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Gibraltar Inquest

Donagh McDonagh called this evening. The evidence of the surveillance team has begun and will continue into next week. The proceedings are on schedule and should end in two, possibly three, weeks.

I said we had the impression from the extensive press reports that the SAS soldiers had done well on the witness stand (noted in a leader in today's London Times attached). There were inconsistencies but they did not seem major. They had conceded that no effective warning had been given but this had taken the sting out of the expected evidence of Mrs Proetta and others. They had not been shaken on their instructions (they were not ordered explicitly or otherwise to kill). Nor were they shaken on their modus operandi (they said the ratio of ordinary arrests to killings in SAS operations was 75 to 25). They had held up on the crucial point that they had a reasonable belief that one of the three could have detonated a bomb. And they had got across the idea that the elimination of a perceived immediate bomb threat from known IRA activists had to take priority over efforts to make an ordinary arrest, warn the three or use non-lethal force. The weakest point of their evidence seemed to have been overshadowed: why they had not arrested the three at the frontier, why they had allowed a perceived car bomb into Gibraltar and why they had waited for several hours before taking any action to prevent an explosion. These issues will be gone over with the surveillance men who began evidence today.

Mr McDonagh shared this impression. He thought the soldiers had made no really damaging admission. The jury had reacted favourably to them. They had succeeded in giving the impression that there actually had been a car bomb and a walkie-talkie type detonator. A walkie-talkie had been produced in court and it had been shown how it could be concealed in newspapers such as Savage had carried. The production of the walkie-talkie had not

been contested by McGrory. McDonagh thought he should have insisted on its exclusion. The one problem with the evidence of the four SAS men A, B, C, D, was that it was too well tutored. A and B had used the same phrase repeatedly, "uppermost in my mind was the safety of the people of Gibraltar". This had been noted unfavourably by the press people present. McGrory had pressed as far as he could (in the absence of proof) that the soldiers had colluded in preparing for the witness stand. They each insisted that they had discussed their evidence only with their legal adviser.

The cross-examination of seven surveillance men H to M will provide an opportunity to McGrory to question further why a car believed to contain a bomb had been allowed to be put in position in the first place - at great risk to the people of Gibraltar. Soldier M who began his evidence today followed the line of defence laid by Soldier F. He confirmed that Savage's car had not been picked up entering Gibraltar. He said it could not be arranged to slow traffic at the frontier in order to facilitate surveillance of Savage and confessed to "disappointment" that there could not have been better team coordination.

He said there was no surveillance between Malaga and Gibraltar. This is a point to which McGrory is likely to return. The Spanish media have carried indignant denials by Spanish security sources that the three were not under Spanish surveillance (picked up in today's Irish Press). On 14 September, Diario 16 quoted a high official of the Spanish Ministry of the Interior rejecting the earlier assertion by Soldier F that the Spanish had not given the British sufficient warning about the presence of the three in Spain. According to this source, "the Spanish police, alerted by the British of the arrival of the group in January, guarded closely the movements of the three activists and warned the British police that the IRA planned a violent attack in Gibraltar". The Diario 16 source said the British police had sufficient information to arrest the three at the frontier. He recalled that the Spanish had offered to arrest the three on Spanish territory and that the British Prime Minister had

personally expressed her appreciation to Mr Gonzalez for the collaboration of the Spanish police. Diario 16 also reports that the Spanish had the apparent fourth member of the team, Siobhan O' Hanlon, under surveillance from January and watched her movements right up to the frontier. The Spanish may not carry this further - at least in public - in view of the imminent visit of Mrs Thatcher. The media may press her on the SAS statements but she will presumably take refuge in the fact that the court proceedings are continuing.

Spanish press reports are generally hostile to the military witnesses. Today they emphasise statements that once the shooting commenced, the only objective was to kill the three. Diario 16 says the soldiers have not supported the theory that they acted with haste because of the intrusion of a Gibraltar police car on the scene. Contrary to the impression given in British and Irish press reports, Diario 16 says that "during recent sessions, the lawyer McGrory has forced numerous contradictions in the testimonies of the soldiers who have shown signs of nervousness during the intense interrogation".

The Gibraltar Attorney General began contempt proceedings today against four Sunday Times journalists responsible for stories in the paper last Sunday. McDonagh said they could be jailed.

There are more British officials present than McDonagh originally thought. There are 8 or 9 in court, taking turns in note-taking, three from the FCO and the rest from the Ministry of Defence.

The high temperature and lack of air-conditioning in court is taking its toll on McGrory who is now looking very tired.



Declan O' Donovan
15 September 1988

cc'd: Mr Callaghan ✓
F16/9. Counsellors ✓
Box, ✓