



An Chartlann Náisiúnta National Archives

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SECRET

Meeting with P. J. McGrory, Belfast, 26 April 1988

1. As reported earlier, McGrory will be acting on behalf of the families of the Gibraltar 3 at the inquest which now appears to be almost certainly fixed for a 3 day period beginning 20 June. He is in the process of being called to the Gibraltar Bar (which has no distinction between Solicitors and Barristers) and will act from the Chambers of his legal associate in Gibraltar - Mr. Finch. His son, Barry McGrory, who works in his father's practice, had a meeting with Finch at the weekend in London at Finch's request.

2. Finch reported that he has two reliable witnesses to the shooting whose identity he is keeping confidential until just before the inquest in order to lessen the chances of their being subjected to pressures before the hearing. His two witnesses are in addition to the reported three or four witnesses found by Thames T.V. whose evidence is likely to feature on next Thursday night's feature on the Gibraltar shooting. The gist of the evidence appears to be that as the three were walking towards the border, a car pulled into the kerb and two men jumped out. Farrell and McCann are reported to have raised their arms in a gesture of surrender following which the two men are reported to have taken careful aim and shot both Farrell and McCann at a distance of five or six feet. In the case of Savage, he is reported to have been shot down while trying to escape and was subsequently deliberately shot again while lying on the ground in the manner of a coup de grace.

3. According to Finch, his sources tell him that the Gibraltar police had no foreknowledge of what was planned and significant elements within the Gibraltar police are reported to be shocked and horrified by the incident. Apparently the car used by the SAS (?) team was in fact a Gibraltar police car and contained some members of the

police. Immediately after the shooting, they bundled the SAS (?) team into the car and took them to police HQ following which they were flown out of Gibraltar. Apparently the police acted with such haste that the bodies were left unattended where they were shot for 10 or 15 minutes after the shooting. McGrory has heard that the Police Chief in Gibraltar is himself deeply unhappy about the whole affair.

4. Finch is a Gibraltarian by birth and for some years worked in the Attorney General's office in Gibraltar. Apparently he feels very strongly that the truth about the incident should emerge and told McGrory that while most Gibraltarians are loyalist to a fault, there are a significant number of influential and important Gibraltarians who are deeply concerned at the circumstances surrounding the shooting. [He commented that scepticism in some circles in Gibraltar had reached the point where there is a strong suspicion that the explosives found in the car in Marbella may well have been planted there after the event by the SAS]. One anxiety he expressed to McGrory was that he and many other Gibraltarians were most anxious for an assurance that one way or another the people of Gibraltar should not suffer in any way as a result of this incident. He told McGrory that such an assurance would encourage him and others on the Rock to pursue with greater vigour the truth about the incident. McGrory made approaches on this last week and has since received an assurance "from a senior figure close to the top of the IRA that the citizens of Gibraltar were never in any danger from the IRA and that in no way would the IRA hold the citizens of Gibraltar responsible for the incident and they will act accordingly". Apparently Finch was happy with this assurance which was given "on a lawyer to lawyer basis in strictest confidence". [McGrory surmised that Finch might use such assurances in persuading a possible reluctant witness or two]. He is continuing to press for a public statement from the IRA clarifying the precise nature of the

target etc. as he feels that such an assurance could be helpful in terms of reassuring a Gibraltar jury.

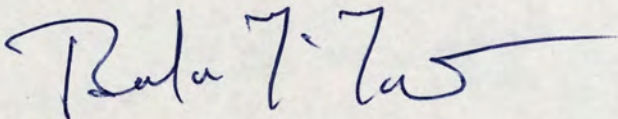
5. Finch apparently has considerable faith in the impartiality of the Coroner in the case (Pizzarello?) who he described as being considerably more impartial than the High Court Judges on the Rock. (In that context he had represented the photographer in a recent case where he had tried to have his photographs returned to him by the Police. The High Court Judge in his ruling refused the request on the basis that he would not in any way provide any kind of comfort or assistance to terrorists!) However, McGrory, as a lawyer "seasoned in the impartiality of British justice", feels that there may be a certain naivete prevalent on the Rock - particularly regarding the likelihood of any of the soldiers involved actually turning up for the inquest. He expects the usual formula of statements by the soldiers to be read to the Court by a policeman. Nonetheless, Finch feels that with a Coroner like Pizzarello (?) there is a real possibility that an open verdict could be returned in the case - an open verdict by a Loyalist Gibraltar jury would, McGrory feels, be very significant indeed.

6. As to the inquest itself he has yet to receive a copy of the inquest rules for Gibraltar. However, he understands that while a greater range of possible verdicts are open to an inquest jury in Gibraltar, the procedures at an inquest are as restrictive as those applying in Northern Ireland - viz - he cannot address the jury but may be permitted to address the Coroner, he cannot call witnesses but can only present them to the Court and hopefully "embarrass" the Coroner into calling them etc. The Pathologist's report has not yet been completed and he hopes to obtain an advance copy during the coming weeks in order to allow him to obtain an independent assessment of its contents. One point which he intends to probe is - who called in the SAS? He understands the Police Chief did not so one assumes it must have been done by the

Governor General. [Internal Security in Gibraltar is reserved to the Crown]. The question then arises as to who advised the Governor etc. etc. - a chain which he sees as leading to very high places in Westminster.

7. He expects very heavy media interest and understands that the Spanish media will be there in large numbers. Finch assumes that the Spanish Government are likely to have an observer present at the hearing "in some guise or another". Kadar Asmal has contacted McGrory as to the possibilities of taking a case to Europe. McGrory is reluctant at this stage as it could be used by the British as an excuse to duck issues at the inquest and at the civil action which he subsequently intends to take in the N.I. Courts. After the two avenues of redress have been used, he will consider any question of a European case. He feels a civil action will allow him to probe more deeply into the affair and he suspects that Lowry might make a point of sitting on the Bench to hear a possible civil action in this case.

8. Overall, the Gibraltar shooting could well, McGrory feels, prove to be a major embarrassment to the British Government - stimulating substantial disquiet within the UK and internationally, and imposing new strains on the Anglo-Irish relationship. He speculated as to whether Geoffrey Howe's recent conciliatory speech should be seen in that light - as preparing the ground for an anticipated increase in strains in the relationship.



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