

An Chartlann Náisiúnta
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Secure Fax

9 February, 1995

To: Belfast From: H.Q.
For: S. Farrell From: P. Hennessy

Tom Williams (Logs 1569 and 1660 refer)

1. We have been contacted by senior Sinn Féin sources about this case. You will recall from previous exchanges that the British line has been to suggest that they may not have the authority to release the remains, and in any event are unable to locate them.

2. The decision of the Secretary of State will be the subject of a judicial review on 21 February. Against a background of growing public interest in the case, it is likely that there will be a protest outside the court by Saoirse, while Gerry Adams is also expected to be there. There is likely to be a considerable media presence.

3. The solicitor in the case (Joe Rice) told me he had hoped the decision to close down Crumlin Road Prison might provide a face-saving formulae (he is confident the remains can be located). However, from a recent informal discussion with the NIO (Murray Power) he feels the Crown side are not disposed to modify their position. Rice is concerned that even if they win judicial review the effect of that is merely to refer the case back to Mayhew. It does not ensure a positive decision to release the remains.

4. You should ask the other side to consider whether this case might not be resolved on a pragmatic basis, taking account of the changed circumstances caused by the planned closure of the Prison. It would be unfortunate in current circumstances if an issue of this kind, through perceived intransigence on the part of the

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authorities, were to become a focus of wider community agitation in nationalist areas. As the following list (prepared by Sinn Féin) indicates there are a number of precedents for the repatriation of remains in cases such as this:

1. The repatriation from Pentonville Prison of the remains of Sir Roger Casement in 1965.

2. The repatriation and re-burial on 5th and 6th of July 1967 of the remains of Reginald Dunne and Joseph O' Sullivan, executed at Wandsworth Prison on 10the August 1922.

3. The repatriation and re-burial on 8th July 1969 of the remains of two I.R.A. members, Peter Barnes and James McCormack, executed at Winson Green Prison, Birmingham, on the 7th February 1940.

4. The repatriation from India and the re-burial of the Connaught Rangers mutineers on the 2nd November, 1970.

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