

NATIONAL ARCHIVES

IRELAND



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Embassy tel
of 5/11/85 re
Birmingham
Bombings case.

cc PST
Pm
PSS
A-1 Section
Mr B. McCarthy
Mr Torwood
Mr J. Kelly
Mr Justice
Mr O'Brien
Mr Carr
Mr Burns (aka)

RECEIVED MESSAGE
DATE 5/11/85 1244
INITIALS [Signature]

IMMEDIATE
=====

5TH NOVEMBER 1985

C261

TO HC FROM LONDON
FOR A/SEC LILLIS FROM RYAN
(COPY PLEASE TO MR D O DONOVAN)

IIIIII

Note
I spoke to Mr Ryan about the
confidentiality of the response
(details of which are already public
knowledge via Mr Harrod and Mr
Hume's meeting). He confirmed
there is no problem about
revealing the response.
[Signature]
2/11

BIRMINGHAM BOMBINGS CASE

I WAS CALLED TO THE FCO THIS AM BY CERALD CLARK, HEAD
RID, WHO RESPONDED PERSONALLY, TO OUR DEMARCHE OF LAST
TUESDAY, ON PAPER IN THE FOLLOWING TERMS.

"RESPONSE TO REPRESENTATIONS BY THE GOVERNMENT OF THE
REPUBLIC OF IRELAND REGARDING 'THE BIRMINGHAM BOMBINGS CASE'
1974

HER MAJESTY'S GOVERNMENT HAS NOTED THE CONCERN EXPRESSED BY
THE GOVERNMENT OF THE REPUBLIC OF IRELAND REGARDING THE
CASES OF SIX MEN CONVICTED IN 1974 OF OFFENCES OF MURDER ARISING
FROM THE BOMBING OF TWO PUBLIC HOUSES IN BIRMINGHAM IN THAT
YEAR: AND HAS NOTED THE REQUEST THAT THE CASES BE RE-OPENED.

THE HOME SECRETARY HAS STATUTORY POWER TO REFER A CRIMINAL
CASE TO THE COURT OF APPEAL SO THAT THE COURT MAY TREAT THE
MATTER AS AN APPEAL AGAINST CONVICTION BY THE PERSON CONCERNED.
IN DECIDING WHETHER HE SHOULD DO SO, THE HOME SECRETARY MUST
PAY DUE REGARD TO ANY INFORMATION PRESENTED TO HIM, IN PARTICULAR
INFORMATION PURPORTING TO OFFER NEW EVIDENCE.

THE HOME SECRETARY HAS BEEN PRESENTED WITH NEW MATERIAL ABOUT
THE CASE OF THE SIX MEN CONVICTED IN 1974. HE IS CONSIDERING
VERY CAREFULLY WHETHER IT WOULD BE APPROPRIATE TO REFER THE
CASE TO THE COURT OF APPEAL".

THIS COMMUNICATION IS MARKED 'CONFIDENTIAL', WHICH MR CLARK SAID

WAS INTENDED TO APPLY AS BETWEEN OUR TWO AUTHORITIES.

MR CLARK WAS THANKED FOR HIS RESPONSE WHICH WOULD BE TRANSMITTED TO DUBLIN. WE WOULD, I SAID, EXPECT TO BE INFORMED OF THE OUTCOME OF THE INVESTIGATIVE PROCESS BEFORE THE OUTCOME WAS MADE KNOWN ELSEWHERE: IN THIS CONTEXT I MENTIONED JOHN HUME MP'S MEETING WITH MR HURD LAST THURSDAY EVENING, AFTER WHICH HE WAS ABLE TO ANNOUNCE MR HURD'S DECISION TO OPEN A PAINSTAKING INVESTIGATION INTO THE MATTER. MR CLARK ACKNOWLEDGED THE IMPORTANCE OF THIS, AND SAID HE WOULD TRY TO ENSURE THAT IT WAS DONE.

I RECALLED THAT THE H.O. WAS ALLEGED IN LAST THURSDAY'S IRISH TIMES TO HAVE SAID THAT IT HAD NOT YET RECEIVED THE IRISH GOVERNMENT'S DEMARCHE (PRESENTED TO THE FCO ON TUESDAY AM). I SAID THAT I WAS SURE THAT MR CLARK HAD PROCESSED OUR DEMARCHE WITHOUT DELAY, BUT THAT IT MIGHT BE CONSIDERED WHETHER THE HOME OFFICE WAS SUFFICIENTLY ALERT TO THE NEED TO PREVENT MISTAKES LIKE THIS TAKING PLACE: THAT PRESS QUERIES ON SUCH A MATTER AS THIS CASE ARE VIRTUALLY INEVITABLE, AND AS SUCH THAT THE H.O. DEPARTMENT RESPONSIBLE MIGHT USEFULLY HAVE INFORMED ITS PRESS/INFORMATION OFFICE THAT SUCH A DEMARCHE HAD IN FACT BEEN RECEIVED. MR CLARK FULLY TOOK THIS POINT AND, INDEED, SEEMED TO BE IN AGREEMENT WITH IT. THEY REGRETTED ANY EMBARRASSMENT THAT MIGHT HAVE BEEN CAUSED.

END PART ONE

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CONTINUATION C261
PART TWO

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ON TIMING, MR CLARK SAID THE MATTER WILL BE DEALT WITH URGENTLY. HOWEVER, COMPLEX MATTERS SUCH AS THE FORENSIC EVIDENCE WOULD HAVE TO BE THOROUGHLY INVESTIGATED. ALSO, THE STATEMENTS OF THE BARNAID AND WARDENS CONCERNED WOULD HAVE TO BE THOROUGHLY CHECKED. IT COULD WELL BE THAT A THOROUGH EXAMINATION OF ALL THE NEW MATERIAL AT HAND COULD TAKE 6-8 WEEKS. I REITERATED THE OBVIOUS URGENCY OF DEALING WITH THE MATTER AS QUICKLY AS POSSIBLE, AND OUR CONCERN THAT WE SHOULD HEAR THE OUTCOME WITHOUT DELAY.

IT IS, I BELIEVE, CLEARLY UNDERSTOOD ON BOTH SIDES THAT WE WILL BE INFORMED BY THE BRITISH AUTHORITIES AS TO THE OUTCOME OF THE PRESENT INVESTIGATION, AND WHERE IT WILL LEAD, BEFORE THE OUTCOME IS MADE KNOWN TO OTHERS.

END END END
/////

0975

TIME SENT...1235

E-A DUBLIN
F-A1 LDN