

Release Nicky Kelly

Who is Nicky Kelly ?

Nicky Kelly is a prisoner in Porlaoise jail serving a 12 year sentence for his alleged involvement in the Sallins Mail Train Robbery of 1976.

Nicky has always professed his innocence. His treatment by the police and the courts is regarded by many as the most scandalous in the history of the state. The legal drama which was played out over 6 years came to a close in October 1982, with the refusal by the Supreme Court to grant his final appeal. The only course of action left open to him at this stage is to demand his release by the Minister for Justice.

But is he innocent ?

At Nicky's trial, there was no evidence, no witnesses and no jury, only a concocted statement which he was forced to sign after prolonged 'in-depth' interrogation. Two doctors, one of them a prison doctor, described extensive bruising which they found on Nicky's body. . Despite the medical evidence and Nicky's persistent declarations that he had nothing to do with the robbery, and that his statement was fabricated by the police, the court ruled that his 'confession' was voluntary.

In May 1979, the IRA, an organisation with which Nicky had no connection publically stated, for the first time in the south that it had carried out the robbery.

Amnesty International, the Irish Council for Civil Liberties, and a number of international human rights organisations expressed grave concern at the treatment of Nicky Kelly and his co-defendants while in police custody and sent observers to the trial.

Why was he convicted ?

Nicky Kelly was framed because of his political beliefs as a republican and a socialist. The whole affair was an attempt to smash the newly formed 'Irish Republican Socialist Party', as part of an escalating campaign of harassment by the then Coalition government against political opponents. This conspiracy involved an elite squad of gardai which became known as the 'heavy gang' (information of which was published by the 'Irish Times'). It is also worth noting that the 'Special Branch' was then headed by ex-deputy Commissioner Joe Ainsworth, recently 'retired' from the force over the 'telephone and bugging scandal'.

Why did he go to the USA ?

Nicky was severely affected by his torture at the hands of the 'heavy gang' and in the closing stages of the trial, when it had become clear to all that he and his co-accused should expect no



justice, from the 'Special Criminal Court', he went to the U.S.A. and was sentenced in his absence. He was admitted to the 'New York Bell View Mental Hospital' and diagnosed as suffering from severe anxiety neurosis.

But in 1980, on hearing the news that his two co-accused, Osgur Breathnach and Brian McNally, had won their appeals with their statements being thrown out of court, he immediately returned to Ireland to clear his name.

Why wasn't he freed also?

After the public embarrassment of having to release his co-accused, the State, in a face-saving exercise at Nicky's appeal, and contrary to all expectations, claimed that his statement had been voluntary, alleging that he had been 'friendly and co-operative' with the interrogating police! This assertion is in stark contrast to the physical and mental condition as witnessed by his girlfriend, doctor and others who saw him in custody. It also cannot explain how no money, no weapons or other forensic evidence was ever found!

What are the implications?

The vindication of Nicky Kelly has become a central and vital cause, especially in these times of deepening economic, social and political crisis, to combat the use of torture by the gardai to gain convictions and also the efforts of the state to crush the growing political opposition amongst the people.

What is the 'Release Nicky Kelly Committee'?

The Committee is a broad based group whose aim is to highlight Nicky's innocence and arouse people to exert maximum pressure on the government to order his release. The Committee furthermore lends its voice to the calls for a full enquiry into the whole affair and the abolition of the juryless courts as urgent steps to be taken in defence of the democratic rights of the people in this state.

What can you do?

You can join the Committee and assist it in its work, attend its activities, organise in your locality, work through your tenant's associations, trade unions etc., or by any other means appropriate, and of course by contributing financially.

Support Picket, every Saturday, GPO, 2.30-4pm