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AN RÚNAÍOCHT ANGLA-ÉIREANNACH

ANGLO-IRISH SECRETARIAT

BÉAL FEIRSTE

BELFAST

2 December 1990

Mr. Ronan Murphy  
Anglo-Irish Division  
Department of Foreign Affairs

*MS*  
*4/12*  
*Mr. McMahon*  
*pl take a copy*  
*return to me*  
*4/12*  
*Mr*

Dear Ronan

*Mr 4/12*

I enclose copies of the Chief Constable's presentation on Stevens to the Conference on Friday last as given to me after the meeting.

The text is incorporated into the "verbatim" report of the Conference which will be sent down on Monday. There is no substantive difference in the text as delivered by the Chief Constable and I thought it might be useful for you to have a "clean" working copy.

Yours sincerely

*Brian Nason*

E. Brian Nason

*PA*  
*Stevens*

THE STEVENS' REPORT - CHIEF CONSTABLE'S PRESENTATION

INTERGOVERNMENTAL CONFERENCE - 30 NOVEMBER 1990

INTRODUCTION

At the Conference in July, following the publication of Mr Stevens' report, I gave a detailed brief on his conclusions, how the recommendations were being handled, and the progress on implementation.

Let me reiterate that Mr Stevens' enquiry was not forced on a reluctant RUC. Rather, he was appointed by me to carry out an independent investigation into allegations of collusion between members of the Security Forces and loyalist paramilitaries, and other associated matters. Mr Stevens and his team received the full co-operation of the RUC, the Army, the UDR, the NIO and other relevant agencies.

THE REPORT

Following a comprehensive investigation Mr Stevens drew a number of important conclusions and made some 83 recommendations.

Among his conclusions I would mention some that are particularly relevant:

Paragraph 7

"It could not, for example, be assumed that a document found in the possession of a terrorist organisation which was headed 'Royal Ulster Constabulary', 'Army' or 'Prison Service', was leaked directly from that particular element of the Security Forces."

Paragraph 9

"It should also be pointed out at this stage that terrorist recognition information documents such as photo montages are classified under the lowest security rating. During the Enquiry no documents of any higher security classification have been recovered, or indeed come to notice, as having been in the hands of any terrorist organisation."

Paragraph 10

"The latest date of any document traced to the possession of Loyalist paramilitaries by the Enquiry is June, 1988".

Paragraph 11

"It is clear from the evidence and detailed analysis of the Security Force documents recovered during the Enquiry, that the passing of information to paramilitaries by members of the Security Forces is restricted to a small number of individuals and is neither widespread nor institutionalised."

Given some duplication, his conclusions fall into 3 broad categories:

- i. Those that deal with the production and care of terrorist recognition material (montages).
- ii. Those that deal with CID Support Services - that is scenes of crime, fingerprints and the

examination of exhibits.

- iii. Those that deal with the process of vetting and recruitment to the UDR.

Prior to the report being submitted to me, however, a number of matters - subsequently to appear as recommendations - had already been addressed by the RUC and the Army. These related to aspects of document security and UDR recruitment.

#### THE RECOMMENDATIONS

There were 18 general recommendations relating to Information and Intelligence systems;

there were 31 recommendations relating to the Royal Ulster Constabulary; and

there were 34 recommendations relating to the Army.

As I have mentioned before, the recommendations were taken forward by a Working Group including the RUC, the Army and the NIO, and a Steering Group comprised of the Chief Constable, Deputy Under Secretary at the NIO, and the General Officer Commanding.

#### CURRENT POSITION ON RECOMMENDATIONS

##### Information and Intelligence Systems

Of the 18 Recommendations, 17 have been completed.

The outstanding recommendation relates to the provision of secure radios and this is partly addressed.

Royal Ulster Constabulary

Of the 31 recommendations 25 have been completed. These include such issues as the security and control of recognition documents, the management of document finds, and the establishment of a serious crimes unit. Further research continues in respect of 5, and 1 - the creation of an Anti-Terrorist Unit - is not accepted. Those still under review includes such areas as, the marking of photocopied material, the reporting and recording of all incidents involving military personnel, and the automated management of fingerprint material.

Army

Of the 34 recommendations 22 have been completed. These include, for example, the production and use of terrorist recognition information, the review of vetting procedures for applicants to UDR, and the monitoring of personnel involved in security or criminal matters. Those still under review include the comparison between RUC and UDR recruiting standards, the interviewing of applicants' referees, and the identification marking of documents.

THE CRIMINAL INVESTIGATION

The Enquiry was, of course, primarily a criminal investigation and in his report Mr Stevens identified that some 59 persons has been charged or reported.

In addition to the media exposure and speculation, the investigation team had to cope with the hard realities of carrying out a major police investigation in the terrorist



environment of Northern Ireland. With the assistance of the RUC, such difficulties were overcome and prosecutions brought for offences under the Prevention of Terrorism, Official Secrets and Firearms Acts.

Two members of the UDR and one civilian have been charged with the Murder of Loughlin Maginn; two members of the UDR were charged with the theft of the montages from Dunmurry RUC Station, convicted in Belfast Magistrates' Court and given 12 months imprisonment; one member of the regular Army was found guilty under the Official Secrets Act of sending montages to the Sun Newspaper and fined £500; a further 9 members of the UDR were found guilty of offences under the Firearms Legislation, mostly of having excess quantities of ammunition, and these have been disposed of by conviction and fine. One member was charged with possessing a firearm, and that case has not yet been heard.

The majority of the charges were levelled at loyalist paramilitaries. Five men have been charged with possession of firearms and making uniforms available to loyalist paramilitaries. Two of these cases have been heard and resulted in sentences of 4 years imprisonment. A case of robbery and possession of a firearm resulted in a sentence of 10 years imprisonment.

A number of other charges relating to the possession of documents and associated offences have yet to be heard.

In the cases of Samuel McCormick, Joseph English, William

Elliott, James Spence and Samuel Duddy, who were charged with possession of documents likely to be of use to terrorists, the DPP decided not to proceed on the grounds that the facts and the information available did not warrant prosecution.

In a complex investigation, with evidence relying on the process of cross statements, particularly identifying the part alleged to have been played by others, the withdrawal of charges, or the preferment of others, on the advice of senior prosecuting Crown Counsel is not unusual.

At the same court Thomas Lyttle was additionally charged with:-

Possession of documents useful to terrorists - 6 counts  
Recording information useful to terrorists - 3 counts  
Threatening witnesses - 1 count.

#### CURRENT POSITION - CRIMINAL INVESTIGATION

Elements of the criminal investigation have not been concluded and, since the Enquiry report was published, some 70 additional charges have been brought.

Some 21 people, facing 87 charges or offences, are still awaiting trial. These are at various stages of prosecution and will not be concluded until next year.

#### CONCLUSION

The conclusions of Mr Stevens were never going to please



every section of the Community. At one extreme end he was perceived as doing too much to too many; at the other that the failure to prosecute members of the RUC, irrespective of the lack of evidence, meant that his report was a 'whitewash'.

Given the vested interests involved this is not surprising, but it does little justice to the sense of integrity and purpose with which Mr Stevens conducted, and continues to conduct, his enquiries.

However, I do hope it will discredit the rather silly allegations, post Stalker, that an outside investigator could not carry out an independent investigation into the Security Forces in Northern Ireland.