

BLOODY SUNDAY: AD HOC MEETING (TO DISCUSS
ESTABLISHING A NEW INQUIRY), 22 JANUARY 1998

ANNOTATED AGENDA

1. Form of the Inquiry

(i) The choice lies between three:

- a public Inquiry under the Tribunals of Inquiry (Evidence) Act 1921 (as was Widgery). This ensures that the Tribunal has full powers to call for people and papers, ie all the powers of High Court;
- an ad hoc and more limited Inquiry (public or not);
- reference to the RUC with a consequent criminal investigation (perhaps by an independent investigator).

Which option do Ministers favour?

(ii) Should a public Inquiry, if chosen, or a more limited option involve a single judge (as Widgery); or more than one person?

2. Head of the Inquiry

Lord Widgery was Lord Chief Justice at the time. Should a new Inquiry or other investigation be led by a senior judicial figure (English or Scottish)?

3. International element

The Irish and others in the past have called for a new Inquiry to contain an international element (eg a senior foreign judge). Should this unusual format be followed?

4. Advance information prior to a public statement

Which of the following, at least, should be approached:

Sir Edward Heath.

The Lord Chief Justices of Northern Ireland and England and Wales (will need to be consulted on the composition of the Inquiry).

The CDS and CGS at the time of Bloody Sunday.

Chairman of the Defence Select Committee.

The Irish Government.

US Government.

Party leaders in Northern Ireland, including Trimble and Hume.

Opposition leaders at Westminster.

Bill Smith (Secretary to the Widgery Inquiry, retired NIO official).

Senator Mitchell.

Col. Wilford (Commander of 1 Para at the time)?

5. Terms of Reference

- Should the terms of reference be wide enough to allow a complete re-hearing of the evidence (the sole condition which would satisfy current critics)?
- Or should they be confined to those matters which are "new" (see question 1 above)?
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- Should the terms of reference exclude an examination of the political decisions which led to internment (against which the marchers were protesting)?
- Should they allow an examination of allegations which have been made against the conduct of the Widgery Inquiry.

6. Location of an Inquiry

- Should it to sit in Northern Ireland, to ease travel by local witnesses? Options in that case would include Londonderry, Belfast and Coleraine (where Widgery sat).
- Or should a mainland centre (London, Manchester, Glasgow etc) be chosen? The Head of any Inquiry would have his/her own views.

7. Immunities

The powers to grant immunities from prosecution are a matter for the Attorney General. Witnesses to Inquiries of this kind have in some circumstances been given undertakings that evidence given by them would not be used against them.

8. Timescale

Given the potentially large number of witnesses, and the complex issues, would it be prudent, and politically sensible, not to set any timetable for completing the process?

9. Announcement

A Parliamentary Resolution setting down the terms of reference, is required for a 1921 Act Inquiry. This need not preclude an earlier announcement. Who should make it (Prime Minister, NI SoFS, Law Officer

etc)? In what context (Parliament, Ministerial statement)? And when - the anniversary of Bloody Sunday is on 30 January. The Talks are in London from 26-28 January. Does this argue for any announcement to be made this week?

10. Publication of report and evidence

Would it be right to proceed on the basis that all evidence to an Inquiry and its findings would be published; but that evidence given in camera (oral or written) would be withheld from publication? Publication of parts of the evidence and findings might need to be delayed pending any decisions on criminal prosecutions.