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ATTN: COLM O FLOINN

FOR: MARY BROWNE/EMBASSY LONDON **FROM:** Bill Nolan

DATE: 4 December 1998 **PAGES:** 1

THE FOLLOWING POLICE STATEMENT ON DRUMCREE EVENTS LAST NIGHT WAS CARRIED ON LUNCHTIME NEWS HERE

We cannot stand by and listen to reprehensible statements from spokesmen attempting to justify the unjustifiable the violence in Portadown was not provoked by anyone other than those determined to break the law. They say they will enforce the law, say nothing was said about last night that has not been trotted out parrot fashion since the protest at Drumcree first started and a sorry attempt to blame everyone but themselves for events which they could prevent if they wanted to and for which they are entirely responsible. They also say that decent people have to ask where the iron bars, the cudgels, the masked men and their fireworks or worse came from when such events were supposed to be peaceful protests.

END.

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is Dermot Gallagher
Dermot Gallagher
27 4/12

Anglo-Irish Secretariat
Belfast

Secure Fax: 1491

4 December 1998 **No of pages including this one: 2**

For: Colm O Floinn **From: Kieran Dowling**

Subj: Disturbances at Drumcree/Portadown last night

1. On foot of contacts from Dara O'Hagan last night (10.30 pm onwards), we raised with the British side the serious concerns of local residents in regard to developments at Drumcree/Portadown: a menacing crowd of up to 1,000 had assembled, there had been damage to a petrol station on the Dungannon Road and there was a reported attempted abduction of a young catholic at 6.30pm.

2. We also maintained contact with the Minister's office (Deputy Keaveney had been in touch on foot of contact from Solicitor Rosemary Nelson).

3. Having contacted the NIO duty officer, the British side reported that the numbers (organised by the 'Orangemen') were believed to be between 500 and 600. They were being 'generally obnoxious' and both the police and army were present and braced to deal with the situation. There had not, as yet, been resort to plastic bullets but the clear implication was that these would be used if necessary. As you will have heard reported in the media and as indicated in the attached 'sit rep' report, one plastic bullet was fired, injuring a protestor's leg. According to the British side, the Orangemen are claiming that two of the protestors were injured.

4. The British side (last night and today) have no information in regard to the abduction incident. As regards the petrol station, their information last night was that there was damage to cars at the petrol station, but not the station itself. The sit rep report confirms, however, that there was 'damage to a local garage'.

5. As will be seen, the sit rep report also confirms that the numbers were 1,000. The British side advise in this regard that the numbers swelled following the arrival of Paisley and his supporters.

6. As advised in the Joint Secretary's report (SF 1484) of our discussions on 2 December with David Watkins and colleagues, the British side are concerned in regard to the possibility of a 'wildcat'/illegal march or marches on the Garvaghy Road in the run up to the end of the year. As regards the legality of last night's actions, the preliminary view of the NIO Security Division (SPOB) is that the disturbances constituted a 'protest gathering' rather than a march. We are pursuing this issue with the British side.

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NOTE TO THE IRISH SIDE

SITUATION REPORT FOR THE PERIOD: 0700 HOURS THURSDAY 3 DECEMBER TO 0700 HOURS FRIDAY 4 DECEMBER 1998

SECURITY

Portadown At 2130 hrs approximately 1,000 protesters gathered at Drumcree Church. Stones, fireworks and a variety of other weapons were thrown at security forces who sustained minor injuries. One plastic bullet round was fired injuring a protester's leg. The crowd, who also caused damage to a local garage, dispersed at 0100 hrs.

Londonderry At 2300 hrs a masked man, claiming to represent the Real IRA, broke into a home Rosemount Gardens. After questioning the occupant at gunpoint the intruder advised him to leave Londonderry. No known motive.

Belfast At 0145 hrs a male youth was chased by 3 masked men in Churchill Street, North Belfast, and shot in the right leg. There is no known motive for the incident.

Signed

JOANNE MAXWELL
4 December 1998

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Sat. 11.00 am TALLAGHT.

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AN RÚNAÍOCHT ANGLA-ÉIREANNACH
BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT
BELFAST

Secure Fax: 1489

DATE : 4 December 1998 **NO. OF PAGES (including this one): 1**

TO: Eamonn McKee/Christine McElwaine
Anglo-Irish Division

FROM: G Keown

Copied directly to Department of Justice, Equality and Law Reform.

SECURITY

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CC 7/12/98

AN RÚNAÍOCHT ANGLA-ÉIREANNACH
BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT
BELFAST

Secure Fax: 1492SF

DATE : 4 December 1998 **NO. OF PAGES (including this one):** 3

Read 7.12

TO: Colm O Floinn
Anglo-Irish Division

GI Reader

FROM: Val O'Donnell

Subject: Disturbances at Drumcree/Portadown - 3 December

1. Further to K. Dowling's SF 1491 today, I have been pressing the other side today for a definitive view on the legality of last night's events at Drumcree, involving serious disturbances after 1,000 protesters gathered at Drumcree Church. During the morning I was unable to get any further reaction from the other side, beyond the preliminary view obtained from NIO Security Division (SPOB) that the disturbances constituted a "protest gathering" rather than a march.

2. I spoke in the afternoon to Stephen Leech, NIO (SPOB) about the matter. As regards the status of the demonstration, he confirmed their view that it constituted a "protest meeting" "- an open air meeting" rather than a "public procession" and, as such, would not have come within the scope of the Parades Commission. Under the Public Processions (Northern Ireland) Act, "public procession"

> "means a procession in a public place, whether or not involving the use of vehicles or other conveyances". The term "procession" is not defined separately.

The concise Oxford dictionary defines a "procession" as

> "proceeding of a body of persons in orderly succession, especially a religious ceremony or political demonstration, or on festive occasion".

3. I put it to Leech that, were a crowd massing at Drumcree to march subsequently towards the Garvaghy Road, would that then constitute a "public procession" for the purposes of the Act? Leech thought that it might, but that a prior intention to march would have to be established before an offence would arise under provisions in the Act requiring advance notice of public processions. This could be very difficult to establish in the case of a spontaneous gathering, or an open air meeting.

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There have been no arrests yet arising from the disturbances but the NIO understands that there may be arrests later.

4. The other side have given us the following further information about the disturbances last night:

- 10 police officers received injuries, none was seriously injured.
- 4 civilians were treated in Craigavan hospital (2 male, 2 female) but all have since been released.
- Police fired 1 plastic baton round at an "identified rioter" who was hit on the upper part of the left leg.
- Army support was available to the police, but was not used.
- Police recovered 3 pick axe handles, a water hydrant cover and a traffic "stop" sign from the crowd.
- A garage on Dungannon road was attacked. Windows and cars damaged in the area. There was an unsuccessful attempt to hijack a lorry.
- There is still no confirmation about the reported attempted abduction of a young Catholic at about 6.30pm (see SF 1491; para 1).

RUC PRESS STATEMENT

5. I enclose a copy of a press statement made today by the Regional Assistant Chief Constable (Lurgan) about the disturbances.

PROXIMITY TALKS

6. During my short conversation with Leech, he told me that it remains their intention to issue invitations to the residents and the Portadown Orangemen next week to proximity talks before Christmas, despite the "strong points" made by our side at the meeting in the Secretariat on 2 December (Joint Secretary's report SF 1484 refers).

Although they are aware that the residents have indicated a willingness to engage in proximity talks in the New Year, they consider that any scenario that rules out, from the start, the prospect of any march on the Garvaghy Road this year, would be too difficult for the Orange.

They intend to write privately to both sides, with a view to having the proximity talks convened before Christmas.

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PRESS RELEASE

RESPONSE TO DRUMCREE VIOLENCE

We will not stand by and listen to reprehensible statements from spokesmen attempting to justify the unjustifiable: the violence in Portadown was not provoked by anyone other than those determined to break the law.

The RUC does not want to be employed on public order duties night after night, it has no desire to risk the lives of its members on such duties, it has a whole range of demands requiring its attention, and it would much rather be involved in positive contact with the public.

But it will enforce the law where that is necessary; no-one should be in any doubt about that.

Nothing was said last night that hasn't been trotted out parrot-fashion since the protest at Drumcree first started. The allegations are predictable and most reasonable people will see them for what they are, a sorry attempt to blame everyone but themselves for events which they could prevent if they wanted and for which they are entirely responsible.

Decent people have to ask where the iron bars, the cudgels, the masked men and the fireworks or worse came from when such events were supposed to be peaceful protests.

RUC HEADQUARTERS
4 DECEMBER 1998

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