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| Reference Code: | 2014/32/1824 |
| Creation Date(s): | 22 June 1984 |
| Extent and medium: | 1 page |
| Creator(s): | Department of Foreign Affairs |
| Access Conditions: | Open |
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22/6/84

TO WASHINGTON FROM HQ
FOR J. SHARKEY FROM M. BURKE
===PLEASE COPY N P OBYRNE CG NYK==

FLWG RECD FROM IRISH NEWS FOR MR MARTIN BURKE

JUDGE GIBSON STATEMENT SAID:

I WOULD WISH MOST EMPHATICALLY TO REPUDIATE ANY IDEA THAT I WOULD APPROVE, OR THAT THE LAW WOULD COUNTENANCE, WHAT HAS BEEN DESCRIBED AS A SHOOT TO KILL POLICY ON THE PART OF THE POLICE.

LIKE EVERY OTHER MEMBER OF THE PUBLIC, THEY HAVE NO RIGHT IN ANY CIRCUMSTANCES TO USE MORE FORCE THAN APPEARS TO BE REASONABLY NECESSARY, HAVING REGARD TO ALL THE CIRCUMSTANCES AS UNDERSTOOD BY THEM

THEY STAND IN A DIFFERENT POSITION FROM OTHER CITIZENS ONLY IN THAT THEY HAVE GREATER DUTIES IMPOSED UPON THEM IN RELATION TO THE ARREST OF SUSPECTED CRIMINALS, AND OFTEN FACE GREATER DANGERS WHICH NECESSITATE THE USE OF CORRESPONDINGLY GREATER FORCE IN EXERCISE OF THEIR RIGHT OF SELF DEFENCE AND WHICH MAY, IN THE LAST RESORT REQUIRE THE DEGREE OF FORCES USED IN THIS.

JUDGE GIBSON ADDED--

I UNDERSTAND IN SOME QUARTERS CERTAIN FURTHER WORDS OF MINE HAVE BEEN THOUGHT TO MEAN THAT I WAS CONTEMPLATING THAT THE POLICE FORCE MIGHT BE REGARDED AS ENTITLED TO METE OUT SUMMARY JUSTICE BY MEANS OF THE BULLET. I DO NOT BELIEVE THAT ON ANY FAIR ANALYSIS MY WORDS WERE CAPABLE OF THAT INTERPRETATION. INDEED NOTHING WAS FURTHER FROM MY MIND, NOR WOULD I OR ANY OTHER JUDGE CONTEMPLATE FOR A SECOND THAT SUCH A VIEW WAS TENABLE.

(H/W BEGINNING OF THE STATEMENT WHICH WAS LEFT OUT IN ORIGINAL)

"HAVING REGARD TO THE WIDESPREAD PUBLICITY WHICH PARTS OF MY JUDGEMENT ON THE RECENT TRIAL OF THREE POLICE OFFICERS FOR MURDER HAVE RECEIVED AND THE OBSERVATIONS WHICH HAVE BEEN MADE UPON IT IN THE PRESS EAND ELSEWHERE I HAVE CONSIDERED IT DESIRABLE TO CLARIFY MY VIEWS ON TWO MATTERS. FIRST, I WOULD POINT OUT THAT MY OBSERVATIONS RELATED TO THE PARTICULAR CIRCUMSTANCES OF THAT OCCASION AND OUGHT NOT TO BE READY OUT OF CONTEXT.

END
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