinks and stood by table.
A few minutes later couple
left. **Armstrong** took their
place, ie sat between me
and passenger. Passenger
got up (told **Armstrong** to
move along) and he sat next
to me. So order was
passenger, me, **Armstrong**
sitting in the corner.
Parcel on floor between
Armstrong and me. Drinking
first round. **Armstrong** and
I kissed for short time.
He trying to quieten me
down.
After we had changed places
passenger told me to undo
and do up my shoelace.
Bent forward and **Armstrong**
pushed parcel under seat.
Passenger got second round
of drinks and then we left.
(R 2)

HILL

CONLON

Girl I was with took me to a pub. She had a bag I did not know what was in it. She had a drink. When finished she came to me and said we might as well go back to **Hill**. Left. Returned to where **Hill** and driver were standing. **Hill** told me to get into car. Walked back and got in. **Armstrong** still sitting there. **Hill**, driver and girl stood talking for few seconds and then **Hill** and driver got into car and drove back. Didn't know what was going on. Went with the girl because I thought I would get shot otherwise. (C 1)

Went into pub, stood between door and bar. Didn't buy a drink. Carol came in and had a drink. Sat on a bench on my left half way up wall. People sitting at same table. A few minutes later she came over to me and said let's get back to **Hill**. We left - without the bag and returned to **Hill** who was talking to Annie and Paul. **Hill** told me to get in car. He and Paul then got in. (C 2)

ARMSTRONG

RICHARDSON

We left Horse & Groom and drove for about 5 minutes. Stopped in narrow badly lit road. didn't notice any cars parked. Driver said to go and have a drink. Walked about 10 yards to old brick (?) flat fronted pub. Went in with **Armstrong** who asked for a short and walked away. Didn't see him carry anything into pub. He spoke to 3 people I had seen in the cafe earlier that evening. I at the bar for about 4 minutes then walked away. **Armstrong** came over. We stood about 4' from the bar. Inside not as nice a Horse & Groom not so bright, could hear music, people younger. Bar curved round into a corner. ?Cigarette machine on one wall. Finished our drinks, standing. Left the pub and went back to car. Reversed out of the road. Guessed there might be a bomb planted in second pub when I saw the 4 men talking together. (R 4)

	HILL	CONLON	ARMSTRONG	RICHARDSON
Return to London and later events	<p>Armstrong collected me from station as it was getting dark and drove me back to Quex Rd. London. About 10 minutes after our arrival Wilson entered and Armstrong told him off for not turning up.</p> <p>Armstrong drove Wilson and me to Waterloo and told me to go to Southampton for alibi. Went to Southampton to girlfriend's house. Didn't tell her. Went out for a drink. Next day returned to Quex Rd. and saw Conlon there. He said all went OX. (H 1,3)</p> <p>After about 10-15 minutes Conlon and Annie came out of pub and Armstrong and I walked ahead of them back to the cars. Waited about 2 minutes for Paul and Carol who got in the second car with Conlon and Annie. At about 8.10 pm drove very fast back to London. Other car still with us when I was dropped at Waterloo at about 9.00 pm. Caught train to Southampton arriving about 10.00 and bus to Sholing. Met Gina. Told her I was in trouble for stealing and if she was asked to say I had been with her since about 7.00 pm. She agreed. (H 6)</p>	<p>Paul drove back to London. On the way Hill told me not to tell anyone where I had been of I would be killed. I said I hoped no-one would get hurt and he told me not to worry. (C 1,2)</p> <p>(In interviews on 3rd Dec Conlon said they got back at 10.00 pm and he went to Old Bell with Hill, Armstrong and Paul)</p>	<p>Carol & Conlon left pub about 7.45 pm. Conlon said "We've got a good hour so let's get away". Drove up past pub, turned left, turned down side street and left again and turned away from pub. Drove at normal speed back to Old Bell. Dropped Carol and me nr Old Bell and we walked up Kilburn High Rd. I took Carol home and then went home. Paul also left the car. Conlon was left inside it in passenger seat.</p> <p>Read about bombing in papers. Upset because I have been told it was a military target. Realised what I have done to innocent people. Started taking drugs. Carol did also. She came to live with me. Went back to work. Hitchhiked with Carol for about 2 weeks in Wales, Devon etc. (A 1)</p> <p>I left pub with Carol at 7.45 pm. Conlon in the car. Rest of other statement correct. (A 2)</p>	<p>Slept about 1½ days after journey. Heard about bombing on Thursday night. (R 1)</p> <p>Left pub, turned left, walked about 10 yards to car. Engine running. Driver still there. Drove up slope (about 30 mph) picked up speed at top of hill. Driver asked if it went OK. Passenger said yes but how much longer to go. Driver said a few mins. Drove back to London. Dropped Armstrong and me behind park on corner of Hempsted Rd. and Linstead St. Armstrong and I went home.</p> <p>Next day read about it in the papers. Armstrong said it seemed to have gone off OK. Several weeks later went hitchhiking with Armstrong to Wales, Devon etc. for 9 days. (R 2)</p>

APPENDIX I

THE GUILDFORD AND WOOLWICH BOMBINGS
Comparison of information given to Mr James Still by the Balcombe Street gang and Dowd.

<u>Subject</u>	<u>JOSEPH O'CONNELL</u> HM Prison Brixton 2.11.76	<u>BRENDAN DOWD</u> HM Prison Albany 26.1.76	<u>BRENDAN DOWD</u> HM Prison Albany 9.11.76	<u>HARRY DUGGAN</u> HM Prison Brixton 1.11.76	<u>EDWARD BUTLER</u> HM Prison Brixton 1.11.76	<u>HUGH DOHERTY</u> HM Prison Brixton 2.11.76
<u>Initial Approach</u> <u>re admissions.</u>	Frank McGuire MP in Wandsworth Prison gave visiting card of Logan.	Frank McGuire MP told him that other 4 wanted to make statements to clear others. Agreed they should do so.				
<u>First Interviews</u> <u>re Armstrong</u>	By Logan in Wandsworth in June 1976					
<u>Discussion</u> <u>between 4 on</u> <u>Woolwich and</u> <u>Guildford</u> <u>convictions</u> <u>prior to arrest?</u>	Yes. Intention after being arrested to admit part in Woolwich Bombing after committal.					Didn't hear other three discuss cases or persons charged with Woolwich and Guildford prior to arrest.
<u>Brendan Dowd</u> <u>First mentioned.</u>	To Logan in first interview					
<u>Details</u> <u>discussed at</u> <u>first interview</u> <u>with Logan</u>	No.					

	J. O'CONNELL 2.11.76	B. DOWD 26.1.76	B. DOWD 9.11.76	H. DUGGAN 1.11.76	E. BUTLER 1.11.76	H. DOHERTY 2.11.16
<u>Admits membership of PIRA</u>	Yes, states job was to select military targets where soldiers could be killed. Admits he was member of Activist Unit of PIRA.	Decided to pick place where bomb would be effective if thrown and where one could get away quickly.	Quite a few initial visits by car and train. O'Connell, Dowd and one other. Other man wasn't Butler or Duggan . Went into Kings Arms. Went over route 2-3 times to make sure knew the place.	Did not go on recce, but were told by O'Connell and Dowd of Pub in Woolwich frequented by Army personnel. Decided too risky to plant bomb. Had to be thrown through window. Decision made to do it on Wednesday 6th November 1974.	O'Connell was leader. Didn't know before coming of target. Discussed by others that soldiers were in it. Did not go on any recce's. Learnt of target couple of days before, 4th or 5th.	Wasn't anywhere near Woolwich or Guildford at times incidents occurred. Was in another part of the country.
<u>Recce. at Woolwich (initial)</u>	With <u>O'Dowd</u> in September 1974, pubs near Army camp. Spent 40 mins. in Kings Arms, made it a definite target. Describes "just inside the door near juke box, just on right a few playing darts, on left were most soldiers sitting round tables, benches along wall" Lounge separate from bar did not enter.	Two or three nights before, Dowd and one or two others went there and looked in window - there were military personnel inside. Woolwich was chosen because it is famous place - Arsenal.				
		Went over route with A-Z map and 2-3 weeks earlier went over route by himself.				

J. O'CONNELL 2.11.76	B. DOWD 26.1.76	B. DOWD 9.11.76	H. DUGGAN 1.11.76	E. BUTLER 1.11.76	H. DOHERTY 2.11.16
<p>21 Waldemar Avenue, Fulham.</p> <p>With un-named man not the other four.</p>			<p>Came to 21 Waldemar Avenue in October 1974 (10th) to meet O'Connell (O'Brien) and Dowd (O'Shea). Butler arrived a day later Duggan and Butler took room below.</p> <p>Flat was rented by O'Brien (O'Connell) and other man not named.</p>	<p>Arrived October (middle) 1974 it had been arranged that O'Connell and Dowd. On 6.11.74 in rented room in Fulham with others.</p> <p>Two rooms at Waldemar one directly above other.</p>	
<p><u>Address where residing.</u></p>					
<p><u>Further recess on Woolwich.</u></p>		<p>Hired Car.</p>			
<p>With Dowd by car, few nights after Guildford bombs. Dowd driving, did not enter, turned left into Francis Street, drove to end, turned left and back to London "ideal to get away from.</p> <p>Third visit with Dowd by train to Woolwich Arsenal, walked to Pub. Then decided to use throw bomb as chances of planting time device after Guildford</p>					

J. O'CONNELL 2.11.76	B. DOWD 26.1.76	B. DOWD 9.11.76	H. DUGGAN 1.11.76	E. BUTLER 1.11.76	H. DOHERTY 2.11.16
<p>slight. Fancied window in car park because of lower level but decided against because of bad getaway. Decided on bomb through Frances Street window.</p> <p>Followed group of soldiers on 3rd visit to pub next to river with disco.</p> <p>Yes, with O'Connell and Dowd on initial visit, no name, not in custody, not since convicted.</p>	<p>November 6th in Waldemar Avenue, used bolts previously obtained by Dowd, 3" long, round heads, explosive already in flat, gelignite sticks 8 ozs each, Brendan made it with help from Duggan and Butler. 12-14</p>	<p>About 8lbs of explosive, blue sump fuse to be lit before thrown, 2 1/4" used, gives about 5 1/2 to 6 secs.</p> <p>Bomb had nuts & bolts about thickness of 'Bic' pen about 1/4". Probably bought in DIY shop. Doesn't</p>	<p>Bomb made up day or two beforehand.</p>	<p>Bomb was made in the room on Wednesday. About 6lbs of gelli. that is about 12 sticks. About 2lbs of bolts. Not too sure of size but about 3" long, to make anti-personnel bomb. Commercial det. fuse of 7 secs. delay. Fuse was off</p>	<p>Bomb made up when made up. Mostly made by Dowd & O'Connell but Duggan helped. 12/14 sticks of gelli. - 6-7lbs weight. Two/three pounds of bolts, 3-4" long. Nuts were taped as well, and O'Connell made up fuse of 6/7</p>
<p><u>Describes other Pubs in Woolwich.</u></p>	<p><u>Other Person on recee. at Woolwich.</u></p>	<p><u>Manufacture of Woolwich Bomb.</u></p>			

J. O'CONNELL 2.11.76	B. DOWD 26.1.76	B. DOWD 9.11.76	H. DUGGAN 1.11.76	E. BUTLER 1.11.76	H. DOHERTY 2.11.16
<p>sticks used, 6-7lbs of explosive, taped together in bundle, sheet of plastic, placed bolts and nuts on it, put bundle of explosive on it, just rolled it over so nuts bolts were spaced round explosive, then taped round whole lot.</p> <p>O'Connell made detonator and fuse (attached fuse to det) black safety fuse, 2 1/4" long 7 secs. to burn out, when ready made hole in one stick in centre and inserted det. leaving fuse sticking up and taped it securely so it wouldn't fall out. Taped one match to fuse before insertion in bomb. Then complete.</p>	<p>think he (Dowd) bought them. When bomb prepared nuts and bolts put in separately there were some washers they were rolled up in plastic bag and all rolled and together bound round with insulating tape, could be any colour, had several different rolls, a standard type about 1/2", you can buy in all shops. We taped two matches to end of fuse for purpose of lighting. You just rub a matchbox across and it ignites it. I think safety matches.</p> <p>Didn't know how many sticks of gelignite. Plastic wrapped round bomb was ordinary plastic shopping bag.</p>	<p>secs. Fuse inserted into det. and one or two matches taped to end of fuse for lighting by scraping a matchbox across. Plenty of tape used to hold it together. Masking tape used, light coloured, plastic insulating tape was used as well. The det. was fixed in a hole in one of the sticks of explosive. For fuse to be safe must burn at 25/30 secs. per foot. Used 2 1/2" called safety fuse. Completed bomb was about 9" tall, 6" across like 2lb bag of sugar, all explosive was almost completely concealed by tape wrappings.</p>	<p>roll cut at 7 secs. Think nuts also. Probably 2 matches taped to fuse. Sticks taped with masking tape bolts taped outside. Carried in duffel bag.</p> <p>Bomb made in upper room in Waldemar. Butler did not make it.</p> <p>Bomb was made on Wednesday 6th. Fuse burns one ft per min. Tape was brown, like a brown parcel with a fuse stocking out.</p>		

Manufacture of Woolwich Bomb cont/1.

J. O'CONNELL 2.11.76	B. DOWD 26.1.76	B. DOWD 9.11.76	H. DUGGAN 1.11.76	E. BUTLER 1.11.76	H. DOHERTY 2.11.16
<p><u>Manufacture of Woolwich Bomb cont/2.</u></p> <p>Plastic sheet was doubled, clear plastic size of foolscap paper. Bolts were laid on it alternatively one head up, one down, nuts just in between. Explosive put on top, then sheet was rolled over bomb. Ends taped together, then whole well taped over so that bolts would not show. Masking tape, and black PVC tape outside. Dowd bought the bolts - about 31bs. Duffel bag brought back to flat.</p> <p>Bolts were carriage bolts.</p> <p>Dowd and Duggan to acquire (steal) car, left 7pm from Waldemar avenue on 6.11.74. Arranged that all four would</p>			<p>Bomb was made up on Wednesday 6th November 1974.</p> <p>Fuse was put into det. and det. was crimped.</p> <p>If fuse does not burn 25-35 sec./ft. (through dampness etc) it is not recommended for use. Does not know brand name of gelli.</p>	<p>Fuse sticking out couple of inches.</p> <p>Did not know where bolts and things came from. He didn't buy them.</p>	
			<p>About 7pm decided to steal car to get to Woolwich. Dowd & Duggan went to get car. Along Kings Road tried more than one</p>	<p>7pm Dowd & Duggan went for car, white Corsair 4 door.</p>	

J. O'CONNELL
2.11.76

B. DOWD
26.1.76

B. DOWD
9.11.76

H. DUGGAN
1.11.76

E. BUTLER
1.11.76

H. DOHERTY
2.11.16

Manufacture of
Woolwich Bomb
cont/3.

car. Wanted 4 door car pref. Ford few years old. Found White/light Corsair.

Had black strip around roof. Pretty old car but "I think in good condition".

Meet at Sloane Square
6.11.74

O'Connell and **Butler** to pub at Sloane Street, by the side of tube station and theatre. Had bomb in duffel bag, had drinks in pub. Well after 9pm **Dowd** came to pub and they followed him out to car parked in Sedding Street (p. 74 A-Z de luxe edition)

O'Connell & **Butler** took bomb in duffel bag to meet in pub in Sloane Square approx. 9pm. **Duggan** and **Dowd** parked Corsair in side street. **Dowd** went in pub, three came out and all drove to Woolwich.

O'Connell & **Butler** arranged to meet other 2 in Sloane Square pub alongside tube station. **O'Connell** had bag and went to pub had one to two drinks while waiting **Dowd** came in looked round, saw us and went back out. We met him outside, then to nearby street where car was. My 1st job.

Straight to Woolwich.

	J. O'CONNELL 2.11.76	B. DOWD 26.1.76	B. DOWD 9.11.76	H. DUGGAN 1.11.76	E. BUTLER 1.11.76	H. DOHERTY 2.11.16
<u>Seating in Corsair.</u>	Dowd was driver, O'Connell front passenger, Duggan and Butler in back. Mentioned they had problems getting car.			Dowd driving.	Dowd drove.	
<u>Action at Woolwich on 6.11.74.</u>	Parked in Francis Street about 30 yds from pub Dowd then O'Connell both looked in Pub - "not many in it". Decided to call it off drove back to London abandoned Corsair just north of river.	Can't remember much except was to be done then but thinks he could not get a motor. May have been an abandonment. Thought Wednesday would be best night.	No one went into pub. Turned left into Frances Street parked about 20 yds from junction. O'Connell and Dowd got out of car to look at pub at different times. Not many soldiers in pub. Decided to call it off and come earlier following night. Brought car back to City & abandoned it. Tube to Parsons Green or Putney Bridge.	Got there about 10.30pm parked Francis Street. O'Connell & Dowd at separate times went to see, if many soldiers in pub. Decided to come back next night. O'Connell and Butler returned to Waldemar. Dowd and Duggan returned separately.		
<u>Woolwich car (Cortina)</u>	Dowd & Duggan again went out to steal car, slightly earlier	Stolen car taken from Earls Court, Cortina 1963 model I				Duggan & Dowd went to get car 4 door, dark coloured

	J. O'CONNELL 2.11.76	B. DOWD 26.1.76	B. DOWD 9.11.76	H. DUGGAN 1.11.76	E. BUTLER 1.11.76	H. DOHERTY 2.11.16
<u>Woolwich car (Cortina) cont.</u>	than night previous. Same arrangements re meet in pub in Sloane Square. Cortina 4 door dark coloured "in pretty good shape".	think dark blue or maroon well kept car, was locked when taken, had bunch of keys of which one fitted. Had radio and outside aerial on front wing. Not damaged when stolen or during use.	Duggan and Dowd got car, arranged to meet other in pub in Sloane Street. Parked car went into boozier. Little late but decided to go ahead.	around a bit got Ford Cortina, dark coloured, dark blue or similar, 4 doors, thinks Mk. 2. Good condition. Could have been 1967/8/9/70.	Cortina, don't think there was radio but not sure.	
	Keys were used for both door and ignition.					
<u>Meet at Sloane Square (7.11.74)</u>	O'Connell & Butler went to Pub and about 9pm Duggan and Dowd came into pub ordered drink, sat on their own. Two pairs left after each other.			O'Connell & Butler to meet in pub in Sloane Square approx. 9pm. Dowd and Duggan parked Corsair in side street, Duggan and Dowd went in pub. Four then came out and drove to Woolwich.	Same pub in Sloane Square as night before. 9pm, Dowd and Duggan came in and had drink. Left car same street as before. Drove straight to Woolwich.	
<u>Seating in Cortina.</u>	Dowd driving, O'Connell with bomb in front passenger seat, Butler & Duggan in rear.			Dowd driving. O'Connell front passenger, Duggan behind Dowd , Butler behind Duggan .	Dowd drove. O'Connell in front, Butler behind O'Connell . Duggan behind	

	J. O'CONNELL 2.11.76	B. DOWD 26.1.76	B. DOWD 9.11.76	H. DUGGAN 1.11.76	E. BUTLER 1.11.76	H. DOHERTY 2.11.16	
Seating in Cortina cont.	Parked in Frances Street past lorry and compressor, lorry faced towards pub and Cortina faced in opposite direction. Back of lorry open, man sat inside about 60 yrs, lorry lit inside with stove. Cortina engine & lights switched off. Butler had looked in pub 'good crowd in pub'. Saw entry' beside pub in darkness, looked like hallway (no door on front, empty house) O'Connell went up entry to check if access could be gained	Four of us in car, drove up to bar, parked down side of it. That night there were some workers digging up a gas main or something. Dowd driving, and just sat in motor, others walked back and just lit the fuse. Dowd didn't see, because car was pointing away from them. It was to be thrown through a pretty large window. They just jumped back in motor and drove off to City. Workers sitting drinking tea and	When arrived, two walked back to look in, my job to concentrate on car. Wouldn't take much notice of what they did. Bomb in students shoulder bag.	O'Connell. After explosion O'Connell in front with Dowd , Duggan in back with Butler believed reversed position. Just before we turned into Francis Street dropped Butler off. Turned left into Francis Street, just we we turned in there was a lorry with a cover or canvas hood, just behind that was a compressor. Lorry facing main road. Fellow (Nightwatchman) sitting under canvas hood. Thought it was a gas main or something. Same side as pub. We parked behind lorry and compressor further from	Dowd. After explosion positions reversed in rear.	Main road just before Kings Arms Butler got out. Others drove on and left into Francis Street. Butler walked into car park to look in window. Saw good few soldiers in pub and went to Francis Street to meet car. Said - Good - worth doing. O'Connell went to look at entry near pub as thought might do it from there. High wall no good. Decided to throw through window in Francis Street. O'Connell, Butler & Duggan	

Action at Woolwich on 7.11.74. Cont./-	J. O'CONNELL 2.11.76	B. DOWD 26.1.76	B. DOWD 9.11.76	H. DUGGAN 1.11.76	E. BUTLER 1.11.76	H. DOHERTY 2.11.16	
	to car park. Dark, lots of rubbish sacks in entry. Found 6' wall - no access. Walked around to car park, looked through window - bar pretty packed - back to car (bomb left in car) - decided to do it from Frances Street.	obviously watched what was happening. Had just started to roll when it went off, no incident of anyone stopping us. Went about 200-250 yds without lights, Dowd didn't think about it until another motorist flashed him then he switched on and carried on driving. Attack was after 10pm, pub was still open, sometime in November, before Xmas. Two of the others were different people, one had been with me on both occasions. Car which flashed was coming from docks area.	main road. Butler was to have a look, there was a car park or something in front and he could have good look into bar. He joined us and said pretty good crowd quite a few soldiers.	main road. Butler was to have a look, there was a car park or something in front and he could have good look into bar. He joined us and said pretty good crowd quite a few soldiers.	got out, O'Connell had bomb. Duggan to cover him, he had gun, there was covered in lorry down from pub, middle aged man sitting in lorry, I was to keep eye on him. O'Connell threw bomb, the boys ran back, bomb went off before they got into car. We got in, Dowd had motor running, drove away. Dark, don't think lights were on car. As drove away a woman hurrying towards pub on opposite side of road. Further down on left crowd from other pub but no one took notice of our car.	got out, O'Connell had bomb. Duggan to cover him, he had gun, there was covered in lorry down from pub, middle aged man sitting in lorry, I was to keep eye on him. O'Connell threw bomb, the boys ran back, bomb went off before they got into car. We got in, Dowd had motor running, drove away. Dark, don't think lights were on car. As drove away a woman hurrying towards pub on opposite side of road. Further down on left crowd from other pub but no one took notice of our car.	Didn't see any signs of roadworks.
	O'Connell & Duggan with bomb to window, Butler near lorry to watch man. Dowd in car. O'Connell stood by window, lit fuse onto box held it for second, threw it very hard through window. Thanks it went well into pub. Turned & raced back to car. Bomb exploded as just past lounge door jumped into car, Dowd	obviously watched what was happening. Had just started to roll when it went off, no incident of anyone stopping us. Went about 200-250 yds without lights, Dowd didn't think about it until another motorist flashed him then he switched on and carried on driving. Attack was after 10pm, pub was still open, sometime in November, before Xmas. Two of the others were different people, one had been with me on both occasions. Car which flashed was coming from docks area.	main road. Butler was to have a look, there was a car park or something in front and he could have good look into bar. He joined us and said pretty good crowd quite a few soldiers.	main road. Butler was to have a look, there was a car park or something in front and he could have good look into bar. He joined us and said pretty good crowd quite a few soldiers.	got out, O'Connell had bomb. Duggan to cover him, he had gun, there was covered in lorry down from pub, middle aged man sitting in lorry, I was to keep eye on him. O'Connell threw bomb, the boys ran back, bomb went off before they got into car. We got in, Dowd had motor running, drove away. Dark, don't think lights were on car. As drove away a woman hurrying towards pub on opposite side of road. Further down on left crowd from other pub but no one took notice of our car.	Didn't see any signs of roadworks.	
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<p>already had engine started, car driven off casually - woman on opposite footpath seen running to pub. As they passed next pub lot of people came out - no lights on car - to avoid no. plate showing - lights on about time passed second pub. Turned left at bottom of Frances St towards London. Threw bomb with right hand about 2ft from window. No one nearby at time.</p> <p>Woman running towards pub was aged 30-34 yrs.</p>	<p>at the traffic lights.</p>		<p>fuse with matchbox and three bomb through window. Did not break window first, weight of bomb was enough. Ran back to car, bomb exploded before reached car. Dowd had engine on left scene same direction. Noticed woman on opposite side of road hurrying towards pub. Passed second pub where crowd had come out looking towards blast. Continued to next main road - left towards London.</p> <p>Duffel bag containing bomb was dark coloured with pull string at top to close it. As running back to car man in lorry must have seen them. No one went into pub. Window through which bomb was thrown was screened or part frosted.</p>	<p>Woman on opposite side of street was middle aged. Not too sure but thinks Frances Street was level.</p>	

Action at Woolwich on 7.11.74. Cont/2

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<p><u>Getaway route from scene.</u></p> <p>Drove 2-3 miles towards London, saw police cars racing in opposite direction decided to abandon car. Overtook a bus and parked car in street off to left up steep hill - after 100 yds turned left again and parked. Area with old flats about 3 storeys high. Got out of car - O'Connell & Duggan off first, followed by Dowd and Butler. Dowd locked car. Back to main road turned right to bus stop. Caught bus previously overtaken. O'Connell and Duggan lower deck - Butler and Dowd top deck. O'Connell bought two tickets, asked for centre of London. Bus travelling so O'Connell and Duggan got off</p>	<p>Went down the hill and turned left into the city, it was abandoned about 2 miles away from the scene at Woolwich. All came back by bus. Thinks he had to get 2 buses, car abandoned near where he got bus, without lights as if he had parked properly.</p>	<p>Abandoned car before New Cross and after flyover, Blackwall Tunnel southern approach. Used to lock or pretend to lock cars when left. Just off main road, think there were blocks of flats. Probably wore gloves and gave car a wipedown where touched by hands.</p>	<p>Drove quite a bit, maybe few miles, saw police cars ambulances going in direction of pub. Decided to abandon car. Just after we overtook a bus, safe distance away, turned left uphill into sidestreet. About 100 yds took left and abandoned car. Parked it in the side. O'Connell and Duggan left first, to main road where bus overtaken was approaching stop 20 yds to right. O'Connell and Duggan sat downstairs, Dowd and Butler upstairs. O'Connell and Duggan got off at Elephant & Castle and got tube home. O'Connell paid both fares on bus.</p>	<p>About 2 miles from pub decided to abandon car. On way passed bus going to London. Bit further turned left and left again into housing estate. Got out Duggan and O'Connell hurried back to catch bus. Dowd and Butler upstairs. After got off bus - tube to Putney Bridge. Arrived back same time roughly as others.</p> <p>When got off bus, O'Connell and Duggan had already got off.</p>	

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<p><u>Getaway route from scene cont.</u></p> <p>at Elephant & Castle then tube to Putney or Parsons Green. Dowd & Butler stayed on bus. O'Connell and Duggan got home first just before other two.</p>	<p>After read about it, and later the arrest of persons who were quite unknown to me. Took no action for obvious reasons. Armstrong was definitely not involved with me. The group I was involved in did not make any public claim for Woolwich.</p>	<p>Also looked at TV. Listened to LBC and next day Radio 4 news. Only reg. paper was Evening News but took several dailies next day. Same night heard about explosion on radio. Read papers closely to see if any descriptions were given. Read about others being arrested for it, big group, 7-8 of them I know the names of Hill and Armstrong, and Conlon. No order to take any action although knew it was ridiculous.</p>	<p>Listened to LBC on radio later following reports in papers as well.</p>	<p>Had read in papers mentioning Woolwich and Guildford trials, believed names were Armstrong and Hill. Never took a great interest. Names mean nothing as being connected with this organisation.</p>	
<p><u>Press coverage.</u></p> <p>Listened to radio on return read newspapers next day. Recalled item of woman who said she had seen a car parked near the pub with 4 men inside. Thinks this was woman who had miscarriage just after bombing. Does not know Armstrong or Hill.</p>					

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Press Coverage cont.

Clothing worn at
Woolwich Bombing
(7.11.74)

O'Connell - jeans, dark plastic mac and gloves and bush hat. Wore hat when throwing bomb as disguise.

Dowd - plastic mac.

Butler - might have had bush hat.

About one month before, **Dowd**, **O'Connell** and other man (not identified) (same as Woolwich recce) looked at Star Bar, Seven Stars, Horse & Groom. No soldiers in Star Bar. Into Seven Stars, all soldiers, disco separate from bar, drank in

We would have known of existence of other groups.

Duggan - brown trousers, check jacket, black plastic folding mac. (Could be taken off easily.) No hat.

O'Connell - similar mac, wore bush hat.

Butler - own blue overcoat.

Butler - blue coat, 3/4 length in poss. pf Police. Green bush hat. Blue trousers, black shoes. Grey pullover.

Other 3 - believes they had plastic macs. Dowd may have had hat.

Wasn't in country when Guildford occurred.

Was out of country at time of Guildford.

Dowd, O'Connell and another man, other man not now in touch but was at liberty at Xmas 1974. Think there was only one trip - went by car.

Understood Guildford to be main entertainment centre for Army camps around. Originally was

About 2 visits made before hand, found soldiers used both bars. Positions were decided on these 2 visits. Recce. was done by one or two persons.

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<u>Second Recce. on Guildford cont.</u>	& Groom under wall seat, Seven Stars in disco under table behind door.					
<u>Make-up of Guildford Bombs</u>	Day of Bombing, in Waldemar Avenue made up 2 separate bombs, 6lbs each. Dowd & O'Connell made them and unidentified man made timers. Used Smiths pockets watches, took off faces, removed minute hand, made hole in each of plastic face glass tape was put on face by 10 o'clock. The hole was in plastic glass cover towards centre go that hour hand passed hole. Replaced face then piece of wire bared end, doubled wire back over and fitted end into hole in connected	Six pounds each of Frangex probably gelignite. A combat pocket watch with 4½ volt bell battery. One detonator, no standby mechanism, Timing - removed minute hand, 2 wires one on face, one of body of watch, when hand comes round it touched a drawing pin with sharp edge snipped off, hole in perspex face and pin pushed through. Watch bought from some market shop or Woolworths, have bought a number from different shops, one at a time.	One person used bent wire to go through hole in watch face. Dowd always used drawing pin but would use bent wire if none available - slight difference in timing.			

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<u>Make up of Guildford Bombs cont.</u>	<p>glass. Put tape to hold wire in place another wire wrapped around. The two wires were connected to a battery via a detonator. An electric detonator fixed into one of the sticks of gelignite. Both both bombs made the same way.</p> <p>4½ volt battery flat type with screw terminals. They were not primed until arrival at Guildford.</p> <p>Twelve sticks in each bomb.</p>	<p>Same type of equipment should have been found in flat at West London, Kensington.</p> <p>In all probably bought dozen watches.</p>				
<u>Action on 5.10.74</u>	<p>Went by car, not stolen, Avenger or Marina. Left Fulham about 4pm. Arrived Guildford 5.15pm parked in multi-storey car park on floor above entrance.</p> <p>Primed bombs in</p>	<p>Four of us in motor car, parked in car park not far from Horse and Groom (hired motor). All four of us left the car, Dowd the driver.</p> <p>Split up - 2 to</p>	<p>Dowd, O'Connell, other man and two girls. Dowd with one girl, O'Connell and other man and girl. Dowd to Horse and Groom, the girl carried bomb in ladies shoulderbag.</p>			

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Action on 5.10.74 cont.	<p>the car (that is attaching watch and battery together). We wanted the bombs to go off at 9pm. Decided Dowd and unidentified man, having done intelligence should split up, Dowd to Horse and Groom, other man to Seven Stars.</p> <p>Five handed including 2 girls. One girl with Dowd and other girl with O'Connell and other man to Seven Stars.</p> <p>Other man found table in Seven Stars occupied so decided to go into bar. Sat on left. Seat fixed to wall, O'Connell sat at table facing other two inside on wall seat. Other man</p>	<p>each bar, Dowd and one to Horse and Groom (Dowd in charge). Raining or showery, about August 1974, arrived about 6-7pm - just one Bar, bought drink, sat down on seat round the wall, there were chairs and tables, we were at the gable end wall. Put the bag containing explosive under seat. Final connection of detonator wires was done before we left motor. Think it was arranged for 9pm. Stayed for 2 or 3 drinks then returned to motor. Other 2 got back about the same time. Entrance to car park was underground, multi-storey, across footbridge into</p>	<p>The girl had two identical bags, one with bomb in, she carried outside, the other was folded up and concealed. After planting the bag with bomb the girl substituted the other bag for it. Believed hire car was Escort. Arrived between 6-7pm, left Horse and Groom about 8pm. Roughly an hour perhaps little more before it went off. Couldn't say where girls were dropped off. Pub was open when we arrived about 7pm girl was sitting nearer the two old men. Dowd drank lager. Girl - does not know. Wore sports jacket, grey colour with fleck. Trousers,</p>			

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<p>Action on 5.10.74 cont.</p> <p>ordered drinks, bomb brought by girl in bag, she put bag down by feet and she had another similar bag which she took out and left on table. Other man beside her pushed bag under seat with foot. Group of soldiers sitting beside them juke box near bar, other man put on record, man serving behind bar fairly old (about 50) seemed to be keeping eye on them. Asked by soldiers what time bus to Aldershot? Man (unidentified) said he didn't know. Left about 6.15pm after seeing bomb was well concealed under seat. Back to car park Dowd and other girl not there. At back of car</p>	<p>other one, there was bit of a queue nearby at bus stop. Sitting on wall seat near them in pub were two old guys who had groceries, been shopping, probably one was younger than other. No warning given because it was military target. Arranged to get back to motor at 8pm. Went via A3 or A33 not sure returned the same way.</p> <p>Dowd was in charge of Guildford operation. Dowd drank lager in Horse and Groom. Daylight when arrived at Guildford. Daylight when came out of Horse and Groom. Twilight-when arrived back at carpark. Time</p>	<p>black sweater. Hair shorter than present. Could have had moustache at this time. Heard result of bombing on radio that evening. Horse and Groom first there was some 5-6 mins delay on the other it went off after the other. Implies that 'girl' with him was 'woman'. There were some showers but doesn't think it was raining. Can't recall what this girl was wearing 'they used to get dressed up in all sorts of odd things.'</p>			

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<u>Action on</u> <u>5.10.74 cont.</u>	<p>park was big field with trees, stayed there 15 mins. before others turned up. Left car park, lost way out of Guildford. Arrived London 9pm to 9.15pm. Had drink in Durrell Arms Fulham Road, until 9pm. Parked car nearby - other man then left us. About 9.30pm took girls home to North London and listened to radio in car on way.</p>	<p>for 9pm, 10 mins either way used hour hand. Dowd was not necessarily leader of Guildford. Another person as well who would be just as important.</p>				
<u>Bags carried by girls.</u>	<p>Seven Stars girl hand grip, two wooden handles ladies bag closed by holding handles together. It was dark cloth material about 1 foot long, 6" - 7" high. Black.</p> <p>Horse and Groom girl - bag with</p>	<p>Horse and Groom - brown plastic imitation leather like a shoulder bag, lot of students use. Think it had shoulder strap, purchased for the job, not used for anything else. Bag was closed,</p>				

PROCEDURE

The main procedural steps which the Inquiry followed in relation to its investigation of the Guildford and Woolwich convictions are set out below. They were notified to interested parties and made public at the end of July 1992.

1. The Inquiry extended an invitation to all interested parties to submit documents relevant to the case of the Guildford Four.
2. The documents submitted were considered within the Inquiry.
3. Individuals were notified of particular areas of inquiry where their assistance was sought. The written submissions and evidence sent to the Inquiry by way of response were considered and invitations to give oral evidence issued where necessary.
4. Such oral evidence was given in private. Any witness who so wished was accompanied by a solicitor or counsel. No oath was administered. Witnesses were questioned by Sir John May and Counsel to the Inquiry and legal representatives were given the opportunity to re-examine. At the hearing of the 22nd of February 1994 the witnesses, Mr Ward and Mr Walsh, were also cross-examined by counsel representing prosecution counsel and an opportunity was given for questioning from Conlon's present solicitor. A shorthand note of the evidence given was transcribed and a copy of the transcript supplied to the witness(es) with an invitation to correct, modify or elaborate the answers recorded.
5. The transcript of the evidence given by one witness was not ordinarily shown to other witnesses save where it was necessary in the interests of fairness or adequate inquiry that one witness should know what another had said.
6. Provisional findings were disclosed to parties who were given the opportunity to suggest corrections or modifications. In particular, any individual or organisation open to criticism or upon whom the findings might have been thought to reflect unfavourably, was given a full opportunity to challenge any criticisms and rebut adverse findings of fact before Sir John reached final conclusions.



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