

DT014 - Compensation for the Birmingham Six?

It would be wrong for our Government to pay 'compensation' to the Birmingham Six. If this is done the British public will bitterly resent it, especially if the huge sums being mentioned in the media are paid over. Payments made to the victims of the bombing were much smaller. The six have no legal right to these payments. They would be *ex gratia* payments made voluntarily, according to a practice which has grown up. The practice should not apply where the subject of a judicial miscarriage has no moral claim to be compensated. These people have no such moral claim. They were supporters of the IRA, and were on their way to the funeral of an IRA bomber when arrested. Our law provides a remedy in damages for malicious prosecution or false imprisonment. If that remedy is available here (which I doubt) I would not wish the six to be deprived of it. But there is no justification for giving them money which the law does not require to be paid.

As a barrister I would point out that the IRA and its supporters constitute a single criminal conspiracy, which is not merely unlawful but treasonable. The death penalty has not been abolished for treason, so the six were fortunate not to have been executed. There is a strong argument for holding that, like all IRA supporters, they shared collective guilt for IRA atrocities even if not active in this one. A member of a criminal conspiracy is in law liable for acts done by *any* members in furtherance of the conspiracy.

Note: Final paragraph omitted from published letter.