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NOTE FOR THE INFORMATION OF THE TANAISTE

On 6 March 1988, Mairead Farrell, Danny McCann and Sean Savage were shot dead by the SAS in Gibraltar. Media reports indicated that the gang had been placing a 500lb car bomb and the IRA admitted that the 3 were on "active service".

On 7 March, the British Foreign Secretary, Sir Geoffrey Howe, outlined the official version of events - namely, that the three made movements which led security personnel to believe that their lives or the lives of others were under threat and were therefore shot. He also revealed that the car parked by the gang in Gibraltar did not contain a bomb and that the three were unarmed.

The Government issued a statement on 8 March, (Tag A hereunder), which, while condemning all forms of violence and recognising the necessity for security forces to take all reasonable measures to combat terrorism, stated that the Government were deeply perturbed that three unarmed Irish people should have been shot dead when it appeared that they could have been arrested.

Notwithstanding British Government representations regarding possible prejudicial effects on the Inquest on the Gibraltar 3, the IBA screened a documentary programme "Death on the Rock" which seriously contradicted the official account of the shootings. The makers of the programme were subjected to heavy criticism but were subsequently vindicated by the Windelsham Report.

Following the "Death on the Rock" programme, the Government issued a further statement on 29 April (Tag B hereunder) which, while reaffirming their absolute condemnation of all forms of violence and recognising the necessity for security forces to take all reasonable measures to combat terrorism, reiterated their deep concern at the circumstances of the shooting and pointed to the Taoiseach's statement in America that the rule of law must remain paramount in a civilised society, if the State

is to retain its moral authority. The statement went on to say that "the Government expect that the fullest possible information will be provided by the forthcoming Inquest and that any further enquiry or legal action necessary to uphold without fear or favour the rule of law will be instituted".

The British Government made it clear that the Inquest would be the only public inquiry into the shootings. Therefore, in view of the exceptional public interest nature of the Inquest and of the Government's deep concern on the matter, the Government appointed Mr Donagh McDonagh (Barrister-at-Law) to attend the Inquest as their legal observer.

On 30 September the Inquest Jury, by a majority of 9 - 2, returned a verdict of lawful killing and shortly thereafter, the Government received the McDonagh report on the Inquest.

Recent Developments

The Solicitor for the families of the Gibraltar 3 (Paddy McGrory) has begun to initiate civil proceedings in the Northern Ireland Courts with a view to "exhausting all domestic remedies" - which is a requirement before an individual can initiate proceedings before the European Court of Human Rights at Strasbourg. This promises to be a lengthy and difficult procedure. In order to short circuit this requirement and to accelerate matters, he has formally requested the Government to initiate an interstate case against Britain. This request is currently under consideration in the Department. The advice of the Attorney General has been sought.

The recent award by the Spanish Government of service medals to members of the Spanish security services involved in following the movements of the Gibraltar Three, has triggered further media reports which, if accurate, must seriously call into question whether the Gibraltar Inquest had before it the full facts of the

case. Such recent media reports contain allegations concerning two vital elements -viz-

That the 3 were under surveillance by the Spanish security services right up to the time when they crossed the border into Gibraltar, and that the British security services were informed by the Spanish that there was no bomb in the car and that the three were unarmed.

That the senior British Army explosives expert at the scene in Gibraltar was of the opinion that the car did not contain a bomb, but that a more junior expert, who was of the contrary opinion, was the only one called as a witness at the Inquest.

There is still intense media interest in this case and it is quite possible that further reports, damaging to the British Government, may yet emerge which may seriously call into question the conduct and outcome of the Gibraltar Inquest and lead to pressure for a judicial review. It is likely that an Amnesty International report due for publication on 18 April will call for such a review.

Labour Party Document

It is possible that either Deputy Spring or Deputy Taylor may raise the question of a paper which Deputy Spring passed to the Taoiseach last February relating to the Gibraltar Inquest. A copy of a Background Note and the extract of a previous PQ on the matter is below (Tag C). Essentially, there was nothing new in the document; it related to police deployment on the day the attack was expected, 8 March, and not to the day on which it occurred, 6 March; the families' solicitor (Paddy McGrory) had a copy of the document available to him at the Inquest hearing but felt that it was of no relevance to the proceedings.

Other documents in brief are text of PQ of 13 December 1988 relating to publication of the report of the Government's observer (Tag D); text of PQ of 17 May 1988 (Tag E); text of Taoiseach's comments in the Dail on 8 March 1988 (Tag F).

Anglo/Irish Division

12 April 1989

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Government Statement on Gibraltar Shootings

The Government condemn all forms of violence and recognise the necessity for security forces to take all reasonable measures to combat terrorism.

The Government are, however, gravely perturbed that three unarmed Irish people should have been shot dead in Gibraltar on Sunday when it appears from reports that they could have been arrested by the security forces involved.

The Government are seeking full details from the British authorities of all aspects of the three fatal shootings.

8th March, 1988.

Government Statement. 29 4 88

The Government wish to reiterate the deep concern they have already expressed in their statement of 8th March 1988 that three unarmed Irish people suspected of being involved in serious crime should have been shot dead, when it appeared from reports that they could have been arrested by the security forces involved.

The Government re-affirm their absolute condemnation of all forms of violence, and recognise the necessity for security forces to take all reasonable measures to combat terrorism. But as was pointed out by the Taoiseach in America last week, the rule of law must remain paramount in a civilised society, if the State is to retain its moral authority. The Government expect that the fullest possible information will be provided by the forthcoming inquest and that any further enquiry or legal action necessary to uphold without fear or favour the rule of law will be instituted.

und Note

During the Dail d _____ ember, Deputy Spring referred to a document in his _____ (Exhibit 167 at the Inquest) which he felt contained important information and which was withheld from the Jury. He subsequently forwarded the document to the Taoiseach.

The document was an operational order for the security forces in Gibraltar which showed that an Inspector Revagliatte was assigned as leader of one of the police firearms teams. At the Inquest, the same Inspector Revagliatte testified that he was on duty in Gibraltar on Sunday, 6 March, but was unaware of the operation taking place and that he was responsible for unwittingly sounding the siren on his police car - an incident which may well have precipitated the shooting of Farrell, Savage and McCann.

However, the document forwarded by Deputy Spring is undated and may well have been prepared in advance for an operation which was expected to take place on Tuesday 8 March (during the changing of the guard ceremony) and was only brought forward at the last minute to Sunday 6 March.

We understand from Paddy McGrory that the family lawyers were well aware of the existence of the document at the time of the Inquest but considered that because it was undated, it was of no relevance to the proceedings.

In his Dail statement, Deputy Spring also made reference to an off duty policeman who testified that he heard shouts of "Police, Police" before the shots were fired and that the Court were not told that this witness was a brother of one of the policemen on the police firearms team - something which could have effectively undermined the "independence" of the witness in the eyes of the Jury. We had already been aware of this from McGrory, who was not made aware of the relationship until after the event, and who still sees this as an important omission in the proceedings.

B. J. W.

Anglo/Irish Division, 16 February, 1989.