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cc P.S. Tarrant, H.G. M. Niles; R.M. (S) Gough, R.I. Fox

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Meeting on Birmingham Six with Mr. John Chilcot, Home Office,
London, 31st May, 1989

1. Our primary purpose was to try and achieve some practical progress in relation to the Birmingham Six. Following the raising of this issue on a number of occasions at senior level with the British, it was helpfully suggested to us that we should see John Chilcot of the Home Office who, it was implied, has a key overall advisory role there. The meeting, attended on the Irish side by Mr. Dermot Gallagher and Ms Anne Anderson, did indeed prove useful - the atmosphere was friendly and relaxed, and Chilcot appeared authoritative and forthcoming in discussing the case. The exchanges were understood to be confidential and off-the-record.

2. In his initial presentation, Mr. Gallagher emphasised the Government's anxiety to see an amelioration in prison conditions for the Birmingham Six, coupled with as early as possible a release date. The Government were acutely aware that these prisoner cases dating from the mid '70s (Birmingham Six, Guildford Four, Maguire Family) continue to have the capacity to disturb Anglo-Irish relations. The widely-shared concern about a possible miscarriage of justice in these cases inevitably affects the atmosphere in which the debate about extradition is conducted. The Government were under consistent pressure to take a more aggressive approach - for example to support the taking of the Birmingham Six case to the European Court of Human Rights - but had consciously exercised restraint.

3. Mr. Gallagher referred to our understanding that the Parole Board would carry out its first review of the Birmingham Six case in December 1991 (i.e. seventeen years after sentencing); we were anxious to find out as much as possible about this process - what were the chances of the review date being brought forward? what was the likelihood of the Parole Board recommending release? were there interim

de-categorisation steps which might be taken in advance of a positive recommendation by the Parole Board?

4. In the course of an extended discussion on these issues, Mr. Chilcot's responses may be summarised:
 - there was little or no chance of the first review by the Parole Board being advanced and it was probably not productive to try to go down that road;
 - in any event, advancement in present circumstances would serve no practical purpose since it would be highly unusual - probably unprecedented - for a Parole Board to recommend the release of a prisoner who was still classified as Category A (implying as it does an element of risk to the public).
 - in order, therefore, to maximise the prospects of a positive recommendation by the Parole Board, a necessary interim step would be the de-categorisation of the Six;
 - in this regard, an internal review of prisoner categorisation is carried out by the prison authorities/Home Office on an annual basis (an entirely separate exercise from the Parole Board assessment). The next such review for the Birmingham Six was scheduled for November 1989. One might, possibly, envisage a de-categorisation of the Birmingham Six at that stage (say, from their present status of Category A high-risk to ordinary Category A or Category B).
5. Chilcot provided some advice on a personal basis as to how progress might best be achieved. He described Mr. Hurd as an intellectual who was amenable to arguments about the need to take account of the wider political perspective in

addressing specific issues. The Home Secretary, he said, had been very preoccupied in recent months with steering new legislation through Westminster on reform of the secret service; with this legislation through, his mind was now turning to other issues. He was well disposed towards Ireland and was particularly conscious of Ireland's forthcoming EC Presidency. For a variety of reasons, therefore, Chilcot felt it was a good time for Irish Ministers to seek to re-engage the Home Secretary's attention in the Birmingham Six case. He suggested that the Tánaiste might write to Mr. Hurd in September, proposing a meeting with the Home Secretary in mid-October at which the Birmingham Six case, inter alia, would be discussed.

6. In referring to the constraints on the Home Secretary's freedom of manoeuvre, Chilcot - choosing his words carefully - spoke of the need to "avoid giving scandal". (There is clearly a concern in the Home Office about possible tabloid exploitation of any early release of the Six, and indeed Chilcot implied also a nervousness about criticism from hardliners within the Conservative Party.) We acknowledged the sensitivity of the issue from the Home Secretary's viewpoint but stressed that careful management of the release - with public opinion being prepared through successive de-categorisations (say from Category A to B in November 1989 and Category B to C in November 1990) - should help to protect the Home Secretary against tabloid excesses.
7. Chilcot also stressed that while, in practice, de-categorisation was a necessary preliminary to parole, it would not be helpful if de-categorisation of the Six, if it came about, were to be publicly greeted by the Irish Government as part of a process inevitably leading to parole. We assured him of the understanding of Irish Ministers of the necessity for sensitive and low-key treatment of these issues.

8. Mr. Gallagher expressed appreciation of the advice extended and said that the Tánaiste would certainly write to the Home Secretary in September along the lines suggested. It would obviously be extremely helpful if a scenario were to develop which would begin with a first de-categorisation of the Six at the end of this year and culminate with their release in very early 1992. While we understood that a progression along these lines could not be guaranteed, we were encouraged by what we had heard.
9. Other cases, including the Guildford Four were touched on briefly. (Ambassador O' Rourke had discussed the Guildford Four case with Chilcot the previous week). We expressed appreciation of the co-operation between the Home Office and the Embassy on welfare issues affecting prisoners, and underlined the beneficial effects of a responsive Home Office approach on these matters.

Anne Anderson

Anne Anderson

2 June 1989