

CURRENT SECURITY SITUATION

- ◆ Am aware that the current security situation is tense and that recent incidents can undermine the public's confidence in the current process.
- ◆ The RUC however have taken a number of steps to increase security across Northern Ireland in a measured response.
- ◆ The Government remains aware that its primary duty is to protect all the citizens of Northern Ireland from terrorist action from whatever quarter this may appear.

Clifton Tavern arrests

- ◆ The RUC have questioned a number of individuals about serious terrorist crime including the murder of Mr Treanor.
- ◆ As the investigation is continuing it would be inappropriate for me to comment on these arrests.

De-escalation

- ◆ The security forces continue, where possible, to reduce the impact of security measures on every day life to a level commensurate with the threat.
- ◆ Recent incidents have meant that Army patrols have been re-introduced in some areas, but this, it is hoped, will only be a temporary measure.

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- ◆ Work continues on a number of fronts; demolition of Kilkeel Army Base began yesterday, work continues to reinstate the main Belfast/Dublin road at Cloghogue.

- ◆ A number of other minor, yet significant changes have occurred - shortly before Christmas bollards removed from outside RUC Pomeroy.

- ◆ Before the most recent incidents, Army support for routine RUC patrols had dropped by a half, helicopter activity by a quarter, 250 soldiers returned home. These are real changes which, despite what some may say, have had a significant impact on many, though not all areas of the province.

South Armagh Towers

- ◆ There are no plans to remove these towers in the short term.

- ◆ In view of recent incidents it is imperative that the security forces can respond properly to the situation. The towers remain at this stage operationally necessary.

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POLICING REFORM

- The Government recognises the importance and sensitivity of this issue. It sees the issue being addressed in talks, but does not think that change, where it is justified, on its merits should be left in abeyance. [Of course any changes embarked on can be reviewed in light of agreement reached in Talks.]
- It sees improvement in the policing service as necessary - as do the Chief Constable and Police Authority - no police force can stand still. The Government is determined to secure improvements as rapidly as possible.
- That is why it has introduced the Police Bill which has a particular emphasis on accountability to the community and efficiency and effectiveness through:
 - a more focused Police Authority;
 - objective setting;
 - policing plans;
 - new complaints procedures, the Police Ombudsman.
- We also want to see more community involvement. The Bill will enable this through a more focused Police Authority and through objective setting and planning processes, but the Government also intends to publish a consultation document on the composition and method of appointment of the Police Authority and on police/community issues shortly.
- The Government would also like to see an environment which allows less concentration of security and public order policing, and more on normal policing.

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POLICING IN TALKS

- Talks will take place on an open agenda. It is up to participants in the talks process to determine what the outcome will be. However, any policing arrangements will clearly need to provide an effective, impartial policing service; proper accountability for the use of public money; to be part of a judicial system; and to be accountable for the service they provide.
- **[Why then the Police Bill?]** The Government regards it as important not to leave necessary policing reform in abeyance, the Police Bill, for example, is justified on its merits and provides a foundation on which other changes can be built.

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POLICE (NORTHERN IRELAND) BILL

Q. Proposals don't go far enough

- A. - Our proposals are about policing structures, they reflect Government's evolutionary approach. They provide a foundation.
- In context of policing structures in Northern Ireland, the most important issues are those of police accountability, impartiality and ensuring the effective and efficient delivery of police services and these are addressed in the Bill.

Q. Issue of Symbols?

- A. - Recognise that this is a sensitive issue - regardless of political outlook - changes to symbols would require widespread support: Government is happy to introduce change where consensus exists. However proper place for discussion of most contentious symbolic issues is in all-party political talks.

Q. RUC Oath?

- A. - Government intends to replace current form of Declaration of Office of a Constable in Northern Ireland with the form used in Scotland ('Oath' is not an 'Oath of Allegiance', but is a declaration or affirmation of office).
- We have considered it carefully, and believe that it represents a sensible change, clarifying what a police constable is undertaking when he or she takes up their office.

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Q. Changing the name of the RUC?

- A. - This is something that may come up at Talks, but in the Bill the name of the RUC, and its status, has been preserved.
- A new concept has been created, however, of a Northern Ireland Police Service, which is a term to cover the police, traffic wardens and civilian staffing. This new term permits the police service to have a single all-encompassing identity with an emphasis on service.

POLICE COMPLAINTS

- These reforms which have received widespread support, are aimed at building greater public confidence in the system (while also inspiring police confidence).
- The Ombudsman would be wholly independent and have complete control of the complaints process.

SUPPORT FOR THE RUC

Lines to Take

Q. The RUC is unacceptable to Nationalists?

- A. Don't accept the RUC are unacceptable to any section of the community; 69% of the population of Northern Ireland, including 78% of Protestants and two thirds of Roman Catholics think the RUC does a good job.

Q. Disband RUC?

- A. Disbanding the RUC is not on the Government's agenda.

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FAIR EMPLOYMENT/COMPOSITION OF THE RUC

Lines To Take

- The Chief Constable has publicly stated his determination to increase Roman Catholic representation in the ranks of the RUC and, after consultation with the Police Authority, has set up a working party to review community representation and what might be done to improve it. This was advertised on 11 December, and comments were sought from the public. ... A clear indication of action being taken.
- The RUC is of course already subject to fair employment legislation.

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RUC'S INTERNAL REPORT ON RELIGIOUS HARASSMENT

Lines to Take

- The document which formed the basis of the article which appeared in the Independent on 11 December was a confidential internal RUC report commissioned by the Chief Constable.
- The Chief Constable has already indicated that he is determined that religious harassment must be eliminated and that, upon consideration of the report's findings, he will take steps to do so.

Background Note

- At 1 October 1997 monitoring revealed that the minority community occupied 8.24% of posts in the Regular RUC. The percentage of applicants to the RUC perceived to be from the minority community was 12.2% at the January 1994 competition; this has increased to 14.8% in 1996. Of those accepted in 1996, 15.93% were from the minority community.

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ROBERT HAMILL CASE

- The DPP has decided to proceed with the case against one of those charged in connection with this murder. The police investigation is ongoing. [Decisions on prosecutions are for the DPP.]
- The investigation report into the alleged failure of the police to take action is currently with the ICPC. If they issue a statement of satisfaction the file will, as is normal, be sent to the DPP. Otherwise additional inquiries will be required of the police.

Duffy Case

- I cannot comment on the current charges against Mr Duffy - his case is sub-judice.
- I know, however, that his complaints are being investigated, under ICPC supervision.
- **(Bail)** - The question of bail is a matter between Mr Duffy, his legal representative and the courts and not for me. I understand that he has already successfully applied to have his bail conditions varied twice.
- **(Harassment)** - Government, Chief Constable and army chiefs will not accept this. Complaints will be investigated; but evidence is required. Vague accusations have no value. Accusations should be made through the proper channels with full details so that they can be properly investigated.

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USE OF PLASTIC BATON ROUNDS/FAULTY BATCH

Lines to Take

- There is currently no safer alternative to PBRs. Withdrawing them would mean resort to live rounds; to dangerous close-quarter techniques; or to simply allowing riotous behaviour - which is itself extremely dangerous. We should not take knee-jerk reactions which will end up with more injuries and a more dangerous environment
- In his 1996 report on the RUC, HM Inspector of Constabulary noted that the techniques used in response to violent public disorder in most of the United Kingdom, involving use of horses and weight of numbers were made possible by the lack of threat of use of firearms against the police. Such a threat is demonstrably real in Northern Ireland; and therefore a different response is required.
- Recognise the danger of injury to innocent people caught up in civil disorder. However, the police priority is to minimise the risk of death or injury to all concerned. All police tactics should be seen in that context.
- Any evidence of misuse of this equipment should be passed to the proper authorities so that appropriate action can be taken.
- Clear there were some problems with quality control (as identified earlier in the year) - MOD have acted decisively to impose 100% inspection procedures and tighter specifications.

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FUNDAMENTAL REVIEW OF POLICING

Lines to Take

- Discussions are continuing with the Chief Constable on how to take forward issues in the review insofar as this is possible in light of the current IRA and Loyalist ceasefires.

- RUC had begun the process of relaxing security measures, but recent events have affected this. Some of the recommendations of the Review are being taken forward but the most significant ones are dependent on the continuation of peace for longer.

- Too early to make any prediction on what will happen. Government, in concert with the Chief Constable and the Police Authority, will continue to monitor events carefully. Much will depend on the stability of the ceasefire(s) and political progress.

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KEY PERSONS PROTECTION SCHEME - DEFENSIVE

Lines to Take

(Is it right that Sinn Fein should be protected?)

- Yes. The party has signed-up to the Mitchell Principles and is one of the number of parties involved in the Talks.

(If required)

- Offers of home protection measures have been made to three party members, including Mr Adams and Mr McGuinness, on lines similar to that afforded to other MPs. Any further requests will be assessed on their merits.

(If raised - Is it necessary to involve the RUC in these arrangements?)

- Yes. This is long standing practise which applies to all. The RUC have unique experience and expertise in judging what measures are necessary at a person's home. Anything else, for example a private security consultant, would not be as good. This would obviously be to the detriment of the householder. I must have the best possible advice in these matters and the RUC can provide it. I would urge those who reject RUC assistance to think again.

(Are Loyalist parties/UDP/PUP protected?)

- Yes. A number of leading UDP and PUP members are protected; I am not prepared to discuss individual cases which are confidential.

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LEGAL FIREARMS - DEFENSIVE

(Legislative Review?)

- This has been completed. I would hope to publish my findings and reform proposals as a consultation paper in the coming weeks. Welcome views thereon.
- Proposals will be measured and appropriate to local circumstances. No draconian changes.

(Prohibition of Handguns?)

- The Government's national policing on handguns is well known. The legislative review examined the controls on handguns and recommended a number of improvements. These will be announced at the time of the consultation paper.

(Personal Protection & Firearms?)

- These are vigorously controlled and rightly so. Individual cases are a matter for the Chief Constable to decide within the legal requirements. If refused, a right of appeal to myself (Secretary of State).

(Only if pressed on public safety)

- These firearms do have a difficult safety record, which I am looking at.
- No plans at present to prohibit personal protection firearms.

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PARADES

- Government believes North Report brought welcome degree of fresh thinking to the controversial area of parades.
- Government committed to implement North Report in a balanced and even-handed way, taking account of sensitivities on all sides.
- During passage of the Public Processions Bill through Parliament, Government remains open to suggestions for changes to the Bill which would further enhance its balanced nature.
- Government committed to fair treatment for all - not trying to appease Nationalists or disadvantage Unionists but looking for a balanced solution which recognises rights and responsibilities on all sides.

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ANNEX F

BRIAN NELSON

Line to Take

- Given the time that has elapsed since these events, and the fact that they were the subject of court proceedings and a detailed inquiry at the time, I have some doubts about the value of discussing them in the Sub-Committee. But I am of course aware that Sinn Fein has produced a detailed submission on these issues. I believe the best way forward would be for me to ensure that that submission is studied and that a full reply is sent. Any further action that is appropriate could be considered then.

Background Note

Brian Nelson was a member of the TA from 1964 to 1967. He joined the UDA in 1972 when it was not an illegal organisation. The UDA was proscribed in 1992. Nelson was the "intelligence officer", it was his role to target and provide intelligence on targets for the UDA. In 1983 he offered his services to the Army as an agent in the UDA. From 1987 until his arrest Nelson was in regular contact with his Army Handlers and gave them quite extensive information about his activities.

Nelson was arrested in 1990 by members of the team of police officers led by Mr Stevens, the then Deputy Chief Constable of Cambridgeshire. Mr Stevens had been invited by the then Chief Constable of the RUC to lead an investigation into allegations of collusion between members of the security forces and loyalist paramilitaries. Nelson pleaded guilty to a number of offences including conspiracy to murder (5 counts), possession of firearms with intent, possession and collecting information likely to be of use to terrorists. He was given various sentences to run

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concurrently with one for 10 years for conspiracy to murder. Nelson was transferred from Belfast to a prison in England in 1992.

Sinn Fein made a lengthy submission on the Nelson affair in late December, arguing that rather than using Nelson to interdict UDA attacks, the security forces had (through him) helped loyalists to improve their targetting of republicans. This is ridiculous; but in view of the complexity of the allegations it would be better to rebut them initially on paper rather than in the Sub-Committee.

STEVENS INQUIRY

- A summary of the conclusion of report by John Stevens with allegation of collusion was published in 1991.
- Stevens concluded that the release of security force documents was “neither widespread nor institutionalised”.
- A number of prosecutions were instigated as a result of the Stevens inquiry.
- Mr Stevens made a series of recommendations as measures to prevent the disclosure of classified material. Those recommendations were acted upon.
- Any individual found assisting in the commission of terrorist acts will face criminal trial and prosecution.

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Background

In response to a number of allegations in 1989 of collusion between the security forces and Loyalist paramilitary organisations, the Chief Constable of the RUC asked Mr John Stevens, Deputy Chief Constable of Cambridgeshire, to conduct an independent investigation, and to make recommendations on any relevant matters. The investigation was the largest police inquiry of its kind ever carried out in the United Kingdom. A summary of Mr Stevens' report was published, which concluded:-

“The detailed analysis of the security force documents recovered during the inquiry and the evidence secured makes it clear that passing of information to paramilitaries by security force members has been restricted to a small number of individuals. It is neither widespread nor institutionalised.”

A number of prosecutions were instigated as a result of the Stevens Inquiry. In addition, Mr Stevens' report made a series of recommendations on measures to prevent the unauthorised disclosure of classified material, to improve recruitment procedures and to enhance the detection of any misconduct in the future. Those recommendations have been acted upon.

BLOODY SUNDAY

Lines to Take

- The Government recognises that the events of 30 January 1972 in Londonderry symbolise the pain and divisions of the lack of progress in finding a solution to the problems of Bloody Sunday. We deeply regret the loss of life.
- I agree with John Major that "those who died should be regarded as innocent of any allegation that they were shot whilst handling firearms or explosives".
- Officials are examining the evidence presented to the previous Secretary of State and that presented by the Irish Government. If there is new evidence the appropriate action will be taken.
- No options have been ruled out but the material must be examined thoroughly first.
- I met the relatives of some of those killed at a lunch on 3 July, I told the families that I would make a statement as soon as possible, and it is my intention to make an interim statement this week.
- I will make a full and final statement when all the investigations have been carried out. It would be unwise at this juncture to make a definite statement on a possible final decision about this issue.

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One of the reasons for the delay has been to investigate further allegations, in particular those of ex Paratrooper Byron Lewis who has made specific allegations against the behaviour of his colleagues in Londonderry on Bloody Sunday. So far these allegations are still under investigation.

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