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Reference Code: 2019/31/50

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IRISH EMBASSY, LONDON.

24 October, 1989.

Mr. Dermot Gallagher,
Assistant Secretary,
Department of Foreign Affairs,
Dublin.

Dear Assistant Secretary,

Meeting with Chris Mullin M.P.

Accompanied by Mr. Murray, I met yesterday with Chris Mullin M.P.

Mullin welcomed in very positive terms, the Taoiseach's weekend remarks in Wexford. He said that the time had now come for a sustained and active campaign by all concerned pressing the Government to resolve the Birmingham Six case once and for all.

The Home Secretary had predictably "dug himself into a hole" by his rejection of any link between the Guildford Four and the Birmingham Six cases. There remained, however, a window of opportunity which must be exploited. Speed was of the essence since the more time elapsed the more entrenched the Government's "intransigence" on this issue would become.

Mullin himself was proposing to seek an urgent meeting with the DPP, Sir Alan Green. He had been in correspondence with Green over the years. He recalled the controversy over the telephone conversations between Frank Skuse and Detective Superintendent Reade at the time of the 1988 Appeal, when the DPP had been happy to accept and act on evidence provided directly by Mullin of improper contact between Crown witnesses. Green was "a man of integrity" and he represented the best hope in persuading the legal establishment of the need to look again at the clear inconsistencies in the police evidence.

Mullin spoke at length of the in-built resistance within the British judicial and police establishments to any re-opening of the case. He referred, in particular, to the role of Lord Bridge - the judge in the original trial. This senior judicial figure was now "openly telling his colleagues and anyone who cared to listen of his personal conviction that whatever the evidence presented at the trial, and subsequent appeals, the Six were guilty." In the small incestuous world of the senior judiciary this had a telling impact.

17 Grosvenor Place,
London SW1X 7HR.

17.11.89
A very useful report

31/10
Secretary to the Govt. (on return)

To rec. H. M. H.

16-10-89

PET; PSM; AG
M. Nyls; PPS
H. H. H. H. H. H.
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Conductor H.
H. H. H.

9 a/m
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On previous occasions Mullin has spoken of seeking to persuade the Home Secretary to refer the case again to the Court of Appeal. On this occasion however he was dismissive of this as a realistic option. He believed that if the DPP had not withdrawn the case against the Guildford Four before the Court no amount of new evidence would have persuaded Lord Lane to overturn the convictions.

The decision in this case opened up fresh possibilities and gave a new impetus. The key to the way forward in Mullin's view was to focus on the fact that the confessional evidence in the Birmingham Six case - the foundation of the prosecution case - was improperly obtained. Events in the Guildford four case showed that Lord Denning's "appalling vista" of police perjury was all too possible. The forensic corroboration of which the Home Secretary made so much, was contaminated and clearly insufficient and the circumstantial evidence in the case clearly cut both ways.

He said that the May enquiry presented one possible avenue for a re-opening of the case. Inevitably the principal focus of the May enquiry will be on the whole issue of uncorroborated confessional evidence in terrorist cases. It is possible that May could be persuaded to cover the Birmingham Six case by this route.

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We must also renew pressure on the West Midlands Serious Crimes Squad enquiry "to face the obvious" and recognise that the attempt to artificially limit the enquiry is, in the aftermath of the Guildford decision, only likely to further increase public pressure and erode public confidence in the police. According to Mullin, Detective Sergeant Hornby, a serving officer in the West Midlands Serious Crimes Squad at the time of its disbandment - responsible for Hugh Callaghan's confession and for alleged acts of violence in Winston Green prison - is likely to face charges as a result of the enquiry. He is on sick leave at present and this is simply a device to prevent his suspension and to preserve his pay and pension rights pending his arrest. According to Mullin, Hornby has admitted privately that the Six were set up.

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Efforts must now be directed toward highlighting afresh the inconsistencies and demonstrating that, in the words of Lord Bridge, "a choreography of fabrication" by the police did in fact take place in Birmingham. The similarities with the Guildford case were there for all to see. Mullin recalled that the same cast of legal characters and observers were in the Appeal Court on Thursday last as had been there for the 1988 Birmingham Six Appeal. All had been struck by the similarities between the two cases. At one point when Roy Amlot was referring in his submission to the orchestrated presentation of typescript confessions Mullin had heard people turning to each other and whispering "its the Reade schedule all over again". (This is a reference to the alleged attempts by the Birmingham police to co-ordinate in time and content fabricated confessions.) The points which should now be focused on include:

- a) The Reade Schedule;

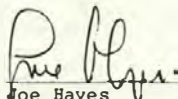
- b) The Owen enquiry into the original beatings of the Six which has never been made public but which would now be a valuable instrument in focusing attention on the activities of the arresting police.
- c) the several thousand documents filed in the West Midlands Police archives which have not been used to date in the various hearings and which constitute valuable "non-material evidence."

Mullin expected that in the aftermath of the Guildford decision there would be an upsurge of good will toward the campaign to have the Birmingham Six case looked at again. He urged that we seek in our lobbying efforts to persuade our contacts in the Conservative Party of the compelling arguments in favour of this. He found an increased willingness in his own Party to listen to him. Roy Hattersley, for example, had been "slow enough to put his head over the parapet", had come on board. So had people like Merlyn Rees.

I should add in this connection that just after the Commons debate on Thursday last, I had the opportunity of a word with Merlyn Rees who, while expressing support for the Birmingham Six said that one of the weaknesses in this campaign in terms of its degree of public support was a widespread feeling that "some at least of the Six were definitely guilty". We explored this perception with Mullin who admitted that it existed and put it down to the clear inconsistencies in the evidence of Patrick Walker.

Mullin, as he has in the past, expressed again his willingness to brief the Taoiseach or Irish Government Ministers prior to any meetings they might have with their British counterparts on the case. We agreed that we would keep in touch.

Yours sincerely,


Joe Hayes
Counsellor