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DUSB/7135

FROM: A W STEPHENS
26 OCTOBER 1988

cc PS/Secretary of State (B&L) - B
PS/PUS (B&L) - B
① PS/Sir K Bloomfield B
Mr Steele - B
Mr Chesterton - B
Mr Miles - B
Mr Jackson - B
Mr McMullan - B
Mr Wood - B
Mr Bell - B

② N101

PS/MINISTER OF STATE (B&L) - B

MAZE ESCAPE COMPENSATION CLAIMS

I think the Minister is already aware of the Pettigrew case. If he has not already seen it, he will certainly find it useful to see Mr Steele's minute of 20 June which warned that the case was likely to go against us.

2. Judgment is still awaited but I have now been informed by Crown Counsel that the Lord Chief Justice is expected to deliver his judgment during the week commencing 7 November. The expectation remains that he will find for the plaintiff and will be highly critical, not only of what occurred on the day of the escape but also of the reliability or otherwise of the evidence given by prison staff. Such a judgment is bound to attract a good deal of attention and to be thoroughly unhelpful to our efforts to keep the prisons out of the limelight and to build up public confidence in the administration of justice in Northern Ireland.

3. It will have particularly unwelcome implications, as has been pointed out previously, for any extradition cases involving Maze escapers. We shall of course be considering how the timing of the Pettigrew judgment may affect the Finucane case. If only for

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tactical reasons, it may be worth thinking about taking the Pettigrew case to appeal, always assuming that there are sufficient grounds for appeal. We should have to weigh the advantages of doing so against the disadvantages of keeping the case alive for many more months.

4. This may be the situation anyway if some of the other prisoners concerned decide to emulate Pettigrew and commence civil actions. Some of them had in fact taken out cases before he did, in the County Court, but had lost them. It is not yet clear whether it would be procedurally possible for these to be reopened in the wake of a High Court judgment in Pettigrew's favour, but we shall try to establish this.

Signed AWS

26 October 1988

A W STEPHENS

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