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AN RÚNAÍOCHT ANGLA-ÉIREANNACH

ANGLO-IRISH SECRETARIAT

BÉAL FEIRSTE

BELFAST

3 November, 1992

Mr. Sean O hUiginn
 Assistant Secretary
 Anglo-Irish Division
 Department of Foreign Affairs
 Dublin 2

Dear Assistant Secretary

We had a lengthy Stocktake today at Stormont House.

On our side were Messrs. D. O'Donovan, S. Farrell, P. Hennessy, S. O'Riordain and myself and on the other side were Messrs. J. Ledlie, R. Alston, S. Leach, A. Maitland, D. Lavery, N. Perry, D. Kyle and Ms. C. Collins.

Shane O'Riordain is doing a detailed report. The following is a summary of the main points.

(1) Comments of Chief Constable

We referred to the comments made by the Chief Constable on last night's "Inside Ulster" T.V. programme in which he said that the IRA threat in Britain remains high, that there are more bombs on the way etc.

As to the timing of the comments, we were reminded that Departmental expenditure allocations are being determined at present, that there are talks of "cuts" in the air and that the Chief Constable would, naturally, be conscious of the need to shield himself from cuts by reminding everybody of the difficult job he has to do.

We queried the Chief Constable's reference to threats on the South by Loyalist Paramilitaries - was there some new information to hand? Ledlie referred to the ongoing threat of incendiary devices (of which we are already aware) but made a brief reference, also, to threats on Sinn Fein Councillors on "both sides of the border". He preferred to postpone detailed discussion on intelligence aspects of the letter until the Restricted Session on 16th November. (I was left with the impression, in relation to Councillors, that there is some new intelligence, though I could not say how significant it is). *letter?*

We asked whether there was any significance in the Chief Constable's statement that the Loyalist Paramilitary threat will increase "if and when" they acquire semtex, but received no clarification as to whether any particular significance is

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to be attached to the word "when". (Again, this is a matter which will be discussed on 16th.)

(2) Carlingford Lough

There has been very little development on their side since our last meeting. They do not foresee any likelihood that existing practice (random checks etc.) will change, but they are conscious of the need to minimise the inconvenience caused to the public. We emphasised the importance of not concluding (which they are inclined to do) that a small number of complaints necessarily means that the number of "incidents" is correspondingly small - our information is that the number of incidents is far larger than the complaint statistics would suggest. They will try to supply us with figures on stoppages etc. on the Lough.

The information leaflet which contained a reference to the Garda Síochána and was issued in error (subsequently withdrawn) had been given to only six or seven people (it is given only to people who object to questioning etc. or who seem likely to complain). They are revising the leaflet and will come back to us on it.

(3) Lethal Force

The Inter-Departmental Committee has (at last) been set up and recently held its first meeting. It is chaired by Austin Wilson (Home Office) and consists of 7/8 people drawn from the Home Office, NIO, Defence and the Law Officers. The idea of including "outsiders" was considered but dropped. There are no specific terms of reference, which we thought a pity in that Committees tend to be more efficient (to put it mildly) when clear objectives are set for them. They couldn't say when the Committee will report - at one point, Leach didn't appear to be ruling out a report in the Spring. I wouldn't hold my breath - it is a complex subject and we have had separate indications (Chilcot) that early results are unlikely.

(4) Accompaniment

We again emphasised British failure to comply with the commitment entered into in 1985 in relation to accompaniment. They asked that we bear in mind that pressures on the security forces are subject to fluctuation and that, at times of severe pressure, it is inevitable that accompaniment levels will fall. We said that if staff shortages made it difficult for them to ensure compliance with an undertaking given to another Government, the answer was not to ignore, or try to water down, the commitment but to provide more staff. We had asked for a more detailed breakdown on figures from the 39 RUC Districts. If we had these it would be easier to make assessments. They doubted this (they probably feel that it would tell us too much).

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(5) Harassment

We emphasised the problems created for people (mainly young men) in certain areas who are being pressurised to act as "informers", drew attention to the lack of confidence in the security forces which is being generated (in part) by harassment incidents, and drew attention also to the general lack of confidence in the complaints system (many victims see no point in complaining). We also mentioned the considerable distress caused by the taking of photographs. We were assured that the concerns expressed were well understood. In particular, we were told that photography is the subject of tight controls. Military personnel in the lower ranks are not supplied with cameras (though it is not "against the law" for them to take "holiday snaps"). If an individual whose photograph has been taken is worried about it (and the security forces have no reason to possess his photograph) there is an arrangement whereby he can be invited to the RUC station concerned to witness the destruction of the negatives.

Note

There were a number of specific cases under the "Harassment" and "Accompaniment" headings which we decided to discuss later in Maryfield.

(6) Leaks to paramilitary organisations (excluding Nelson case which has been discussed separately)

We said that these leaks are the source of the most serious concern in that lives are immediately put at risk (in this context we referred to the Cassidy case). Apart from this, of course, suspicions of collusion do enormous damage to the credibility of the security forces.

The leak of the photo-montage (20 individuals including Cassidy) last September was a source of particular concern because it suggested that the safeguards put in place post-Stevens simply were not working. We were told that the RUC is investigating this leak as well as the earlier leak (in relation to 15 individuals in the Lisnakea/Newtownbutler area) but that it was not NIO practice to "hassle" the Police for results. We said that, in view of the gravity of the matters under investigation in this instance, the NIO should not simply accept that it is a matter for the Police to decide, in their own good time, when results were produced; it was a case in which they should be asked to expedite matters. Ledlie indicated that enquiries would be made.

(7) Cross-border Roads

We were informed that worthwhile progress had been made on this subject in discussions between the Chief Constable and the Garda Commissioner and that there was an expectation that the outcome of this work would be made known at the Conference

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on the 16th. (D. O'Donovan and I intend to secure further information on this matter before that date.)

(8) Parades

Parades have gone reasonably well this Summer. We asked that further thought be given to the situation in the Lower Ormeau Road and, generally, that they bear in mind the importance of demographic changes along the so-called "traditional" parade routes. Leach said that the relevant statistics showed that there had been a steady improvement in relation to parades over the years. We said that Ministers would be very pleased to hear this (statistics provided will be forwarded separately).

(9) Holding Centres - appointment of Commissioner - Codes of Practice

They are still having difficulty in finding a suitable candidate. The problem, they said, was finding somebody of the right stature who could "spare the time". They are still pursuing certain possibilities.

The Codes of Practice are almost ready. They expect to show them to Ministers in the coming weeks. We will be provided with the opportunity of commenting.

(10) Military Complaints Assessor

They are much nearer to an appointment in this instance. Meetings are being arranged with some people (I gathered that they were talking about two people), who will see Mr. Mates.

(11) Dating of RUC Notebooks on interviews and arrangements for retention of interview notes

A new electronic system has been introduced to ensure that notes of interviews are complete, contemporaneous, and safely stored. We will be given a separate briefing on this matter with demonstrations of the new equipment by the RUC. (After the meeting I mentioned to them that we would be interested in knowing what arrangements were in place to control access to copies of interview notes. They will deal with this as part of the RUC briefing).

(12) Prisons Issues

Discussion related almost exclusively to the apparent change in practice in relation to Life Sentence Review Board recommendations.

The practice, for years, was that, in the vast majority of cases, recommendations made by the LSRB were accepted by the Secretary of State. The present Secretary of State, however, had rejected a significant number of recommendations, apparently on the ground that those imprisoned for offences

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against members of the security forces should be treated less leniently than others.

We were assured that there was no change in policy and that the SOS's decisions had to do with the particular circumstances of the individual cases (this is out of line with what Shannon, the head of the Prison Service, said). The cases in question were more difficult than many which had been dealt with in the past. We made the point, however, that if it was a matter of dealing with more difficult cases, one might expect the difficulty to be reflected in the LSRB recommendations also - what gave rise to our questions was that LSRB recommendations were apparently being rejected in a far higher proportion of cases than heretofore.

We emphasised the importance of maintaining a degree of predictability on the question of releases and stressed the risk that a significant departure from previous practice could prove useful to terrorists for propaganda purposes. They said that they were conscious of all these points and mentioned that a much higher proportion of the more recent batch of LSRB recommendations had been accepted. We said that we would be keeping this situation under review and would come back to it.

We had a very brief discussion about transfer of sentenced persons from English to N.I. prisons on which a report has been finalised. There is little to report on this, but Ledlie, with some relish, proceeded to read what he described as a note from his file - "Ask Declan about transfers to Southern Prisons". We explained that we were looking at ways of ratifying the "European Convention on Transfer of Sentenced Persons" (which we have already signed). Our problem is that we do not have adequate accommodation - we are looking at ways of ratifying the Convention subject to certain restrictions. Alston couldn't resist the comment that we shouldn't perhaps sign these international instruments unless we intend to provide the resources necessary to meet our obligations (see (4) above).

(13) Rane/Timmons/Kelly

They expect to be in a position to make decisions on this case in the next month or so. All the relevant papers are now with the law officers - they are expected to report soon to the Secretary of State.

(14) Aerial Incursions

The main point we made on this subject was that the recent note from the British side in which they "denied" 26 out of 29 complaints about incursions (mainly aerial) was the source of serious concern.

We do not make complaints without good reason - the fact that 26 out of 29 cases which had been the subject of Garda reports and evidence by other witnesses were flatly "denied" strongly

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suggested that the matter was not being looked upon with the seriousness which it deserved. Some level of disparity was understandable, but 26 out of 29 "denials" went way outside the norm.

Ledlie (who seemed surprised by the figure) said that he would be concerned if these complaints were not being dealt with properly. (I had a subsequent call from Mr. Kyle which indicated to me that the bald statistic we presented at the meeting is causing them to have a further think about the situation).

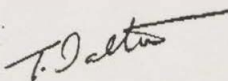
There was a brief discussion about the new procedure for numbering overflights and a feeling that the information/control system will be improved as a result.

(15) CSFC Reports for July and August 1992

We will have a CSFC meeting on these shortly. They are looking at the way in which CSFC works - they are tending towards the view that a smaller Committee, focussed on patterns would be more useful. (We told them this long ago.)

I can see you thinking that... "if this is a summary, may the Lord save me from the full account"... but it is difficult, with so many topics, to cut the narrative down and at the same time try to make some sense.

Yours sincerely



Tim Dalton