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Aide Memoire

Oifig an Taoisigh

S230/05/10/0006 20 July, 2000.

Dundalk Bombing and Séamus Ludlow

Introduction

1. The Taoiseach wishes to discuss with his colleagues (i) the proposed terms of reference for the Independent Commission of Inquiry into the Dundalk bombing (the sole member is the former Chief Justice Mr. Liam Hamilton S.C.). and (ii) the situation in regard to the case of Séamus Ludlow.

Background to the Dundalk bombing inquiry

2. In his statement of 19 December last the Taoiseach announced, pursuant to previous Government decisions of 28 September, 19 October, and 14 December, 1999 that the outgoing Chief Justice, Mr. Liam Hamilton was being invited to undertake a thorough examination, involving fact funding and assessment of all aspects of the Dublin, Monaghan and Dundalk bombings and their sequel. The statement said that the formal terms of reference remained to be defined precisely, including with the Chief Justice and relevant groups of relatives. Following the agreement of the Government of the terms of reference for the Dublin and Monaghan bombings in early February, the former Chief Justice has been engaged in his work in that regard.

Terms of Reference re Dundalk Bombing

3. Consultations have taken place with the Office of the Attorney General and the Department of Justice, Equality and Law Reform and agreement has now been reached on proposed terms of reference as follows:

"To undertake a thorough examination, involving fact finding and assessment, of all aspects of the Dundalk bombing and its sequel, including the facts and circumstances of, and the background to, the bombing, having regard to the Garda investigation of the bombing,

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including the co-operation with and from the relevant authorities in Northern Ireland.

The 'Dundalk bombing' refers to the bomb explosion that took place in Dundalk on 19 December, 1975".

4. The terms of reference have been sent to the legal advisor of the relatives of the two people who were killed in the bombing and the former Chief Justice, Mr. Hamilton has been consulted. The legal advisor is seeking assurances - regarding access by him to the relevant Garda files - beyond those granted to the Justice for the Forgotten group, which represents the relatives and victims of the Dublin and Monaghan bombings and it has not been possible to reach agreement with him. Because of this, he has refrained from any comment on the proposed terms of reference.

5. However, the issues around the Dundalk bombing have not given rise to the same concerns as those in question in the Dublin and Monaghan bombings. In these circumstances, it is proposed, subject to the agreement of the Government of the terms of reference, because of the length of time that has elapsed since the announcement was first made, that Mr. Hamilton should be requested to commence his work on the Dundalk bombing. It is hoped that following the commencement by the former Chief Justice of his work that there would be a more constructive engagement by the legal advisor concerned and/or the relevant relatives with the Independent Commission of Inquiry.

Background to the Séamus Ludlow case

6. On 28 September, 1999 the Government approved in principle the appointment of a suitable eminent legal person to enquire privately into the Séamus Ludlow case along the lines recommended in the Report of the Victims Commission. The decision did not indicate that the report of the inquiry would be published, reflecting the fact that at the time the D.P.P. in Northern Ireland was considering whether any charges could or should be preferred in the case. On 15 October 1999, the DPP in Northern Ireland indicated that no prosecution was being instituted. On the 23 May last, the Taoiseach said in the Dáil in response to Questions on the matter that " the best way forward in my view is for the Government to extend the remit of Mr. Hamilton to this case on a basis broadly similar to that which applies in the case of the Dublin/Monaghan bombings. In this regard, discussions between the Departments and

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Offices concerned on the detailed terms of reference are close to a conclusion, following which proposals will be put before the Government. If approved by the Government, the proposed terms will be the subject of consultation with Mr. Hamilton and with the legal representatives of the victim's relatives." Consultations in regard to appropriate terms of reference in this case have been taking place for some time with the Department of Justice, Equality and Women's Rights and the Office of the Attorney General. The Taoiseach considers that having regard to the lapse of time since the Report of the Victims Commission, a request from the Ludlow relatives to meet him and what he said in the Dáil on 23 May, it is necessary to decide very soon on what basis to proceed on the Ludlow case. It is hoped that it will be possible to bring the consultations on this matter to a conclusion soon with a view to making a further submission on this matter at an early Government meeting.

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