



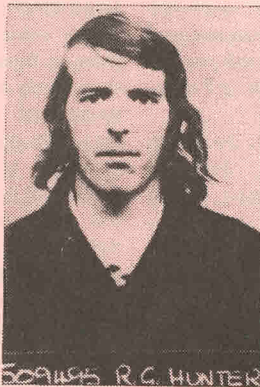
THE CASE OF THE BIRMINGHAM SIX

Since the IRA began attacking targets in Britain in the early '70s a number of their personnel have been captured and gaoled. Their actions politically motivated, they unite when in gaol and regard themselves as political prisoners. In contrast there are 18 Irish people convicted of various bombings who see themselves as different and are treated differently in gaol from the IRA prisoners. They have had no involvement with any bombings or with the IRA. Since their arrest the 18 (eleven of whom are still in prison) have consistently protested their innocence.

In November 1974 a number of bombs exploded in the Mulberry Bush and the Tavern public houses, killing 21 people and injuring nearly 200. Public reaction was swift and outraged, fanned by hysterical reporting in the media. Strong anti-Irish feeling resulted in attacks on Irish clubs and individuals. The government rushed through the 'emergency and draconian' legislation known as the Prevention of Terrorism Act.

Six Irishmen, Hugh Callaghan, Paddy Hill, Gerard Hunter, William Power, Richard McIlkenny and John Walker, all living in Birmingham, were arrested. Their trial and convictions were a gross travesty of justice. Victims of the 15-year-long war in N. Ireland, the six men were convicted because they were Irish, and in the wrong place at the wrong time. Despite constant protestations of their innocence, they are still in gaol.

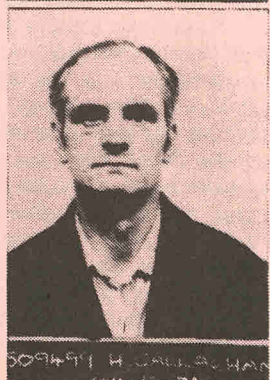
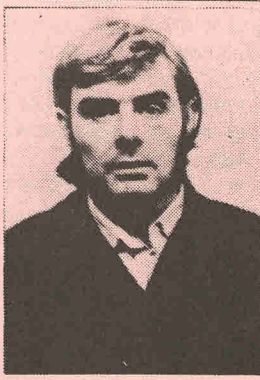
Alongside the frequent use of the Prevention of Terrorism Act, the continued imprisonment of the Birmingham 6 and the other frame-up victims is a constant threat hanging over the Irish community in this country. The resulting fear has contributed greatly to their relative silence about Britain's occupation of the north east of Ireland.



5091195 R.G. HUNTER



9449 S N.R. McILKENNY



5091191 H. CALLAGHAN

At one o'clock on the morning of November 22nd 1974, Maurice Buck, Asst. Chief Constable (Midlands) held a press conference in Birmingham. He announced that the police had 'got the men primarily responsible' for the bombings which had occurred in two Birmingham pubs four and a half hours earlier. The five he referred to, McIlkenny, Hill, Walker, Hunter and Power, were stopped on their way to Belfast. They were going to attend the funeral of James McDaid, an IRA man who had blown himself up the week beforehand in Coventry. McDaid was popular in the local pubs as a singer and entertainer. Three of the men had been at school with him. It was also an excuse for the

men to visit home and see relatives. Three of them were unemployed and it was by no means certain that they could afford to go. In the end Paddy Hill depended on a loan from the nuns in the local convent. The five met in Birmingham New Street station. Hugh Callaghan, who had planned to go with them, explained he couldn't raise the money. After seeing them off, he visited two pubs before going home. The following day he remained in the area spending the evening drinking at his local. He was arrested when he returned home on Friday night. These six men were those the police and prosecution were later to describe as a hardened IRA team.

Statements

Word came through of the explosions as the men were going through the security check at Heysham. The men were asked to go to Morecambe police station for further identification. Apologising for the inconvenience the police said they could catch the following night's boat. Though the police at Morecambe were friendly and business-like the men felt quite tense waiting, and smoked nervously.

At 3am (two hours after the police announced they were holding the bombers) Frank Skuse, a forensic scientist, arrived at Morecambe police station. From tests on the hands of the five men for traces of nitroglycerine and ammonium nitrate, he obtained results which he believed linked Hill and Power with handling explosives.

The men were then handed into the custody of Birmingham policemen who had travelled to Morecambe. These police, convinced they had those responsible for planting the bombs, set about obtaining statements from them. For the next 36 hours the men were subjected to an ordeal of intimidation both physical and mental.

In a later statement Paddy Hill said 'As soon as Dr. Skuse came out of the office, Sergeant B and D. Constable B. pushed me into the same room and started beating me up immediately, punching, kicking and slapping me all over my body. They were screaming at me, calling me an Irish bastard, c—, f— pig, animal and other insults. They said I was covered from head to toe with gelignite and that I had twice as much on my hands as Judith Ward. They demanded a statement from me admitting the planting of bombs, and I refused.'

William Power was constantly struck by fists, feet and handcuffs. He was told there was a mob outside his house attempting to lynch his wife. He was threatened with being thrown out of the window. He became so frightened he fouled his trousers.

While being taken by car to Birmingham Paddy Hill was continuously slapped and beaten. A gun was shoved in his mouth and the trigger pulled three times. At the same time his testicles were beaten with a truncheon.

Arriving at Birmingham police stations, the men's ordeal continued. They could hear each other's screams. They were not allowed to sleep and were subjected to continuous interrogation with no food. After hours of such treatment Richard McIlkenny said he was brought into a room where he was made to stand against the wall. 'W... took out a revolver. He was standing at the other end of the room from me. He held it at arms length aiming at my heart. He asked me to sign the statement. I refused. He pulled the trigger slowly and deliberately. There was a click, but nothing else happened. He started to swear. He messed about with the gun and then said "next time it will be alright". He repeated the performance, but this time the gun went off. I thought for a moment I was dead. My heart seemed to stop, I was so frightened.'

Callaghan on his arrest was also roughly treated. Slapped about the face and kicked in the shins, he was constantly threatened. His fear was compounded by the effects of his ulcer after twelve hours without food. Eventually he broke down and made a statement admitting to the bombings. After

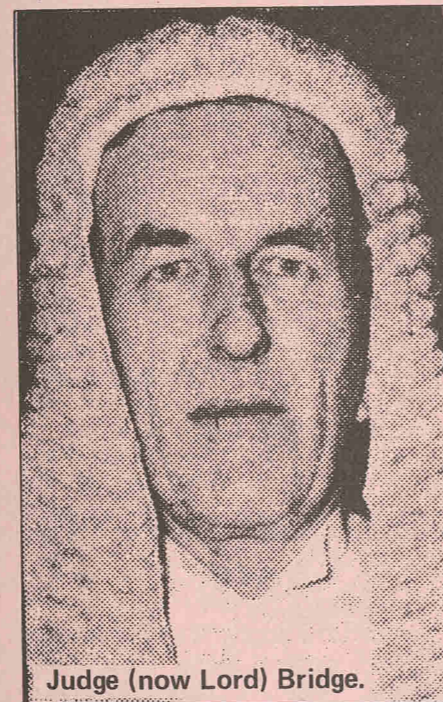
36 hours of continuous interrogation Walker, Power and McIlkenny had also made statements admitting involvement with the bombings.

The men were brought to court on Monday morning. Duty solicitors appointed to defend them were shown

some of the injuries. Walker's black eye was evident in court. Anthony Curtis, solicitor, described Walker as having 'a wild frightened look'. 'On subsequent interviews with Walker he has appeared to me to be quite different from the man I interviewed on that Monday morning'.

The Trial

The trial began in Lancaster in June 1975. Three others were in the dock: Michael Murray, Michael Sheehan* and James Kelly, charged with conspiracy to cause explosions.



Judge (now Lord) Bridge.

The trial took place in an atmosphere of hysteria and anti-Irish feeling. Even when the six men first appeared on remand, some duty solicitors had refused to take the case because of fear that their 'families would be attacked'. In 1974/5 there were a series of attacks by the IRA in Britain. Media coverage was extensive and often inflammatory. In August a week before the trial ended the *Daily Mirror*, under a front page headline 'ACCUSED', carried mug shots of the men. These photos could only have been leaked by the police. The NCCL chairman Jack Dromey in the *Irish Times*, 4.7.75, said 'there could clearly be a suspicion that the police are desperate to get a conviction and, given the considerable doubt that has been cast on the way the statements were obtained from the defendants, the move could be seen as a deliberate attempt to prejudice the outcome of the trial.'

* Sheehan and Murray were convicted and served their time as republican prisoners. At the end of the trial the judge complimented Murray on his soldierly bearing.

Prison Beatings

When the six men arrived at Winson Green Prison from the remand court they were immediately set upon and beaten by groups of warders. For the next day and sporadically during the next week they were subjected to violent and horrific treatment. A fellow prisoner told of one incident. 'At basement level each man was pushed wearing their brown prison clothes into baths filled with scalding water, then taken out again. Their clothes were ripped off their backs and they were forced back up to their cells all the time being beaten and punched on the way. The prisoner designated to clean out the bathroom about 30 minutes after the last man had returned to his cell found the bath water red with blood and still too hot to leave his hand immersed for more than a few seconds.' (*Irish Press* 14.12.74)

Signs of the violence were still evident on the men's faces when they appeared in court the following Monday. As a result 14 prison warders were charged with assault. In July 1976, they were all acquitted on the grounds that there was insufficient evidence to identify particular warders with particular beatings.

However, during the trial several warders gave evidence that the men already had signs of assault when they arrived at the prison. This was substantiated in court by Dr David Paul, a former police surgeon: 'I am of the definite opinion that all three men [whose photographs at the time, he had examined] had sustained injury to their faces prior to Winson Green Prison.'

Neither Dr Paul nor the warders had given evidence at the trial of the six men.

Confessions

The case against the six men depended on Skuse's forensic tests and the confessions made by four of the men. All the other evidence presented was circumstantial. The lawyers of the six argued that these statements were not admissible as they were obtained under duress, but the judge allowed them to be presented.

All sides in the trial accepted that the six were severely beaten up when they first went to Winson Green prison. The men claimed that they had also been severely beaten while in police custody. An important defence witness was Dr. Harwood, the Winson Green doctor. He said that the men had sustained injuries before they arrived at the prison. But in an attempt to cover up for the prison warders, he said the men received no more injuries there. This was patently false and greatly

Confessor	How many bombs	Where	Who With
Power	7	Mulberry Bush	on his own
Callaghan	6	Mulberry Bush	with Hunter
Walker	3	Tavern	Hunter
McIlkenny	4	Tavern	Hill

Forensics

The forensics were the most important evidence in the case. The tests performed by Skuse in Morecambe police station were for traces of nitroglycerene (NG) and ammonium nitrate (AN) as NG and AN were the explosive substances used in the bombs.

Three different tests were done for the detection of NG. The first, the Greiss test, was a preliminary test. Positive results were obtained from one of the four samples taken from Power and Hill. The more sensitive GCMS test gave a positive test only for Hill. The other sensitive TLC test gave negative results on all samples. Skuse concluded that this was sufficient to show that Power and Hill were in contact with nitroglycerene.

This conclusion was queried during the trial by Dr. Black, a forensic scientist of long experience and a former H.M. Chief Inspector of Explosives. He argued that any negative results in the GCMS or TLC tests undermined Skuse's conclusions. Furthermore he claimed that the Greiss test responded positively to other substances such as nitrocellulose (common in lacquers and polishes used in bar counters etc.).

To look for AN Skuse tested separately for the presence of Aion and Nion on samples from the men's hands. He got positive results for Power, Hill, Walker and — himself! The defence chemist pointed out that it is quite possible for both Aion and Nion to be present on someone's hands quite

undermined the defence case. Unfortunately also other evidence supporting the men's claims was not presented by the defence.

However the confessions themselves should have given rise to scepticism. None was similar and they contradicted each other. The table shows how.

No-one made any reference to the third unexploded bomb found outside a bank in Hagley Street. This bomb was found in a white plastic bag. Three of the confessions said the bombs were in white plastic bags (Walker said they were in parcels). However, forensic evidence which was not available until after the statements were made suggested otherwise. Experts said that the presence of 'D' shackles found in the pubs indicated that the bombs were contained in either suitcases or holdalls.

innocently. The atmosphere, garden soil and human urine are all sources of Aion. Motor exhaust and other substances in the atmosphere and soil are all sources of Nion.

Since the trial, further doubts have been cast on the Greiss test. Dr. John Yallop, a forensic scientist central to the development of the Greiss test, has found that *it is possible to obtain a result indistinguishable from that of RDX (explosive) from an ether swab of a hand contaminated by tobacco smoke*' (H. J. Yallop, *Explosion Investigation* 1980, p.5). Another substance to give a positive result to the test is the nitrates in food preservatives. Power spoke of eating a meat pie on the train which spilt all over his hands. Both he and Hill had smoked extensively in the Morecambe Police station that night.

But a crucial piece of evidence was never produced. The men played cards on the train, but at the trial, the police said they had lost them. Ivan Geffin, a solicitor who later represented some of the men, said 'If any of them had handled explosives, then, after playing cards for several hours there should have been traces on all their hands. However if the cards were clean then the traces could only have got onto the two men's hands later'.

Despite extensive police investigation, no traces of explosives were found either in the men's homes or on their clothes or luggage.

Kelly and Watts

Another part of the evidence to cause concern was the testimony of Kelly and Watt.

James Kelly, one of the defendants, admitted possession of explosives. The prosecution claimed he was part of an IRA team, and he claimed he had handled explosives with Gerry Hunter and Michael Sheehan. During the trial it emerged that his real name was Woods. He was a former member of the Orange order and held strong anti republican views.

He said that after deserting from the British army he decided to infiltrate the IRA, in order to supply information to the police. Until he was arrested, however, he had not made any contact with the police. Kelly was found guilty and the judge, accepting his story, sentenced him to a year. This was in sharp contrast to sentences in other trials for possession. A year previously on a similar charge, Annie Maguire * received a sentence of 14 years and her son Patrick

(13), four years. Kelly was released immediately after the trial ended, and given police protection. Equally disturbing was the testimony of James Watt: Watt worked in the same factory as John Walker and Richard McIlkenny. He said Walker often boasted of being in the IRA and once drew a bombing diagram on the canteen table for him.

James Watt was a member of the National Front, and had been a police informer since at least June of that year. He said he was passing on his suspicions about Walker regularly to the police. Yet the agent provocateur, Kenneth Littlejohn was staying at his house during this time. Littlejohn was wanted by both the Irish and British police since his escape from a Dublin jail. A month after the bombings he was arrested at Watt's house. Watt was never charged with harbouring a criminal.

* See T.O.M. leaflet, 'Frame-ups (2)'.

Life Sentence

In his summing-up of the trial the judge made it clear to the jury that he had formed strong opinions unfavourable to the defendants and their witness. He attacked the quality of the evidence of Dr Black, the defence forensic expert, despite his ample experience. In contrast he praised Dr Skuse. He told the jury that if the confessions had been extracted by force then the police were involved 'in a conspiracy to involve men in crimes unprecedented in the annals of British criminal history'.

In the atmosphere of the time it is not surprising that the jury returned a verdict of guilty on all six men. They each received sentences of life imprisonment without any fixed term. A year later the appeal court confirmed the judge's refusal of leave to appeal.

The men then tried to sue the police for assault. In 1978 the High Court ruled that the men could proceed. The police appealed. During the 10-day hearing the Home Office admitted that the men were assaulted while being held prior to their being brought before the courts. Hugh Carlisle QC, said that the Home Office would pay damages for any injuries the men could prove they had suffered in prison (*Irish Post*, Jan. 1980). However, they

were refused leave to proceed by Lord Denning in the Court of Appeal. 'If the six men win will it mean that the police were guilty of perjury, violence and threats, that the confessions were involuntary and were improperly admitted in evidence: and that the convictions were erroneous. The Home Secretary would have either to recommend they be pardoned or remit the case to the Court of Appeal. This is such an appalling vista that every sensible person in the land would say: It cannot be right that these actions should go any further. They should be struck out.'

This decision was confirmed by Lord Diplock in the House of Lords in 1981. (Diplock is the author of the present system of juryless courts and the use of uncorroborated statements in these courts.)

This ended the legal process open to the men. But after ten years the men and their families still protest their innocence. Their persistent attempts to have their case reviewed has resulted in some support, notably from Cardinal O'Fiaich of Ireland who has said he believes those convicted on forensic evidence for the bombings in Guildford, Woolwich, and Birmingham were innocent (*Irish Times*, 9.4.83).

WE ARE INNOCENT: HELP US

I would like to take this opportunity to thank The Irish Post for the publicity it has given us over the years. I write on behalf of the six innocent Irishmen who were tortured and framed for the Birmingham pub bombings.

Since 1974, we have been protesting our innocence. One of the biggest obstacles we have had to contend with is the simple fact that we are Irish.

For a number of years now I have been maintaining a letter-writing campaign with MPs, members of the House of Lords, journalists and other relevant persons and organisations. At the start of my writing campaign, I found it very hard to get people to consider the contents of my letters. Many were returned from MPs with the excuse I was not a constituent.

In such cases, I returned the letters and sincerely asked the MPs at least to read what I had written. I added that if we could not get help from Members of Parliament, then who could possibly help us.

Due to my persistence and the persistence of a small number of relatives and friends — Sister Sarah Clarke in particular — we have finally got people to take an interest in our wrongful conviction and wrongful imprisonment.

A number of organisations have started to campaign for the reopening of our case. I appeal to all Irish organisations in Britain, as well as to individuals, but especially to branches of the IBRG, to do what they can to seek justice for us.

I repeat: we are six innocent men who have been wrongfully convicted. Please help us.

PADDY HILL
No. 509496

HM Prison Gartree,
Market Harborough,
Leicester LE16 7RP.

The Irish Post, Sept. 15th 1984

Release the Birmingham 6

The increasing evidence of the unreliability of the Greiss test for the detection of nitroglycerine has made even more improbable the scenario sketched by the prosecution in the trial of the Birmingham Six. Due to IRA activities, there was a heavy police presence in the Midlands in the latter half of 1974. *The Times* described it as 'the highest security in the Midlands since World War II'. Ann McHardy, writing in the *Guardian* the week before the bombings in Birmingham, commented that 'In Birmingham and other centres the police were very much in evidence at railway stations and other places.'

The six men claimed there was an obvious police presence in the station as they were leaving for Ireland. The police denied that they had any surveillance there.

The prosecution's case was that at a time of considerable tension six Irishmen, one who was under surveillance by a police informer, met openly in the New Street station bar. There they distributed bombs amongst themselves in up to seven plastic bags. No-one in the station or the taxi rank outside, or the pubs themselves saw them. After planting the bombs they returned to the station bar. Despite the intense security precautions in force, New Street station, a principal point of departure for Ireland, was not under surveillance. Hugh Callaghan spent the next day and a half in his normal routine in Birmingham. The five other men were only apprehended by the normal security check at Heysham. All six men then made voluntary but contradictory statements

confessing to the bombings.

Despite the implausibility of the above, the six men are now into the eleventh year of their imprisonment. More than the men's freedom is at stake. Emergency temporary legislation, the Prevention of Terrorism Act, was rushed through after the bombings. It is still in force. If the men were freed, it would raise questions about the behaviour of the police. Their trial judge is now a Lord, Lord Bridge. Their appeals were denied by Lords Denning, Widgery and Diplock.

In July 1982, Tom Sargent of Justice (British Section of the International Commission of Jurists) replied to a letter from Paddy Hill: 'I had of course followed the press accounts of your trial and subsequent proceedings and was satisfied that justice was not seen to have been done to all the issues that were raised . . . In a case like yours, so many reputations are at stake, that in my view the obstacles to be overcome are insuperable — unless and until some independent Review Tribunal is set up to deal with petitions.'

To keep these reputations intact, Gerry Hunter, Bill Power, Paddy Hill, Hugh Callaghan, Richard McIlkenny, and John Walker will pass the tenth anniversary of their wrongful conviction in August 1975 in British prisons.

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