



An Chartlann Náisiúnta National Archives

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Gibraltar Inquest

Donagh McDonagh rang this afternoon. He went over recent proceedings which have been well covered in media reports.

His impression of the jury's reactions is that they are siding with the military witnesses and, on the crucial issue, will take the view that the soldiers did have a reasonable belief that a bomb could be detonated at any moment. They may think that soldiers A and B who shot McCann and Farrell had no alternative but that C and D who shot Savage could have avoided doing so (they had an earlier opportunity to apprehend him). They have begun to ask the occasional question.

Soldiers F (the leader) and E (the military advisor and commander) are highly intelligent, articulate and well-capable of turning McGrory's questions back at him. There was venom at times in their responses. Soldier E gave evidence that once they decided to shoot, they shot to kill. The word "arrest" now has an ambiguity; it is being used to mean "apprehend" or "legally arrest"; but also to mean the prevention of all physical movement by shooting to the brain. Soldier A was not sure if he had given a warning before shooting McCann and Farrell. Soldier E said the shooting of Savage may have "blended" with the warning.

McGrory has been good in parts. He has a tendency to make statements rather than press a line of questioning but his cross-examination of Soldiers E and F, which he had time to prepare overnight, was fine. He has a similar opportunity with Soldier A whose cross-examination continues tomorrow. The soldiers' evidence is likely to take the rest of the week.



Declan O' Donovan
13 September 1988

cc: d PS / Taoiseach ✓
f 14/9. PSU, PSS ✓
Attorney General ✓
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