

PRIME MINISTERNORTHERN IRELAND INQUESTS

You will remember that, at the end of last year, the Northern Ireland Court of Appeal declared void a longstanding rule which prevented a person being compelled to give evidence at an inquest in Northern Ireland if he was suspected of having caused the death of the person concerned. The rule was regarded as important by the Government because it prevented members of the security forces from being compelled to give evidence regarding a death in which they were alleged to have been involved. The Government is appealing to the House of Lords. But at the same time, a meeting of Ministers decided last January that an Order in Council should be introduced to restore the status quo ante. This was strongly supported by the Home Secretary, the Defence Secretary, the Northern Ireland Secretary and the Attorney General. The Attorney has expressed the view that the proposed course is fully compatible with our obligations under the European Convention on Human Rights.

But since the decision was taken, the Lord Chancellor has tried to reopen it, with the support of the Foreign Secretary. Their reasons are that it is difficult to reintroduce a difference between the law in Northern Ireland and elsewhere in the United Kingdom; the adverse reaction to be expected from Dublin; and complications in relation to the "shoot to kill" inquests still to be held, with the likelihood that the Government will be accused of a cover-up. The Lord Privy Seal is calling another meeting of H to reconsider this. He thinks that the Committee will reach the same decision as it reached in January. But he would like an indication of your view so that if the decision seems likely to go the other way, he can insist on formal reference to you before the matter is finalised.

Must restore status quo ante - i.e. same decision as January

Must support security forces against terrorism

I imagine that you would agree that the situation in Northern Ireland is sufficiently different to justify a difference in the law and that the status quo ante should be maintained.

The problem is explained more fully in the Lord President's minute attached.

Agree to reply to the Lord President on the lines I have suggested?

C.D.P.

C. D. POWELL
15 June 1989

DS3AKJ