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R E S T R I C T E D

ASST SEC
MCC 8/1/6
- 7 JUN 1993
CENT MBW SEC

7224
- 3 JUN 1993
CIVIL SERVICE

Not a wonderful note!

FROM: SIMON ROGERS
SECURITY POLICY AND OPERATIONS DIVISION 1
3 JUNE 1993

DESK IMMEDIATE

UNDER/ SEC
166/6
- 4 JUN 1993
CENT SEC

Mrs Murphy

- cc PS/Secretary of State (B&L) - B
- PS/Mr Ancram (DENI & L) - B
- PS/PUS (B&L) - B
- ~~PS/Mr Fell~~ - B
- Mr Ledlie - B
- Mr Steele - B
- Mr Williams - B
- Mr Bell - B
- Mr Shannon - B
- Mr Lyon - B
- Mr Wood (B&L) - B
- Mr Leach - B
- Mr Cooke - B
- Mr Maccabe - B
- Mr White - B
- Mr Marsh - B
- Mrs Collins - B
- Dr Power - B
- Mrs Madden
- Mr Maitland
- Mr Treharne - B
- Mr McCaffrey - B

Mr Walsby 7/6
hugh hugh

1. Mr Perry [Slightly amended. Whatever the outcome of this case, there will be controversy. The lines to take will be revised as necessary in the light of the Court's verdict NP 3/6]
2. PS/Mr Mates (B&L) - B

GLEN ROAD "JOYRIDERS" INCIDENT - 30 SEPTEMBER 1990

The trial of the six members of the Third Battalion, the Parachute Regiment, charged in connection with the deaths of Karen Reilly and Martin Peake, began on 9 March and was adjourned on 6 May pending the Judge's decision. I have just learnt that this will now be given on Friday 4 June at 1030. This submission gives a summary of the background to the incident, details the charges and provides lines to take on the Court's verdict (whichever way it goes it is bound to attract attention and criticism).

Background to the incident

On 30 September 1990, 16 soldiers from 3 PARA, accompanied by an RUC officer were patrolling on the Glen Road in West Belfast in an operation designed to catch "joyriders". The soldiers claimed that

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A stolen car carrying Karen Reilly, 18 (also known as Karen McGrillen), Martin Peake, 17 and Miss Markievitz Gorman drove up to a vehicle checkpoint and then accelerated through it, hitting one of the soldiers. Other soldiers from the patrol further along the road shot at the vehicle killing Karen Reilly and Martin Peake and injuring Miss Gorman.

On 31 July 1991, on the Director of Public Prosecution's direction, six soldiers were charged in connection with the incident. Details of the charges are given at Annex A, the most serious being charges of murder (Private Clegg) and attempted murder (Private Clegg, Private Aindow and Lance Corporal Boustead). The soldiers all pleaded not guilty to the charges. Initially they were bailed into military custody, but from 24 June 1992, they were held on open arrest.

What the hell is "open arrest"?

Media/Public Interest

The case provoked an outcry at the time that the soldiers had simply "taken out" the joyriders. This view was reinforced by a Panorama television programme on 22 July 1991 which contained eye witness accounts of the incident alleging that there had been no VCP, that the soldiers had deliberately injured one of their colleagues and that they had continued to fire at the car even after it had stopped. The programme also showed a picture of a mock up Vauxhall car, similar to the one driven by Martin Peake, in Palace Barracks, where 3 PARA were based at the time, which had a caption reading "Built by robots, driven by joyriders, stopped by A Coy". The RUC officer with the patrol gave evidence that the soldiers had faked the injury to one of their number to give the impression that he had been struck by the car.

Handling

Obviously it is impossible to predict what ^{*Mr Justice*} Judge Campbell's verdict will be. However, there will be strong public and media interest in the outcome, heightened because the decision follows so closely on

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the heels of that concerning the soldiers from the parachute regiment involved in the May 1992 incident in Coalisland. If the soldiers are acquitted then this will undoubtedly lead to claims of cover ups, the existence of a shoot to kill policy, the ineffectiveness of the investigative procedures following such incidents and calls for changes in procedures and the law. If, on the other hand, all are found guilty, it is likely that many will regard this as unfair on men doing a difficult job in dangerous circumstances.

Which many?

Lines to take are attached at Annex B. These may have to be revised in light of the judgement. The lines stress that the decision, no matter what it is, is one for the Courts; that the Courts are independent of the Government and the DPP (and the security forces); and that effective procedures exist for the investigation of such incidents. It should be noted that if the soldiers are found guilty, especially of the most serious offences, they are almost certain to appeal: absolutely no comment, therefore, should be made. Similarly, no comments should be made about the cases pending in connection with the shootings of Peter McBride and Kevin McGovern by the security forces.

The lines to take cover a wide range of subjects and are therefore a little on the long side. They include some overlap with areas which are primarily the responsibility of the MOD. Also, in case of guilty verdicts resulting in life sentences there are lines on release dates and inter prison transfers (the Private Thain case, where he was convicted of murder and served 3½ years of a life sentence in a GB prison may be quoted at us).

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1 year??

The Irish

The Irish side of the Secretariat will be informed of the decision as soon as details are available.

Why tell them after it is in the public domain?

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EPA Renewal debate

Supplementary briefing material for the debate will be put forward on Monday.

(Signed) an Accused

Charges

Simon Rogers
SPOB
Ext 27032

- 1, 2, 3, 4 and 6
- 3, 2, 3, 4 and 6
- 1, 2, 3 and 4
- 1 and 2
- 1 and 2
- 1 and 2

2 Lt. A. D. Bliver
Cpl. R. C. Wood
Pte. A. J. Treacy

- making a statement with intent to pervert the course of public justice.
- Obtaining the Police.
- Attempted murder of Martin Peake.
- Attempted malicious wounding of Miss Corran.
- Conspiracy to pervert the course of public justice.
- Murder of Karen McGrillen.

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ANNEX A

THE GLEN ROAD "JOYRIDERS" INCIDENT - 30 SEPTEMBER 1990

Servicemen Accused

Charge

Pte L W Clegg now with 1 PARA	1, 2, 3, 4 and 6
Pte C B S Aindow 3 PARA	1, 2, 3, 4 and 5
L Cpl S Boustead "	1, 2, 3 and 4
2 Lt A D Oliver "	1 and 2
Cpl R C Wood "	1 and 2
Pte A T Treacy "	1 and 2

CHARGES

1. Making a statement with intent to pervert the course of public justice.
2. Obstructing the Police.
3. Attempted murder of Martin Peake.
4. Attempted malicious wounding of Miss Gorman.
5. Conspiracy to pervert the course of public justice.
6. Murder of Karen McGrillen.

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ANNEX B

DRAFT PRESS MATERIAL - LINES TO TAKE

If found guilty

- It would be inappropriate to comment on the Court's verdict, reached after careful consideration of all the evidence before it. This is particularly so as there may be an appeal. What I can say, however, is that the deaths of Karen Reilly and Martin Peake and the injury of (Miss) Markievitz Gorman were tragic.
- (Will the men appeal?) - This is a matter for the soldiers' legal representatives.
- (If life sentences, when will the soldiers be released from prison?) - The release of anyone sentenced to life imprisonment is a matter for the Secretary of State in Northern Ireland or the Home Secretary in Great Britain.

Background Releases on licence in Northern Ireland are based on advice to the Secretary of State by the Life Sentence Review Board who do not normally consider cases until 10 years have been served. Releases on licence in Great Britain are a matter for the Home Secretary, advised by the Parole Board.

- (Will [these soldiers] be transferred to English Prisons?) - Prisoners in Northern Ireland, as in other jurisdictions within the United Kingdom, may request a transfer to a prison nearer their home and family. Such transfers are considered on the available information in accordance with the criteria announced in Parliament in November 1992.

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Background Following the report by the Intra UK Transfer of Prisoners' Working Group, Ministers announced their acceptance of the recommendations made by the group in Parliament on 23 November 1992.

- (Would such a transfer result in an earlier release?) - In general, no. Each case however is considered on its individual merits.

Background The release of transferred indeterminate (life sentence) prisoners depends on the senior Minister whose jurisdiction the prisoner falls. If a transfer either way is temporary, then the sending jurisdiction retains control. If, on the other hand, the transfer either way is permanent, then the receiving jurisdiction has control. In general, the UK jurisdictions, in considering transfers, will attempt to minimise the possibility of earlier release, while facilitating the prisoner's needs to be close to his family and friends.

If all are found not guilty

(If some are found guilty and others not guilty, then refer to the paragraphs above).

- It is not our practice to comment on a verdict from the Courts. I can say, however, that the deaths of Karen Reilly, Martin Peake and the injury of Markiewicz were tragic.
- (Whitewash) - The Court has reached its decision after careful consideration of all the available evidence. It is quite wrong to suggest that there was a whitewash.
- (Discipline) - This is a matter for the Army. (If pressed: The men have been found not guilty of any offence and therefore informal action by their Commanding Officer is the only possibility).

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under military discipline, where rules may be different - not black or white, just different

What 'whitewash' if they are found not guilty, how could there be any action?

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General lines to take

(Note: do not comment on the specific case).

- The Government/MOD very much regrets any incident where death or injury is caused by the police or armed forces
- Government policy in combating terrorism, and crime generally in Northern Ireland as in the rest of the United Kingdom, has as one of its guiding principles that the police and armed forces must operate at all times within the rule of law.
- The law allows use of such reasonable force as maybe necessary in the apprehension of a criminal or to prevent a crime.
- The police and Army are trained and are issued with specific instructions in opening fire, designed to keep them well within the law.
- Procedures exist for the investigation of all incidents involving death or serious injury as a result of actions by the security forces. A professional, impartial investigation is carried out by the police, the results of which, together with any forensic or pathology reports, are passed to the independent Director of Public Prosecutions. The DPP may, if he thinks fit, direct further inquiries to be held and will decide, on the basis of the factual evidence, whether or not a prosecution is to be brought.
- If there is a prosecution then, as in this case, it is for the Courts to decide whether an offence has been committed.
- If there is no prosecution then the military authorities will decide whether internal disciplinary action is appropriate or necessary.

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- The Army are deployed in Northern Ireland because of the terrorist situation and are deployed in support of the RUC and operate under their direction.
- The Government has complete confidence in the procedures for investigating incidents (The small number of charges brought against members of the security forces reflects their restraint in very difficult circumstances and the quality of their training rather than, as some would suggest, a failure of investigative procedures).
- (Review of law on use of force) This difficult area is still under consideration. We will be looking closely at today's judgement to see if there are any lessons to learn from it.
- (Will the soldiers remain in the Army?) - This is a matter for the MOD.

Background - under Army regulations a soldier is to be discharged from the Army if he has been sentenced by a Court to imprisonment (including a suspended sentence) unless, in the opinion of the brigade commander, and for exceptional reasons, his retention is felt to be desirable. The decision is made by the Director of Manning (Army). In the case of Private Thain the discussion was made to retain him in spite of his conviction for murder.

- (Will the soldiers serve in Northern Ireland again?) - No decision has been made. (but obviously this will be looked at very carefully). (Background - Thain did not serve in Northern Ireland again).
- (Will the soldiers be subject to military discipline?) - Matter for MOD. All soldiers are subject to military discipline. The public are entitled to expect the highest standards of behaviour from members of the armed forces and nothing which falls short of these standards will be condoned.

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(Training) - All soldiers are given extensive training before they are deployed to Northern Ireland (and are given clear instructions on when they may open fire which are designed to keep them wholly within the law).

- (Yellow card) - Specific instructions and thorough training are given to all soldiers to help them carry out their duties. The instructions make clear that firearms are a last resort, to be used only when there is no other way of apprehending those posing a threat to life. The instructions are designed to insure that soldiers act within the law.

- (Difficulties that soldiers face?) - Soldiers in Northern Ireland are deployed in support of the police in the face of a serious terrorist threat. The highest standards of behaviour are expected from them and although there are occasional lapses the Armed Forces are well trained professionals who will continue to serve the people of Northern Ireland.

- (The Paras are unsuitable to serve in Northern Ireland?) The Government does not accept that the PARAs or any other Regiment are unsuitable to serve in Northern Ireland. They will continue to play their full part in supporting the police, as long as circumstances require them to do so.

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