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Birmingham Six

Release of Birmingham Six

1. On 14 March, after a hearing lasting nine days, the Appeal Court quashed the convictions of the Birmingham Six and ordered their release. The judges deferred giving a detailed judgement until a later date.

Background to Case

2. Bomb explosions in two Birmingham public houses on 21 November 1974 killed 21 people. Six Northern Ireland men who had settled in Birmingham were subsequently charged with the bombings and sentenced to life imprisonment: Gerard Hunter, Patrick Hill, John Walker, Richard McIlkenny, William Power and Hugh Callaghan. They have always denied the charges.
3. The soundness of the forensic evidence and the claim of the defendants that their confessions were extracted under duress were the subject of hearings in the Appeal Court in 1976 and 1987. Both appeals failed.

Developments leading to Collapse of Case

4. There were two major developments which led to the collapse of the case against the Six. The first was the finding, through what are called Electro-Static Document Analysis (ESDA) tests, that the confession of one of the men (Richard McIlkenny) was not, as testified in Court, recorded contemporaneously. This finding came to light during the Devon and Cornwall Police investigation and

led to the Home Secretary referring the case to the Court of Appeal on 29 August last. The police officers involved have since failed to give a satisfactory explanation for the discrepancy.

5. The second development was an examination commissioned by the Home Office, which effectively discredited the forensic evidence.
6. The position of the British Director of Public Prosecutions in regard to the Appeal was clarified at the preliminary hearing on 25 February, when his Counsel, having conceded that he would not be relying on the police evidence, announced that he no longer regarded the convictions as both safe and satisfactory. He had, at a previous preliminary hearing, stated that he would not be arguing to sustain the convictions on the basis of the forensic evidence. However, during the substantive appeal hearing, which began on 4 March, he sought to maintain that there remained a case against the Six, for which one of the judges accused him of "damage limitation".

#### Government Position

7. The Government have consistently expressed their deep concern about the Birmingham Six convictions and have repeatedly and forcefully conveyed this concern to the British authorities at the highest level. They have also, when they considered it appropriate, raised the case in the international context (including at the United Nations General Assembly last September). The concern and views of the Government were most recently conveyed to the British authorities by the Minister for Foreign Affairs at the meeting of the Anglo-Irish Conference on 31 January.