



An Chartlann Náisiúnta
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Reference Code: 2021/47/119

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PA UDR 4.

Mr Kennedy
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(this is a useful note & should be circulated)
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3/17

UDR 4

1. The decision of the Court of Appeal to order the release of Bell, Hegan and Allen and to uphold the conviction of Neil Latimer casts a uniquely wide spotlight on deficiencies in the Northern Ireland criminal justice system:
 - the RUC are exposed as tampering with evidence and lying about it in court (although the Appeal Court's finding that there was no evidence that the police officers concocted false confessions is seized on by the RUC in its statement issued after the judgement);
 - the decision in Latimer's case confirms the UDR link with the murder of Adrian Carroll. The demands from Fr. Paul and others that the case be re-opened focus attention on the Regiment's record at a time when the British must have hoped they had put this behind them;
 - while the Appeal Court's verdict will no doubt be presented as proof of the efficacy of the Court system the case also highlights the credulity of the Courts when faced with police evidence, and the invariable tendency to give the benefit of the doubt against the accused.

While none of this will come as a surprise to the nationalist community, the impact of a populist Loyalist campaign, if it should be sustained, may help to put pressure on the NIO on issues relevant to the treatment of persons in custody. However, wlier Unionist leaders such as Peter Robinson have already been at pains to distinguish between the "bad eggs" and a frontal assault on the system itself.

Basis for Court of Appeal Decision

2. The basis for the distinction between Latimer and the others is that the evidence was different in two critical respects:

- Witness A saw Latimer, in civilian clothes, getting into a UDR landrover shortly before the shooting;

There were no witnesses in the case of the three; they were implicated in the murder only as a result of Latimer's confession.

- Unlike the other three, Latimer agreed at the trial that he did make the confessions which the police said he made, albeit claiming they were made under duress.

The other three maintained through that their statements were not dictated by them but were in fact composed by the police.

Comments re the Judgement

3. As already indicated Latimer implicated the three in his written statement of 2 December 1983, in which he also admitted that he had shot Adrian Carroll. The Appeal Court found this statement to be reliable. It is noteworthy in the summary of their judgement (the full text is not yet to hand) that the Appeal judges are at pains to explain that because of the laws of evidence they are precluded from taking Latimer's statement into account in considering the cases of Bell, Hegan and Allen. The only evidence admissible was the confession which each of them had made.
4. The overall impression is that the Appeal judges did not intend to exert themselves unduly in persuading the public that the three did not commit the crimes with

which they were charged, but rather that the convictions were unsound in law.

Likely Reaction

5. Nationalist opinion will be pleased at the decision in Latimer's case. It has long been believed that he did kill Adrian Carroll and that his confession is a more or less accurate account of what actually occurred. The decision to hold Latimer also ensures a more ready acceptance of the release of the other three, whose supposed involvement in any event was less than that of Latimer (they allegedly staged his arrest and provided the weapon).

6. The upholding of Latimer's conviction raises again the question of the role of the other members of the UDR patrol. Fr. Faul has already called for the reopening of the police investigation. Press reports have referred to a widespread belief in security circles that the master-mind of the killing has never been brought to book. Seamus Mallon told us in confidence some time ago that he believed that the patrol commander, Walter Roleston, was "in it up to his neck".

Future Developments/Relevance to Confidence Issues

7. Attention will now focus on
 - the decision to be made by the DPP on foot of the report submitted by the RUC on tampering with evidence by a number of police officers. (Yesterday's RUC statement stressed that the Courts demand for a full enquiry had already been anticipated);

 - whether the Latimer case is referred to the House of Lords, or, as some of his supporters sought to suggest, the case is again referred to the Court of

Appeal by the Secretary of State. The latter option seems particularly unlikely.

- the practical effects of the RUC's decision to replace interview sheets with booklets which will be electromagnetically dated and time-stamped before and after each interview. There will also be measures to safeguard the security of records.

DA

Anglo-Irish Division

30 July, 1992

UDR 4

Public Comment

As regard public comment in the coming days we might wish to emphasise the following points

- the judgement in this complex case is a very lengthy one and time will be needed to study it carefully;
- it is, however, clear that the safeguards in place for those held in police custody are insufficient. The decisions announced yesterday by the RUC to ensure the integrity of police records are a step in the right direction. Nevertheless we agree with the CAJ and other human rights bodies that further consideration should be given to the introduction of video and audio-taping of police interviews;
- the importance of speedy and effective avenues of redress in miscarriage of justice cases;
- it is essential that members of all branches of the security forces act at all times within the law and that those who break the law are held to account for their actions.

Anglo-Irish Division

30 July, 1992

Rec'd 9.45am.
20.7.92
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PRESS RELEASE

'UCR 4' JUDGMENT: STATEMENT FROM RUC HEADQUARTERS

1. The Court in its judgment stated that "it is a matter of great importance that fully effective steps must be taken to make certain that Police Officers in the future cannot rewrite interview notes and that notes cannot be falsely authenticated."

Action in this respect has already been taken. There has been a review of current practices relating to the recording of notes of interviews of persons detained under legislation dealing with terrorism. As a result, new procedures are to be introduced in the near future. Loose-leaf interview sheets will be replaced by booklets which will be electronically date and time stamped upon issue and completion of each interview. Furthermore, additional measures will be introduced to safeguard the long-term storage and security of these interview records.

2. The RUC notes that the Court directed that its judgment should be sent to the Director of Public Prosecutions "so that he may consider the bringing of prosecutions against police officers who he considers committed criminal offences in connection with the trial of the appellants."

An investigation into these matters was conducted by a senior officer of Detective Chief Superintendent rank and his report has been submitted to the Director of Public Prosecutions. The judgment

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of the Court will be examined in detail to establish if there is any further matter to be investigated.

3. In fully acknowledging the grave concerns of the Court, which we view with deep concern, the RUC notes the finding of the Court that there was no indication from the ESDA examination that the police officers concocted false confessions which they wrongfully attributed to the appellants.

29 July 1992