



BIRMINGHAM SIX

COMMITTEE NEWSLETTER

August 1989, No. 4

Hugh Callaghan
Paddy Joe Hill
Gerry Hunter

Richard McIlkenny
Billy Power
John Walker

Chris Mullin "confident" that Birmingham Six case could be re-opened

Chris Mullin, the British Labour MP who has campaigned for the Birmingham Six for several years, says he is "confident" that details now emerging about a West Midlands police squad will provide enough evidence for the men's case to be reopened.

Mullin, who wrote about the Birmingham Six in his book "Error of Judgement", has been slowly extracting information about the Serious Crimes Squad from the British Home Office. Furthermore, he has found a direct link between the Squad - which has been disgraced by charges that officers had fabricated "confessions" given by prisoners in cases over the last two years - and the case of the Birmingham Six.

This elite force was disbanded in late June after Ronnie Bolden (36) was acquitted on armed robbery charges. The jury had heard evidence that officers from the

West Midlands force had tampered with Bolden's confession.

And, as recently as July 17th, Keith Parchment was freed by a London Court of Appeal after judges heard forensic experts state that sections had been added to Parchment's statement.

Through a series of parliamentary questions, Mullin has discovered that three officers who were involved in the Birmingham Six case have also been implicated in two recent cases where officers were accused of altering statements.

Moreover, of a total of 15 officers who interrogated the men in police custody, eight were in the Serious Crimes Squad at the time, Mullin says. Two were in the Serious Crimes Squad at other times and five never joined the squad.

The Home Office has refused to confirm the names of the officers involved, but Mullin is now collating the evidence.

"There's loads more of these cases yet to be looked at," Mullin told the Birmingham Six Committee. "I'm very confident that it will in due course provide the basis for re-opening the case."

He added; "It would be very helpful if the Irish government could ask questions about this." Officials at the Irish Embassy in London had already been asked to submit a report on the recent cases to the Dublin government.



Letter from the Committee

Fourteen years ago, in August 1975, six Irishmen were convicted of one of the biggest mass murders in British history. Hugh Callaghan, Paddy Joe Hill, Gerry Hunter, Richard McIlkenny, Billy Power and Johnny Walker were given life sentences for the Birmingham pub bombings which had claimed 21 lives in November 1974.

Fourteen years later the men are still in jail, and still protesting their innocence. Their "confessions" were signed after many hours in custody, during which the men were beaten, humiliated and deprived of sleep and food. Evidence is now emerging that some of their interrogators have since been involved in cases where other innocent men were wrongly convicted on the strength of statements doctored by the police.

The forensic evidence, gathered by Dr. Frank Skuse, has also been severely discredited since the men's conviction in 1975.

Yet the British Appeals process has so far failed to help these men. An Appeal, which opened in late 1987, failed to overturn the original convictions. This verdict came after a 28-day hearing in which the Appeal judges heard an overwhelming body of evidence in the men's favour.

Undiscouraged, the six are now trying to get their case heard in the

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European Court of Human Rights in Strasbourg, but legal experts warn that this process could take several years. Far quicker, would be a decision by the British Home Secretary to reopen the case on the basis of facts now emerging about the West Midlands police force.

The Birmingham Six Committee, which was established in 1986 to help campaign on the men's behalf, is confident that the men will eventually be freed and exonerated. It needs your support.

Many Irish people, including Finna Fail politicians, opposition deputies and leading Church figures, believe the Birmingham Six are victims of a miscarriage of justice. Remember the men on this, their fourteenth year in prison. And help the campaign to set them free.

Birmingham Six campaign gets badly needed donation

Paul O'Dwyer, a US-based lawyer, has donated £10,000 to the Birmingham Six Committee on behalf of Sean McCarthy, a Republican veteran who died in 1985. Mr. McCarthy was a courier in the War of Independence who championed Republican causes throughout his life. A native of Dungarvan, Co. Waterford, he spent much of his life at sea and went on to live in the US where he was an important figure in Irish-American affairs.

Mr. O'Dwyer was named Executor of Sean McCarthy's will and was asked to divide the bequest among suitable organisations.

He presented the cheque to the Committee at a ceremony in Buswell's Hotel, on

July 17. Gay Nic Reamoinn, the Committee treasurer, described the donation as "a great help" for a voluntary organisation which relies on its own fund-raising efforts. The Committee has not yet decided how it will spend the windfall.

The Committee, which has campaigned for the release of the six men convicted of the 1974 Birmingham pub bombings, was one of ten beneficiaries chosen by Mr. O'Dwyer. Others included:

- The Sean McBride Foundation
- The Irish Anti-Extradition Committee
- The Irish Commission for Prisoners Overseas
- Kader Asmal (Irish Council for Civil Liberties)

Margaret goes to Pyongyang

Margaret McKenny helped internationalise the case of the Birmingham Six when she attended an important youth conference held in North Korea last month.

Margaret is the daughter of Richard McKenny, one of six men who were given life sentences for the Birmingham pub bombings in 1974. She agreed to travel to North Korea for the 13th World Festival of Youth and Students to help publicise the men's case.

The festival was attended by 17,000 delegates from across the world, representing a broad range of religious, political and cultural backgrounds. It was held in the first fortnight of July in the North Korean capital of Pyongyang. Margaret was interviewed by journalists from Japan, Portugal, Scandinavia, the Middle East and the USSR, representing a broad spectrum of published media. She also launched an international petition requesting all countries concerned with human rights to call on the British Government to reopen the case of the Birmingham Six, in view of the widespread doubts stated by Amnesty International, and others, about the validity of the convictions.

Leaflets on the case, which had been translated into five different languages, and copies of the booklet "The Birmingham Six - Justice the Seventh Victim", were also handed out.

Here she gives her own account of the trip:

"Before arriving in Korea I was unsure of how the festival would benefit our case, but my mind was soon put at ease. Every person, association or delegation we approached were very sympathetic towards us and most had heard of the case before.

A lot showed anger that the case of the Six had been going on for 15 years. A lot of people promised their support and also to try and create public awareness in their own country. One of the most encouraging factors of the trip was the overwhelming support I received from the Irish delegation. They helped to rebuild my confidence that the Court of Appeal had demolished.

On behalf of my father Richard McKenny, Johnny Walker, Paddy Hill, Hugh Callaghan, Billy Power and Gerry Hunter I want to thank

all of the people who made the trip possible. We wait in hope for the world to awaken to this miscarriage of justice so that my father and his five friends can return to their families and begin to rebuild all of our lives again."

Maggie McKenny

Guildford delay

The 'Guildford Four', who were jailed for life in 1975 for the Woolwich and Guildford pub bombings, have asked that their Appeal case be put back until next January. Their hearing was due to start this October in the Old Bailey.

Patrick Armstrong (37), Carole Richardson (31), Paul Hill (32), and Gerard Conlon (32) are to present strong new evidence at the Appeal in the hopes of overturning their original convictions.

Kader Asmal urges Government action on Birmingham Six

Ireland's leading human rights lawyer, Kader Asmal, says the Irish government "should use every pressure" for the release of the Birmingham Six as their case trudges its way to Europe.

The men are seeking to raise their case at the European Court of Human Rights in Strasbourg, but Mr. Asmal warns that the process could take from three to five years. In the meantime, the campaign for their release should be "politicised and intensified", he urged. "The Irish government should internationalise the case."

A senior Law Lecturer at Trinity College Dublin, and president of the Irish Council for Civil Liberties, Mr. Asmal dismissed the excuses made by the last Irish government when it was asked to support the Birmingham Six petition to the European Commission on Human Rights.

In a letter to Dick McKelvey, one of the Birmingham Six, the Taoiseach's office had claimed that it could not support the men's petition because it had been brought as an individual action under Article 25 of the Convention on Human Rights.

"It's only half the truth to say that the Irish government cannot go for an article 25 application," Mr. Asmal said. He said the government could have chosen to take an inter-state action - as it did in the case of the torture cases at Castlereagh prison in the early 1970s - under Article 25 to raise the issue of unfair trials in the UK. "The Irish government preferred not to do that, and that's understandable if Ireland doesn't want to disturb relations with Britain." This lost opportunity was a "source of great regret and disappointment", he said.

The Birmingham Six sent their petition to the European Commission late last year (see page 4). It will first be examined by an individual human rights commissioner, who will decide whether to refer onwards. If would then be examined by a panel of Commissioners who can try to seek a "friendly" settlement with the British government.

Only if this fails, is the case then officially referred on to the European Court of Human Rights in Strasbourg who must decide if it represents a breach of the European Convention on Human Rights.



Article 6

(European Convention on Human Rights)

(1) In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

(2) Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

(3) Everyone charged with a criminal offence has the following minimum rights:

- (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
- (b) to have adequate time and facilities for the preparation of his defence;
- (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
- (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

LEGAL BRIEFING: Substance of the petition submitted by the Birmingham Six to the European Commission on Human Rights

The Appeal

In England, as in Ireland, a jury is the sole arbiter of fact in a criminal trial. Nobody else in the context of a criminal trial has that decision. The judge decides upon law; the jury is the judge of fact.

In this case the jury heard half of the evidence that we now know was available. The other half was then heard by the Court of Appeal 13 years later, which then substituted itself for a jury and came to its own subjective decision on the other half of the evidence.

The central allegation at the trial was that the defendants had made confessions to the bombings as a result of brutality in the police station.

Firstly, five police officers from the West Midlands police force either said they saw brutality being inflicted, or the result of it. Secondly, two prison officers said they saw evidence of pre-existing injuries. Thirdly, a schedule in the handwriting of the chief officer in the case, which had no other explanation other than that there had been a false preparation of evidence. This latter document indicated an orchestration of false testimony by all the interviewing officers as to the times, places and contents of interviews.

The Petition

This Appeal process constituted a breach of the article in the European Convention of Human Rights that guarantees a fair trial; By,

- (a) denying the defendants their absolute right to trial by jury;
- (b) reversing the burden of proof necessary in criminal trials and requiring the defendants to prove their innocence beyond reasonable doubt.

And lastly, by

- (c) substituting itself for the jury, the Court of Appeal further breached that article in the European Convention of Human Rights which provides that there should be a domestic remedy for every breach of the convention.

Where the Appeal Court becomes the trial court it thus forgoes the possibility of providing any appellate jurisdiction.

Postscript.....

This is exactly the same process by which the four defendants in the Guildford pub bombings were kept in prison 13 years ago when the Court of Appeal heard evidence from the men who had in fact carried out the bombings, and refused to order a retrial. And, by refusing to order a retrial (as they did in the recent Birmingham Appeal), substituted themselves for the jury and, notwithstanding new evidence not available at the trial, declared their belief in the defendants' guilt.

There is in England no way of undoing wrongful convictions via the Court of Appeal. The failure of the Irish government to take up this point on behalf of the Guildford defendants 13 years ago may be one reason why the Birmingham defendants suffered the same fate at the hands of the Court of Appeal last year.

STOP PRESS...STOP PRESS...STOP PRESS

Attention all runners:

The Birmingham Six Committee is looking for 12 fit, healthy individuals prepared to run in the Dublin City Marathon on 30th October 1989. Each runner will get:-

- a) A tee-shirt marked "Justice for the Birmingham Six."
- b) Access to changing facilities in a Dublin City hotel.
- c) Sponsorship cards.
- d) Refreshments after the race!

Contact the secretary at Jarlath House, tel. 775212. And hurry!

Vigil:

Free on Saturdays? Join in the weekly picket from 11am to 2 pm at the British Embassy, 31 Merrion Road, Dublin 4 organised by the Booterstown Support Group. Tel. 887299.

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Local support groups:

This newsletter urgently needs distributors who can raise funds in Cork, Kerry, Galway, Clare and Donegal. Contact Jarlath House, tel. 775212.

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The Birmingham Six Committee
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Get Involved

The Birmingham Six Committee is one of several groups working in Ireland, Britain and the US for the release and exoneration of the six men who were wrongly convicted in August 1975 of the Birmingham pub bombings.

The group has no aims or agenda beyond securing justice for the six men. You can help, either by sending a donation or getting involved. Write to your local representatives, TD, and Euro M.P.

Write to the six men in jail, and express your support.

Paddy Joe Hill, 509496, HM Prison Gartree, Market Harborough, Leicester, England.

Gerry Hunter, 509495, HM Prison Long Lorton, Evesham, Worcs, England.

John Walker, 509494, HM Prison Long Lorton, Evesham, Worcs, England.

Hugh Callaghan, 509499, HM Prison Long Lorton, Evesham, Worcs, England.

Richard McIlkenny, 509498, HM Prison Full Sutton, Stamford Bridge, Nr. York, England.

Billy Power, 509497, HM Prison Full Sutton, Stamford Bridge, Nr. York, England.