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| Reference Code: | 2012/59/1661 |
| Creation Date(s): | 8 December 1980 |
| Extent and medium: | 3 pages |
| Creator(s): | Department of Foreign Affairs |
| Access Conditions: | Open |
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S 10.2/80

8 December 1980

Dear Gerry

You wrote to me on 27 November enclosing copy of a letter from Mrs. Conlon concerning her late husband, Guiseppe, and her son, Gerard.

As you know, I raised the possibility of the transfer of Gerard Conlon to a prison in the North with the Foreign Office and I was recently informed that after examination of the merits of the request by Mr. Conlon and the security and accommodation aspects involved, a decision had been taken not to transfer him. A similar decision was taken in the case of Paul Holmes.

x | I agree with you that it would be extremely difficult to raise the court convictions of Conlon with the Authorities. There is no new evidence in either case that we could usefully submit which would require a reappraisal of either conviction and, indeed, the evidence that could be interpreted as favouring the innocence of Patrick Conlon was fully aired in the Commons debate of 4 August. In the light of the Commons by the Minister of State at the Home Office on the respective roles of the judiciary and the executive (columns 392, 393) it is clear that the Home Office would intervene only if significant new evidence came to light. I do not feel, therefore, that there would be any value in raising either conviction at this stage. On the other hand, there are at least a considerable number of unanswered questions in each case but they have been prominently raised in the media and elsewhere on several occasions.

In this context, I asked the Foreign Office some time ago to provide us with an indication of the status of certain forensic tests and their relevance to the cases of a number of Irish prisoners, particularly the case of Guiseppe Conlon and the Maguires. The following is the text of the reply I have now received:

/...

The question of the technical significance of the "Griess" nitro-glycerine test, in comparison with other forensic tests, does not readily lend itself to a simple answer in non-scientific terms. I can only say that Home Office Forensic Scientists regard this test, which uses the technique of thin layer chromatography, as very useful when used alone or in combination with other methods such as gas chromatography and mass spectrometry.

The thin layer technique was the method used in the testing of the swabs taken from the hands of the Maguires and their co-defendants. The tests were conducted by senior scientific officers who are, inter alia, experts in the field of explosives and their detection.

At the trial, supporting evidence was brought forward from experiments carried out, quite independently of the case being tried, by the Royal Armament Research and Development Establishment. The first of these experiments was to determine the likelihood of a person becoming contaminated by some common substance which would produce a test result similar to that produced by nitro-glycerine. For this, random tests were carried out on many volunteers of different ages, occupations and hobbies, including smokers and non-smokers.

In the second series of experiments, tests were made on the hands of persons employed at establishments where explosives were handled and on those who did not themselves come into daily contact with such materials but who shared many facilities with those employees who did.

The results from these experiments served both to reinforce claims of the validity of the thin layer chromatography method and to indicate that accidental contamination by explosives and contamination by common substances which might simulate nitro-glycerine on test were unlikely. The thin layer chromatography test and its application to the case under trial were subjected to examination and cross-examination over many days of the trial."

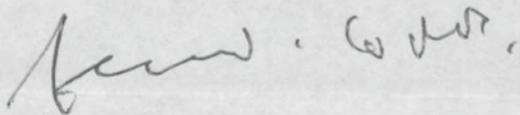
I intend to minute you shortly on this reply but I should say at this stage that there does not appear to be anything further we could usefully do in the

particular case of Conlon. I think we will have to await any future developments in this field and then consider raising the matter again.

All in all, therefore, I agree with you that it would probably be inappropriate for the Embassy to raise the two convictions without new evidence being forthcoming. It would not be easy to state this bluntly to Mrs. Conlon and I think that all you could do would be to state that the situation continues to be closely monitored and that any appropriate action would be taken if it was felt justified.

Given the lack of new evidence, ^{therefore} ~~however~~, I do not think that we would be justified in asking for either case to be reopened. In any event, it would clearly be more desirable that the initiative in such requests should come from M.P.s or other sources.

Yours sincerely



Gerard Corr
First Secretary

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