



# An Chartlann Náisiúnta National Archives

<b>Reference Code:</b>	2016/52/46
<b>Creation Dates:</b>	21 October 1986
<b>Extent and medium:</b>	16 pages
<b>Creator(s):</b>	Department of the Taoiseach
<b>Accession Conditions:</b>	Open
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INFORMATION NOTE FOR MINISTER

Guildford and Woolwich Bombings

1. Paul Hill (20) of Belfast, Patrick Armstrong (24) of London, Gerard Conlon (20) of Belfast and Carole Richardson (17) of London were committed for trial in March 1975 charged with murder, conspiracy and causing 2 explosions in pubs in Guildford on 5 October 1974, which killed 5 people, including 2 soldiers and injured over sixty. In addition Hill and Armstrong were charged with conspiring to cause an explosion at the King's Arm public house, Woolwich on 7 November 1974 and the death of two people on that occasion.

2. The trial proper opened in September 1975. Sir Michael Havers addressed the jury on statements allegedly made by Conlon to the police. On the night of the Guildford bombs he thought he was being taken for an IRA "head job" because he had been taking drugs. He knew he was on a bombing venture when he went in one of two cars to Guildford. "I thought we were just out to scare the soldiers. I didn't know anyone was going to get hurt", he was alleged to have said. Originally he thought he was going to be given a "head job" but outside Guildford in a country lane the cars stopped and Hill primed the bombs. It was then he knew that he was not going to be killed and that they were going to scare people. According to Conlon, Hill had said they were going to put the bombs in pubs where soldiers could be found and they would phone a warning. When he saw the newspaper pictures the next day he cried. "Honest to God I thought no one was going to get hurt" he told police.

Asked if he was in the IRA he is said to have replied "No mister they would not have me because I was a thief". The interview with Conlon took place on 3 December 1974.

3. Conlon told the Old Bailey jury on 13 October 1975 that he had falsely admitted responsibility because police had threatened to have his mother shot by the SAS. Following his arrest in Belfast the RUC wanted him to do "a deal" and inform on people. Later when he was transferred to Britain the police threatened to send back word that he was informing. He made the untrue statement to police when they threatened to arrange for the SAS to kill his mother. All of the defendants said then, and since that the confessions on which the prosecutions were based were extracted by beatings, and were untrue.

4. Gerard Conlon was sentenced to life imprisonment for causing explosions with a concurrent 20-year sentence for conspiracy to cause them. The recommendation was that he spend at least 30 years in prison. The four defendants were found guilty of five counts of murdering the three girls and two men killed in the Horse and Groom pub explosion in Guildford on 5 October 1974. All were found guilty of conspiring to cause explosions in Britain between November 1973 and December 1974. All were found guilty of causing the explosion in the Seven Stars pub in Guildford on 5 October 1974. Armstrong alone was found guilty of conspiracy to murder at the King's Arm pub, Woolwich between 5 October and 8 November 1974. Armstrong and Hill were found guilty of murdering two people killed in the King's Arm bombing. Paul Hill was already, at this stage, serving a life sentence for the murder of a soldier in Northern Ireland.

5. In December 1975 the Balcombe Street siege took place. The "Balcombe Street four" (Hugh Doherty, Eddie Butler, Martin O'Connell and Harry Duggan) later claimed responsibility at their trials for the Guildford and Woolwich bombings. When they came to trial they were charged with 25 bombing and shooting incidents, but not with Woolwich or Guildford. In October 1977, the Court of Appeal heard an appeal by Conlon and the others on the grounds of the Balcombe Street confessions.

The prosecution accepted the "Balcombe street four" could also possibly have been involved in the Guildford and Woolwich bombings but in addition to the four convicted for them. The judges concluded that the evidence of the "Balcombe Street four" was a "cunning and skillful attempt by the latter to bring about the release of their confederates".

6. It should be noted that one of those convicted of the Guildford and Woolwich bombings, Paul Hill also claimed that Mrs. Annie Maguire had also taken part in the Guildford bombings. Mrs. Maguire was arrested but then released when she proved she was elsewhere at the time. Mrs. Maguire is the aunt of Gerard Conlon, another of those convicted of the Guildford bombings. Paul Hill had also alleged that he had learned to make bombs in Mrs. Maguire's kitchen at Harlesden. Mr. and Mrs. Maguire, their two sons, a lodger, Mr. Sean Smyth and a neighbour Mr. Pat O'Neill along with Gerard Conlon's father, Guiseppe Conlon, were subsequently charged with and convicted of possessing explosives.

7. In recent months, Paul Hill has been the focus of considerable attention and representation, to the exclusion of the other three defendants. Mr. Hill has in the course of the last 12 years spent 1438 days on rule 43 solitary confinement, and his circumstances and conditions in prison have been the source of considerable pressure from various interested parties. His legal representatives are preparing a list of alleged assaults and ill-treatment during his confinement to pass to the Embassy.

8. The Ambassador in London and 2 officials met with Alistair Logan, Gerry Fitt and Robert Kee and discussed the case on June 2, 1986. A documentary on the case was presented on Yorkshire T.V. on July 1. It presented no new evidence but will have served to bring the case and its details to the attention of a

large number of people. Its opening remarks plainly class the case with Annie Maguire and the Birmingham Six. This is the third occasion on which the case has drawn T.V. interest: it has previously been examined in the course of programmes on the Annie Maguire case. The T.V. programme attracted considerable newspaper interest. The Observer did a lengthy feature in collaboration with the Yorkshire Television team. Following the programme the Home Office announced its intention to look at the case again, though it will not be the type of review in the Birmingham six case.

9. A "Free the Guildford Four" committee has been set up and can be expected to exert increasing pressure for a formal review of this case. On 22 May 1986, an official of the Irish Embassy visited Paul Hill in Hull Prison, and discussed prison conditions at length and the question of his conviction. An Embassy official visited Gerard Conlon in Long Lartin prison on 24 June, 1986 who stated that he had no particular welfare problems. He repeated his claim to be innocent and sought the assistance of the Government to try to secure his early release.

10. The case is now the subject of an Early Day Motion in the House of Commons. The case was among those in which an all party delegation took an interest when in London from 14-16 July 1986. Senator Michael Smith and Deputy Bernard Durkan met Gerard Conlon in Long Lartin prison. The case has been the subject of a motion at the National meeting of the Federation of Irish Societies on 13 September 1986 calling on the Government to take action.

11. With the publication on 13 October 1986 of a new book (Trial and Error) by Robert Kee covering this case and the linked Annie Maguire case, and the consequent media attention, a resurgence of the reaction which followed the July 1 TV programme must be expected. The book does not disclose (as did C. Mullin's book on the Birmingham Six) new evidence, and so may not influence officialdom, but it will undoubtedly lead to considerable pressure from all sides for a full review.

12. The planned Channel 4 TV special on 14 November 1986 on all three major contentious cases will serve to pick up the tempo at a time when ordinarily, public interest would flag. In the interim, the case was raised by a second all-party delegation with the Home Secretary on October 16, and Mrs. L. Hill and Mrs. T. Smalley (Paul Hill's mother and aunt) met officials of the Department, also on 16 October, to discuss the case.

P. Gunning

21 October 1986.

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The Birmingham Six

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(indexed)

On 21 November 1974, bombs exploded at the "Mulberry Bush" and "The Tavern in the Town" in Birmingham. 21 people died. In August, 1975, six men were convicted of these murders and sentenced to life imprisonment. These men were Robert Hunter, Patrick Hill, William Power, Hugh Callaghan, John Walker and Richard McIlkenny. Walker is from Derry. The other five from Ardoyne. All had lived for most of their adult lives in England. The convictions were founded in part on forensic evidence, and in part on confessions. Since the convictions, both of these factors have been questioned publicly.

On the evening of the explosions, five of the six met at New Street station in Birmingham, to travel to Belfast for the funeral of James McDavid, killed in Coventry on 14.11.74 while planting a bomb which detonated prematurely. They were joined at the station by Hugh Callaghan, who saw them off. They were detained en route, brought to Morcambe Police station and questioned by Birmingham police. The five allege that confessions were brutally beaten out of them. At this time their hands were tested by the Griess test for nitrates. This test was carried out by a chemist from the Home Office Forensic Science Laboratory, Dr. F. Skuse. Positive reactions were obtained in the case of Power and Hill, leading Dr. Skuse to feel 99% certain that they had been in recent contact with commercial explosives. The results in respect of Hunter and McIlkenny were negative, and that in respect of Callaghan not significant.

The men were moved to Birmingham and remanded in custody to Winson Green Prison. Here they were assaulted by prison warders. (It was initially said that warders had been unable to control enraged inmates of the prison). This beating was accepted to have occurred by the Court, and had the effect of rendering it difficult to prove whether a beating had (or had not) been administered in Morcambe Police Station. The Court held that such a beating had not occurred and that the confessions made at the station were admissible in evidence.

The trial ran from 9 June 1975 to 15 August 1975 at Lancaster Crown Court, before Mr. Justice Bridge. The forensic evidence was contested, and a Dr. Black appeared for the defence, with Dr. Skuse appearing for the prosecution. Dr. Black stated that the traces found by the Griess test could have come from any number of substances. The judge left the assessment of this evidence in the hands of the jury, directing them to "draw their own conclusions" if necessary on the basis of their own impressions of the technical witnesses and their relative experience. The Judge did however give his own impressions of the witnesses and Dr. Black suffered in comparison to Dr. Skuse. Mr. Justice Bridge was clearly in no doubt, telling the six men, during his sentencing speech that they had been convicted on "the clearest and most overwhelming evidence I have ever heard of the crime of murder".

In March 1976, leave to appeal was refused by the Court of Appeal (Lord Widgery, Lord Justice Lawton and Mr. Justice Thompson). Lord Widgery held that there had been no 'excessive hostility' towards accused or their witnesses from Justice Bridge. He also held that the forensic evidence had not been "of great importance in the case". As the forensic testing had not been a ground for appeal, this did not affect the appeal verdict.

Fourteen prison officers were tried before Justice Swanwick and acquitted of assaulting the prisoners in Winson Green. On 17 January 1980, the Court of Appeal (Lord Denning MR, Goff L.J., and Sir George Baker) barred the "Birmingham six" from bringing an action for assault against the police for the alleged beatings in Morcambe Police Station. During this hearing the Home Office did admit that there had been assaults in Winson Green without admitting the circumstances of these assaults.

In recent months, this case has been subject (as have others) to what has been described as "appeal by television". The key programme can be seen as the World in Action documentary of 28.10.85. In this programme, the Griess test was shown to give

positive results with a wide range of innocuous substances, including the surfaces of playing cards. The confessions were attacked by an examination of photographs taken during the detention and remand of the six, which according to the expert witness showed clear signs of a beating having taken place before the assaults known to have occurred in prison and also by a series of admissions by prison warders that the accused were already showing signs of injury when they (the warders) started beating them up. With this programme the floodgates opened, and demands for a retrial came from all angles. This question is now under consideration by the Home Secretary.

The fact that the Griess test can be misled by playing card surfaces is significant in that the five men on the train played cards for part of the journey. For Patrick Hill, who made no confession, this is extremely important. The remainder must also hope that the confessions that they made have been materially discredited by the evidence of the beatings. The confessions are contradictory, but this is not unusual in itself. An additional factor to be considered is the emphatic proclamation by the six that they had no IRA/Sinn Fein involvement, the fact that the IRA have officially denied a link, and do not refer to them as prisoners of war, and the repudiation of violence by the six and everyone involved with them. This is not typical of the pattern where IRA members are convicted.

On 30th October, 1985, the Minister for Foreign Affairs went over these points in a statement to Dail Eireann and stated that the question had been raised with the Home Secretary through the Embassy. At the same time the Home Secretary was publicly announcing that an enquiry would be launched forthwith. On that side the matter rests.

As regards representations in this case, the Embassy's approach up to the World in Action programme was to follow up any representations on humanitarian issues and allegations of ill treatment. On the question of guilt and innocence, the

position was that if new evidence came to light, the Irish authorities would make representations as appropriate. In 1976 and 1977 there were a number of allegations of ill treatment and these were followed up.

#### Recent Developments

A review is currently under way in the Home Office to determine, in the light of the new evidence and public expressions of concern, whether there is sufficient evidence to warrant referring the cases to the Court of Appeal. A decision is expected shortly. Against this background the Department and the Embassy have been approached by the prisoners themselves for a meeting as a group with the Ambassador and their legal representatives to discuss their claim to be innocent of the Birmingham bomb offences. The Embassy approached the Home Office with the request but were informed that they were opposed to the idea of the group visit because:

- (a) there were unacceptable security problems and costs associated with bringing the six prisoners together from the four different prisons in which they are presently incarcerated;
- (b) the possibility of a hostage situation developing if the group visit was agreed to (In similar circumstances the Department of Justice would refuse a group visit here).

The Minister wrote to the British Home Secretary on the question of referring the Birmingham Bombing cases to the Court of Appeal and arranging a group visit.

The Embassy has made lengthy visits to all six of the prisoners in the past few months. They have given accounts of the events surrounding their arrest and conviction, and expressed their gratitude for the interest the Embassy has taken in their

position. They have few complaints about conditions. Mr. Walker would like to be transferred to Northern Ireland.

On 3 June the Ambassador in London and 2 officials had an extended meeting with Robert Kee, Gerry Fitt and Alistair Logan concerning the case and the cases of Annie Maguire et al and the Guildford Four.

On 18 June, a meeting was held in the Gresham Hotel to publicise the case. Those present and speaking included Paul O'Dwyer, Sean McBride, Patrick McEntee, Garath Pierce and Auxiliary Bishop of Dublin Dr. James Kavanagh. An invitation was extended to the Minister but his schedule prevented him from accepting.

In recent months, people have once more started writing letters to the papers and organising protests. It can be inferred that in the months following the British Home Secretary's announcement of an investigation, the public felt that the case was all but settled. Ten months having passed with no tangible result, this initial complacency is likely to give way to increased agitation. A Dublin-based Birmingham Six Committee has come into being, and has sent material to the Minister.

A reply to the Minister's letter of 5 March issued from the Home Secretary on 19 June. Insofar as it relates to the Birmingham Six, it states that the examination of the World in Action evidence and that presented by Sir John Farr is "nearly completed", but that the Home Office is now looking at an advance copy of "Error of Judgement", Chris Mullin's book on the case and will issue no decision until this is completed. The Home Secretary replied to a question in the House of Commons on 24 July 1986 in which he indicated that he had asked for a police report on some aspects of the Chris Mullin book.

Chris Mullin's book was published on July 14. There was a considerable degree of pre-publication "hype". Extracts from the book appeared in most newspapers. The Department was able

to obtain a pre-publication copy of the book, which for the most part presents the weakness in the evidence heard at the trial. The final part of the book contains Mullin's account of his meetings with various unidentified IRA figures, which led him to believe that he had met the actual perpetrators of the bombings, and that they were still at liberty. These allegations are now being investigated by the West Midlands Police. The review of the case has been delayed while this takes place.

The Minister of State, Mr. George Bermingham T.D. spoke to the Seanad on these matters on the adjournment on 9 July 1986.

The case was debated in the Commons on 24 July 1986, without tangible result; the Home Office did not move from their position on the requirement for new evidence.

In the wake of the prepublication publicity, a number of TDs called on the government to take action. There was also a considerable volume of correspondence from the public. Predictably this initially high level of interest dwindled during the month of August.

An Oireachtas All Party Delegation comprising Deputies David Andrews, Liam Skelly, Bernard Allen, Bernard Durkan and Mary Harney and Senators Michael Smith and Flor O'Mahony, visited London between 14 and 16 July to show their concern over this case and those of the Maguire family and the Guildford 4. Deputy Andrews and Senator O'Mahony met Power and McIlkenny. Deputy Durkan and Senator Smith met John Walker. The delegation also met officials of the Home Office and the junior minister at the Home Office, Baroness Young.

The Federation of Irish societies in Britain has publicly declared its support for the campaign to have the case

reheard. Officials of the Department met Richard McIlkenny's brother Patrick on 18.9.86 and assured him that we would continue to press for an early decision.

The most recent development is the donation of poster sites in Dublin to the campaign.

Hill and Callaghan are in Gartree Prison, McIlkenny and Power in Wormwood Scrubs, Hunter in Durham and Walker in Long Lartin. None have complaints about their conditions.

A public meeting on the case was held on 16 October 1986. An all-party delegation discussed the case with the Home Secretary on the same day. A special programme from Channel 4 is planned for November 14 1986, covering this case, and those of the Guildford 4 and the Annie Maguire family.

The Minister met with Mr. Chris Mullin on 17 October 1986. On the same evening, Chris Mullin appeared on the Late Late Show to discuss the case.

Paul Gunning.  
Anglo-Irish Division.  
21 October, 1986.

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1. On 5 October 1974 5 people were killed and 50 injured in two pub bombings in Guildford. On 7 November 1974, a further explosion in Woolwich killed 2 people and injured 27 others. Four people were tried and convicted in connection with these bombings in October 1975, and sentenced to life imprisonment. The prosecution was based on confessions which were subsequently repudiated by the four. One of the defendants Paul Hill, named Annie and Paddy Maguire, and implicated her in the Guildford bombing. Charges against her were dropped when she produced an alibi.
  
2. Paul Hill had also alleged that he had learned to make bombs in Mrs. Maguire's kitchen in Harlesden. Mr & Mrs Maguire, their two sons, a lodger, Mr. Sean Smyth and a neighbour, Mr. Pat O'Neill were arrested, as was Gerry Conlon's father, Guiseppe, who was visiting at the time, and were all charged with possession of explosives.
  
3. The trial took place in February 1976. It was accepted by both prosecution and defence that the case rested on forensic evidence which was alleged to show that the accused had been handling nitroglycerine. These tests were conducted by means of the Thin Layer Chromatography technique. The hands of the seven accused were swabbed with cotton wool and ether and samples taken from under their nails. Laboratory tests on the swabs and samples gave positive results on all but Mrs. Maguire. However, a pair of gloves found in the house and alleged to be hers tested positively. A positive result was supposed to indicate contact with nitroglycerine within the previous 48 hours. The defence case was that the TLC tests were not conclusive proof, that the tests had been carried out by a teenaged apprentice, and that there had only been one test which had destroyed the samples: (indicating that the original samples had been extremely small). The original designer of the test, John Yallop appeared for the defence.

4. All seven were found guilty. Mr & Mrs Maguire were sentenced to 14 years each, their sons (then aged 16 & 13) 5 years and 4 years respectively, Pat O'Neill, Guiseppe Conlon and Sean Smyth 12 years each. All have now served their sentences. Guiseppe Conlon, in bad health even at the time of his arrest, died in custody in 1980.
  
5. Given the doubts raised, then and since, about the reliability of nitrate tests, the convictions have been the subject of considerable attention. All seven appealed, without success. On 4 August 1980, J. Biggs Davison MP (with Gerry Fitt MP and Christopher Price MP) raised the matter in the House of Commons. Leon Brittan, then Minister of State in the Home Office outlined the stance which has been taken ever since. The Home Secretary could consider intervening "only if some significant evidence or other material consideration of substance comes to light that has not already been before the courts. I stress that what comes to light has to be new" (emphasis supplied). In saying this, Mr. Brittan reminded the Home that Mr. Yallop's testimony as to the worth of the TLC test had been fully considered at the trial, and again in the Court of Appeal.
  
6. Dr. Brian Caddy, a senior lecturer in forensic pathology at Strathclyde University, has expressed the belief, based on his own work on the TLC process, that there was reasonable doubt about the verdict on Guiseppe Conlon and that the specific charge of possession of nitroglycerine was not justified by the evidence presented. His report was copied to the Home Office. It seems that it was on the basis of this research that Biggs Davison, Price and Fitt renewed their campaign to have the case of Guiseppe Conlon reviewed in March 1983. In December 1983, Mr. David Mellor, who then had the responsibility for reviewing miscarriages of justice, rejected their representations.

7. Mrs. Maguire completed her sentence on 22/2/85, and her release once again focussed attention on the case. John Hume wrote to the Prime Minister in February. The case generated considerable media interest: "Panorama" April 1983, two RTE "Today Tonight" programmes 17 & 18/4/85, and most of a LWT/YTV programme hosted by Robert Kee on 20/4/85, an item with David Frost on TV AM 28/4/85. One of the producers of the last item has told the Embassy that in her view it may well influence British opinion in the case despite not revealing any new information. The Today Tonight programme was rebroadcast on RTE on 22/1/86.
8. The Minister met privately with Mrs. Maguire and her sons in Leinster House on 20 November. In the light of discussions with Mrs. Maguire, the Minister instructed an official to meet with Professor Boyle of TCD to discuss the nature and extent of his findings in relation to the forensic evidence on which Mrs. Maguire was convicted. Professor Boyle did not have any new findings to present to the Home Secretary: his position was that he had applied his expertise to the existing evidence and concluded that it was so flimsy that no conviction should have been based on it. He had written to the Home Office on 1/8/85 to point out that as two other explosives had been scientifically proven to give the same result as nitroglycerine in a TLC test, the charges of possession of nitroglycerine could not be regarded as proven beyond reasonable doubt. The Home Office response on 21/10/85 was that the matters Professor Boyle had raised would be carefully considered. While Professor Boyle's views are interesting, an approach based on the idea that Annie Maguire is innocent because she was handling some other explosive is not viable.
9. In a letter to Lord Fitt on 31 January the Parliamentary Under Secretary of State, Mr. David Mellor, indicated that he could not find sufficient reason to justify a review of the case under Section 17 of the Criminal Appeal Act, 1968 nor to set up the scientific Committee of enquiry proposed by Lord Fitt.

10. On 6th February 1986, in response to a Parliamentary Question put by Mr. David Andrews T.D., the Minister for Foreign Affairs indicated that he would be taking the case up personally with the Home Secretary. The Ambassador in London called on Mr. Hurd with a personal letter from the Minister appealing to Mr. Hurd to exercise his powers under the Criminal Appeal Act to refer the case to the Court of Appeal.
11. The question has been raised (but not yet taken) on a number of occasions in the European Parliament. On 3 June 1986, the Ambassador in London and two officials met Robert Kee, Gerry Fitt and Alistair Logan, and discussed the case along with those of the Birmingham Six and the Guildford Four at some length.
12. In reply to the Minister's letter, the Home Secretary said that having examined the evidence offered he was satisfied that the doubts which have been expressed on this count would not justify (his) referring the case to the Court of Appeal. The Minister for Foreign Affairs wrote in response expressing disappointment and asking the Home Secretary to maintain the case under consideration in light of the serious doubts which had arisen about the convictions of Annie Maguire and her Co-defendants.
13. Members of an all-party delegation of deputies and senators met with Mrs. Maguire on 15/7/86, and also met Home Office officials to discuss the case. The publication of a book (Trial & Error) by Robert Kee on 13/10/86 concerning this case and the related case of the Guildford 4 has led to increased media interest in these cases. This interest will be further fueled by a planned Channel 4 special covering the cases on November 16.

Anglo-Irish Section

21 October 1986

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