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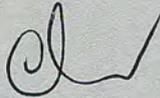
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Adjournment Debate on Birmingham Bombings Case,

30 October 1985

The attendance was higher than usual for adjournment debates. Several Opposition front-bench spokesmen were present, including the Foreign Affairs spokesman Deputy Collins. The initiator of the debate, Deputy David Andrews, attacked the Minister for not making personal representations direct to the Home Secretary and called for a meeting between the Minister and the Home Secretary to be arranged by the Ambassador in London. Deputy Andrews was also critical of the lack of response from the British authorities on the Annie Maguire case and of the Minister for failing to obtain a positive response. Deputy Andrews, supported by his Opposition colleagues, also demanded a statement from the Minister on recent allegations published in the Irish Times that an official of the Irish Embassy in Washington had hampered efforts by Fr. Faul and others in 1979 to obtain support in the United States for the Birmingham six.

The Minister used the attached text in reply and also made the following points: The Minister could not be separated from his Department and when an official of his Department went in to the British authorities in London it was as if the Minister was there himself. When an Irish official spoke to the British authorities on the Minister's instructions, as in this case, the official was speaking on behalf of the Government and indeed of Dail Eireann. In regard to the Annie Maguire case, the Minister said that he had expressed his concern on the matter. In reference to the Deputy's demand for a statement on the allegations concerning an Irish official in the Embassy in Washington, the Minister said he didn't know anything about it and pointed out that he was not Minister at the time.



Declan O'Donovan

31 October 1985

c.c. PSS, A-I Section, Ambassador Dorr, Mr. <sup>Fax'd</sup>Ryan, Embassy,  
London, Mr. Kirby, D/Justice

Statement by the Minister for Foreign Affairs,  
Mr. Peter Barry T.D., in the Adjournment Debate on the  
Birmingham Bombings Case, Dail Eireann, 30 October 1985

I am glad to have this opportunity on the Adjournment to reply to the Deputy's statement on the case of the Birmingham bombings. I appreciate the Deputy's unease about this case which has been the subject of renewed attention both in Britain and Ireland since the "World in Action" programme shown on ITV television on Monday evening, 28 October last. That programme has prompted demands for a referral of the case to the Appeal Court in Britain and for the exoneration of those convicted. The case has been the subject of previous approaches by the Government to the British authorities.

On 6 June last, I informed the House that I fully appreciated the concern expressed about the convictions of the Birmingham Six. I said then that the decision about whether there was a basis for a retrial was a matter for the British Home Secretary. I said I was aware that such decisions were taken by the British Home Secretary when significant new evidence became available. I also said if such evidence became available, I would examine it closely with a view to making an appropriate approach to the British authorities.

I would like to inform the House, therefore, of the action taken by the Government following the evidence presented by the 'World in Action' programme on ITV television on Monday last.

There were three main areas in which the programme made a significant contribution to our knowledge of this case. The first is the question of the confessions made by all but one of the men; the second is the question of the forensic evidence which directly affected two of the men; and the third is the circumstantial evidence. I want to speak in a little more depth about those three aspects of the case.

The background to the confessions is that the men claim that they were so brutally threatened and beaten by the police while in custody that five of them made confessions. The confessions made were later retracted in Court. I understand that at the trial the judge conceded that there was not the slightest doubt that the six defendants had been subjected to a series of quite outrageous assaults at Winson Green Prison in which prison officers had taken part, but that he said he was satisfied that investigations by the police had been carried out with scrupulous propriety.

The programme provided evidence by an expert, Dr. David Paul, that photographs taken of the accused before they left police custody showed evidence of injury to the face. The programme also provided statements by prison warders taken at the time by their legal representatives, showing that at least some of the accused were already suffering injuries to the body when they were taken to the prison.

This aspect of the case is a matter of urgent concern to me because of the allegations of brutality which have been alleged and I think it is important that the whole matter be cleared up.

The second area of concern is that of forensic testing. Forensic tests were carried out on five of the six men when they were first arrested in 1975. The tests were carried out by means of the Griess test by a Home Office forensic scientist Dr. Frank Skuse. Dr. Skuse obtained positive Griess reactions in the case of two of the men, Patrick Hill and William Power from which he concluded that he was 99% certain that they had been in recent contact with commercial explosives.

However, even at the trial Dr. Black, who had appeared for the defence, stated that the traces allegedly found could have come from a range of other substances. The 'World in Action' programme presented evidence showing the results of important new work by two reputable scientists proving that contact with nitro-cellulose present in playing cards or leatherette surfaces found in train furniture could give the same result as nitro-glycerine under the test used by Dr. Skuse in the case.

Thirdly, the programme also challenged certain circumstantial evidence. A barmaid who had been employed at the railway station at the time of the bombings said on the programme that she had not been sure she had seen the men in the bar and that it was in the nature of that type of bar, frequented by travellers, that she would not remember particular faces. Nonetheless a written statement from her recalling that the men had been in her bar had been entered in evidence in the trial

and had had some effect.

The programme pointed out also that there was an element of guilt by association in the evidence presented at the trial and proceeded to challenge this association with subversive groups.

In my view the evidence presented by the 'World in Action' programme warranted a new approach to the British authorities. I instructed an officer of the Embassy in London to make representations about the case on the morning following the programme. These representations have been made and I am awaiting a response from the British authorities.