

An Chartlann Náisiúnta
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pls cc Sec Gallagher Group 1 Section
pls pa Bloody Sun. (lhs)
(poss. new file – reports from Oral Hearings of Saville Inquiry)

Bloody Sunday Inquiry begins oral hearings

Day 1 (27 March, 2000)

1. The Bloody Sunday Inquiry began its public oral hearings today in the Guildhall, Derry, having officially opened two years ago. The start of the substantive phase of the Inquiry, being the culmination of the work of the relatives over many years, was marked by a candlelight vigil last night and a short march by the relatives of the victims from William Street to the venue itself this morning. The relatives were joined by local political representatives John Hume and Martin McGuinness for the start of the hearings.

2. Mr Mythen and the undersigned attended as official Government observers and both the relatives and their legal teams expressed their appreciation of our presence and of the Government's continuing and active interest in the issue [Mr McGuinness echoed these comments when we spoke with him after the morning session].

Timetable for Hearings

3. Initially, the Inquiry will sit for the next three weeks during which Christopher Clarke, Counsel for the Tribunal, will make his opening statement. This will be a public presentation of the evidence that the Inquiry has collected and is intended to give a frame of reference for the oral hearings. The Inquiry will then resume on May 8th, although it is the view of the relatives' legal representatives that substantive oral hearings will not re-commence until September to allow time for them to have sight of all the evidence uncovered by the Inquiry.

Opening Statement by Counsel

4. Mr Clarke began by stating that the clear aim of the Tribunal was to find the truth "pure and simple", no matter how complex or how painful that might be. He also put on record the Inquiry's absolute commitment to discovering what occurred on Bloody Sunday and stressed that 'the Tribunal is both independent and impartial...,

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that it takes the side of no-one, however powerful or influential, vociferous or insistent they may be". He also listed some of the disadvantages and advantages of this Tribunal compared to the Widgery Tribunal, advantages such as the huge amount of evidence that had been compiled on this occasion and disadvantages such as the amount of time that had passed since the events which were being investigated.

5. Mr Clarke continued by stating that his opening statement was intended to put a form of structure on the oral hearings and he outlined the order in which he would review and analyse the evidence which the Enquiry had uncovered, as follows: a political and historical background to the events of Bloody Sunday, the political and military planning leading up to Bloody Sunday, a consideration of the position of the IRA, analysis of what happened the day before the Army entered the Bogside, actions in various parts of the area on the day (e.g. Glenfada Park, Rossville Flats etc.), the orders given to the Parachute Regiment, the alleged admission made by Joseph Friel and how Gerard Donaghy came to have nail bombs on him, an analysis of the various statements made to the press in the immediate aftermath, an examination of the various journalistic investigations and, finally, an analysis of the significant audio and audio visual material available.

6. The first stage of this presentation was a consideration of the historical and political background to Bloody Sunday. In doing so, Mr Clarke referred extensively to papers prepared by Professors Paul Arthur and Paul Bew. Describing Derry in 1960s and 70s he stated that discrimination against Catholics in employment and housing were facts of life as was a gerrymandered local electoral system. He also quoted extensively from the Cameron Report.

7. Mr Clarke then gave a detailed and exhaustive analysis of the military and political planning that preceded the events of Bloody Sunday, drawing extensively on previously unseen military and security reports. This analysis threw light on both the security situation in the North in general and in Derry in particular and also on

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the thinking at the highest levels of the political and military establishment. It revealed the deep discomfort felt in these circles at the existence of effective 'no-go' areas in the Bogside and Creggan. In this regard, it became clear that plans were being drawn up to 'mount an operation in Londonderry to eliminate the 'no-go' area'. This analysis was not concluded on this, the first day, and Mr Clarke will return to these matters tomorrow. All in all, Clarke's presentation on the first day was comprehensive and methodical and was generally well-received by the relatives.

Reaction of the relatives and legal teams

8 The mood amongst the relatives was calm and determined. Tony Doherty and Michael McKinney were relatively satisfied with today's proceedings, although much of the opening statement was not of great interest to them, as they were more than familiar with much of the material. Overall, however, there was a sense of relief amongst the relatives that the Inquiry had finally begun its work, coupled with cautious optimism that it would achieve their objective of uncovering the full truth about Bloody Sunday. Despite having some concerns about the Inquiry, the relatives are committed to engaging with it. However, they are prepared for a long and difficult process.

9. We spoke with Peter Madden (of Madden & Finucane Solicitors, representing a majority of the relatives and injured) in the Bloody Sunday Centre immediately after the hearing adjourned. He expressed his general agreement with Mr Clarke's opening comments but expressed some concern at the fact that they still had not had sight of the full range of documentary evidence that the Inquiry had uncovered. Madden cited, as an example of this, a report of the security situation in October 1971 written by the Chief of General Staff, Michael Carver, to which Mr Clarke had referred extensively in the afternoon session. However, Mr Madden stated that he was not unduly worried about this as full disclosure - and sufficient time to fully consider the new evidence - had been promised to them by the Inquiry.

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Venue for soldiers giving evidence

10. The next contentious procedural issue to be addressed by the Inquiry is the question of the venue for the soldiers giving evidence. This is an extremely emotive issue for the relatives. It is of fundamental importance to them that the soldiers come to Derry to explain their actions to the Tribunal - and indeed to the people of the city. The view among the relatives' legal teams is that this issue may well be examined when the Inquiry resumes on the 8th of May. Whatever conclusion is reached in this regard, it is highly likely to be subject to judicial review proceedings initiated by either side. If Saville rules in favour of the soldiers giving evidence elsewhere, his decision will be resolutely opposed by the relatives' legal teams and vice-versa.

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Security Section
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