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**IMMEDIATE**

**Secure Fax 110**

27 January 1992  
For: A/S O hUiginn

From: Joint Secretary

**Last words on the Conference**

1. I am reporting separately on political developments at Westminster.
2. Minister Mawhinney held a briefing meeting on security matters this morning which occasioned the following discussion with Robert Alston at lunchtime. To confirm:

**Nelson Case**

Alston said his side was prepared to discuss this case in the restricted security session but indicating there was a fear that we were going back to the Conferences of 1989 which many on his side felt we had used to make unhelpful propoganda, he had been asked to enquire why we wanted a discussion in plenary. I said there were three reasons; first, our Ministers would certainly be asked if they had raised it; second, this was a confidence issue which was intimately connected with the series of conferences dealing with the collusion issue in 1989, which showed that concerns expressed then were justified and which now warranted further questions; and, third, our Ministers would need to know what corrective action had been taken in regard to the security forces' handling of loyalist agents; I pointed out that the major issue here was that the Army had known through Nelson of plans to murder particular individuals but had stood by and I recalled that that had been the local belief about the murder of a number of Catholics in the late 1980's as we had represented to the British side here at the time.

**Garda Kelly Case**

Alston said he was instructed to put the Garda Kelly case on the plenary agenda. I remarked that this seemed a very small tit for a very big tat and that the Kelly case had been deployed for this purpose before. I asked him to remind those on his side who wanted to play clever that it was open to us to raise a raft of court cases on the British side, eg, recent prosecutions of members of the UDR; the agenda could scarcely be long enough for the purpose.

**Lethal Force**

The DPP's decision in the Caraher case is imminent. The British are aware of recent reports that the DPP's decision will be to prosecute but say they have no knowledge of his intentions. They will tell us the decision as soon as they know it.

Extradition

The British regard this as a take-note item.

Operation Loren

Alston said that the points we had made here last week (my letter of 22 January) were "recognised". He mentioned that enquiries had been made in the police channel. The RUC claim that the Gardai put the report down to official sources. He did not expect this to be mentioned tomorrow.

Clogher Valley

The British have concluded that the idea of opening a border road is not on. The Chief Constable and GOC believe it would not be safe to open without a permanent Garda presence - not necessarily a PVCP - on our side of the crossing.