

Unacceptable Conditions

Eddie Gilfoyle, released on licence, may not communicate with the media - a serious threat to justice

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On March 9, 1950, Timothy Evans was hanged, having been convicted of the murder of his daughter, and accused of having killed his wife as well. He told the court that the murders had been committed by the chief prosecution witness, John Christie, but his story was not believed. Three years later it was discovered that Christie was indeed a serial murderer. But it took Evans's defenders more than 15 years to achieve acceptance that there had been a miscarriage of justice. And even now, while Evans's innocence is accepted, his conviction has not been overturned.

The story of Evans is worth considering on the day that we welcome the news that Eddie Gilfoyle, convicted 17 years ago of murdering his wife, has finally been freed. For Mr Gilfoyle has been freed only on licence, and the conditions of this licence will severely impede the ability of this newspaper and others to investigate his case. For Mr Gilfoyle and his lawyers have been forbidden from communicating with the media regarding his conviction.

The case against Mr Gilfoyle has always seemed unlikely. He was found guilty of killing his wife by persuading her to write a fake suicide note and then somehow forcing her to hang herself. This improbable tale was supported by evidence that the years have revealed as flimsy. For instance, a video appeared to demonstrate that a pregnant police officer could not throw a rope over a beam and thus that Mrs Gilfoyle could not have killed herself. Recently it became clear that the police employed a much floppier rope than the one actually used.

Police notes of interviews with officers from the scene were not available at the trial. For years, even when this newspaper pushed hard, the police said that they did not exist. Now they have been found and show that the doctor at the scene thought the time of death to be a moment when Mr Gilfoyle was still at work.

Other parts of the case against Mr Gilfoyle — statistical evidence about the propensity of pregnant women to commit suicide, and profiling work on the nature of the suicide note — have effectively collapsed.

Enough of the critical evidence against Mr Gilfoyle has been shown to be flawed that it is possible for us to say with confidence that his conviction was unsafe, and should be overturned. So we are pleased that he is, at last, free. But we are disappointed that this is only on licence and without any change in his legal position as a convicted murderer.

Yet while we can say this in public and with confidence, he cannot. His licence conditions forbid it. And it is hard to understand the reason for this severe restriction of his freedom of speech. The Parole Board has said that licence conditions are only imposed to prevent reoffending. Why would preventing Mr Gilfoyle — or people acting on his behalf — from talking to the media about his conviction make him less likely to reoffend?

There is an obvious danger to Mr Gilfoyle from these conditions. A breach by his lawyers or someone in his campaign could lead to his return to jail.

Yet the danger of these conditions to everyone else is arguably greater still.

The Evans case demonstrates that it can take many years for even the most obvious injustice to be accepted by the legal system. And it also shows that it is very hard indeed to get formal acceptance of error. It needs constant pressure, clear articulation, relentless exposure. Justice depends upon this.

So the conditions imposed upon Mr Gilfoyle are a threat not just to him but to justice itself. To allow such a restriction on free speech to be maintained in this case poses the risk that the practice might spread with disastrous consequences. These conditions must be challenged and they will be.