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IRISH EMBASSY, LONDON.

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SECRET - BY COURIER SERVICEIMMEDIATE18805
20574cc: Minister
Secretary
Mr. O'Malley
Box
Mr. Holahan

9 December 1986

Note:

Dear Declan

It is important that the
information flagged on page 2
be kept private and secret.

Extradition Bill - Birmingham Six/Maguire/Guildford cases.

I called by appointment on Edward Bickham, Political Adviser to Douglas Hurd and made the following points.

- Our Minister raised the matter with Tom King in Belfast yesterday; he was told that the matter is not his responsibility and that any decision could not be seen to be coming from the Irish Government. The Minister stated afterward in Cork that he had asked the Ambassador in London to again convey his concern to the Home Secretary and the hope that action would be taken as soon as possible.
- The Ambassador is incapacitated at present but it was felt that perhaps my line to Bickham was an appropriate one for present purposes. (He agreed fully with this after we had spoken further.)
- The Embassy had reiterated the Government's concern about the Birmingham Six case following the TV programme on 1 December through a call on the RID/FCO on 3 December at which the Home Office was represented.
- I would wish to reiterate and make most clear our sensitivity to these issues as a matter of British justice and we had counselled visiting parliamentary delegations carefully in this regard.

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- 2.
- We fully comprehend the complexity and sensitivity of the issues and the fact that all new aspects and potential new evidence have to be sifted most carefully.
 - Political, public and media attention in Ireland as well as Britain are widening and these issues have now become locked into the approach by opposition parties, some Government backbenchers, the public and the media to the Extradition Bill before the Dail. Movement or the lack of it within the British judicial system on these cases is being formally linked to the passage or failure of the Bill in the Dail. In particular, the prima facie argument is linked to these cases.
 - The debate resumes on Friday and moves into committee stage on Monday for two days. It is during those two days that amendments may be expected.
 - The passage of the Bill depends crucially on PD support.
 - If the Home Secretary were within sight of a decision on the Birmingham Six case (or indeed any of the others), and if there is any flexibility as regards the timing, the Minister would wish him to know that an announcement in the context of the Dail debate and its Committee stage would be crucial to the Government gaining at least PD support for the Bill.

Bickham replied in the following terms.

- They appreciated our sensitivity to the overall issue as a matter of British justice.
- For his part Douglas Hurd is "fully sensitive" to it as a political concern to the Irish Government at this time.
- Douglas Hurd had received a full dossier, via David Mellor from Home Office officials, on the Birmingham Six case just before last week's television programme. That dossier is, therefore, now incomplete.

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- In taking on board anything new thrown up by the programme, the Home Secretary is, because he is sensitive to our political concerns, anxious not to refer the dossier once again - as he should according to proper procedure - to the bottom of the pile and have it brought up again with consideration of the new allegations/evidence included.
- He had been looking forward to examining the Birmingham Six case and also the Maguires and Guildford cases over Christmas on the basis of full dossiers on the three (the Telegraph article today was, Bickham said, quite right in this regard). From the point of view of considered judgement about options, the Home Secretary has taken the view that it is better to look at all three cases together: they are inevitably linked in the public mind.
- X|| - In the light of the considerations expressed on our side, however, Bickham would be happy to put it to Hurd that he sees merit in Hurd looking at the Birmingham Six case over the coming weekend, perhaps on Friday if he can get time.
- The major problem Bickham saw is in getting the Home Office to process between now and Friday the allegations made in the television programme by the ex-police officer who alleged that he saw two of the six beaten and threatened. Such Home Office procedures normally take time but Bickham said he would do everything he could to get this work done, or done as far as possible, before Friday so as to give the Home Secretary a complete dossier then. He reiterated that he would do his very best but that he didn't know if he would succeed.

Bickham went on to offer a couple of private comments which he specifically asked me not to pass on to Dublin. He said

- the Home Secretary does not want to go outside the existing mechanisms for appeal - he believes that those mechanisms may be the best ones to use;

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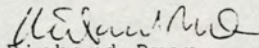
- nor does he want to take the option of "going above the law": these matters should be resolved in the courts system rather than through pardon;
- Bickham personally believes that the Birmingham Six case stands the best chance of success;
- if they find they are "running into a blind alley" with all three cases, it might however" call for a different approach" (he did not say what and our meeting had to end there).

He asked me not to send this message by electronic means as it could embarrass him. I said I would send it by hand.

It would seem that Bickham may be up against it in getting Hurd's dossier on the Birmingham Six completed by the weekend. He evinced, however, every intention of trying to get it done and he seemed confident that if he did so he could get the Home Secretary to study it over the weekend.

He took notes of the points I made and said he would pass those points on too.

Yours sincerely


Richard Ryan
Counsellor

Mr Declan O'Donovan
Counsellor
Anglo-Irish Division
Department of Foreign Affairs.