

0171 219 4711

11/02 '98 10:15 FAX 0171 219 4711

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001/002

**RESTRICTED - APPOINTMENTS**

HOUSE OF LORDS,
LONDON SW1A 0PW

PRIME MINISTER

Prime Minister
These all look very
sensible. Content?

11/2. ✓

BLOODY SUNDAY INQUIRY

You are now in a position to take a decision on which two Commonwealth judges should be appointed to assist Lord Saville with the Inquiry.

We have received three nominations, one each from New Zealand, Australia and Canada. As you know I made tentative approaches to all three countries in the expectation that there might not be great enthusiasm for undertaking this work. Our fears, however, were not justified and we now have an embarrassment of riches. The three candidates are:

Sir Edward Somers, a retired member of the New Zealand Court of Appeal;

Sir Daryl Dawson, a retired Australia High Court Judge and the former Solicitor General of Victoria; and

The Honourable William Hoyt, currently Chief Justice of the Court of Appeal of New Brunswick. (He would retire immediately if asked to undertake this task).

William Hoyt has been personally recommended by the Prime Minister of Canada. Indeed Prime Minister Chretien has taken a close personal interest in this issue, following on from my initial approach to the High Commissioner, Roy McLaren. I know nothing against Hoyt and neither do our High Commission in Ottawa. My view is that the close personal interest taken by Prime Minister Chretien would make it politically difficult, but not impossible, not to choose him as one of the members of the Inquiry. There would also be some merit in having one judge from Canada and one from the Antipodes.

The choice between Sir Edward Somers and Sir Daryl Dawson is not easy. Lord Cooke of Thorndon, to whom I spoke about New Zealand judges, was very enthusiastic about Sir Edward Somers and his ability and standing have been confirmed by our High Commissioner. Sir Daryl Dawson, from Australia, comes with the personal recommendation of Chief Justice Brennan, and again our High Commission rate him as an extremely suitable appointment. On balance I favour Sir

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Daryl Dawson. The Chief Justice of Australia responded extremely quickly and most helpfully to my approach.

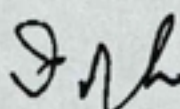
I have consulted Lord Saville informally about the three candidates. He has confirmed that he would be happy to work with Hoyt and Dawson. He has also stressed to me the importance of putting the wing members in place as soon as possible. There are a number of practical and procedural decisions which have to be taken and Mark Saville is, rightly in my view, unwilling to take these without consulting those who will be assisting him on the Inquiry. Clearly the preparatory work will take some time. Mark Saville is currently planning that an opening day for the Inquiry will take place either shortly before or just after Easter. He is currently reading himself into all the material. The opening day will be an opportunity to set out the procedures that will be followed. He wants to discuss sitting arrangements and related procedural issues. All these, however, are matters he wishes to discuss with his fellow judges as soon as possible. I support this and think we must do all we can to assist.

Mark Saville has also expressed his wish to meet the two other members of Inquiry as soon as possible and confer with them over a few days. He is ready to fly out to see them within the next few days, which he thinks would be a goodwill gesture. He suggested that if one was to come from Australia and one from Canada it might be most convenient for them to meet somewhere in the middle of Canada. Alternatively if they wish to come to London he would be equally happy.

I hope we can take a decision on this very quickly. I would like to tell those I have consulted in advance of any public announcement of the decision you have taken. If you include Hoyt it would obviously be helpful if you expressed your appreciation to Prime Minister Chretien for his personal interest and prompt assistance.

I am copying this minute to Mo Mowlam, Robin Cook and Sir Richard Wilson.

I think also that Mark Saville should meet Mo as soon as possible, which he would welcome.

**LORD CHANCELLOR**

/O February 1998