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Meeting of the Anglo-Irish Intergovernmental Conference

London, 18 July 1997

Item 2 (d) Bloody Sunday

Speaking Points

Key Points:

We fully endorse and support the Assessment which has been handed over to you.

When can we expect your response?

- The previous administration handed over the Assessment of the new material which emerged about Bloody Sunday. That Assessment has our full support and endorsement.
- In order to give you time to consider it, we have refrained from publicly announcing its recommendation for a new inquiry. While we have kept the relatives up to speed, we have avoided giving details of that recommendation.
- Obviously, at some point we will face pressure to give some public indication of the general tenor of our Assessment. I understand that Don Mullen's *Eyewitness Bloody Sunday* will be published in the U.S. in the autumn.
- You met recently with a delegation of Bloody Sunday relatives in London. The Taoiseach also met them recently. They have high hopes that the truth and justice they have sought for twenty five years may be at hand.
- How is your own review of the new material and of our Assessment proceeding?

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- When can we expect a response?

[In response to any queries regarding further assistance or material from us]

- We would obviously be open to responding positively to any requests for assistance or clarification. Our officials can pursue this. At any rate, our Assessment remains our considered evaluation of the new material to hand and it contains all the relevant material.

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Meeting of the Anglo-Irish Intergovernmental Conference

London, 18 July 1997

Item 2(d) Bloody Sunday

Background Note

Government Assessment

1. The Government's assessment was handed over to the British Government in confidence on 24 June 1997 within the framework of the Anglo-Irish Intergovernmental Conference and with agreement of the incoming Government. The assessment considers the significance of the new material and presents a detailed deconstruction of the Widgery Report. It finds that the Widgery Report presented a fundamentally flawed and inaccurate version of events and that its purpose appeared to be to exculpate the actions of the British Army. The Assessment concludes that

- *The new material fatally undermines and discredits the Widgery Report. A debt of justice is owed to the victims and their relatives to set it unambiguously aside as the official version of events. It must be replaced by a clear and truthful account of events on that day, so that its poisonous legacy can be set aside and the wounds left by it can begin to be healed. Given the status and currency which was accorded to the Widgery Report, the most appropriate and convincing redress would be a new Report, based on a new independent inquiry.*

- *The terms and powers of any new inquiry would need to be such as to inspire widespread public confidence that it would have access to all the relevant official material and otherwise enjoy full official support and cooperation, that it would operate independently, that it would investigate thoroughly and comprehensively, and would genuinely and impartially seek to establish what happened on Bloody Sunday, why it happened and those who must bear the responsibility for it.*

2. In order to allow the British authorities time to consider the Assessment and to formulate a response, the Government did not indicate publicly the nature of its recommendation. The British Government is considering the Assessment in the context of its own consideration

of the new material which has emerged.

3. Speaking in Dáil Éireann on 9 July 1997, the Taoiseach reiterated that the Widgery Report must be repudiated and the truth of Bloody Sunday must be told and acknowledged.

British Position

4. On a visit to Derry on 20 January 1997, Dr. Mowlam stopped short of committing a future Labour government to launching a new inquiry. However, speaking in Derry as Secretary of State on 9 May 1997, she said "Bloody Sunday and what happened to people on Bloody Sunday and what their families and friends have gone through since is a situation which I find totally unacceptable and one that my heart just goes out to them and we're just going to have to do something." We understand that, while in Washington in late May, Dr. Mowlam remarked privately that she intends taking action on the Bloody Sunday issue and that she has been in contact with John Hume in this regard. It seems therefore that the current British Government sincerely wish to take the matter forward (one British official remarked that even the MOD accepted that something had to be done).
5. The Secretary of State may now be considering the appointment of a senior figure, probably a judge, to carry out an independent review of the new material which has emerged. The terms of reference of the review exercise may not yet have been worked out nor have any candidates been approached. It is thought the NIO hope that such a move would obviate the need to formally reopen the Widgery Tribunal. The Secretary of State has hinted, not surprisingly, that there would be considerable resistance to any reopening of the Bloody Sunday issue that might open those involved to prosecutions.
6. While the appointment of a senior figure might be cautiously welcomed as a first step, it would fall short of a convincing final response in and of itself. Irrespective of the response of the British Government, further new material is likely to come to light which would add to the emerging picture of what happened on Bloody Sunday.
7. The British side have recently asked informally whether our archives contain any first hand evidence relating to Bloody Sunday, not already in the public domain which might be relevant to the British Government's internal analysis of the new material and, in due course,

to the independent review exercise. The British side is aware that this question requires careful consideration by our side. At any rate, our Assessment remains our considered evaluation of the new material to hand. We would obviously be open to responding positively to any requests for assistance or clarification.

Bloody Sunday Relatives

8. The Bloody Sunday Relatives believe that their campaign for truth and justice has made considerable advances since the 25th anniversary last January. The publication of *Eyewitness Bloody Sunday* provided an enormous boost to the public perception of the events of Bloody Sunday and the nature of the Widgery Report. A delegation travelled to the U.S. to participate in various Irish American functions relating to St. Patrick's Day and was very warmly received. *Eyewitness Bloody Sunday* is due to be published in America in the Autumn.
9. The Relatives have been kept informed by officials of progress on the Assessment and have met the Government on a number of occasions. A delegation including Don Mullan, the author of *Eyewitness Bloody Sunday* met with the Taoiseach on 2 July 1997. They indicated that they were particularly pleased with the commitment of Irish Governments, past and present, to pursuing the issue, as illustrated by the Assessment and the Government's endorsement of it. The Taoiseach assured them of his commitment to resolving the issue of Bloody Sunday.
10. A delegation met with a number of Labour MPs in London and with the Secretary of State on 3 July 1997. John Kelly of the Bloody Sunday Justice Campaign described the meeting with the Secretary of State as "cordial and very constructive". The delegation presented her with a petition containing 40,000 names calling for the repudiation of the Widgery Report. Each of the relatives gave an account of the impact on them and their families of Bloody Sunday. Dr. Mowlam explored the relatives' desire to pursue prosecutions. She apparently indicated that it would take her three to four months to come to a decision on the matter.
11. The Bloody Sunday Relatives would likely react with extreme caution to any proposal that fell short of their demand for a new, independent inquiry.

Judicial Review

12. A judicial review application is pending on behalf of the victims' relatives. It was adjourned at the request of the applicants last February ostensibly to gather further material. The applicants have in fact opted to see whether the political route to quashing Widgery proves successful before taking any risks with a judicial review that might, on some unexpected technical ground, fail to quash Widgery. Despite their hesitation, legal observers believe that the review might well succeed. We understand Judge Kerr, who will likely hear the application, has indicated privately that, when the case comes up again, he is disposed to finding in favour of the families. While the judicial review may lead to the formal quashing of the Widgery Report, it is uncertain whether this would put the British Government under any legal obligation to institute a new inquiry.

Security Section
Anglo-Irish Division
Department of Foreign Affairs
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