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1998

PRIVATE SECRETARY

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Bloody Sunday (NI)	MINUTES	1	22.1.98

NAME	INITIAL
John Holmer	mh 8/2.

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BLOODY SUNDAY

MINUTES of a Meeting held at
10 Downing Street on
THURSDAY 22 JANUARY 1998 at 1.15 pm

PRESENT

The Rt Hon Tony Blair MP
Prime Minister

The Rt Hon Lord Irvine of Lairg
Lord Chancellor

The Rt Hon Hon Jack Straw MP
Secretary of State for the
Home Department

The Rt Hon George Robertson MP
Secretary of State For Defence

The Rt Hon Dr Majorie Mowlam MP
Secretary of State for Northern
Ireland

The Rt Hon John Morris QC MP
Attorney General

The Lord Falconer of Thornton QC
Solicitor General

THE FOLLOWING WERE ALSO PRESENT

Mr J Powell
Prime Minister's Office

Mr J Holmes
Prime Minister's Office

SECRETARIAT

Sir Richard Wilson
Mr M A Pakenham
Mr N C Sanderson

SUBJECT

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during which detailed a handling plan could be drawn up and decisions taken as to when to speak to certain individuals in advance about the Government's intentions. She recognised the potential problems of Army morale and would want to visit troops in the Province after any announcement was made.

THE ATTORNEY GENERAL said the Solicitor General's analysis of the flaws in Lord Widgery's findings were compelling, but they did not lead inexorably to a recommendation in favour of a new Inquiry. If there was to be a new Inquiry it was right that it should be a full Inquiry held under the Tribunals of Inquiry Act 1921. There was some substantive new material, including ballistics evidence, for an Inquiry to investigate, although he was not aware of any parallel for witnesses to be examined so many years after the event. Other parts of the allegations - such as the role played by the Royal Anglian Regiment - might also be difficult to investigate. It was likely that immunities against criminal prosecution would be sought for some witnesses giving evidence to the Inquiry. Such immunities had been sought for Army witnesses to the Widgery Inquiry in 1972, and his predecessor, Lord Rawlinson, had refused to grant them. Immunities had never been granted for murder, but there were precedents for giving a much narrower form of undertaking to the effect that people giving evidence to an Inquiry would not be liable for criminal prosecution on the basis of their own evidence (ie no self incrimination).

In further discussion the following points were made:

- (a) The longer an announcement was deferred, the more difficult it would be to handle when it was finally made.
- (b) Decisions by the Home Secretary in due course about the tariffs for the Balcombe Street gang and on the extradition of Roisin McAliskey could have an impact on the political scene in Northern Ireland one way or another.

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(c) If a new Inquiry were to be held it could not be preceded by an apology. Making an apology without holding an Inquiry would be difficult to explain, and would be seen as inadequate.

(d) The passage of time since Bloody Sunday could help in getting closer to the truth of what happened on that day. Many contemporary accounts of the events of the day existed, together with forensic and other information. A new Inquiry could look at this material more thoroughly than Widgery had done, and could also take account of new material.

(e) There was a case for not deciding on the question of immunities until a later stage in the proceedings of the Inquiry, and at the request of the judge heading the Inquiry, when it would be clearer whether granting immunities would help its work.

Summing up the discussion, THE PRIME MINISTER said that, in principle, there were clear grounds to hold a new Inquiry. The decision whether to do so or not could not be taken in isolation, but judged against the impact which an announcement of a new Inquiry might have on the peace process. Events of the next few days could be significant in that equation. In the course of the following week he and his colleagues would need to review the position, and decide whether to confirm their preliminary view that an Inquiry should be held. In that event Army morale would be of great importance, and would need to be handled with sensitivity. He would wish to see the Chief of the Defence Staff before an announcement was made. In the meantime the Lord Chancellor should discuss with the Lord Chief Justice who might be asked to head the Inquiry. But there should be no discussion at this stage with any other individuals.

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Opening the discussion, THE PRIME MINISTER said that, in the light of the Solicitor General's minute to him of 21 January, there were two principal questions for the meeting to consider: whether there were grounds to hold a new inquiry into the events of 30 January 1972 in Londonderry ("Bloody Sunday") and, in the light of political considerations, whether a decision to do so would be justified.

THE LORD CHANCELLOR said that he found the Solicitor General's analysis of the weaknesses of Lord Widgery's findings convincing. But an Inquiry would not be welcomed by the judiciary who would be unhappy about having to review the findings of a previous Lord Chief Justice. An Inquiry would take at least a year. He saw no alternative to its being chaired by a Lord Justice of Appeal, who were under considerable pressure from existing work, including Parliamentary work, and would find it hard to lose one of their number to an additional task. There was an argument for including one or more eminent Commonwealth judges on the Tribunal - not as Chairman, but as members - to emphasise its independence. It was important that he had an opportunity to discuss all these matters with the Lord Chief Justice before any suggestions were made in public that a judicial Inquiry might be instituted.

THE HOME SECRETARY said that, with reluctance, he endorsed the Solicitor-General's assessment: the Widgery Report had been flawed and further action was needed. In his view the choice lay between holding a full Inquiry or saying nothing. Passing the matter to the police for a criminal investigation would be seen as partisan and inadequate. Although an Inquiry would expose old wounds, it could also help in healing them, as the experience of the Truth and Reconciliation Commission in South Africa had shown.

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THE DEFENCE SECRETARY said that the South African experience was not necessarily a good analogy. No-one argued that the events of Bloody Sunday were premeditated. They occurred because of the tension and circumstances of the moment. It was doubtful that a new Inquiry could get to the truth 26 years after the event: the memories of witnesses would be unreliable, and many of the locations in which the actions took place had been demolished.

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This raised criminal matters which should be investigated in the first instance by the police. A new Inquiry could be drawn out over many months while up to 500 witnesses who had already given statements sought to be heard. It would damage the morale of the 17,000 troops serving in Northern Ireland, whose commitment would be needed if the peace process broke down. This could only serve the interest of those who wanted to destabilise the Province and would endanger peace.

THE SOLICITOR GENERAL said that an application for judicial review of the findings of the Widgery Inquiry had been lodged in Northern Ireland. It was not clear what view the Northern Ireland courts might take of it, but in the English courts it would have had a good chance of success, given the weaknesses of the Widgery Inquiry. If the courts were to declare that there were inadequacies in the Widgery Inquiry, this could be a new source of pressure for an Inquiry.

THE NORTHERN IRELAND SECRETARY said that given the clear views expressed in the Solicitor General's minute it was difficult to do nothing. She was under pressure from the families of the victims to make an announcement. It was not clear that any one time would be better than another to do this. She would prefer an announcement to be made before the anniversary of Bloody Sunday on 30 January. But it would be better if it did not coincide with the Northern Ireland political Talks which were to be held in London between 26-28 January. One option, therefore, would be to make an announcement on Thursday 29 January, subject to the political process remaining on course until that time. There would need to be a period of time before an announcement

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The meeting -

Took note with approval of the Prime Minister's summing of their discussion.

Cabinet Office

22 January 1998

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