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Queen Anne's Chambers
28 Broadway London SW1H 9JS

Telephone 01-210 3050

J B Bailey CB

7th May 1986

Our reference L85/5897/AMM

Your reference M023/1V

J F Howe Esq
Ministry of Defence
Main Building
Whitehall
London SW1A 2HB

Mr. Wicks to
ll.
EDP
075.

J F Howe

LIEUTENANT SETHIA: PRODUCTION OF DIARY

I write to report the outcome of the hearing on 6th May of the Summons issued by the Observer for production of Sethia's diary. The hearing of those parts of the Summons which relate to the diary was adjourned generally with liberty to restore in order to give the Observer the opportunity to submit an Affidavit commenting on the Certificate signed by the Secretary of State and so as to allow Sethia's legal advisers to take their client's instructions.

Two applications contained in the Summons were adjourned. First, an application that the plaintiff produce to the defendants a copy of Item 16 in his List of Documents. Although this item is described as the original of the plaintiff's diary, Counsel for the plaintiff today informed the Court that this was an error and that his client in fact only has a copy of the diary. The second application that now stands adjourned was for the plaintiff to file an Affidavit stating what copies he has at any time had in his possession and where they have now left his possession, what has become of them. This latter application was also adjourned on the basis that the disclosure on oath of this information might in itself be prejudicial to the public interest.

Counsel for Sethia, when informing the Court of the error in relation to Item 16 in his client's list of documents, said that he proposed to file an Affidavit, explaining the error and what had become of the original. It was considered that

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this too might be prejudicial to the public interest and this matter also was left over for the restored hearing.

The next stage in the proceedings therefore will be the service by the Observer of an Affidavit challenging the Secretary of State's Certificate. I will contact you again when this is received.

I am sending copies of this letter to Nigel Wicks, Tony Galsworthy (FCO), Michael Saunders (Law Officers' Department), and Michael Stark (Cabinet Office).

*Yours sincerely,
John Stiles*

J B Bailey