FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.

LORD CHANCELLOR

HOUSE OF LORDS,
LONDON SW1A 0PW

11 November 1986

My dear Douglas,

Anonymity of Complainants in Rape Cases

Thank you for copying to me your letter of 4 November in reply to the letter from Michael Havers of 29 October. It appears to me that the issues of public policy are first, to ensure the detection and bringing to trial of alleged assailants and, secondly, to ensure that complainants are not deterred from reporting attacks to the police.

It is important, therefore, to ensure that the protection to be given to the anonymity of victims is not of such an extent as substantially to interfere with the process of detecting and apprehending the assailant. You also make the telling point that the police ought not to be put in the invidious position of choosing between muzzling the press and offending the victim. I therefore agree with you that it would not be right to relate the protection given by section 4 Sexual Offences (Amendment) Act 1976 back to the time when the offence is committed. I also agree that a more restricted form of protection is appropriate for the period between the commission of the offence and the time when the assailant is "accused".

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The Right Honourable
Douglas Hurd MP CBE
Secretary of State for
the Home Department
Home Office
Queen Anne's Gate
London SW1

Michael Havers is, of course, right to point to the difficulties of operating two separate standards of prohibition applying at different stages, but I would consider this to be a necessary evil if we are to balance the protection of anonymity (and, indeed, the restriction on the press and broadcasters) against the public interest in apprehending the assailant.

I am sending copies of this letter to the Prime Minister, members of H and L Committees, the Secretary of State for Defence and to Sir Robert Armstrong.

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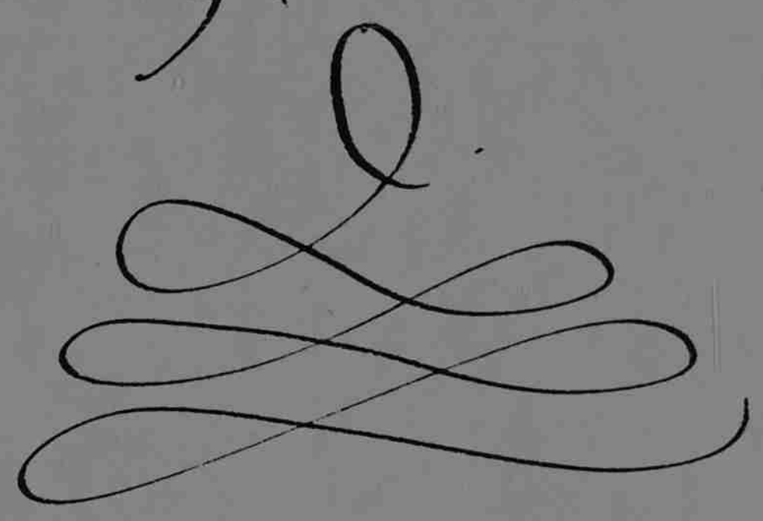

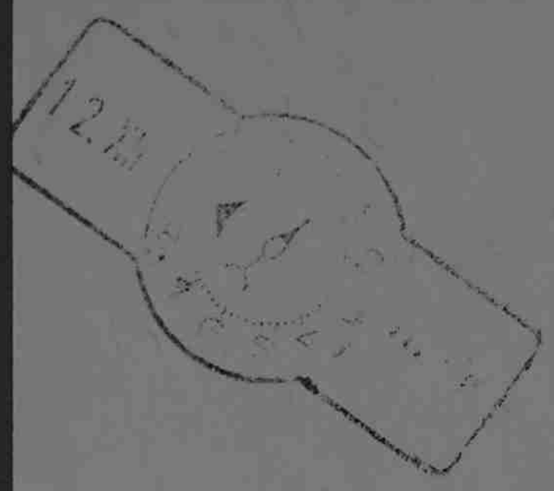

LEGAL

PROCEDURE

KAPE

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