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Eric Waugh

The realities of a very dirty war

Friday, January 26, 2007

By Eric Waugh

When is a war not a war? Probably when it's with the IRA. In a real war, practically anything goes, Geneva Conventions or not. Remember Rwanda or Vietnam; or Oradour-sur- Glane; or Lidice; or Malmedy.

But the IRA? Its members went to war only on condition that their human rights would not be infringed, although it might deny those rights to others.

In a real war, though, there are no human rights. But it is the IRA kind of war - war with conditions - which lies at the root of the controversy over the Police Ombudsman's report. In this we are very much taken back to other times. With the passing years there is now an adult generation which knows nothing of the fine print of how their elders lived in those far-off days. We should be glad that it is so.

But it is important that those who pronounce upon the report, like the SDLP leader, Mark Durkan, a child of 11 during the worst year, should bear in mind the nature of those times. Certain people in secret jobs had massive powers. So much so that few of the rest were inclined to ask questions.

Short cuts were taken with the law, often in matters of life and death. When evil was done, minders looked the other way. Read now, in the politically-correct greenhouse of the new century, the record is shocking, often callous, cavalier and unscrupulous. To say that it was all the product of desperation in confronting the so-called war is not to excuse, still less condone: by no means. But remember it is true.

In the shady, secret world of intelligence, those charged with enforcing the law needed agents who could easily merge, assuming the natural colours of the quarry. The quarry was criminal, so the lawmen hired criminals to hound it. How much rope to give them was difficult to decide. When they gave them too much, they only found out when it was too late.

But it was absolutely vital that the flow of intelligence was maintained. As for the senior officers, their sin seems to have been that they asked too few questions. So long as the detection rate went on improving (which it did), they looked the other way. But consider the dilemma of Government: the underlying conflict between those urging a military solution and those pressing a political approach.

International embarrassments meant the rule of law had to be maintained. But convictions were few because the IRA also had its agents and witnesses were warned not to take the stand. When cases were brought, acquittals were common, and those charged resumed the killing; or cut-and-dried murder charges (as in the case of Det Const McCabe of the gardai in 1996) were reduced to manslaughter.

So undercover surveillance using the SAS had been resumed in the mid-1980s. The difficulty was that the special forces, briefly given their head, were much too successful for the comfort of Government ministers dealing with Dublin and Washington.

The Loughgall engagement of 1987, when eight IRA members attacking the police station were ambushed and killed by the SAS, was the direct result of the free flow of intelligence to the Special Branch. Their IRA informant, never identified, was among those who died at the scene. It was a time when additional feedback was coming from listening devices planted in the homes of IRA suspects and the dump from which the explosives were drawn was being watched by MI5.


Army helicopters, by this time, were able to fly along the border and log members of the Provisionals removing the gloves they used for handling explosives as they emerged from arms dumps in the Republic. In fact, as is well known, there was an element in Army and police which was pressing for the go-ahead to move in and finish the job.


But ministers knew this would conflict directly with their underlying aim, active on and off since the early contacts made by William Whitelaw, first Secretary of State, in 1972, to settle the situation round the table. So the SAS was reined in. Shoot-to-kill incidents were declared off-limits. After 1990 the chief constable had to give his personal consent before the SAS was deployed anywhere in Northern Ireland.


Fourteen years after Loughgall the European court ruled that, though the deaths were not unlawful, the dead men's families should receive £10,000 apiece because their human rights had been violated. The grounds were obscure, not to say nit-picking: 'lack of independence' of the police and 'lack of public scrutiny'.


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But the potential of the ruling, and others like it, to generate tension and frustration among those risking life and limb daily on the front line of the battle was very clear. They knew that forensic tests on the IRA guns collected at Loughgall linked them to eight previous murders and to 33 shootings.

It is in the light of history, and the stresses of the time, that the Ombudsman's report should be read. Now, after a decent pause, we should move on. Every wallow in the tainted past weakens the appetite for shared Government.

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