

NATIONAL ARCHIVES

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Unacceptable Aspects of the Present Situation

The judicial system

1. - Grew was killed by a shot fired from a distance of 32"-35".
- Both Grew and Carroll were unarmed.
- Grew killed, on Robinson's admission, after car door was opened.
2. Failure of Lord MacDermott to refer to the DPP uncontested evidence of a conspiracy to deceive the Court i.e. that the statement which Robinson admitted had been concocted by four superior officials after the killings (Robinson supplied to Lord MacDermott the names of the four officials in writing).
3. Outrageous statement of Lord MacDermott that Robinson's achievement in killing Carroll, the passenger in the car, when Robinson could not actually see him: "speaks highly of his marksmanship and training which requires him to be accurate under stress".

Alleged RUC operations in this jurisdiction

1. The Irish Times of 30 March reports as follows:

Asked by Defence Counsel about the role of the Special Branch in the hunt, Robinson (29) said "I believe the involvement was that they were operating at that time outside our own jurisdiction".

Later in the report is the following:

Robinson gave further details yesterday (i.e. 29 March) of the cover-up he claims was organised by senior police in the wake of the double killing. Crown Counsel said they were not challenging Robinson's allegations.

The position we face is that the Crown did not deny either the cover-up, which was intended to conceal both details of the special operations which involved the British Army, the Special Branch and

the anti-terrorist unit of the RUC or Robinson's allegation that the RUC Special Branch were operating in this jurisdiction.

The shoot-to kill policy

On 1 February 1983 the Minister met the Secretary of State in London. The Minister raised the question of a number of killings, including the killing of Grew and Carroll, which in the opinion of responsible SDLP leaders (Hume) constituted a security policy of shoot-to-kill. The Secretary of State accepted that it looked as if there had been a new direction in security policy but he categorically denied that any new instructions had been issued. In the case of the killing of Grew and Carroll, the Secretary of State gave to the Minister a resumé of the statement, now clearly a fabrication, which had been issued by the RUC following the incident. The implication is inescapable that either the Secretary of State had himself been deceived by the security people about this incident or he was deceiving us.

The action we have taken

On Friday, 30 March, following a discussion with the Minister and Seán Donlon, I asked the British Ambassador to come to the Department. I stated the following to him:

That I wished to confirm that any activities of the security forces of any other country within our jurisdiction and without our agreement were unacceptable to the Irish Government.

He took note of this and said he could convey it to his authorities. He made it clear that he was aware that this arose from the statement in the Belfast Crown Court on 29 March of Constable Robinson.

We have been told by the Secretary of the Department of Justice that the Garda Síochána have no evidence that the RUC were operating in this jurisdiction on the day that Grew and Carroll were killed or on any other day. (Comment: The phrase "on any other day" is inconsistent with the known reality that members of the RUC bearing arms were apprehended in Castleblayney on 9 August 1982.)

The impact of the decision in the Robinson trial

1. This provides a considerable boost to the Provisional IRA and their case that it is not possible to obtain justice from the present system of administration of justice in Northern Ireland. We are informed by SDLP sources that the decision is very damaging to their own position and even to Hume's position in the European elections.

2. Implication for Extradition:

There is a strong implication here that at least one permanent member of the Judiciary is not independent in his judgements. It is difficult to dismiss the argument of Fr Denis Faul that in this case the Judge was looking for "impossible standards of proof" while in supergrass cases the flimsiest evidence is accepted. Aside from the allegations which will be made by the defence in the forthcoming Shannon case about the partiality of the security forces in Northern Ireland, this decision represents the first major evidence in recent times of a lack of independence on the part of the Judiciary, the final recourse of defendants who are sent for trial to Northern Ireland. It is difficult to see what arguments could be adduced to counter such a case in the forthcoming hearing on the extradition of Shannon.

Diplomatic options we face

1. Prior to calling in the British Ambassador on 30 March, we considered carefully, but decided not to pursue, the possibility of asking the British directly whether there was any truth in Robinson's allegation that the RUC Special Branch had been operating in our jurisdiction. We confined ourselves to the admonition reported above.
2. In view of the serious concerns mentioned above, it would be very helpful to have the maximum reassurances from the British authorities in relation to possible operations by their forces in this State. One option, which we consciously rejected on 30 March, would be to ask them the question directly. Another option would be to call in the British Ambassador, or to have the Minister telephone Prior, and to set out to the British our concern arising from this case and notably in relation to the implication in Robinson's sworn

statement that the RUC are operating here. We could then ask the Ambassador to consult his authorities and to give us every possible reassurance within 24 hours.

3. We could also ask the Ambassador or Mr Prior to give us an assurance that the DPP would be taking up the question of the concoction of the statement issued by the RUC following the killing of Grew and Carroll.
4. We could also ask the British to expedite the hearing of the sectarian murder charges against the Armagh members of the UDR and to tell us when those charges would be heard. . .
5. As the lawyers involved in this case were the DPP and lawyers retained by Robinson, it would be very difficult for us to obtain the Book of Evidence through our legal contacts in Northern Ireland. We might, in view of the seriousness of the circumstances, ask the British to provide us immediately with a copy of the Book of Evidence.

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