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Rt Hon Paul Murphy MP
 Minister of State for Northern Ireland
 House of Commons
 London SW1A 0AA

6th May 1997

Dear Paul Murphy,

Many congratulations on your appointment, and on the election result as a whole. We wish you well in the very difficult task you have ahead, which is also, of course, an opportunity to make history.

As you may know, British Irish RIGHTS WATCH is an independent non-governmental organisation and registered charity that monitors the human rights dimension of the conflict and the peace process in Northern Ireland. Our services are available to anyone whose human rights have been affected by the conflict, regardless of religious, political or community affiliations, and we take no position on the eventual constitutional outcome of the peace process. In common with all other NGOs working on Northern Ireland, we believe that building a culture of rights in Northern Ireland is essential to the peace process, whatever its political outcome, because it creates the climate in which dialogue and compromise can develop.

If we can assist you by providing information or briefings on human rights issues in relation to the conflict and peace process, please do not hesitate to call on us. Something that may be of immediate use to you in view of the impending meeting with John Bruton is the enclosed summary of the new evidence that has come to light regarding Bloody Sunday. There have been one or two other developments since this briefing was written. As you know, the Irish government has been carrying out an in-depth study and will shortly be presenting you with its report, and a public petition is also on its way to you.

I shall be out of the country until next Monday, but if I can provide you with further material after that, whether on Bloody Sunday or any other matter within our remit, please do not hesitate to contact me.

With all good wishes,
 Yours sincerely,

Jane Winter

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*fruitable reply,
 please.
 PJW*



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BLOODY SUNDAY: NEW DEVELOPMENTS

BACKGROUND

On Sunday 30th January 1972 thirteen people were killed by British soldiers and 14 others were injured. One of the injured died prematurely young not long after Bloody Sunday.

The victims were taking part in a demonstration against internment without trial, in contravention of a six months' ban imposed on all demonstrations. The 1st Battalion Parachute Regiment (known as the Paras) was ostensibly deployed to mount an arrest operation within the Bogside area of the city, which had been a nationalist "no go area" for British troops for the previous two years. Soldiers opened fire on the demonstrators, a small number of whom had previously been engaged in low-level rioting, such as stoning soldiers. Accounts differ as to whether the soldiers were fired upon before opening fire or whether they fired without provocation, but it is undisputed that army statements issued after the incident claiming that the deceased were gunmen and bombers were untrue. There is no evidence that any of the deceased was engaged in attacking soldiers at the time of their deaths; on the contrary most of them were fleeing from the soldiers. No soldier was prosecuted for any of the killings.

The government established an immediate Tribunal of Inquiry into the incident, undertaken by the then Lord Chief Justice, Lord Widgery. His report, published in April 1972 less than three months after the event, has been criticised and discredited in a number of important respects. Significant fresh evidence that has come to light since the Widgery report was published shows that the inquiry itself and the report were seriously flawed.

FRESH EVIDENCE

This fresh evidence includes:

1. a minute of a confidential meeting between Lord Widgery, the Prime Minister (Edward Heath), and the Lord Chancellor (Lord Hailsham) on 1st February 1972, two days after Bloody Sunday, which shows that the remit of the inquiry was deliberately restricted to what actually happened in those few minutes when men were shot and killed. The Prime Minister outlined a number of issues that "he thought it right to draw to the Lord Chief Justice's attention", including that:

"(e) It had to be remembered that we were in Northern Ireland fighting not only a military war but a propaganda war."

2. Lord Widgery did not himself inspect the 700 eyewitness statements delivered to him by the Northern Ireland Civil Rights Association specifically for the purpose of assisting him in his inquiry. It is also clear that his own attitude towards the statements was hostile and that the attitude of those advising him was dismissive.

3. Had the statements been properly considered, it would have become apparent that they contained evidence that the Paras were not the only soldiers to have been firing shots in the city on Bloody Sunday. In a book entitled *Eyewitness Bloody Sunday: The Truth* edited by Don Mullan and published by Wolfhound Press in January 1997 there is a compilation of 114 of the eyewitness statements originally submitted to the Tribunal of Inquiry. On pages 141 to 165, 13 statements are reproduced all of which state that firing was coming from the city walls.

4. A Channel 4 news item transmitted on Friday 17th January 1997 included footage of interviews with three eyewitnesses who all say that they saw soldiers firing from the city walls. It also contains an audio recording of a tape made by James Porter, an amateur radio ham, of security force transmissions made during the events of Bloody Sunday, which also confirm that soldiers were stationed on the city walls and fired from that location. Mr Porter asserts that he attempted to submit his evidence to Lord Widgery, but that he ruled it inadmissible because it had been obtained illegally. The item also includes medical evidence that suggests that three unarmed teenagers who died on Bloody Sunday, Michael McDaid, John Young, and William Nash, who all died within a few feet of one another, may have been shot from the city walls.

5. On 30th January 1997, the Bloody Sunday Trust published a report written by Professor Dermot Walsh LLB, PhD, BL, a professor of law at the University of Limerick, entitled *The Bloody Sunday Tribunal of Inquiry: A Resounding Defeat for Truth Justice and the Rule of Law*. His analysis of the large volume of papers recently released by the Public Record Office reveals an important series of facts that were known to Lord Widgery and the team of lawyers and civil servants working on the inquiry, but were not disclosed to Counsel representing the interests of the deceased or to the public, namely:

a) that there were substantial material discrepancies in the accounts given immediately after the event by soldiers who fired their weapons on Bloody Sunday and those they gave to the Tribunal. In the body of the report, Professor Walsh makes a meticulous analysis of these discrepancies, which shows that soldiers amended their statements in order to achieve three objectives: the excision of incredible statements; the corroboration of one another's statements, and the exoneration of themselves from any potential charge of murder;

b) that the nature and extent of these discrepancies are such that they not only render the soldiers' evidence unreliable, but they also give grounds for

charges of murder or attempted murder against some of the soldiers concerned;

c) that the approach taken by the Tribunal towards the sharp conflict of evidence between army and most civilian witnesses was riddled with actual and apparent bias. In particular, the role of the Secretary to the Tribunal gives cause for serious concern; and

d) that the Tribunal failed altogether to deal with shootings by soldiers other than members of the Paras.

Professor Walsh concluded:

"The fundamental purpose in appointing a Tribunal under the Tribunals and Inquiries (Evidence) Act 1921 is, of course, to establish the facts in a matter of grave public concern and satisfy the public that the full facts have been so determined. There has been no greater challenge to the basic foundations of our democracy and the rule of law than the charges that were levelled at the British Army and the British government 25 years ago in the wake of Bloody Sunday. The Widgery Tribunal had to rise to that challenge and restore confidence where it had been lost. The only conclusion that can be reached on the basis of the analysis in this paper is that it has failed. In the light of its excessive reliance on flawed evidence, the extent to which its Report is infected with the appearance of bias and its failure to address some of the fundamental questions posed by the day's events, it cannot realistically be suggested that the Widgery Tribunal has discharged its obligations. It follows that, twenty five years later, the events of Bloody Sunday have yet to be fully and fairly investigated by a Tribunal appointed under the 1921 Act. The needs of truth, justice and the rule of law have yet to be served."

6. A news item transmitted by Channel 4 News on Wednesday 29th January 1997 recounted information given to them by a former member of the Royal Anglian Regiment who was present on Bloody Sunday. He told them a 14-man platoon from the Royal Anglians was on observation duties on Derry's walls. One of their snipers was situated in a derelict terrace of houses overlooking a barricade at which 3 unarmed civilians were shot dead. He remembered hearing the man shout, "He's got a gun!" And then seconds later he fired three rounds. A few seconds after that the sniper yelled, "Bloody hell, I've got 2 with 3 shots!" This footage confirms that there was at least one soldier firing from the walls of the city on Bloody Sunday. Lord Widgery made no mention of this in his report.

7. Another news item transmitted by Ulster Television News on Thursday 30th January 1997 included archive footage of a soldier, saying

"There is no reason to suppose that all those casualties in the hospital were as a result of the Paratroop Battalion's operation. There were a considerable number of engagements between snipers and soldiers of two other regiments who were on the periphery of the Bogside at about the same time."

The soldier is believed to be [REDACTED] who was then attached to HQ Northern Ireland. This footage confirms that there were at least two other regiments as well as the Paratroopers in the city on Bloody

Sunday and that an army spokesman attributed some of the casualties to these other regiments.

RECENT DEVELOPMENTS

The Bloody Sunday families are seeking full exoneration of the victims, and have made it clear that they are not seeking an apology. They are calling for an independent, international inquiry (the Mitchell Commission is a useful precedent) into Bloody Sunday with all necessary legal and judicial powers.

On 30th January 1997, the 25th anniversary of Bloody Sunday, lawyers representing the relatives of the deceased lodged an action in the Northern Ireland High Court to quash the Widgery Tribunal. All the fresh evidence was laid before the courts and sent to the government as part of the case.

Amnesty International has written to the Secretary of State calling for a new inquiry, and a joint letter doing the same has been sent to the Prime Minister signed by the following non-governmental organisations: Amnesty International, the International Federation of Human Rights, the Committee on the Administration of Justice, the Irish Council for Civil Liberties, Liberty, the Scottish Council for Civil Liberties, Human Rights Watch, the Lawyers Committee for Human Rights and British Irish RIGHTS WATCH.

On 30th January 1997 John Hume MP MEP asked the Prime Minister an oral question in the House of Commons, suggesting that there should be a public investigation into why the people who died on Bloody Sunday were shot. The Prime Minister replied:

"The actions at the time were fully investigated by the Widgery committee. I know of no reason at present to reopen that inquiry. If anyone has fresh, relevant evidence, of course it should be sent to the proper authorities."

On 14th February 1997 John Hume met Sir Patrick Mayhew MP QC, Secretary of State for Northern Ireland, together with representatives of the relatives of the Bloody Sunday deceased and their advisers, to formally present the newly discovered evidence to the government. The Secretary of State informed them that he would thoughtfully review the evidence they had presented him with, take advice, and let them have a decision on their demand for a new enquiry. However, on 15th February 1997, he gave an interview on BBC Radio Ulster's programme *Inside Politics*, in the course of which he said in relation to Bloody Sunday:

"An apology is for criminal wrong-doing and there is nothing in the Widgery Report to support that. There is nothing in the evidence available to support that and therefore it would be wrong. It would be unjust to those who took part in the tragic events [to apologise]."

By 29th January 1997, 72 members of the British parliament had signed early day motions calling for a new investigation of Bloody Sunday.

On 20th February 1997 the relatives of the Bloody Sunday deceased and their advisers met the Irish Taoiseach, John Bruton, and the Tánaiste, Dick

Spring, as well as representatives of all other political parties in Ireland, in order to present them with the new evidence also. Reporting on the meeting to Dáil Éireann on 25th February, the Taoiseach said:

"I outlined the Government's efforts to ensure that the tragic events of Bloody Sunday will not continue to be an unnecessary source of additional grievance for the loved ones of those who died. In that regard, I received clarification earlier that day of the British Government's position arising from a meeting with ambassador Sutherland that had been arranged some time previously. It was made clear that the British Government had not had a chance to scrutinise the evidence presented at the meeting earlier between the relatives and the Secretary of State for Northern Ireland; that it had not prejudged that evidence; that no options in terms of a response have been ruled out and that if there is evidence that is substantial and new, then that will be considered by the British authorities and the appropriate action will be taken.

At our meeting with the relatives, the Government side also gave an overview of our work in compiling an assessment of relative material for transmission to the British Government... I have made it clear in the House on a number of occasions that I regard the victims in question as entirely innocent. I believe they have been the victims of an injustice. I believe they deserve an apology for that injustice. Their case deserves to be put in the strongest and most effective fashion possible for full vindication."

On 27th February 1997, the leaders of the four main churches in Ireland (Catholic Archbishop Sean Brady, Protestant Archbishop Robin Eames, Presbyterian Moderator Rt Rev Dr Harry Allen, and Methodist President Rev Ken Best) issued the following statement:

"The Leaders of the four main Churches welcome the fact that the Government has agreed to examine any new evidence concerning the events of Bloody Sunday, and express the hope that such an examination will be carried out expeditiously."

5 MARCH 1997