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Hobson + L
Mr Mulhall
Cuckoo #1

Secure Fax: 838

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No of pages including this one: 4

To: HQ
To: Secretary Gallagher

From: Belfast
From: Joint Secretary

Subj: British Government response to Kearney killing

1. We have just been given the attached lines of an intervention which Paul Murphy will make on the subject of the Kearney killing in the Commons this afternoon (during the committee stage debate on the Northern Ireland Bill).

2. According to the RUC, there is no doubt whatsoever that this killing was carried out by members of the Provisional IRA. The British Government feel that they cannot evade any longer the political and media pressure to make a public statement about it. In order to avoid any impression that a prior statement by the Chief Constable forced them to act, it has been agreed that Murphy will go first and that the Chief Constable will make a statement later today in confirmation of Murphy's remarks.

3. The thrust of these remarks, as you will see, is to lay the blame squarely at the door of the Provisional IRA and to say that this murder, along with other recent incidents such as the Newry mortar attack and recent arms finds in Loyalist areas, will be "taken fully into account" by the Secretary of State when she makes the judgements required under the legislation.

4 The British had hoped that the issue would go away. However, remarks such as those made by Peter Robinson yesterday gave them the opposite signal and persuaded them that the matter will have to be addressed.

5. We understand that a Sentences Order has to be made by the Secretary of State next week to bring the new release arrangements into effect. This will happen once the NI (Sentences) Bill has been given the Royal Assent (expected around

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Tuesday/Wednesday). It is likely that the guidance about qualifying paramilitary organisations on which John Steele is working this week will be published in that context.

6. The message we are being given is that the Secretary of State will "take a broad view" in assessing Sinn Féin's position under the legislation but that she will need to cover her flank by taking a very firm line in public on the Kearney killing and other matters.

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RECENT TERRORIST INCIDENTS - LINES TO TAKE

Andrew Kearney

- A brutal and barbaric killing. Condemned by all right-thinking people. Deepest sympathies to Mr Kearney's family.

- Vigorous police investigation underway. Understand that a line of enquiry currently being pursued by the RUC is that the murder was carried out by members of the Provisional IRA. Whoever was responsible, this was a disgraceful act.

- The Secretary of State and the Chief Constable will be reviewing the security situation over the next few days, including this murder and other recent security-related incidents such as the Newry mortar attack and recent arms finds in loyalist areas.

- We view all these matters with the utmost seriousness. They will be taken fully into account by my Rt Hon Friend when she makes the judgements that fall to her under the legislation.

- Irrespective of the organisations to which they belong, those responsible for killing Mr Kearney, or for launching mortar attacks, or throwing blast bombs at the police at Drumcree, or other such crimes, will not benefit from the early release provisions but will serve their full sentences.

Newry Mortar

- Would appear to be the work of republican dissidents. Extraordinary recklessness to detonate such devices without warning in the middle of a busy town. Those responsible are yesterday's people.

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Other bomb finds

- Excellent work by the security forces to recover these evil devices: won't relax our vigilance. Those who tried to carry out these attacks have been comprehensively rejected the people of Ireland, north and south.

Vincent McKenna

- Mr McKenna has reported a quite disgraceful assault. Police investigation is underway.

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