



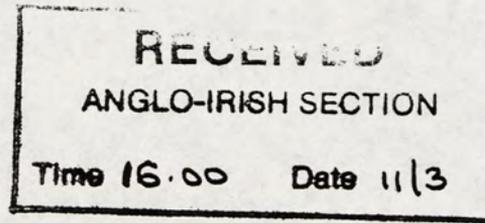
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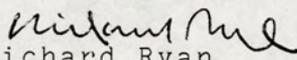


10 March 1987

Dear Assistant Secretary

I attach a note prepared by Mr O'Reilly on our visit last Friday 6 March to Long Lartin Prison to meet the Birmingham Six and Gerard Conlon of the Guildford Four. Also attached is a copy of a letter to the Governor of the prison. I will be writing to the Home Office through the FCO about the outstanding points, and will copy that letter to you in due course.

Yours sincerely

  
Richard Ryan  
Charge d'Affaires a.i.

Tánaiste  
Secretary  
A-I Section  
A-I Secretariat

Visit to Long Lartin Prison to meet Birmingham Six  
and Gerard Conlon (Guildford Four), Friday, 6 March 1987

1. Mr Ryan, Charge d'Affaires, and Mr O'Reilly, third secretary, travelled to Long Lartin Prison and met all of the Birmingham Six for one hour and ten minutes, and Gerard Conlon, Guildford Four, for twenty minutes. These meetings were preceded by a short interview with the Prison Governor, Mr J Whitty, who underlined the prison authorities' desire to accommodate the practical needs of the Six in preparing their case. To that end, he had arranged afternoon communal meetings for them in one of the prison classrooms as and from Monday, 9 March 1987. Mr Ryan stressed the Embassy's appreciation of the Home Office's and the prison's efforts to facilitate the visit and said he would pass on to the Governor any particular request that might arise from the meeting with the prisoners.
  
2. The meeting with the prisoners began with Mr Ryan outlining the role of the Embassy in the case over the years and the way in which, for tactical and strategic reasons, we feel that it should be presented as a matter of British justice than a political issue between the Irish and British Governments. This development was in part owing to the involvement of right-wing conservative figures, like Sir John Farr MP, who could be scared off by the idea of Irish politicians and diplomats seeking to occupy the centre stage. While it would be easy for an Irish Government to "muscle in" on the case in a public way, the prisoners' own interests had to be considered. Mr Ryan said it was his own view that their interests would inevitably suffer if their case were to lose its strongest allies - those very MPs who would be deterred by consistent overt and high profile involvement of the Irish Government. Over the years, a positive rapport has been built up with the Foreign Office and the Home Office to the extent that our concerns are now listened to attentively and a measure of trust has been built up. We feel it better to gently and consistently push out the perimeters of our relationship in this way, particularly with the Home Office, and thus to act as an effective corollary to action by British public figures. Additionally, the

Embassy has access to many British politicians and Ministers, and this had been used in the prisoners' interests: we have found such figures amenable to quiet and low key approaches and elaboration of our views about the Birmingham and other cases. Most recently, the Embassy had made representations to the Foreign Office and Home Office to have everyone moved to one prison and, while others had also made their voices heard, we feel that this played a role in securing the present concession.

3. While John Walker acknowledged the concession of housing all six together, Paddy Hill and Gerry Hunter wanted to know why the Embassy had not lodged a formal protest or made a public statement about the case. Mr Ryan reiterated his remarks about the delicate task of making representations about the legal process in another jurisdiction. He pointed out that a very common initial reaction on the part of Conservative political figures even to the idea of discussing the Birmingham Six case was that it was none of the Embassy's business. However, we had moved a considerable way along the road so that now our legitimate concern for people we regard as Irish citizens under our constitution was recognised and accepted by the British. It would of course be easy, he said, for us to "announce" publicly concessions gained, but we very much took the considered view that such an approach to the matter would inevitably lead to serious contraction of the delicate and good relationship with the British authorities, and the Home office, and to setbacks to the prisoners' own interests.
  
4. The prisoners raised the issue of Government and Embassy representation at the appeal hearing, which they expected to take place some time before the end of the Summer session (beginning of July), possibly in May or June. Mr Ryan said he understood Mr David Andrews TD, who had formed part of the all-party delegation to meet Secretary of State Hurd last October, may intend to be present. The question of Government representation will be one for the incoming Government and this would no doubt be given consideration. Mr Ryan said that what has to be borne in mind in coming to such a decision is the effect it will have on the judges and the legal administration involved: in some cases such presence can be seen as an attempt to impugn the integrity of the court concerned; in others, and depending

on the precise approach taken, it can have a positive and encouraging effect. However, this is a very delicate matter requiring delicate assessments. Very careful thought will go into the question of a political and/or official presence. The Embassy would await instructions on attendance at the appeal, but his own guess was that there would surely be a consistent presence throughout the appeal. He assured the prisoners that whatever decisions were taken, the result would be one which we firmly believed was that best assured to advance the prisoners' own interests. Mr O'Reilly asked the prisoners whether they had any clear idea yet of the grounds that would make up their appeal. Paddy Hill said Tom Clarke's statement and the discrediting of the original forensic evidence would be the main components. (It appeared that none of the prisoners knew the precise grounds of appeal which had been lodged by their legal representatives.) Mr Ryan pointed out that, even in the event of the various statements as to good character not being admitted in the case, the number of public figures who had taken a stand on the case would make its own impression.

5. On the question of legal representation, the men indicated that it had been decided to engage the same counsel - although two of them, McIlkenny and Hunter, had engaged a different solicitor, Ivan Giffen. Among the counsel they had chosen were Richard Ferguson QC, a former N.I. barrister who ran a successful criminal law practice in London; Lord Gifford QC, author of the Cobden Trust Report on Supergrass Trials, and Michael Mansfield QC, an expert in the field of forensic evidence. The purpose was to have a different counsel lead under each heading of the evidence they wished to refute. (When I spoke to Gareth Pierce on Monday, she told me no decision had yet been made on which counsel would appear for the prisoners.)
6. The question of the Irish Embassy or Government putting up bail for the prisoners was discussed. Mr Ryan said that this was a very complex matter. However, it seemed certain that the question was hypothetical as they would surely not be granted bail. Even if they were, serious problems arose about the acceptability of a diplomatic officer being proposed to the Court whose powers would not extend over him. Secondly he could not easily or at all give the guarantees involved in bail procedure. Thirdly, a court might not find such an

application from outside the legal jurisdiction acceptable. Mr Ryan reiterated his view that the six and their legal advisers should best concentrate on preparing a court case for the Court of Appeal. The six seemed to find this argument acceptable.

7. Some of the prisoners had a number of requests about conditions in the prison. Primarily, they wanted Gerry Hunter to be moved to the same wing as Callaghan, Hill and Walker. (McIlkenny and Power are shortly to move to Wormwood Scrubs, London at their own request). Inter alia, they have a great deal of legal papers to study and to be housed in adjoining cells would, they said, help them considerably. In addition, three of the six had to contend with supervised prison visits (the other three are permitted unsupervised visits). Finally, Paddy Hill complained that he was receiving half the pay he had been getting in Gartree. Mr Ryan undertook to raise these matters with the Prison Governor. However, he urged the men to concentrate on the most important issue: preparing a well-grounded appeal. The meeting ended cordially with thanks being expressed by the prisoners for the Embassy's visit. There had indeed, been a considerable "warming up" during the visit which had started on a very frosty - even belligerent - note.
8. The Governor arranged at short notice for a 20 minute meeting with Gerard Conlon, one of the Guildford Four. He was in what could be described as a terribly low state of mind and seemed - very understandably, perhaps, in the light of the Home Secretary's rejection of the Guildford case - to have lost any sense that there might still be something called British Justice. He felt his position to be hopeless and he referred again and again to his only desire: to have, for his family's sake and his/father's memory, his name cleared. Mr Ryan reiterated the comments he had made to the Birmingham Six about the sensitivity with which cases such as this had to be handled, and Conlon said he could understand the need not to antagonise useful allies in the Conservative Party. Mr Ryan handed over a copy of the Minister's statement issued following the latest "First Tuesday" programme. Conlon asked if something could be done about his visits. He was deliberately foregoing them at the moment because even visits from his mother were supervised and such

visits were a failure as they made his mother even more miserable - and, therefore, he himself too. Mr Ryan said he would raise the specific issue whether his mother's visits could be unsupervised with the prison authorities and would let him know the outcome. Mr Ryan reiterated all the sources of support that Gerard had and continues to have from public figures whose integrity must be seen to be above suspicion, and stressed that all this support is continuing and does not accept the Home Secretary's recent decision. The Irish Government acted and continues to act on the basis that the four are innocent. Gerard Conlon seemed in a much better frame of mind when we parted.

9. In subsequent conversation with Governor Whitty and Assistant Governor Petherick, Mr Ryan duly raised the men's requests. Mr Petherick said he expected the request about accommodation could be met within a week. He explained the position about Paddy Hill's prison pay (basically, Hill has been put on a full-time education basis in order to enable him to co-ordinate with the other five and to have a classroom (where we met them) set aside for this purpose), thus earning half what he used to in Gartree; if he returns to work, which he is unwilling to do, he will earn more). The question of unsupervised visits was for decision by the Home Office and the prison itself had little influence beyond recommending a particular category of visit. As regards Gerard Conlon's request, Mr Petherick when asked said he was prepared to recommend that he be allowed unsupervised visits from his mother. Mr Ryan said he would simultaneously take the matter up again with the Home Office. He expressed appreciation to Mr Whitty and Mr Petherick for their helpfulness.

B O'Reilly

March 1987