

An Chartlann Náisiúnta
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To: HQ
For: C O Floinn

From: Belfast
From: Joint Secretary

Subj: Bloody Sunday statement (2)

Additional information which we have gleaned here in relation to this afternoon's statement (and which should be treated in confidence for the moment) includes the following:

- The establishment of the Inquiry does not preclude a criminal investigation or prosecution if the evidence which emerged appeared to warrant this. While the inquiry itself is not a criminal investigation, it would be open to the RUC to institute a criminal investigation at any stage;

- The Inquiry will have the powers of a High Court in certain respects (e.g., it will be able to require witnesses to attend, to examine them on oath or on affirmation or otherwise and to compel the production of documents). The view taken, accordingly, is that it would be appropriate for the Inquiry to be chaired by a British judge. This is the explanation which will be offered in response to any criticisms that the task of reviewing Widgery should have been handed to someone other than a British judge;

- It has been confirmed to us that one of the two additional members will be "international". The explanation for the failure to announce their names today will be that, because of the importance of the matter, the Prime Minister wished to report his decision to Parliament as quickly as possible, even before the appointment of Lord Savill's two colleagues could be confirmed. The appointment of one of them, we understand, involves consultation with another Government;

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- It will be for the Tribunal itself to decide how long the Inquiry should take. The hearings are likely to take place partly in Britain and partly in Northern Ireland. They are likely to take place in public unless there are strong reasons for private hearings (e.g. security of individuals, protection of intelligence);

- The Secretariat for the Inquiry remains to be decided. We understand, however, that it will probably be made up of officials from various Government Departments who have no previous involvement in Northern Ireland affairs;

- It seems that Lord Savill has a military background (two years national service as Second Lieutenant in the Royal Sussex Regiment from 1954-56).

- The cost of the Inquiry will be met by the NIO and it will report to the Secretary of State for NI;

- It would be for the Inquiry itself to decide who it wishes to call to give evidence. Anyone who can give evidence will be under a legal obligation to do so, subject only to the right ~~only~~ not to incriminate themselves. The Inquiry can invite the Attorney General to consider giving witnesses immunity if the exercise of this right by any individual or group of individuals were to hamper its ability to obtain significant evidence (though each case will be treated on its merits and immunity, we understand, will only be offered in rare cases);

- It is for the Inquiry itself to decide what evidence it can receive. It is not bound by rules of inadmissibility of evidence in legal proceedings;

- If pressed, the British Government will reveal that Christopher Murray of Kingsley Napley Solicitors was commissioned to evaluate (as distinct from investigate) the evidence of Byron Lewis;

- The question of legal representation at public expense for witnesses giving evidence to the Inquiry will be discussed with the Chairman of the Tribunal;

- The Tribunal will not be able to address the issue of compensation directly. Reference will be made to the full and final settlement of compensation claims in 1974.

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- It seems that there will be no element of apology in the Prime Minister's statement (reflecting, no doubt, the MOD's input). However, he will recognise in general terms the pain arising from Bloody Sunday. The line to be taken will be that the question of apology can more sensibly be addressed when the Inquiry's report is available;

- The line to be taken in relation to our Government's role in the lead-up to today's announcement is that the former Irish Government forwarded its assessment of the available information and the British Government decided to establish this Inquiry following a study of all the relevant material;

- The Lord Privy Seal is to make a statement in the House of Lords this afternoon on the same lines as the Prime Minister's in the Commons. The resolution to be tabled by the Prime Minister must be approved by the Lords. As this cannot happen before next Monday at the earliest, the Tribunal will not come formally into existence until some time next week.

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