

CONFIDENTIAL

519/93

FROM: R P LEMON
Security Policy and Operations Division 1
23 December 1993

DESK IMMEDIATE

AMENDED VERSION

- cc PS/Secretary of State (B&L) - B
- PS/PUS (B&L) - B
- PS/Mr Fell - B
- Mr Thomas - B
- Mr Bell - B
- Mr Steele - B
- Mr Watkins - B
- Mr Williams - B
- Mr Maccabe - B
- Mr Leach - B
- Mr Cooke - B
- Mr Marsh - B
- Mr Maitland - B
- Mr McCaffrey - B
- Mr Kyle - B

*with copy
of operations
have some
point.*

*907/12
73 1E 1993*

ASST SEC 23/1
10 JAN 1994
CENT MDW SEC

- 1. Mr Perry [NP 23/12]
- 2. PS/Sir John Wheeler (B&L) - B

CULLYHANNA SHOOTING: DEATH OF FERGAL CARAHER

Mr Rogers' submission of 4 November set out the background to the incident which led to the trial of Acting Corporal Elkington and Marine Callaghan of 45 Commando Royal Marines for the murder of Fergal Caraher in December 1990. Judgement is due to be given on 23 December 1993.

- 2. Briefly, on 5 February 1992 both soldiers were charged with:
 - the murder of Fergal Caraher;
 - attempted murder of Michael Caraher;
 - unlawfully and maliciously wounding Michael Caraher with intent to do him grievous bodily harm.

Both Marines pleaded not guilty to the charges.

- 2. The Irish Side of the Secretariat will be informed of the decision as soon as details are available.

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attach lines to take on the court's verdict. The lines stress that the decision, no matter what it is, is one for the Courts. If the soldiers are found guilty, they are likely to appeal and absolutely no comment, therefore, should be made.

(Signed)

R P LEMON
SHA EXT 27032

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INES TO TAKE

If found guilty

- It would be inappropriate to comment on the Court's verdict, reached after careful consideration of all the evidence before it. This is particularly so as there may be an appeal.

[Will the men appeal?] This is a matter for the soldiers' legal representative.

[If life sentences, when will the soldiers be released from prison?] Release will be considered in due course under the normal arrangements which apply to all life sentences. ✓

If found not guilty

[If pressed]

Q. Will the soldiers be liable to military disciplinary charges?

A. No. The soldiers have already been tried, double jeopardy applies.

- [Whitewash] The Court has reached its decision after careful consideration of all the available evidence. [It is quite wrong to suggest that there was a whitewash.]

C O N F I D E N T I A L

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