



An Chartlann Náisiúnta National Archives

Reference Code:	2018/68/58
Creation Dates:	30 May 1988
Extent and medium:	6 pages
Creator(s):	Department of the Taoiseach
Accession Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.



1 Passed at weekly dinner - 2 m...
London on 10/6/88
1316
14/6/88

ROINN GNÓTHAÍ EACHTRACHA
DEPARTMENT OF FOREIGN AFFAIRS

BAILE ÁTHA CLIATH 2
DUBLIN 2

30 May, 1988.

CONFIDENTIAL

Mr. Dermot Nally,
Secretary to the Government,
Government Buildings,
Merrion Street,
Dublin 2.

1 Note:
"urge" for humanitarian reasons.
5. 8/6

Dear Dermot,

As you are aware, the Tánaiste indicated publicly, in response to the decision by the House of Lords not to hear the Birmingham Six case, that the concerns raised by this and other cases would be pursued at an early date with the Home Secretary. In the Tánaiste's continued absence, we feel that this would now be most appropriately done through the Ambassador in London calling on the Home Secretary.

With a view to the Ambassador's call, we have prepared an Aide Memoire (which might be left with Mr. Hurd), and some supplementary Speaking Points to be used in conjunction with it. The essential difference between the two documents is that the Speaking Points are based on the reality that, as the immediate release of the Birmingham Six is out of the question given, inter alia, the unanimous decision of the Court of Appeal, the British might be asked to give consideration to an interim step, such as decategorisation and moving the men to an open prison. This would, in my view, give some hope to the men and their supporters by signalling that some movement was taking place in the consideration of the cases. Even such a move is, however, probably some considerable time down the road, though I do find it hopeful that one of the Six was released briefly at the weekend on supervised parole to attend the funeral of his brother. Without clearing this suggestion in advance with the Six, I would hesitate to put it in the Aide Memoire proper which, as indicated above, will be handed over to the British side.

Given your particular interest in these issues from the beginning, I should be grateful if you would have a look at the Aide Memoire and the supplementary Speaking Points and let me know if you agree with their general thrust.

Yours sincerely,

Dermot Gallagher

Dermot Gallagher,
Assistant Secretary.

cc: P. S. S.
Dr. Mansergh

AIDE MEMOIRE

Birmingham Six

The Home Secretary will be aware of the Irish Government's disappointment at the decision of the Court of Appeal in the Birmingham Six case, and at the subsequent decision by the House of Lords not to hear the case. There continues to be a widespread concern in Ireland, as in Britain and elsewhere, that there could possibly have been a miscarriage of justice in this case. All the legal avenues now appear to have been exhausted, while serious doubts persist in the minds of many as to the guilt of the Six.

Although, legally speaking, the end of the road now appears to have been reached, the Government would hope that it may still be possible to bring humanitarian considerations to bear.

The Birmingham Six have now served over thirteen years in jail. It is understood (in the words of Mr. Leon Britton as Home Secretary) that "in all cases, risk to the public is the pre-eminent consideration in deciding release". Given the personalities and the prison behaviour of the Birmingham Six, it seems clear that there would not be any element of risk to the public involved in their release.

In all the circumstances, the Irish Government would hope that - without in any way reflecting on the decision of the Court of Appeal - the Home Secretary would give early and sympathetic consideration to utilising the various clemency powers at his disposal.

Guildford Four

The Irish Government are conscious that the Avon and Somerset police report on aspects of the Guildford Four case is with the Home Secretary at present and that the Home Secretary - as has been his consistent and widely-appreciated approach to all these cases - is giving the matter his most serious attention. In this

case also, there are, as the Home Secretary is aware, many eminent people in Britain and elsewhere - people who do not lightly lend their support to such a cause - who have made known their serious misgivings about the convictions of these four people. The feeling appears to be growing that the appropriate response at this stage, bearing in mind all aspects of the case, would be the granting of pardon by the Home Secretary.

The Government appreciate the complexity and the gravity of the decision facing the Home Secretary in the Guildford Four case. They feel it is important, however, to underline the extent and depth of doubt and concern about the case and to urge the Home Secretary to give the most serious consideration to exercising his option of clemency.

If this option is not exercised, then the Government would strongly support the referral of the Guildford Four case to the Court of Appeal for a further hearing in the light of the new evidence available.

Maguire Family

The Irish Government wish to reaffirm their concern about this case. They feel that there is a very strong argument in favour of responding to the continuing doubts about the Maguire convictions by referring the case to the Court of Appeal for review.

W0345

Supplementary Speaking Points
(to be used in conjunction with the Aide Memoire)

Birmingham Six

1. The Birmingham bombings were horrific and shocked people throughout these islands.
2. The question of the release or paroling of those sentenced for the bombings is inevitably, therefore, a very delicate and sensitive issue for the Home Secretary. The Irish Government fully appreciate this. They are also very conscious and appreciative of the great care and concern with which Mr. Hurd is dealing with the Birmingham and other cases, all of which date from the 1970s.
3. The Birmingham Six have now served over thirteen years in jail. If sentenced in Northern Ireland, they would have been entitled to have been considered for release after ten years. Thirteen years plus is by any standard a substantial period of one's life to have spent in jail. Indeed, most life sentences turn out in practice to be considerably shorter.
4. The Irish Government have urged that the Home Secretary consider utilising the various clemency powers at his disposal. Obviously the optimum in the eyes of the Irish Government would be for the Royal Prerogative of Mercy to be exercised. But there are other steps also - such as, for example, decategorisation and moving the men to an open prison - which would in themselves be worthwhile and would be welcomed by a broad spectrum of informed opinion in both islands.
5. In considering the various options, the personalities and general demeanour of the men in prison would surely lend strength to the argument for clemency. We understand also

that for many years they have been particularly well and sympathetically treated in prison. They are now middle-aged men. They come from a settled community. The "risk to the public" element must be almost non-existent.

Guildford Four

1. Could the Home Secretary indicate when he is likely to be in a position to reach a decision on the basis of the police report?
2. There is a very widespread concern, in Britain as well as in Ireland, that the convictions in these cases were unsafe. This concern predates the new evidence on alibis, with many eminent legal figures arguing strongly for reconsideration of a number of elements of the original evidence. They would also argue that the Guildford trial judge's dismissal of the Balcombe Street gang's statement was not properly reasoned.
3. In all the circumstances, the Government would urge the Home Secretary to consider exercising his option of clemency. If this is not exercised, the Government would strongly support the referral of the case to the Court of Appeal.