

# NATIONAL ARCHIVES

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IRISH EMBASSY, LONDON.

17 Grosvenor Place  
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22 July 1976

Secretary  
Department of Foreign Affairs  
Attention Anglo/Irish Section

I enclose for your information a note by Mr Thompson on the recent acquittal of prison officers at Winson Green Prison charged with assaulting those convicted of the Birmingham bombings.

Minister Plenipotentiary

The trial and acquittal of the fourteen Winson Green prison officers accused of assaulting the Birmingham bombers.

The forty day trial of the fourteen Winson Green prison warders accused of assaulting the Birmingham bombers while they were held on remand ended last Thursday with their acquittal on all ninety-six charges. Despite the acquittal, no attempt was made to deny that the men were beaten and indeed several of the warders admitted in statements to the court that officers had played a part in what one called the 'explosion of physical and verbal assault' which followed the arrival of the suspects at the prison. According to a report in the "Daily Telegraph" (16 July) a Home Office spokesman said that as a result of the verdicts there would not be an enquiry at Winson Green into the conduct and procedures of the officers. The officers, who have been suspended for seven months on full pay, may now return to work. Unless the Home Secretary agrees to a further investigation or the Director of Public Prosecutions decides to recommend proceedings against other as yet unnamed warders, it would appear that the matter will now be let rest and the culprits allowed to go unpunished.

Several weeks after the bombings the Home Secretary announced an internal investigation led by the Assistant Chief Constable for Lincolnshire, David Owen, into allegations of beating by prison staff. In his report to the Director of Public Prosecutions Owen accused the prison authorities of obstructing his enquiries.

At the trial of the bombers, held in Lancaster to avoid local prejudice, the judge said that the men were the "subject of a series of quite outrageous assaults" shortly after arriving in the prison. The prison doctor, Arthur Harwood, was strongly criticized for giving medical evidence that the injuries on the men were mainly received before they entered Winson Green.

The prosecution did not ask for the trial of the warders to be held outside Birmingham. The first trial on June 9th ended on the same day after a juror had been challenged by the defence on the grounds that he was Irish and therefore unlikely to be impartial in his judgement.

Only at the last minute did the Director of Public Prosecutions agree to let the bombers give evidence against the accused. Paradoxically their presence in the courtroom may have helped the warders gain their acquittal as it meant that, in a sense, the jurors were not asked to judge the warders' conduct against an abstract principle of justice but against the evil of the bombers themselves. The contrast did not go unremarked by the 'Birmingham Post' (16 July 1976) which said that 'the trial was unprecedented in that the dock was crowded with men of unblemished character, while the principal witnesses ranged from petty criminals to mass murderers'. Ten of the accused refused to go into the witness box and be placed under oath as they would then be open to cross-examination. It is also of note that the Prison Officers Association have apparently threatened industrial action if the men are disciplined.

Most papers were content to leave well alone and smother their doubts about the outcome of the trial. 'The Guardian' (17/7) and 'The Observer' (18/7), however, were disturbed by the conspiracy of silence mounted by the prison officers and the fact that the assailants had so far gone unpunished. Neither editorial cast doubts on the impartiality of the jury. 'The Guardian' declared that as 'the jury were unanimous in their verdicts, unless the verdicts are to be regarded as perverse it follows that the men who carried out the beatings have yet to be found and charged.' 'The Observer' said that until the assailants were punished 'one case of admitted lynch law exists, unpunished'.

*L. Thompson*

17 July 1976.