



## **An Chartlann Náisiúnta** **National Archives**

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AGASÁID NA HÉIREANN, LONDAIN



IRISH EMBASSY, LONDON

*Mr. H.C. [unclear]  
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CONFIDENTIAL

26 June 1991

Mr Dermot Gallagher  
Assistant Secretary  
Anglo Irish Division  
Department of Foreign Affairs  
Dublin

- Mr. Forrell.*
- 1. Pl copy report to PSR, A  
Mr. Nally, PSS, Mr. Broome  
Mr. Gallagher (on return)  
Mr. Dalton. Text of judgment  
should go to AG + D. [unclear]*
  - 2. We need to consider  
what options are open  
for further action*
- 28/6  
My.*

THE MAGUIRE JUDGMENT

Dear Assistant Secretary,

Please find attached a copy of the Court of Appeal's judgment in the Maguire case which was delivered today. I accompanied the Ambassador at the hearing. Also present in the court, in addition to the appellants, were Robert Kee, Gerry Fitt, Lord Longford, Fr Paddy Smith, Sr Sarah Clarke, Gerry Conlon, and Billy Power and Gerry Hunter of the Birmingham Six.

Today's decision, to allow the appeals on the narrow ground of contamination within the household, which in effect means that someone within it was in contact with nitroglycerine, was widely anticipated but will nevertheless be bitterly disappointing to the appellants.

Indeed, I was present some weeks ago when Alastair Logan, her solicitor, warned Annie Maguire that this was probably the best outcome that she could then hope for. She was clearly shattered and expressed her incredulity to me afterwards that

the court would simply not listen to what she had to say. She could not comprehend how the court could imagine she would have battled to establish her innocence all these years if she were really guilty.

Last night the Ambassador and I spoke to Robert Kee, the broadcaster and author who has taken a keen interest in the case. He was appalled at what he saw as the hostility of the bench, Lord Justice McCowan in particular, towards the appellants.

This perception of McCowan as the "hard man" of the court has been widely shared. Mr Clover, junior counsel to Mr Arlidge, representing the Maguires, told me towards the end of the hearings earlier this month that this was a "strong court" which would not "give a toss" for public opinion and would interpret the law as they saw it, without "giving a damn" for the consequences.

McCowan he saw as tough, sceptical and applying rough common sense; Lord Justice Mann as academic, bright, enquiring, with a strong bias towards civil liberties; and, Stuart-Smith, presiding, as fair and "solid as rock".

McCowan in particular, he believed, had made clear his belief that someone in the Maguire household was "up to no good" and had contaminated the others. It struck me that perhaps Clover subscribed to this theory himself, as he said that nine-tenths of the people in England with a view on the case would think likewise.

His predictions have come true also in relation to the prosecutions of the Surrey Police Officers in the related Guildford Four case. He anticipated the decision by the Bow Street magistrate to strike out the prosecutions on the grounds of the length of time elapsed and prejudicial publicity [ironically, he saw the judgment in the Winchester Three appeal as important in this respect]. As he also anticipated, the decision has been appealed to a divisional court [the same procedure as the Ellis case], which he expects to hear the case in the autumn.

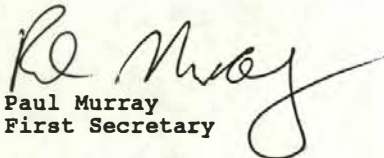
The May Inquiry will be not able to resume until this case is decided. Mr King, junior counsel to the Inquiry, made it clear in a conversation around the same time that it would continue its investigation into the Maguire case and said that new evidence, presumably of some significance, which was not

before the Court of Appeal, had been turned up since the last hearings.

The Inquiry will, he said, have a future hearing on the subject of innocent contamination. In other words, the issues before the Court of Appeal have not necessarily been definitively decided.

Much may depend on how vigorously the Maguire family wish to pursue matters. Today's quashing of the convictions will open the way for compensation. The Birmingham Six were unhappy with aspects of the judgment in their case but there seems to be no question of the case being pursued. I will be in touch with the various parties over the next few weeks and will report on any matters of interest.

Yours sincerely,



Paul Murray  
First Secretary



(20)

AN ROINN GNÓTHAÍ EACHTRACHA  
DEPARTMENT OF FOREIGN AFFAIRS

BAILE ÁTHA CLIATH 2  
DUBLIN 2

26 June, 1991

Mr. Dermot Nally  
Secretary to the Government

*See Mr. Nally  
high (Telex copy with  
26.6.91 (Tasneach))*

*M. Keenan  
26/6*

Dear Dermot

Maguire Case Judgement

As I mentioned on the telephone I am enclosing herewith a draft of a possible statement which could be considered for issue this evening.

The judgement which was a very long one (100 pages or so) was delivered this morning and took a very long time to read out. News media coverage at lunchtime was generally positive but this was probably based on information phoned in by journalists at an early stage in the reading of the judgement when it was confirmed that the appeal was to be upheld.

In fact the judgement overall, though it does quash the convictions of all of the appellants, is very much less than satisfactory from the viewpoint of the Maguire family. We do not, and will not, have a text for some time, but the attached draft is based on phonecalls received here from Ambassador O'Rourke and Paul Murray of the Embassy who have confirmed that the outcome is very much less than the Maguires and their friends would have hoped for. The Ambassador in particular thought that the judgement was "very bad".

It appears that, broadly speaking, the judgement implies that there were indeed some explosives in existence but that it would be unsafe to uphold the convictions since each of the defendants might have been "innocently contaminated". Ambassador O'Rourke thought that there was an implication at least that the late Giuseppe Conlon might have handled explosives. The forensic experts were it appears fully backed by the Court and in effect it could be said that the seven were cleared on a technicality. According to Paul Murray of the Embassy the family are very upset and the tone of the media coverage is now beginning to change from initial welcome to a more critical approach.

Yours sincerely

Noel Dorr  
Secretary

### Government Statement on the Maguire Case

The Government welcome the fact that the convictions of the Maguire family and their friends have been quashed by the Court of Appeal. However, the rejection of all of the grounds of appeal except for the limited grounds of "innocent contamination" conceded by the DPP means that the judgement is far from being the full vindication which the appellants had sought. The Government share the dissatisfaction and disappointment of the appellants, who have struggled over a period of fifteen years to have their claim of innocence unambiguously vindicated.

The Government remain deeply concerned about this case, sharing as it does many of the same disturbing features as the Guildford Four and Birmingham Six cases, which, by contrast, have now been satisfactorily resolved. The Government note that the Inquiry of Sir John May, following its very valuable work on the forensic evidence, is now to consider the broader aspects of the Maguire case. They believe it to be imperative that consideration of this case should not end with the narrow grounds on which the appeal was allowed today by the Court of Appeal and they will be pursuing this with the British authorities as a matter of priority.