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FM DUBLIN 091400Z NOVEMBER 79

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TELEGRAM NUMBER 396 OF 9 NOVEMBER 79

INFO ROUTINE NIO BELFAST WASHINGTON

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Prime Minister
12.11.

MURDER OF LORD MOUNTBATTEN

1. ON MONDAY 5 NOVEMBER THE TRIAL BEGAN IN DUBLIN OF FRANCIS MCGIRL AND THOMAS MACMAHON WHO HAD BEEN ARRESTED IN CO. LONGFORD ON 27 AUGUST AND CHARGED WITH THE MURDER OF LORD MOUNTBATTEN. REPORTS SUGGESTED THAT THE TRIAL WOULD LAST FOR AT LEAST THREE WEEKS AND THAT 90 WITNESSES WOULD BE CALLED. THE COMMISSIONER OF POLICE HAS TOLD ME HE THOUGHT IT WOULD LAST NO MORE THAN 10 DAYS. THE PROSECUTION SAID THAT THEIR CASE WAS "CIRCUMSTANTIAL AND BASED ON FORENSIC EVIDENCE". THEY HOPED TO SHOW THAT TRACES OF GELIGNITE, PAINT AND SAND WOULD LINK THE MEN WITH THE PLACING OF THE BOMB ON THE BOAT USED BY LORD MOUNTBATTEN.

2. THE PROSECUTION CLAIM THAT A YELLOW FORD CORTINA CAR WAS USED IN CONNECTION WITH THE EXPLOSION AND THEY CALLED A WITNESS WHO HAD SIGNED A STATEMENT TO THE EFFECT THAT HE HAD SEEN THE ACCUSED EXC^{HANGE} THIS CAR FOR A RED FORD ESCORT, THE CAR IN WHICH THEY WERE DRIVING WHEN THEY WERE ARRESTED.

3. THE VIEW OF JOURNALISTS AND MEMBERS OF MY STAFF WHO HAVE ATTENDED THE TRIAL IS THAT THE CASE IS NOT GOING WELL FOR THE PROSECUTION. THE CAR SALESMAN HAS CLAIMED THAT HE ONLY MADE THE WRITTEN STATEMENT UNDER DURESS AND THAT THE POLICE THREATENED HIM ON A NUMBER OF OCCASIONS. THE COURT HAVE AGREED THAT HE MAY BE REGARDED AS A HOSTILE WITNESS. THE ACCUSED THEMSELVES HAVE CLAIMED THAT THEY WERE THREATENED BY POLICE DURING INTERROGATION AND MCGIRL HAS DENIED THAT BEFORE THE POLICE MENTIONED THE EXPLOSION HE HAD SAID "I PUT NO BOMB IN THE BOAT".

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4. ON WEDNESDAY TWO FORENSIC EXPERTS FROM GERMANY ARRIVED TO GIVE EVIDENCE FOR THE DEFENCE AND THE COURT AGREED TO ADJOURN THE TRIAL UNTIL MONDAY TO GIVE THE EXPERTS MORE TIME TO EXAMINE THE FORENSIC EVIDENCE SUBMITTED BY THE PROSECUTION. THEIR EVIDENCE AND THE EVIDENCE OF THE POLICE FORENSIC EXPERTS WILL BE CRUCIAL TO THE RESULT OF THE TRIAL.

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