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NA BREATAINE-NA hÉIREANN
BÉAL FEIRSTE

BRITISH-IRISH
INTERGOVERNMENTAL SECRETARIAT
BELFAST

Secure Fax No: 152

cc'd 21.2.00

DATE : **19 February, 2000** **NO. OF PAGES (including this one): 1**

TO: **F. Mythen.**

FROM: **Paul Hickey.**

Copied directly to B. Callaghan, DOJELR.

COPY TO
[redacted]
Mr O'Leary
MR. [redacted]
MR. FUAREY
MR. CALLAGHAN
MR. O'HARA

Bloody Sunday Inquiry

The destruction of two further British Army rifles used on Bloody Sunday was formally raised with the British side as requested and explanations have been requested on the various matters set out in Mr. Mythen's SF of 18 February.

The emergence of this information has proviked an angry response from a wide number of sources. A spokeswoman for the Saville Inquiry was widely reported as saying that the Inquiry "regarded the disposal of the rifles with very grave concern and has asked the MOD for an explanation". Thy were also reported to have asked the MOD to establish whether any of the ten rifles which had been sold could be recovered.

Both John Hume and Mitchell McLoughlin condemned the revelation in strong terms, with Hume describing the action as "very strange" and McLaughlin saying that it provided "yet more evidence that there are elements within the British military establishment which are determined to prevent the truth of Bloody Sunday emerging". There was also strong condemnation from Seamus Close of the Alliance Party who was quoted in Saturday's Newsletter as saying the "anyone with a sense of decency will be incensed by this act of contempt. Aplogies are as useless as the MOD's ability to secure the rifles. The culture of lies and deceit appears to have infiltrated yet another aspect of life. If the MOD could'nt defend two rifles, how could they defend a nation?".

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Secure Fax No: 132

DATE : **14 February 2000** **NO. OF PAGES (including this one):** 3

cc'd 15.2.00

COPY TO
[redacted]
Mr O'Leary
~~MR. COTTER~~
MR. POWER
MR. CALLAGHAN
MR. O'HARA

TO : **Gary Ansbro/Fergal Mythen**
Anglo Irish Division

FROM: **Val O'Donnell**

Copied directly to B Callaghan, DoJELR

SUBJECT: Bloody Sunday Inquiry

We raised, with the other side, a report which was carried in the Sunday Times on 30 January that thirteen rifles fired by soldiers on Bloody Sunday were destroyed by the Ministry of Defence in the period since the establishment of the Saville Inquiry. (Copy of report attached).

We asked them to confirm the accuracy of the report and, if so , to confirm the dates on which the rifles in question were destroyed. We also asked for confirmation of the report that only five of the twenty-nine rifles previously submitted for ballistic testing remain available and, if so, the dates on which the remaining eleven rifles were destroyed.

I enclose a copy of the reply which has now been received from the British side. It broadly confirms the media report. As you will see , some of the information sought has not been provided, including the date(s) on which the fourteen rifles were destroyed and another ten were sold .We can raise this, and any further queries you may have in relation to the matter , if you wish.

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MATTER RAISED BY THE IRISH SIDE – BLOODY SUNDAY INQUIRY (LOG I-14-00)

Your note of 31 January 2000 requested further information on a report in the Sunday Times on 30 January 2000 that rifles fired by soldiers on Bloody Sunday were destroyed by the Ministry of Defence since the Saville Inquiry was established.

The Bloody Sunday Inquiry Unit in the Ministry of Defence have provided the following information. On 1 September 1999 the Inquiry wrote to the MoD enclosing a list, based on 1972 forensic data, of the serial numbers of 29 7.62mm self-loading rifles (SLR's) fired on Bloody Sunday, asking the MoD to locate them if possible. All 29 were identified on 29 September 1999; 14 (not the 13 reported) had been issued for destruction and had been destroyed; 10 had been sold through private companies. An instruction was immediately issued by the MoD that the 5 still in their hands should be preserved.

None of the rifles used on Bloody Sunday were destroyed by the MoD once they had been identified as such. No records have been found in the MoD that would have enabled the rifles fired on Bloody Sunday to have been identified without the forensic information supplied by the Saville Inquiry. Although a register of which weapon (including the identifying number) is assigned to which soldier is made, those records are not routinely retained. As soon as the Inquiry provided their information every effort was made to locate the rifles as quickly as possible and to preserve those still in the hands of the MoD.

These rifles are obsolete weapons and were part of a disposal programme. Approximately 110,000 out of 145,000 have been destroyed. It is MoD policy for an official observer to be present to confirm that destruction has occurred. At no time was an embargo on the disposal of SLR's requested by the Inquiry.

The MoD added that they remain wholly committed to supporting the Inquiry's objective of finding out the truth about Bloody Sunday and to providing the Inquiry with whatever help it may require.

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Sunday Times
30/1/2000

MoD scraps 13 Bloody Sunday guns

THE Ministry of Defence has destroyed 13 rifles fired by soldiers on Bloody Sunday. The Saville inquiry has expressed its dismay at the action, since the guns were destroyed after the government established the new investigation into the killings in January 1998.

Only five of the 29 rifles submitted for ballistic testing to the original Widgery inquiry into the 1972 killings are still available, and some of those may have been fitted with new barrels.

Lawyers representing the Saville inquiry have told the MoD the weapons should have been preserved. There was no legal obligation on the MoD to keep the SLRs (self loading rifles) because it only received a formal request from the Saville inquiry to examine the weapons earlier this month. But solicitors acting for the inquiry say it was duty-bound to preserve them after Lord Saville's appointment by Tony Blair on January 29, 1998.

At the inquiry's last oral hearing, held in the Guildhall in Derry last September, the MoD gave an undertaking to Saville that it had provided him with all relevant material.

A spokesman for Saville said: "From the outset of the inquiry, we have asked for the disclosure of all material relevant to Bloody Sunday. It is reasonable to expect that, as a matter of principle, material connected to the events of Bloody Sunday should not be destroyed."

Vincent Kearney

An MoD spokesman said: "This matter is in the hands of the inquiry and we cannot comment on it. If the legal representatives acting for the relatives have a complaint about an issue of procedure, they should make it to the inquiry."

Solicitors representing the families of the 14 people killed by the Parachute Regiment in Londonderry have accused the MoD of destroying potentially crucial forensic evidence.

The military authorities have previously been accused of obstructing the inquiry because they backed a successful campaign to maintain the soldiers' anonymity.

Greg McCartney, a solicitor representing the family of Jim Wray, one of the Bloody Sunday victims, said the timing of the disposal of the guns was highly suspicious.

He said: "Lord Saville has made it clear that he wanted all material relevant to the shootings to be preserved and made available to him, and it is beyond belief that the Ministry of Defence should consider the rifles fired by soldiers on the day do not fall into that category.

"We have now been robbed of the opportunity to carry out our own tests. Why hold onto these rifles for 26 years and then begin destroying them at a rapid rate as soon as the incident becomes the subject of a new inquiry?

"The families hope that this inquiry will eventually make it possible to bring criminal proceedings against those responsible for the killings, but one of the most crucial pieces of evidence in any murder trial is the murder weapon."

McCartney discovered the destruction of the weapons after he asked the MoD to explain why 29 rifles had been submitted to the Widgery tribunal when only 28 soldiers had admitted firing shots.

In a response sent to the Saville inquiry, the MoD confirmed that 29 SLR rifles had been submitted for testing, and

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detailed their whereabouts. The letter said 14 had been "issued [at various dates] to a company for destruction".

One was sent out to be destroyed three days before the Saville inquiry was established, and the remainder afterwards. A further eight were issued to a company for disposal prior to the inquiry being acuvated.

The disposal company involved is currently the subject of an MoD investigation, and the military authorities are examining the stock to check if the rifles really have been destroyed.

Of the rest, two were issued to a company in 1995 for sale and five are still in the possession of the MoD at a depot in Donnington, Shropshire. The ministry has now placed a bar on any future movement.

Forensic experts appointed by the families of those killed have asked to examine the surviving rifles. They hope to match the rifles with bullets and bullet fragments recovered from some of those killed and injured. Because each rifle was numbered and assigned to a named soldier, they hope to identify who fired the shots. Only two rifles were clearly linked to identifiable soldiers in the 1972 inquiry.

The MoD has said it may not be possible to identify the soldiers who fired the remaining rifles. Records are "not permanently preserved as a matter of routine". It has also pointed out that the surviving rifles may have had new barrels fitted since 1972, which would render ballistic tests useless.

According to MoD records, about 140,000 SLRs have been issued to British soldiers. They were withdrawn from general service more than 10 years ago.

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