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FROM: C R COLLINS
SECURITY POLICY AND OPERATIONS DIVISION
30 JULY 1992

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- cc PS/Secretary of State (L) - B
- PS/Mr Mates (B&L) - B
- PS/PUS (B&L) - B
- PS/Mr Fell - B
- Mr Ledlie - B
- Mr Lyon - B
- Mr Steele - B
- Mr Wood - B
- Mr Leach
- Mr McClelland - B

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JANUARY
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for file
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PS/Secretary of State (B)

**BOX PRODUCTIONS: DISPATCHES PROGRAMME ON ALLEGATIONS OF RUC
COLLUSION WITH LOYALIST TERRORISTS**

Mr Hurd wrote to the Secretary of State, following a meeting with a constituent whose son, an employee of Box Productions, carried out research leading to the controversial 'Dispatches' programme, which alleged that there was an 'inner circle' within the RUC, feeding information to enable Loyalist terrorists to target their victims.

2. Although the programme made great play of having new and substantive information, in fact there seemed to be little in it of substance beyond repetition - by unidentified Loyalist terrorists - of allegations that senior RUC officers passed information to leaders of Loyalist terrorist groups. Such allegations had been investigated by the Stevens Inquiry, and no evidence to support them had been found. There was also some controversy surrounding part of the material used in the programme, which the original reporter claimed had been quoted totally out of context, and in a sense opposite to the truth; while the Chief Constable took a strong line that broadcasting such unsubstantiated and mischievous allegations was highly irresponsible, and refuted the allegations (see press statement, attached).

3. However, the RUC did institute a full investigation, and the enquiry team sought the assistance of both Channel 4 and Box Productions, seeking in particular to identify the anonymous witness, a self proclaimed Loyalist terrorist who had made almost all of the serious allegations. In response, representatives of the company supplied some documentation but were adamant that the identities of sources would not be revealed. It was part of their submission that, as the RUC was under suspicion, the security of both the sources and television personnel might be placed in jeopardy by disclosure of such information to RUC personnel.

4. In light of this non co-operative attitude, the enquiry team with the assistance of the Metropolitan Police made a successful application for an order under Schedule 7(3) of the PTA (order for production of material for the purposes of a terrorist investigation), at a Crown Court sitting in Middlesex on 31 October 1991. The order, served on both Channel 4 and Box Productions, directed that all material associated with the production of the programme be made available to the police within seven days. The companies failed to comply with this, and made application to the Court to have the order discharged or varied. This application was heard on 15 November 1991, and although the judge agreed to minor variations, he confirmed the order in substance.

5. However, the companies again failed to comply with the order, and the Crown Prosecution Service on behalf of the RUC made a further application to the Court on the grounds that the defendants were in contempt of court. On 9 January 1992, this application was heard and Judge Clarkeson, while accepting that the companies were in contempt, agreed to a defence application that the issue of penalty be dealt with by another Court. The Attorney General's Office decided to refer the case to the Divisional High Court, where on 29 April 1992 an application on behalf of the DPP for an order to proceed against Channel 4 and Box Productions for contempt of court was granted, and defendants were given 21 days to respond.

6. The case opened in the High Court on Monday 27 July, and is being widely reported; as it is in train, comment by Ministers must be curtailed to avoid interfering with this process.

7. Mr Hurd observes, these issues are not a matter for the Secretary of State for NI; but what is very much his bailiwick is the contention that the programme was in the public interest; and that the RUC should not itself investigate these allegations. On this, it is arguably not in the public interest for a terrorist to be given such publicity for such serious and unsubstantiated allegations against police officers; and then for not only that police force, but any of the authorities to be denied access to the identity of the individual concerned, in order to allow an investigation to take place, and a judgement to be reached on the merits of appointing an outside investigating officer.

8. It would have been possible for the companies to have offered the material to the DPP; or indeed to the Metropolitan Police, who offered to take receipt of it, but none of these options have been pursued by the companies concerned. Instead, they are mounting a campaign to validate their actions in withholding information, on the basis of the possible risk to their employees (by implication, from the RUC) were their sources to be disclosed; and on the basis that "the public have a right to know"; with the implication that trial by media is more effective than the due process of the law.

9. I attach a necessarily short self explanatory draft reply for the Secretary of State's consideration; the final paragraph is tempting, but might stray too far into the territory of the current Court proceedings.

(Signed)

CHRISTINE COLLINS
SHA Ext 2212

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DRAFT LETTER

FILE NUMBER 2973 _____

ADDRESSEE'S REFERENCE

<u>To</u>	<u>Enclosures</u>	<u>Copies to be sent to</u>
The Rt Hon D Hurd CBE MP House of Commons LONDON SW1A 0AA		Chief Superintendent Command Secretariat RUC Headquarters Brooklyn Knock Road BELFAST BT5 6LE

LETTER DRAFTED FOR SIGNATURE BY SECRETARY OF STATE

Thank you for your letter of 7 July, about the police efforts to investigate fully serious allegations contained in the Box Productions/Channel 4 programme on Loyalist terrorism in Northern Ireland.

As you say, the contempt proceedings are not a matter for me; but the question raised by your constituent, about the need for an independent investigation into these allegations, does indeed fall into my bailiwick.

Firstly, I should point out that the Chief Constable did appoint, in September 1989, an independent police officer - Deputy Chief Constable John Stevens - to lead an investigation into allegations of collusion between the security forces and Loyalist terrorists in Northern Ireland. That investigation included an examination of

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precisely similar allegations, made during his inquiry; and I enclose for your information and that of your constituent a copy of the summary of Mr Stevens' report. Mr Stevens found that there was no substance in these allegations, and I believe that it was on the basis of this thorough and recent independent investigation that the Chief Constable felt able to defend his Force in the immediate aftermath of the programme; and indeed to point out - quite correctly - the immense damage that such unsubstantiated and serious allegations could do to public confidence in the police; as well as the importance of thorough investigation of the allegations.

As you know, the police have been attempting to investigate the more recent allegations made in the Box Productions programme. However, in the absence of key material, that investigation cannot take place in a satisfactory manner; and in particular, a view cannot be taken on whether it is necessary or appropriate to appoint an outside investigating officer.

[Whatever the merits of simple public disclosure of alleged wrongdoing, the point must be reached when it is simply not in the public interest, in the interests of justice or in the interests of safety for individuals, to rest on the repetition of unsubstantiated allegations. When that point is reached - and I believe it has been in this instance - then a proper criminal investigation must surely be permitted to take place, and the wrongdoers (if any) brought to justice. I would contend that it is a public duty to assist, and not to impede, that process.]

Sir Patrick Mayhew

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