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NOTE

In the course of a call made on me for another purpose on 21 June, Mr. Staples of the British Embassy referred to the case of Desmond O'Hare and Eugene MacNamee which had been raised by his Ambassador with the Secretary. He said that his authorities found it difficult to understand how, in the circumstances, neither of these men had been arrested, interrogated and charged. I reminded him that O'Hare had been convicted and jailed for 6 months for resisting arrest and assaulting a Garda and that, according to our information, further action was under active consideration in respect of both men. Staples said that on the British side they were outraged by the inadequacy of the action taken. He invited me to consider the circumstances. A motor car containing the body of a dead gun-shot victim, McIlvenna, and two seriously wounded men was driven to Monaghan Hospital. The dead man was subsequently acknowledged as an IRA activist and was given a funeral of the usual sort, yet the circumstantial evidence linking the other two casualties to McIlvenna was ignored. Might they not also be members of the IRA? Might they not have information about the killing of McIlvenna? These were matters requiring investigation and, in the British view, that would alone have justified the arrest of both men. I said that I could not accept the implication that the Gardaí, who were responsible in this area, had been negligent or had acted outside the law. O'Hare was in jail and had been arrested on his release from hospital. Staples did not pursue the subject. (It appears from his statements that Staples was perhaps relying on a version of events given currency by the BBC according to which O'Hare was released freely from hospital but returned the following day to the Garda barracks in Monaghan to demand the return of his motor-car. When the Gardaí refused to let him have it, according to this version of events, the scuffle ensued which led to his conviction and imprisonment.)

From Mr. Staples's comments, taken in conjunction with his Ambassador's earlier démarche to the Secretary, it would seem highly probable that Mr. Atkins, the British Secretary of State for Northern Ireland, will mention this particular case when he meets the Minister and the Minister for Justice next week.

[Handwritten signature]
D.M. Neligan
22 June, 1979

cc Mr. Donnelly, D/Justice..

- c.c. PSS
- PSM
- Mr. Swift
- Mr. O hUiginn ✓
- Mr. Nally, D/Taoiseach