Background to the Irish cases

In 1974 the IRA pursued a major terrorist campaign on the British mainland. On 5 October bombs were placed in two Guildford pubs, the Horse & Groom and the Seven Stars. Both were popular with young Guards recruits from Pirbright and Aldershot, and girls from the WRAC training camp at Stoughton, near Guildford. The Horse & Groom bomb exploded at 8.30 p.m., killing five people, including four army recruits, and injuring many more. By the time the Seven Stars bomb went off an hour later the landlord had cleared his pub, and there were no casualties.

One month later, at 10.00 p.m. on 7 November, a bomb was hurled into the King's Arms in Woolwich, opposite the Royal Artillery depot. It contained two pounds of commercial plastic explosive, with nuts and bolts packed round it. Two people were killed. Again, there were many injuries.

Then, on 14 November, a Birmingham IRA man, James McDade, blew himself up while attempting to plant a bomb outside the Coventry telephone exchange. It was apparently in response to this setback that the IRA wreaked its cruellest havoc. On 21 November, the day that McDade's remains were being flown to Belfast, two bombs, placed in popular pubs in the centre of Birmingham, exploded at about 8.20 p.m. The one in the Tavern in the Town killed eleven people; the one in the Mulberry Bush, built on the basement level of the Rotunda, a distinctive local landmark, took ten lives. There were in addition 161 serious injuries. The victims were mainly young people.

Birmingham has traditionally been host to a large Irish community – which numbered around 100,000 at this time – and anti-Irish feeling has long been latent. This outrage brought it welling up spectacularly. Appeals from both the Prime Minister, Harold Wilson, and the Home Secretary, Roy Jenkins, not to embark on reprisals against Irish people went unheeded. The Irish Community Centre, an inevitable target for petrol-bombing, was hit twice. Less inevitable a target, perhaps, was a Roman Catholic junior school, though it too was attacked; as was the College Arms, a pub in the Kingstanding district known to attract a large Irish clientele. On Friday 22 November there were fisticuffs between English and Irish workers on the production line at British Leyland's car assembly plant at Longbridge. A company spokesman explained that the men 'had expressed their disgust at the reprehensible events of the night before'.

Anti-Irish hysteria, albeit most prominent in Birmingham, flared up across the nation, and quickly made itself felt in parliament. The Home Secretary introduced the Prevention of Terrorism (Temporary Provisions) Bill within a week of the bombings in what, retrospectively, seems like indecent haste. The Bill made membership of and support for the IRA an offence. It also introduced exclusion orders which gave the British government powers to restrict the movements of designated citizens within its own borders. Additionally, the police were empowered to arrest without warrant anyone they reasonably suspected of being concerned in terrorism, but against whom they had not assembled sufficient evidence in regard to a specific offence. Police could detain someone arrested under this provision for forty-eight hours; but the Home Secretary could permit an extension of the detention for a further five days – so that the bill encroached upon the traditional liberty of *habeas corpus*.

The Prevention of Terrorism Act, as it became, went through all its stages in the Commons in twenty hours, and passed unamended through the Lords in just three minutes. It came into force

at 9.25 a.m. on Friday 29 November. Hitherto, the initials PTA had stood, totally uncontroversially, for "Parent-Teacher Association"; now they took on an almost sinister aspect.

The passing of the PTA, to assuage public opinion, was the overt reaction to the bombings. There was also a covert one. Dialogue with the IRA was resumed. All it took was a call to the Northern Ireland office from a Belfast telephone-box. Within a month, Irish Republican leaders and British government officials were engaged in discussions in Feakle, County Clare and on 22 December, the IRA declared a Christmas cease-fire.

The negotiations got nowhere. The bombings restarted and continued throughout 1975. This phase of the IRA terror campaign was only brought to a halt with the Balcombe Street siege in December, and the arrests of Joseph O'Connell, Eddie Butler, Harry Duggan and Hugh Doherty.

The arrests

The first person arrested under the PTA, within hours of it receiving the Royal Assent, was Paul Hill. Belfast-born, he lived in a squat in Kilburn, north London, but was picked up at the Southampton home of the parents of his girlfriend, Gina Clarke. On 30 November another friend from Belfast, Gerard Conlon, who had spent some time in England from August to October 1974, was arrested at the family home in Cyprus Street, Belfast, and taken to Springfield Road police barracks. From there he was flown to England and taken to Guildford police station.

At Guildford, Surrey police obtained from Hill and Conlon not only confessions to the Guildford bombings, but also a long list of friends, relatives and acquaintances supposedly involved in IRA activities. Conlon provided the crucial name of his aunt, Annie Maguire. A large number of people were then rounded up, including thirty-eight from Kilburn squats. Among these were Patrick Armstrong, another lad from Belfast, and his English girlfriend, Carole Richardson. They, together with Hill and Conlon, ultimately stood trial for the Guildford and Woolwich bombings.

Hill and Conlon also provided addresses of what were supposed to be two bomb factories. Hill referred to visiting a Brixton flat, where explosives had been stacked in a corner. There the police discovered only an elderly couple, and decided not to pursue inquiries.

The other address – 43 Third Avenue, Harlesden, north London – was where Conlon's aunt Annie Maguire lived, together with her husband, Paddy, three sons – Vincent (born August 1958), John (born July 1959) and Patrick (born March 1961) – her daughter, Anne-Marie (born October 1966), and her brother, Sean Smyth. On 3 December they were joined by Guiseppe Conlon, who was married to Paddy's sister, Sarah.

Conlon snr was born in Belfast in 1923, and christened Patrick Joseph. Because his godfather, Joe Roffe, was an Italian who owned a chip shop in Divis Street, "Guiseppe" was added to the birth certificate; and, presumably to distinguish him from everyone else christened Patrick Joseph, that is what they all called him.

During the war Conlon served in the Royal Marines. By the seventies, however, he was very frail. For his various illnesses, which included pulmonary tuberculosis, he was prescribed twenty-six tablets a day. He had not worked for fifteen years, and rarely left his home.

When his son Gerard was arrested and, protesting his innocence, flown to England, Guiseppe determined, despite his incapacity, to do all he could to help him. Through the offices of a Belfast solicitor, Ted Jones, a London firm of solicitors was contacted. A telegram was also sent to the Maguire household. Conlon and Jones arranged to meet at the offices of the solicitors – Simons, Muirhead and Allan – on 3 December. Jones was subsequently

informed by Surrey police that no one would be allowed to see Gerry Conlon until later in the week. He consequently delayed his own trip – sending a second telegram to the Maguires, to inform Guiseppe.

By then, however, Guiseppe was already on his way, having disregarded the advice of his doctor (Joe Hendron, who also happened to be a local SDLP councillor) that he was too ill to travel; and having informed the RUC of the purpose of his trip. He asked neighbours to drive him to the ferry and reached Heysham, Lancashire, at 5.30 the following morning. He exchanged a few words with an immigration officer, and then boarded the London train. He fell asleep on the journey, and arrived at Euston at about noon.

Despite the telegram to Annie's home, he had hoped to contact first of all another brother-in-law, Hugh Maguire. However, he failed to reach him by telephone, and accordingly took a taxi to Harlesden. When he arrived between 1.10 and 1.30 only Paddy was at home to receive him. As Guiseppe feared, Paddy immediately enticed him down to the local pub, the Royal Lancer.

When they returned at closing-time, Annie showed Guiseppe the telegram informing him that he would be unable to see Gerry for a day or two. Then while Annie cooked a meal in the kitchen Paddy telephoned the London solicitors, and Guiseppe spoke to them. A meeting was fixed for the following day. For the remainder of the afternoon, Guiseppe hardly moved from the living-room. He just dozed in an armchair in front of the television.

There were some comings and goings. Annie and Paddy, a warm-hearted couple, were generous with their hospitality. Sean Tully, a friend of Hugh's, made two separate visits, and just after 6.45 another friend, Pat O'Neill, arrived. His visit was entirely fortuitous; although, in the circumstances, the word should perhaps be "inopportune". His wife, expecting their fourth child, had been admitted to hospital because of complications with the pregnancy. O'Neill had therefore asked her sister to take care of their three children while he was at work. However, his father-in-law was then taken seriously ill, and his sister-in-law had returned to Ireland. So he had collected his children from school and then gone to Annie's because she had agreed to help him out and look after them for him.

At 8 o'clock he spoke to his wife in hospital, no doubt reassuring her that all was well. At 8.15 he, Paddy, Guiseppe and Sean Smyth, who had lately returned from work, all went to the pub.

The police officers keeping watch outside incorrectly noted the time of departure to the pub as a quarter to eight (7.45) instead of a quarter past eight (8.15). It was a simple error which had unforeseen consequences.

The Maguires' eldest son, Vincent, returned home from evening classes at a quarter to nine, and noticed a large number of police cars parked outside with their lights switched off. Moments after he had entered the house, the police rang the doorbell and were admitted without demur. Annie and her children were taken to Harrow Road police station. John Maguire showed two police officers the way to the pub. The four men were taken in for questioning from there, just as they were about to start the second round of drinks. They, too, offered no resistance.

The task of rounding up the suspects had been carried out by Surrey CID. The chief constable of Surrey was apparently determined to show that his men could take responsibility for the whole operation. Indeed, when the Kilburn squatters were taken in, Surrey police carried their weapons into an area of metropolitan police jurisdiction without first receiving clearance to do so: a remarkable occurrence.

As part of the wide seizure, Hugh Maguire, his wife and a friend had all been held for questioning; hence their absence when Guiseppe Conlon had tried to telephone them. They were all released after a week in custody. Friends of those netted in the raid on

Annie Maguire's home assumed theirs would be a similar fate. At a time of escalating antipathy towards those of Irish origin, seven dispiriting days in custody seemed almost par for the course.

Subsequent events, however, were nothing if not unforeseen. Firstly, Pat O'Neill was released on the following day. a Wednesday. He renewed his search for someone to take in his children while his wife was in hospital. Having accomplished this successfully, he returned to work. Three days later, at 7.00 a.m. on Saturday morning, the police pounded on his door and re-arrested him.

The Maguire youngsters were released, but the others were taken to Guildford and held on remand there. (Annie was held at Godalming and Guildford police stations.) Their weekly court appearances, too, were made in Guildford, a city which none of the family had been to before.

The four men were charged with possession of explosives. Annie Maguire was charged with murder in connection with the Guildford and Woolwich bombing offences. At that time, the police were holding eight people on that charge: the four who eventually stood trial; Annie; and John McGuiness, Brian Anderson and Paul Colman, three others from Kilburn.

Annie did have an alibi for the evening when the Guildford bombs had exploded. By chance, 5 October happened to be the birthday of her neighbour's daughter, two days before Anne-Marie's. So, they could remember being together in the early evening. The police checked this alibi, and found that it was watertight.

Because Annie also refused to allow herself to be cajoled or bullied into fallacious admissions, there wasn't a scrap of admissible evidence against her, or, indeed, against McGuiness, Anderson or Colman either. On 3 February 1975, Michael Hill, for the Director of Public Prosecutions, told the Guildford court that it had been decided not to press further with charges against these three, who were all awarded costs out of public funds.

Annie Maguire was held in custody on the murder indictment until 24 February when, on her thirteenth appearance before magistrates, the prosecution finally dropped the charge. Annie, however, was hardly in a position to celebrate. She was still remanded on a charge of possessing explosives; and two of her children, Vincent, sixteen, and Patrick, thirteen, were taken back into custody and similarly charged. They were both admitted to a juvenile remand home, which caused her great distress.

It was a time of rare celebrity for Guildford Guildhall, where committal proceedings were held. On 19 March, Hill, Conlon, Armstrong and Carole Richardson were sent for trial; the following day, so were the seven defendants in the Maguire case.

Annie remained in custody until 15 April when her solicitor finally obtained bail for her, to allow her to look after eight-year-old Anne-Marie.

The Guildford and Woolwich pub-bombs case

People in the case

Paul Hill Gerard Conlon Patrick Armstrong Carole Richardson	charged with Guildford & Woolwich bombing offences
Mr Justice Donaldson	trial judge
Sir Michael Havers QC	prosecution counsel
Lord Wigoder QC	defence counsel
Eric Myers QC	defence counsel
Annie Maguire John McGuiness Brian Anderson Paul Colman	implicated by statements given in police custody
Gina Clarke	girlfriend of Paul Hill
Det Chief Superintendent Walter Simmons	head of Surrey CID, leading bombing inquiry
Detective Inspector Blake	Surrey police officer
Alastair Logan	solicitor for Armstrong
Brian McLoughlin	prosecution witness
Frank Johnson Lisa Astin	defence witnesses
Jack the Lad	folk/rock music group
Brian Shaw	former British Army soldier; murder victim

Joseph O'Connell Harry Duggan Hugh Doherty Eddie Butler	IRA personnel, known as the Balcombe Street Four
Brendan Dowd Sean Kinsella	IRA terrorists
Commander Jim Nevil Det Chief Superintendent Peter Imbert	bomb squad officers
Frank Maguire	MP for Fermanagh & South Tyrone
James Still	retired police inspector
Mr Justice Cantley	judge at Balcombe Street trial
John Mathew QC	prosecution counsel
Richard Harvey	defence counsel
PC Cotton Inspector Carrington	police witnesses
Douglas Higgs Donald Lidstone	forensic scientists

The trial of Paul Hill, Gerard Conlon, Patrick Armstrong and Carole Richardson opened at the Old Bailey on 16 September 1975 and lasted until 22 October. All four were found guilty of charges of murder and conspiracy to cause explosions relating to the Guildford bombings. Hill and Armstrong alone were indicted on counts of murder and conspiracy to cause explosions at Woolwich. Both were found guilty, although the Crown contended that Hill only was present at the scene; Armstrong was convicted on the grounds of being what would once have been called an "accessory before the fact".

The sentences were noteworthy for being the longest ever handed down in an English court of law, and were in due course entered in the *Guinness Book of Records*. The convicted quartet were all sentenced to life imprisonment, but Mr Justice Donaldson used his judicial discretion to make recommendations of minimum terms. He indicated that Carole Richardson should serve at least 20 years; Conlon not less than 30 years; and Armstrong not less than 35. 'I must stress the words "not less than", he added. 'I do not mean by this recommendation to give you any reason for hoping that after 30 or 35 years you will necessarily ever be released.'

He was at his most Draconian, however, when addressing Paul Hill: 'In my view your crime is such that life imprisonment must mean life. If as an act of mercy you are ever to be released it could only be on account of great age or infirmity'.

Hill was then aged twenty-one, so that he had suddenly become the person condemned to the longest period of incarceration in British penal history. Why, though, had he become the prime target of the police in the first place?

In court, police did not need to reveal what prompted their interest in Hill. They simply said they were acting on 'information received'. Subsequently, Detective Chief Superintendent Walter Simmons, head of Surrey CID, said on television that he paid £350 to an informer in Belfast for the name. What could possibly have happened is this: Paul Hill seems to have played a peripheral role in the abduction of Brian Shaw, who was taken at gunpoint from a Belfast bar and, on 20 July 1974, found shot dead in a house in the Falls Road area of the city. Press reports portrayed him as an innocent victim of the troubles: a former soldier, from Nottinghamshire, who bought himself out of the army so that he could marry a Belfast girl. The Provisional IRA argued that this story was a cover, and that Shaw belonged to the SAS and had attempted to plant a bomb in a Catholic area. He was kidnapped, "tried" and executed. Hill, at least, was present in the pub at the time of the abduction.

Afterwards, he took an Armalite rifle from an IRA arms cache, but ran into an army patrol and, after exchanging a few shots, dropped the gun. The IRA seems to have been suspicious of this story; they thought that Hill may have given the gun to the army, and that he could even be an informer. Whatever the exact circumstances, Hill seems to have been in some trouble: wanted by the security services for his role in the Shaw affair, and, according to one former intelligence officer, 'in bad odour with the Provisionals'. He fled to England, where he kept his head down. During the week he worked on building sites; the weekends he spent with Gina Clarke in Southampton.

On a visit to Belfast, Gerry Conlon seems to have been interviewed by a couple of IRA men, and to have told them about Hill and Clarke. It was shortly after this that Simmons got his tip from an informant, passed on by army intelligence. Perhaps the informant himself implicated Hill in the Guildford bombing just to swell the value of his "information", perhaps he was acting for the IRA, who were setting up Hill, to teach him a lesson and/or to divert attention from the genuine IRA active-service unit waging a mainland terrorist

campaign.

There is an alternative theory of how Hill's name came to Simmons' attention. Identikit pictures of two girls whom police said they wished to interview were published in all national newspapers on 9 October 1974. One army officer, who worked in intelligence in Northern Ireland, remarked that one of the identikits looked like Paul Hill in drag – and the Surrey police were informed.

Whatever the validity of this, it does illustrate the disarray of the police in the immediate aftermath of the bombings. They soon learned the identities of the two girls, who were victims, not perpetrators, of the bombings: one had been killed, the other seriously injured. The police tried to evade responsibility for this error by maintaining that the drawings had been prepared for their own guidance, were leaked to the press by an over-enthusiastic journalist, and published contrary to the wishes of Surrey constabulary. However, the pictures had also appeared, prominently, in *Police*. 'I doubt very much,' commented Alastair Logan, solicitor for Armstrong, 'whether any enterprising journalist could have achieved that.'

In the days after the Guildford bombings, the police tried to establish who had been in the pubs that evening, drawing up charts to show the positions of all the customers. Altogether, over 300 statements were collected from those who were in the pubs that evening. From this information, the police discovered that they were two people (a man and a girl) short in the Horse & Groom; and three people (a man and two girls) short in the Seven Stars. No one who knows anything about the case disputes that these were the bombers.

The police attempted to piece together descriptions of the suspects from statements. This proved not at all easy. Three Horse & Groom witnesses were positive about their descriptions, but these did not tally. Despite this handicap, an artist commissioned to sketch likenesses did produce two drawings. Neither looked like Armstrong or Richardson, the two who had, according to the prosecution, placed the bomb. The drawing even showed a clean-shaven man, though Armstrong had a beard throughout this period.

Eight witnesses from the Horse & Groom failed to pick out Carole Richardson in an identity parade. None of the others was ever put in one – a curious omission in view of the prosecution contention that Armstrong and Richardson had been sitting on top of a primed bomb for at least half an hour in full view of everyone; as had the, bombers in the Seven Stars. (The prosecution's case was that Conlon and an unknown girl had planted that bomb, with Hill acting as look-out.)

Consequently, there was no material witness evidence against the four accused; nor was there any forensic evidence. The prosecution case rested squarely on admissions which the four were alleged to have made of their own volition while in police custody.

However, all four entirely repudiated these statements and maintained that they were made under duress. According to Hill, threats of violence were made against him from the outset when, together with Gina Clarke, he was taken for interrogation to Shirley police station, Southampton. From there they were both transferred to Guildford, and driven past the Horse & Groom – 'that's the pub you blew up,' police told him. At the police station, Hill was subjected to brutal treatment. Not only from Surrey constabulary, but also RUC officers, flown over from Belfast to interview him in connection with the Brian Shaw murder. As a result, Hill claimed, both of the violence he suffered – he mentioned a gun being held to his head – and of threats against Gina Clarke, who was pregnant with their child at the time, he signed statements put in front of him which were full confessions to both crimes.

At the trial, Armstrong said that he was extremely frightened, high on drugs, and being punched by

Christopher Rowe, the assistant chief constable of Surrey. Richardson said that she was beaten by police during interrogation and was afraid of what might happen if she did not say what the police wanted her to. She said her statements were virtually dictated to her. She apparently told police, 'You know I wasn't in Guildford. I was forced to make this statement.' For their part, the police denied reducing her to 'an abject state of terror'. Lord Wigoder, QC for the defence, put it to police witnesses that Conlon had been slapped in the kidneys and the testicles, and that threats had been made against the Conlon family back home in Belfast.

A number of points can be made about the allegations of police brutality. Annie Maguire had met Hill once previously, at a dance on 11 October. She saw him briefly during the intense questioning at Guildford police station and said that he was beaten so thoroughly he was virtually unrecognisable. (It should also be pointed out that on 19 September the trial resumed forty-five minutes late. When it finally did start, Hill appeared in a somewhat battered condition. Most newspapers commented on the visible damage to his right eye – the result, Hill claims, of ill-treatment by prison officers in Wandsworth.)

The defence did score one notable bull's-eye during the trial. Conlon said in evidence that a Detective Inspector Blake had taken off his jacket, rolled up his sleeves and 'set about me'. Conlon remembered that the man had a tattoo on his arm. The officer was asked to roll up his sleeves in court. He did have a tattoo.

The interrogation of Carole Richardson, only seventeen at the time, breached the judge's rules in that no parent, guardian or legal representative was present. (This issue caused great unease in the Maxwell Confait case, and opened the way for the overturning of the convictions.)

The "confessions" contained no more information about the crimes than that the police would already have possessed. Richardson was alleged to have drawn a picture of a bomb, but it was the sort of thing a child would have produced, and one Crown witness said he would be hard-pressed to describe it as a drawing of a bomb.

As accounts of the crime, the "confessions" were seriously flawed. According to them, Annie Maguire, McGuiness, Anderson and Colman had been involved in the bomb attacks. By Conlon's account, Annie travelled with them in the car to Guildford. Yet those charges against the four were all dropped. In respect of the involvement of McGuiness, Anderson, Colman and Annie Maguire, therefore, the "confessions" were evidently untrue. In respect of Hill's assertions about a bomb factory at the Brixton address, they were evidently untrue. Further, Carole Richardson had confessed to bombing *both* pubs. In this respect, too, they were evidently untrue. Even Sir Michael Havers QC, prosecution counsel, conceded that. He attempted to surmount this difficulty by propounding the theory that this was deliberate misinformation: the Provisional IRA was attempting to outwit police interrogators by answering with a cunning and confusing mixture of lies, half-truths and the truth (though Havers was unable to explain how a relatively simple seventeen-year-old girl could have mastered such sophisticated counter-interrogation techniques). Altogether, there were over a hundred discrepancies in the "confessions". Havers told the jury, that 'their separate stories, given in confessions, fitted together like a jigsaw'. The Crown thus argued both that the confessions had an erratic relationship with the truth; and that they were truthful and reliable. In the end, Hill, Conlon, Armstrong and Carole Richardson were convicted on the basis of the "confessions" being both 'voluntary and true'.

There was barely any corroborative evidence against any of them.

However, the prosecution did call Brian McLoughlin, who also lived in the squat, to testify against Armstrong. He said that Armstrong was always talking about bombings, and had once invited him to "do a pub". He said that altogether he had taken in about twenty parcels for Armstrong. He had once opened one himself, and found it to contain two guns; once, he had seen Armstrong opening one containing cartridges.

This evidence seems implausible; front-line IRA men do not fail to take basic security precautions. In view of the fact that McLoughlin was the token prison grass – he was serving a Borstal sentence at the time – it is probably safe to disregard it.

It is not just the absence of genuine independent evidence which raises doubts about the guilt of Hill and the others. Carole Richardson had an alibi. Originally, when asked what she had been doing on the evening of the bombing, she said she couldn't remember. She would be able to say, however, if she could see her diary. This, it was later learned, had been destroyed in an incident at the squat.

However, on 20 December 1974, Frank Johnson, a friend from Newcastle-upon-Tyne, walked into a police station and said, 'One of the people you've got for the Guildford bombings is the wrong person, 'cause I was with her that night.'

During the summer of 1974, Johnson, then working for a printer's in Colindale, north London, met Carole Richardson in a Kilburn pub, the Memphis Belle. Having been born in Gateshead, she recognised his friendly Tyneside accent and introduced herself. On 5 October, together with Lisa Astin, Carole's friend, they went to a concert at the South Bank Polytechnic, at the Elephant & Castle in London. Frank was a friend of the members of one of the groups playing there, Jack the Lad, an off-shoot of the popular Newcastle band, Lindisfarne.

He arrived at the pre-arranged meeting-place, the Charlie Chaplin pub, at about 6.15 p.m., ordered a Guinness and put 'Geronimo's Cadillac' on the juke-box. Ten or fifteen minutes later, Lisa and Carole arrived. They all went to the concert together, and met the group. The brother-in-law of Willie Mitchell, the lead singer, came from Montreal, Canada, and was paying his first visit to Britain. He took a number of photographs in the dressing-room, several of which included Carole.

In December 1974 Johnson went down to London for a party, and was told of Carole's arrest. On the coach back to Newcastle, he re- traced the weeks in his mind. 'The police seemed to think it was a long time to be able to remember something, but it was only a couple of months back. Events were still fresh in my mind. I remembered Carlisle [United, the football team] winning at Chelsea and leading the First Division, and also incidents from the general election campaign.' Back in Newcastle, he rang Mitchell just to check the group's itinerary against his memory; he did have the right date.

Johnson, who had two convictions for possession of LSD, was disinclined to go straight to the police. He rang the clerk of the court at Guildford, who refused to disclose information about defence solicitors; he rang the NCCL, but didn't get very far. 'After a couple of days, I thought this is ridiculous. I went to Newcastle central police station, and asked for the station sergeant.'

After being seen by local special branch officers, Johnson went home. A couple of hours later, police telephoned and asked him to meet them. He was taken back to the police station, where he was kept waiting for a few hours, until three officers from Surrey Constabulary's bombings inquiry team walked in. 'I could tell that things weren't very friendly.'

Johnson's information was not exactly welcomed by Surrey police. The prosecution case, already drawn up, was that Richardson and Armstrong planted the Horse & Groom bomb between 6.30 and 7.00. According to Johnson's statement, he was with Richardson from 6.30 for the rest of the evening.

He was made to go through his story again. It was taken down and read back to him. The police asked if he was sure he knew Carole, and showed him photographs; he confirmed that he did. 'Then they said to me, "look, she's told us she did it. You say, she was with you". I said, "yes". They said, "well, if you were with her, you must have been in Guildford. We'll just have to charge you with murder." I said, "fair enough". I thought it was all a big joke really.'

Johnson was kept in a cell overnight, given some breakfast, but left on his own until late afternoon. He then made a fresh statement which was taken in the presence of both local and Surrey police. By this time, his story had been checked with members of Jack the Lad, who corroborated it. Johnson was photographed, and then sent home. 'They apologised for the fact that there wasn't a car to take me home. For the next few days I listened to the news bulletins, expecting to hear that Carole had been released.'

After Christmas, Johnson got a job in an abattoir. One Tuesday afternoon in late January, as he was leaving work, unwashed and smelling of animal fats, a plainclothes detective beckoned him into a police car. He was taken back to Newcastle's West End police station.

'I said, "I want to talk to a solicitor," and they said, "You're not talking to anybody, nobody knows where you are." They refused even to let me wash, saying, "You've probably got nitroglycerine on your hands." '

Once again, police had come up from Guildford. They asked him if he wanted to change his story. Johnson replied that everything happened the way he said it did. He was again kept overnight, only this time instructions were left that he was to have a rough time. The blankets were removed from his cell: 'See if you can catch pneumonia tonight,' police said.

The next morning he was taken by Surrey police to Newcastle airport. He was handcuffed and, as though a dangerous criminal, taken ahead of other passengers on board a Dan-Air flight to Gatwick, where a car with uniformed policemen was waiting on the tarmac. He was put in the back, and handcuffed to a kind of handle on the floor.

He was taken to Guildford and, like Paul Hill, driven past the bombed pubs. At the police station, he was charged with offences under the Prevention of Terrorism Act. (By that stage, he had already been in police custody for about eighteen hours.)

The police used disorientating interview techniques to interrogate him. He was told to talk to an officer at the far end of the room, while another sat in front of him, a little to the side, clicking his knuckles and making fists, just outside his line of vision. A third officer in the room typed down everything that was said. 'I wasn't physically abused at all the first day. There were sideways threats, nothing direct. They removed my glasses, saying "We don't want to pay for a new pair".'

He was kept overnight again, and the next day subjected to the same kind of treatment – though this time violence was used, and he was punched on a number of occasions by the officer sitting close to him. He was shown the self-incriminating statements of those charged with the bombings – 'they were so full of inconsistencies they were obviously made under duress' – and further threats were made: to push him out of the window; to shoot him; most unnervingly, to set fire to his mother, who suffered from multiple sclerosis and was confined to a wheelchair. Eventually, the physical and psychological pressure told. 'I thought I'm gonna end up here and be charged and not be of use to anyone. I'm just gonna make an idiot of myself. They kept making it clear that they could simply verbal me if they wanted to, that I had no access to solicitors, that no one knew where I was and that if I didn't cooperate I might not be there for anybody to know about anyway.' He agreed to sign a fresh statement which served the interests of the police by giving them about two minutes to

spare on their version of Carole Richardson's timetable; and which effectively annulled the previous one because Johnson now said he discussed the alibi beforehand with Lisa Astin. He was then advised to take a holiday on the continent, and told that if he turned up in court to give evidence, they'd make sure he got 'at least 17 years for attempting to pervert the course of justice'.

He was released about 7 o'clock on the Friday evening, still wearing the same clothes as he had when abducted from work, still without having been allowed to wash. He had been in police custody for about seventy-five hours. The third officer in the interview room, the one at the typewriter, slipped him 50p. He was taken to the railway station, and given a train ticket to Newcastle. It was after midnight when he arrived. As he was walking home, a police patrol car stopped to ask why he was walking around at that hour of the morning.

At the trial, Johnson did revert to his original statement. He explained that he signed an alternative one only under duress, and that he knew Carole could never be involved in anything like a bombing. Nor was his the only evidence on this point. Lisa Astin testified that she had been with Carole throughout that entire Saturday, and that before going to the Poly they had been to Primrose Hill together. The photographs taken in the dressing-room were documentary evidence that Carole was with the group that night. Even the doorman at the Poly could remember that Carole and her friends arrived for the dance at about 7.30. (Being guests of the group, they had complimentary tickets, making it more likely that the doorman would remember their arrival.)

Eric Myers QC, counsel for Carole, pointed out to the court that the alibi evidence had not emerged from the defence, but had been discovered by the police. The defence, however, had not been told for some time about the development. The police and prosecution had not "breathed a word" about Johnson, or about interviewing the group and taking statements from them. (Members of Jack the Lad were specifically told that they need not forward their evidence to defence solicitors.) 'This was straight out of the dirty tricks department, wasn't it?' said Myers.

Confronted with all the alibi evidence, the prosecution really should have dropped all charges against Carole Richardson. By then, however, it was too late. The entire case depended on the fact that the four had acted together. However, the second statement signed by Johnson gave the prosecution just sufficient room for manoeuvre. The Crown QC, Sir Michael Havers, set to work to reconcile the irreconcilable. He disregarded the evidence about Carole's movements before going to the dance, and argued that she could have left the Guildford pub a little before 7 o'clock and arrived at the dance shortly before 8 o'clock. Under cross-examination, the doorman did concede that she could possibly have arrived at the dance as late as 7.45. This, allowed, say, 50 minutes for the journey from Guildford to the Elephant & Castle. Triumphantly, the police announced that they had timed the run at 48 minutes.

Sadly, the jury chose to believe this.

In fact, it was not possible under normal traffic conditions to get from Guildford to the Elephant in that time. The police never revealed when they did their test run, but it is generally suspected that they did it early one morning, with sirens blaring. They certainly did not undertake the run at a busy period on a Saturday evening. The defence asked Daimler Car Hire to cover the route at that time on a Saturday, as fast as they possibly could. They did it twice, and clocked 64 and 65 minutes.

Even if the police timing is accepted, however, that does not allow for the time taken either to return to the car from the pub or, similarly, the time taken

at the other end to walk from the car to the Poly. It does not allow for the fact that bombers were hardly likely to operate to a tight schedule: going into a pub, especially one filled with army personnel who were likely to be wary and suspicious, leaving the bomb, and then dashing out again. Nor does it allow for the fact that Carole must have changed her clothes during this flight back to London.

The basic difficulty with the prosecution scenario, though, is that real terrorists are unlikely to plan such a getaway. Their first priority is to evade capture. That, unfortunately, has never been very difficult. Timing devices on explosives allow bombers to make their escape without arousing suspicion, so that the establishment of a bogus alibi is, at best, a minor consideration. If it is likely, by attracting attention, to destroy the primary objective of a clean getaway, then it is pointless. In this case, to have dashed back to the Elephant at speed, presumably jumping red lights on the way, would have been as foolhardy as it was unnecessary.

There is a further weakness with the prosecution theory. *When Carole Richardson was asked where she was on the evening of 5 October, she said she couldn't remember.* In the absence of her diary, she was simply unable to say where she was. It was only the intervention of a friend at the other end of the country that belatedly brought the alibi to light. If the IRA had really risked everything to give Carole an unbreakable alibi, would she have failed to remember it? If she had committed the crime, would she have completely forgotten the alibi? Why, in any case, would the IRA have gone to great trouble to give an alibi to her, but not to those who planted the bombs with her?

Even this is not all that is strange about the Crown thesis. The dash-back-to-London argument actually conflicts with much prosecution evidence taken from witnesses in the Horse & Groom, some of whom put the departure of the couple as late as 7.45 or 8.00.

Finally, there is one lingering question-mark over the treatment of Frank Johnson. He could have had only three possible motives for walking into a Newcastle police station on that December morning: either he was a relatively harmless trouble-maker, perhaps mentally ill; or he was trying to assist the IRA by securing the release from custody of key personnel, an extremely serious offence; or he was telling the truth. Clearly, he was not mentally unstable, because his story was corroborated in essential respects. If he was seeking to give help and succour to the IRA, *why was he simply released, and never officially charged with any offence*? The only plausible explanation would seem to be that Surrey police knew that he was telling the truth; the corollary would be that they knew full well that they were arranging the lifetime incarceration for horrific crimes of an entirely innocent seventeen-year-old girl.

The four defendants lived in a Kilburn squat. To the average tabloid-newspaper reader, perhaps, it might seem entirely natural that IRA bombers should hole up in such places, but it would have been both dangerous and unnecessary. Squatters realise that they are in limbo between legal and illegal residence, and have to tolerate as a fact of life administrative interest in their affairs, and even occasional police raids. In this Kilburn house raids had been not so much occasional as regular; three in the months prior to the Guildford bombing. Armstrong and Richardson were present on each occasion, and each time they had correctly identified themselves.

When the police do catch genuine Irish terrorists, they usually discover incriminating material of some description in the safe-houses they have been using. No evidence of this kind was discovered in relation to any of the four defendants.

Squats would be absurd places to store the equipment necessary to

sustain a terror campaign. In any case, why would IRA personnel have needed to countenance such risks? The IRA has been accused – quite properly – of despicable and barbarous acts. No one has ever accused it of being short of funds.

Two weeks after the Guildford bombing, Armstrong and Richardson went hitch-hiking together. From a public telephone kiosk in Folkestone, Kent, Richardson rang her mother. A drunk, infuriated by the length of her call, opened the door and punched her. Armstrong straightaway dialled 999. When the police arrived they both got into the squad car and toured the streets looking for the drunk. When they found him, they all went back to Folkestone police station where Armstrong and Richardson provided their correct names and addresses. The idea of dangerous terrorists on the run behaving in this fashion is ridiculously far-fetched.

In yet another incident, the electricity meters at the Kilburn house were burgled about a week after the Woolwich bombing. Once again, Armstrong was one of those involved in calling the police.

Perhaps the strangest characteristic of a strange trial was that the Guildford and Woolwich bombings had been linked at all. After all, the IRA committed numerous atrocities during 1974 and 1975, and its members were still active in England during the course of the trial. On what basis were Guildford and Woolwich thought to be associated offences, especially since the Woolwich attack employed an entirely different type of bomb from those used in Guildford?

When reaching their verdicts, though, the jurors must have rejected such unexplained aspects of the trial; just as they must also have rejected the alibis (both Hill and Armstrong, as well as Richardson, had offered alibi evidence); just as they must also have been convinced by the veracity of the confessions" (or, at least, those parts of them which the prosecution held to be true).

At the end of the trial, it was revealed that Paul Hill was already serving a life sentence for the murder of Brian Shaw in Belfast. The judge made it perfectly clear to the four young people that, had capital punishment been in force, 'you would have been executed'.

The trial of the Balcombe Street Four

On 12 December 1975 Joseph O'Connell, Harry Duggan, Hugh Doherty and Eddie Butler were arrested in London at the conclusion of what has become known as the Balcombe Street siege. After a dramatic car-chase through the West End the previous Saturday, the four had taken refuge in 22b Balcombe Street, Marylebone, the home of an elderly couple, Mr and Mrs Matthews, whom they held hostage for six days.

News pictures of the siege and the final surrender of the four were flashed around the world, becoming some of the most familiar in the history of photo-journalism. The IRA maintained that the reason the men remained so long in the flat, with no possibility of escape, was to win maximum publicity for the IRA cause; and to ensure that after their surrender the men would not be assaulted by either the police or prison staff. (In view of what had happened a year earlier to those accused of the Birmingham bombings, this seemed a sensible precaution.) Once safely in police custody, the four gave their names, where they came from, and added that they were all IRA volunteers. Police interrogators Commander Jim Nevil and Detective Chief Super-intendent Peter Imbert of the bomb squad asked Butler what was the first job he had done in England. Somewhat to their surprise, he told them. It was the bombing of the King's Arms in Woolwich.

'You've already got someone for that,' he added.

It soon became apparent that the police had got the break they needed and had captured the Active Service Unit (ASU) responsible for the intensive bombing campaign conducted throughout London and south-east England since August 1974. Their delight at such success, however, must have been tempered by the embarrassment of realising that the Surrey constabulary had got it all wrong. The four jailed for the Guildford and Woolwich bombs had nothing to do with them.

Since the convictions of Armstrong et al., Guildford solicitor Alastair Logan, certain of their innocence, had been exploring any avenue he could for their appeal. Through a solicitor he knew in Eire, he put out feelers to the IRA. 'There was no reason why they should have trusted me,' he said. 'What they effectively told me, via the intermediary, was that those who had been responsible for the Guildford and Woolwich bombings were still operative – which was true. It was only after Balcombe Street that they got in touch with me again.'

The four Balcombe Street men, who were being held in Wandsworth, requested a visit from Frank Maguire, MP for Fermanagh and South Tyrone, to raise the conditions of their imprisonment. On 27 May 1976 Maguire spoke to them in the presence of the assistant governor and suggested that they should contact Logan. Three of them, O'Connell, Butler and Duggan, agreed to make statements about Guildford and Woolwich on one condition.

They said that their consent was contingent upon consent also being given by the other man who had been with them at the time. This was Brendan Dowd, who had been arrested a year earlier, on 10 July 1975, in Waterloo, north Merseyside, after shots had been exchanged with the police. He was charged with three counts of attempted murder, convicted, and sentenced to life imprisonment on 11 May 1976.

Maguire went to see Dowd, who was then being held in solitary confinement in Bristol. He, too, agreed. Again, this was in the presence of the prison authorities.

Between 26 October and 9

November 1976 statements were taken from O'Connell, Butler, Duggan and Dowd by Logan and James Still, a retired police inspector.

In their statements, O'Connell and Dowd explained how the bombings had been carried out and Duggan and Butler described their roles in the Woolwich bombing. Each individually said that the first he had known of those convicted was when he had read about them in the papers; and that they were entirely innocent. They did say that others still at large had played a part in the bombings, but understandably refused to name them.

'We found on interviewing these people,' said Logan, 'that they were highly experienced in urban guerilla warfare and in the construction and detonation of explosive devices. We found that there were certain idiosyncrasies in the methods by which they constructed bombs, things which were peculiar to that particular group, and which continued long after those arrested on the Guildford charges were in custody.

'Certain elements, used in the construction of the Guildford bombs, were duplicated later. These were the presence of a Smith's pocket watch as a timer, and of a daisy-pattern drawing-pin as an interrupter device, placed through the face of the watch, so that when the hand touched it that would complete the circuit and cause the device to detonate.

'Also, the delivery of the bombs. For example, the Caterham bombing, which took place in August 1975, nine months after the arrest of Armstrong, my client, was a carbon copy of the Guildford bombings.

'We found that these people knew a lot about how the bombings had taken place, they knew how they had done the reconnaissance, and how they had arrived at Guildford. They could identify where they had parked, and told us the composition of the Guildford team. They described the containers that the bombs were in. They described the people who sat next to them in the pub while they were planting the bombs.

'They described their method of departure from Guildford, how the bombs had been constructed, and how much explosive had been used. Everything was consistent with the evidence. They were able to give a total picture, including elements subsequently proved to be correct that had never been mentioned in the prosecution case.

O'Connell recalled one small incident. A soldier had turned to him and asked the time of the last bus to Aldershot. This was found to tally exactly with a soldier's deposition which had never been produced in court as evidence or revealed publicly.

Collusion can be completely discounted. O'Connell, Duggan and Butler were in Brixton; Dowd was by then in Albany on the Isle of Wight; the convicted four were in other prisons. They would have had no opportunity to communicate with each other, even through intermediaries, since an especially high degree of security surrounded IRA prisoners and all their visits were closely supervised.

The Balcombe Street four came to trial at the Old Bailey on 24 January 1977. There were exactly one hundred indictments. Each defendant was charged on a total of twenty-five counts of murder and causing explosions, relating to the period from December 1974 to December 1975. There was no reference to incidents during the autumn of 1974.

In normal circumstances IRA defendants would have refused to recognise the court, and thus declined to take any part in its proceedings. They reasoned that, as Irish Republicans at war with British imperialism, they were hardly likely to secure justice in an English court. On this occasion, however, they opted to become more actively involved: they felt they had been handed the perfect opportunity to demonstrate the hollowness of what they would pejoratively have referred to

as "British justice". Although they refused to plead, therefore, they did make statements. O'Connell said, 'I refuse to plead because the indictment does not include two charges concerning the Guildford and Woolwich pub-bombings – I took part in both – for which innocent people have been convicted.' Butler and Duggan made similar statements.

Having decided to take an interest, they asked their lawyers to raise the issues of bias and prejudice. It was pointed out to Mr Justice Cantley, for example, that he was on a list of "targets" discovered in an IRA hide-out. This was presumably because he had been responsible for trying and sentencing Brendan Dowd, Sean Kinsella and three others in Liverpool. The judge declined the invitation to step down.

(Ten years later, this decision still seems fundamentally incompatible with the principles of British justice. Throughout the trial, the Crown was at pains to disavow the suggestion that there was any kind of political dimension to these crimes: they were purely criminal, and were to be treated as such. Now, suppose that in any other trial, the judge, dealing with a series of murders, had discovered himself to be listed as a future victim. Of course he would have stepped down – in the interests of justice.)

As regards jury selection, the defence complained that they had been given no opportunity to examine the jury panel, whereas the police had had unrestricted access to it. There was a wrangle, which was resolved when all the potential jurors were summoned into court and asked to disqualify themselves if they or their families had been affected, directly or indirectly, by the bombing campaign. About ten people stood down.

The defendants then used their right to challenge jurors merely on their immediate impressions of them – peremptory challenges, as they are called. At that time each was allowed, and each used, seven challenges. As finally constituted, the jury included five women and three blacks. Through one of those flukes of fortunes with which journalists are all too rarely rewarded, one of the twelve was a close friend of the author's.

O'Connell and the others argued that the police and the authorities were engaged in the perversion of the course of justice, through the manipulation of the evidence to omit all reference to Guildford and Woolwich. They instructed their lawyers to offer no piecemeal defence to the charges, but instead to use every opportunity to highlight anomalies in the police and prosecution case.

Prosecuting counsel John Mathew QC ran through the twenty-five indictments, drawing freely upon statements the four were alleged to have made in custody, but which they all maintained were "verbals".

Despite this, however, he eschewed all mention of the Guildford and Woolwich incidents until near the close of his speech. 'Guildford and Woolwich are not a matter for you,' he said finally. 'It may be that O'Connell and Butler are anxious to claim their part in other bombings.'

During the trial, the defendants did not contest the evidence, except when they were able to pinpoint inaccuracies in the prosecution case. For example, on 26 January, PC Cotton said he had seen a car with four men in it being driven away from the home of Edward Heath, in Wilton Street, where a bomb had been placed. Yet in a statement made at the time he referred only to two men. Asked to explain this discrepancy, he blithely replied, 'There were four men in the car and I only mentioned two of them.'

In this way, defence tactics of cross-examining selectively were frequently successful. Counsel made another intervention on 26 January when Inspector Carrington was giving evidence about the Hilton Hotel bomb on 5 September 1975. Two people had been killed, and as a result the defendants were charged with murder. They asked their counsel to elicit from

Carrington in cross-examination how much warning had been given and why the hotel had not been cleared.

Carrington replied that a warning of 20 minutes was given, that the Hilton's own security officers declined police assistance with the evacuation and that they had failed to clear the hotel. It subsequently transpired that the police had received a warning. They had not telephoned the hotel (a foot patrolman was sent round), or insisted on clearing it.

On 31 January Douglas Higgs, principal scientific officer at the Royal Arsenal Research & Development Establishment, Woolwich, gave evidence. He had drawn up a chart which showed how a series of bombings in the London area had followed a similar pattern, indicating that they had been carried out by the same people. However, he had omitted Guildford and Woolwich, even though they clearly conformed to the same pattern. Under cross- examination, he readily agreed that the Woolwich bomb matched others on his chart. So why had he omitted it? Higgs replied that an. officer of the bomb squad had told him to.

Donald Lidstone, a scientist with thirty-nine years' experience, had been the chief forensic expert consulted by the police in relation to the Guildford bombings. He too had compiled a list of fifteen related bombings, from which the Guildford ones were conspicuously absent. He agreed, under cross-examination, that these two 'could be connected' with the others.

On 4 February, Commander Jim Nevill, recently promoted head of the bomb squad (re-named the anti-terrorist squad) went into the witness-box. He was asked what he did when told that a statement about Woolwich had been made by prisoners in the dock. He replied that he 'could not say' whether he had given any instructions. He then offered two alternative explanations of why he had done nothing. First, he said that he considered it a matter for his subordinates. Then, he said that he had reported it to the DPP, and left it to his discretion. He told the court that the DPP, and barristers acting for the DPP, had instructed him to tell Higgs to alter his statements.

Nevill went on to say that it would have been "wrong" of him to pursue the matter of the statements relating to Guildford since he was not the investigating officer on that case. An extraordinary reply: he was head of the bomb squad for the whole country.

The prosecution case closed on 7 February. Defence counsel told the judge that no witnesses would be called on behalf of the defence, but that instead Joseph O'Connell would make a statement from the dock. Mr Justice Cantley immediately responded that he would not allow a political speech. O'Connell went ahead regardless.

Of course, most of the speech was political ('We say that no representative of British imperialism is fit to pass judgment on us.' etc.) The part relating to the Guildford and Woolwich trials ran as follows:

> We are all four Irish Republicans. We have recognised this court to the extent that we have instructed our lawyers to draw the attention of the court to the fact that four totally innocent people – Carole Richardson, Gerard Conlon, Paul Hill and Patrick Armstrong – are serving massive sentences for three bombings, two in Guildford and one in Woolwich, which three of us and another man now imprisoned have admitted that we did. The Director of Public Prosecutions was made aware of these admissions in December 1975 and has chosen to do nothing. We wonder if he will still do nothing when he is made aware of the new and important evidence which has come to light through the cross-examination by our counsel of certain prosecution witnesses in this trial. The evidence of Higgs and Lidstone played a vital part in the

conviction of innocent people. Higgs admitted in this trial that the Woolwich bomb formed part of a correlated series with other bombings with which we were charged. Yet when he gave evidence at the earlier Guildford and Woolwich trial he deliberately concealed that the Woolwich bomb was definitely part of a series carried out between October and December 1974, and that the people on trial were in custody at the time of some of these bombings. Lidstone in his evidence tried to make little of the suggestions that the Guildford bombs could have been part of the "phase one" bombings with which we are accused with the excuse, and this appeared to be his only reason, that the bombings in Guildford had occurred a long time before the rest. When it was pointed out to him that there were many clear links between Caterham and Guildford and that the time between Guildford and the Brooks Club bomb with which we were originally charged was 17 days and that Woolwich occurred 16 days later, and that equal time gaps occurred between many of the incidents with which we were charged, Lidstone backtracked and admitted that there was a likely connection.

This shifty manoeuvring typifies what we, as Irish Republicans, have come to understand by the words "British justice".

It is the intention of this book to demonstrate that the erroneous convictions of Hill, Conlon, Armstrong and Richardson do indeed fall into a pattern. A pattern not, as O'Connell and others believe, of the oppression of the Irish; but of the conviction of the innocent.

After the speech, the judge asked the court shorthand writer for a transcript. He wanted to refer to the statement, he said, in his summing-up. Richard Harvey, counsel for O'Connell, then said that he, too, would appreciate a copy.

'What do you want it for?' asked Cantley. 'As a memento?'

'I regard that remark in rather bad taste,' replied Harvey, who explained that he wished to ensure that the case for O'Connell had been fairly put in the summing-up.

O'Connell and the others were then led from the dock. They re-appeared only briefly for sentencing. In their absence, the judge summed up. At 11.20 a.m. on 9 February, the jury was sent out to consider its verdict.

In the Old Bailey canteen, the police let it be known that they expected the jury to return around 2.00 p.m. A press conference was scheduled for 4.00 p.m., in good time for the evening news bulletins and the following day's papers.

The jury did return quickly, though not with the verdict. On the first occasion, a copy of O'Connell's statement from the dock was requested. Mr Justice Cantley denied this, as it was not an exhibit in the case. The second time they asked for a copy of the *Anarchist's Cookbook* which, according to the prosecution, had been the source of the defendants' knowledge of bomb-making.

As the jury remained out, the police press conference was cancelled. When the jury did return, after 7.00 p.m. they acquitted the defendants on twenty-six of the hundred indictments.

Hugh Doherty, for example, was acquitted on each of the first five counts – of having caused explosions between December 1974 and 27 August 1975 – on the grounds that the prosecution had not proved he was in the country at the time.

All four were acquitted of planting bombs in Putney High Street and at the Charco Grill, Hampstead, on 27 January 1975; and at Caterham on 27 August 1975. This was despite the fact that the police claimed to have discovered their fingerprints on the coverings around the bombs; that they claimed to have statements of admission; and that they

had "proved" that these bombings were part of the overall pattern. The four were also acquitted of bombings at the Trattoria Fiori restaurant, Mayfair, London, on 29 October 1975 – again despite police forensic evidence, and despite police claims that O'Connell had admitted to it.

Additionally, all four were acquitted of murder on the Hilton Hotel bomb charge, and instead found guilty of manslaughter. Clearly, the jury held the police to some degree responsible for the loss of life following the revelation during cross-examination that they had failed to clear the hotel despite the 20-minute warning.

On all the other counts, the defendants were found guilty. It was nevertheless difficult not to regard the trial as a hollow triumph for the prosecution. The defendants had managed successfully to demonstrate falsehoods or inconsistencies in its case. The police were flabbergasted; they made no attempt to conceal their incredulity as the not-guilty verdicts were returned.

Yet the reason why there had been acquittals on charges like the Caterham bombing was obvious: they were so clearly linked to the Guildford and Woolwich bombings. Since the ostensible perpetrators of those crimes had already been convicted of them, it was difficult to understand how a fresh quartet could also be guilty.

After the verdicts had been delivered, Cantley informed the jurors that they need not return to hear sentence passed. Privately, however, they were informed that it would look bad if the jury-box was empty. In the event, all did return for the conclusion of the trial on 10 February.

A strange incident, which went unreported in British newspapers, followed. The proceedings over and done with, the members of the jury left. The trial had been such an emotionally demanding one, it was not surprising that a sense of camaraderie had developed among them. A number of jurors accordingly went for a drink together, before walking the short distance to St Paul's Underground station. There, four of them were suddenly set upon and harassed by armed plainclothes policemen. The matter was sorted out, but it aroused genuine fear in the jurors – one of whom remembers screaming and trying to escape down the platform; another of whom was roughly handled.

One explanation advanced for this in Irish publications (which did report it) was that the police were acting spitefully. The jury had frustrated their case and deprived them of their hour of glory. There was no back-slapping press conference; the judge had not even thanked them for their work. This seems unlikely. No doubt the whole thing was a genuine mistake. Nevertheless, the fact that members of the jury were apprehended strikingly illustrates the tension under which the police were obviously operating. They were so jittery about Northern Ireland that they were ready to jump on a group of people merely for having an animated pub conversation about the Irish situation. (In retrospect, the jurors realised they had been watched in the pub.) If the police were so highly strung about this aspect of their job (and no one is criticising them for that), it does become possible to understand how the various miscarriages of justice that have occurred in Irish cases could have arisen.

Altogether, the Balcombe Street jury was recognised by many legal observers to be one of the best ever empanelled. In a trial of great political sensitivity and highly charged emotions, it displayed meticulous attention to the niceties of the case and a rigorous determination to try it in the strict bounds of fairness of an English court.

The result was that, in a major trial with political overtones, the jury for once refused to rubber-stamp the prosecution case. Subsequently, the Labour government soon buckled under pressure from the police and Home Office permanent officials and changed the law. By making one of the

provisions of the 1977 Criminal Law Act the reduction in the number of peremptory jury challenges allotted to a defendant from seven to three, it ensured that a jury as scrupulous as this one could never again be selected in the same way.

This was not only an abject reaction; it was also quite unnecessary. After all, it wasn't as though the Balcombe Street Four had walked free: each received a thirty-year minimum sentence.

The Guildford and Woolwich case goes to appeal

After the Balcombe Street trial, and particularly in view of O'Connell's statement from the dock, solicitors acting for Hill, Conlon, Armstrong and Richardson knew that they had reasonable grounds for appeal. Their overall strategy was to try to persuade the Appeal Court to order a re-trial (something which the 1968 Criminal Appeal Act specifically empowered it to do) because this was regarded as a more attainable objective than the quashing of the convictions.

Of the four, only Carole Richardson had originally applied for leave to appeal within the stipulated time-period. However, on 20 July 1977, the four were granted applications for leave to appeal, even though they were out of time. The court nevertheless seemed to regard this initial oversight with some suspicion, just as it did the appellants' unusual strategy of seeking a re-trial.

(In fact, Richardson's position was slightly different. Counsel did argue, in her case, for the quashing of the conviction. She had served notice of appeal correctly, and also had an apparently strong card to play in the strength of her alibi.)

The appeal was heard at the Old Bailey, rather than in the Law Courts, because of 'the need for special security'.

It opened on 10 October 1977 before Lord Justice Roskill, Lord Justice Lawton and Mr Justice Boreham. Hill, Conlon and Armstrong's cases were argued exclusively on the grounds that new evidence had emerged since the original trial: that the men captured in Balcombe Street had now admitted to carrying out the crimes for which Hill et al. had then been convicted.

O'Connell, Duggan, Butler and Brendan Dowd all gave evidence in person. They said that they had been responsible for the Woolwich bomb thrown into the King's Arms; O'Connell and Dowd said that, along with three others who were still at liberty, they had planted the Guildford bombs. These men, who freely admitted their ruthless terrorist activities, disclaimed all knowledge of Hill and the others.

At the Appeal Court, O'Connell explained in evidence how he and Dowd reconnoitred Guildford and selected the target pubs; how the bombs were made by him, Dowd and another man in a house in Waldemar Avenue, in Fulham; how they drove to Guildford and where they parked; how Dowd and a girl went to the Horse & Groom; and how he, together with a man and another girl, went to the Seven Stars; how they planted the bombs and then returned to London; how the third man left them at a pub in the Fulham Road; and how he and Dowd then drove the girls home to an address in north London. The cars used for these Guildford expeditions were hired from a leading car rental company, Swan National.

For the Woolwich trips they used vehicles stolen by Dowd. They staked out the area, and again selected a target pub. A would-be raid made on 6 November 1974 in a white Ford Corsair was aborted because the pub was insufficiently crowded. The bombing was done the following evening, this time in a stolen Ford Cortina. The group abandoned the car a few miles away, and returned home by bus and tube.

The Crown contended that O'Connell, Duggan and Butler had indeed been responsible for the Woolwich bomb, but that Hill, not Dowd, had been the fourth man. (At the trial, Hill was the only one convicted of involvement in the actual attack.) As regards the Guildford raids, Sir Michael Havers argued that even if both O'Connell and Dowd had been involved, that did not necessarily preclude the participation of the four

already convicted.

At the outset the judges determined the manner in which they would deal with the appeal, by reference to an earlier judgment. 'The correct approach which this Court has to adopt in fulfilling its statutory duty,' declared Roskill, 'has been finally and authoritatively determined by the House of Lords in the case of *Stafford and Luvaglio v. the Director of Public Prosecutions.'*

The court considered at length the arguments advanced by counsel both for the appellants and for the Crown. The thinness of the prosecution case could scarcely be concealed: 'there was no evidence whatever against them of identification. Such descriptive evidence as there was was of minimal weight and, as was perhaps inevitable in the circumstances, conflicting. There was no fingerprint evidence ... no witnesses ever identified Hill as present at Woolwich.' The judges were in no doubt that everything hinged on the confessions which were supposed to have been made in custody. 'If those confessions were both voluntary and true, the evidence against all the applicants was overwhelming,' declared Lord Justice Roskill.

The judgment ran to over fifty pages. On 28 October, the appeals were dismissed. 'We are all of the clear opinion that there are no possible grounds for doubting the justice of any of these four convictions or for ordering new trials,' stated Roskill.

The crucial factor which enabled the judges to reach their decision was the performance in the witness-box of Brendan Dowd. By pinpointing disparities between his testimony and that of the other three who now claimed responsibility for the crimes, the judges argued that the appeals were without merit. Roskill went so far as to say that Dowd's evidence was 'the touchstone by which the credibility of all the new evidence in the relevant respects is to be judged.' The appeal judges carefully sifted his evidence to uncover the tiniest error, to the extent even of noting that he had referred to a pavement as a 'footpath'.

Attention was drawn to three elements of Dowd's testimony which were at variance with the rest of the fresh evidence. Firstly, he said the stolen car used in the abortive mission to Woolwich was an Escort, although he later amended this to a Cortina; in fact, it was a Corsair. Secondly, he said the four men had met in a pub in Knightsbridge, close to the Underground. they had actually rendezvoused at one in Sloane Square. Thirdly, he claimed that the stolen Corsair had been abandoned in Knightsbridge; it was discovered near Vauxhall Bridge. All these points, in the opinion of the judges, were extremely illuminating.

But are they? The make of car? Whether an Escort, Cortina or Corsair, they were all Fords. Sloane Square or Knightsbridge? They are at opposite ends of Sloane Street, and less than a mile apart. It hardly seems a very material mistake for someone from Ireland to have made.

As regards where the car was abandoned, the judges themselves were forced to concede that none of the four were very certain where this had been.

Roskill noted that O'Connell, having already been convicted of six murders, 'had nothing to lose by accepting responsibility for a further seven,' and went on to formulate the theory that there had been a conspiracy to engineer the release of Hill et al.

'We are sure that there has been a cunning and skilful attempt to deceive the Court by putting forward false evidence,' he stated. 'O'Connell, Duggan and Butler had ample opportunity while awaiting trial to work out how the attempt should be made. Doing so was well within the intellectual capacity of O'Connell.

'The difficulty lay in finding a substitute for Hill. Dowd was brought in for this purpose. Providing him with his lines could not have been easy as he was not, at any material time, in the same prison as the others. He did not, or

could not, learn his lines properly. That was the reason why the conspiracy failed.'

The appeal judges had entirely failed to consider one single logical proposition. If there had been a conspiracy by O'Connell and co. to get Hill and the others out of prison; and if 'the difficulty lay in finding a substitute for Hill' – why didn't they use Hugh Doherty, the fourth man captured in the Balcombe Street siege? They could have pretended that the four had been acting together throughout. No one would have been any the wiser, since the Crown had no proof of the date of Doherty's arrival in England. (Because of this, the Balcombe Street jury had acquitted him on several charges.)

If they had wanted to manufacture a story, they could have said the Balcombe Street four did them all. They wouldn't then have needed to say that Duggan and Butler were involved in Woolwich only, and that Doherty had not been involved in either. If they were simply lying to obtain the release of four colleagues, they could have suggested that they alone were responsible, and then coached each other in their roles. It made no sense to involve Dowd, whom they were unable to contact. They need not have mentioned him at all; or alerted the police to the fact that members of the team (one man and two women) were still at large.

If they were going to coach anybody in a role, Doherty would have been the natural candidate; as the judges admitted, those four had 'opportunities of associating together'. Roskill understated the facts of the matter when he said that instructing Dowd in a role 'could not have been easy'. Barring paranormal assistance, it would have been impossible.

It was quite likely that Dowd would have problems remembering precisely what had happened almost exactly three years earlier. The day after his arrest on 10 July 1975 he was admitted to hospital with injuries that included broken bones, a cracked jaw and enlarged bladder. His condition was described as, drowsy and practically unconscious'. He was put in solitary confinement in Bristol, both before and after his trial, and subsequently served spells in solitary in Long Lartin and Strangeways. By October 1977 he was clearly not in good shape. *The Leveller* reported that 'his disorientation in the witness-box was clear'.

Bearing all this in mind, his testimony was probably more illuminating for its consistencies than its inconsistencies.

One point seemed especially significant. Dowd recalled that, driving away from the scene of the Woolwich bombing, he forgot to put on his lights and was flashed by an oncoming car. Among the witness statements taken by police afterwards, to which their lordships had access, was one from a driver saying he remembered flashing a car without lights coming towards him.

The Court of Appeal did concede that members of the Balcombe Street ASU had played a part in the terrorist activities at Guildford and Woolwich. They took the view, however, that all of these people had been in it together.

This was hardly a credible conclusion, because there wasn't a scrap of evidence to show that Hill et al. had ever been in contact with O'Connell et al. The appeal judges ingeniously surmounted this hurdle by elevating an apparently inconclusive exhibit to a position of prime importance.

Prior to the arrest of the Balcombe Street ASU, the police discovered one of their safe-houses – 39 Fairholme Road, Earl's Court – from which they had fled. A letter was found there, bearing the fingerprints of O'Connell, Butler and Duggan, which read in part: 'Dear Joe, Get those two Belfast fellows home – clean them up, change them a bit, send them singly (singley) through Glasgow unless you can think of something better.

O'Connell declined to offer any information about this letter, beyond admitting that it had been sent to him. The judges affirmed that the letter was of ‘great significance'. In their opinion, it established 'a clear link' between the

two groups. Hill and Armstrong, they pointed out, 'both came from Belfast'.

Here, the assumptions are tremendous. The hypothesis that the letter referred to Hill and Armstrong was based on neither facts nor evidence, but the wildest conjecture. It is also known that in the months prior to Hill's arrest he had been keeping close company with Gerry Conlon – also a Belfast boy. so why, if the letter did refer to them, did it not mention *three* "Belfast fellows"?

It is astonishing that so much could be inferred from so little.

The judges made a further faux pas in considering the Guildford bombings separately from the Woolwich one. Had both the O'Connell and the Hill factions been involved, two cars would have been needed to ferry them from London to Guildford and back.

Dowd said he had hired a Hillman Avenger, in the name of Michael Moffitt. This was found to tally with Swan National's meticulous records. On examining the fleet books, police discovered that another car had been hired out for roughly the same period in the name of Moffat. If this was the second car used by the bombers, the apparent difference in the names could be explained by a minor spelling mistake.

A close inspection of Swan National's detailed rental agreements would have confirmed whether both cars had been hired by the same person. Unfortunately, this was not possible. The sheets for those particular days were missing. Swan National had accurate records stretching back for years. The company had never previously mislaid a single sheet. How very curious ...

The Appeal Court determined, nevertheless, that those two cars had been hired by Dowd, and used to transport this bombing party to Guildford. 'We feel *no doubt* that the former car' – the yellow Cortina hired under the name 'Moffat' – 'was hired by Dowd for the purpose of the Guildford bombings.' (Author' s italics.)

This cast-iron certainty of the appeal judges raises two points. The first is that Hill, in his "confession", had said that a yellow Granada had been used for the Guildford trip. The court was now suggesting that it was a yellow Cortina, but that because in both instances the car was a Ford this verified the "confession". Earlier, however, when considering Dowd's evidence, the court had taken *precisely the opposite view*. because, amongst other things, Dowd had confused various Ford models, his evidence was held to be invalidated.

Secondly, solicitors for the appellants did eventually succeed in tracking down R. C. Moffat. He was alive and well and then resident in South Africa. He confirmed that he had hired a yellow Cortina from Swan National for the period in question.

Another brick was removed from the prosecution's already crumbling wall.

The abiding memory, however, is of the appeal judges averring that they had *no doubt* that this car had been hired by Dowd when, in this as in so many other details, the evidence was not merely slender, it was non-existent.

After considering, and rejecting, Carole Richardson's alibi evidence, the judges deemed their task completed. But a great deal had not been thought about at all. The number of people involved in O'Connell's scenario tallied exactly with conclusions drawn by the police, whereas the Appeal Court's bewildering theory envisaged the participation of considerably more personnel. Nor, apparently, was it thought in any way strange that Hill et al. should have been convicted on confessions alone, and that there was a void where the corroborating evidence should have been.

The manner in which the appeal was conducted was open to criticism on precisely the same grounds as Lord Devlin later criticised the fourth Court of Appeal in the Luton case. (Lord Justice Roskill and Lord Justice Lawton were on the bench on both occasions.) The judges had been presented with

important new evidence. Instead of either quashing the convictions outright, or ordering a re-trial, however, they reached their own verdicts on the credibility of this evidence. But it was no part of their remit to determine this. As Lord Devlin argued, the appeal process had now become 'one of imperfect re-trial by judges, in which the normal appellate reviews have been swallowed up'. The court was simultaneously abrogating to itself powers which parliament had never intended it to exercise; and neglecting to discharge those functions with which it had been endowed. Given such constitutional violations, O'Connell's description of it all as 'shifty manoeuvring' seems commendably restrained.