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1.4.64 & Conlon file & 2.1.4 Conlon file

Extract from 'Panorama', BBC 1, 18 April 1983

resenter (Margaret Jay) : The case of Giuseppe Conlon, or how the evidence was destroyed before the defence could take a look. The case became known as 'Aunt Annie's Bomb Factory' and shows how difficult it can be to defend yourself against the Home Office forensic machine. In 1974 the IRA began a bombing campaign in Britain. It was the first of its kind on the mainland; bombs killed seven people in pubs in Woolwich and Guilford. Local anger was intense.

etective : It's quite clear that we must hunt down the maniacs and the animals who would do this kind of thing.

resenter : Gerry Conlon, suspected as an IRA sympathiser, was one of the first to be arrested. His father, Giuseppe Conlon, a semi-invalid living in Belfast, decided to travel to England. Conlon told the police, his doctor and solicitor he was going to see his son and arrived at his sister-in-law's in north London. This became notorious as 'Aunt Annie's bomb factory'. It was the home of Annie and Paddy Maguire, their two sons and a lodger. Although born in Ireland, Paddy Maguire had served in the British army and the couple were settled Londoners. Conlon spent three out of the eight hours he was in London at a pub. Here he was arrested with Paddy Maguire. The police also picked up Annie Maguire, her sons, the lodger and a visiting friend. All were charged with possessing nitro-glycerine. Police made an intensive search of the house and area using both dogs and

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mechanical sniffer devices for detecting explosives. Nothing was found. Even the local canal was dredged but again, nothing. No detonators, no fuses, no sign to prove the Maguire house was a bomb factory. The only evidence was minute traces of nitro-glycerine supposedly found on the hands of the seven defendants. The prosecution case rested on this test, the so-called 'thin-layer chromatography test', a method to test for nitro-glycerine. This was invented by the witness called for the defence. He was John Yallup who had just retired as head of the Government's explosives laboratory. He now said he no longer believed it was infallible. Yallup was fiercely cross-examined, his doubts about his own test were seen as weakness. The judge, Mr. Justice Donaldson, summed up, 'unless you are satisfied by the scientific evidence that nitro-glycerine was present, it would be quite unsafe to convict'. The jury accepted the scientific evidence. All seven defendants were found guilty. The two boys were sentenced to be detained for four and five years. The adults got heavy prison sentences : Annie and Paddy Maguire, fourteen years, Pat O'Neill, twelve years, Sean Smith, twelve years, Giuseppe Conlon, twelve years. Last month, three MPs, Christopher Price Labour, John Biggs-Davidson, Conservative and Gerry Fitt, SDLP, took fresh scientific evidence and an independent expert to argue the case with the Home Office.

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r. Brian Caddy : There was no unequivocal identification of nitro-glycerine in this case and therefore one cannot say with any certainty that these people were involved in handling explosives.

resenter : Dr. Caddy has reworked the basic test for nitro-glycerine. The principle is to test the sample suspected of being nitro-glycerine against a controlled sample which is nitro-glycerine. A plate with both substances is placed in a tank with a solvent. The plate is then left in the tank for forty minutes. Nitro-glycerine will move up the plate. The samples are then treated with another chemical. Nitro-glycerine will turn pink, but if the other substance produces the identical reaction, then the question is, how positive can you be that the pink spots are all nitro-glycerine? The prosecution said you can be positive. Caddy disagrees. He says you need to do another test with another solvent to be positive. What's more, two other explosives produce exactly the same result.

. Caddy : Clearly, the charge involved the phrase 'in possession of nitro-glycerine' and since we cannot categorically say that this was nitro-glycerine, therefore the charge cannot hold and it's therefore up to the lawyers to decide what is to be done in these circumstances.

esenter : But in your judgment, on the forensic evidence they

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could not be found guilty?

pr. Caddy : On the evidence it could not be categorically said that they had in their possession nitro-glycerine. Since there was only one test done to identify nitro-glycerine, and this was the thin-layer chromatographic test, in my opinion that this was quite unsatisfactory. A further confirmatory test must be done.

resenter : Most crucial of all, the defence were quite unable to do their own tests. The swabs taken from the suspects in the first case, from under their fingernails and then from their hands, showed only minute traces of the substance alleged to be nitro-glycerine. The total amount was described as one thousandth of one granule of sugar and all the samples taken from the hand swabs were destroyed in the original prosecution test. No photographs were taken, there was nothing for the defence to examine except the official written results.

r. Caddy : A scientist should be appointed very rapidly at the onset of the case, perhaps even by a public defender, so that he can participateand oversee and work alongside the prosecution scientist, if one wants to use those terms.

resenter : Giuseppe Conlon is now dead. He only lived for four years of his prison sentence. He died still

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protesting against the expert scientific evidence that convicted him at his trial. His widow has led the fight to clear his name and Mrs. Conlon has collected powerful allies.

Gerry Fitt : The last time I saw Giuseppe Conlon was on the Saturday before he died. It was in Wormwood Scrubs and he was really very ill and he had an oxygen inhaler and he took off the inhaler and he told me that he realised full well he was going to die and he took my hand and pleaded with me that if he were to die that I was still to try to prove that he wasn't guilty of the offence of which he was found guilty. I gave an undertaking to a dying man. I am totally and absolutely convinced that he was innocent.

resenter : There was no deathbed confession?

erry Fitt : There was no deathbed confession, absolutely no question of a deathbed confession. In fact, the nurses, and again it may get some people into trouble but police and nurses and doctors and warders and governors, everyone that I spoke to in connection with the case of Giuseppe Conlon, they were all as convinced as I was of his total innocence.

hn Biggs-Davidson : Doubt has been cast upon the use of the forensic evidence in this particular case and the use of this particular test, the doubt has been cast upon that,

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and since there is no other evidence in the case to prove the guilt of the late Giuseppe Conlon, I think that we should not try and blame people because I believe everybody behaved sincerely, but look at the case again.

esenter : But today, three of those convicted are still in jail. Up till now the campaign to clear them has come up against Home Office monopoly of scientific experts.

ristopher Price : It's been very very difficult for me and my colleagues in this case to produce scientific evidence to take to the Minister because every forensic scientist in Britain seem to be working for the Metropolitan Police or the Home Office or the War Office or someone or other and what one desperately needs in this country, as one has in the United States, is a completely independent expert cadre of forensic scientists who are good at explaining to juries exactly what some sort of scientific situation is and feel absolutely no employer pressure of any kind to lean on one side.

esenter : With crime on the increase, the importance of science in solving it is increasing too. There's no doubt that for the most part the individuals within the system are highly competent and professional. Nor is the charge that the police deliberately distort their judgment. The concern of the critics is that

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when scientific evidence is put before a jury it should be seen to be fair and not produced by a system in which the odds are automatically stacked against the defence.

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