



# An Chartlann Náisiúnta National Archives

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TELEX

9 March 1988

TO: Belfast

FROM: Dublin

FOR: O Huiginn

FROM: Gallagher

Aughnacloy Shooting

Following is guidance text we discussed:

General

1. In connection with our requests in relation to this matter we hope you will take the following background into account.
2. Mr. McAnespie lived on one side of the border and worked on the other; he was shot just north of the border; and he is now buried on the Southern side.
3. Because the shooting actually took place north of the border, and because a British soldier has been charged, there can be no question but that legal proceedings in relation to the death are primarily a matter for the authorities in Northern Ireland.

Garda Enquiry

4. The Irish Government decided to ask Deputy Commissioner Crowley to enquire into the matter on its side of the border - because of these cross-border aspects, and also because it seemed likely that information might be given to him that might not, in the normal course, have been made available to the RUC. This is in fact proving to be the case. No request is being made to you for material or co-operation in relation to Deputy Commissioner Crowley's enquiry.

5. The Government, when it has considered the Deputy Commissioner's report, will decide on the action to be taken in relation to it. It would be premature at this stage to anticipate what this action may be, but it may be taken that the findings will be conveyed to the Northern Ireland authorities insofar as possible (it should be noted that the fact that particular persons gave information to the enquiry, or the nature of that information, will be disclosed only with their consent).

#### Exhumation and Post-mortem

6. The exhumation, and subsequent post-mortem performed by Dr. Harbison on our side of the border, were done at the request of the relatives. Once such a formal request had been made, the considered view of the Irish authorities was that they had, in practice, no option but to agree.
7. The findings of Dr. Harbison's examination are so far inconclusive due, in part, to the fact that the breastbone and parts of the ribcage of the deceased were removed during the initial post-mortem. Dr. Harbison has stated that, to enable him to complete his report, he would need to inspect the following:
  - (i) the series of photographs of the dead body, believed to be in the possession of the R.U.C.
  - (ii) the clothes worn by the deceased at the time of the shooting, also believed to be in the possession of the R.U.C.
  - (iii) the breast bone and rib-cage parts in the possession of the Northern Ireland Pathologist, Dr. Carson.
8. Dr. Harbison would also value an opportunity to discuss aspects of the two post-mortem findings with Dr. Carson. A request relating to items (i) and (ii) has been conveyed through the Secretariat. Dr. Harbison has personally approached Dr. Carson in connection with item (iii) and his wish to discuss aspects of the case with Dr. Carson. Granted that there have now been two separate post-mortems, it is in our joint interest that the two respected professionals involved should not be at odds about their conclusions.

9. There is no indication that Dr. Harbison will require to view any other items or make any other enquiries of the Northern Ireland authorities before arriving at his conclusion. A copy of his report will be made available to the appropriate Northern Ireland authorities.
10. We appreciate your concern, which we strongly share, not to prejudice in any way the case which is pending. We believe that various ways could be found of ensuring that that does not happen - such as, for example, having a witness present who could, if necessary, testify subsequently about Dr. Harbison's inspection of the relevant material.

Summary

11. While we believe that proceedings in this case are a matter for you within Northern Ireland and we want to do nothing to impede such proceedings, we also believe that it is in our joint interest to ensure as far as possible that there is no disagreement about the conclusions to be drawn from the two post-mortem examinations which have now taken place. This can best be done by arranging an early meeting between the two pathologists and by meeting Dr. Harbison's other requests. We do not envisage that any further requests will be made to you in this connection beyond those mentioned above. As to the Crowley enquiry, we have restricted it entirely to our jurisdiction; we do not envisage that any requests will be made to you about it; and, when the report is received by the Government, we will see how far we can go in making the results and any relevant material available to you.