



An Chartlann Náisiúnta
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Stevens Report / Collusion - Background Note

Stevens Report / Collusion:

An evaluation of the Stevens Inquiry is attached.

The history of collusion between members of the security forces and loyalist paramilitaries is as old as the history of Northern Ireland itself. Suspicions in this regard run very deep and have the most corrosive effect on nationalist confidence in the security forces.

In the circumstances, it would be naive to expect an inquiry like the one conducted by Mr Stevens to do away with this problem overnight - something which indeed Mr Stevens himself effectively admitted in his report. While we would tend to the view that Stevens probably did the best he could within his terms of reference, nonetheless it is noteworthy that allegations of collusion have again resurfaced in recent times in the aftermath of the Stevens exercise.

Recent Allegations of Collusion:

The most recent allegations have concerned (a) the circumstances surrounding the killing of 4 Catholics in Cappagh on 3 March; and (b) rumours that security force material is again finding its way into the hands of loyalist paramilitaries.

(a) Cappagh Killings:

At 10.30 p.m. on 3 March, four Catholics (two of them with strong republican connections) were shot dead by loyalists outside Boyles Bar in Cappagh - a staunch nationalist area of East Tyrone. (The Taoiseach issued a statement condemning the killings - a copy of which is attached.) It is not clear whether the four were the intended targets or whether they stumbled upon the loyalist group preparing to attack the bar which at the

time contained a number of prominent local republicans. Suspicions of collusion (copies of newspaper reports are in the brief) are fuelled by

(1) the fact that Cappagh is heavily patrolled by the security forces who were in the vicinity up to two hours before the shooting;

(11) the fact that a loyalist gang felt sufficiently confident to be able to penetrate a nationalist heartland like Cappagh which has to be approached by way of small country roads which would be difficult for strangers to negotiate with any confidence;

(111) the fact that their targeting was so good - one of those in Boyles at the time is widely regarded as the O.C. of the IRA in East Tyrone; coupled with the apparent efficiency with which the killings were carried out.

(b) Rumours that security force material is again finding its way into the hands of loyalist paramilitaries:

Attached is a report by Ed Maloney in the Sunday Tribune of 24 February (which we have raised in the Secretariat) which alleges that "sighting lists" filed by security force patrols are finding their way into loyalist hands. Such material is composed of reports filed by security force patrols of sightings of known republican activists, their movements, their car numbers etc. [We have since had this report confirmed on a confidential basis by usually reliable sources in Belfast.]

Stevens Report - Evaluation

Within its terms of reference, the Stevens Inquiry probably achieved as much as it could, though the Inquiry still has some very important unfinished business to conclude in relation to a number of outstanding Court cases. The manner in which this unfinished business is eventually concluded will colour any overall perception of the efficacy of the Inquiry.

The following is an attempt to chalk-up the credits and debits of the Stevens Inquiry:

Achievements of the Stevens Inquiry:

- (1) It must by now be abundantly clear to all members of the security forces that collusion is a serious crime - and one which in future is likely to attract a custodial sentence. [The most celebrated collusion case prior to the Stevens Inquiry was that involving Cpl Cameron Hastie of the Scots Guards and Pvt Joanne Garvin of the UDR who were both found guilty in May 1988 of knowingly passing information to the UVF. Both received suspended sentences, Hastie being reinstated immediately to the regular army.]
- (2) Procedures governing the control and dissemination of classified information appear to have been tightened to a significant degree.
- (3) The inquiry team appear to have pursued the arrest and charging of loyalist paramilitaries (particularly the UDA) with unusual vigour - the bulk of the UDA's brigade staff being at one time or another charged in connection with the inquiry.

Shortcomings of the Stevens Inquiry:

- (1) On the vetting of applicants to the UDR, while procedures have been tightened, the Army appear to have been successful in fighting their bureaucratic corner in relation to a number of recommendations - notably those which would have provided a hands-on role for the RUC in relation to recruitment.
- (2) In relation to the arrests made by the Stevens team, a

common complaint is that these only touched the surface. Within the security forces, arrests appear to have been confined to minor players - some privates in the regular army and the UDR, with no member of the RUC charged. Outside the security forces, arrests appear to have been largely confined to the UDA - probably the most porous of paramilitary organisations; few, if any, members of the UVF appear to have been charged.

Unfinished business of the Stevens Inquiry.

A number of important Court cases are still pending, one involving a Belfast-based group of UDA men including Tommy Lyttle; the other a Derry-based UDA group. We understand that the trials of the Belfast group will open shortly, though the Derry group are not expected to go to trial until November. Perhaps the most notable case which has yet to come to trial relates to Brian Nelson - a senior UDA intelligence figure alleged to have been working simultaneously for British Military Intelligence for a number of years. [There is little hard information available on this case although rumours about it abound in Belfast. It is alleged that Stevens wanted to use Nelson's testimony against a number of people but that this had been resisted by the Attorney General and/or the DPP on the grounds of the possible danger to national security if Nelson were to be exposed to detailed and forceful cross-examination in Court. However, these are but rumours at present and considerable attention will be focused on the manner in which the Nelson case is finally disposed of by the prosecuting authorities. We understand from the last Conference that Nelson's next Court appearance is scheduled for Monday.]

Comment:

- (1) Whether we like it or not, suspicions of collusion run very deep in the nationalist community and have a very corrosive effect on attempts to build nationalist confidence in the security forces.

(2) We did not expect the Stevens Inquiry to do away with the problem once and for all [which is why at the Conference of October 1989 we expressed the view that the problem should be addressed by "a comprehensive enquiry into all issues affecting relations between the security forces (in particular the UDR) and the community"]. There is concern at the re-emergence of allegations of collusion in recent weeks - notably in the aftermath of the Cappagh killings, and in terms of disturbing reports in the media that security force "sighting reports" are finding their way into the hands of loyalist paramilitaries. While these allegations may or may not have any foundation, it is important to recognise that they strike a responsive chord with many nationalists. For that reason it is vital that every serious allegation of collusion is immediately investigated and that the issue is kept under the closest scrutiny.

Brendan McMahon
Anglo-Irish Divison
24 April 1991