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QUESTION NO.

Chun an Aire Gnothai Eachtracha - To the Minister for Foreign Affairs

To ask the Minister for Foreign Affairs whether his attention has been drawn to the efforts by Cardinal O Fiaich of Armagh and Cardinal Hume of Westminster to have the late Guiseppe Conlon cleared as innocent of the charges brought against him by the British police and whether he is prepared to take up the matter with the British Government.

- Neil T. Blaney

FOR ANSWER ON

DRAFT REPLY

The Government are fully aware of and appreciate the concern surrounding this case and they have a keen interest in developments relating to it.

We are continuing to monitor the situation and if any significant new element were to arise consideration would be given to raising the matter with the British authorities.

Note for Minister

1. The basic point at issue is whether the Government are prepared to raise with the British the court conviction of the late Guiseppe Conlon (facts of the case are below). We have not raised the case with the British because it has not been the practice to question judicial decisions handed down by British courts. To do so might open the door to the British to query decisions in the Irish courts. Moreover, the British are unlikely to entertain outside interventions questioning the validity of a court conviction. On the other hand, the Irish Government have on numerous occasions raised with the British on humanitarian grounds the treatment of Irish prisoners in British jails. But that is not the point in the present case.

2. Guiseppe Conlon and six other persons were charged in January 1976 with having in their possession in Britain an explosive substance - nitroglycerine - between 1 and 4 December 1974 under suspicious circumstances.

3. The seven were convicted on the basis of the TLC technique (Thin Layer Chromatography) a relatively new breakthrough in forensic science developed by the British authorities. Forensic tests using cotton wool swabs and ether were wiped over the hands of the seven accused and their nails picked with cherry picks. Laboratory tests proved positive, meaning that their hands had been in contact with explosives during the previous 48 hours. One of the accused, Mrs. Annie Maguire, had clean hands. However, a packet of plastic gloves found in a drawer and alleged to be her's gave a positive reaction to a test for nitroglycerine. The case for the defence of the seven accused was that the TLC tests were not conclusive proof of possession of nitroglycerine. Indeed the man who invented the TLC tests concurred with this view. Despite police surveillance and searches of the house where the accused were found no explosives were discovered.

4. Because of the doubts surrounding the forensic evidence used at the trial of the seven accused, there have been frequent approaches to the British authorities particularly concerning the convictions of Guiseppe Conlon and Annie Maguire. Those reported to have interceded on Mr. Conlon's behalf include Cardinals O Fiaich and Hume, Gerard Fitt M.P.

(Copies of newspaper articles are attached).

5. Following Mr. Conlon's death last January in Wormwood Scrubs prison in Britain there have been renewed efforts to prove his innocence. Most recently on 4 August 1980 Conservative M.P. Mr. John Biggs-Davison raised the matter in the House of Commons but was informed by Mr. Leon Brittain, Minister of State at the Home Office that the Home Secretary can consider intervening only if some significant new evidence or other material consideration of substance comes to light that has not already been before the courts.

6. Mrs. Conlon has written to the Minister for Foreign Affairs on several occasions in recent months and the Minister's reply is attached herewith. (Her son Gerard is in prison in Britain and the Embassy in London has asked the British authorities for clarification of the situation concerning his apparent desire to be transferred to a prison in Northern Ireland).

17 September 1980

Mrs. S. Conlon
52 Albert Street
Belfast BT12 4HJ

Dear Mrs. Conlon

I have your recent letters concerning your late husband Guiseppe and your son Gerard.

It is the policy of the Government to do all in their power to ensure that Irish prisoners in prisons in Britain are at all times treated in a manner consistent with their basic human rights and that they are enabled to avail themselves of the rights and facilities accorded to prisoners generally in a manner free from all discrimination. In this regard we have asked the British authorities for clarification of the situation concerning your son's transfer to a prison in Northern Ireland. In addition he could write to me directly or via the Embassy at 17 Grosvenor Place, London SW1X 7HR.

With regard to your late husband Guiseppe Conlon we have followed closely developments concerning his case and will continue to maintain a keen interest in the matter.

I would hope to write to you again in the near future.

Yours sincerely

BRIAN LENIHAN

Brian Lenihan T.D.
Minister for Foreign Affairs