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MR BLOOMFIELD

MR STEPHENS DUS(B)

MR GILLILLAND

MR DOFF 1986

MR ELLIOTT

MR BLACKWELL

MR McCONNELL

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TELNO 500

OF 031115Z OCTOBER 1986

INFO NIO/ IMMEDIATE NIO (BELFAST)

OUR TELNO 408 - MR PETER ROBINSON: CPURT APPEARANCE IN BALLYBAY

SUMMARY

1. MR ROBINSON'S SECOND COURT APPEARANCE IN THE REPUBLIC. SATISFACTORY ENDING TO WHAT COULD HAVE BEEN A DIFFICULT, EVEN DISASTROUS DAY, IN BALLYBAY.

DETAIL

2. WHEN MR ROBINSON MADE HIS SECOND COURT APPEARANCE IN THE REPUBLIC OF IRELAND YESTERDAY (2 OCTOBER) HE FACED SEVEN NEW CHARGES OF MALICIOUS DAMAGE AND ASSAULTING GARDAI IN ADDITION TO THE FOUR CHARGES OF UNLAWFUL ASSEMBLY, MALICIOUS DAMAGE AND OCCASIONING ACTUAL BODILY HARM ALREADY REFERRED AGAINST HIM. HE SPENT FOUR HOURS IN GARDA CUSTODY BECAUSE OF WHAT MOST OBSERVERS, INCLUDING SENIOR GARDA OFFICIALS, HAVE DESCRIBED AS INTRANSIGENCE ON THE PART OF DISTRICT JUSTICE CONNELLAN, WHOSE INSISTENCE ON AN ADDITIONAL IR£50,000 BAIL THREW A SPANNER IN THE WORKS.

3. THE JUSTICE'S RULING OBVIOUSLY UPSET ROBINSON (WHO WENT WHITE) AND THOSE, INCLUDING DR PAISLEY, WHO HAD TRAVELLED WITH HIM FROM THE NORTH. THE STATE SOLICITOR SAID THAT THE STATE HAD NO OBJECTION TO THE EXISTING BAIL TERMS, BUT THE DISTRICT JUSTICE WAS NOT TO BE MOVED. THE GARDAI WERE ALSO PUT OUT: SENIOR GARDA OFFICIALS TOLD FIRST SECRETARY (INNES) (WHO WAS PRESENT IN BALLYBAY AS AN OBSERVER FOR THE ENTIRE DAY) THAT IF, AS ORIGINALLY ORDERED, MR ROBINSON HAD TO APPEAR NEXT IN CASTLEBLAYNEY ON 7 OCTOBER, SECURITY WOULD BE A MUCH BIGGER HEADACHE THAN AT BALLYBAY, WHICH HAD BEEN EASILY SEALED OFF WITH A FORCE OF 420 MEN (ALTHOUGH THE MEDIA WERE TOLD THAT ONLY 300 WERE PRESENT).

4. THE ACTION THEN MOVED TO DUBLIN WHERE THE HIGH COURT AGREED TO HEAR AN URGENT APPEAL. THE HIGH COURT WAS TOLD THAT THE DPP BELIEVED THE PREVIOUSLY AGREED BAIL TERMS WERE SUFFICIENT. MR JUSTICE HAMILTON AGREED THAT THE BAIL FIXED BY CONNELLAN WAS EXCESSIVE, HAVING REGARD TO THE NATURE OF THE OFFENCES WITH WHICH ROBINSON WAS CHARGED AND THE ATTITUDE HE HAD ADOPTED DURING THE CASE. THERE WAS NO REASON TO BELIEVE HE WOULD NOT CONTINUE TO HONOUR HIS BAIL. DISPENSING WITH FORMALITIES NORMALLY REQUIRED, MR JUSTICE HAMILTON FIXED BAIL AT IR£10,000. HE ENDED BY REMARKING THAT IT WAS A PLEASURE TO WELCOME MR ROBINSON'S BARRISTER, ALAN KANE, AND JIM ALLISTER (ALSO A NORTHERN IRELAND BARRISTER) TO THE JURISDICTION.

5. THE GARDAI HANDLED YESTERDAY'S EVENTS VERY WELL AND THOSE IN CHARGE WERE SENSITIVE TO THE WIDER ISSUES INVOLVED. THE OFFICER IN CHARGE, CHIEF SUPT FITZPATRICK, KEPT A FIRM GRIP OF THE SITUATION. HE TOLD INNES THAT SHORTLY AFTER THE COURT HAD BE ADJOURNED IN DISARRAY AND MEMBERS OF THE DUP PARTY HAD GONE THEIR VARIOUS WAYS TO TRY TO HAVE THE BAIL REDUCED, HE HAD OVER- RULED DETECTIVES WHO WANTED TO TAKE ROBINSON STRAIGHT OFF TO MOUNTJOY PRISON IN DUBLIN, USING HANDCUFFS. FITZPATRICK INSISTED THAT ROBINSON STAY IN PROTECTIVE CUSTODY IN BALLYBAY COURTHOUSE UNTIL MATTERS WERE RESOLVED.

6. INNES MADE HIMSELF KNOWN TO MITCHELL (ROBINSON'S LAWYER) AFTER THE HEARING AND SAID THAT THE EMBASSY REMAINED READY TO ASSIST MR ROBINSON IN ANY WAY WE COULD. INNES ALSO INTRODUCED HIMSELF TO ROBINSON. A GARDA OFFICER ALSO MENTIONED INNES' PRESENCE TO MITCHELL WHO REPLIED THAT HE WAS NOT SURE WHETHER ROBINSON 'WOULD WISH TO USE THE BRITISH EMBASSY IN ANY WAY'.

7. MR AND MRS ROBINSON APPEARED RELAXED THROUGHOUT THE TIME THEY WERE IN THE COURTHOUSE. THEY HELD COURT WITH A NUMBER OF JOURNALISTS. ALTHOUGH THEY REFUSED FOOD AND DRINK THEIR RELATIONS WITH THE GARDAI WERE EXTREMELY FRIENDLY.

8. JUSTICE CONNELLAN HAS MADE HIS MARK SEVERAL TIMES RECENTLY IT WAS HE WHO FIRST HAD EVELYN GLENHOLMES RELEASED FROM CUSTODY, WHICH ACTION LED TO A CAR CHASE THROUGH DUBLIN LAST MARCH. NO ONE IN BALLYBAY SUPPORTED HIS ACTION YESTERDAY. JOURNALISTS, GARDAI AND LOCAL RESIDENTS ALL AGREED THAT HE HAD BEEN 'UNFAIR' TO MR ROBINSON AND THE CONSENSUS WAS THAT IRISH JUSTICE HAD BEEN BROUGHT INTO DISREPUTE BY HIS ACTION. WHEN CHIEF SUPT FITZPATRICK HEARD THAT CONNELLAN HAD HAD TO BE INTERCEPTED ON THE DUBLIN ROAD AND BROUGHT BACK TO BALLYBAY TO CHANGE THE BAIL TERMS SET EARLIER HE SAID THAT IT 'SERVED HIM RIGHT FOR MAKING A STUPID RULING'.

9. TODAY'S IRISH NEWSPAPERS ARE UNIFORMLY CRITICAL OF THE DISTRICT JUSTICE'S DECISION TO INCREASE BAIL. THE IRISH TIMES SAYS THAT HE 'SHOULD HAVE REFLECTED MORE. THIS IR£50,000 WILL BE TRUMPETED THROUGHOUT LOYALIST CIRCLES AS AN OUTRAGE COMPARABLE TO THE ANGLO-IRISH AGREEMENT'. IF IMPROBABLY, A TD WERE EVER 'TO BE ON A SIMILAR CHARGE IN A SIX COUNTY COURT WHAT WOULD EVERYONE IN THE REPUBLIC SAY IF BAIL IMPOSED WAS INFLATED IN THE MANNER OF YESTERDAY? BIGOTS (EXCLAM) 'THE IRISH PRESS SAYS THAT 'FROM A PRACTICAL POINT OF VIEW AND GIVEN THE PARTICULAR CIRCUMSTANCES OF THIS CASE, IT WAS A MISGUIDED DECISION THAT HANDED MESSRS PAISLEY AND ROBINSON ANOTHER HANDY PROTEST FLAG TO WAVE''. THE PRESS TAKES THE VIEW THAT 'IT WOULD SURELY HAVE BEEN MORE SENSIBLE TO HAVE HAD MR ROBINSON'S CASE TRANSFERRED TO DUBLIN AT THE OUTSET. CERTAINLY THE LESSONS FROM DUNDALK AND BALLYBAY FOR THE FUTURE ARE THAT THIS CASE SHOULD BE HANDLED WITH THE MINIMUM OF FUSS IF WE ARE TO AVOID MAKING FOOLS OF OURSELVES TO ADVANCE POLITICAL AMBITIONS OF THE CLEVER MR ROBINSON''.

10. FCO PLEASE ADVANCE NIO (L).

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