

8. A few months ago it was agreed ~~between~~<sup>by</sup> the Northern Ireland Government that we should be given advance warning of civil charges against soldiers for alleged offences whilst on duty. I was therefore somewhat surprised to hear that summonses had been issued without prior notice against three soldiers for dangerous driving and another for common assault. These are, I believe, all charges on indictment, though they are said to be unlikely to produce more than a fine in case of a finding of guilty. Apparently, the agreement has been construed as referring only to the more serious charges which could involve a mandatory sentence of imprisonment or the strong likelihood of a sentence. I am trying to get this mis understanding sorted out in consultation with the Northern Ireland. As the Chief Crown Solicitor has offered to tell us of recommendations by the police for prosecution before the Attorney General sees them in order that we may be able to feed in the Northern Ireland view for his consideration, I am anxious not to make an issue with the Attorney-General himself of the relatively minor cases on hand. I am further influenced in this view by a talk which I had with him last Wednesday.

9. The Attorney-General told me that he had before his recommendations from the police that a soldier should be tried for manslaughter arising out of the death of Mrs Sarah Worthington in Belfast and that another should be tried for the murder of a man named Mc Greenery in Londonderry. His provisional view was that no action was called for in the Belfast case and that manslaughter at most would be appropriate in the Londonderry incident. Indeed, he felt that the latter probably called for no charge at all. He promised to advise us if he felt that action in either case was called for. I have no doubt that the Attorney General is doing all within his power to protect the Security Forces against criminal proceedings in respect of actions on duty. He must, however, preserve an impartial approach and is worried about the possibility of private criminal proceedings should he fail to act in cases where inactivity could hardly be justified. Given his delicate position this is understandable. I am however satisfied that there is no need to remind him of the danger to morale inherent in prosecutions of soldiers or policemen.

10. During our visit there was discussion about the "claims war" and whether any action was desirable to create a special tribunal or court to consider claims rather than to allow their prosecution in the civil courts and whether to include in the legislation, which would be necessary to establish this machinery, a provision to prevent private criminal prosecution of members of the Security Forces for their actions on duty. The Ministry of Home Affairs tell me that they are discussing this possibility with the Home Office and we can only await further developments. The idea has its attractions but also raises some delicate political problems.

11. I also enclose (E2) a diary of our visit in case you should wish to follow the course of our discussions in more detail. You may care also to see copies of the letters which I have sent to the Attorney General, Chief Crown Solicitor and Ministry of Home Affairs (E3 - 5).

(Sgd) J. M. PARKIN

6 December 1971

Head of C 2(AD)