



An Chartlann Náisiúnta **National Archives**

Reference Code:	2019/31/50
Creator(s):	Department of the Taoiseach
Accession Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

0020

Mr. H. Conlon
6-11-89
6/11

SEEN BY [signature]
2/11
TAOISEACH
[signature]

Visit of Paul Hill, Gerry Conlon and Errol Smalley,
3rd November, 1989

Errol Smalley

1. Errol Smalley's wife is an aunt of Paul Hill. Mr. & Mrs. Smalley were received by the Taoiseach on the 20th March last; they asked, inter alia, for the Government to send an observer to the appeal of the Four (agreed to but, of course, overtaken by events) and for further visits to the prisoners (on the Taoiseach's and Minister's instructions, regular visits are now paid by the Embassy to prisoners such as the Birmingham Six. Gerard Hunter, one of the Six, has however recently declined such visits; there has been some concern about his emotional stability; we will keep trying to organise a visit to him).

Gerry Conlon

2. Gerry Conlon is a nephew of the husband of Mrs. Anne Maguire. His father (Giuseppe) died in custody in 1980 while serving a twelve year sentence in the Maguire case.

Purpose of Trip

3. As the three are travelling over for the Late Late Show, they asked if they could come early in the day and be received. Smalley said they wished in particular:
 - (a) to thank the Government for their help during the Guildford Four's long campaign to secure their freedom;
 - (b) to brief on Hill's appeal in the Shaw case (see para 5 below), and to ask that we not "cool off" on our support for him now that his convictions in the Guildford and Woolwich cases have been dropped; and

- (c) to ask the Government to continue to push the Birmingham Six case.

Possible Line

4. The Minister might wish to make the following points:

Guildford (and the Maguire case)

- (a) absolutely delighted at recent developments, including the decision to have the Maguire family case covered by the May Inquiry. Had raised these cases with Douglas Hurd as recently as the 13th September and, like you, I was focussing on the Court of Appeal hearing. Had decided to send a high-level observer to the Court (as Errol Smalley had requested the Taoiseach to do when they met last March);
- (b) received Errol Smalley's message (through Dermot Gallagher) on the eve of the last Anglo-Irish Conference about Paul Hill's case (the release of three of the Four had occurred the day before the Conference; Paul Hill was re-arrested and brought to the North). Had already decided to raise Paul's position and in fact I got a helpful response from Peter Brooke. He was prepared to have the case dealt with promptly. Happy that Court met so quickly. If you had opted for the Life Sentence Review procedure, I believe this would also have been very prompt. You were right, in my view, to go back to the Court (i.e. to have the verdict quashed);
- (c) you can be assured that we will take the closest interest in your (Hill's) case. We had a legal observer in Court at your initial hearing (20th October) in Belfast. You might arrange in due course

for the Embassy to have a briefing on the proposed lines of appeal; this would be helpful to any further discussions we may need to have with the British.

Birmingham Six

- (a) We are greatly encouraged, in the light of Guildford, that we may yet be able to "crack" the Birmingham Six case;
- (b) I discussed the case at length with Douglas Hurd on the 13th September, particularly in the light of the decision to investigate the activities of the West Midlands Serious Crime Squad between 1986-88. We agreed to meet again at an early date - I will in fact be meeting him in Brussels on Monday but in a different capacity. I will of course take the opportunity to raise the case with him even though he no longer has formal responsibility in this area;
- (c) we would be foolish to think that the way forward is going to be easy, and I know none of us would fall into this trap. It is particularly important that we try to be on the one wavelength as far as possible. We can supply political pressure and weight, as we have been doing. But - and this is crucial - there is a lot of hard work to be done on the ground in trying to discover new evidence;
- (d) in order to get an up-to-date assessment of the situation on the ground, I sent two of my senior people across on Monday to see Garret Peirce. She is a remarkable woman - great strength, courage and compassion, and a passionate commitment to seeing justice prevail;

- (e) but Garret Peirce is above all a realist and, as such, she doesn't see any easy way forward. Her view is that she has no alternative but to continue her efforts to discover new evidence;
- (f) my next step is to have an early meeting with David Waddington, the new Home Secretary. I have already written to him about a meeting on the case and I hope to see him very shortly;
- (g) the Guildford breakthrough has given us all new courage; you have suffered an enormous amount but, by this very fact, you can now motivate others to rally round and maintain and develop the momentum for the re-opening of the Birmingham Six case. I can't praise you enough for committing yourself unreservedly to doing this.

The Shaw case

- 5. Hill's appeal is against his conviction for murder of a former soldier, Brian Shaw, in Belfast in 1974. At his trial in Belfast in 1975, Hill denied the charge but it does appear from later accounts, e.g., the book Time Bomb, that he participated in the abduction of Shaw prior to his murder and was involved with the IRA at the time.
- 6. No other person is in prison for Shaw's murder. Two persons were tried with Hill; one was given three years for membership and another was acquitted. A third person, a close friend of Hill's who held a gun during Shaw's abduction, was shot dead by the British Army shortly after Shaw's murder.
- 7. Hill's conviction appears to have rested on a confession obtained by the RUC in the presence of the Surrey police.

after less than an hour's questioning, and on evidence given by the Surrey police at his trial. In these circumstances, it is just possible that the Northern DPP will take a leaf out of the book of his counterpart in London and decide not to contest the appeal. We have asked in the Secretariat for confirmation that the Northern DPP is conducting an investigation into the evidence given at the 1975 trial.

8. Hill's grounds of appeal are expected to be on the following lines:

- his confession was obtained under duress and after a prolonged period of physical and psychological abuse at the hands of the Surrey police;
- the presence of the Surrey police at the RUC interview was oppressive; and
- the trial judge (Kelly) had relied on the integrity of the Surrey police which has now been shattered.

Hill does not appear to have alleged physical mistreatment against the RUC but he has stated that he was threatened at both the RUC and Surrey police interviews that his girlfriend, Gina Clark, would be charged with the Guildford bombings if he did not himself confess.

Request for McIlkenny Visit

9. While it is very unlikely to be raised, it might be noted that the brother of Richard McIlkenny, one of the Six, has in the past few days requested an early meeting for himself and Gerry Conlon with the Minister. In the light of tomorrow's meeting, Gerry Conlon is now unlikely to come over with McIlkenny for the proposed meeting. We understand

that a date next week would suit McIlkenny and perhaps, if the issue is raised, the Minister might say that he will be very happy to see McIlkenny.

DA 3

2 November, 1989.