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classified documents as evidence for the defence or to ask certain members of the Army to appear as witnesses. The same consideration applied a fortiori to the Special Branch. It might therefore be necessary to limit the defence of certain suits unless the Northern Irish court rules allowed judges to take evidence from "sensitive" witnesses on commission. Mr Parkin said that an alternative would be to introduce jurisdiction removing writs against the security forces from the jurisdiction of the Northern Ireland court, and establishing a tribunal to hear the cases. Such a tribunal would enable the cases to be heard quickly and informally. The members of the tribunal would be permitted to take evidence in camera and the two parties would not be allowed to cross-examine each other's witnesses.

12. Mr Stout said that the Northern Ireland Government was considering whether to introduce a two clause bill which would establish such a tribunal and also forbid private prosecutions of soldiers on criminal charges without the consent of the Attorney-General. He liked the idea of the unit in the Crown Solicitor's Office, and said that this could serve the tribunal if it were established. Major Bailey thought that the tribunal could be presented as a concession to wrongly arrested detainees, thus muting adverse publicity.

13. Mr Stout added that he would like, if possible to "regularise" the unlawful arrests by means of retrospective legislation. He stressed that the arrests were unlawful due to a procedural technicality and that the internees would still have been deprived of their liberty. If the right formula had been used, Mr Parkin doubted whether it would be politically acceptable to "regularise" arrests in this way. The Government would be unwise to deprive the individual of his right to go to the courts for reparation. Mr Stout and Mr Parkin agreed that any legislation setting up a tribunal and inhibiting prosecutions would need to be discussed with the Attorney-General and the Home Office.

14. The meeting turned to the proposed clause which would prevent private criminal prosecutions of members of the security forces. Mr Parkin said that this could raise a minor political storm but might nevertheless be generally acceptable. He went on to say that there was no question of placing soldiers and policemen above the law. The purpose of the proposed legislation would be to safeguard them from malicious criminal prosecutions designed to reveal the identity of individuals whose work was particularly obnoxious to the IRA. Members of the Army must, of course, remain at risk of prosecution by the Attorney-General or Director of Public Prosecutions in cases where they had apparently offended against the law in the performance of their duty.

Wednesday 1 December 1971

15. On Wednesday morning we visited the Attorney-General (The Right Hon Basil Kelly, QC, MP). Mr Parkin discussed the legal position of soldiers in Northern Ireland and explained why it was important that Ministers should be given as much advance notice as possible of any prosecution of a member of the Armed Forces. He said that morale was delicate in Northern Ireland and would be seriously damaged if soldiers were prosecuted for actions committed on duty in good faith. The Attorney-General said that he was aware of these considerations and that he took particular care when deciding whether to prosecute a soldier or policeman. He would always inform HQMI before he placed the soldier on a criminal charge. He added that he too was in a delicate position and that he must come to an impartial decision when considering whether or not to take proceedings against a member of the security forces.

16. The Attorney-General said that the RUC had recently recommended that he should charge one soldier with manslaughter and another with murder for offences committed on duty. The proposed murder charge would be in respect of the death of William Francis McGreaney who was shot by a soldier in Bligh's Lane, Londonderry, on 15 September 1971. The proposed manslaughter charge would be in respect of the

CONFIDENTIAL

CONFIDENTIAL

death of Mrs Sarah Worthington in the Ardoyne on 9 August 1971. The soldier in question saw a person moving in the back room of a house which he was searching, and opened fire killing Mrs Worthington when she refused to come out. The Attorney-General said that his junior had advised that no charge should be preferred in the Worthington case and that a charge of manslaughter at most should be preferred against the soldier involved in the Bligh's Lane incident. The Attorney-General promised to tell EGMI if he decided upon reflection to institute proceedings in either case.

17. The Attorney-General then discussed the civil claims which were arising out of interrogations. He said that it would be difficult to find a legal basis for the ill-treatment referred to in Compton's Report. He was glad that he had not been asked to initiate any public prosecution of the members of the security forces involved, but he feared that the men who had been interrogated might start private criminal prosecutions against the staff of the interrogation centres. This would be an attempt to discredit Compton's enquiry in the courts.

18. The Attorney-General talked about the proposed legislation discussed by Mr Stout on the previous afternoon. Mr Parkin said that the detainees could sue the MOD and its agents in England if they wished to boycott the tribunal set up to adjudge their claims. The detainees would, however, defeat their own ends if they sued in the English courts, since they could not litigate against the MOD or RUC outside Northern Ireland and since their cases would not be heard for a year or more. For this reason there would be no need to introduce parallel legislation in Westminster if Stormont passed a bill taking civil claims against the Army out of the jurisdiction of the Irish courts. As criminal prosecutions may not be heard in English courts in respect of offences committed in Northern Ireland, there was equally no need for Westminster legislation inhibiting private criminal prosecutions of soldiers.

19. The Attorney-General mentioned the soldiers who were being prosecuted for traffic offences, and assured Mr Parkin that those charged with dangerous driving were unlikely to receive more than a fine if found guilty. He was certain that the fact that the defendants had been under operational constraints at the time of the alleged offences would be fully taken into account.

20. After the Attorney-General had left we held a short discussion with the Chief Crown Solicitor, Mr Golligher. He promised that in future he would notify EGMI of any recommendations by the RUC that soldiers should be prosecuted, before the papers were passed to the Attorney-General. This would enable the Army to contribute any military information which might have a bearing on the case, and would also enable the Headquarters to give advance warning to the MOD. Mr Golligher supported the idea of setting up a joint MOD/MODHA cell in his office, and talked in general about legislation to set up a tribunal.

21. In the afternoon we visited Mr Howard-Smith who is the Home Office's civil adviser to the Northern Ireland Government. Mr Parkin gave an account of his discussions in Belfast and said that he would recommend the immediate establishment of the proposed MOD/MODHA cell in the Chief Crown Solicitor's Office. Mr Howard-Smith approved of this arrangement, but was unhappy about the political implications of the legislation which the Northern Ireland Government was considering. He said that the Home Office would wish to be consulted before any bill was introduced.

22. In the evening we held a closing conference with the Chief of Staff and a number of other officers from EGMI. Mr Morris said that he would arrange for a second MOD to come to Belfast immediately and that the MOD already there, Mr Graystock, would become the MOD's representative at the new joint cell. Major Le Tissier said that he would set up a unit forthwith in the Headquarters

CONFIDENTIAL