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IRISH EMBASSY, LONDON

25 November 1986

17 Grosvenor Place

SW1X 7HR

cc: *Munster*  
*Secretary*

*S20574*

*20574*

*A-1*  
*A-1* *Parliament*  
*Box*

BIRMINGHAM SIX/GUILDFORD FOUR/MAGUIRE CASES

Dear Declan

*26/11*

I am writing in response to your letter of 21 November which you gave me on Monday last in the course of your visit to London. Generally speaking I agree with the views you have outlined on these cases.

Our concern as you know has been how best to achieve the results we want in the interests of the prisoners themselves. This means prevailing on the Home Secretary, Douglas Hurd, to agree to have the cases reopened with an appropriate form of review. As we know, this is not easy to achieve, since it involves a total of 17 prisoners in all.

In trying to prevail on Hurd to use his powers to reopen the cases in some suitable form public pressure for such a step can be important. We have always felt however that the more this pressure can come from British sources concerned about their own system of justice the better; and conversely the more the issue is made into an Anglo-Irish one, the more danger there is that campaigners here will lose the support of right wing Tory backbenchers and others whose involvement could be particularly helpful in persuading the Home Secretary to reopen the issue.

Having said that, we have always thought it right to bring home to the authorities here, including the Home Secretary, that there is serious public concern about the issue in Ireland and that, apart from other reasons, this must be taken into account as the legitimate counterpart to the public support for concerted actions against terrorism which both Governments seek to mobilise. When the all party delegation met Hurd and Mellor in October they conveyed this point quite well; and I have myself said it on occasion to the Home Secretary in informal discussion so I am aware that he accepts it.

So much by way of general background to our approach. I fully accept that pressure on the cases is rising at home - and indeed in the Irish community here - in part because of the seeming delay in dealing with them; and I realise that, whether we wish it or not, these cases are likely to be made something of an issue in the forthcoming debate on the Bill to ratify the European Convention on the Suppression of Terrorism.

The cases, so far as I understand it, are now before the Home Secretary for consideration. I was told this today by Timothy George, the Head of the Republic of Ireland Department in the Foreign Office when I was with him on another matter. He told me that he had been over in the Home Office on the previous day and that he had been told the cases were with Hurd. He did not know, or feel free to tell me, the exact position. However I got a definite impression from him that (i) the Home Secretary himself is now considering the cases; (ii) the option which he is looking at is a new reference back to the Court of Appeal; (iii) one of the

cases (George would not say which - though I wonder if it might not be the Birmingham Six?) is close to decision point; (iv) the reason for the delay is that consideration is now being given to whether the Home Secretary should announce his decision in that case or hold over an announcement until he can deal with all of the cases together, which might of course take a good deal more time.

I should add that George, adverting to something which he said the Taoiseach had said to Alan Goodison in Dublin some weeks ago, said he hoped very much that the Government side would not seek to make these cases an issue or a condition in the Dail debate on the Extradition Convention. In his view that would be very counterproductive so far as the Home Secretary is concerned. I told him that the cases were bound to come up in the debate - he fully understands this - but that I thought that the Government side was not likely to seek to make a direct linkage between the cases in question and the Convention ratification. He was reassured by this.

As to the specific issue mentioned in the first two paragraphs of your letter viz. a further visit by an all party delegation to meet with Messrs Kinnock, Owen and Steel, I would tend to agree with your view that it might well be deferred a bit further. I should add that the Taoiseach will in any case be seeing the three leaders in question on Friday next in the course of his visit to London; and if he thinks it appropriate to do so he could easily raise the issue in a concerned tone with each of them.

In general I think that, with the Minister's letters to the Home Secretary over the past year, my occasional informal comments to him, and his discussion with the all party delegation in October last, Douglas Hurd is well aware already of the public concern about these cases in Ireland; and of course whatever the Taoiseach said to Alan Goodison will also have been brought, in some way, to the Home Secretary's attention. In this situation, where the issue is before the Home Secretary himself and he is aware of Irish concern and perhaps additionally of the indirect relevance of the issue for our extradition debate, I feel that it might be wiser to avoid appearing to box the Home Secretary in by having an all party delegation from Ireland come here to meet with opposition leaders at just this moment. If however there is no decision soon, then such a visit could be a good thing in the New year.

I am asking Breifne O'Reilly to write to you separately to offer some assessment of the different proposals for a review - Royal Commission, judicial review etc - which are now being talked about. It seemed clear to me from what George said however, despite his caution, that the Home Secretary, for whatever reason, is in effect limiting himself to a decision on whether or not to refer the cases to the Court of Appeal.

Yours sincerely



Noel Dorr  
Ambassador

Mr Declan O'Donovan  
Counsellor  
Department of Foreign Affairs  
Dublin 2