

Bomb convictions stand after report finds contaminated machine did not affect explosives evidence

# Howard bars IRA appeals

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Home Affairs Editor

**M**ICHAEL HOWARD, the Home Secretary, insisted last night that the convictions of 14 IRA bombers will stand after receiving the results of an official inquiry into the discovery of contaminated equipment at the Government's Forensic Explosives Laboratory.

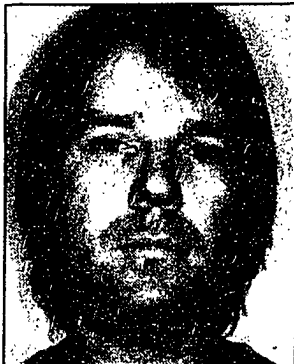
The report, by Brian Caddy, who carried out a five month inquiry, found that the explosive samples examined at the laboratory had not been affected by a centrifuge machine contaminated with traces of Semtex.

But Prof Caddy does criticise working practices at the Ministry of Defence laboratory at Fort Halstead, Kent, and calls for a system of statutory regulation among his 18 recommendations.

Prof Caddy, of Strathclyde University, gave forensic evidence on behalf of the Birmingham Six to the Court of Appeal and advised the Maguire family during the May inquiry into the safety of the Guildford Four convictions.

Among the battery of proposals to ensure the forensic laboratory remains "clean" in future is a recommendation that all chairs with seat covers be replaced because of the danger of contamination. Work to bring the laboratory up to standard will cost £500,000.

Prof Caddy said the contamination of the centrifuge machine used to identify explosives evidence, which lay undiscovered for more than six years, was "potentially disastrous" for all cases using samples tested at the lab between 1988 and 1996.



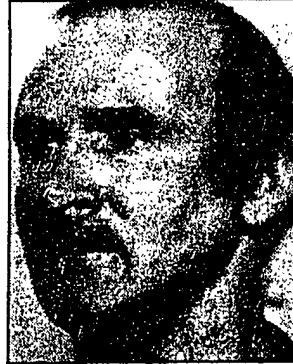
Patrick Hayes ... jailed for Harrods litter bin blast



Jan Taylor ... alleged to be a splinter group member



Dennis Kinsella ... jailed for Warrington gasworks bomb



John Kinsella ... petty crook who allegedly buried Semtex



Gerald Macklin ... jailed for planting 12 bombs in London

## The cases

**T**HE 14 cases that Professor Brian Caddy looked at were:

**SEAN McNULTY**, jailed for 15 years in 1994 for bombing oil and gas terminals on Tyneside. Prosecution case relied on footprints and Semtex tests on clothing, a mattress and a Ford Capri car.

**ROBERT FRYERS**, a Belfast bouncer serving 25 years for conspiracy to cause explosions. Was arrested at north London bus stop with a Semtex device in a holdall.

**HUGH JACK**, a Scottish turkey farm worker, jailed for 20 years. His defence claimed he was an unwitting stooge of Fryers who used his home to store explosives.

**PATRICK HAYES** and **JAN TAYLOR**, both jailed for 30

years in 1994 for London bomb attacks including Harrods litter bin explosion. English recruits to IRA and members of "Red Action" splinter group.

**VINCENT WOOD**, jailed for 17 years in 1993 for keeping Semtex for the IRA.

**JAMES CANNING**, an IRA quartermaster jailed for 30 years in 1993 for conspiracy to cause explosions.

**ETHEL LAMB**, Canning's English lover, was 60 when jailed for three years. He duped her into using her west London home as a bomb factory. Since died.

**PAIRIC MacFHLOINN** and **DENNIS KINSELLA**, jailed for 35 and 25 years for Warrington gasworks blast.

**JOHN KINSELLA**, jailed for 16 years for possessing explosives. A petty criminal and Dennis Kinsella's

uncle, he buried a bag of Semtex in an allotment.

**NICHOLAS MULLEN**, jailed for 30 years in 1994. The IRA quartermaster was detained after discovery of a bomb factory in Clapham, south London.

**GERALD MACKIN** and **DEREK DOHERTY**, both jailed for 25 years for conspiracy to cause explosions in 1993. Planted 12 bombs in north London. No one hurt.

It was only a fortunate accident that brought the problem to light. But his detailed examination of all 14 cases had shown that the explosive traces had "no observable effect" on the samples tested.

The failure to test the centrifuge over many years "is a scientific oversight which is unacceptable and is much to be criticised," said Prof Caddy. The problem lay in a small rubber bung which separated the glass test tube holding the sample being analysed from its metal cylinder.

Last night defence lawyers for the some of the 14 insisted

that the evidence of contamination should be tested in the Court of Appeal.

Neil O'May, solicitor for Dennis Kinsella, said: "Every case where the prosecution has relied on evidence from this laboratory to convict people should be referred to the Court of Appeal without any other question arising. The laboratory should be closed down and resited elsewhere."

Joe Austin, Sinn Fein's prisons spokesman, said the families of the prisoners would be bitterly disappointed: "I don't think any-

body is surprised by the outcome. But it won't stop the campaign to prove the innocence of any of these people."

Lawyers for Sean McNulty, whose conviction relied most heavily on the forensic evidence, said the Caddy report would prove "most relevant" for his Court of Appeal hearing, which is pending.

In the Commons, Mr Howard said he had written to the lawyers involved telling them that the Caddy report did not give him grounds to refer any of the 14 cases to the Appeal Court.

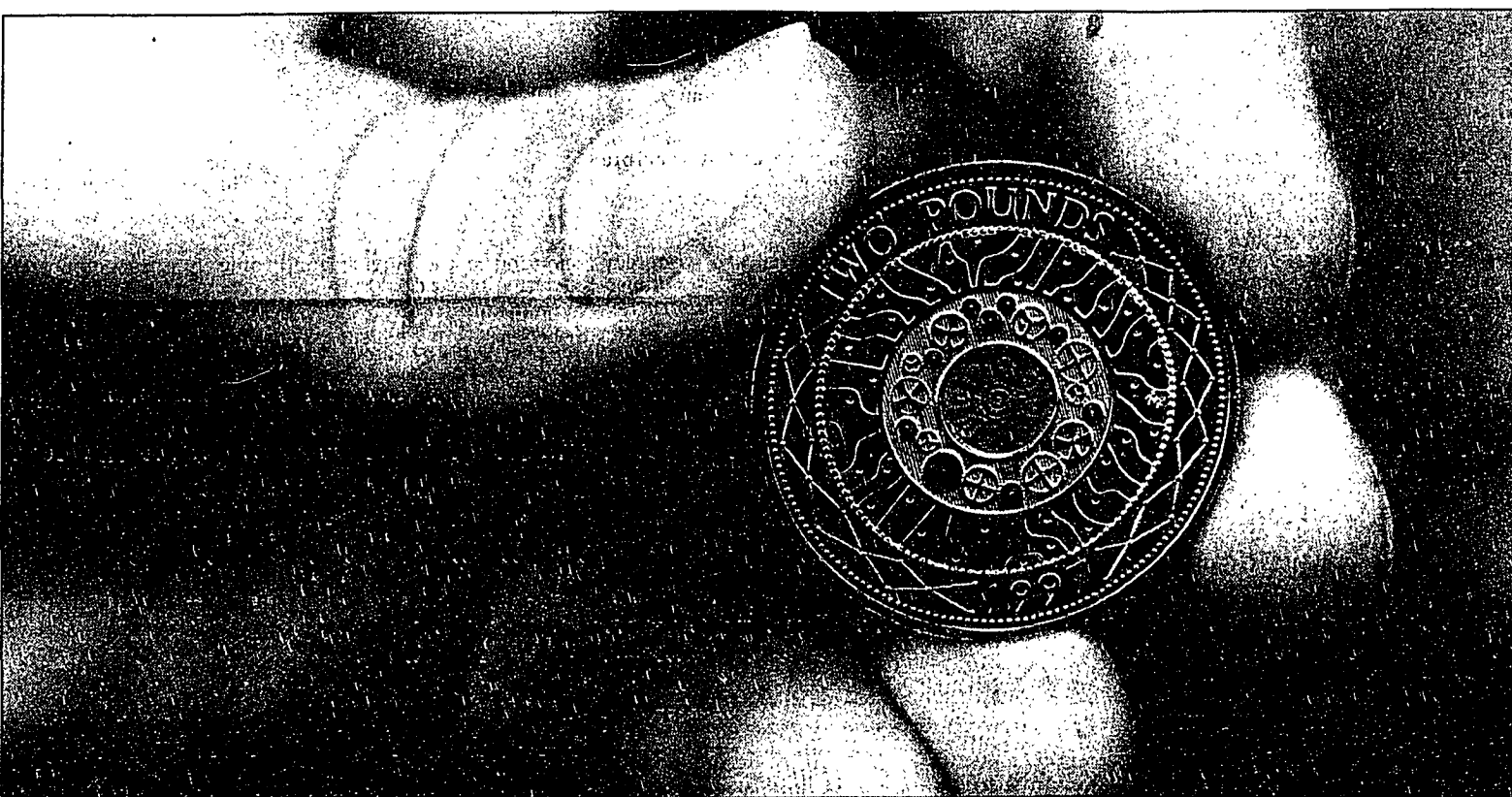
However, he took issue

with two of Prof Caddy's recommendations. He said that the case for a Forensic Sciences Inspectorate implied a "system of statutory regulation" which was more far reaching than the advisory council recommended by the Royal Commission on Criminal Justice four years ago. Mr Howard wanted to consider both proposals before making a decision.

Prof Caddy had also said that he believed the current "dangerous practice" whereby some incendiary devices were examined by other forensic laboratories not ex-

pert in explosives should end. He argued there were cases where what was thought were simple incendiary devices turned out to be bombs. But Mr Howard rejected this, saying he did not want to remove police discretion altogether.

The shadow Home Secretary, Jack Straw, said an independent forensic inspectorate should be set up immediately. He said it was alarming that, as Prof Caddy had observed, it was only chance that led to the discovery that there were Semtex traces in the crucial centrifuge.



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