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Reference Code: 2021/50/137

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Mr. Ó Floinn, ~~BT~~ 19-6

1. To see, please, attached Report of the meeting held in the Department with the Birmingham Six last week.
2. I also attach copies of the offers made in respect of Mr. Power and Mr. Callaghan, handed over by Ms. Mulready at the meeting.
3. Also attached is a copy of the Note prepared for us by Gareth Peirce providing further information regarding the assessment of the men's compensation claims.
4. I was in contact with Ms. Peirce on 17 June and she mentioned that she had sent a further letter to the Home Office asking for a meeting with the Independent Assessor and had included "other things" in the letter as well.
5. I asked her what was the position regarding pursuing the course of a judicial review. She did not give a direct reply, referring instead to the feelings of hurt and insult that the men felt that they had been offered less than anyone else.
6. Mr. Tansley of the British Embassy also contacted me on 17 June about the meeting. He asked me were other political parties involved (due to incorrect reporting by the Sunday Tribune), for a read-out of the meeting and our response and were we going to pursue it with the Home Office.
7. I gave him a very short resumé of the meeting, saying that the Six had asked for our support in resolving their compensation claims to their satisfaction, that we had raised the matter at the most recent IGC and that we had agreed to raise the matter again with the British authorities in an effort to resolve the matter to the satisfaction of the men.

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Caroline Reeves
Security Section
18 June 1996.

M. Reeves
Gen. M.
P.D. cc with report

~~BT~~ 19-6

Report of the Meeting with the Birmingham Six, 14 June 1996

1. The officials at the meeting from the Department were Colm Ó Floinn, Caroline Reeves and Ciara O'Brien (Anglo-Irish), John Lawton (Consular) and Emer Kilcullen (Human Rights/Legal). The Birmingham Six were accompanied by a former campaigner on their behalf, Sally Mulready.
2. Mr. Ó Floinn began by welcoming them on behalf of the Tánaiste, who, he explained, was in the U.S. The officials present were meeting them as his representatives.
3. It was agreed that the meeting would first briefly address their concerns regarding the Bridgewater Four and the case of Frank Johnston. Mr. Lawton responded and undertook to take these matters further as they are dealt with by Consular Section. This report is only concerned with the Birmingham Six case but in the course of the discussion on the Bridgewater Four, Mr. Ó Floinn made the point that officials in the Embassy, London act in all circumstances on instructions from HQ in Dublin.
4. Mr. Ó Floinn suggested that the main purpose of the meeting was for the Department to hear on behalf of the Tánaiste what the Six had to say regarding their own situation. He invited them to address their concerns. Ms. Mulready and Billy Power responded by saying that they had been critical of the Irish government in the early years of their ordeal, until Mr. David Andrews, as Minister for Foreign Affairs, took an interest and the ensuing support and representations from the Irish government at the highest level were instrumental in bringing their case to the Court of Appeal. While criticising the Irish government for not becoming involved in their case earlier, they acknowledged that this might in part have been the fault of the campaigners.
5. Paddy Hill interjected that two of the police officers who had interviewed both themselves and the Bridgewater Four and obtained statements through intimidation and threats were Sergeant Hornby and Constable Perkins.
6. Hugh Callaghan said that since their release as regards compensation, he had received an interim payment of £200,000 and then £60,000. He described this as "ridiculous" for the length of time he had been in prison. He said that the assessment had not taken into account the psychological scars which the Six bore as a result of 16 years' imprisonment. He said he travels to and from Birmingham to visit his daughter and grandchildren and finds himself being stared at in a sinister way on trains and has to move carriages. He feels there will always be the doubting Thomases who believe him to be guilty. He said that the British Government has never given an apology and that they would have felt greatly helped if the British

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- authorities stated publicly that the men were innocent. Each of the six had had to move house, he to London away from his family.
7. Mr. Power said that the reason they sought this meeting was that they consider that the amount of compensation offered to them is a matter of human rights and that they have been denied justice in Britain. He said there was no need to go into the details of the injustices they had suffered in England, the brutality and being classified for 16 years as mass murderers. He believes that until they are adequately compensated they will still suffer the stigma of guilt. He viewed the offer he had received of £13,000 for each year he was imprisoned as an insult. It is the lowest offer made to any applicant over the last ten years or so. He felt, given the nature of the case, the offer should be at least double. People who have been in jail for several weeks or months are getting compensations of £20,000 - £25,000 per annum. The lowest other offer apart from themselves was one of £15,000 per year. He was not talking about their loss of earnings but rather their wrongful imprisonment for 16 years. He feels that the Irish Government should help in whatever way it can to secure adequate and proper compensation. When they were released, they had no money and were given £30/40 per week in social security which they were forced to accept. As they had all been forced to move from Birmingham after their release they could not afford to take a civil action and so were forced to accept the option offered to them of having their claims assessed by the Independent Assessor. The Assessor would not accept any direct representations from the men or their legal representatives. All communication had to go through the Home Office. If they had gone to court they felt that the authorities would have had to settle out of court and would have received proper compensation. However, they were unable to pursue this course through lack of finances and have been left at the discretion of the Assessor. They have no confidence in the British justice system.
 8. He referred to the "mind set" of the Assessor in deducting £25,000 from Paddy Hill's claim on the ground that he had been in jail previously and "he would not have suffered as much as the others". Furthermore, he did not consider the Assessor as being independent.
 9. Mr. Power mentioned recent newspaper articles which claim that £7 million has been set aside as a compensation fund for all Irish miscarriage of justice cases. He said that they feel that the Assessor is capping their compensation to fit the fund. He reiterated that until some proper compensation is arrived at, some form of guilt will still attach to the men in people's minds. He said the Irish Government must raise the matter at every opportunity through the Anglo-Irish process.
 10. Mr. Hill gave examples of cases where individuals had brought claims against the British Government for relatively minor incidents who had received extremely large settlements. Hill himself had been offered £180,000.

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11. Mr. Power said that their ordeal had not ended when they left prison. The rumours continued and newspaper coverage claimed they had been released on a “technicality”.
 12. Mr. Ó Floinn expressed understanding for the way the men felt in this regard and noted that some Tory MPs had even recently questioned their entitlement to compensation.
 13. Ms. Mulready said that one thing which had been neglected, which the men felt very strongly about, was the Irish cultural dimension in terms of assessing the psychological damage resulting from the men’s experiences and wondered was it a coincidence that the lowest offer of compensation ever was made to Irish claimants. She mentioned the deep-seated prejudice of the British press which ran right through the British system and which, in their view, has influenced the Independent Assessor’s attitude. She said that it was difficult to convince even the mainstream newspaper groups that due compensation is the men’s entitlement. The men had to contend with such prejudice all the time.
 14. Mr. Power said that the Home Office had never admitted the brutality the men had suffered when they were held in Winson Green Police Station. Nor did they give consideration to the psychological effects on the families of the men. He pointed to ongoing suffering of their families including attacks on their home and an attack on Gerry Hunter’s son which had left him in a coma.
 15. He said that the British Government had told them that if they did not want to accept the offer that they could take the matter through the courts. Power said that they did not want to spend another five or ten years trying to solve their problems. At this stage two of the Six are pensioners.
 16. Ms. Mulready said that the psychological effects on the men had been written off. The Assessor mentioned merely that he had “had the advantage of reading” the psychological reports prepared by Dr. Grounds. He has refused to say how he came to his conclusion. The Irish Government must make approaches at the highest level at every opportunity.
 17. Mr. Ó Floinn said that he could assure the group that the Tánaiste has raised the issue with the British Government and he referred to a Parliamentary Question answered by the Tánaiste last March. He also mentioned a meeting which took place between Irish Embassy officials and the Home Office on 1 April where the Irish side had pressed for an early resolution of the matter. The Tánaiste had raised the issue with Sir Patrick Mayhew at the most recent Anglo-Irish Conference on 22 May and had conveyed the view that there should be an early resolution of the question of compensation to the satisfaction of the men who have suffered so grievously.

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18. Mr. Hill asked what the Home Office response had been.
 19. Mr. Ó Floinn responded that essentially the matter must be resolved within the British legal system. However, obviously the case has a resonance in Anglo-Irish relations. He said that the Irish Government were also anxious to see the matter resolved with an acknowledgement of the wrongful imprisonment by an appropriate level of compensation. The Irish Government will monitor any legal proceedings and urge the British authorities to resolve the question of compensation to the satisfaction of the six individuals who had suffered so grievously. In response to further points from Mr. Hill, he said that when the matter is raised at the level of the Tánaiste or at Embassy level, a reply in legal terms is not expected, nor are figures of compensation negotiated. If the British government say that the Assessor is independent, the Government have to respect this point. It is for the Six's legal representatives to pursue the matter from a legal perspective.
 20. Mr. Ó Floinn assured Mr. Hill that the Government would continue to urge the British authorities to compensate the Six decently, fairly and justly. The Government is not in a position to force the relevant British authorities to take the necessary action. However, he assured the delegation that the matter would again be raised with the British following today's meeting.
 21. Ms. Mulready said that she would be grateful if the issues which had been discussed today could be put in writing as there seems to be a absence of feedback of the nature of the Home Office responses. She further said she does not have much indication of the responses from the Home Office when the Irish Government raises the matter. She said that one reason why the Irish Government should be concerned is with regard to the treatment of Irish citizens.
 23. Mr. Ó Floinn replied that the Government has no problem with corresponding with the Six at any time. Obviously however, responses from the Home Office are Government to Government responses and that the more important responses in this instance were those received by the Six's legal representatives. He reiterated the fact that we have been putting and will continue to put pressure on the British Government. However, certain issues have to be pursued by Gareth Peirce and Ivan Geffen. The Irish Government are obviously not the group's legal advisers. In response to a question from Ms. Mulready, he confirmed that the British government have not told the Irish Government that this is their final offer.
 24. Mr. Hill said that Sir David Calcutt, the Independent Assessor, is an employee of the British Government. He was the Chairman of the Criminal Injuries Compensation Board.
 25. Mr. Callaghan asked that the notes of this meeting be sent to the Assessor, as there is much that the Assessor does not know about the case.

26. Mr. Ó Floinn replied that the notes of the meeting would be submitted to the Tánaiste and sent to our Embassy in London to inform their further contacts with the British authorities. We must pursue the case through the appropriate channels. We would raise the issue of the role of the Assessor and the Six's concerns about his role. He asked why the Assessor was not aware of all the facts. Mr. Hill replied that the Assessor will not communicate directly with the Six and that everything has to go through the C3 division of the Home Office, (a Mr. Parsons).
27. Mr. Power asked Ms. Kilcullen to assess how their case rates as a human rights issue.
28. Ms. Kilcullen replied that this was difficult to give an assessment. She is not expertly familiar with the British legal system. She said, however, that the Six seemed to be treated differently.
29. Mr. Ó Floinn remarked that their human rights were clearly not respected during the period of their wrongful imprisonment.
30. Ms. Mulready said that Irish Government concerns with regard to the human rights aspect did not seem to be coming across.
31. Mr. Ó Floinn replied that the question of compensation was itself a human rights issue and repeated our position that we have urged and will continue to urge the British Government to resolve the question of the compensation claims satisfactorily.
32. Ms. Mulready said that she was labouring the point to try to widen the language that was being used because, in human rights terms, the Six continue to have their rights violated.
33. Mr. Ó Floinn repeated that the issue of adequate compensation was a human rights question and the Irish Government is concerned that the question has not been resolved to the satisfaction of the Six.
34. Mr. Ó Floinn sought clarification from the delegation of their views of the role of the Assessor and the point about £7 million being assigned to miscarriage of justice cases. What period does this cover? Does the Assessor ever meet with claimants? Are the Six taking legal proceedings in Britain?
35. Mr. Hill responded that the Assessor has met with the legal representatives of other claimants.
36. Mr. Power explained that the Six were forced to accept the imposition of an Independent Assessor as they were not in a financial position to take civil action then or now and it would take another five years. Furthermore, they have no

confidence in the British system. Their intention is to make representations again with the Home Office within the next month and to ask the Assessor to reconsider their claims and their request to meet them. Mr. Ó Floinn asked would they share the results of these representations and any further material with the Department and an assurance was given to this effect. He assured the group that the Government will continue to urge the British authorities to resolve the matter at the earliest possible time.

37. Mr. Power said that the Six did not accept that the Assessor was independent. It was a Home Office appointment and he was Head of the Criminal Injuries Board. His "mind set" is exemplified by his treatment of Paddy Hill's claim.
38. Mr. Ó Floinn asked how the group knew that their offers had been the lowest ever. Mr. Hill and Ms. Mulready replied that they had researched the matter and could send on statistics. Ms. Mulready said that scientific evidence backs up the group's claim as regards the psychological damage suffered. A researcher in Cambridge University had carried out a study of the psychological effects, a course of action which the Home Office had never taken. Calcutt had dismissed this study and she considered that in comparison to other cases, this study had actually had the effect of reducing rather than increasing the amounts offered. She asked whether the Irish Government could raise the question of the Assessor's independence with the Home Office.
39. Mr. Ó Floinn said that the Department would raise the concerns expressed by the group with the British authorities in the context of a discussion on the satisfactory resolution of the issue. He pointed out that it would not be appropriate or productive always for us to express points to the British authorities in the same way as the group might.
40. Mr. Hill interjected that the Government was again sitting on the fence as it had been for the past twenty years.
41. Mr. Power said that even were the Assessor independent they still question his analysis. Gareth Peirce has asked for an indication of how the Assessor had arrived at the offers. The Assessor has refused to provide this information. He said that the Assessor had itemised the offer by reference to loss of earnings, loss of future earnings, expenses, according to a set formula, and awarded an amount for wrongful imprisonment. The Assessor had stated that in applying these criteria, his intention was to return the men to the way they were before their imprisonment. However, he provided no indication of how he had arrived at his calculations. No acknowledgement had been given to the issue of psychological damage, for example with regard to the beatings received in Winson Green.
42. Ms. Mulready reverted to the issue of the £7 million fund and her belief that the Assessor was effectively rate-capping the amount the Six should receive. She said

that the Guildford Four, the Maguire family and Judith Ward had all to be compensated from this fund. She believes this is partly the reason the Assessor will not give a breakdown of the offer.

43. Mr. Ó Floinn asked about media coverage of the Six's intentions with regard to the European Court of Human Rights.
44. Mr. Hill said that they have to exhaust the domestic legal avenues before considering taking a case to the European Court of Human Rights. They want to finish this as soon as possible. He maintained that the Six were not in a position to pay for a judicial review as they are not eligible for free legal aid.
45. Mr. Power said that such a review would cost anything from £30,000 to £50,000 between the Six. However, if they do not apply for such a review, it may prevent them from pursuing the European dimension as all British avenues will not have been exhausted. He asked where the Irish Government stood on the question of taking another Government to the European Court.
46. Mr. Ó Floinn replied that it was for the individuals involved in a case to take such actions. It was not for the Irish Government to bring the British government to the European Court. The Irish Government's particular role at present was to continue to urge the British to resolve the matter.
47. Mr. Hill said that prior to the reports of the £7 million fund it was believed that Calcutt had access to £27,000 per annum for applicants. This figure was "slashed" to less than £12,000 per annum in Hill's case.
48. In response to further points made, Mr. Ó Floinn remarked that it should not be taken lightly that the Tánaiste had raised the matter at his level. He said it would be helpful to have access to whatever the Six want to share with the Department in terms of material, perhaps through Gareth Peirce and specifically correspondence and documents from the Assessor.
49. Mr. Hill remarked that he had handed over a memorandum to Niall Burgess, PST, last June of what the Assessor had offered. The men were now being placed in the same monetary position as before they were imprisoned, thus glossing over the brutality of their experiences.
50. Ms. Mulready handed over copies of the Assessor's response to the claims of Mr. Power and Mr. Callaghan for our information (see attached).
51. Mr. Ó Floinn urged the group to keep a clear focus on their objective at the meeting which was to urge the Irish Government to continue to raise the matter with the British Government. It is not for the Irish Government to take such a case to the European Court.

52. Mr. Hill said that the Home Office wanted individual psychological reports which has not, as yet, proven possible.
53. Mr. Power and Mr. Hunter confirmed that Mr. Geffen, Mr. Hunter's solicitor, submitted his claim three months after the other five, but has as yet not received an offer from the Assessor.
54. Ms. Mulready mentioned the absence of any counselling for the Six since they left prison. John McCarthy (ex-Beirut hostage) had in recent days remarked to the Six that he was astonished at this neglect.
55. Mr. Ó Floinn asked had the costs of counselling been included in the men's claims. The response was not clear.
56. In conclusion, Mr. Ó Floinn reiterated the Tánaiste's interest in an early resolution of the compensation issue. We would continue to pursue the matter with the British authorities and the fact of today's meeting, which was being covered by the media, could only be of assistance in this regard to the Six. In response to queries from the visiting delegation on the handling of the issue at their press conference (which was to follow immediately afterwards in Buswell's Hotel), Mr. Ó Floinn encouraged them to keep a clear focus on the purpose of the meeting being to ask the Tánaiste to continue to raise the compensation issue with the British authorities. It would not be productive to convey an impression of any divergence at the meeting or to get diverted into issues such as the European Court. He again assured the Six that we would raise the compensation question again on foot of the meeting.
57. The Six and Ms. Mulready for their part expressed thanks to the Tánaiste and officials for the opportunity of the meeting.

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Caroline Reeves,
Security Section
Anglo-Irish Division.
18 June 1996.

cc PST, PSS, Secretary Ó hUiginn, Counsellors A-I, Joint Secretary, Ambassador,
London, Box.