

# NATIONAL ARCHIVES

## IRELAND



<b>Reference Code:</b>	2015/89/73
<b>Creation Date(s):</b>	29 October 1985
<b>Extent and medium:</b>	3 pages
<b>Creator(s):</b>	Department of the Taoiseach
<b>Access Conditions:</b>	Open
<b>Copyright:</b>	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

*in 1 hour by Mr. McLeary*  
*Mr. Kerwin*

*cc T. ...  
T. ...  
M. ...  
M. ...  
A.S.*

*Leahy  
Mr. ...  
Mr. ...  
Mr. ...*

C258

IMMEDIATE  
=====

*520574.*

**CODED MESSAGE**  
**IMMEDIATE URGENT**  
**CONFIDENTIAL**  
DATE *29/10/85* TIME *1330*  
INITIALS *SFB*

29TH OCTOBER 1985

TO HQ  
FOR A/SEC LILLIS

FROM LONDON  
FROM RYAN

/////

I CALLED THIS MORNING BY APPOINTMENT ON GERALD CLARK, RID/FCO, AND SAID THAT I WAS INSTRUCTED TO MAKE AN URGENT DEMARCHE IN THE FOLLOWING TERMS

1. THERE HAVE BEEN FREQUENT CONTACTS BETWEEN THE EMBASSY AND THE FCO OVER THE PAST 11 YEARS CONCERNING THOSE CONVICTED FOR THE BIRMINGHAM BOMBINGS: WE HAVE MADE THEM AWARE ON A LARGE NUMBER OF OCCASIONS OF PROTESTATIONS OF INNOCENCE BY THOSE CONVICTED AND BY THEIR RELATIVES. WE HAVE OVER THIS PERIOD REFLECTED CONSIDERABLE UNEASE FELT IN VARIOUS QUARTERS THAT THERE COULD HAVE BEEN A MISCARRIAGE OF JUSTICE IN THE CONVICTIONS OF HILL, WALKER, HUNTER, MCILKENNY, CALLAGHAN AND POWER.
2. NOW, HOWEVER, THERE IS CLEAR AND SERIOUS CONCERN ON THE PART OF A NUMBER OF PEOPLE, WHOSE MOTIVES MUST BE ABOVE SUSPICION, THAT THESE CASES MUST BE RE-OPENED WITHOUT DELAY. SIR JOHN FARR, CONSERVATIVE MP FOR HARBOROUGH, WILL LODGE WITH THE HOME SECRETARY LATER THIS WEEK AN IMPORTANT BODY OF NEW EVIDENCE IN THE CASE, EVIDENCE WHICH WAS NOT AT HAND AT THE TIME OF THE TRIAL AND WHICH, WE BELIEVE, MUST, IF IT HAD BEEN TO HAND, HAVE PLAYED AN IMPORTANT PART IN THE PROCEDURE AND VERY POSSIBLY THE OUTCOME OF THE TRIAL.
3. THE NEW EVIDENCE INCLUDES
  - IMPORTANT NEW SCIENTIFIC WORK WHICH COULD PROVE THAT CONTACT WITH NITRO-CELLULOSE PRESENT IN PLAYING CARDS, LEATHERETTE SURFACES ETC COULD GIVE THE SAME RESULT UNDER THE TEST FOR NITRO-GLYCERINE

USED BY DR SKUCE IN THE CASE AND WHICH WAS THE MAJOR  
PIECE OF EVIDENCE ON WHICH THE CONVICTIONS WERE  
REACHED:-

- THE FACT THAT THE MEN CONCERNED WERE SEVERELY BEATEN  
AND THAT SOME OF THE PRISON OFFICERS CONCERNED NOW ADMIT,  
IN THEIR OWN VOICES ON TAPE RECORDINGS, TO HAVING  
PARTICIPATED IN THESE BEATINGS: THAT STATEMENTS OF  
ADMISSION OF GUILT, WHICH MAY HAVE BEEN EXTRACTED BY  
BRUTAL MEANS AND AFTER VERY EXTENDED PERIODS OF  
INTENSIVE INTERROGATION, ARE IN THEMSELVES  
CONTRADICTORY IN A NUMBER OF FUNDAMENTAL WAYS.

MORE TO FOLLOW

/////

2835

CONFIDENTIAL	
DATE	23/12/85 TIME 12:10
INITIALS	JB Bailey

/////

4. PEOPLE SUCH AS JOE CAHILL AND AITHI O'CONNAILL ARE UNEQUIVOCAL IN THEIR REPUDIATION OF THE NOTION THAT THE 6 MEN WERE MEMBERS OF THE IRA OR OF SINN FEIN. TO THIS MUST BE ADDED THE FACT THAT THE 6 MEN, THEIR FAMILIES AND FRIENDS ARE ALL UNEQUIVOCAL IN THEIR PROTESTATIONS OF INNOCENCE: THIS IS UTTERLY UNLIKE KNOWN IRA PRACTISE.

5. IN ADDITION TO SIR JOHN FARR'S STATED INTENTIONS IN THE CASE, I CITED THE COMMENTS YESTERDAY OF ROY JENKINS, THEN HOME SECRETARY, WHO BELIEVES THAT THE PRESENT HOME SECRETARY SHOULD NOW REFER THIS CASE TO THE COURT OF CRIMINAL APPEAL. I CITED INDEPENDENT EVIDENCE BY SUCH AS DR PAUL, CITY OF LONDON CORONER, DAVID BALDOCK, A FORMER H.O. FORENSIC SCIENTIST, AND DR HUGH CADDY, ALSO A FORMER H.O. SCIENTIST, WHOSE WORK MUST THROW THE GRAVEST DOUBT OVER DR SKUCE'S EVIDENCE USED AT THE TIME IN THE TRIAL.

6. I SAID I WAS INSTRUCTED TO URGE MOST STRONGLY THAT THE HOME SECRETARY SHOULD LOOK URGENTLY AT THE NEW EVIDENCE NOW ASSEMBLED, AND TO EXPRESS THE VIEW THAT THERE IS OVER-WHELMING REASON FOR THE EXISTING MACHINERY TO BE ACTIVATED - VIZ REFERRAL TO THE COURT OF CRIMINAL APPEAL. I CITED THE THEN MINISTER OF STATE AT THE HOME OFFICE, LEON BRITTAN, WHO IN AUGUST 1984 STATED IN THE COMMONS IN THE CONTEXT OF ANNIE MAGUIRE AND OTHERS (A SUFFICIENTLY SIMILAR CASE AS TO MAKE HIS COMMENT RELEVANT TO THIS CASE), THAT IF NEW EVIDENCE CAME TO LIGHT BEYOND ANYTHING THEN BEFORE THE COURTS, THEN IT WOULD BE EXAMINED. THIS WAS REPEATED BY LORD GLENARTHUR, MINISTER OF STATE AT THE H.O., IN THE HOUSE OF LORDS THIS SUMMER.

7. I REQUESTED URGENT ATTENTION TO THIS DEMARCHE, AND REQUESTED THAT WE SHOULD BE INFORMED OF THE RESPONSE AS SOON AS POSSIBLE.

8. I SAID THAT IF AND (VERY LIKELY) WHEN PUBLIC STATEMENTS BY BRITISH MINISTERS ARE MADE ABOUT THIS MATTER, MINISTER BARRY WOULD BE CONCERNED THAT THEY SHOULD BEAR VERY MUCH IN MIND THE NEED TO NOT EXACERBATE FEELINGS IN AND AROUND THE IRISH COMMUNITY IN BIRMINGHAM AND IN BRITAIN AS A WHOLE (I RECALLED THE REACTIONS AGAINST IRISH PEOPLE IN 1974, AND MR CLARK RECALLED SIMILAR REACTIONS FOLLOWING BOMBINGS IN BIRMINGHAM IN 1938). I SAID THE MINISTER WOULD BE ANXIOUS THAT IN PUBLIC STATEMENTS, MINISTERS HERE SHOULD MAKE IT CLEAR THAT JUSTICE WILL BE SEEN TO BE DONE IN A TRANSPARENT WAY.

9. MR CLARK TOOK NOTE OF THE FOREGOING. HE UNDERTOOK TO BRING THE DEMARCHE TO THE ATTENTION OF THE APPROPRIATE AUTHORITIES, AND TO REPLY TO IT AS SOON AS POSSIBLE. MR CLARK SEEMED TO BE MOST IMPRESSED BY THE NEW EVIDENCE TO BE SUBMITTED TO THE H.O. ON FOOT OF THIS PROGRAMME.