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10/2
Circ 232C Refers - Mr. [unclear] (9)

Recd from the Secretariat 16/1
QUEEN ANNE'S GATE LONDON SW1H 9AT

cc: PS01
PS8
Mr. P. Gallagher
Section
Mr. Nally
Mr. Bresnan

8 February 1988
PS/Bluntie for Enquiry P in Sect
Ambassador London
Box

X

Dear Tom,

This letter should be annotated with
note of the Liverpool Bilateral meeting of 10/2

When we met last week, you passed on the concern expressed by Irish Ministers at the recent meeting of the Anglo-Irish Inter-Governmental Conference about the case of the "Birmingham Six". It might be helpful if I set out the history of the case and my role in it.

As you know, Section 17(1)(a) of the Criminal Appeal Act 1968 gives me power to refer to the Court of Appeal the whole of a case in which someone has been convicted following trial on indictment. Like my predecessors, I do not think it right to exercise this power lightly. It is, of course, a fundamental principle of our system of justice that matters of guilt and innocence are determined by the courts, free from interference by the Government. Thus, as I explained in my statement to the House last January about this case and about those of the "Guildford Four" and "Maguire Family", as Home Secretary it is not for me to intervene or interfere in the decisions of the courts, simply because I or others might personally reach a different conclusion on the facts that the courts have considered. Like my predecessors, I have felt it right to intervene only by referring a case to the Court of Appeal where there has come to light some new evidence or new consideration of substance that has not previously been before the courts, and which appears to cast doubt on the safety of the conviction. When such matters were laid before me in the "Birmingham Six" case, this is the action which I thought right.

The Court of Appeal has now given its judgment in this case and I do not think that there is any comment which I can properly make on its decision particularly since, as you will be aware, it seems likely that the appellants will seek leave to appeal to the House of Lords. The Court has reviewed the case fully and has confirmed that the original convictions must be regarded as safe and satisfactory. I must accept the view that the Court has taken and I thought it right to state clearly at an early opportunity that there were no grounds for intervention on my part to recommend the exercise of the Royal Prerogative of Mercy in the absence of any indication from the courts that I should consider doing so.

RECEIVED
(54)
08 FEB 1988
MUFAX ROOM
STORMONT HOUSE

/Like yourself,
(Note: 2nd page not received by Secretariat)

To
The Rt Hon Tom King, MP
Home Secretary