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Anglo-Irish Secretariat Belfast

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Mr Dalton, Dr Mansergh,
Ambassadors London &
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Secure E-Mail

2 July 1997

a.m.
3-7
For: ~~Colm O Floinn~~

No of pages including this one: 1

From: ~~Richard Dowling~~

MR O'DONNELL
MR HICKEY
~~MR BROSNAME~~
MR CALLAGHAN
~~MR ...~~

Subj: Guardsmen Fisher and Wright

1. The British side have informed us orally that Mr Justice Girvan in a judgment (in the High Court in Belfast) today quashed the decision of the Life Sentence Review Board (LSRB) not to review the cases of Guardsmen Fisher and Wright until October of this year, ruling that the Board should now consider the cases afresh. He had judged that the former Secretary of State had "misdirected himself" in a number of areas and that insufficient background research had been carried out in the case. The British side will provide us with a copy of Mr Justice Girvan's judgment in the matter as soon as they receive it.
2. The NIO is now awaiting legal advice on whether to appeal the judgment.
3. We drew the attention of the British side to a teletext report (page 340 UTV) indicating that Peter McBride, the father of the victim, had "hit out" at the judgment which, the report suggests, "could lead to their early release. Mr Justice Girvan told Mark Fisher and James Fisher that after considering the facts, early release was 'appropriate'". Having checked with the NIO, the British side reverted to say that their understanding was that Mr Justice Girvan had **not** made any remark to the effect that early release was 'appropriate' - any such statement would have been beyond his competence in the case.
4. We will keep you advised of developments.