

## BEHIND THE BARS I HAVE LEARNED AGAIN TO PRAY

An anthology of poems by  
RICHARD MCILKENNY.

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Patrick Hill  
Gartree Prison, Leicester Road  
Market Harborough, Leics.  
LE1 7RP.

Gerry Hunter  
John Walker  
Hugh Callaghan  
Long Lartin Prison,  
South Littleton, Evesham,  
Worcs WR11 5TZ.

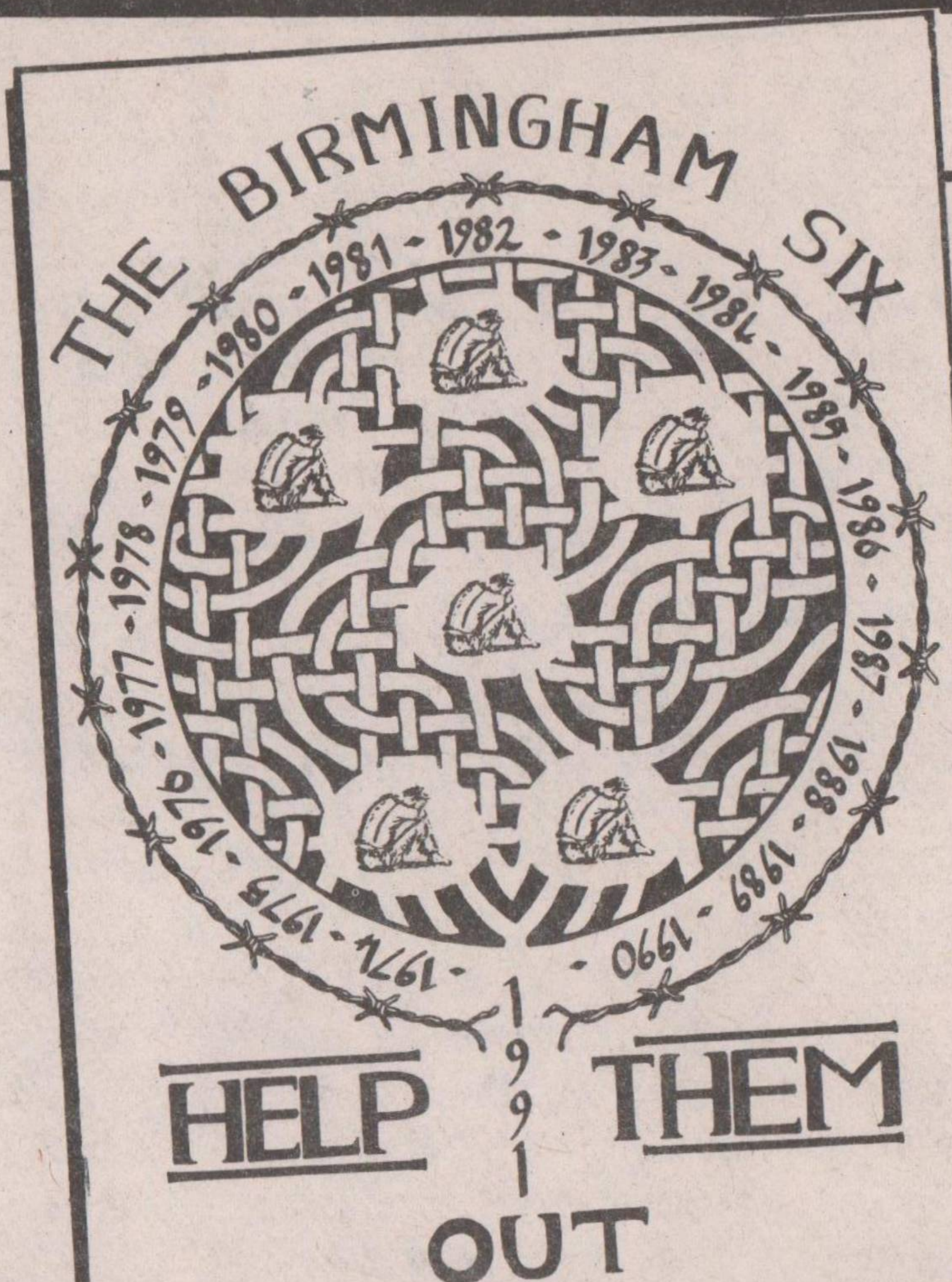
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Usher House, 40/41 Usher Quay, Dublin 8, IRELAND.

## NATIONAL BIRMINGHAM SIX CAMPAIGN

Feb'91

# NEWSLETTER

30p



# THE APPEAL February 25th 1991

"By all the rules of reasonable justice these men are not guilty.  
The prosecution has not proved its case and the Jury made its decision  
on evidence now shown to be worthless.  
To admit mistakes is not to discredit the system  
but to make it more credible.  
Judges, lawyers ...  
you know that these men are innocent in law and in fact.  
They and their families have suffered dreadfully.  
Please help us to get them out, free and compensated,  
in so far as anything can compensate for these lost years."

Bruce Kent.

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Bruce Kent will be attending the  
Appeal Hearing, as will numerous  
other concerned individuals. Also  
present will be observers from  
Amnesty International, other  
International Human Rights  
organisations, The European  
Parliament, International Lawyers  
organisations, Liberty, Foreign  
Governments, Churches, Trades  
Unions, City Councils...



## The Preliminary Hearings

### THE LISTINGS HEARING, DECEMBER 17TH

At this hearing, the date was set (at last) for the full Appeal hearing, and it was made clear to all that the DPP had no intention of "throwing in the towel".

Lawyers for the Six were well aware of this already. They told the Judges that they were having difficulty getting the documents they needed from the prosecuting authorities, and that "disclosure" so far had been slow, grudging and incomplete, despite a huge number of letters passing between them. They asked for direct access to the documents, pointing to at least one instance in the past where documents, had they been disclosed when they should have been, might have led to an earlier resolution of the case. (See page 2).

They also made it clear that, though they had more than enough evidence with which to fight the Appeal already, the actual preparations for the court hearing (what witnesses to call etc) could not be completed until both sides reached agreement on what evidence would be accepted as *prima facie*. For example, in December, the lawyers still did not know whether they would have to summon their own experts to challenge the forensic case, when everyone knew already that the Home Office's own report had concluded that the forensic case had collapsed.

### PRELIMINARY HEARING, FEBRUARY 7TH

At last, it was formally announced that the forensic case had been dropped, and counsel for the DPP, Graham Boal, said that he would be contesting the appeal on the "confessional evidence" and the "wealth of circumstantial evidence".

But other matters had not progressed much since the Court had last met. Delays in disclosure were still hampering the preparation of the appellants' case - in particular the men's lawyers needed access to tape transcripts of interviews with Reade and Co, which were conducted last August by the Devon and Cornwall police (see page 8). They also needed to know whether these police officers were to be presented as credible witnesses by the Crown, and whether Boal accepted the ESDA evidence as *prima facie* or whether he intended to challenge it.

Boal seemed unable to provide a straight answer to any of these questions. He said the DPP "intends to disclose all material that he can properly disclose, and disclose it as soon as he can properly

disclose it" ("That is not very helpful" said Lord Justice Lloyd). As for his position on the police witnesses and the ESDA evidence, he said that "the results of the totality of the interviews are not yet available."

With only 12 working days to go before the full hearing, the Court seemed to accept that the appellants had reason to complain about the late disclosures. If a timetable could not be sorted out quickly, said Lord Justice Lloyd, there would have to be a hearing next day at which he would "knock heads together". According to a press statement from the DPP that evening, some progress was made on this after the Hearing ended.

The Judges also seemed to be puzzled as to what this Appeal is all about, and anxious to establish a consensus concerning the legal ground on which it is to be fought. At present the two sides appear to be very far apart.

The Six's lawyers are advancing the common sense position (which would be breaking new ground in the Appeal Court) that the Court should go back to look at the evidence given at the trial, where the circumstantial evidence was deemed to be of little weight, and assess the "impact" on the jury of the combined evidence of the police and the forensic scientists. Then the Court should ask the question: would the jury give the same answer today, given what we all know now?

Graham Boal finds this unacceptable. He wants Lord Lane's judgement in the 87/88 Appeal to have some bearing on the case, especially as regards the "circumstantial evidence". He insists that the case is not as straightforward "as some people assume". But because he could (or would) not be clear about his intentions, he did not appear very certain of his ground.

According to one observer, the Judges would have been happier if the various points of law could have been determined without the court having to meet again - it was at Boal's suggestion that another preliminary hearing was fixed for March 18th. Whether the Judges will take a more active role at that hearing remains to be seen. And as yet, the direction that the Appeal itself will take is far from clear.

### JUST FANCY THAT!!

"... documents were submitted for what is now known as the ESDA examination. That is short for electrostatic detection apparatus". Graham Boal QC. December 17th

Correct answers on a postcard please, to reach the Director of Public Prosecutions by February 25th 1991.

### WHY THE LAWYERS WANT FULL DISCLOSURE

Before a case comes to trial, it is normal practice for the prosecution lawyers to hand over to the defence lawyers any documents, relevant to the case, that have come into their possession and which they do not themselves need. After the Listings Hearing on December 18th, Gareth Peirce told the Irish Times: "At the heart of many a wrongful conviction is that the prosecution had evidence that could have acquitted people in the first place and they hang on to it through thick and thin."

During the hearing, it had emerged that at least one piece of vital evidence had not been disclosed to the men's lawyers before the trial in 1975. Furthermore, this item was known to the DPP himself at the time of the '87 Appeal, but had remained hidden to the appellants' lawyers:

*On the night of the bombings, two men were arrested on a ferry to Ireland, and their hands tested for nitroglycerine. The tests were carried out by Dr Skuse's colleagues at the same laboratory in which Dr Skuse worked, yet the positive result was concluded to be due to adhesive tape, and the men were released.*

At the trial, Skuse's assertion that he was "99% certain" that the Greiss test proved that two of the Six had handled explosives had a crucial impact on the jury. Other forensic scientists, even then, subscribed to no such view, as the defence's expert witness Dr Black stated in court, but the jury were led to believe that it was Dr Black, not Dr Skuse, that was out of step with current practice. This evidence would have supplied the true picture.

At the Appeal it is now known with 100% certainty that the DPP had this evidence in his possession. Yet the Appeal was taken up with days of fruitless argument about the Greiss test, and its accuracy for nitroglycerine.

This evidence was "disclosed" to the men's lawyers only very recently. It was in the Home Office's own report on the forensic evidence which has finally convinced the DPP that there is "no longer" (ie never has been) a forensic case against the Six. As Gareth Peirce said: "They could have been free the night of the bombings, and not still in jail 16 years later. If that's there, what else is there? That's why we want full disclosure."

## GREAT BRITISH JUDGES: LORD RUSSELL

Appeal Court Judges are not noted for their humility, but Lord Justice Russell's recent attempt to wreak havoc with what remains of our notions of fair play within the judicial system amounts to a challenge to the constitution itself.

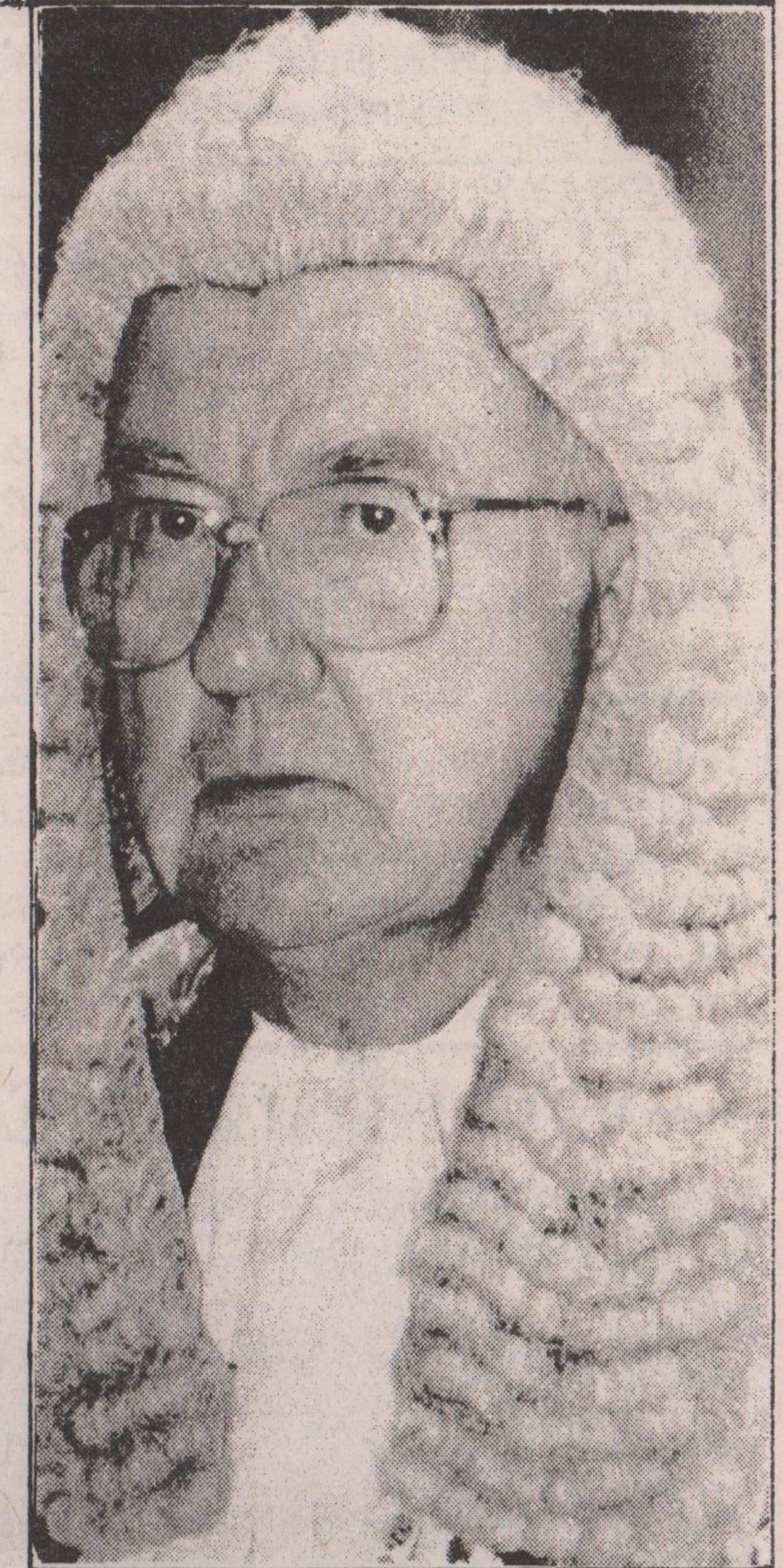
Before the Appeal Hearing of Gary Binham, victim of the Serious Crimes Squad, the DPP had announced that he would not be contesting Binham's Appeal, having studied the results of a police inquiry into the mysterious disappearance of vital police documents, including an unsigned "confession" statement. Both sides assumed that, since this confession was the only evidence against Binham, the conviction would be quashed when it came to court.

But they reckoned without Lord Justice Russell, who became quite enraged at the nerve of the prosecuting authorities to think they had the right to decide whether a prosecution case existed or not. "It is for this court and this court alone to take the decision; it is not for the Crown Prosecution Service, not for the Director of Public Prosecutions, the Attorney General or the Home Secretary," said he.

Moreover, two of the police officers in Binham's case had been charged with perjury and attempting to pervert the course of justice in another (unrelated) case. So Lord Justice Russell adjourned Binham's appeal hearing until after that trial had taken place, to give the policemen the chance to clear their names.

Most legal observers are mystified about what the two sets of lawyers are supposed to do next, having agreed not to fight over the case and having no evidence to fight it with, even if they wished to do so.

Others believe that he should have disqualified himself from the case as he might be thought to have some interest in matters to do with the credibility of West Midlands police officers, given that he was leading prosecuting counsel at the 1975 trial of the Birmingham Six.





## THE COURT

The Hearing will take place at the Old Bailey, London EC4, from February 25th. Court proceedings are from 10-1 and 2-4pm. Press Conferences will be held at the Information Centre (see below) at 1.15pm every day during the first week and as necessary thereafter.

## PRISON VIGILS

On the evening of February 24th and the morning of February 25th, there will be vigils held outside the prison in which the men are being held. Details of times and venue will be available on 071 263 1477 from the evening of Friday 22nd. (Answerphone message).

## CAMPAIGN INFORMATION CENTRE

Unfortunately, the management of St Brides Church have refused permission for us to use St Brides Institute, as we did in 87/88. They took 5 weeks to reach a decision and would give us no reason, so as we go to press we are still looking for another location, close to the Court.

Once we have got somewhere, it will operate as an information base for observers, campaigners and members of the public unable to gain access to the Court. It will also serve as a venue for press conferences, meetings etc. Daily bulletins, briefing packs, newsletters etc will be available. Also refreshments.

## TELEPHONE NUMBERS

More information about the various arrangements, and details of the location of the information centre, can be obtained by phoning: 021 523 3608 or 071 263 1477 before February 25th.

There will be a Campaign Information phonenumber open during the Appeal. The number has yet to be confirmed, but will be publicised, via the numbers above, as soon as possible.

## IMPORTANT

THE BIRMINGHAM SIX HAVE ISSUED AN URGENT REQUEST THAT THERE BE NO DEMONSTRATIONS OUTSIDE THE COURT WHILE THE APPEAL IS GOING ON. MAXIMUM WORLDWIDE ATTENTION WILL BE FOCUSED ON THE COURT ALREADY BY ORGANISATIONS SENDING OFFICIAL OBSERVERS.

## CAMPAIGN NEWS



Glasgow Delegation outside Scottish Office after presenting Charter

## THE APPEAL

## FUNDRAISING

Thanks to fund-raising benefits around the country, and the generous response to our Appeal for the Appeal, the Campaign is now in a position to meet most of the costs that will occur during the period of the Appeal Hearing - though fund-raising will have to continue.

Many thanks to Cadburys and Rowntrees Trusts for donating over 2,000 between them, to Finchley Labour Party (700), Southwark NALGO (700), and numerous individuals, Trade Union branches and Church organisations who have so willingly contributed.

The costs of the Appeal are likely to be considerable, especially if the Hearing goes on for weeks. They include the hire of information venues, renting of office equipment etc, hire of transport, and travelling and living expenses of the men's families.

## EVENTS/MEETINGS

London Social Feb 23rd: Camden Irish Centre, Murray St, NW1. 8.30pm. Traditional Music.

Public Meeting: Feb 21st. 7.30pm  
Greenford High School, Nr Ealing Broadway Tube  
Speakers: Jeremy Corbyn + Campaign speaker.  
Organised by Ealing Labour Party

Derby Benefit Feb 23rd. 8.00pm  
Polish Club, Kedleston Rd, Derby.  
with Lena and the Merry Ploughmen.  
Speakers David Bookbinder and Sean Stafford

Sheffield Campaign Vigil: Sat Feb 23rd, 11.30-2.00  
Outside Town Hall, Leopold Street, Sheffield.

Birmingham Campaign will be holding briefing/planning meetings on Monday February 18th and on Monday March 4th, at "Key Books", 136 Digbeth, Birmingham at 7.30 pm.

## FLOWERS

Supporters of the Six overseas have been invited to sponsor daffodils to be delivered, with individual messages of support, to the Six in prison, at the start of the Appeal.

## THE CAMPAIGN IN SCOTLAND

On 12th December the Glasgow group presented a petition of 2,500 signatures on behalf of the Six to the Secretary of State for Scotland, in his capacity as the representative of the Home Secretary in Scotland. The petition, described as the Glasgow Charter, included the names of 100 public figures from politics, the arts and music worlds, and was presented by Glasgow-based writers James Kelman, Alasdair Gray and Bernard MacLaverty. The Charter received wide coverage in the Scottish media.

On 17th December a Concebrated Mass was held in Glasgow for the Six, attended by over 200 people. Following support for the Campaign in the Catholic Press, the Glasgow group received many donations and messages of support from Church members. Further Church support came from a powerful Hogmanay message from Archbishop Thomas Winning, who described the continuing delays as "fuelling a massive injustice." (See also CHURCH NEWS.)

## CAMPAIGN NEWS

## ANOTHER CHRISTMAS IN PRISON ...



Grove School, Newark, pupils (from left) Emma Hall, Louise Carby, Claire Lyon, Nicola Brown, Sarah Harby and Katie Tutt, all 16, post off their cards POSTPHOTO W10005/21

NEWARK TRADES COUNCIL continued its splendid independent efforts to mobilise local opinion with the production of 250 special presentation A4 cards, six of which were given to the Six themselves. As well as poetry by Irish poet Seamus Heaney, they contained messages of support from leading local churchmen (including the Bishops of Southwell, Sherwood and the RC Bishop of Nottingham) and poems written by 6 local schoolchildren who were born at the time of the men's arrest and imprisonment. The cards themselves were designed by students from Newark and Sherwood college. Smaller versions of the cards, complete with poems, are now available from the Campaign - can be used as greeting cards, good luck cards or St Patrick's Day cards (see back page).

Following the realisation that the DPP wasn't going to do the decent thing and release the men quickly, the LONDON CAMPAIGN, joined members of the McKenny and Power families in a lunchtime picket outside the DPP's office in London on November 28th.

And on December 12th Breda Power (Billy's daughter) handed into the DPP hundreds of "Free the Birmingham Six" Christmas cards, which had been sent from all over the country.

BIRMINGHAM CAMPAIGN, together with relatives of the men, delivered Christmas cards from Birmingham and Newark Trades Councils to Hugh, John and Gerry at Long Lartin Prison on December 21st. Members of NOTTINGHAM CAMPAIGN joined the McKenny family to let off 96 helium-filled campaign balloons outside Gartree Prison on December 20th, and sang "Happy Birthday" to Richard and Paddy.

18,000 Christmas cards were delivered to the Birmingham Six over the Christmas period. Many came from as far afield as Russia, New Zealand and Japan. They have asked the Campaign to say thank-you to everyone.



Birmingham Campaign lobby at Lloyd House (Richard's daughter, Ann, in centre)

BIRMINGHAM CAMPAIGN staged a 2-hour vigil outside Lloyd House (West Midlands Police HQ) on Christmas Day, and on January 24th, there was a lobby of the West Midlands Police Authority, calling for a public inquiry into the Serious Crimes Squad 1974-89, and for all material from the various police inquiries to be made available to the relevant defence solicitors. Police Authority members were asked to question the Chief Constable, Ron Hadfield, about, among other matters, the recent re-instatement of 21 Crime Squad officers - including 3 accused of assault by the Birmingham Six, and 3 officers who fabricated statements against John Edwards (see page 8). Hadfield said he would answer the questions in writing.



## IN THE DAIL...

Tony Gregory TD returned from a visit to Gartree at the end of October with a message that expressed the men's "deep appreciation to the people of Ireland" for their support, but spoke of their loss of confidence in the Irish Government's willingness to help them; "We are tired of mere expressions of concern," they said.

In a Dail debate on 31st October, Pat McCartan (Workers Party) raised the Six's case and urged the Government to request their immediate release. "The time to stop expressing mere concern has come" he said. Sean Calleary (Foreign Affairs Spokesman) responded with an expression of mere concern.

On November 1st, Tony Gregory tried again, in stronger terms. This time Calleary borrowed the stock responses immortalised by the British Home Office: "...the whole case is now once more before the court" and the British DPP is

## NEWS FROM IRELAND

an independent law officer who has to make up his own mind. As it became apparent that the Six would be spending their 17th Christmas in prison, TDs from all parties began to raise the case with increasing urgency.

On December 18th, while the Co-ordinating Committee on Miscarriages of Justice (see below) mounted a 150-strong picket outside Leinster House, Fine Gael leader John Bruton urged Haughey to make urgent representations to the British Government to release the Six unconditionally until the Appeal Hearing. The request was ruled out of order.

The Irish Government will, however, be sending Observers to the Appeal Hearing, despite their experiences at the 87/88 Appeal, when Irish TDs experienced particular difficulty in gaining admission and, on the day of the verdict, Peter Barry TD (and former Irish Foreign Affairs Minister) was subjected to a thorough body search.

## THE IRISH MEDIA

continues its support and coverage of the case and campaign, though it has a tendency to get over-enthusiastic about the Six's imminent release, and the ability of the British judicial system to change. The *Gay Byrne show* (radio RTE) and the *Pat Kenny Show* (TV), both of which have large audiences, carried live interviews with the families before Christmas.

The *Irish Times* coverage is always well-informed, and is recommended to those who want to follow the Appeal Hearing in detail.

Brush Shields' song has hovered around the No. 14 mark for some weeks now. Efforts are afoot to persuade British radio stations to play it. The song is available on 4-track cassette from the Committee (address back page), price 2.99 + 1.00 p.p. Proceeds to relatives trust fund.



The Drumathon in Dublin

## THE CAMPAIGN IN IRELAND

The Campaign has continued to hold successful events in Ireland, enjoying as it does the support of the vast majority of the Irish people.

On November 17th a 17-hour "Drumathon" was held in the centre of Dublin to commemorate the beginning of the Six's 17th year in prison.

Paul Hill and the Lord Mayor of Dublin, Michael Donnelly, joined the B6 Committee for carol-singing in Grafton Street on December 15th. Passers-by gave generously and the final collection totalled 1300 pounds.

Hundred of people gathered outside the British Embassy for a pre-Christmas vigil on Sunday December 23rd. The Booterstown support group, who had organised the vigil, also arranged for daily pickets throughout the Christmas and New Year holidays.

On February 7th, the day of the Preliminary Hearing, 100 invited celebrities paid 25.00 each for a "prison breakfast" of cornflakes at Boxty House restaurant in Dublin. The event was organised by Nicky Kelly, and among those attending were Maggie McKilenny, Sinead O'Connor, Christy Moore, the Chieftains, Brush Shields, David Andrews TD and Bishop Kavanagh.

Publicans all over Ireland have been sending beermats to the Six on which is a written pledge: that on their release, and on production of the beermat at their pub, a drink (and in some cases, a barrel) will be supplied. The men have expressed deep appreciation of this gesture.

## THE CO-ORDINATING COMMITTEE ON MISCARRIAGES OF JUSTICE

On November 17th, the above Committee met to discuss its strategy for the next 6 months. It meets bi-annually and is comprised of many groups working on miscarriage of justice cases, both generally and individually. In the past year it has prioritised the case of the Six, and was primarily responsible for the magnificent Parades of Innocence (see newsletters passim), and for the successful co-ordinating of the International Day of Action in March. It also joined forces with the British Campaign to present the Six's case at the CSCE (Parallel Activities) Conference last summer.

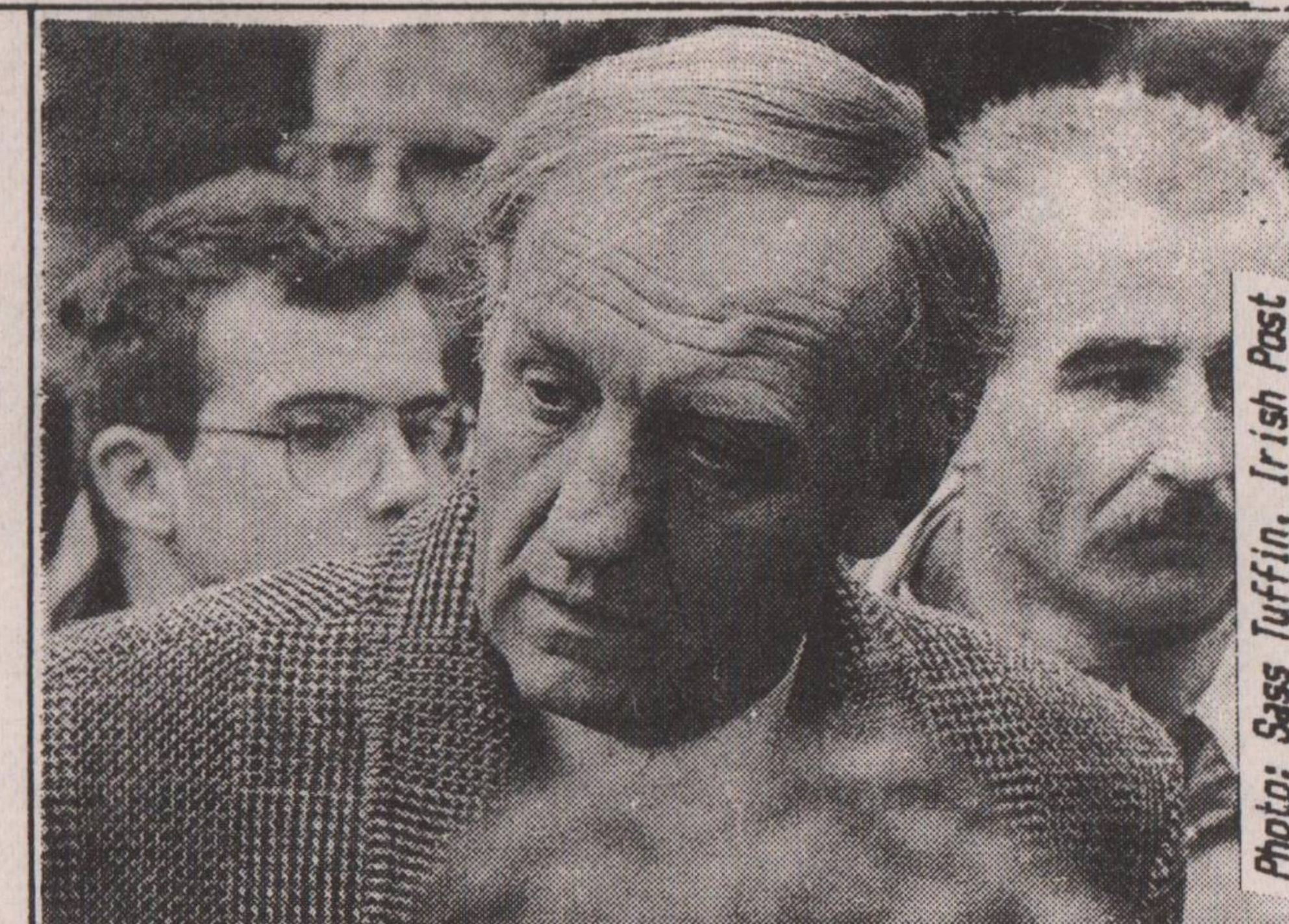
The Committee reaffirmed its support for the Maguire 7, Judith Ward and the Guildford 4, and adopted the cases of Gilbert (Danny) McNamee (whose Appeal was turned down in January by Lord Lane) and Martin Foran. (The Committee's Address is on the Back Page).



Runners in Dublin Marathon Passing the Birmingham 6 Float

## INTERNATIONAL OBSERVERS

It is expected that a large number of Observers will be travelling to Britain for the Appeal Hearing. As well as the Irish Government, the US Senate and Congress will be represented, as will the Danish Government. Lawyers from Europe and America will also attend, including an Observer from the European Parliament's Legal Affairs Committee. Many MEPs and TDs have sent messages of support if they cannot attend in person. Other organisations that have confirmed that they will be sending Observers include The Ancient Order of Hibernians (the biggest Irish-American organisation in the US), and American Protestants for Truth on Ireland.



David Andrews TD leaving the December 17 Hearing

## NATIONAL DAY OF ACTION FREE THE BIRMINGHAM 6 SATURDAY, NOVEMBER 10, 1990

On November 21, 1990, six innocent Irish workmen known as the Birmingham 6 will have been locked up in British jails for 16 years for the Birmingham pub bombings of 1974. Because of the public's anti-Irish hysteria in England at the time, the West Midlands police swept through the Irish communities nearby, threw away any sense of due process, and tortured the six prisoners into confessing to mass murder. Hugh Callaghan, Paddy Joe Hill, Gerry Hunter, Dick McKelvey, Billy Power and Johnny Walker were beaten, deprived of sleep and food, tormented with mock executions and threats against their families, and kept from legal counsel until they confessed. All of the confessions were retracted during their trial. Amnesty International has unceasingly called for true justice for the Birmingham 6, stating: "Amnesty International believes that the case of the 6 prisoners convicted [at pub bombings in Birmingham should be closed, the most grave doubt remains about official British Government] demands that the six people were at least while in police custody and therefore about the reliability of their confessions." On Saturday November 10, 1990 people who care about the welfare of these prisoners and the welfare of basic human rights will have the opportunity to let the British Government know how they feel. Various British Consulates and offices in the US will be the site of a protest rally between 1 and 4 in the afternoon. You can pin the National Day of Action too. Find the location of the rally in your city, or organize one and come and join your voice in the protest. As Paddy Joe Hill writes "It is only public pressure which will help secure our release and it is you that can help apply that pressure. Evil can only exist when good men and women do nothing about it."



It will be a day, truly, when the sun never sets on protesters decrying the abuse of human rights by the British Empire.

PAUL HILL OF THE GUILDFORD 4 IS CURRENTLY ON A NATIONAL TOUR TO FREE THE BIRMINGHAM 6



MIAMI OCT. 18  
CHICAGO OCT. 23  
LOS ANGELES OCT. 27  
MINNEAPOLIS OCT. 2  
SAN FRANCISCO OCT. 25  
WASHINGTON DC OCT. 30  
PHILADELPHIA NOV. 1  
NEW YORK NOV. 3  
BOSTON NOV. 10  
PRUDENTIAL CENTER  
1:00 P.M.

## 1974 TO 1990 TO ? TOO LONG! FREE THE BIRMINGHAM 6 NOW

FOR MORE INFORMATION CALL:  
NEW YORK 718-746-4575 BOSTON 617-738-6593 CHICAGO 312-477-0676  
WASHINGTON, DC 301-495-2613 SAN FRANCISCO 415-821-2806

## COUNCIL OF EUROPE

A group of 10 TDs and MPs (including Tony Banks MP), and led by Liam Hyland TD, managed to get a resolution onto the agenda of the Council of Europe Parliamentary Assembly on January 24th, on the "apparent breach of the European Convention on Human Rights by the continuing imprisonment in British prisons of six Irishmen known as the Birmingham Six in order to call on the British Government to authorise their release." Despite the pressing demands placed on the agenda by the Gulf crisis, this resolution was successful, and the Council of Europe's Legal Affairs Committee have asked the Irish Commission for Prisoners Overseas to prepare a submission on the case for a Hearing in Strasbourg on March 18th.

## UNITED STATES OF AMERICA

The case of the Six will be given a 20-minute slot on CBS TV's weekly "60 Minutes" current affairs programme, to go out before the Appeal Hearing. The programme attracts a larger audience than any other similar news/documentary programme in the US, and will give a complete rundown of the case, and include interviews with relatives, lawyers and prominent British figures who support the men's case. Despite the active role played by many US politicians in the Campaign, it has been difficult until now to break through into popular awareness. This programme may prove to be the turning point.

American Campaign groups in New York, Boston, Chicago, Washington and San Francisco acted as host to Paul Hill on his speaking tour in October and November. This culminated in a National Day of Action on November 10th, with rallies outside various British Consulates and offices throughout the States.

## CANADA

In November, the former Solicitor-General of CANADA, Warren Allmond MP, wrote to the (then) Home Secretary Douglas Hurd to protest at the convictions of the Six: "It seems to me and many other people in the world that these six men have experienced an entirely unsatisfactory process of law. I am convinced that these men have been imprisoned unjustly - and morally the onus is on your Government to prove otherwise...It distresses me greatly to see such situations in such a highly developed country as yours"

## GERMANY

A long article on the men's case and Campaign appeared in GERMANY's main magazine, "Stern" in October.

Advertisement in Irish Echo (USA)



## WEST MIDLANDS POLICE NEWS

### THE CREDIBILITY OF READE & CO

At the hearing in December, one of the lawyers acting for the Six asked - with barely concealed astonishment - whether the DPP's counsel Graham Boal really intended to spend weeks on appeal bolstering the team headed by George Reade, on whose evidence the Six had been convicted. The Home Secretary had referred the case back to the Appeal Court because of compelling evidence that Reade and at least two of his team, Woodwiss and Morris, had lied in court about an interview with Richard McKelvey. At the preliminary hearing on February 7th, Boal was still unable to say whether he accepted that evidence (the Baxendale report on Electrostatic Deposition Analysis of the notes of the police interviews) and, if so, whether he still intended to present Reade and Co. as "witnesses of truth."

When Reade, Morris and Woodwiss were interviewed by the Devon and Cornwall police, they were unable to offer a "satisfactory explanation" for the discrepancies that ESDA had revealed. Boal said, on the 7th, that interviews by the Devon and Cornwall Inquiry with the 25-odd officers in Reade's team had still not been completed, and that more interviews were to be conducted with Reade himself. Perhaps the DPP hopes to get "satisfactory explanations" from all of them, despite the evidence in his possession that there are and can be none. If he doesn't, they cannot be presented as credible witnesses, and without credible police witnesses there is no confessional evidence.

However, Lord Lane's ruling on the Edwards case (see below), will make it difficult for the Six's lawyers to refer to any other cases in order to cast doubt on the credibility of Reade's team.

Of the four members of Reade's team who were in the Serious Crimes Squad at the time it was disbanded, three have been put back on "operational duties" because, according to Chief Constable Hadfield, all complaints against them had been "resolved". They are: DCI Ray Bennett (the Squad's Head), DI Peter Higgins and DC Douglas Bell. This leaves DSgt Michael Hornby who went on sick leave when the Squad was disbanded, and took early retirement in the middle of November. Despite the large number of complaints against him, he has largely (and magically) escaped disciplinary action, and now none can be brought against him, though he could still face criminal charges.

Files on five serving police officers being investigated by the Shaw Inquiry have been handed over to the Devon and Cornwall inquiry; these five must all have been the subject of complaints made against them since 1984. Some of these files could relate to other members of Reade's team who are still in the police force; for example DSupt James Kelly (who received an official reprimand in 1986) and DSupt David Millichamp are both still serving in the West Midlands Police, but were not in the Squad in August 89, when it was disbanded. Others could relate to officers who left the force between 1984 and 1989.

No prosecutions have so far been brought as a result of either inquiry, and civil actions against the police by Squad victims, as well as preparations for cases going to appeal, have been held up because their solicitors cannot get access to the relevant documents. Only three cases have gone back to the Appeal Court (Parchment, Khan and Edwards) and a fourth Appeal, Gary Binham's, has not been contested

### A TALE OF TWO A.C.C.s

Assistant Chief Constable Frank Wilkinson, the only senior West Midlands police officer who has publicly conceded that the case against the Six has collapsed (see Nov n/letter), found himself the subject of a report presented to his Police Authority, stemming from a complaint against him by ex-policeman Roger Ball, Mayor of Leek (another of Reade's team). Shortly after, Wilkinson was packed off to the Royal College of Defence Studies by the Home Office.

In November, another ACC, Tom Meffen, was allowed to retire early despite being under investigation by yet another police inquiry for his part in the failure to seal the Squad's HQ for four days after its disbandment, thus giving the disbanded Squad members plenty of time to walk off with documents vital to the Shaw Inquiry (and possibly to the Devon and Cornwall Inquiry as well).

Moreover he was quickly cleared of suppressing a vital report in the Gail Kinchin case when a police barrister stepped in to take the rap. We may remember that it was Meffen who interviewed Chris Mullin after Mullin claimed that the police knew before the Six's trial in 75 that they had caught the wrong men. Meffen was not involved in the original trial and conviction of the Birmingham Six, but "appeared to have at his disposal information which, had it been available at the trial, might have assisted the convicted men".

### THE APPEAL OF JOHN EDWARDS

On Jan 16th, John Edwards won his appeal against an armed robbery conviction on the grounds that disciplinary charges against one of the officers in his case, John Brown, were concealed from the court at his trial, and that officers in his case had given evidence in two other cases which had resulted in the defendants' acquittals. None of the other grounds of appeal were allowed by Lord Lane - these included the non-disclosure by the police of vital documents to either the prosecution or the defence lawyers, and the unreliability of the statements (though he conceded that the interviews were bogus!).

Nor did Lane give any weight to the "pattern" of West Midlands police misconduct, amply demonstrated by the fact that the 7 officers in his case faced a total of 53 allegations under investigation by the Shaw Inquiry. He ruled that officers can only be cross-examined about criminal or disciplinary charges found proved against them, not about complaints to the PCA which have not been adjudicated on, however many of these there might be.

Lord Lane's judgement is important because it only conceded limited relevance to the fact that the officers involved in that case had been involved in other frame-up cases. In effect, he ruled that lawyers can only cross-examine an officer if they can show that he had perjured himself in another case where the defendant had been acquitted, and that the acquittal was due to the officer's evidence being disbelieved by the court, and that the officer gave identical evidence in both cases.

by the DPP (though that doesn't mean his conviction will be quashed - see page 3). But none of these cases directly implicate any of Reade's team, although Bennett, as Head of the Squad, must bear some responsibility for the frame-up of Hassan Khan (see August newsletter).

## TRUE STORIES FROM THE WEST MIDLANDS POLICE: NO. 2

The Chair of the West Midlands Police Federation, David Mytton, never hid his outrage at the decision to disband the Serious Crimes Squad, and was refreshingly robust about the fact that West Midlands police officers were the subject of so many complaints: "I've been accused of assault myself," he remarked, "In some quarters you aren't considered an officer until you have had a complaint against you." However, when in August, a complaint made by a federation member led to a Fraud Squad investigation into Federation finances, thought to be expenses claims, he promptly resigned his post - together with the Secretary and Treasurer - and all three went on sick leave, suffering from stress.



DAVID MYTTON

### In this place

Beyond stone walls

Behind steel bars

The day bleeds us

The night binds us

The cell door closes our eyes

And then buries us

Listen :

We are still alive

### NEW BOOK

This is the first verse of "The Uniform (For the Birmingham Six)" by Patrick Galvin, which you can find in an excellent new book: The Birmingham Six - An Appalling Vista.

It is one of many contributions for, about or in honour of the Birmingham Six, by over 50 writers (and 3 artists) of international standing; they range from Nell McCafferty to AJP Taylor, Terence Eagleton to Anthony Clare: you have to get the book to appreciate its breadth - and it's an utterly absorbing read.

The book was the brainchild of Oscar Gilligan, its editor. He said its purpose was "to show concern, and that the intellectual and literary community was prepared to speak out."

It's been published in Ireland, but until bookshops in Britain are alerted to its quality, can only be obtained from the Dublin Committee, or the London Campaign, price 5.95 + 1.00 p&p. All proceeds going to a trust fund for the men.

## TRADE UNION NEWS

Support for the men's case is now taken for granted in most of the Trade Union movement. Speakers from the Campaign have spoken at numerous TV meetings and Trades Councils, resulting in motions of support and several generous donations towards the cost of the Campaign.

There was a magnificent response by NALGO branches to an appeal for funds to meet the costs of the forthcoming Appeal, and many branches affiliated to the Campaign.

The TUC has promised to send an Observer to the Appeal Hearing. The National Executives of some Trade Unions have also appointed official observers to attend the Appeal, as have regional and local TUCs.

Many Unions have sent messages of support to the Campaign, including the following from Joe Marino, General Secretary of the Bakers, Food and Allied Workers Union:

"Our Union has long been committed to the release of the Birmingham Six and to a review of the system that can have allowed such a perversion of justice. We share the view of the Campaign on the need for not just a release but an admittance of complete innocence of the unjustly imprisoned comrades".

Cllr Jim Moore, Lord Mayor of Sheffield, at the opening of NALGO's International Week in Sheffield.

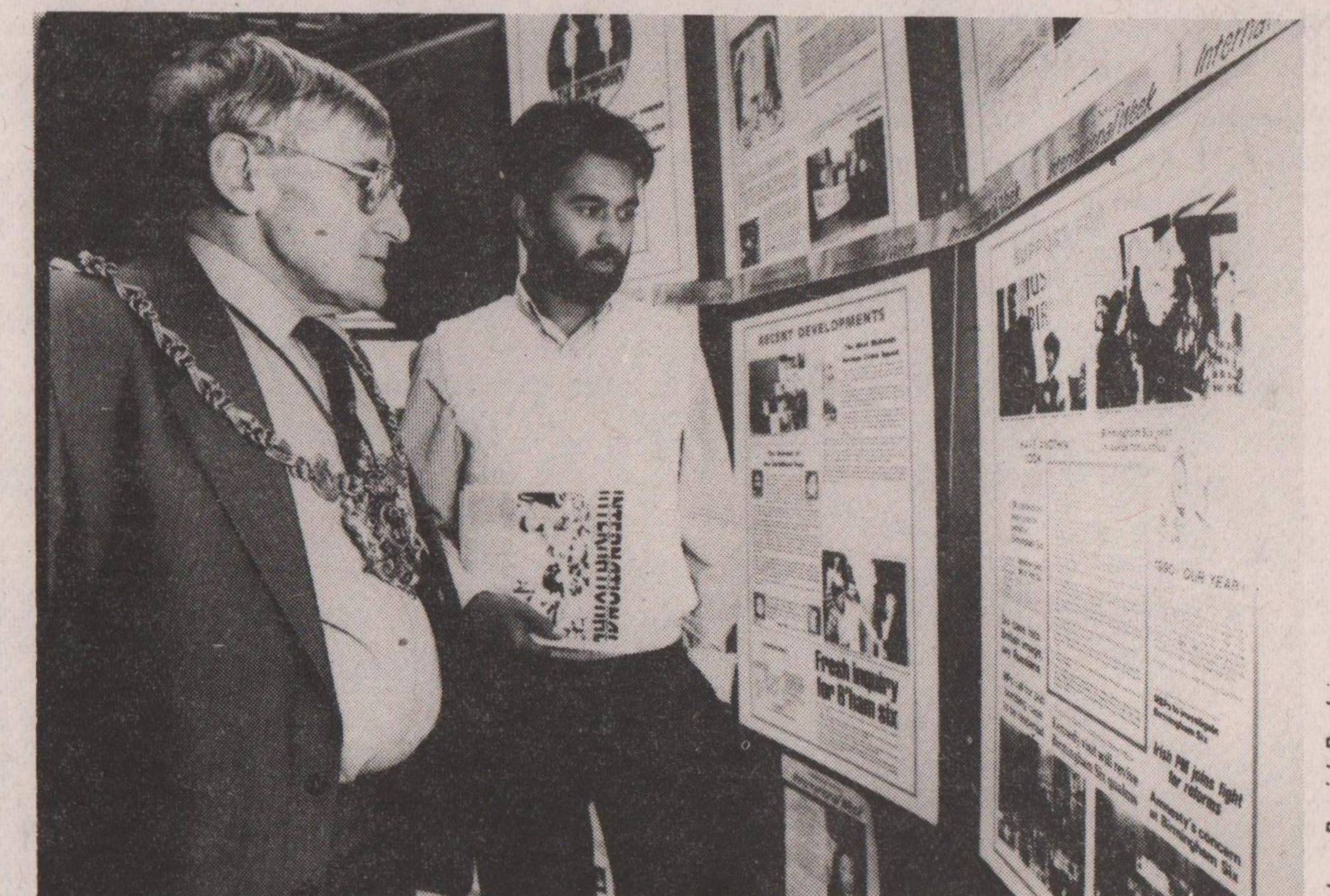


Photo: David Backing

### TRADE UNION OBSERVERS

The following have confirmed that they will be represented:

Trades Union Council  
ACCT (Alan Sapper, Gen. Sec.)  
NUJ (Peter Heathfield)  
NSF  
Irish Congress of Trade Unions

Bakers Union  
UCATT  
NAPO  
NALGO (West Mids)  
Birmingham NUJ



## CHURCH NEWS

On January 5th, vigils "in silence, music and prayer" were held outside Westminster cathedral and cathedrals in Liverpool, Nottingham, Leeds, Derby, York, Birkenhead and Birmingham.

CHURCH LEADERS continue to voice their concern. They have been joined by the Catholic Archbishop of Glasgow, the Most Rev THOMAS WINNING, who said in an interview with *Flourish*, the official journal of the Archdiocese of Glasgow: "One of the most disturbing features of this tragic saga has been the prosecution's apparent tendency to ignore truth rather than admit the shallowness of its case ... the prosecution seems to have withheld vital evidence from the defence - evidence which might well have secured an acquittal in 1975. A speedy resolution to this massive injustice should now be seen as a priority." He told the *Daily Record*: "I realise that this is a very controversial subject. But it wouldn't have been right to remain silent on the subject any longer".

On January 6th, he told BBC Radio 4's "Sunday" programme (which devoted a 20-minute slot to the case, including interviews with Breda Power and Maggie McIlkenny) that he thought the DPP should drop the case completely, and that "evidence that has been submitted recently is so overwhelming - or at least brings into grave doubt the guilt of these men - that the case has been falling apart over the months."

The plight of the Birmingham Six and the Maguires was included in the inaugural address of the new Archbishop of Armagh, Dr Cathal Daly, Primate of All Ireland, at his installation at St Patrick's Cathedral, Armagh: "I want to mention today two groups of people who are suffering at this time: the Birmingham Six and the Maguire Seven. I want both groups to know that we think of them today and will continue to pray for them. The Maguires still await vindication of their innocence and that of Giuseppe Conlon who died in prison. The Birmingham Six I visited in prison last September. I can see no sustainable reason why their convictions should continue to stand or why they should not quickly be vindicated and released."

On February 9th, members of the Churches Sub-Group of the Campaign attended an Ecumenical Conference in Sweden. Churches from most European countries were represented there, and the Campaign appealed to them to monitor the forthcoming Appeal Hearing, and if possible to send Official Observers.

The Group have also circulated a prayer to Churches and Church organisations around the country, which they have invited Christians to say every day, "in solidarity with the men known as the Birmingham Six"

*Jesus, source of hope,  
you knew the pain of wrongful arrest  
and imprisonment.*

*Send your Spirit to strengthen  
Billy, Richard, Hugh,  
Gerry, Patrick and John  
together with all who  
support their cause.  
May they soon be free.*

*Be at our side as we walk the way of  
justice and truth.  
Amen.*

On Sunday December 9th, two and a half million people watched an Everyman programme "The Birmingham Wives", which described, through the wives and daughters of the Birmingham Six, the long and brave campaign to win justice for the men.

Pictured right, at Westminster vigil: Breda Power and Maggie McIlkenny, with Breda's daughter Claire (centre) and Maggie's daughters Nikita and Katrina.

## CHURCH OBSERVERS

Of those individuals and organisations that the Campaign has approached, so far, the following have confirmed that they will be represented at the Appeal Hearing:

Cardinal Hume  
Irish Bishops Conference (Prof. Patrick Hannon)  
Irish Missionary Union (Fr. Ray Maher, Director)  
Society of Friends (Quakers)

## Dismay over Birmingham Six

*From the Cardinal Archbishop of Westminster*

Sir, At a meeting last week the Guildford Four deputation (Lord Devlin, Lord Scarman, Lord Jenkins of Hillhead, Merlyn Rees and myself) considered our next submission to the May enquiry, and then we reviewed the present situation regarding the Birmingham Six case, about which we are becoming increasingly concerned. We are dismayed at the outcome of yesterday's hearing in the Court of Appeal (reports, December 18).

It is most regrettable that the Director of Public Prosecutions has not taken the opportunity of winding up the whole of this miserable affair, and instead is preparing to allow the matter to go to an extended Court of Appeal hearing before a decision is reached. I would implore him to consider afresh whether the Crown at this stage should act in the same courageous way as in the case of the Guildford Four by not seeking to sustain the convictions in the light of the new evidence.

Whatever the outcome of the full report by the Devon and Cornwall police, it can surely in no way detract from the significance of the new evidence already available.

Yours faithfully,  
BASIL HUME,  
Archbishop's House,  
Westminster, SW1.  
December 18.

Letter to *The Times* 20.12.90



Photo: Irish Post

## Yesterday in Parliament...

In November, several MPs questioned the Attorney General as to the reasons for the delay in setting a date for the Appeal Hearing. They were told that this was due to the "enormous mass of written material" that had to be digested by lawyers for both the Crown and the appellants, and that the Crown was waiting for the men's lawyers to lodge the grounds of Appeal.

As it was the failure of the DPP to disclose to the men's lawyers all the material that had come into his possession that was preventing them submitting the final grounds of appeal, Chris Mullin submitted a written question on this to the Attorney General (6/12). He received the following rather ambiguous answer:

"Arrangements are being made for the disclosure of outstanding material in his possession, insofar as this is appropriate in accordance with the Attorney-General's guidelines on disclosure... Any further material provided to the DPP will be considered and disclosed, if this is appropriate in accordance with the guidelines."

As for the likelihood of the DPP dropping the prosecution case, the House was told: "It is only where exceptional circumstances prevail that the CPS does not seek to resist an appeal against conviction." (Attorney-General 6/12).

Of course the "exceptional circumstances" of the Six's case cannot be raised because of the way that parliament applies the *sub judice* rule. For example, when Seamus Mallon tried to raise some of the implications of the judicial comments made at the listings hearing in December, during Prime Minister's question time, the Speaker ruled it *sub judice*; he had earlier been ruled out of order when he attempted to bring the case up at a Committee dealing with the new emergency provisions legislation.

"If the evidence of all criminal trials were to be as thoroughly examined as in this case, no-one would ever remain convicted..." *Ivor Stanbrook, November 12 1990.*

## GUILDFORD FOUR STILL WAITING FOR JUSTICE

Representatives of the Guildford Four campaign are urging the Irish Government to voice their concern at the conduct of the May Inquiry into their frame-up by the police.

The inquiry has now effectively been put on ice until after the trial of three of the Surrey police officers who falsified evidence against Paul, Gerry, Carole and Paddy. It seems at the moment that these officers, who were police constables at the time of the arrests, are the only ones likely to face charges. In the face of all the evidence, and comments made by the judge and prosecution at the original trial, the Director of Public Prosecutions may insist that the conspiracy to pervert the course of justice only involved a handful of very junior policemen.

No date has been set for this trial but it is not likely to be for some time. If there is an appeal by the policemen, that would delay the re-opening of the May inquiry further, and the uncertainty is causing considerable unease.

For Paul Hill it means a further set of delays before his appeal against the murder charge from the Shaw case. This charge was based on a confession extracted from him in Surrey police station at the same time as he confessed to the Guildford and Woolwich bombings. The case was heard in a no-jury court in Belfast and he will have to go back to a Diplock judge for his appeal. With this charge hanging over him Paul says he still only feels half free. The charge was also used as justification for holding up compensation payments and the continuing delays have serious financial implications.

On January 14th, Chris Mullin raised the embarrassing question of why documents relating to forensic tests carried out on passengers on the Belfast ferry, the night the Six were arrested, were not made available at the original trial, or at the Appeal. He too was told that the matter was *sub judice*.

The same day, Tony Banks asked why the DPP had told everyone at his New Year party that the forensic evidence was to be dropped, but had not as yet told the men's lawyers, the Attorney-General pleaded ignorance, but said the DPP's stance was a matter for him.

## Other Parliamentary News

While most MPs in the House of Commons seem content to collude in the pretence that justice is taking a slow but logical course, at least one of the MPs involved in the British-Irish Interparliamentary body, which met in Dublin in December, has shown a greater willingness to acknowledge the truth: Conservative MP, Peter Temple-Morris, told the *Guardian* on December 12th that, while he hoped for an early release for the Six, "in that particular lamentable area anything is possible".

In a speech in November, which cited the Six's case as an example of the sort of problem which the new Criminal Justice Bill has singularly failed to address, Roy Hattersley spoke of "the prejudices that result from a lifetime spent in the legal professions"

Whether or not Neil Kinnock shares this awareness of the prejudices which the Six will have to face in the coming Appeal, it would be encouraging if the Labour party leadership could act in the spirit of the last Labour Party conference and appoint an official observer to attend the Court. Just before Christmas, Neil Kinnock received a letter from the leader of the Irish Labour Party, Dick Spring, saying: "We know that you will be willing to do everything you can to help to secure both justice and compassion for the Birmingham Six and their families." Let's hope that such faith proves well-founded.

Many MPs will be attending the Hearing on their own initiative, and others have sent messages of support.