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UNDERSECRETARY
CENTRAL

ASST SEC 283/2
20 FEB 1997
CENT SEC

Liz Advised 20/2
You might let Miss Johnston know that the correct spelling is JUDGMENT (not JUDGEMENT) in the case of a court judgment.
12.
20/2

FROM: M W JOHNSTON
Policy and Planning (LSU)
19 February 1997

Mr Shannon - B
Mr White - B
(without enclosures)

TO: MR R CORNISH - B
Parliamentary Section

Mr Watkins
to Long
12.
20/2

ORAL QUESTION NUMBER 20 TO THE SECRETARY OF STATE FOR
NORTHERN IRELAND BY MR TAM DALYELL -
REPLY DUE WITH PARLIAMENTARY SECTION BY NOON ON 19 FEBRUARY 1997

The attached reply and background note have been prepared by Miss Johnston, telephone number 01232 525248. In her absence, additional information may be obtained from Mrs C Doak, telephone number 01232 525331.

(Signed)

pp C DOAK
M W JOHNSTON (Miss)

~~280/26~~
407/97

DRAFT REPLY TO PARLIAMENTARY SECTION BY NOON ON 19 FEBRUARY 1997

ORAL QUESTION

Mr Tam Dalyell (Linlithgow): To ask the Secretary of State for Northern Ireland pursuant to the Oral Answer of 30 January, Official Report, Columns 498-499, when he expects to complete his consideration of the case of Guardsmen Fisher and Wright.

Sir John Wheeler

The terms of Mr Justice Girvan's recent judgement require the cases to be looked at afresh and for new information to be obtained and taken into account. I cannot say at this stage precisely when the process will be completed. However, I can assure the Hon Gentleman that the cases of the two Guardsmen will be considered as expeditiously as possible consistent with the terms of the judgement.

BULL POINTS

- The internal reviews being carried out by Life Sentence Unit will involve careful examination of all aspects of the case in accordance with the terms of Mr Justice Girvan's judgement.
- The additional information identified as relevant to this fresh review in the judgement is being gathered.
- It is not possible to put a timescale on completion of the internal review. Certainly it will take longer than the two weeks forecast by some national newspapers. There will, however, be no undue delay in completing the review.
- The Secretary of State will satisfy himself about the decision when it is reported to him.
- It would not be appropriate to comment on possible outcome scenarios.
- Guardsmen Fisher and Wright will be informed of the decision as soon as possible.

BACKGROUND

The Oral Answer on 30 January to which Tam Dalyell refers followed a question by Phil Gallie regarding how many representations the Secretary of State had received in regard to Fisher and Wright. Tam Dalyell also tabled a similar question for the Secretary of State for Defence asking what representations he had received from Lieutenant General Sir David Scott-Barrett on the subject of Guardsmen Fisher and Wright. The Lieutenant General is one of the Scots Guard Officers who are spear-heading a campaign for the early release of Fisher and Wright. A copy of the relevant Hansard extracts are attached for ease of reference.

Fisher and Wright were jointly convicted of the murder of a youth, Peter Paul McBride, during an incident which occurred when they were serving soldiers on active duty in Northern Ireland. McBride, who had been stopped and questioned by the sergeant of Fisher and Wright's army patrol, broke away from the Sergeant after a verbal or physical encounter. The Sergeant shouted "Grab him" and Fisher and Wright gave chase. The chase continued over walls and gardens over the length of three streets with the distance between McBride and the soldiers ever increasing. During this time McBride was called upon to halt but when he failed to stop both soldiers opened fire and he was fatally wounded by gunshots to his back fired by either Fisher or Wright or both.

In delivering the judgement of the Court of Appeal, the Lord Chief Justice of Northern Ireland, Sir Brian Hutton, stated that, on the objective facts of the case, the soldiers had no lawful

ustification for firing at the deceased. Following the dismissal of the appeal, Fisher and Wright applied for leave to appeal to the House of Lords but the application was rejected.

At the end of December 1996, a judicial review of these cases quashed the internal review decision taken by PUS in June 1996 that they should be referred to the Life Sentence Review Board in late 1998; the 6-year stage of sentence. Following advice from Senior Crown Counsel, the Secretary of State agreed on 27 January 1997 that the judgement should not be appealed. The cases are therefore being considered afresh, in line with the terms of the judgement delivered by Justice Girvan on 20 December 1996.

Additional information to be taken into account includes the Home Secretary's reasoning in relation to the release of Private Thain.

Life sentence cases in Northern Ireland are normally reviewed by the Life Sentence Review Board at the 10-year stage of sentence but may be considered earlier where the particular circumstances of the case warrant such action.

Fisher and Wright have each now served 4 years and 5 months.