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16 JAN 98

PRIME MINISTER

BLOODY SUNDAY

Before Christmas you wanted to be clear about the circumstances in which a statement about Bloody Sunday would be made. In particular you wanted to know where we had got to with Byron Lewis.

As you were advised we have, through an independent solicitor-agent, been in contact with Lewis and his solicitor. As a result of that I intend to refer Lewis's allegations to the police now. I considered whether we should go back to Lewis again to see whether he would repeat his allegations in a statement to our agent, but, while that might have some advantages presentationally – we would be able to say we had given Lewis every opportunity to tell his story – it would only have delayed the point at which we should have had to refer the matter to the police. There was also no guarantee that Lewis would co-operate. He had asked for a number of undertakings which John Morris and Charles Falconer have been considering.

John Morris has advised (his letter to you of 13 January – misdated 6 January) that the arguments about how to proceed with Lewis are finely balanced. I am grateful to John for his willingness to give a limited undertaking if I judge it necessary, but after careful reflection I believe that the advantage lies with being able to give a



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clear statement next week and allowing the investigation to proceed without further delay. I note that the question of an undertaking may well arise anyway in the course of the police investigation.

A number of consequences flow from this decision:

First, that we cannot substitute our judgement for the RUC's on what is relevant to their investigation. Accordingly I intend to pass all the material we have been given to them. It must go without saying that subsequently we will co-operate fully with their investigation.

Second, that while the police are investigating we can make no further comment of our own on the allegations which might prejudice their inquiries or subsequent criminal proceedings. That rules out our publication of what we have been given. The Taoiseach has promised that the Irish will publish their own dossier, but I believe we should explain our position to the Irish so that they can consider whether they too should hold back while matters are still under investigation.

Third, that we cannot now rule out any particular course of action which might arise from the investigation. That could include prosecutions, or some further steps by us – but until we know what the police discover we are in no position to decide.

A police investigation is a serious step, but I am under no illusion that it will satisfy all our critics. We must do what we can to explain why this is the best way forward, and reassure people that it will be thorough and serious. We can, I think,



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also give our unequivocal commitment that once it is over the relevant authorities will consider the appropriate action.

I think that I must announce this next week. It may come out that we have referred the matter to the police anyway, and as you know I have always felt that we should make the statement before the Bloody Sunday anniversary at the end of the month. We have cleared this with the RUC and the Chief Constable is considering the idea of an independent person to give validity to the process. Another important determinant of timing is the Taoiseach's visit to Derry next Friday (23 January). I think we must pre-empt anything he might say there. I suggest that I make a Statement to the House on Thursday and that you write to the Taoiseach on the same day as our formal response to the Irish Government's dossier (drafts attached). As I noted earlier we would not comment in any detail on the allegations, and that would leave us able to make the most of our statement expressing regrets for what had happened and of the fact that there would now be an investigation.

Copies go to George Robertson, Jack Straw, Robin Cook, John Morris, Charles Falconer and Sir Richard Wilson.

J Kyle

for **MARJORIE MOWLAM**

*(agreed by the Secretary of State
+ signed in her absence)*