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Meeting with P.J.McGrory, Belfast, 9 May, 1988

Summary

The Gibraltar Coroner has written to him indicating that the pathologist's report will not be made available to him prior to the inquest hearing. This has reinforced his view that the families committed a major error in not agreeing to his proposal for a 2nd. postmortem on the Gibraltar 3 prior to their burial. He also feels that it will leave him at a disadvantage in that the Attorney General will have received this material prior to the inquest, if not from the Coroner, then from the police in his role of chief law officer of Gibraltar. He hopes to arrange for an independent pathologist to be available to him for expert advice during the inquest hearing.

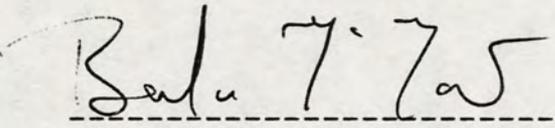
He now understands that the Gibraltar Coroner has blocked off the period from 20 June to 9 July and, other things being equal, the inquest will be held at some point during that period

He discussed with Dr.Harbinson ,who is a personal friend of McGrory, the theory being put about in the British media to the effect that Farrell and McCann may have put their hands in the air, not to surrender, but as a reaction by the central nervous system to the impact of low velocity bullets. Harbinson thought such an explanation to be highly unlikely as the shock of the impact of low velocity bullets, in his experience, have the effect of either numbing or destroying the central nervous system and the victim in such cases does not throw his hands in the air, but usually just simply collapse.

He reported that the defendents in the Maze escape trial were very happy with its result, particularly as one of its leaders , Gerry Kelly, now has only one year to serve.(Kelly had been serving life for a bombing offence, but the Dutch court had refused to extradite him to serve that sentence which they considered excessive in light of the fact that a warning had

been given. In order to extradite Kelly, the British had been forced to give him a Royal Pardon and to charge him with a limited number of offences, for which there was an equivalent in Dutch law.) McGrory speculated as to whether the Dutch court will be entirely happy with the basis for Kelly's conviction which was on the basis of the Joint Enterprise Principle - a principle which may not be shared or possibly not even be acceptable under Dutch law. I gathered that he had already made this point to Kelly's Dutch lawyer, Van Benikom.

He is currently defending 'Cleeky Clarke', one of those charged in connection with the murder of the two British soldiers on the Andersonstown RD. Clarke, and another man, Neeson, are charged, not with the actual murder, but for their part in the attack on the car - a charge which McGrory feels can be easily defended on the basis that they had every reason to suspect a repeat of the loyalist attack. He is concerned that the Crown, knowing their case is weak, may continue to remand the case, without bail, for the next year. Already a problem had arisen in the case of Neeson, whose wife attempted suicide. He thought it interesting that the court granted limited bail in that case in order to allow Neeson to visit his wife in hospital and that the fact that he had obeyed his bail conditions, could prove useful in a future bail application, for both Clarke and Neeson.



Brendan McMahon
Anglo-Irish Division
13/5/1988

cc A/Sec Gallagher
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