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Summary Report of Meeting on the Birmingham Six
between the Minister for Foreign Affairs
and the British Home Secretary,
London, 8th January, 1990

Re-opening of the Case

1. The Minister opened the formal part of the meeting by putting the arguments for a re-opening of the case. Coincidentally, the British Independent had carried a front-page story that morning that the solicitor for the Six, Ms. Gareth Pierce, had recently submitted a dossier of "new evidence" to the Home Office in pursuit of the demand for re-opening. (Ms. Pierce, perhaps because of her profession, has always taken the view that re-opening should be via a further referral to the Court of Appeal. She passed us a copy of her submission in confidence before Christmas and a Departmental summary of this is attached. To a significant degree, it consists of a reformulation and repackaging of existing (as distinct from the submission of new) evidence.
2. Mr. Waddington, in response to the Minister's presentation, said he was very aware of the Government's concern. The British position had always been that the case could not be re-opened unless new evidence became available. The present position was, as we were aware, that they had just received the new submission from Ms. Pierce - he himself had not yet read it - and this would have to be subject to in-depth study and assessment. He could assure the Minister, however, that this would be done with the greatest possible urgency.

West Midlands Serious Crimes Squad Investigation

3. The Minister, in arguing for an extension of this enquiry to cover the Birmingham Six case, said it was very difficult to believe that the problems in the Serious Crimes Squad only originated in the mid-eighties. In addition, four of the personnel under investigation had also been members of the Birmingham Six investigating team.
4. Mr. Waddington replied that, if evidence emerged in the course of the investigation which had implications for the Birmingham Six case, the enquiry could be extended back in time to cover the case of the Six. This was in effect the same response which the Minister had received when he met Douglas Hurd last September, and which Minister Burke had been given by Mr. Waddington when they met in mid-December (en marge of a Trevi meeting).
5. Mr. Waddington also informed us that four of the Serious Crimes Squad were to be charged that day with conspiracy - he added that none of the four had any connection with the Birmingham Six case.

Reclassification

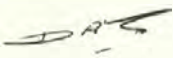
6. The Minister welcomed the recent change in classification of the Six and hoped it would lead to a significant improvement in the conditions under which they were detained.

Further Meeting

7. The two Ministers agreed to meet again in about two months time, to review the situation further.

Impression

8. It is difficult to form a firm view of the Home Secretary's likely attitude to the case. He was very friendly, was fulsome in his praise of cooperation from the ~~Guards~~ (he specifically expressed appreciation for their help in identifying the two men caught at an arms dump in Wales recently) and was obviously keen to develop a good working relationship with the Minister. At the same time he - not unexpectedly - took a completely orthodox Home Office approach (i.e. that new evidence would be required before the case could be re-opened, that a submission in this regard had been received and that this was now receiving full and urgent consideration). One had the tentative impression however that (and more so than Douglas Hurd) the new Home Secretary will probably tend to be very much guided by the official advice he receives on the case.


Dermot Gallagher,
9 January, 1990.

New Material submitted to Home Office on behalf of Birmingham Six

1. In a written submission to the Home Office dated 18 December 1989, Ms Gareth Peirce, legal representative of the Birmingham Six, sets out evidence not previously presented in Court (but little of it new) and a number of arguments.

2. Ms Peirce makes the following arguments for reopening the case:

a) Lord Chief Justice Lane. Prior to hearing appeal, Lord Lane had considered secret Home Office reports on the Six with a view to determining the minimum sentence they should serve. This was not known to the defence and should have disqualified him from sitting on the Appeals Court.

b) Lessons of Guildford and revelations of practices of West Midlands Serious Crimes Squad. These would have affected assumptions made at Appeal, were they known. In particular, they shed new light on the "Reade schedule". Ms Peirce asks a number of questions arising:

- why did the police not hold identification parades of the Six for potential witnesses?

- why did the interrogation of the Six focus exclusively on the planting of the bombs and ignore such obvious questions as (i) involvement of others, (ii) where the explosives were obtained, (iii) where the bombs were made, (iv) where they were primed, and (v) past and proposed future bombings?

- why did the Office of the DPP not inspect the non-material evidence prior to the trial in 1975? (She also calls attention to the apparent destruction of this material)

- why was the "Reade schedule" found in the Complaints and Discipline Office of the West Midlands police?

c) IRA ranks. The fact that the confessions refer to IRA ranks no longer in use in 1974 suggested that these confessions were made in a vacuum.

d) IRA structure in England. Ms Peirce refers to press reports that police information on the IRA structure in England at the time contain no reference to the Birmingham Six.

e) IRA connections in Birmingham. The connection that some of the Six had with IRA elements in Birmingham was both normal in the community in which they lived and, therefore, entirely innocent. This, Ms Peirce argues, undermines the circumstantial evidence presented against the Six.

3. Ms Peirce provides to Home Office the following material not previously presented to the Court as evidence:

a) Times at Morecambe. The statements of eight Lancashire policemen made to the Devon and Cornwall police in 1987 cast doubt on the times given by the police for the forensic tests and the commencement of the interrogations at Morecambe police station. If these statements are accepted as demolishing the official account of these times, it would have to be concluded that

- the prisoners could have been contaminated by the Birmingham police before the explosives tests were taken;

- the official account of the circumstances of the confessions is radically tainted.

It must be said, however, that some of these statements seem vague in the extreme.

b) Statement from retired Morecambe police sergeant that he believed that the prisoners were ill-treated both in Morecambe and afterwards. We have not seen this statement.

c) Reported admission of West Midlands officer. A Detective Constable on security duty at Lancaster Crown Court states that he heard a West Midlands officer, waiting to give evidence, describe how he and others had terrorised Six.

d) Arrest of Irishman after bombings. An Irishman, Mr John Lindsay, was arrested two¹ after the Bombings and treated as a suspect. He was asked by the police for information about the Six. We have not seen the statement and it is not clear what bearing this has on the case.

e) Prison Officers' testimony on injuries. The testimony of two prison officers that the Six showed signs of previous injuries on being admitted to Winson Green prison was disbelieved by the Court of Appeal. The statements of other prison officers given to the Devon and Cornwall enquiry to the same effect are available.

f) Testimony of prisoner on injuries. This was available but not used at Appeal.

g) Psychological and Psychiatric reports on Six. These were commissioned on behalf of the Six. They show that personality and circumstances combined to facilitate false confessions. In particular, Hugh Callaghan was seen as incapable of making a truly voluntary statement.