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UNDER SEC 6676
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SECRETARY OF STATE
FOR
NORTHERN IRELAND

The Rt Hon George Robertson MP
Secretary of State for Defence
Ministry of Defence
Main Building
Whitehall
London SW1A 2HB

ASST./
SEC
17 JUN 1997
C.C.R.U.

Edward / 16 June 1997
On 18/6.
Ms McCartney in Graham

Dear George,

BLOODY SUNDAY

As you know I have said publicly that I want to do something to try to resolve the sense of grievance felt by many, particularly in Londonderry, over the events of 30 January 1972 - Bloody Sunday - and the supposed inadequacy of the Tribunal conducted by Lord Widgery. I have been considering a number of possible options for moving the matter forward, and, after careful reflection, I have concluded that the best course is for me to make an announcement of a review and a short statement on behalf of the Government.

There is no doubt that the events of 30 January 1972 almost immediately became a potent emblem of nationalist grievance in Northern Ireland. Time has done little to change this. The 25th anniversary of Bloody Sunday this year was marked by a renewed and increased interest in the prospects of securing some change in the Government's position, either unilaterally or through the medium of a new inquiry. This interest was heightened by a number of pieces of 'new evidence' which were highlighted by journalists and campaigners and were handed to my predecessor by

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John Hume on February this year. Further evidence is being assembled by the Irish Government and I expect their dossier to be handed over soon.

All this adds weight to the arguments in favour of acting now. Indeed, there will be a political price to pay if we carry on doing nothing indefinitely.

There is one complication that needs to be noted: the application for leave to seek judicial review of the findings of the Widgery Tribunal which has already been brought by the relatives of some of the Bloody Sunday victims is still pending, although proceedings have been adjourned at their request to enable them to produce further new evidence. Charles Falconer has advised that announcing a decision on having a review need not be affected by these proceedings, although any announcement would have to take them into account.

The review I want to announce would have two prongs and an overriding limitation. The first prong would be to address the Widgery process, in effect to take a second opinion as to whether material available to him but not considered, or if considered rejected, might reasonably have been taken into consideration. The second prong would address the substantive significance for Widgery's findings of new material, but without attempting to re-run the whole inquiry process (some suggested terms of reference are attached at Annex A - John Morris will want to ensure that these remain consistent with Charles Falconer's view on the *sub judice* issue arising in connection with the pending judicial review application). The overriding limitation would be that no soldier or other crown servant should be placed in jeopardy of legal action by whatever the reviewer might find or by what might flow from his findings.



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I realise that it will not be possible to deliver an absolute guarantee on that override. First, we cannot predict the conclusions our reviewer will reach. Second, it would be for the Attorney General to determine whether in the public interest there should be no criminal proceedings. Third, we could not block any civil actions which were not covered by the terms of the 1974 settlement, although we could offer to indemnify individuals who were being sued, neither could we prevent new applications for judicial review of the inquests.

But I think that the terms of the review I am suggesting ought to provide some reassurance. This is not a new Widgery, but a measured and sensible way to assess the doubts which some have raised about the original Inquiry. If you agree we should move as quickly as we can to identify a suitable person, a senior QC or a judge, to conduct the review.

As is so often the case in Northern Ireland the context in which decisions are announced can be important and I would like to make my announcement together with a statement of regret about Bloody Sunday and I am attaching (at Annex B) a form of words that aims to steer a path between a maximum expression of regret and the risk of ascribing or accepting liability.

I would like to be in a position to make an announcement before the Irish government hand over the dossier of evidence on Bloody Sunday they have been compiling.



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This could, I fear, happen before the Dail meets to appoint a new Taoiseach on 26 June.

A copy of this letter goes to Derry Irvine, John Morris and Sir Robin Butler.

A handwritten signature in black ink, appearing to be 'Ms' or similar initials.

MARJORIE MOWLAM

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ANNEX A

DRAFT TERMS OF REFERENCE

To examine current concerns about the evidence relating to the events of Jan 30 72 popularly known as *Bloody Sunday*, and the procedures of the Widgery Tribunal on those events, specifically-

- a. whether there was any fault in the conduct of the Tribunal, or
 - b. if there is any fresh evidence, either omitted or excluded by the Tribunal or which has subsequently come to light,
- that might have affected its findings, and to make recommendations.

ANNEX B

A POSSIBLE STATEMENT ON BLOODY SUNDAY

The events which came to be known as Bloody Sunday happened a long time ago now. There have been many other deaths in Northern Ireland and Great Britain in the quarter of the century since then. One of the most recent only [this week]. None of those deaths has been easy to bear – particularly for the bereaved families – and I think we might all recall John Donne’s words ‘... every man’s death diminishes me’. We have been diminished by the [3000] lives lost here. But, as everyone who has suffered a personal loss knows, although the hurt never goes there has to come a time to move on.

I do not know exactly what happened in Derry on that Sunday a generation ago. I do know that chance brought people together with fatal consequences. I do not believe that the soldiers who fired the shots went there intending murder. But clearly it was wrong that people demonstrating for their civil rights were killed. I am sorry that it happened.

I hope others will feel able to accept their own share of responsibility for what happened, and that we can turn to the future together for the sake of all those who have died in the past 25 years. Because together we can make Northern Ireland better.