



# An Chartlann Náisiúnta National Archives

<b>Reference Code:</b>	2018/68/60
<b>Creation Dates:</b>	13 October 1988
<b>Extent and medium:</b>	2 pages
<b>Creator(s):</b>	Department of the Taoiseach
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SECRET

by ~~McGrory~~  
10.11.88

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PSM ; AG  
Mr. Mally ; PSS ;  
Mr. McIlhenny / Mr. Rouse  
(3) Campbell A /  
Rex.

I met with Paddy McGrory yesterday (13th) in Belfast. He was to meet with families that evening to seek instructions as to how he should now proceed. He sees a number of options:

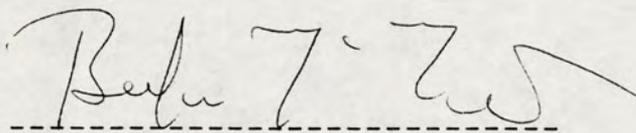
To seek a judicial review of the Inquest based on a number of factors, particularly the Coroner's final statement to the Jury which effectively excluded the possibility of an open verdict. McGrory had never expected to obtain a verdict of unlawful killing from a Gibraltar Jury and had always felt that the best result which could have been hoped for would have been an open verdict. (He mentioned that the Jury had originally split 6/5. It had been reduced to 7/4 by 7pm and finally to 9/2 at 7.15pm. In that circumstance an open verdict would have been a real possibility had it been offered to the Jury by the Coroner.) However, he did not see this avenue as a realistic option as it would have to be fought by both sides all the way -viz-a-further case in Gibraltar, then the Gibraltar Appeal Court and probably in the end the Privy Council. A conservative estimate of the costs would be in the region of at least 100,000 pounds. No legal aid would be available and the families were not in a position to carry this burden and he doubted whether Sinn Fein would be prepared to foot a bill this size.

To take a Civil Action in the Northern Ireland Courts. This would be the course he would favour. In a civil action he pointed out that the Northern Ireland Courts would not be bound by the Gibraltar verdict and he would be able to make quite a number of discovery motions which would probe the situation behind the killings. In addition, legal aid would be available and by going this road, they would be exhausting all domestic legal remedies - a factor which would strengthen their hand in taking the case subsequently

to Strasbourg. He expects that the British Government will not let the case get to court and will try to settle by paying sufficient damages.

To take the case to the Court of Human Rights in Strasbourg. McGrory sees this as a logical step, probably after the conclusion of the civil proceedings outlined above. Certainly the families are very anxious that this step be taken and Niall Farrell in particular is very anxious to take this road as soon as possible. He understands that the families will be writing to the Taoiseach urging the Government to take the case to Strasbourg. McGrory therefore wished to formally request that the Irish Government take the case to Strasbourg and I undertook to relay this request. McGrory confessed that he himself "would be agreeably surprised" if the Government were to accede to the request. He reported that one way or the other, Farrell is determined to pursue the Strasbourg route despite the fact that only very limited legal aid is available for Strasbourg actions.

McGrory mentioned that the Taoiseach had expressed an interest in meeting with him after the conclusion of the case. McGrory wondered whether a meeting could be arranged either with the Taoiseach or the Tanaiste to discuss in particular the question of the Government taking the case to Strasbourg. I undertook to convey this request.



Brendan McMahon,  
Angl/Irish Division  
14th October, 1988

cc A/Sec Gallagher

Mr. O' Donovan