1. 3rd Resp
2. J.Boutcher
3. 1st
4. JB1
5. 17/03/25

IN THE SUPREME COURT OF THE UNITED KINGDOM

ON APPEAL FROM HIS MAJESTY'S COURT OF APPEAL IN NORTHERN IRELAND

NEUTRAL CITATION OF JUDGMENT UNDER APPEAL [2024] NICA 39

Case No. UKSC 2024/0083

BETWEEN:

SECRETARY OF STATE FOR NORTHERN IRELAND

Appellant

-and-

(1) CORONER FEE
(2) NEXT OF KIN (EUGENE THOMPSON)
(3) CHIEF CONSTABLE OF THE POLICE SERVICE OF NORTHERN IRELAND (PSNI)

Respondents

EXHIBIT JB1

This is the Exhibit marked "JB1" referred to in the affidavit of **JON BOUTCHER** sworn this 17th day of March 2025:

Before me: ..... *(signed)*

ALICE KUZMENKO *(name)*

~~A Solicitor~~/ Commissioner for Oaths

INDEX TO EXHIBIT JB1

Police Service
of Northern Ireland

Office of the Chief Constable
Police Headquarters
65 Knock Road
Belfast BT5 6LE
Email: ExecutiveSupportTeam@psni.police.uk
Tel: 028 90 561613

Our Ref: EST 2077-24

The Rt Hon. Chris Heaton-Harris MP
1 Horse Guards Road
London
SW1A 2HQ

7 February 2024

Dear Chris

RE: PUBLIC INTEREST IMMUNITY CLAIMS IN NORTHERN IRELAND INQUESTS: REVIEW OF CURRENT PRACTICE AND PROCEDURE

As you know, section 44 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 will come into force on 1 May 2024. This will insert new sections 16A-16C into the Coroners Act (Northern Ireland) 1959 thereby terminating all ongoing inquests under that Act into "deaths resulting directly from the Troubles".

A significant number of long-running and important inquests will be prematurely terminated by these provisions, but there are also a significant number which the Coroners Service for Northern Ireland is rightly endeavouring to bring to a proper conclusion before the cut-off date. PSNI owes a duty to the Coroners Service, the families of the deceased and the wider public to do all it can to assist in this process and I am determined that it should fulfil that duty.

To this end, my Legal Services Branch and Legacy Support Unit (LSU), the Crown Solicitor's Office and counsel are all working closely together to try and target resources and deliver the necessary casework as efficiently and effectively as possible. In order to support this work and secure an element of external perspective and assurance, I have also commissioned independent leading counsel to engage with stakeholders, review our systems and identify possible improvements.
One question arising out of this review is whether the current practice of seeking a public interest immunity (PII) certificate from an NIO minister in support of PII claims made in connection with PSNI materials serves any real purpose and is necessary and appropriate.

In this regard, the sequence of events is currently as follows: (1) LSU searches for and collates potentially relevant materials in the possession of PSNI and the relevant Coroner's team considers these and identifies that which is *prima facie* disclosable; (2) LSU subject matter experts conduct a pre-disclosure sensitivity review of the disclosable materials in order to identify any information whose release might cause real harm or serious damage to the public interest; (3) counsel advises on whether PII attaches to any such information; (4) I as Chief Constable decide whether to make a PII claim; (5) if I do, the matter is referred to NIO so that the PII claim can be supported by a ministerial certificate; and (6) the relevant Coroner decides whether or not to uphold the PII claim.

Stage (5) above produces delay for all concerned, suspicion and resentment on the part of families and logistical and resource issues for PSNI and NIO and, crucially, the basis for it is unclear:

(1) The doctrine of PII is a part of the substantive law of evidence and of public law, it is not a privilege, it does not belong to and is not overseen by any particular person or body, it does not matter who invokes it and it is for the independent judiciary to decide whether and when it applies.

(2) All Chief Constables are constitutionally independent of government and Chief Constables in England and Wales routinely make PII claims in civil proceedings and inquests without involving ministers. Furthermore, the government's approach to PII - announced in 1996 following the Scott Inquiry Report and the House of Lords' decision in *ex parte Wiley* - expressly does not apply to the police.

(3) It does not appear that ministerial vetting or endorsement of PSNI PII claims adds value, serves any particular practical purpose or provides any great reassurance. As I understand it, ministers have never refused to support a PII claim proposed by PSNI, they rarely, if ever, propose any additions or subtractions and, even if they did, the final decision rests with the judiciary. Furthermore, there is no ministerial oversight or review of stages (1)-(4) above and PSNI decisions not to claim PII are not referred to or checked by NIO.

(4) While responsibility for legislation and policy on counter-terrorism and national security rests with central government, the RUC had and PSNI still has counter-terrorism, national security and intelligence functions. As a result, it is generally better placed than NIO officials and ministers to assess and speak to, e.g. the importance and protection of operational policing capabilities, methods and techniques, the recruitment and retention of police informants etc. Indeed, the reality is that most of our PII claims fall into well-established categories and

engage policing experience, expertise and equities which are familiar to courts handling legacy cases. Furthermore, PSNI can and will seek input from and/or the formal involvement of government as necessary in more specialist situations, e.g. in connection with the disclosure of potentially sensitive information about a security, intelligence or defence matter falling within the remit of MI5, MI6, GCHQ or a specialist military unit.

Given the above, I am minded to discontinue the current practice of routinely seeking a ministerial certificate in support of all PSNI PII claims on the grounds that this is unnecessary and inappropriate. This is only a provisional view pending consultation with my immediate predecessors and more definitive advice from counsel, but the matter is pressing because this practice is delaying a number of legacy inquests which must be completed within the next three months.

Accordingly, I think the most sensible and expeditious way forward is to write now, notify you of my concerns and request that you let me know urgently if you disagree or think the current practice is beneficial or mandatory in some way. Please also let me know if you see any material difference between inquests and ordinary civil proceedings in this regard; I do not.

I will follow this letter up with a call, but I should be very grateful if you could respond at your earliest opportunity. I look forward to hearing from you.

I am copying this letter to Patrick Butler (Head of Coroners Service and Legacy Inquest Unit), Peter Ryan (Ministry of Defence, Directorate of Judicial Engagement Policy) and Jennifer Bell (Crown Solicitor of Northern Ireland).

Yours sincerely,

Jon Boutcher QPM
Chief Constable

Article 2 & 8

(SO to CC)

From: Article 2 & 8 (SO to CC)
Sent: 16 February 2024 14:10
To: 'SOS Heaton-Harris, Article 2 & 8 @nio.gov.uk'
Cc: correspondance@nio.gov.uk; zExecutiveSupportTeam; Article 2 & 8
Subject: OFFICIAL [PARTNERS]: RE: Legacy Inquests PII (2077-24)
Attachments: Letter CCPSNI - SOSNI - Legacy Inquests PII.pdf

Importance: High

This e-mail has been marked OFFICIAL [PARTNERS]

Dear Minister,

I write further to the attached correspondence at the request of Chief Constable Jon Boutcher.

I have been asked to seek a likely timeframe for a response to the Chief Constable's request.

If possible, a response by Thursday of next week, 22 February, would be hugely appreciated.

Can I respectfully ask for an acknowledgment of this email.

Regards,

Article 2 & 8

Article 2 & 8 Article 2 & 8
Sgt
Staff Officer to Chief Constable
Chief Constables Office
Email: Article 2 & 8 @psni.police.uk
Police Headquarters • 65 Knock Road • Belfast • BT5 6LE

From: Article 2 & 8 @nio.gov.uk <Article 2 & 8 @nio.gov.uk> **On Behalf Of SOS Heaton-Harris**
Sent: 07 February 2024 14:33
To: zExecutiveSupportTeam <zExecutiveSupportTeam@psni.police.uk>
Cc: correspondance@nio.gov.uk
Subject: Re: OFFICIAL [PARTNERS]: Legacy Inquests PII (2077-24)

****
CAUTION:This email has been received from outside the PSNI Mail Environment. Please ensure you can verify the sender's name and email address. Treat all attachments and links with caution. **FOR**

INTERNAL PSNI USERS ONLY - If you have any concerns regarding this email please forward to the Information Security Unit.
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Thank you - confirming receipt.

Private Office of the Secretary of State for Northern Ireland

1 Horse Guards Road, London
Erskine House, Belfast

Article 2 & 8 (PPS) Article 2 & 8
Article 2 & 8 (SPS)
Article 2 & 8 (SPS)
Article 2 & 8 (PS)
Article 2 & 8 (PS)
Article 2 & 8 (Diary) Article 2 & 8

E-mail: sos.heaton-harris@nio.gov.uk

Find out more on GOV.UK/nio
Follow us on Twitter @NIOgov and Instagram @northernirelandoffice

A re

A reminder that our box time is Monday - Thursday 12pm. Please ensure all submissions are copied to sos.heaton-harris@nio.gov.uk, sent as Google docs and named according to NIO naming conventions 'Date-Type-Title'

On Wed, 7 Feb 2024 at 14:11, <zExecutiveSupportTeam@psni.police.uk> wrote:
This e-mail has been marked OFFICIAL [PARTNERS]

Good afternoon

Please see attached letter to yourselves, from PSNI Chief Constable Jon Boutcher

I would be grateful if you could confirm receipt.

Regards

Article 2 & 8

Admin Support Officer

Executive Support Team
Email: ExecutiveSupportTeam@psni.police.uk

Police Headquarters • 65 Knock Road • Belfast • BT5 6LE

Northern Ireland Office

The Rt Hon Chris Heaton-Harris MP

Secretary of State for Northern Ireland

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Chief Constable Jon Boutcher QPM
Police Headquarters
65 Knock Road
Belfast
BT5 6LE

By email: ExecutiveSupportTeam@psni.police.uk

04 March 2024
Our reference: MC/24/42

Dear Jon,

Thank you for your letter of 7 February 2024 regarding public interest immunity (PII) claims in Northern Ireland inquests.

I welcome your close involvement in work to target resources and deliver the necessary casework as efficiently and effectively as possible, in order to assist coroners with concluding as many Troubles-related inquests as possible by 1 May 2024. I know that my officials and lawyers demonstrate great flexibility in working with PSNI to ensure PII papers which we receive from you are robust and comprehensive and progress to a minister for consideration as quickly as possible.

In relation to your suggestion that PSNI discontinues the current practice of routinely seeking a Ministerial Certificate in support of all PII claims made by PSNI on the grounds that this is unnecessary and inappropriate, I welcome your intention to seek more definitive advice from counsel and to consult with your predecessors on the issue - which is complex and touches on many sensitive equities.

While I will certainly give this matter full consideration, given the proximity of 1 May - and that we both still need definitive advice - it does seem highly unlikely that informed decision-making and change will be possible before then. Nonetheless, it would be

helpful for me to understand what material - and its volume - you expect to submit to coroners by 1 May.

While your proposal is under consideration, please be assured that my officials and lawyers will continue to assist PSNI at pace with any further PII claims and with wider thinking around ensuring the process is both as efficient and robust as possible.

Yours sincerely,

THE RT HON CHRIS HEATON-HARRIS MP
SECRETARY OF STATE FOR NORTHERN IRELAND

Police Service
of Northern Ireland

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Our Ref:

The Rt Hon
Chris Heaton-Harris MP
Secretary of State for Northern Ireland

By email: correspondence@nio.gov.uk

29th March 2024

Dear Chris,

RE: PUBLIC INTEREST IMMUNITY CLAIMS IN NORTHERN IRELAND INQUESTS: REVIEW OF CURRENT PRACTICE AND PROCEDURE

Introduction

I write further to my letter dated 7 February 2024 and your response dated 4 March 2024.

My letter explained that I was provisionally minded to discontinue the current PSNI practice of routinely seeking a ministerial certificate in support of all its public interest immunity (PII) claims.

I also asked if you could let me know urgently if you: disagree that the practice is unnecessary and inappropriate; think it is beneficial or mandatory in some way; or see any material difference between inquests and ordinary civil proceedings in this regard.

I have now been able to consult my immediate predecessors and independent leading counsel and to consider this matter in more depth and am writing to let you know that I have decided to discontinue the practice with immediate effect.

This letter explains my reasons and the approach PSNI will take in future.

The current practice

PSNI previously published a summary of its approach to PII claims in inquests by way of a statement dated 3 February 2022 issued in response to a question from Northern Ireland Policing Board member Article 2 & 8 https://www.nipolicingboard.org.uk/questions/public-interest-immunity-process-noah-donohoe-case. The statement refers to the Chief Constable taking a decision on whether to claim PII and the next stage being as follows (paragraph 7, see also paragraph 3 of my letter dated 7 February 2024):

> *"On completion, the process moves to the Secretary/Minister of State for Northern Ireland to review, assess and certify materials for Public Interest Immunity, which may result in a signed Ministerial Certificate for Public Interest Immunity being issued".*

The same process is followed by PSNI in connection with ordinary civil proceedings save that: redactions are applied on PII-grounds prior to discovery and inspection and a ministerial PII certificate is only sought if and when these are challenged; and Part 2 of the Justice and Security Act 2013 allows for the consideration of national security related PII material within a closed material procedure in most civil proceedings (excluding proceedings in a criminal cause or matter and inquests).

From caselaw searches, it appears that this practice has been followed since at least the 1980s and it may even be hangover from the approach taken under the former doctrine of Crown privilege which could only be invoked by government by way of a conclusive ministerial certificate, including in relation to police documents (see e.g. the decision of the House of Lords which reformed that doctrine, *Conway v Rimmer* [1968] AC 910 (HL)). However, despite extensive enquiries and searches of records, I have not been able to discover the origins of or rationale for the practice or any principled justification for its existence.

For the avoidance of doubt, the practice clearly has no connection with arrangements for devolution: (1) it dates back at least to the days of direct rule and the Troubles; (2) devolution goes to responsibility for legislation and policy, but PSNI has always been, and the RUC was, operationally independent of government, whether central or devolved; and (3) at the time when policing and justice matters were devolved in April 2010, Paul Maguire QC (now Lord Justice Maguire) advised PSNI that PII should ordinarily be asserted by the Chief Constable without involving ministers.

Relevant law and policy

The disapproval of the former doctrine of Crown privilege and establishment of the current doctrine of PII began with the decision of the House of Lords in *Conway v Rimmer* and was then developed by its subsequent decisions in *R v Lewes Justices, ex p Home Secretary* [1973] AC 388, *D v NSPCC* [1978] AC 171 and *R v Chief Constable of West Midlands Police, ex p Wiley* [1995] 1 AC 274.

The following points are clear:

(1) the doctrine of PII is a part of the substantive law of evidence and of constitutional law (*In re Grosvenor Hotel, London (No.2)* [1965] 1 Ch 1210 (CA), per Lord Denning MR at p.1243C);

(2) claiming PII is a duty owed by all public and private litigants - whether governmental or non-governmental - and "not a trump card vouchsafed to certain privileged players to play when and as they wish" (*D v NSPCC*, per Lord Diplock at p.220H, Lord Simon at pp.234E and 235H-236F and Lord Edmund-Davies at pp.245E-246A; and *Wiley*, per Lord Woolf at pp.295G-H and 296C-H);

(3) PII operates as "an exclusionary rule" and prevents not only the disclosure of the relevant material, but also its admission in evidence and substantive adjudication (*Wiley*, per Lord Woolf at pp.295G-H and 296C-H);

(4) ministerial certificates are neither necessary nor sufficient to found a claim for PII and, in any event, they are not conclusive and the final decision on any PII claim rests with the court (*Lewes Justices*, per Lord Reid at p.400E-G, Lord Pearson at p.406D-G, Lord Simon at pp.406H-407G and Lord Salmon p.412B-E; *Rawlinson & Hunter Trustees SA v Director of the Serious Fraud Office* (No.2) [2014] EWCA Civ 1129, [2015] 1 WLR 797, per Moore-Bick LJ at [30] and [32]; and *R (Charles) v Foreign Secretary* [2020] EWHC 3010 (Admin), per Flaux LJ and Saini J at [18]);

(5) there is no material difference between the law of England and Wales and the law of Northern Ireland in this regard.

So far as concerns the current "restrictive" contents-based approach to PII now taken by central government, this was reformed in the light of, first, the decision of the House of Lords in *Wiley* and, secondly, the Scott Inquiry, *Report of the Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq and Related Prosecutions* (HC 115, 15 February 1996, see esp. vol.III, ch.G18).

It was announced by government by way of Parliamentary statements dated 18 December 1996 which have since by followed by successive administrations (*Hansard HC Deb*, 18 December 1996, vol.287, cols.949-950; and *Hansard HL Deb*, 18 December 1996, vol.576, cols.1507-1508).

In short, a now familiar three step process is followed whereby these questions are asked in turn: (1) Is the material disclosable? (2) If so, does it attract PII because its disclosure or use would cause serious harm or real damage to the public interest? (3) If so, is the public interest in disclosure or use for the purpose of doing justice in the proceedings outweighed by the public interest in non-disclosure, i.e. the *Wiley* balancing exercise?

The abovementioned Parliamentary statements emphasise that PII "should only be claimed for the bare minimum of documents for which the claim of serious harm can be seen to be clearly justified" and PII certificates should "set out in greater detail than before what the document is and what damage its disclosure would be likely to do - unless to do so would itself cause the damage that the certificate aims to prevent". They also cross-refer to an accompanying paper which was placed in the Parliamentary Libraries and which provided that consideration should be given to mitigating measures such as redactions, the disclosure of summaries or gists and the making of admissions (paragraph 6.6).

The Parliamentary statements further emphasise that many PII claims are not the responsibility of government and the accompanying paper says: "Although this report covers only government material, PII also attaches to non-government material such as police reports and social welfare reports belonging to local authorities. How PII is asserted for such material in the future will, subject to the courts' approval, normally be for the non-government body or agency in question" (paragraph 4.6, emphasis added).

The separation of government and police was also emphasised by the government in information it provided to the Committee of Ministers under article 46(2) of the European Convention on Human Rights following the decisions of the European Court of Human Rights in *McKerr v United Kingdom* (2002) 34 EHRR 20 and other cases. See CM/ResDH(2007)73, Appendix I:

> *"Public interest immunity issues at inquests are dealt with in the same manner as in litigation, but modified to take account of the coroner's inquisitorial role. If the coroner identifies documents which contain material the disclosure of which would cause real damage to the public interest, for example the identity of an informant, revelation of whose role would put his or her life at risk (thereby engaging Article 2 of the Convention), then it will be for the relevant Minister (or the Chief Constable) to decide whether a claim for public interest immunity should be asserted.*

The Minister (or Chief Constable) will conduct a balancing exercise between the damage to the public interest if the material was disclosed and the public interest in disclosure. If he considers the balance falls in favour of disclosure he will not assert a claim for public interest immunity and the material will be disclosed. If he considers the balance falls against disclosure he will assert a claim for public interest immunity. Whether the claim for public interest immunity is asserted by a Minister or by the Chief Constable will depend on the nature of the information which is to be protected and whether a certificate is required. At present in Northern Ireland all public interest immunity certificates are signed by Ministers.

If the Minister (or Chief Constable) decides to assert a claim for public interest immunity, the coroner will in turn conduct a similar balancing exercise. He may examine the documents in order to carry out that exercise. The coroner will then make his own decision as to where the balance of the public interest falls. That decision may be that may be that the balance falls in favour of disclosure or against. The coroner is not bound by the Minister's (or Chief Constable's) decision to assert a claim for public interest immunity. If the coroner decides the balance falls in favour of disclosure the document will be disclosed unless the Minister (or Chief Constable) successfully applies for judicial review. A decision by the coroner in agreement with the Minister's (or Chief Constable's) public interest immunity claim could also be challenged by judicial review. Therefore, a judicial authority makes the ultimate decision about whether material should be disclosed or not, taking into account potentially competing Convention rights and the circumstances of the individual case.

The coroner's decision to allow or disallow a public interest immunity claim may be challenged by judicial review".

Consistently with the above, Chief Constables in England and Wales make their own PII claims in inquests and civil proceedings without routinely referring them to government ministers for review, approval or endorsement (*Wiley*; and *O'Sullivan v Commissioner of Police for the Metropolis* (1995) 139 SJLB 164, *The Times*, July 3, 1995, [1995] Lexis Citation 2136, per Butterfield J).

This is, of course, reflective of the constitutional independence of police officers and, in particular, Chief Constables. See *R v Commissioner of Police of the Metropolis, ex p Blackburn (No.1)* [1968] 2 QB 118, per Lord Denning MR at pp.135F-136C:

"*The office of Commissioner of Police within the Metropolis dates back to 1829 when Sir Robert Peel introduced his disciplined force. The commissioner was a justice of the peace specially appointed to administer the police force in the metropolis. His constitutional status*

has never been defined either by statute or by the courts. It was considered by the Royal Commission on the Police in their Report in 1962 (Cmnd. 1728). But I have no hesitation in holding that, like every constable in the land, he should be, and is, independent of the executive. He is not subject to the orders of the Secretary of State, save that under the Police Act, 1964 , the Secretary of State can call upon him to give a report, or to retire in the interests of efficiency. I hold it to be the duty of the Commissioner of Police of the Metropolis, as it is of every chief constable, to enforce the law of the land. He must take steps so to post his men that crimes may be detected; and that honest citizens may go about their affairs in peace. He must decide whether or no suspected persons are to be prosecuted; and, if need be, bring the prosecution or see that it is brought. But in all these things he is not the servant of anyone, save of the law itself. No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must, or must not, prosecute this man or that one. Nor can any police authority tell him so. The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone. That appears sufficiently from Fisher v. Oldham Corporation, and Attorney-General for New South Wales v. Perpetual Trustee Co. Ltd".

In this regard, Chief Constables of PSNI are appointed by the Northern Ireland Policing Board, with the approval of the devolved Minister of Justice (section 35 of the Police (Northern Ireland) Act 2000) and, just like every other Chief Constable, they are not controlled, directed, superintended or overseen by central government ministers or officials.

My decision

In the light of the above, it is clear to me that I am not under an obligation to refer all PSNI PII claims to central government for review, approval or endorsement and should only continue the practice if there is a compelling reason for doing so. On balance, I have concluded that there is not and that I should take the same approach as every other Chief Constable:

(1) The involvement of central government does not appear to me to add value, serve any particular practical purpose or provide any great reassurance to others involved. Ministers only review the materials forwarded by PSNI and I am told that they have never refused to support a proposed PII claim and rarely, if ever, propose any additions or subtractions. Moreover, the final decision will always rest with the judiciary in any event and the outcome will not be determined by the identity of the person making the claim.

(2) Moreover, PSNI's general responsibility for law and order, its ownership of the relevant materials and its oversight of a very complicated and interconnected casework matrix, mean that it is best placed to understand and assess the risks and implications of disclosure in any given case. In this regard, PSNI is responsible for assessing and responding to risks which may engage the right to life and the prohibition on inhuman and degrading treatment under articles 2-3 of the European Convention on Human Rights. As a result, PSNI is better placed than central government to assess and speak to, e.g. operational policing matters and the importance and protection of related capabilities, methods and techniques, risks of the aforementioned kind, the jigsaw or mosaic effect of disclosures and the recruitment and retention of police agents. I also consider that I should not abdicate or delegate responsibility for evaluating the public interest in the administration of justice, particularly given that I am obliged to carry out my functions with the aim of securing the support of the local community (section 31A(1) of the Police (Northern Ireland) Act 2000).

(3) While responsibility for legislation and policy on counter-terrorism and national security rests with central government, the RUC had and PSNI still has counter-terrorism, security and intelligence functions and the first-hand expertise and experience required to speak most authoritatively to their effective fulfilment (see paragraph 5.3 of the abovementioned government paper).

(4) The routine involvement of central government produces delay for all concerned, suspicion and resentment on the part of victims and families and logistical and resource issues for PSNI.

(5) Discontinuing the practice would not preclude consultation and engagement with central government as and when necessary and appropriate, e.g. in connection with the disclosure of potentially sensitive information about a security, intelligence or defence matter falling within the remit of MI5, MI6, GCHQ or a specialist military unit. This was envisaged in the advice provided by Paul Maguire QC in 2010. In such cases, it may be appropriate for a minister to make a PII claim as intervener or provide a supportive certificate for submission by PSNI or it may suffice for PSNI to record that consultation and engagement has taken place and its outcome.

(6) It should rarely, if ever, be necessary and appropriate for both PSNI and a minister simultaneously to assert PII on the same grounds in connection with the same material.

Going forward, PSNI will develop internal guidance for the purposes of (5) above and I imagine it may help for our respective teams to discuss its terms and related procedures and lines of communication, albeit that the identification of matters falling outside of PSNI's responsibilities, expertise and experience should generally be straightforward.

Conclusion

To summarise:

(1) In cases where the subject matter falls within my areas of responsibility, expertise and experience, I will decide on and make PII claims in connection with PSNI materials without reference to central government. This will include cases involving the protection of police capabilities, sources, techniques and methods in connection with the preservation of public order and the prevention and detection of crime.

(2) However, in cases where the subject matter falls within the responsibilities, expertise and experience of central government (including the capabilities, sources, techniques and methods of the security and intelligence services and specialist military units), PSNI will engage with the relevant department or body so that ministers can consider making, supporting or advising on the need for a PII claim.

Particularly given our recent exchange of letters about the Sean Brown and Liam Paul Thompson inquests on 26-27 March 2024, I anticipate that some officials and lawyers within government may be concerned about the above and/or link it to that correspondence. I therefore think it important to emphasise that there are no grounds for concern or for the drawing of any such link.

Furthermore, and for the avoidance of any doubt, I would reiterate that: I have no intention of disclosing material which is subject to PII, forgoing an otherwise sound PII claim or departing from the government's NCND policy, including as it applies to the identification of confidential state agents; and I am fully committed to working in cooperation with central and devolved government and all our law enforcement, security and intelligence partners on the maintenance of public order, the prevention and detection of crime and the protection of the public.

I would also emphasise again that PSNI is already responsible for identifying any materials it holds which may be subject to PII and the reality is that most of its PII claims fall into well-established categories which are familiar to the courts and which engage obvious policing equities, e.g. intelligence gradings and the identities and identification of police agents.

Police Service
of Northern Ireland

I am copying this letter to Article 2 & 8 (Head of Coroners Service and Legacy Inquest Unit), Article 2 & 8 Article 2 & 8 (Ministry of Defence, Directorate of Judicial Engagement Policy) and Article 2 & 8 Crown Solicitor of Northern Ireland).

Yours sincerely,

Jon Boutcher QPM
Chief Constable

Northern Ireland Office

The Rt Hon Chris Heaton-Harris MP

Secretary of State for Northern Ireland

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Chief Constable Jon Boutcher QPM
Police Headquarters
65 Knock Road
Belfast
BT5 6LE

By email: ExecutiveSupportTeam@psni.police.uk

12 April 2024
Our reference: MC/24/97

Dear Jon,

Thank you for your letter of 29 March 2024 regarding public interest immunity (PII) claims in Northern Ireland. I have now had the opportunity to consult with counsel and officials on this important and complex matter.

I understand the process in Northern Ireland of seeking ministerial certification in support of all PII claims is a common law practice of longstanding. The Courts in Northern Ireland expect to see ministerial certification of contested PII claims and great weight is given to the fact that Ministers have made a fully informed and carefully considered determination on the harm to the national security interest prior to certification of claims asserted by the PSNI and other agencies. Whilst I note your arguments for discontinuing the current practice, I strongly disagree with your analysis that this practice is unnecessary and inappropriate, and it is my view that the approach you are now adopting is legally and constitutionally flawed, and risks inadvertent damage to the national interest.

The PII process exists to prevent disclosure of sensitive material that would cause a real risk of serious harm to an important public interest, including to our national security. As you are aware, Parliament has placed the responsibility for national security in Northern Ireland with HM Government, as established under Section 4 and Schedule 2 of the Northern Ireland Act 1998. As such, I am accountable to Parliament for national security in NI. Case law in this area sets out that it is for Ministers to make the decision on harm to the national interest as they are

accountable to Parliament. Therefore, in any NI cases where it has been identified by relevant agencies that disclosure of sensitive material could cause harm to the national interest, they should be referred to me for consideration. The fact that, for the moment, there is a divergence of view between the Government and PSNI as to the scope of the NCND principle underscores the need for a precautionary approach in this regard. You have, in recent cases, proposed to agree to disclosure of sensitive material contrary to the terms of extant ministerial certificates. If that practice is to continue, and you propose to take such a course in at least two ongoing cases, then it is clear that the risk of a disclosure which would be contrary to the national interest if ministerial certification were to be avoided altogether is real and immediate. It is not considered to be acceptable.

I note the emphasis you have placed on the independence of the police. I fully respect that operational independence, and I am aware that you are accountable to the NI Policing Board, whose members are appointed by the Minister of Justice with some accountability to the NI Justice Committee. However, none of these bodies has responsibility or accountability for national security in NI. Where the revelation or disclosure of sensitive policing equities would cause damage to our national security, Ministers, such as myself, are accountable to Parliament and reference should be made to HM Government accordingly. Additionally, the profound nature of the impact of the PII process on the administration of open and transparent justice further necessitates that the final decision maker be accountable to Parliament.

As you are aware, the security situation in NI and the legacy of the Troubles presents a unique challenge to policing compared with that facing other UK law enforcement. Whilst some Chief Constables in England and Wales may make their own PII claims in certain inquests and civil proceedings without referring them to Government Ministers for review, I understand it is very rare these would engage national security interests. Conversely, material which relates to sensitive PSNI equities would regularly engage national security interests. Therefore the weight you place on the fact that you would be taking the same approach as every other Chief Constable in the United Kingdom, even assuming that to be correct, is misplaced. In that regard it is significant that every preceding PSNI Chief Constable has approached these matters on the basis that ministerial certification was required.

The Government remains committed to avoiding the damage to national security and the wider public interest that may be caused by the revelation or disclosure of information in which there are national security sensitivities. The revelation or disclosure of such information may cause damage to national security directly or indirectly and the Government is committed to ensuring that before any disclosure or revelation is made, the overall benefits and risks to national security and the wider public interest are properly considered. For these reasons, it is the Government's position that the long standing PSNI practice of seeking ministerial consideration for all PII claims should not be altered. This applies to both inquests and ordinary civil proceedings. This view has been supported by the Security Service (MI5), who has lead responsibility for national security across the UK, as is specifically recognised for NI by the St Andrews Agreement.

You state that seeking a ministerial certificate produces delay. I know that my officials and lawyers demonstrate great flexibility and work at pace to ensure that all PII

applications are thoroughly reviewed and progressed to a minister for consideration as quickly as possible. They regularly encounter and raise issues such as missing documents, inconsistencies in redactions and clerical errors which are then highlighted to PSNI officials for amendment before they are presented to Ministers. Indeed, the Minister of State has on two occasions in recent months initially refused to sign a certificate where he has identified matters of concern in the application bundles submitted to him, demonstrating that such scrutiny is necessary before an application is submitted to the court. The requirement for certification provides quality assurance for both your organisation and the Court. Given the volume of sensitive disclosure which is sought and the pace at which your organisation has, in recent times, been required to work, the additional safeguard of ministerial consideration requires to be maintained.

You also state the process creates suspicion and resentment on the part of the victims and families. The Government is committed to open and transparent justice, but it is also incumbent upon the Government to ensure the protection of sensitive information. Government Ministers must strike a balance between these important public interests in considering applications for PII. In all cases, the judge/coroner has the final say on the disclosure of sensitive information which should allay any sense of suspicion or resentment. Moreover, it is incumbent on all of those involved in inquests and litigation to assure the public and the Courts that PII protection is sought only for a proper purpose to protect national security interest. The engagement of Ministers accountable to Parliament in the process reinforces that position.

Given that sensitive disclosure in NI engages excepted matters under the Northern Ireland Act 1998, the need for accountability to Parliament and the fact that primacy in matters of national security does not rest with PSNI, I invite you to confirm that you will recommence the longstanding practice of seeking a ministerial certificate in all claims where redaction on grounds of PII is or is likely to be opposed. I look forward to hearing from you.

Yours sincerely,

THE RT HON CHRIS HEATON-HARRIS MP
SECRETARY OF STATE FOR NORTHERN IRELAND

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Our Ref: EST 3784-24

The Rt Hon Chris Heaton-Harris MP
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23rd May 2024

Dear Chris,

RE: PUBLIC INTEREST IMMUNITY CLAIMS IN NORTHERN IRELAND INQUESTS: REVIEW OF PRACTICE AND PROCEDURE

Introduction

Thank you for your letter dated 12 April 2024. I have found our correspondence helpful and I am grateful for your engagement, but I am not persuaded that I should reverse my decision to discontinue PSNI's former practice of routinely seeking ministerial certificates in support of all its PII claims in inquests and civil proceedings.

particular, I do not agree that my decision was legally or constitutionally flawed or that it risks inadvertent damage to the national interest.

Before turning to the specific points made in your letter, I think it important to distinguish between, on the one hand, the process-related issue I first raised in my letter dated 7 February 2024 and, on the other hand, the more substantive issues concentrated on in your correspondence.

In terms of process, I think it important to note that my decision to discontinue the former practice will not result in PSNI making fewer or less extensive claims for PII and, conversely, its resumption would not have the opposite effect or preclude circumstances arising where our organisations reach a different conclusion as to damage or the public interest. In this regard, I have already acknowledged that I am obliged to assert PII whenever PSNI assesses that it arises and I have no intention of breaching that obligation. That said, PSNI has never routinely referred all *possible* PII claims to HMG for a supervisory decision on their terms or extent - its practice was to submit claims it had decided to make for approval and endorsement. Even if I resumed this practice, I would not

propose a claim for PII in connection with non-damaging information and so your substantive concerns about the need for a more expansive approach would not be met.

Following on from this, my letter dated 29 March 2024 expressly recognised that consultation and engagement with HMG may be necessary and appropriate in some cases and suggested that our teams meet to agree guidelines and a process allowing for the identification of such cases. In this regard, I think it important that due process is followed and all interested parties have an opportunity to put their positions forward so that the court can take a final decision in the light of all perspectives.

Process

In terms of the points made in your letter, I think aspects of your analysis are unsound:

(1) The former practice may have been of longstanding, but it did not have any common law basis. Furthermore, any judicial expectation that it would be followed appears to have been based on past experience rather than principle and, in any event, judges will always be free to request the input of ministers if and when they consider this necessary. More importantly, and as set out in my letter dated 29 March 2024, the practice is inconsistent with: (a) PSNI's independence; (b) advice it obtained from Paul Maguire QC in 2010; (c) the approach taken by Chief Constables in England and Wales; and (d) statements made by HMG to Parliament in 1996 and (in the context of Northern Ireland cases) to the Committee of Ministers in 2007.

(2) Section 4 of and Schedule 2 to the Northern Ireland Act 1998 did not have the effect of conferring responsibility for national security in Northern Ireland on HMG and do not appear to me to be relevant. Responsibility for national security has always rested with HMG in every part of the United Kingdom and these provisions simply confirmed its exclusion from the legislative and executive competence of the devolved institutions. There is no difference between England and Wales, Scotland and Northern Ireland in this regard and the terms of the 1998 Act and the devolution settlement are immaterial. That said, there is no issue between us on the point of principle (expressly recognised in my letter dated 29 March 2024) that responsibility for legislation and policy on counter-terrorism and national security rests with HMG.

(3) I agree that caselaw in this area confirms this principle when it comes to the respective institutional competence, expertise and democratic accountability of the executive and judicial branches of government. That said, it is also important to note that PSNI is not a judicial body: it is an integral part of the state's national security apparatus and it functions in cooperation with but independently of the security and intelligence services. As I set out in my letter dated 29 March 2024, PSNI has counter-terrorism, security and intelligence functions and the first-hand expertise and experience required to speak most authoritatively to their effective fulfilment at the level of operational policing.

(4) No weight can be attached to the fact that previous Chief Constables of PSNI followed the former practice because, having spoken to my immediate predecessors, it appears they only did this because they were advised and believed that it was mandatory. I make no criticism of them for not challenging this and simply note that we each had different careers, and different exposure to covert policing and PII matters, before taking charge of PSNI.

(5) So far as concerns missing documents, inconsistent redactions and clerical errors, it would be helpful to have more information about your specific concerns so I can investigate them further. It may be that you are referring to matters that would have been identified and resolved in any event or it may be that improvements in PSNI's internal processes are needed. Either way, while it is kind of you to offer a quality assurance service, this would not appear to be a good use of ministerial time and it should be possible for PSNI and its lawyers to achieve it in-house. More importantly, issues with paperwork and recent logistical difficulties meeting the (now expired) deadline under the Legacy and Reconciliation Act cannot dictate our approach.

Furthermore, the former practice did not work well in cases where there was a difference of view as between PSNI and HMG, not least because it involved the sharing of legal advice and joint representation. The practice also appears to have fostered a mistaken view that PSNI was a subordinate partner in the process, HMG was the primary and ultimate decision maker and ministerial certificates had a legally binding and conclusive effect which meant they were capable of being "breached" or "contravened".

In this regard, there are bound to be cases where one of us will be able to assess and assert PII and yet the other will struggle to do so simply because we have different responsibilities, expertise and experience. For example, PSNI is not qualified to assess damage to the economy or international relations and HMG is not well-placed to opine on the maintenance of public order or the investigation of crime. Beyond this, the inquests in the cases of *Brown*, *Fox and McKearney*, *McCusker* and *Thompson* also illustrate that there may be situations where our respective remits ersect and overlap and yet we will nevertheless assess the application of PII differently. The former practice did not provide a mechanism for avoiding or resolving such situations and I believe it created internal and external confusion as to our different responsibilities and independence.

Substance

In my view, the key concerns expressed in your letter dated 12 April 2024 relate to issues of substance, not process, and you appear to be advocating for HMG to have a new supervisory role in connection with PSNI's substantive assessments and decision making. I think we need to focus attention here and look to agree a process which allows HMG to put any competing assessments before the court, rather than impose them on PSNI behind the scenes.

In this regard, I feel bound to register very profound concern at the lack of dialogue and/or curiosity on the part of HMG and, in particular, MI5 when it comes to our different assessments. Paragraph 5 of your letter acknowledges that PSNI is the information owner in connection with a considerable

volume of material which engages "sensitive PSNI equities" and "national security interests". However, you then proceed on the basis that the latter interests eclipse the former equities such that PSNI loses its voice entirely and all related powers of ownership and control vest solely and exclusively in HMG.

I have been working in policing for 40 years and have spent the majority of that time in roles relating to covert policing and counter-terrorism, including in the Metropolitan Police, the Regional and National Crime Squads and the Office for Security and Counter Terrorism. I have also been heavily involved in a number of significant Northern Ireland legacy matters for almost eight years and am now leading PSNI. Notwithstanding this, HMG has ignored my suggestion that it review its approach to the NCND policy in the legacy context (Kenova Interim Report, chapters 47-48) and has made no attempt to engage with me, understand my reasons or produce counter-evidence when I have concluded that some very generic PSNI information about security and intelligence matters can be safely disclosed in a handful of cases.

If MI5 has evidence of damage being done to national security by disclosures of the kind made or proposed in the cases of *Brown*, *Fox and McKearney*, *McCusker* and *Thompson*, I would want to hear about it and discuss it. By the same token, I would have thought MI5 would be interested to know the PSNI experience of gathering intelligence and operating on the ground and its assessment of whether such disclosures have any adverse impact. Operational partners should work together to find a common understanding when it comes to such matters.

I would therefore urge you and/or other senior leaders within HMG (particularly MI5) to meet with me and discuss these matters constructively. I can assure you that I will always be willing to listen to different perspectives, seek consensus and, if necessary, be proved wrong. I would also repeat the invitation to meet and discuss new guidelines and processes for the future.

I am copying this letter to Article 2 & 8 (Head of Coroners Service and Legacy Inquest Unit), Article 2 & 8 Article 2 & 8 (Ministry of Defence, Directorate of Judicial Engagement Policy) and Article 2 & 8 Crown Solicitor of Northern Ireland).

I look forward to hearing from you.

Yours sincerely,

Jon Boutcher QPM
Chief Constable

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Our Ref: EST 2077-24
Your Ref: MC/24/97

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(via email only)

11 October 2024

Dear Hilary

PSNI POLICY ON PUBLIC INTEREST IMMUNITY CLAIMS

I had previous communications with your predecessor on the appropriate process for claims of Public Interest Immunity (PII) in Northern Ireland. I have attached copies of the letters exchanged relating to that issue for your assistance.

You will note from my last letter of 23 May 2024, following engagement, I indicated I was adopting a new policy which provides for the discontinuance of routinely seeking ministerial certificates in support of all PII claims in inquests and civil proceedings. That policy change recognises that there will remain situations when it will be necessary to engage with you, your officials and other partners. To that end I suggested a meeting with your predecessor and/or other senior leaders within Government, including the Security Service, to discuss new guidelines and processes.

I expect due to a change in Government that my invitation was not actioned upon and I am therefore taking the opportunity to revive my invitation again.

I have asked my office to arrange a meeting and I look forward to discussing this important issue.

Yours sincerely

Jon Boutcher QPM
Chief Constable

The Rt Hon Hilary Benn MP

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6 November 2024
Our Ref: MC/24/473

Dear Jon,

Thank you for your previous correspondence addressed to my predecessor regarding Public Interest Immunity (PII) claims in Northern Ireland, and for your letter of 11 October 2024. I have now had time to consider carefully the exchange of views between you and the previous administration and I wanted to take the opportunity to set out the HMG position.

Whilst I appreciate you have approached this as a process issue, given the profound nature of PII claims I do not believe significant changes should be implemented to longstanding practice without first addressing the substantive issues which underpin the entire process. As such, it is right that such substantive issues should be resolved prior to any major process changes being undertaken.

To be clear, HMG is not seeking a more expansive approach in relation to ministerial certification of PII applications and we accept that PSNI do not refer all possible PII claims to HMG for consideration. There will be occasions where PSNI are seeking PII on grounds other than national security, where ministerial certification may not need to be sought. As you note in your letter of 23 May 2024 however, responsibility for national security has always rested with HMG. Therefore whilst PSNI expertise is an important factor, I do expect that ministerial views and certification should

continue to be sought for PII applications where information is being withheld in the interests of national security. As was recognised by the UK Supreme Court in *R (Begum) v Special Immigration Appeals Commission* [2021], Ministers are charged by Parliament with responsibility for making assessments of the requirements of national security, and are democratically accountable to Parliament for the discharge of this responsibility. It is therefore vital Ministers are involved in such claims to assess the risk of harm that disclosure might present to national security, balanced against the interests of justice. As my predecessor noted, the bodies to which you are accountable have no responsibility for national security matters.

The practice in the Northern Ireland Courts and inquest proceedings is that you, or any other state agency, can indicate a need to assert a claim for PII and provide disclosure with provisional redactions. If that assertion is unchallenged and accepted by the other parties to the litigation or inquest, then there may be no need for a ministerial certificate. Where, however, the assertion of PII is challenged then a ministerial certificate is requested in order to support an application to the Court or coroner to prevent the disclosure of the material. Experience shows that in civil litigation and inquests in Northern Ireland, almost all asserted PII claims are contested or challenged as a matter of course; the Courts therefore proceed on the presumption that there is a challenge to any proposed PII redaction. This has given rise to the expectation on the part of Courts and coroners and the legal representatives of parties to civil litigation and inquests that proposed PII redactions, where challenged, will be accompanied by a ministerial certificate. This provides an additional safeguard for the interests of justice as it results in a further degree of oversight by an accountable Minister rather than self-certification by a defendant in the litigation or an interested party to the inquest. It is evident from submissions in the preliminary hearing of 18 October 2024 in the Kevin McGuigan inquest that the accountability of Ministers is recognised, expected and relied upon by the next of kin in relation to any national security based restrictions on disclosure in the inquest into the death of their loved one.

It is also evident from the *Thompson* litigation currently before the UK Supreme Court that your assessment of the risks of direct and indirect damage to national security interests are not aligned with the approach of HMG. The key issue is not the granular detail of procedures on certification, but the issue arising where you no longer adopt the same approach to the assessment of damage to national security. This has surfaced most obviously in the difference of view about the application of the NCND policy in relation to alleged state agent involvement in a number of legacy cases. Therefore, at the very least, the maintenance of the *status quo* would seem appropriate pending the resolution of the *Thompson* litigation.

The dividing line between disclosure which falls within your *"areas of responsibility, expertise and experience"* and that which falls to HMG has not been clearly defined in your correspondence. However, I understand your position to be that where the

provisional redactions are based on an assertion of PII which is then challenged, you will not seek ministerial certification but will instead certify yourself. This contentious departure is of great concern. The risks attendant upon this are elevated in circumstances where the PSNI may no longer alert the agencies with primary responsibility for protecting national security interests that disclosure of sensitive material is under consideration at all. Disclosure could be made of such material and HMG could know nothing about it. This would deny HMG the opportunity to make representations to the Court, where we believe you are applying an incorrect approach to these matters. As PSNI Chief Constable, you are not and cannot claim to be an appropriate proxy for a minister affording appropriate accountability in circumstances where an assertion of PII is challenged before a Court or inquest. In the Northern Ireland context, this has been considered to be a factor of some importance.

I would also like to reiterate that the role that HMG provides in reviewing PII applications should not be understated as that of mere supervisory or quality assurance support. The system has operated in the past through a process of consultation with PSNI, and it is my intention for this to continue. While Ministers have rarely refused a PII claim made by PSNI, there have been instances where Ministers have at least initially refused to approve a claim pending a number of issues being addressed in the application. Furthermore, ministerial review not only assists in safeguarding against information damaging to the national security interest being released, but in identifying more information that should be released. This was the case for the initial PII application submitted in the Noah Donohoe inquest and more recently with the supplementary PII application in the Laurence Marley civil case, which was subsequently withdrawn by PSNI following ministerial scrutiny.

There is an expectation from the Courts and the public that the redactions or gists applied for are the minimum necessary to ensure that the real risk of harm to the public interest is mitigated. The Government is committed to the fullest possible transparency, including through the proper use of gists, within the frameworks that exist to ensure that those who work to keep the nation safe are protected. Additionally, where state collusion is discovered to have happened, then I think it is important that this is acknowledged to families as former Prime Minister David Cameron did in 2012 in respect of Patrick Finucane's murder. However, the discontinuance of the ministerial processes will mean that the long-standing assurance and consultation processes to ensure that disclosure is maximised while direct and indirect damage is avoided, would be lost.

When we met on 26 September you covered this matter in some detail, and I note in your letter of 11 October that you also asked to meet to discuss this. In the first instance, I believe there would be considerable value in you meeting with senior officials who have responsibility for national security matters on behalf of HMG. This would provide the opportunity for a more detailed discussion of what you are

proposing and why there are concerns regarding it. Assuming you are amenable, my officials will seek to make appropriate arrangements. Following such a meeting, I would be happy to then further discuss the matter with you.

In the interim, I would strongly urge you to return to the long standing approach with regards to PII certification, until we have resolved this matter.

I am copying this letter to the NI Coroners Service, Ministry of Defence, Home Office, Cabinet Office, Security Service, Crown Solicitor's Office and the UK Attorney General's Office.

Yours sincerely,

THE RT HON HILARY BENN, MP
SECRETARY OF STATE FOR NORTHERN IRELAND

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Our Ref: EST 2077-24
Your Ref: MC/24/473

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(via email only)

19 November 2024

Dear Hilary

PSNI POLICY ON PUBLIC INTEREST IMMUNITY CLAIMS

Thank you for your letter dated 6 November 2024.

I agree that PSNI and HMG should be working together on the resolution of the substantive issues between us regarding the application of the PII doctrine and that, as you say, "*the key issue is not the granular detail of procedures on certification*". Indeed, this is why my letters dated 29 March, 23 May and 11 October 2024 proposed that our organisations meet for related discussions and I am grateful for your direction that a meeting should now take place.

That said, I do not agree that these substantive issues have any relationship with or "*underpinned*" the former PSNI practice of routinely seeking a ministerial certificate in support of its PII claims. I took the decision to discontinue that practice with effect from 29 March 2024, I did this for the reasons set out in my letters dated 7 February, 29 March and 23 May 2024 and that decision resolved the process issue. For the avoidance of doubt, that issue is not live before and will not be the subject of determination by the Supreme Court in the *Thompson* case and I therefore see no reason to suspend or reverse my decision pending its outcome.

Insofar as your letter raises new points not already addressed in my previous correspondence:

(1) **Submissions made on behalf of the McGuigan family at a pre-inquest review hearing on 18 October 2024 demonstrate that ministerial involvement in PSNI PII claims is "*recognised, expected and relied upon*" by families.** This is not consistent with, first, your recognition that "*in civil litigation and inquests in Northern Ireland almost all asserted PII claims are contested or challenged as a matter of course*" or, secondly, my experience of concerns expressed by numerous other families (see e.g. the *Brown*, *Fox and McKearney*, *McCusker* and *Thompson* cases). Indeed, the lawyers acting for the McGuigan family may well have been influenced by the fact that you instructed counsel to

appear at the hearing and cast doubt on my decision of 29 March 2024. Given the detail contained in my letters dated 7 February, 29 March and 23 May 2024 and the lack of response from your office, I consider that interventions of this kind are unhelpful.

(2) **The dividing line between our respective areas of responsibility, expertise and experience is not clearly defined in my correspondence.** My letter dated 29 March 2024 attempted a broad definition (see esp. pp.7-8) and expressly proposed that our teams meet to discuss the topic and related guidance, procedures and lines of communication. This proposal was repeated in my letters dated 23 May and 11 October 2024.

(3) **Ministers pushed back on PII claims proposed by PSNI in two previous cases.** I am in no doubt that PSNI has overreached in connection with previous PII claims and I am taking steps to avoid this happening again. That said, the two instances referred to in your letter should have been caught by counsel or the court without the involvement of your office. More generally, my views about the appropriateness of ministers exercising a supervisory quality assurance function in connection with one police service (but not others) remain as set out in my letter dated 23 May 2024 (p.3).

The crux of your team's concern appears to be set out in paragraph 6 of your letter: "*PSNI may no longer alert the agencies with primary responsibility for protecting national security interests that disclosure of sensitive material is under consideration at all. Disclosure could be made of such material and HMG could know nothing about it. This would deny HMG the opportunity to make representations to the court, where we believe you are applying an incorrect approach to these matters*".

I expressly anticipated and sought to address this concern in my letters dated 29 March and 23 May 2024 (emphasis added):

> "*(5) Discontinuing the practice would not preclude consultation and engagement with central government as and when necessary and appropriate, e.g. in connection with the disclosure of potentially sensitive information about a security, intelligence or defence matter falling within the remit of MI5, MI6, GCHQ or a specialist military unit. This was envisaged in the advice provided by Paul Maguire QC in 2010. In such cases, it may be appropriate for a minister to make a PII claim as intervener or provide a supportive certificate for submission by PSNI or it may suffice for PSNI to record that consultation and engagement has taken place and its outcome…*
>
> *Going forward, PSNI will develop internal guidance for the purposes of (5) above and I imagine it may help for our respective teams to discuss its terms and related procedures and lines of communication, albeit that the identification of matters falling outside of PSNI's responsibilities, expertise and experience should generally be straightforward…*"

> *"Following on from this, my letter dated 29 March 2024 expressly recognised that consultation and engagement with HMG may be necessary and appropriate in some cases and suggested that our teams meet to agree guidelines and a process allowing for the identification of such cases. In this regard, I think it important that due process is followed yand all interested parties have an opportunity to put their positions forward so that the court can take a final decision in the light of all perspectives...*
>
> *I would therefore urge you and/or other senior leaders within HMG (particularly MI5) to meet with me and discuss these matters constructively. I can assure you that I will always be willing to listen to different perspectives, seek consensus and, if necessary, be proved wrong. I would also repeat the invitation to meet and discuss new guidelines and processes for the future."*

I would never seek to preclude or prevent any person or organisation from making representations to a court (whether or not I agreed with them) and the suggestion that I might is without foundation. If HMG wishes to intervene in Northern Ireland legal proceedings to try and avoid generic, high-level, non-identifying references to the presence or involvement within a broader factual matrix of police agents or informants or related reporting, PSNI will willingly facilitate this.

I trust that the meeting I first proposed in March of this year can now be arranged quickly and that it will prove productive and I look forward to our teams working closely and constructively together on this important issue.

I am copying this letter to Article 2 & 8 (Head of Northern Ireland Coroners Service and Legacy Inquest Unit) and Article 2 & 8 (Crown Solicitor of Northern Ireland) and the government departments and agencies referred to at the end of your letter.

Yours sincerely

Jon Boutcher QPM
Chief Constable

POLICE SERVICE OF NORTHERN IRELAND
GUIDANCE ON PUBLIC INTEREST IMMUNITY
IN CIVIL PROCEEDINGS AND INQUESTS

CONTENTS

1. Introduction

1.1 This document sets out internal guidance on PSNI's approach to and handling of public interest immunity (PII) issues connected with the disclosure of sensitive material in civil proceedings and inquests.[1] The principles set out in this guidance are also capable of applying in the context of public inquiries (see section 22 of the Inquiries Act 2005). However, PII is rarely claimed in inquiry proceedings because of the scope for closed material procedures and separate legal advice should therefore be sought before such a claim is made in a public inquiry.

1.2 For these purposes:

(1) "material" refers not only to specific documents, but also to the fact of their existence or non-existence, the information they contain, summaries or "gists" of their contents and other related evidence or information;

(2) "disclosure" embraces the full process of stating that a document exists or has existed (also known as "discovery"), producing the original or a copy for inspection, providing a hard or soft copy and onward disclosure or publication through public hearings, judgments or rulings;

(3) in so far as necessary in connection with facts and material pre-dating 4 November 2001, references to "PSNI" should be read as incorporating the RUC.

1.3 This guidance is a public document, it has been shared in draft with the Northern Ireland Office (NIO), the Northern Ireland Policing Board (NIPB) and the Independent Reviewer of National Security Arrangements in Northern Ireland and it supersedes:

(1) paragraph 16 of the undated PSNI note "Sensitive information management in Northern Ireland inquests";

[1] For the avoidance of doubt, the rules of law governing the withholding of evidence or documents on the grounds of PII apply to inquests as they apply to civil proceedings in a court in Northern Ireland (see section 17B(3) of the Coroners Act (Northern Ireland) 1959).

(2) paragraphs b and 7 of the PSNI statement "Public Interest Immunity Process - Noah Donohoe Case" published in answer to a written question from NIPB member Gerry Kelly dated 3 February 2022;

(3) any other references in previous guidance or statements referring to the former practice whereby PSNI sought a certificate from central government ministers in support of all its PII claims.

2. Scope

2.1 This guidance does not apply to:

(1) disclosures and material subject to section 56(1) of the Investigatory Powers Act 2016 (IPA) (exclusion of interception-related communications and conduct from legal proceedings);

(2) disclosures to judicial or quasi-judicial authorities, official inquiries or special advocates within a statutory or non-statutory closed material procedure or other confidential and private forum, including for the purposes of allowing a determination of relevance or a related PII claim;

(3) disclosures in the context of criminal proceedings (as to which see PSNI Service Instruction SI0323 "Disclosure" dated 18 April 2023);

(4) disclosures outside the context of legal proceedings including:

(a) unrestricted disclosures to members of the public made in the performance of ordinary police functions or under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or the UK GDPR and Data Protection Act 2018; and

(b) restricted disclosures to operational partner agencies or persons or bodies performing official audit, governance, investigatory, oversight or regulatory functions made subject to appropriate requirements and obligations as to confidentiality, onward disclosure and security

clearance and accreditation.

2.2 Disclosures of the above kind are subject to separate legal considerations and guidance.

3. Public interest immunity (PII)

3.1 The doctrine of PII is a part of the substantive law of evidence and of constitutional law and it operates as an exclusionary rule preventing the disclosure or use in legal proceedings of material where this would cause real and serious damage or harm to the public interest. The test can also be formulated in terms of a real risk of serious harm or prejudice to an important public interest and references in this guidance to damage or harm should be construed accordingly.

3.2 PSNI is under a legal obligation to claim PII whenever it arises irrespective of whether non-disclosure and exclusion would be to its advantage or disadvantage in the relevant proceedings, but the final decision on PII will always rest with the relevant court or tribunal determining the claim or a related appeal or judicial review.

3.3 PSNI's approach to PII mirrors the approach adopted by central government in 1996 which provides that:[2]

(1) there should be the maximum disclosure consistent with protecting essential public interests (see also recommendation 37 of the Patten Report, "The presumption should be that everything should be available for public scrutiny unless it is in the public interest - not the police interest - to hold it back" (Report of the Independent Commission on Policing For Northern Ireland, "A New Beginning: Policing In Northern Ireland" (September 1999), §6.38);

(2) PII should only be claimed:

[2] See *Hansard HC Deb*, 18 December 1996, volume 287, cols 949-950 and *Hansard HL Deb*, 18 December 1996, volume 576, cols 1507-1508: Public Interest Immunity (Hansard, 18 December 1996) (HC); Public Interest Immunity - Hansard - UK Parliament (HC); Public Interest Immunity (Hansard, 18 December 1996) (HL); Public Interest Immunity - Hansard - UK Parliament (HL).

(a) if disclosure would cause real and serious damage or harm to the public interest;

(b) in connection with the bare minimum of documents or parts of documents for which the claim of real and serious damage or harm can be seen to be clearly justified;

(c) by reference to the contents and not the class or general nature of any document;

(3) the above tests should be rigorously and restrictively applied;

(4) damage or harm of the required kind could be direct and immediate or indirect or longer-term and it could relate to the safety of an individual (such as an agent or informant) or the national security or economic interests or international relations of the United Kingdom;

(5) PII claims must clearly explain the nature of the relevant damage or harm to the public interest and clearly identify the way in which it could be caused by disclosure and they must do so openly (insofar as this is possible without causing such damage or harm);

(6) even if disclosure would cause real and serious damage or harm to the public interest, PII should not be claimed if and to the extent that the interests of justice outweigh the public interest in withholding the material in question.

3.4 PSNI follows the principles set out above and, before it claims PII, stages 1-3 below must each be satisfied and stage 4 below must also be addressed (references in this guidance to numbered stages should be construed accordingly):

(1) Is there a *prima facie* legal duty to disclose the material in question (see part [4] below)?

(2) If so, would disclosure damage or harm the public interest (see part [5] below)?

(3) If so, does the public interest in non-disclosure outweigh the public interest in disclosure (see part [6] below)?

(4) If so, can steps be taken to avoid or mitigate the effects of a PII claim (see part [7] below)?

3.5 It should always be borne in mind that the exclusion of material of central importance from disclosure and use in legal proceedings pursuant to a PII claim can have a catastrophic effect on the administration of justice by making a fair and just determination of those proceedings impossible. This is known as a "*Carnduff v Rock* situation" in civil proceedings and a "*Litvinenko* situation" in inquests - after cases where proceedings collapsed and had to be permanently stayed by reason of a PII claim connected with critical issues, coupled with the non-availability of a closed material procedure.

4. Stage 1: Search for and identification of potentially relevant material and determination of *prima facie* disclosability

4.1 At the outset of any case, consideration should be given to the possible engagement of potentially sensitive issues so that the disclosure of related material can be avoided in advance of documentary disclosure, e.g. by way of correspondence between the parties, pleadings or preliminary hearings.

4.2 In civil proceedings, this exercise will also enable consideration to be given to the engagement and disclosability of sensitive material and the possible scope for seeking a statutory closed material procedure in lieu of a related PII claim, e.g. under Part 2 of the Justice and Security Act 2013. Where this is not an option or is not appropriate and a documentary disclosure exercise is required, potentially relevant material in the possession, custody, power or control of PSNI will need to be identified and its disclosability established.

4.3 A duty to disclose may arise as a matter of law or pursuant to procedure rules, a direction or order of a court or tribunal or, in the case of inquests, a communication from the coroner's legal team. If sensitivity attaches to only part of the relevant material

and this can be redacted or withheld on grounds of, e.g. relevance, legal professional privilege or a statutory bar, there would be no need to redact or withhold on PII grounds.

4.4 Part [10] below addresses the approach to take when the disclosure of sensitive information would cause real and serious damage or harm to the public interest and be incompatible with a legally protected Convention right under articles 2-3 or 8 of the ECHR.

5. Stage 2: Identification of material whose disclosure would cause real and serious damage or harm to the public interest

5.1 It must be assessed by PSNI that disclosure would cause real and serious damage or harm to the public interest or, put another way, a real risk of serious harm or prejudice to an important public interest. Where PSNI is the originator or "information owner" in connection with disclosable material, it will take the lead on the assessment of damage or harm. When it comes to this assessment, the level of classification or protective marking on a document may indicate a possible sensitivity but it will not be decisive of this or necessarily indicate a risk of damage or harm of the requisite kind.

5.2 As part of the stage 2 damage or harm assessment, consideration must be given to the following:

(1) whether disclosure or non-disclosure would be consistent with previous disclosure exercises and whether the relevant material is currently confidential or is already in the public domain by reason of some prior official or authoritative publication;

(2) whether damage or harm to the public interest might be produced indirectly by a mosaic or jigsaw effect, i.e. the risk that disclosure of one piece of information could cause damage when read together with another.

5.3 Most PII claims by PSNI are concerned with damage or harm to and the protection of vital police equities, interests and operational effectiveness connected with the performance of its public interest functions of preserving public order, preventing and detecting crime and protecting life, the vulnerable and property.

5.4 In particular, PSNI tends to encounter PII issues in the context of its involvement in:

(1) counter-extremism and counter-terrorism;

(2) combating serious and organised crime; and

(3) covert policing and intelligence gathering in connection with (1) and (2) above, including through the exercise of tactics and powers under Part III of the Police Act 1997, the Regulation of Investigatory Powers Act 2000 and the IPA.

5.5 In practice, the following heads of damage or harm are key, although this should not be seen as an exhaustive list:

(A) Sources: Information relating to persons providing or having provided information or assistance in confidence

Failure to protect such information may: jeopardise the personal safety or security of such an individual, their family members or another person misidentified, resulting in an increased risk of death or serious harm; lead to a loss of trust and confidence of the individual and impair their ability or willingness to continue providing information or assistance; damage trust and confidence in PSNI and its ability to protect and keep secret the identities and involvement of covert human intelligence sources more generally; or reduce the number of individuals willing to undertake or continue undertaking such a role and thereby undermine the ability of PSNI or partner agencies to carry out their functions effectively.

(B) Identities: Information relating to the identity, appearance, deployment and/or training of current and/or former members of PSNI or partner agencies undertaking secret or covert work

Failure to protect such information may: jeopardise the personal safety or security of such an individual, their family members or another person misidentified, resulting in an increased risk of death or serious harm; lead to a loss of trust and confidence of the individual or their colleagues and impair their

ability or willingness to continue performing their roles; damage trust and confidence in PSNI and its ability to protect and keep secret the identities and involvement of those undertaking secret or covert work more generally; or reduce the number of individuals willing to undertake or continue undertaking such roles and thereby undermine the ability of PSNI or partner agencies to carry out their functions effectively.

(C) Operations: Information relating to secret or covert activities, intentions, interests, investigations, operations, plans or targets of PSNI or partner agencies
Disclosure of information of this nature may serve to undermine present and future operational matters of a similar nature.

(D) Methodologies: Information relating to secret or covert capabilities, equipment, methods, techniques and systems available to or deployed or used by PSNI or partner agencies
Disclosure of such information may: compromise or facilitate the compromise of past, present or future operations; facilitate the taking of evasive or counter-measures or otherwise undermine operational effectiveness; or jeopardise the safety of personnel currently engaged in the deployment or use of such capabilities, methods, techniques or equipment.

(E) Organisations: Information relating to the organisation of or roles within secret or covert branches of PSNI or partner agencies
Disclosure of such information may reveal the nature and extent of operational capabilities and impair or risk impairing operational effectiveness.

6. Stage 3: Balancing the public interest in non-disclosure against the public interest in disclosure

6.1 The answer to this question depends on the outcome of the "*Wiley* balancing exercise" which gets its name from caselaw. Before PII is claimed, it must be assessed that the public interest in non-disclosure - identified at stage 2 - is not outweighed by the public interest in the administration of justice. This engages not only the achievement of a fair and just outcome, but also the open justice principle and the importance of justice being seen to be done. In this regard, PSNI must also attach particular weight to the principle

expressed in recommendation 37 of the Patten Report (see §[3.3] above).

6.2 It is well-established that the relevant court or tribunal will be well placed to assess the relevance and importance of sensitive material to the determination of the issues in a given case and (therefore) the public interest in disclosure.

6.3 Where relevant, the following should be explicitly factored into any assessment of the impact of non-disclosure on the public interest in the administration of justice:

(1) if a contemplated PII claim would bring about a *Carnduff v Rock* or *Litvinenko* type situation by excluding vitally important material and issues (see §[3.5] above);

(2) if a case is part of a series or group of connected cases and the protection of particular information in the case at hand would have an adverse impact in other cases, making the overall impact on the administration of justice more severe.

7. Stage 4: Identification of steps which would avoid, or mitigate the effects of, a PII claim

7.1 In certain limited circumstances, it might be possible to avoid a PII claim through the use of confidentiality rings and private hearings, e.g. if the other party is already privy to the relevant material or the risk of onward disclosure can be effectively managed. If this is not possible, consideration should be given to the scope for mitigating the effects of a PII claim through the use of admissions relating to withheld matters and/or ciphers or gists of withheld material. In this regard, PSNI should again attach particular weight to the principle expressed in recommendation 37 of the Patten Report (see §[3.3] above).

7.2 While stages 3-4 of the PII analysis can engage similar considerations and overlap to some extent, it is important to be clear that stages 1-3 must each be satisfied in order for anything less than full disclosure to be justified and mitigating measures should not enter the equation unless and until that point has been reached.

8. Process for claiming PII

8.1 The point at which a formal PII claim, including supporting evidence and submissions, needs to be made varies:

(1) Civil proceedings

The usual course is as follows: the relevant material is overtly withheld or redacted on PII grounds at the disclosure or discovery stage, without reliance on supporting evidence and submissions; the recipient decides whether to accept or challenge the non-disclosure or redactions; and, in the event of challenge, which is routine, a formal PII claim is prepared and submitted for determination by the court or tribunal. In exceptional circumstances, confirmation that otherwise disclosable material is or has been held by PSNI might itself cause real and serious damage or harm to the public interest and need to be withheld. If so, it may be necessary to make an *ex parte* application to the court for a prospective order authorising omission from a list of documents. Lawyers will need to advise on such situations on a case-by-case basis.

(2) Inquests

The usual course is as follows: all potentially relevant PSNI material is disclosed to and reviewed by the coroner and/or the coroner's legal team who will identify what is disclosable; and a formal PII claim is then made in support of non-disclosure or redactions prior to onward disclosure of redacted / gisted material to the other properly interested persons.

8.2 Approval for the making of a PII claim must be given by the Chief Constable (or, if unavailable, the Deputy Chief Constable or other senior officer nominated by the Chief Constable) but it will be for the relevant court or tribunal to determine the level at which any formal PII claim by PSNI and any supporting level needs to be authorised. The default and expected position is that the Chief Constable should personally approve all PII claims made by PSNI and, at the appropriate point, swear an affidavit in support. That said, there may be exceptional circumstances where evidence from a disclosure manager or other senior officer or submissions by counsel may be accepted as sufficient, particularly in connection with ancillary, subsidiary or supplemental matters, e.g. as to the extent of particular redactions or gists, or unforeseen but obvious points

of sensitivity.

8.3 When being asked to approve a claim for PII, the Chief Constable will usually need to be provided with and consider:

(1) a briefing note on the background to the case: (a) summarising the key facts and issues and (if necessary) providing a chronology and dramatis personae; and (b) outlining his or her role in deciding whether to claim PII and cross-referring to this guidance;

(2) a marked up copy of the relevant raw material for review or, if too voluminous, a representative set of sample documents;

(3) a copy sensitive schedule identifying the information subject to PII, the grounds for each proposed redaction and any proposed admissions, ciphers or gists;

(4) counsel's advice on the application of PII and on each of stages 1-4.

8.4 Depending on the type of proceeding and the stage reached, draft affidavit evidence in support of the PII claim will also need to be produced for approval by the Chief Constable. This could take the form of a draft OPEN affidavit (possibly with a CLOSED schedule or annex) or draft OPEN and CLOSED affidavits. The evidence should confirm the PII claim and its justification and clarify whether the entirety of the documents or a sample set have been viewed. The draft evidence should also meet the standards mandated by the courts and be the product of "a scrupulous process of preparation and checking, designed to ensure the complete accuracy of the whole content".

8.5 Where relevant, the briefing note, counsel's advice and the draft evidence should expressly:

(1) deal with the scope for ciphering or gisting any redacted information and be cautious about categorical statements to the effect that this would not be feasible or possible - in accordance with the principles set out in part [3] above, ciphering

and gisting of relevant information should be applied to the maximum extent possible in order to mitigate the adverse effects of non-disclosure;

(2) flag if a PII claim is likely to bring about a *Carnduff v Rock* or *Litvinenko* type situation by excluding vitally important material and issues (see §§[3.5 and 6.3] above);

(3) flag if a case is part of a series or group of connected cases and the protection of particular information in the case at hand would have an adverse impact in other cases, making the overall impact on the administration of justice more severe (see §[6.3] above);

(4) (if and insofar as relevant) factor (2) and/or (3) above into the analysis of the *Wiley* balancing exercise.

8.6 As part of the approval process, relevant officers, disclosure managers and lawyers should attend or be available to consult with the Chief Constable, answer questions and clarify or amend as necessary.

8.7 Although unlikely to arise in practice, any uncertainty about or disagreement with legal advice must be escalated and resolved through discussions involving lawyers and senior managers. In this regard, dialogue is essential to ensure full understanding on both sides of, first, PSNI's instructions and, secondly, the views of instructed counsel and solicitors. Particular weight is likely to attach to:

(1) PSNI's assessment of the consequences and impact of disclosure on police equities, interests and operational effectiveness and the public interest in non-disclosure;

(2) counsel's assessment of the role and importance of the relevant material to the proceedings in question, whether it is of central or peripheral relevance, the consequences and impact of non-disclosure for the administration of justice and the public interest in disclosure.

8.8 Although PII is usually claimed at the disclosure stage, it is not confined to documentary material and, in practice, most PII claims expressly extend to written and oral evidence about related matters.

8.9 As referred to above, PSNI discontinued the former practice of routinely seeking a ministerial certificate in support of all its PII claims in March 2024. Since then, such certificates have not formed an automatic part of or otherwise been used to approve or support all PII claims by PSNI.

9. Determination of claims for PII

9.1 As already mentioned, the final decision on any claim for PII will always rest with the relevant court or tribunal, subject to any appeal or judicial review. In the context of related CLOSED proceedings, it is not uncommon for the court or tribunal to give an indication of decisions it is "minded to" take and/or to propose amendments or alternatives when it comes to redactions or gists. Counsel will need to deal with these as and when they arise, in liaison with their instructing solicitors and clients, and it may be necessary to be pragmatic about concessions, particularly on smaller points which PSNI would not realistically pursue to a higher court.

9.2 In conjunction with the issue of this guidance, PSNI has decided to maintain a central written record of any cases where it makes a PII claim which is refused or substantially cut-back by the relevant court or tribunal, including on appeal or judicial review. This will be done for monitoring purposes and any such cases should be notified to the Head of Legacy and Disclosure and the Head of Legal Services.

10. Interaction of and overlap between PII and the protection of Convention rights

10.1 In certain circumstances, the disclosure of information could cause real and serious damage or harm to the public interest and be incompatible with the Convention rights of a living individual under the ECHR, possibly for the same reason.

10.2 In this regard, section 6 of the Human Rights Act 1998 makes it unlawful for public authorities - including PSNI and courts and tribunals - to act or fail to act incompatibly with Convention rights including under article 2 (right to life), article 3 (prohibition of torture and inhuman and degrading treatment) and article 8 (right to respect for private

and family life). Articles 2-3 confer positive obligations to protect life and to avoid risks to life and risks of serious physical or psychological harm. Article 8 confers some positive obligations and prohibits interferences with privacy which cannot be justified as being in accordance with the law and necessary in a democratic society.

10.3 If section 6 of the Human Rights Act 1998 coupled with one of the above Convention rights makes it unlawful for PSNI or a court or tribunal to disclose sensitive material, then there cannot be a legal duty to disclose, the *Wiley* balancing exercise becomes otiose and, strictly speaking, a claim for PII should not be made. In practice, however, it will often make sense for non-disclosure arguments on PII grounds and under the Human Rights Act 1998 to be advanced and determined together and in the alternative, rather than consecutively. This will allow the court or tribunal to understand any areas of interaction or overlap between the two grounds, form a comprehensive assessment and structure its decision and reasons accordingly. A final decision on the appropriate approach to take in any given case needs to be arrived at in the light of legal advice.

10.4 Furthermore, there could be circumstances where public confirmation that Convention rights are in play would itself risk harm to a living individual and/or the public interest, i.e. by revealing that PSNI holds sensitive material pertaining to such an individual who must necessarily be connected with the underlying facts. This possibility must always be borne in mind and, if necessary, raised with the court or tribunal on a closed or confidential and private basis as part of an overarching PII claim.

11. Engagement with national partners

11.1 This will be necessary in cases where an operational partner agency such as HMRC, MI5, MOD or NCA or a body such as PPSNI or PONI:

(1) is the originator or "information owner" in connection with disclosable material which is (also) held by PSNI;

(2) is in a better position than PSNI to offer an assessment in relation to any aspect of stages 1-3 by reason of its institutional competence, expertise, experience or responsibilities;

(3) has a meaningful equity or interest in apparently sensitive material which it might wish to protect, e.g. as a recipient or correspondent or in cases where there is or was operational concurrence or cooperation in connection with the underlying facts.

11.2 Conversely, there may be cases where a partner agency involved in legal proceedings consults PSNI about a disclosure exercise or possible PII issue it is dealing with. In such situations, the principles set out in this guidance should be followed by PSNI with necessary modifications.

11.3 In cases falling within at least one of the categories set out at §[11.1] above, PSNI should refer to and follow any applicable information-sharing protocols, consult the relevant partner and provide such briefing as is necessary together with an indication of PSNI's position. As part of this, PSNI could request or invite the partner to do one or more of the following:

(1) provide advice or assistance on or support for a PII claim contemplated by PSNI;

(2) make proposals as to the non-disclosure or redaction of material on PII or other grounds;

(3) submit or make its own PII claim, including as an interested party or intervener.

11.4 Particularly close liaison with central government (esp. MOD, MI5 and NIO) is needed in the national security sphere. In this regard, MOD and the armed forces performed national security functions in Northern Ireland prior to 2007 and MI5 assumed the lead for national security intelligence in Northern Ireland in October 2007 (subject to arrangements provided for pursuant to Annex E of the St Andrews Agreement of October 2006). PSNI's national security work includes law enforcement elements of the government's CONTEST counter-terrorism strategy and dealing with proscribed organisations, sabotage and subversion, espionage and state threats and threats to critical national infrastructure.

11.5 Material which is about MI5 or (in connection with pre-2007 matters) MOD or a specialist military unit or which refers to their operational work will generally fall within one of the categories set out at §[11.1] above, particularly if classified or protectively marked at "CONFIDENTIAL", "SECRET" or "TOP SECRET".

11.6 That said, PSNI also engages in covert policing and intelligence gathering outside of the national security sphere including in connection with its work in relation to: serious and organised crime; loyalist paramilitary groups and the Paramilitary Crime Taskforce; and the policing of public order, parades and processions. In accordance with §[11.1] above, liaison with, e.g. HMRC or NCA may be appropriate in connection with material about or referring to this work.

11.7 If and to the extent that a substantive difference on any of stages 1-4 emerges as between PSNI and a partner agency, this should be escalated for bilateral discussion between senior managers and lawyers on both sides and the outcome could be as follows:

(1) PSNI is neutral as to or supports a more extensive PII claim made by a partner agency, e.g. if ministers claimed PII in order to protect the economy, international relations or a security or intelligence service source or operation;

(2) PSNI disagrees with or opposes a more extensive PII claim made by a partner agency, e.g. if ministers claimed PII in order to protect police sources or operations and PSNI assessed that this was not necessary.

11.8 Depending on the extent of any common ground or conflicts of interest, the active engagement of a partner agency in connection with a PSNI disclosure exercise or contemplated PII claim could take a variety of forms:

(1) PSNI incorporates or reflects partner agency input within its own PII claim or acts as a conduit for the partner's views to be relayed to the court or tribunal;

(2) cooperation on the colour-coded marking up of a single set of documents according to respective equities and interests and positions on PII;

(3) joint representation of PSNI and partner agency by same solicitors and/or counsel, usually at shared expense;

(4) separate representation by different solicitors and/or counsel.

11.9 Engagement of the kind referred to at (1)-(3) above will generally require the partner agency to be fully candid and transparent about the nature of and reasons for any sensitivities arising. Cases where this is not possible or there is a disagreement between PSNI and the partner agency are more likely to involve engagement of the kind referred to at (4) above.

11.10 It should always be borne in mind that partner agencies do not necessarily have a right to demand or be given access to or copies of PSNI material. To the extent that engagement with a partner agency would involve the sharing of PSNI information not already disclosed to or held by that partner, it will first be necessary to establish that there is a lawful basis for this and that it would not breach any obligations of confidentiality owed to third parties or statutory bars. In this regard, articles 6 and 9-10 the UK GDPR, sections 8 and 10 of and Schedule 1 to the Data Protection Act 2018 and section 19 of the Counter-Terrorism Act 2008 provide potentially relevant disclosure gateways.

11.11 It may or may not be appropriate to share PSNI legal advice with a partner agency. Before this is done, consideration should be given to and, if necessary, advice taken on whether this would involve a waiver of legal professional privilege and/or could be done subject to common interest privilege. Furthermore, it should be borne in mind that PSNI's lawyers cannot advise partner agencies outside the context of a joint representation arrangement.

12. Engagement with international partners

12.1 Where An Garda Síochána or another international partner agency is the originator or "information owner" in connection with disclosable material which is (also) held by PSNI, or otherwise has a meaningful equity or interest in apparently sensitive material, the principles set out in this guidance will be relevant, but additional considerations may also come into play. In such cases, more specific bespoke advice should be taken

from [] prior to consultation and/or onward disclosure.

7 March 2025

AGREEMENT AT ST ANDREWS

Over the past three days in St Andrews we have engaged intensively with the Northern Ireland political parties with a view to achieving the goal we set in Armagh in April, which is shared by all the parties and the overwhelming majority of people in Northern Ireland: the restoration of the political institutions. We believe that the transformation brought about by the ending of the IRA's campaign provides the basis for a political settlement.

2. Our discussions have been focused on achieving full and effective operation of the political institutions. When we arrived in Scotland a limited number of outstanding issues remained to be resolved, including support for and devolution of policing and the criminal justice system, changes to the operation of the Agreement institutions, and certain other matters raised by the parties or flowing from the Preparation for Government Committee. The two Governments now believe that the agreement we are publishing today clears the way to restoration.

Power sharing and the political institutions

3. Both Governments remain fully committed to the fundamental principles of the Agreement: consent for constitutional change, commitment to exclusively peaceful and democratic means, stable inclusive partnership government, a balanced institutional accommodation of the key relationships within Northern Ireland, between North and South and within these islands, and for equality and human rights at the heart of the new dispensation in Northern Ireland. All parties to this agreement need to be wholeheartedly and publicly committed, in good faith and in a spirit of genuine partnership, to the full operation of stable power-sharing Government and the North-South and East-West arrangements.

4. Following discussion with all the parties, we have made an assessment of practical changes to the operation of the institutions and we are publishing today a clear outline of these. The British Government will introduce legislation in Parliament before the statutory November deadline to enact these changes, once parties have

ANNEX E

FUTURE NATIONAL SECURITY ARRANGEMENTS IN NORTHERN IRELAND: PAPER BY THE BRITISH GOVERNMENT

Building on the useful discussions that have already taken place with the parties on the issue, this paper outlines the arrangements that are being put in place for the handling of national security intelligence in Northern Ireland and the accountability measures that will be in place, once lead responsibility passes to the Security Service in late 2007.

The change will bring Northern Ireland into line with the rest of the UK, to provide a consistent and co-ordinated response to the threat from terrorism, including from international terrorist groups such as Al Quaeda. It also, since national security is an excepted matter, prepares the way for devolution.

The British Government is confident the new arrangements will bring real benefits to both the Security Service and the PSNI. A key driver behind the practical arrangements currently being devised and tested is the unique interface in NI between national security and serious/organised crime. The new arrangements preserve and build upon the Patten reforms: that is a fundamental principle of these changes.

New integrated working arrangements – the first such approach in the UK - will strengthen the PSNI's criminal intelligence capability. This is because PSNI officers will be co-located with Security Service personnel and will work in a variety of roles including as intelligence analysts/advisors and for the purpose of translating intelligence into executive action. These arrangements are designed precisely for the purpose of ensuring that intelligence is shared and properly directed within the PSNI. Integration of personnel in this way is an essential protection against concerns that some intelligence would not be visible to the PSNI.

The Security Service has no executive policing responsibilities, even in countering threats to national security. While the Security Service will provide the strategic direction, the PSNI's contribution to countering terrorism will remain absolutely central. In all circumstances, including where the interest is national security related

it will be the role of the PSNI to mount executive policing operations, make arrests and take forward prosecutions under the direction of the Public Prosecution Service.

There will be no diminution in police accountability. The role and responsibilities of the Policing Board and the Police Ombudsman vis a vis the Police will not change. Police officers working with the Security Service in whatever capacity will remain accountable to the Chief Constable and under the oversight of the Police Ombudsman. The Security Service and the Ombudsman's office have been working together to agree arrangements for the Ombudsman's access to sensitive information held by the Service, where this becomes necessary for the discharge of the Ombudsman's statutory duties. The Service has already disclosed sensitive information to the Ombudsman's office in a number of cases. It is important to ensure that comprehensive accountability mechanisms are in place for all aspects of policing in Northern Ireland, and we will continue to discuss these matters with the parties.

The Government will publish in due course high level versions of the MoUs currently being developed between the Security Service and the PSNI and others, as appropriate

The great majority of national security agents will be run by the PSNI, under the strategic direction of the Service, mirroring the arrangements the Service has with the police in GB. This makes sense in NI in particular because of the interface between serious crime and national security; the police also have the advantage of local knowledge. The Security Service will continue to run directly a small number of agents who are authorised to obtain information in the interests of national security as distinct from countering criminality, where the circumstances make that appropriate. The principles observed by the PSNI and the Security Service in running agents are the same, and are enshrined in the Regulation of Investigatory Powers Act 2000.

The Policing Board will, as now, have the power to require the Chief Constable to report on any issue pertaining to his functions or those of the police service. All aspects of policing will continue to be subject to the same scrutiny as now. To ensure the Chief Constable can be fully accountable for the PSNI's policing operations, the Security Service will participate in briefings to closed sessions of the

Policing Board to provide appropriate intelligence background about national security related policing operations.

On policing that touches on national security the Chief Constable's main accountability will be to the Secretary of State, as it is now. The Security Service is fully accountable through existing statutory arrangements and the due processes of Parliament. In addition, three separate Commissioners oversee different elements of covert work in NI: the Intelligence Services Commissioner; the Interception of Communications Commissioner; and the Surveillance Commissioner. Relevant complaints relating to the actions of the intelligence agencies are investigated by the Investigatory Powers Tribunal, a panel comprising senior members of the legal profession. There is also the Parliamentary Intelligence and Security Committee whose remit is to examine the expenditure, administration and policy of the security and intelligence agencies and whose reports are placed before Parliament; the Government has already indicated that it is prepared to consider how the Northern Ireland focus of the Committee might be strengthened.

In summary, a whole range of safeguards will continue in place: the Policing Board's continuing role in ensuring efficient policing; the safeguards embodied in RIPA; the Ombudsman's role in investigating complaints against police officers; Parliament's scrutiny of intelligence matters through the Intelligence and Security Committee; the various Commissioners' oversight of particular types of covert operations; and the Investigatory Powers Tribunal's remit to deal with complaints. Not only are these arrangements comprehensive, they are as transparent as the sensitivity of the issues allows.

Further to reinforce this comprehensive set of safeguards, the Government confirms that it accepts and will ensure that effect is given to the five key principles which the Chief Constable has identified as crucial to the effective operation of the new arrangements, viz:

a. All Security Service intelligence relating to terrorism in Northern Ireland will be visible to the PSNI.
b. PSNI will be informed of all Security Service counter terrorist investigations and operations relating to Northern Ireland.
c. Security Service intelligence will be disseminated within PSNI according to the current PSNI dissemination policy, and using police procedures.

d. The great majority of national security CHISs in Northern Ireland will continue to be run by PSNI officers under existing police handling protocols.

e. There will be no diminution of the PSNI's ability to comply with the HRA or the Policing Board's ability to monitor said compliance.

In that connection, the Government believes that the Policing Board's Human Rights advisers should have a role in human rights proofing the relevant protocols that will underpin the Chief Constable's five key principles, and also in confirming that satisfactory arrangements are in place to implement the principles. The detailed operation of this safeguard will require further consideration.

As far as the employment of former police officers by the Security Service under these new arrangements is concerned, there will be no bar on former officers serving in the new organisation, but for operational reasons there will be a need for such individuals to have working experience of the arrangements under which the PSNI currently operate. The same rigorous vetting procedures will apply to them as they do to all new staff joining the service.

POLICE SERVICE of NORTHERN IRELAND

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Transfer of national security lead to the Security Service

The transfer of the lead for national security to the Security Service, with effect from 10 October 2007, has culminated in the preparation of detailed agreements which outline the future working practices with the Police Service of Northern Ireland (PSNI).

Throughout this process the PSNI and Security Service have been committed to upholding the five preconditions which were outlined in Annex E of the St Andrew's Agreement, October 2006. These assurances stated that:

1. All Security Service intelligence relating to terrorism in Northern Ireland will be visible to the PSNI.
2. PSNI will be informed of all Security Service counter terrorist investigations and operations relating to Northern Ireland.
3. Security Service intelligence will be disseminated within PSNI according to the current PSNI dissemination policy and using police procedures.
4. The great majority of national security CHISs [Covert Human Intelligence Sources] in Northern Ireland will continue to be run by PSNI Officers under existing police handling protocols.
5. There will be no diminution of the PSNI's ability to comply with the Human Rights Act 1998 or the Policing Board's ability to monitor said compliance.

Both organisations have also taken full cognisance of the Prime Minister's Statement to the House of Commons on 10 January 2007 which stated that:

'The PSNI and Security Service will be completely distinct and separate bodies…No police officers will be seconded to or under the control of the Security Service…Leadership and direction of all police work is the responsibility of the Chief Constable who will remain accountable to the Policing Board. The Ombudsman will have statutory powers to hold to account all police officers……..'

The PSNI and Security Service have utilised this framework in the preparation of a Memorandum of Understanding (MoU) underpinned by various Service Level Agreements (SLAs), which formalise the relationship and working practices.

At paragraph 7.4 the MoU states that:

'The PSNI will retain accountability for all PSNI personnel working in liaison with the Security Service. They will at all times remain accountable to the Chief Constable. Those PSNI personnel will be subject to PSNI line management and PSNI regulations governing working terms, conditions and entitlements. Police personnel will comply with the Police (Northern Ireland) Act 1998, the 2000 Act and the Police (Northern Ireland) Act 2003, all relevant legislation relating to PSNI, Code of Ethics and procedural regulations and in the case of Police Staff, the NICS Staff Handbook'

All of the documents (MoU and SLAs) have been subject to inspection by the Policing Board's Human Rights Advisers (Kier Starmer QC and Jane Gordon) who reported to the Board on 20 September 2007:

'Having reviewed the MoU and the draft SLAs and having discussed matters with ACC Crime Operations and the PSNI team working on transfer issues, we are satisfied that the requirement that PSNI personnel working in liaison with the Security Service remain subject to all legislation, policy and procedure governing PSNI actions (including the Human Rights Act 1998) along with their continued accountability to the Chief Constable, the Policing Board and the Police Ombudsman of Northern Ireland should ensure the necessary accountability'

SPOTLIGHT

The Government have also invited Lord Carlile to annually review the operation of the arrangements for handling national security related matters in Northern Ireland. The PSNI have already engaged with Lord Carlile who will in the course of his review also consult the Policing Board and the Police Ombudsman, as well as taking into account any views which the First Minister and the Deputy First Minister and, in due course, Justice Ministers may put to him.

The PSNI are deeply committed to ensuring that these principles and working practices are strictly adhered to and monthly management meetings will monitor and review PSNI working practices to ensure compliance.

Memorandum of Understanding between The Police Service of Northern Ireland and The Security Service.

House of Commons

Northern Ireland Affairs Committee

The effect of paramilitary activity and organised crime on society in Northern Ireland

Second Report of Session 2023–24

Report, together with formal minutes relating to the report

Ordered by the House of Commons to be printed 24 January 2024

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Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

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The following were also members of the Committee during this inquiry: Simon Hoare MP (Chair), Sir Tony Lloyd MP, and Mr Robin Walker MP

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5 Coordination to tackle paramilitary and terrorist activity

57. Responsibilities for tackling Northern Ireland-related terrorism and paramilitary activity are divided between the UK Government and the NI Executive. As the PSNI explained, "the overall responsibility for national security and Northern Ireland-related Terrorism (NIRT) remains with the UK Government and the Police Service of Northern Ireland works collaboratively with the Government, intelligence agencies and other statutory partners".[147] The response to wider paramilitary activity and organised crime is, in contrast, the responsibility of the devolved Northern Ireland Executive Office.[148] The PSNI added that "both are integral to bringing about an end to the threat and harm posed to local communities, but for the purposes of delivery, separate mechanisms and structures are in place".[149]

58. We took evidence on the links between threats from Northern Ireland-related terrorism and paramilitarism. When he was Secretary of State for Northern Ireland, the Rt Hon. Brandon Lewis MP explained:

> The threat and harm from Northern Ireland related terrorism is inextricably linked to the enduring problem of paramilitarism in a wider context of organised crime. The lines are often blurred between those involved in terrorist activity, and in other forms of paramilitary activity and organised crime.[150]

He stressed the need for "a whole of system response" to those engaged in terrorism, paramilitary activity and organised crime, declaring:

> None of these threats can be dealt with sustainably in isolation. A whole of system response that ensures each entity plays its part in working with communities and individuals around the single purpose of ensuring safer communities by removing the space for those engaged in terrorism, paramilitary activity, and organised crime to recruit or act in Northern Ireland is required.[151]

59. He further added that the Government had worked with the Northern Ireland Executive to support the development of a "framework for a collaborative and mutually reinforcing approach to tackling terrorism, paramilitary activity, and organised crime".[152] Indeed, Action C8 of the 'Executive Action Plan for Tackling Paramilitary Activity, Criminality And Organised Crime' states that "the UK Government, the Executive and law enforcement agencies, working with their partners in Ireland, should ensure that tackling organised criminal activity is an integral part of their efforts to deal with Northern Ireland related terrorism".[153]

147 Police Service of Northern Ireland (PNI0023), p.5
148 Police Service of Northern Ireland (PNI0023), p.5
149 Police Service of Northern Ireland (PNI0023), p.5
150 Rt Hon Brandon Lewis MP, Secretary of State for Northern Ireland at Northern Ireland Office (PNI022), p.1
151 Rt Hon Brandon Lewis MP, Secretary of State for Northern Ireland at Northern Ireland Office (PNI022), p.1
152 Rt Hon Brandon Lewis MP, Secretary of State for Northern Ireland at Northern Ireland Office (PNI022), p.2
153 NI Department of Justice, Tackling Paramilitary Activity, Criminality, and Organised Crime Action Plan, 19 July 2016, p.18

60. Since February 2022, however, Northern Ireland's political institutions have been suspended. The PSNI highlighted the challenges that the lack of a functioning Executive and political uncertainty create in tackling paramilitarism, describing them as an "impediment".[154] In late 2022, the current Secretary of State commented that "the lack of a functioning Executive inhibits Northern Ireland Departments from taking a strategic, cross-cutting approach to tackling paramilitarism in partnership with the PSNI and the wider public sector".[155] The IRC also emphasised how "the fractured nature of politics" in Northern Ireland, and numerous suspensions of the Executive and Assembly, have mitigated "against the kind of sustained, cross-party policy interventions and approaches that are needed to address the range of factors involved in continued paramilitarism".[156]

61. The suspension of the political institutions in Northern Ireland has also created an uncertain funding environment. The PSNI added that "the lack of devolved ministers also creates practical challenges in relation to the advancement of certain projects and initiatives, as well as budgetary certainty".[157]

62. **The continued presence of paramilitary groups, 25 years on from the Belfast/Good Friday Agreement, represents a festering wound on society in Northern Ireland. Given the delineation of responsibilities between the Government and the Northern Ireland Executive in tackling terrorist and paramilitary activity in Northern Ireland, the lack of an Executive impedes attempts to develop a collaborative and mutually reinforcing approach to tackling terrorism, paramilitary activity, and organised crime. The lack of an Executive, and the lack of sustainable funding arrangements for public services, also creates an uncertain environment for organisations providing vital services such as youth and educational services.**

Programme for Government

63. The New Decade, New Approach (NDNA) agreement included a proposal that tackling paramilitarism become a dedicated outcome in the Programme for Government of the next Executive.[158] The IRC cited this and called for its implementation.[159] Between the return of the devolved institutions in Northern Ireland in January 2020 and their suspension in 2022, a Programme for Government was not agreed. Contributors told us that the inclusion of this commitment in any future Programme for Government would be an important step.[160] The IRC stated:

> The challenges facing many of these communities were generations in the making, pre-dating the Troubles. As a consequence, addressing them requires a sustained, joined-up and well-resourced approach with a long-term commitment […] That is why we think it is essential that tackling paramilitarism becomes a dedicated outcome in the Programme for Government, becomes part of the business as usual of all relevant

154 Police Service of Northern Ireland (PNI0023), p.25
155 Secretary of State for Northern Ireland's Written Ministerial Statement on the Fifth Report of the Independent Reporting Commission, 7 December 2022
156 Independent Reporting Commission (PNI0014), p.3
157 Police Service of Northern Ireland (PNI0023), p.26
158 Annex D: Programme for Government, New Decade, New Approach, p.26
159 Independent Reporting Commission (PNI0014), p.8
160 See for example: Independent Reporting Commission (PNI0014), Rt Hon Brandon Lewis MP, Secretary of State for Northern Ireland at Northern Ireland Office (PNI022), Northern Ireland Department for Justice (PNI0024).

> departments and agencies, and that linked socioeconomic issues are progressed through an ambitious Programme for Government at the same time.[161]

The Tackling Paramilitarism Programme concurred that as "paramilitarism is a vast, complex, intergenerational problem" the work to tackle it "needs to be underpinned by a whole of government, whole of society approach, and as a priority in the Programme for Government".[162] In turn, the Northern Ireland Office, in written evidence to us, argued that "political leadership in Northern Ireland will be key to ending the scourge of paramilitarism".[163] The NIO also emphasised the importance of there being "a strong, stable, effective and accountable Executive that enables a whole-of-government response to paramilitarism through the programme for government".[164]

64. **Tackling paramilitarism in Northern Ireland requires a whole of Government approach.** ***While we are mindful that it is ultimately a matter for any newly formed Executive to decide its priorities for government, we urge the next administration in Northern Ireland to ensure that the commitment set out in New Decade, New Approach to ending the harm done by paramilitarism is a strategic priority in an agreed Programme for Government.***

National security: scope

65. Some contributors to our inquiry told us that, in the context of the continuing presence of paramilitary groups in Northern Ireland, the current scope of national security should be reviewed. In a report covering August 2020 to July 2021, Prof. Breen-Smyth, the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007, said that the threat level assessment in Northern Ireland was "largely based on the activities of dissident republican (DR) groups who see violence and attacks on the police and state agents and agencies as a legitimate means to achieve their political goals".[165] She added:

> Even though loyalist paramilitaries remain active, until now, they have not targeted state agencies. Therefore they do not currently meet these criteria and their levels of activity do not contribute to the assessment of threat in Northern Ireland.[166]

Professor Breen-Smyth outlined her frustrations with the scope of national security, commenting:

> Currently, the definition rests on the idea that it is only threats to democracy and to the state that count as national security threats, which means that a lot of the things we have been talking about here today do not constitute national security threats. That means our secret intelligence services are

161 Independent Reporting Commission (PNI0014), p.8
162 Northern Ireland Department for Justice (PNI0024), p.9
163 Rt Hon Brandon Lewis MP, Secretary of State for Northern Ireland at Northern Ireland Office (PNI022), p.5
164 Rt Hon Brandon Lewis MP, Secretary of State for Northern Ireland at Northern Ireland Office (PNI022), p.5
165 Report of the Independent Reviewer Justice and Security (Northern Ireland) Act 2007, Fourteenth Report, 1 August 2020 – 31 July 2021, June 2022, p.23
166 Report of the Independent Reviewer Justice and Security (Northern Ireland) Act 2007, Fourteenth Report, 1 August 2020 – 31 July 2021, June 2022, p.23

> not pointed at them […] That means the kind of joint working you see in relation to dissident republicans, who are deemed to be a national security threat, does not happen with quite a lot of the loyalist groups.[167]

Embellishing her view on the need to broaden the scope, Professor Breen-Smyth said:

> Say you live in a housing estate in Northern Ireland that is polluted by paramilitarism, you have drug dealing going on and your children are scared to go out of the front door. If you are a taxpayer to the Government, you are entitled to expect the Government to secure you and your family's safety […] We really do need to look at this much more broadly.[168]

66. She argued that broadening the scope would facilitate more "joint working" between the PSNI and security and intelligence agencies to tackle paramilitarism.[169] The PSNI has also proposed that there may be scope for more informal joined-up working between agencies working to tackle paramilitary activity and those working within the Northern Ireland-related Terrorism (NIRT) context, referencing significant areas of overlap, particularly in the prevention, early intervention and resilience building strands of this work.[170]

67. In June 2022, in written evidence to us, the then Secretary of State for Northern Ireland commented on the progress made on reducing terrorist activity in Northern Ireland. He referred to collaboration already taking place between law enforcement and intelligence agencies in this regard, adding:

> Ongoing activity to supress the threat remains essential but a further sustainable reduction in the threat and harm can only be achieved through a wider programme of interventions that reduce vulnerability to involvement in terrorism, address the intent behind terrorist activity, reduce the capability of groups involved in terrorism, and build resilience in communities to reject all forms of paramilitary and criminal activity.[171]

Other contributors informed us that, based on discussions with law enforcement and intelligence services, they did not currently see a need to broaden the scope. Dominic Wilson, Director General of the Northern Ireland Office, told us that there is "no set definition" of national security, adding that:

> the UK Government periodically produce a national security strategy. Every time they do, it differs in scope to some degree. For the purposes of this conversation, though, the current view of national security is that it covers a range of activities, from terrorism through to serious organised crime. There is nothing in the definition space that causes a problem. Individual organisations have both statutory and operational responsibilities. The trick is probably in how they match their resources and work together.[172]

167 Q211
168 Q212
169 Q214
170 Police Service of Northern Ireland (PNI0023), p.11
171 Rt Hon Brandon Lewis MP, then Secretary of State for Northern Ireland, Northern Ireland Office (PNI0022), p.1
172 Q454

Monica McWilliams, one of the Commissioners at the IRC, agreed, stating that on the basis of meetings the Commission had held with policing and security services, a broadening of the scope of national security was not necessary as law enforcement and security agencies had available all the requisite intelligence tools to tackle paramilitary activity.[173].

68. **There is a live debate as to whether the current scope of national security, as it relates to Northern Ireland, should be revised to include threats other than those to democracy and the state, such as paramilitary activity like drug dealing, extortion and murder, to enable greater joint working between law enforcement agencies in Northern Ireland and security and intelligence services where appropriate. Some think it should be expanded; others believe that the current scope is sufficient to enable collaboration.** ***We recommend that the Government undertake an updated analysis of paramilitary activity and organised crime in Northern Ireland when determining the scope of national security for its next national security strategy to ensure that all relevant groups and activities are caught within its ambit.***

173 See: Q478, Q479

Guidance note on NCND principle

The NCND Principle – its use, importance and effectiveness

1. NCND is an acronym for 'Neither Confirm Nor Deny' (NCND). The NCND principle is a mechanism used to protect sensitive information and applies where secrecy is necessary in the public interest and where this mechanism avoid the risks of damage that a confirmation or denial would create.

2. In summary, NCND has been widely acknowledged and accepted as a mechanism for protecting sensitive information, by courts and tribunals, by Parliament and by successive UK Governments. Decisions about the application of NCND are properly in the first instance the responsibility of Government as the body with access to all the necessary information (including intelligence or other sensitive material) and with the democratic duty to protect the safety of its citizens.

3. NCND is not a statutory rule. It is a principle which the courts have endorsed repeatedly (see illustrative examples below for further detail). However the principle of protecting sensitive information where necessary is explicit in legislation including sections 69(6)(b) Regulation of Investigatory Powers Act 2000, rule 6(1) Investigatory Powers Tribunal Rules 2000, Official Secrets Acts 1911 to 1989, the Data Protection Act 1988 and the Freedom of Information Act 2000 as well as legislation governing the Security and Intelligence Agencies, namely the Security Service Act 1989 and the Intelligence Services Act 1994.

4. The principle is most often applied in the context of the work of the Security and Intelligence Agencies, however it is also applied by others including the Ministry of Defence, for example in relation to matters relating to the Special Forces, and by police forces and other law enforcement bodies, particularly where they are engaged in covert investigations or activities.

5. By its very nature, the work of the Security and Intelligence Agencies provides the paradigm example of a context in which secrecy is required if the work is to

be effective, and there is an obvious, and widely recognised, need to preserve that effectiveness. This requirement of secrecy has long been recognised by the Courts which have stated :

> *"The Security and Intelligence Services are necessary for our national security. They are, and must remain, secret services if they are to operate efficiently....."*[1]

6. If a hostile individual or group were to become aware that they were the subject of interest by the Agencies, they could not only take steps to thwart any covert Agency investigation or operation but also attempt to discover, and perhaps reveal publicly, the methods used by the Agencies, their capabilities and techniques, or the identities of the officers or agents involved. Compromise of any of this information would affect both the individual investigation or operation and potentially all others. It could also jeopardise the future willingness of agents or prospective agents to cooperate and puts at personal risk the officers and agents concerned.

7. Successive governments have therefore adopted an approach where they neither confirm nor deny assertions, allegations or speculation in relation to the Agencies, meaning that, as a general rule, the Government will apply the NCND principle when responding to questions about whether the Agencies are carrying out, or have carried out, an operation or investigation into a particular person or group, have a relationship with a particular person, hold particular information on a person, or have shared information about that person with any other agencies, whether within the UK or elsewhere.

8. In order to be effective the NCND principle must be applied consistently. This includes when no activity has taken place and a denial could properly be made. If the Government were prepared to deny a particular activity in one instance, the inference might be drawn that the absence of a denial in another amounted to confirmation of the alleged activity. If the Government were forced to depart

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[1] *Attorney General v Guardian Newspapers Ltd (No.2) ("Spycatcher") [1990] 1 A.C. 109* @ paragraph 269

from the NCND principle in one case, it would create a clear risk of serious harm to essential UK national security interests. It could, furthermore, potentially put lives at risk.

9. An illustration of the application of the NCND policy is found in the Northern Ireland case of *In re Scappaticci*[2]. The claimant in that case alleged that his life was in danger because of media speculation that he had been an undercover agent working within the IRA as an informer for the security services. A Northern Ireland Office minister declined his request to confirm that he was not an agent, and evoked the NCND policy. The court accepted that there was "a real and present danger" to his life but nevertheless refused to overturn the Minister's decision. The then Lord Chief Justice of Northern Ireland, Lord Carswell said[3]:

> *"To state that a person is an agent would be likely to place him in immediate danger from terrorist organisations. To deny that he is an agent may in some cases endanger another person, who may be under suspicion from terrorists. Most significant, once the Government confirms in the case of one person that he is not an agent, a refusal to comment in the case of another person would then give rise to an immediate suspicion that the latter was in fact an agent, so possibly placing his life in grave danger.*
>
> *...If the Government were to deny in all cases that persons named were agents, the denials would become meaningless and would carry no weight. Moreover, if agents became uneasy about the risk to themselves being increased through the effect of Government statements, their willingness to give information and the supply of intelligence vital to the war against terrorism could be gravely reduced. There is in my judgment substantial force in these propositions and they form powerful reasons for maintaining the strict NCND policy."*

[2] [2003] NIQB 56
[3] at [§15]

10. Whilst the judgment in Scappaticci is expressed in the particular context of the threat posed by terrorist organisations, the rationale in relation to other circumstances where persons or organisations pose a threat of harm to agents or others providing information to the Agencies is the same. Neil Garnham QC (as he was then) advanced these arguments in the Litvinenko Inquiry and referring to the Scappaticci judgment he argued the following:

> *"...there will be occasions when confirming or denying information may be of vital and immediate importance to individuals interests, but because doing so would cause real and immediate damage to wider public interests, it would be wholly inappropriate, despite the disadvantage or risk of harm to the individual to do so. It follows that the policy of neither confirming nor denying must be applied consistently to be effective. That is so even where, in one particular case, the direct damage to wider public interests might appear, at first blush, to be slight."*

11. The IPT again commented on the importance of the NCND principle in its judgment in Steiner (IPT/06/81/CH 2008). The Tribunal decision stated that:

> *"The NCND response, if appropriate, is well established and lawful. Its legitimate and significant purpose and value has been discussed and ratified by the courts"*

Exceptions to the principle

12. The application of the principle of NCND, and the role of the courts in permitting it, was considered in Mohammed v Secretary of State for the Home Department [2014] EWCA Civ 559 at paragraph 20 where it was noted that whilst:

> *"...there are circumstances in which the courts should respect [NCND]...it is not a legal principle. Indeed it is a departure from*

procedural norms relating to pleading and disclosure. It requires justification similar to the position in relation to public interest immunity (of which it is a form of subset)."

13. The underlying rationale for NCND is the need to protect national security: there is no basis for the application of the principle where public confirmation or denial of the Agencies' involvement or interest would not cause damage to national security. Indeed, in some instances, disclosure of the relevant Agency's involvement or interest would actually assist, or at any rate, not be inconsistent with the proper performance of its statutory functions. In these instances, the NCND principle does not apply. Any disclosure in these instances remains subject to the overarching principle that such disclosure may only be made where it is consistent with the governing statutory principles.

Examples of such instances include:

- Where a person knows conclusively through their dealings with an Agency that the Agency holds data on them, this fact may be confirmed to the individual (though not more widely) and information about them may be disclosed;

- Where the Agency judges that its involvement should be acknowledged publicly, and even that the information should be disclosed, in the public interest eg where information is deployed by an Agency or with its authority in court proceedings;

- Where a person subject to court proceedings makes claims about Agency involvement which they know are untrue and which there is a public interest in rebutting;

- Where it would be ridiculous to maintain NCND – for example, where an alleged act is clearly outside the Agency's statutory functions. (Some years ago, the Security Service dealt with a subject access request under the Data Protection Act, where the applicant alleged that the

Service was seeking to assassinate her. The Service denied this, as the Service would never engage in such an act.);

- In very exceptional cases, where maintaining the NCND line in response to allegations about Agency intrusive operations would not be sustainable and where it would be in the public interest for the relevant Agency publicly to disclose its involvement. As such a departure from NCND may well cause some damage to national security, disclosure in such cases can only be contemplated where there has been prior agreement between the relevant officials and appropriate Ministerial clearance (Home Secretary, Foreign Secretary and any other interested Minister).

14. In **all** instances where a department or agency is considering a departure from NCND, that department or agency should inform relevant Whitehall colleagues, including the Cabinet Office, in a timely fashion in order that the context and any wider considerations can be considered. The Cabinet Office may need to consult the National Security Liaison Group (which ordinarily considers the application of NCND in non-litigation matters including FOI requests) as an existing Whitehall body best placed to consider the departure. The National Security Secretariat can provide contact details as necessary.

15. Finally, it may be the case that bodies outside of Government, for example courts, inquiries or investigations, may seek to make a departure from NCND. In such circumstances, where a departure is being considered, HMG should invite that body to allow the relevant state party to make submissions in advance of any such departure. The relevant state party may need to consult other interested Whitehall departments and agencies as set out in paragraph 14 above.

National Security Secretariat
Cabinet Office
October 2017

Visiting the secret state: Margaret Thatcher and Intelligence

Dr Dan Lomas, 21 December 2022 - Cabinet Secretaries, FCDO Historians, Intelligence Services, Intelligence Services, Past prime ministers

An early task of any new Prime Minister is to familiarise themselves with the UK's intelligence agencies – the Secret Intelligence Service (SIS/MI6), Government Communications Headquarters (GCHQ) and the Security Service (MI5).

Yet, for all the interest they may have in this clandestine world, many of those who have taken office have lacked experience of intelligence first hand. While some have juggled a series of complex briefs across government, others were relative novices. Few, like Winston Churchill and Clement Attlee, have had the intelligence apprenticeship they need.

Having entered office, Prime Ministers are briefed on what the UK's intelligence agencies can, and cannot, do. They also receive the Weekly Survey of Intelligence, or 'Red Book', from the assessment body, the Joint Intelligence Committee (JIC), with secret material from SIS, MI5 and GCHQ provided by alternative means.

Briefings on intelligence are just one form of introduction to the secret state machinery. Visits are another. While there are gaps, released files do allow an insight into Margaret Thatcher's visits to the UK intelligence machinery. After Churchill, she comes a close second for her passion for the secret world. One senior official recalled, 'Mrs Thatcher was a devotee of intelligence. She liked it, she respected it she believed it gave her the truth'.

On 29 February 1980, Margaret Thatcher became the first ever Prime Minister to attend a meeting of the JIC. Then committee chair, Antony Acland, noted that the JIC was 'gratified and encouraged by the Prime Minister's interest in intelligence, and her attendance at this meeting would be a stimulus to its work'. Thatcher herself later acknowledged the importance of the visit. "I found the occasion both thoroughly enjoyable in its own right and of value in the longer term", she wrote to Acland: "The work of the Committee is of considerable importance."

The visit to the JIC was just the beginning. On 10 April 1980, Margaret Thatcher also became the first Prime Minister since Churchill to visit the UK's signals intelligence agency. Arriving at GCHQ's Oakley site in Cheltenham, she began the visit by being briefed on GCHQ's work by its Director, Sir Brian Tovey. The visit was broken down into 3 sessions.[1] The first focused on non-Soviet Bloc collection and the work of GCHQ's K Division. Other topics included cryptanalysis, translation, traffic analysis, and the distribution of reporting, followed by lunch with the GCHQ Directorate. Michael Herman, then Head of J Division (Soviet Bloc Production area), ran a second session on Soviet Bloc traffic, with the third, and final, session led by GCHQ's Chief Scientist Ralph Benjamin. It was in the final briefing that

GCHQ Director Sir Brian Tovey with Margaret Thatcher 10 April 1980

Thatcher was told for the first time about Zircon, GCHQ's ill-fated top-secret satellite project, later cancelled due to rising costs.

Nevertheless, the Prime Minister remained an enthusiastic supporter of the project. Tovey maintained an excellent relationship with her, and GCHQ's intelligence was to have an important influence on the Falklands conflict in 1982.

Margaret Thatcher's diplomatic private secretary, Michael Alexander (himself the son of legendary wartime cryptanalyst Hugh Alexander), later wrote the Prime Minister 'enjoyed' the visit. In a letter to senior staff, Tovey reflected that 'the visit was an outstanding success which can only reflect credit upon GCHQ as a whole. My warmest congratulations to you all.'

In September 1984, the SIS's Chief Colin Figures asked Sir Robert Armstrong, the Cabinet Secretary, whether the Prime Minister would visit SIS's headquarters in Century House.[2] In a draft itinerary, Figures suggested up to an hour and a half briefing on 'current problems, including, perhaps, the Afghan scene and one or two of our most important agent cases'.[3] The visit would also include lunch with 'medium-grade and junior staff-members' plus a 'walk-about' including the communications department, registry and card index. Writing to the Prime Minister's private secretary, Armstrong wrote there was 'an element of 'keeping up with the Joneses' about this', citing an earlier (and undated) visit by Mrs Thatcher to MI5, yet suggested the trip would be 'interesting and useful'.

Margaret Thatcher's appointments diary records that this trip took place on 25 September 1984, and like the earlier GCHQ visit, it went exceptionally well. In a letter to Figures, Thatcher wrote:

Thank you very much for your hospitality and for the excellent arrangements made for my visit today. I found the various briefings and demonstrations of the greatest possible interest. I was much impressed by the knowledge, dedication and professionalism of those whom I met. Please thank them all.

On a visit of this sort, I am inevitably unable to meet more than a few people. I would therefore like to take this opportunity of saying a word of thanks to all members of your service. I know that a great deal of their work goes unrecognised and unsung. In the nature of things, very few people can know the full extent of their contribution to preserving our liberty and helping others secure theirs. I should like all members of the service to know that they have my full support and my warm appreciation of their work.

Margaret Thatcher's understanding of intelligence went far beyond her reading of reports. Visits to the intelligence agencies were part of a wider effort to develop understanding of departments, personalities and processes, and a valuable

opportunity for the Prime Minister to show her appreciation of the intelligence she received. For the agencies, showing the Prime Minister what they did was vital and part of an effort to maintain budgets. Mrs Thatcher's determined support for Zircon in the face of wider opposition on cost grounds is testament to her advocacy of intelligence, something perhaps reinforced by her visits. With a new Prime Minister, the need for close intelligence-policy relations is important, and visits can be important in cementing the bond with the occupants of Number 10.

[1] The GCHQ Historical Team assisted the author by providing details of the visit.

[2] Details of the visit can be found at The National Archives in file PREM 19/1635.

[3] One of the 'important' agent cases Mrs Thatcher is likely to have been briefed on was that of Oleg Gordievsky, the KGB officer posted to the Soviet Embassy in London, who had been recruited by SIS in 1974.

Tags: GCHQ, Margaret Thatcher, MI5, MI6, Prime Ministers, Secret Intelligence

September 13, 1985 | Times, The (London, England) | RODNEY COWTON and STEWART TENDLER

Mr Oleg Gordievsky, the Russian KGB chief in London whose defection led Britain yesterday to order the expulsion of 25 Soviet spies, had been working for the West for 19 years, it was revealed last night.

The Russians now face the destruction of their entire espionage network in Britain. The Foreign and Commonwealth Office, announcing the defection yesterday, said that Mr Gordievsky, as head of the KGB in London 'was in a position to know full details of Soviet intelligence activities and personnel in this country'.

His request several weeks ago for political asylum is a major counter-espionage coup not just for Britain but possibly for Nato as a whole.

For his life as a double agent began in 1966, just four years after leaving his Russian spy school, when he was posted to Denmark with the 'cover' of being a press attache.

During his four-year stay he regularly provided the Danes with information that was 'very important to Danish security', the Minister of Justice in Copenhagen, Mr Erik Ninn-Hansen, said last night in a television interview.

According to the Copenhagen daily newspaper Berlingske Tidende, Danish intelligence sources say the information concerned Soviet agents in Denmark.

Having left Denmark in 1970, Mr Gordievsky returned in 1972 and continued feeding information; three Soviet diplomats were expelled from Cophenhagen in 1977. He left in 1978.

Posted to Britain in 1982 ostensibly as a Counsellor, he was in fact a senior KGB official. He was handed over by his Danish controllers to British intelligence agents, who were probably beside themselves with joy when he was recently made head of the KGB's Residency in London.

Mr Gordievsky's defection now raises the possibility that his cover had been 'blown', perhaps following the flight of the West German counter-espionage chief to the East at about the same time.

He has been granted political asylum in Britain and, along with his wife, is now in the care of British security.

His career as a double agent is a notable triumph for the West, an espionage operation ranking with some of the KGB's best coups.

Few KGB officers are known to have been 'turned' and remain in situ. Oleg Penkovsky did so in the early 1960s, passing secrets to British agents in Moscow and paying with his life.

There are no known other incidents in recent years, KGB officers have usually made approaches to the West and then defected.

But Mr Gordievsky remained to become the highest-placed espionage source within the KGB ever identified, and could have been responsible for the expulsion of a number of Soviet diplomats from Britain in recent years.

It is possible his role had been threatened by Michael Bettaney, the MI5 officer who tried in 1983 to become a KGB double agent. At Bettaney's trial it was disclosed that he offered the Russians details of how three diplomats had been identified as KGB men and information on the MI5 view of the Russian 'order of battle' for agents in Britain.

Bettaney's offer was ignored by the Russians and it was said he was caught after MI5 colleagues became suspicious.

Indeed, it could have been Mr Gordievsky who persauded the KGB in London to ignore Bettaney's offer as nothing more than a provocation.

At the end of the day it appears that MI5 may have thought he was at risk from the West German defector Mr Hans-Joachim Tiedge and decided to 'call him in' immediately.

Mr Gordievsky's defection brought to an end an extraordinary career but, if it had continued, me that could have ended with his return to Moscow Centre to become a 'mole' as powerful as any of the characters in a John Le Carre novel.

Instead, returning to Moscow are 25 Soviet officials, including six diplomats; they have been given three weeks to leave.

There will now be fears that the Russians will engage in tit-for-tat expulsions from the British community in Moscow in response to the eviction of the Russians from Britain. The Foreign Office said that any such move would be entirely without justification. The Soviet authorities knew that the British Government would take 'an extremely serious view' of any retaliation.

Mrs Thatcher has been kept abreast of developments throughout.

The Foreign Office refused to give any details of the circumstances of Mr Gordievsky's defection or his whereabouts, beyond saying that he was in the United Kingdom. He had told the British authorities that he wanted to become a citizen of a democratic country.

The British decision was conveyed to the Russians when Mr Lev Parshin, the Soviet acting charge d'affaires, was called in to see Mr David Goodall, a deputy under-secretary at the FCO, Mr Parshin asked to have consular access to Mr Gordievsky and Mr Goodall undertook to convey this request to him.

Mr Parshin was told that the 25 Russians who are to be expelled had 'been engaging in intelligence activities which are, of course, totally incompatible with their status and declared tasks. The nature and scale of the activities are completely unacceptable.'

The Government's actions will clearly make it more difficult to achieve the improved relations with Russia which it has been seeking for at least the past year.

Sir Geoffrey Howe, Foreign and Commonwealth Secretary, said: 'We have worked hard to improve relations with Moscow. We shall continue to do so. But not at the expense of national security.'

The expulsions are by far the largest since the then Sir Alec Douglas-Home expelled 105 in 1971. The six diplomats who are to leave, and some are thought already to be in Russia on holiday, include three First Secretaries out of eight at the Embassy. Four of them only took up their appointments in London this year.

The others being expelled are made up of three non-diplomats from the embassy, including a driver and a security guard; seven officials of the Soviet Trade Delegation based at Highgate Hill, north London, which has long been known to be a centre of intelligence gathering activities; five journalists, and four representing other Soviet bodies, including one from the Moscow Narodny Bank

The expulsions bring the number of Russians sent home to 40, since the 105 who were expelled in 1971.

(First Edition)

THE AUTHORITIES in Northern Ireland have begun an investigation **into** a former IRA informer's claim that he was allowed to take part in killings while working for the RUC Special Branch.

Declan 'Beano' Casey, made the **claims** in yesterday's Daily Mirror, with promises of further revelations to come. In what appears to be a highly perilous move, the former IRA man has returned to Northern Ireland knowing that his one-time associates will kill him if they can.

Casey, 38, fled Northern Ireland late last year after serving as a member of the IRA in Strabane, Co Tyrone for many years. He said that, since 1987, he had been a paid RUC informer, giving information which helped to save many lives. But he also claimed police allowed him to continue participating in IRA murders.

The newspaper reprinted false identity papers, including a passport, provided for Casey by the RUC after he left Northern Ireland. It also gives the address of the Nottingham house where he lived. Casey's family remained in Strabane and he said he had been unable to settle in England without them.

It is generally accepted that Casey was an informer, however, the allegation that he was allowed to proceed with some killings to provide himself with cover have caused a considerable stir.

Most observers have assumed that IRA killings would never be allowed to proceed, even with the purpose of protecting a valuable security force agent. Revelations in the Brian Nelson informer case led to allegations that army intelligence might have allowed loyalists to kill republican suspects. But the idea that the police might sacrifice colleagues was greeted with considerable scepticism.

Sir Patrick Mayhew, the Northern Ireland Secretary, said yesterday: 'I have seen the story and of course that would be absolutely unacceptable. The RUC are investigating.'

THE RUC yesterday arrested Declan 'Beano' Casey, the former IRA informer who has generated controversy by claiming his RUC handlers allowed him to continue killing while he worked for them.

He was arrested at his father-in- law's house in Strabane, Co Tyrone, where he returned at the weekend. Last year he was spirited out of Northern Ireland by the RUC after being an informer for several years.

Casey has claimed, in a series of articles in the Daily Mirror, that he was involved in 14 IRA murders, six of which were carried out while he worked for the police. He claimed that in two specific cases, killings were carried out even though he had warned his handlers that the individuals were being targeted.

A high-level RUC inquiry has been announced, but at the same time the force's Chief Constable, Sir Hugh Annesley, has already issued assurances that the RUC does not allow any life to be taken in order to protect informers. This will be seen by some observers as pre-empting the investigation.

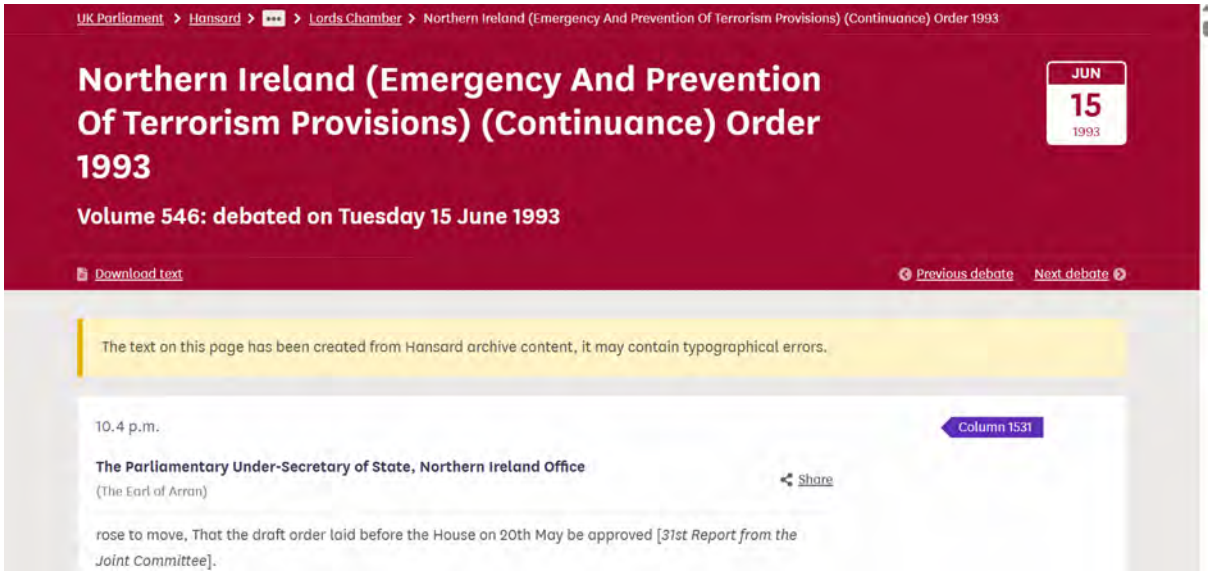
After meeting Sir Hugh yesterday morning, Sir Patrick Mayhew, Secretary of State for Northern Ireland, told reporters who asked if Casey's allegations were true: 'I have no means of knowing, because I have not got the individual personal knowledge whether it is true or not.

'What I do know absolutely certainly is this - that it would be wholly unlawful, wholly unacceptable, and I am absolutely certain that it would not have been authorised by the Chief Constable or anybody in authority.'

Sir Hugh, in a statement issued a few hours later, confirmed that Casey had been an informer and said his allegations would be fully investigated by a senior detective chief superintendent.

He said the suggestion that the RUC would allow lives to be lost 'has no basis in fact and I totally reject any such suggestion. Of that the people of Northern Ireland can be completely assured.'

Later, Kathleen Finlay, whose husband Ronnie was killed by the IRA, said that she had received a call from the local police commander, who told her that he had been directed by Sir Hugh to say that there was absolutely no truth in Casey's allegations.



Northern Ireland (Emergency And Prevention Of Terrorism Provisions) (Continuance) Order 1993

JUN 15 1993

Volume 546: debated on Tuesday 15 June 1993

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10.4 p.m.

Column 1531

The Parliamentary Under-Secretary of State, Northern Ireland Office
(The Earl of Arran)

Share

rose to move, That the draft order laid before the House on 20th May be approved [*31st Report from the Joint Committee*].

Column 1555

words of the chief constable at his press conference, acknowledging that currently there is a residual threat to the lives of all politicians in Northern Ireland. That is a sobering thought.

Finally, on behalf of my colleagues on these Benches, I want to express our sympathy to those in Northern Ireland and indeed in Great Britain who have suffered at the hands of the paramilitaries, and to express our deep gratitude to all those who have struggled over the years to maintain the rule of law.

11.35 p.m.

The Earl of Arran

Share

My Lords, this evening your Lordships have had the opportunity to give your profound consideration to the powers that are available under the Emergency Provisions Act to fight terrorism. A number of particularly valuable and interesting points have been made during the debate. I shall pick up on them straightaway.

I was particularly grateful for the extract that the noble Lord, Lord Mason, read from the report of the noble Lord, Lord Colville. I am sure that his words will be heard by those who need to hear them. He also mentioned the matter of talking to Sinn Fein. Our line, as the noble Lord, Lord Mason, knows very well, is clear. While Sinn Fein endorses violence, we cannot engage with it as if it were a normal democratic party. If it wants to be treated like one, it will have to behave like one. It cannot have it both ways. But I can assure the noble Lord that the relations between the RUC and the security authorities on the mainland are of the highest quality and the relations in Great Britain are for my right honourable friend the Home Secretary. It would be inappropriate for me to go further on that matter tonight.

The noble Lord, Lord Mason, and many other noble Lords, including the noble Lord, Lord Holme of Cheltenham, referred to Declan Casey. The Chief Constable of the RUC issued a statement early today. The use of informants is absolutely essential to the fight against terrorism. Casey was an informant and the allegations in a national newspaper, including his alleged involvement in matters hitherto unknown to the police, are being fully investigated. The RUC is determined that the full truth should be established and the result of the investigation will be submitted to the Director of Public Prosecutions.

The Report of the Patrick Finucane Review

The Rt Hon Sir Desmond de Silva QC

December 2012

Return to an Address of the Honourable
the House of Commons
dated 12 December 2012
for

The Report of the Patrick Finucane Review

The Rt Hon Sir Desmond de Silva QC

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Overview

23.89 There is no doubt that, as has been found by the European Court of Human Rights, the investigation into the murder of Patrick Finucane lacked the requisite independence and did not examine the question of collusion. The additional material available to me tends to reinforce the findings of the court in this regard.

23.90 It is clear that highly relevant intelligence was withheld from the murder investigation team, though it must also be acknowledged that the CID team did not exploit some of the intelligence that it had. This undoubtedly had a significant impact in preventing attempts to bring Patrick Finucane's murderers to justice. Key UDA suspects such as L/20, L/28 and Kenneth Barrett were not investigated or arrested until the Stevens III Investigation in 1999, more than ten years after the murder. The failure of the RUC to ensure an adequate investigation into the murder of Patrick Finucane is particularly significant when considered alongside the wider inadequacy of the action taken against the West Belfast UDA prior to the murder (see Chapter 17) and the decision by the RUC SB to recruit Kenneth Barrett in 1991 *after* he 'admitted' his involvement in the murder (see the next section of this chapter).

The recruitment of Kenneth Barrett in 1991

23.91 I outlined in Chapter 19 the background to the murder and the 'admission' made by Kenneth Barrett on 3 October 1991. In summary, Barrett 'admitted' on 3 October, when speaking to RUC officers, that he had been involved in the murder, though he qualified his admission by stating that this involvement was 'hypothetical'. I deal now with the reasons for the recruitment of Barrett as an agent and the question as to whether RUC SB officers were involved in the destruction of potential evidence that could have been used to prosecute Barrett for the murder of Patrick Finucane.

The SB and CID reactions to the October 1991 'admission'

23.92 The evidence suggests that there was a difference of opinion between the RUC SB and the CID over the significance of the 'admission' provided by Barrett on 3 October 1991. Detective Sergeant (DS) Johnston Brown felt that this 'admission' should have entirely altered the RUC's attitude towards Barrett and that, rather than being treated as a potential informant, Barrett should then have been pursued as a suspect in a murder investigation. In his 2005 book, 'Into the Dark', DS Brown stated that:

> *"Barrett was now no longer in my sights as a potential informant. He was now a self-confessed murderer. Our rules governing the handling of informants meant that Barrett's confession ruled him out as far as ever becoming a Police informant or agent. It was one thing to suspect him of murder. It was a totally different matter to have evidence of his involvement in it. I fully intended to convict him of that brutal murder."*[54]

[54] Johnston Brown, *Into the Dark*, Gill & Macmillan, 2005, p. 78

23.93 DS Brown's CID colleague, DC McIlwrath, appears to have shared his perspective on Barrett. DC McIlwrath stated that:

> *"At this time I believed we could have been talking to one of the murderers of Mr Finucane. I believed that Barrett had the ability to be a cold blooded killer."*[55]

23.94 In his accounts, DS Brown has acknowledged that Barrett's 'admission' did not represent an admission made under caution, stating that:

> *"The problem we had now was that nothing that Barrett had said to us was admissible evidence against him. It could only be used to corroborate other evidence. It was not admissible against him in a court of law."*[56]

23.95 DS Brown was, however, none the less confident that the 'admission' provided a lead which could help the RUC CID to build a case against Barrett leading to his prosecution and conviction. His belief was:

> *"We had to move the enquiry up a level. That was going to be easy: all we had to do was lure an unsuspecting Barrett into an evidence gathering forum. We knew exactly how to do that."*[57]

23.96 Even on the basis of DS Brown's own account, however, it was clear that Barrett was aware of some of the issues relating to the admissibility of evidence. DS Brown questioned Barrett on the 'lad from Rathcoole' who Barrett claimed had driven the getaway car, and recorded Barrett as having said that:

> *"I'm sound, take me to Castlereagh and I'm admitting f**k all ... But that wee guy from Rathcoole will squeal the house down and you'll use him as Queen's Evidence against me. Nothing I've said in this car is evidence against me. But that wee lad could put me in jail for life."*[58]

23.97 The documentary record suggests that the SB took a very different view to DS Brown with respect to the significance of Barrett's 'admission' on 3 October 1991. The SB report sent by DC R/06 to D/Supt R/20 noted that:

> *"At no time did the source admit to any involvement in murders by the UDA or any other incidents. When talking about such incidents the word source used when placing himself in a scenario was 'hypothetically talking'."*[59]

23.98 One of the senior retired RUC officers I met during this Review, R/15, highlighted the likely inadmissibility of Barrett's comments. He stated that:

> *"Barrett's alleged admission had not been made under caution so the opportunity to act on it had been missed. [R/15] learned of it only when [DS Brown] later went to see him with his notes of the conversation."*[60]

[55] DC McIlwrath, statement to Stevens III Investigation, 11 May 1999
[56] Johnston Brown, *Into the Dark*, 2005, p. 181
[57] Ibid.
[58] Ibid., p. 182
[59] DC R/06, note to R/20, 3 October 1991 [see Volume II, pp. 107–109]
[60] Note of meeting with former RUC officers, 25 July 2012, para 91

Discussions about further contact with Barrett

23.99 DS Brown alleged that he vigorously disagreed with the subsequent SB approach of seeking to recruit Barrett rather than allowing the CID to attempt to build an evidential case against him. DS Brown claimed that R/06 told him on 3 October 1991 that the SB already knew Barrett had murdered Patrick Finucane but that he should not seek to pursue this lead.

23.100 DS Brown gave the following account of his discussion with R/06:

> *"'Move away from it.' Sam [DC R/06] said ...*
>
> *I brought it to his attention that we could clear the controversial murder of the solicitor Pat Finucane ... What he said next astounded me.*
>
> *'We (Special Branch) know he done it.' he said.*
>
> *'Pardon?' I replied."*[61]

23.101 It is certainly true that the SB had known for several years that Barrett was linked to the murder of Patrick Finucane. Brian Nelson, William Stobie and another RUC intelligence source had all provided intelligence within days of the murder naming Barrett as a potential culprit. DS Brown's surprise at the SB's state of knowledge in this regard further highlights the extent to which the SB had withheld intelligence from the RUC CID. Barrett had never been arrested by the RUC CID team investigating the murder.

23.102 DS Brown's own notebook contained an important record of his dissatisfaction at the time with the SB approach to the case. The notebook included the following comment with respect to his meetings at 1.40pm on 4 October 1991:

> *"Attend D/Supt R/20's office re transcript of audio tape*
>
> *Discuss future handling of source [Barrett] with D/Supt [R/20] ... [Special Branch] Good idea? Discuss with D/Supt [R/18] [CID] re – own reasons for feeling time is much too soon for this."*[62]

23.103 In his journal entry for 4 October 1991, DS Brown noted that: "*SB jealousy obvious and very dangerous.*"[63]

23.104 DC R/06's contemporaneous note submitted to D/Supt R/20 clearly showed that the SB did, indeed, wish to recruit Barrett as an agent. The note included no reference at all to the possibility of pursuing the potential prosecution of Barrett for the murder of Patrick Finucane.

Was DS Brown told not to raise the subject of Patrick Finucane's murder on 10 October 1991?

23.105 A further meeting took place between Barrett and DS Brown, DC McIlwrath and DC R/06 on 10 October 1991. DS Brown recalled being surprised when R/06 apparently instructed him repeatedly that he was not, on this occasion, to bring

[61] Johnston Brown, *Into the Dark*, 2005, pp.183–184
[62] DS Brown's notebook, 4 October 1991 [see Volume II, pp. 110–116]
[63] DS Brown, journal entry, 4 October 1991

up the subject of the murder of Patrick Finucane.[64] Given the prominence of the murder, this, he stated, seemed an odd instruction.

23.106 DS Brown noted that on 10 October the subject of Patrick Finucane's murder arose just once – when he asked Barrett whether L/05 had been involved. Barrett apparently replied, "*No way Jonty [DS Brown] ... He hasn't got the balls for it.*"[65]

23.107 I have analysed the transcript of the recorded conversation of 10 October 1991. The transcript contains the following exchange:

> *"McIlwrath: I was surprised to hear that he [L/05] wasn't involved in Finucane because I thought he was one of the trigger men?*
>
> *Barrett: No.*
>
> ...
>
> *[DS Brown]: Has he got no balls or what?*
>
> *Barrett: I think he's got balls for talking about it, you know.*
>
> *[DS Brown]: Aye*
>
> *Barrett: But that's about as far as it goes. He's not a trigger man.*
>
> *R/06: See those ... see those two IDs on the police you give us last week.*
>
> *Barrett: Mmm hm.*
>
> *R/06: Those two policemen, can you update that any further?"*[66]

23.108 This does not perfectly reflect DS Brown's recollection, but his account was written more than a decade after the event. Significantly, after the mention of Patrick Finucane, R/06 appears to have interjected with a question on an unrelated issue. This could lend credence to DS Brown's suggestion that the SB did not wish Mr Finucane's murder to be raised on 10 October 1991, although, as is evident from the transcript, the subject of the murder was in fact briefly discussed.

The subsequent dispute between DS Brown and the RUC SB

23.109 DS Brown's subsequent account of his dealings with the SB included allegations of personal threats being made against him and claims that the SB used Barrett as a way of removing him from his position. R/06's contemporaneous notes in turn accused DS Brown of having inappropriate dealings with Barrett, though these allegations cannot be substantiated.

23.110 DS Brown declined to pursue his allegations when questioned by the Stevens III Investigation and at this remove in time it is difficult to find sufficient substantiation to resolve these conflicting statements.

[64] Johnston Brown, *Into the Dark*, 2005, pp. 194 and 196
[65] Ibid., p. 198
[66] Transcript of audio tape, 10 October 1991

23.111 What can be demonstrated, however, is that DS Brown did, as he claimed, continue to pursue the investigation of the murder of Patrick Finucane to the dismay of the SB. In his book, DS Brown claimed to have continued to consider the best way to build a case against Barrett. He believed that the 'getaway driver' could perhaps be persuaded to become a 'converted terrorist' (or 'supergrass', as they are commonly known). I should note that DS Brown's prospects of success in this regard would have been limited given that, as I outlined in Chapter 12, I believe that Barrett was himself the 'getaway driver', contrary to his own reported comments to DS Brown about the 'lad from Rathcoole' being the driver.

23.112 RUC SB records confirm that DS Brown continued to pursue the investigation of Patrick Finucane's murder. A further report by R/06 to a Detective Inspector in the RUC SB dated March 1992 outlined concerns that DS Brown continued to press Barrett and other UDA members for information in relation to the murder of Patrick Finucane. The note included the following relevant passage:

> *"Source [Barrett] also said that [L/20] had told him that D/Sergeant Brown and D/Constable McIlwrath while in his house had been dropping his [Barrett's] name and that they knew who had done the Finucane murder, also anyone who came out of Castlereagh Holding Centre told him ... [Barrett] that his name had been discussed. Source [Barrett] said this was not right as he had always kept a low profile even when he was more actively involved with the UFF.*
>
> *It would also seem that D/Sergeant Brown keeps asking source [Barrett] who the driver was on the Finucane murder and source says this is very close to him and refused to give his name to [DS Brown]. One aspect of this recent development is that the agent [Barrett] says he cannot continue to meet with CID and SB and would wish to meet only with ourselves [SB]."*[67]

23.113 The March 1992 SB note confirmed that the SB did at the time want to sideline DS Brown and take over the 'sole handling' of Barrett as an agent. The note stated that:

> *"Now is an opportune time for SB to take over as the sole agent handlers of the source."*[68]

23.114 The SB note highlighted the effect that Barrett's recruitment as an agent could have on the UDA, whilst acknowledging that Barrett was motivated by financial reward. The note included the following passage:

> *"... if the agent is able to supply all of this intelligence into the organisation it could have far reaching consequences for the UDA and the military wing of the UFF.*
>
> *The agent made it quite clear during our conversation with him that he was in this business to make money, and money is the only motivation for his wanting to work for Special Branch."*[69]

[67] DC R/06 to Detective Inspector Special Branch, March 1992
[68] Ibid.
[69] Ibid.

23.115 The SB note concluded with the comment that:

> *"Source instructed not to terminate relationship with D/Sergeant Brown at present but to keep him on the 'Long Finger'."*[70]

23.116 The SB attitude towards DS Brown's pursuit of this case appears to have generally been a hostile one. When I met him during this Review, R/15, who had worked for both the SB and the CID, stated that he:

> *"... considered that there had been a failure on [DS] Brown's part to ensure that the investigation of Barrett continued."*[71]

23.117 Having considered the relevant evidence, I do not believe that DS Brown can fairly be blamed for having failed to pursue the investigation of Barrett. The evidence suggests that, to the SB's displeasure, DS Brown did continue to pursue the potential case against Barrett and others for at least a number of months following the October 1991 'admission'.

The tape of the 3 October 1991 meeting

23.118 According to DS Brown's account, which is broadly corroborated by the SB documentary record, the following two tapes should have existed of conversations with Barrett in October 1991:

(i) a recording of the meeting of 3 October 1991 in which Barrett 'admitted' to his involvement in the Patrick Finucane's murder; and

(ii) a recording of the meeting of 10 October 1991 in which no such 'admission' was made.

23.119 DC R/06 confirmed in his statement to the Stevens III Investigation that a tape recording had been made of Barrett's 'admission' made on 3 October 1991. DS Brown's journal also included contemporaneous notes confirming the existence of a tape recording of the 3 October 1991 meeting. His notebook included the following comment at the end of his account of the meeting:

> *"Meet ends. All on audio."*[72]

23.120 DS Brown's notebook included the following notes in relation to his activity on 4 October 1991:

> *"Dispatched to C'reagh to liaise with D/Supt R/20 and DC R/06 SB. Duties re tape transcript from [Barrett]."*[73]

23.121 The Stevens III Investigation sought to recover the tape and/or transcript of the meeting between the three RUC officers and Barrett on 3 October 1991. On 16 April 1999, an RUC Detective Superintendent provided the Stevens III Investigation with two tape recordings which had been handed to him by R/06.[74] The second tape was, however, only a copy of the first.

[70] Ibid.
[71] Note of meeting with former RUC officers, 25 July 2012, para 91
[72] DS Brown, notebook, 3 October 1991 [see Volume II, pp. 110–116]
[73] Ibid., 4 October 1991 [see Volume II, pp.110–116]
[74] Stevens III Investigation message form M6, 19 April 1999

23.122 As DS Brown subsequently outlined,[75] these tapes were, in fact, recordings of the conversation that took place on 10 October 1991 and thus did not include Barrett's 'admission'. The tape recording of the critical 3 October 1991 conversation had disappeared.

23.123 The Stevens III Investigation conducted a subsequent analysis to determine whether the 10 October conversation had been taped over the recording of the 3 October meeting. An analysis conducted at the Metropolitan Police's Forensic Audio Laboratory showed that the recording had not been tampered with and must, therefore, have been a separate tape to that recorded on 3 October.[76]

23.124 DS Brown concluded that the 10 October 1991 meeting must have been conducted as part of the conspiracy to remove any trace of Barrett's 3 October 'admission'. During his interview on the Insight TV programme, DS Brown alleged that on 10 October Barrett was "*... complaining about going over the same ground that we went over on the 3rd ...*". DS Brown stated that, "*He's [Barrett's] keeping asking me why are we going over this and over this and over this.*"[77]

23.125 If DS Brown was correct to say that the same questions were asked on both occasions, this would be a natural reaction in Barrett. The clearest frustration on Barrett's part to be found in the transcript of the 10 October meeting is contained in the following exchange:

> *"R/06:* *Who are your seven brigade the, are you, you mentioned last time [L/20]. ... hypothetically yourself?*
>
> *Barrett:* *Mmm hm.*
>
> *R/06:* *Who else will sit on brigade then?*
>
> *Barrett:* *As I said Company Commanders, right. See each company has a Commander. I went through this with you last week.*
>
> *DS Brown:* *I know.*
>
> *Barrett:* *Fuck."*[78]

23.126 It important to note here that it was R/06 himself who pointed out that Barrett had provided the same information "*last time*", which does not suggest any attempt on his part to hide this fact from the tape recording. DS Brown's contention that Barrett repeatedly showed his frustration at being asked duplicate questions is not otherwise evidenced by the rest of the transcript. Nor does DS Brown appear to have particularly taken a 'back seat' with regard to the questioning of Barrett on 10 October as he implied in his accounts. I am not, therefore, persuaded that the 10 October 1991 meeting was set up and conducted as part of a conspiracy at that time to erase any record of Barrett's 'admission' on 3 October.

[75] Insight TV programme transcript, p. 12
[76] Metropolitan Police Service Forensic Audio Laboratory, Interim Report Re Tape, No. D19
[77] Insight TV programme transcript, p. 7
[78] Transcript of audio tape, 10 October 1991

23.127 However, I do find force in DS Brown's general allegation that the disappearance of the tape recording of 3 October 1991 conversation resulted from an active decision taken by SB officers at some stage to get rid of the recording of Barrett's 'admission'.[79] It must have been apparent to the SB officers that the tape recording of 3 October 1991 was highly significant (and, indeed, much more significant than the recording of the 10 October meeting that was retained and later provided to the Stevens III Investigation). It included a *prima facie* 'admission' to a very high-profile murder and consequently was a source of considerable interest to their CID colleagues.

23.128 It is also important to note that, as I outlined in Chapter 19, the tape would also have recorded Barrett's significant comments that an RUC source had provided the UDA with intelligence on Patrick Finucane.

23.129 I am not able to identify exactly when the tape of the 3 October 'admission' disappeared. What is clear is that the potential significance of Barrett's 'admission' was recognised by both the SB and the CID at the material time.

23.130 Although the 'admission' on the tape recording may well have been excluded by a judge using his discretion in respect of the manner in which it had been obtained, subject to this the tape recording would have none the less represented strong *prima facie* evidence. The absence of the tape was a serious impediment for the Stevens III Investigation as it sought to build an evidential case against Barrett. A note produced by the DPP(NI)'s office on 16 June 2000 included the comment that, "*The non-appearance of the tape is a major difficulty.*"[80]

23.131 Statements made by RUC officers with respect to the conversation of 3 October 1991 constituted part of the evidential case that led ultimately to charges being brought against Barrett for the murder of Patrick Finucane following the Stevens III Investigation. Although it was open to Barrett to challenge the admissibility of this 'admission' made in circumstances in which no caution had been administered, he did not do so and in fact pleaded guilty to the murder in 2004.

Overview

23.132 I am sure that the RUC SB took a conscious decision to recruit Kenneth Barrett as an agent rather than seek to bring him to justice for his role in the murder of Patrick Finucane. That decision was taken at RUC SB Superintendent level, though it is possible that knowledge of Barrett's *prima facie* 'admission' and recruitment extended further up the RUC hierarchy. I am also satisfied that the disappearance of the tape of Barrett's 3 October 1991 'admission' was a deliberate act designed to thwart the RUC CID in its efforts to investigate Barrett in connection with the murder of Patrick Finucane.

[79] Lawyers Committee for Human Rights, *Beyond Collusion*, 2003, p. 80
[80] DPP(NI) office internal note, 16 June 2000

CENTRE TELLS OF ULSTER'S HIDDEN CRIME

Sectarianism 'lets rapists go undetected'

More rapes may be going unreported in Ulster than in any other part of the United Kingdom.

The reason was partly Northern Ireland's sectarian divide, it was claimed yesterday.

A spokeswoman at the opening of the Province's first Rape Crisis Centre said: "It is estimated that only

By NOEL McADAM

about a quarter of the women who have been raped will report it to the police.

"And that figure could be even lower in Northern Ireland because a certain section of the population distrusts the RUC.

The centre, at a secret address in central Belfast, opened hours after the sex attack on a 76 - year - old woman in the Lower Falls area of the city.

According to police figures, the number of rapes is going up in Northern Ireland by about three per cent every year.

The centre, which victims of rape can phone or write to, hopes to explode some of the myths surrounding rape.

"One of the myths is that it happens down a dark alleyway with a stranger," said the spokeswoman. "In fact, about half of all rapes take place between people who are known to each other, and in either the victim's or the rapist's house.

"Another myth is that it happens only to young, attractive blondes. In fact rape is a very random form of violence and the female victims can be aged from three months to 90 years."

The eight voluntary counsellors at the centre, which has £1,000 grant aid from the Department of Health and Social Services, also hope to fill an educational role by visiting schools, youth clubs and women's groups.

"It is very widely believed that a man cannot rape his wife, for example. Rape of a spouse does not exist in law, and many wives are raped quite consistently without fully realising it," said the spokeswoman.

There is only one difference between the law on rape in Northern Ireland and that in the rest of Britain. A man who has raped a girl under 17 years of age in Ulster might be charged with unlawful carnal knowledge, while the age limit for victims of this offence in the rest of Britain is 16.

The centre is open from 10 a.m. today and again on Friday. Then its regular opening hours will be 7-30 — 10 p.m. on Tuesdays and Fridays.

At other times there is a 24 - hour answer - phone service, which is manned by one of the volunteers each day, on Belfast 49696.

"We hope that women will contact us as soon as possible after the attack, but we expect that women will phone us or write to us even if the experience happened years ago," said the spokeswoman.

"We want to help rape victims, and give support to them in whatever way we can. We will also accompany them to the doctor, police or the courts, if they wish.

"The initial advice for rape victims is for them not to wash after an attack."

Police yesterday could not say if the weekend attack on the pensioner was linked to a series of assaults on women in the Lower Falls area over the last few months.

The woman was still in hospital last night recovering from a broken arm and severe body bruising sustained in the attack on Saturday night.

Her attacker stole some personal property from the house before fleeing on foot.

In earlier assaults of women in streets around the Lower Falls in recent months, victims were kicked, punched and robbed of their handbags.

The RUC has asked for anyone with information about the attack to contact detectives at Hastings Street RUC station, telephone Belfast 23778.

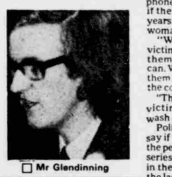
Street lighting demanded

WEST Belfast Alliance councillor Will Glendinning said yesterday that attacks on women in the Lower Falls area, culminating with the assault on a pensioner at the weekend, made it imperative that street lighting be restored to the area.

"For a number of months I have been pressing the Department of the Environment to take action on this issue, but there has been limited progress," he said.

"The presence of street lighting makes it more difficult for the mugger or assaulter to operate.

"It is also essential that the police provide an effective service to the community. This service can only be effective if both police and community operate together to apprehend the culprits, and thereby protect the innocent and defenceless victims."



Mr Glendinning

Theatres

GROUP THEATRE. Tel. 29685. This Week, Tues.-Sat., 8 p.m. Belvoir Players in DON'T TELL THE WIFE, Comedy by Sam Cree. Seats £1. £1.50, Ulster Hall, Mon.-Fri., 12to 3 p.m.

LYRIC THEATRE. Tel. 660081. Nightly at 8 p.m. JOHN GABRIEL BORKMAN by Henrik Ibsen . . . no one who loves Theatre should miss it (Belfast News Letter) . . . a powerful work (Sunday Times). Booking daily at Theatre and Arts Council. Try the New Pre-Show Food Bar, from 7 p.m. every night.

Terror victims' case to be spelt out in US

Armagh MP Harold McCusker will fly to the USA this week to explain to Congressmen the significance of the Ulster "victims of terrorism" submission to the European Human Rights Court.

The acceptability of the case — in which Ulster people who have suffered at the hands of terrorists indict the Dublin Government for its approach to the situation in the Province — is being considered by the European Human Rights Commission.

Mr McCusker, director of a special Euro unit which helped to compile the case, and another submission critical of London's role, will fly to Washington tomorrow.

He has meetings lined up with US politicians on Thursday and Friday.

Next Monday he will be joined by Mr Edgar Graham, Young Unionist chairman and legal adviser to the Euro unit.

They will present a document on the case against the London and Dublin Governments, at the United Nations building in New York.

A trip to Boston is also on their itinerary.

On March 16, before returning to Northern Ireland, Mr McCusker will take part in a debate on Ulster

Evil JR on top

BBC Television's oil opera "Dallas" has Ulster viewers glued to their sets every Saturday . . .

The latest review of the most popular television shows found that "Dallas", an American import, was the top favourite for the week ending February 28.

But it was BBC's only programme to be listed in the top 10 favourites. Ulster Television filled the remaining nine slots with a variety of programmes bought from the Independent Television network. The most popular commercial show was Eamonn Andrews' long - running "This Is Your Life".

LISBURN — A man who was abusive towards police and rowdy after being arrested was fined £25 at the town's magistrates court yesterday.

He is Brian Spence (30), of Rathvarna Park, and he admitted being disorderly.

STRABANE — Fountain Street Community Association has urged parents to help stamp out vandalism.

LARNE student Clive Knox (centre) has been selected as the top student in accountancy at the Ulster Polytechnic and has received the Ulster Bank Trophy to mark his achievement.

Mr. Knox is completing a post - graduate year in accountancy at the college, and on completion of this will be joining a firm of accountants in Belfast.

Our picture shows Mr. Knox receiving the trophy from Mr. Brian Robertson, manager of the Ulster Bank branch in the Polytechnic. Also pictured is Mr. Ronnie Kells, head of planning and marketing at the Ulster Bank.

Left-winger to face new fight over selection

Controversial left - winger Pat Wall must go through a second selection fight with Mr. Ben Ford, the moderate he deposed to become Bradford North's Parliamentary candidate.

This decision was reached after a bitter two - hour wrangle at a private meeting of Labour's organisation sub - committee in the House of Commons yesterday.

Their recommendation was almost inevitable after the speech last week in which Mr. Wall, a Militant Tendency supporter, warned of bloodshed in the quest of a socialist Britain.

Mr. Ford said last night: "The committee have taken the only sensible course."

Endorsed

Last month, Labour's ruling National Executive ordered the organisation committee to reconsider its recommendations to endorse Mr. Wall.

The sub - committee would probably have endorsed him again, but for his speech in Bradford last Thursday.

Yesterday's recommendation represents a victory in the battle for moderation, but not the war.

The executive is virtually certain to ratify this recommendation. But it is likely — as Mr. Wall himself has predicted — that he will be re-selected as candidate.

Cause

This will provide yet more problems for a Labour hierarchy already suffering considerable internal strife.

After yesterday's decision — reached by an overwhelming majority — Mr. Michael Foot, the party leader, said: "The Labour Party is unshakeably committed to the principles and methods of Parliamentary democracy.

"Indeed, the Labour movement as a whole played a foremost part in establishing and sustaining these principles when other parties were less enthusiastic in the cause," he said.

Victim of 'Provo justice' is buried

SEVERAL hundred people attended the funeral in Dungannon yesterday of the Co. Tyrone man murdered by the Provisional IRA, because, it claimed, he was a police informer.

The IRA, and the family of the man, Mr. Seamus Morgan (24) have denied the claim.

The victim was buried at Carland Road cemetery after Requiem Mass in St. Patrick's Church, Dungannon.

His 20-year-old sister Una fainted and had to be carried out of the church.

The priest, the Rev. Terence Kelly, who conducted the service, said the family of the murdered man had prayed for those responsible for the killing.

As the cortege left the church, Mr. Morgan's wife Catrina placed a wreath on the coffin and kissed it.

Outrage

After the service Fr. Kelly said he supported wholeheartedly the plea by the Rev. Dennis Faul on Sunday for young men not to join the IRA. Fr. Faul said that if they were in it, to get out as quick as possible "as they are liable to be murdered not only if they break down under the brutality of Castlereagh or Gough, but if their leaders consider them to be a security risk."

Fr. Faul said the murder was a "barbarous outrage". To leave the mortal remains on the side of a country road without the benefit of a priest or any mark of respect revealed the IRA as being "murderers of an extremely vicious type".

Fr. Faul said he advised young people who were members of the Provisionals to leave as they too might be assassinated "after a farcical trial by uneducated pumpkins who knew nothing about law or fair play".

Priests in the Dungannon area have described the killing of Mr. Morgan as "totally unjustified" and said it could be called by no other name but murder.

The dead man's father, Mr. Charles Morgan, challenged the Provisionals to produce proof that his son was an "informer", and he asked them to reveal the real reason for shooting Seamus.

The body of the murdered man was found at the border near Forkhill on Friday night. He had been shot through the head.

Mr. Morgan, married with four children, had been employed as a photographer with a weekly newspaper, but recently was unemployed.

The RUC last night reaffirmed that Mr. Morgan had not passed information to the security forces and it said "nothing the IRA says must be allowed to hide the fact that a man was brutally murdered by self - appointed executioners to whom civil rights and life mean absolutely nothing".

Executive threatened by council

LISBURN — The district council has threatened to take the Housing Executive to court if action is not taken to repair defects in a number of houses.

The chief public health inspector, Mr. Derek Middleton, told the council's public health committee last night that the Executive had failed to comply with notices asking that the repairs be carried out and he was authorised to serve final notices under the Public Health Act.

The Mayor, Alderman William Blshaw, claimed the Executive was paying no attention to the public health regulations and he asked that more pressure be put on it to have essential repairs done.

Search for explosives

MORE than 2,000 lock - up garages have been searched by police in Southampton in their hunt for an IRA explosives store.

Police say they are receiving tremendous co - operation from the public as a squad of 150 officers search up to 7,000 garages in the city, which has a history of involvement with IRA activity.

Arts packs 'em in

BELFAST'S Arts Theatre proved a big hit with show-goers between August last year and this January.

Performances at the theatre during the period attracted 61,988 people, including 14,000 children.

During the same period — August 4, 1981 to January 2, 1982 — there were 18 different shows and 173 performances in 108 working days.

The average price of seats, at £2, was well below the cost of any other form of live entertainment provided by professionals.

The shows were all presented by the Ulster Actors Company or visiting stars such as Leila Webster,

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You will find that a police career is much more than taking up a new job – it is the start of an entirely new way of life – which is totally absorbing and fulfilling.

You will need to have the important basic qualities of commonsense, intelligence and initiative. There are other qualities too, but these will be brought out and developed during your initial training course.

After two years you may join one of the many Specialist Branches e.g. CID, Traffic, Communications, Dog Handlers, Photography, Community Relations etc.

A career worth considering and it could be the right decision for you.

STARTING SALARY
Constable - on appointment £5610 (persons joining aged 22 years or over start at £6699).
In addition police officers receive a rent allowance of up to £1,252 p.a. where accommodation is not provided, and a special duty allowance of £777 p.a.

Please fill in the coupon and post to The Careers Officer, RUC Headquarters, Brooklyn, Knock Road, Belfast BT5 6LE Telephone 51081.
NAME (Mr Mrs Miss)
ADDRESS
BIRTH DATE
Minimum height Men 172cm (approx 5'8") Women 161cm (approx 5'3") AGED BETWEEN 19-30
(In special circumstances candidates over 30 years may be considered)
Post Code

The Royal Ulster Constabulary

SOUTHERN HEALTH & SOCIAL SERVICES BOARD
Armagh and Dungannon District

ARMAGH AND DUNGANNON DISTRICT, SOCIAL SERVICES DEPARTMENT

SOCIAL WORKERS AD/185

Applications are invited from professionally qualified Social Workers, or those who are likely to qualify this year.

Applications will also be accepted from unqualified Social Workers in post who were recruited by any of the Health and Social Services Boards in Northern Ireland prior to 1st January, 1977.

One Team is based in a Psychiatric Hospital in addition to the Fieldwork Offices in Armagh and Dungannon, and whilst they function on a generic basis there is opportunity to develop special interests, e.g., attachment to Health Centre or Hospital, Community Work, etc.

Application forms for the post AD/185 may be obtained by writing to the Personnel Department, District Headquarters, Gosford Place, The Mall, Armagh, for return by 4.00 p.m. on Friday, 2nd April, 1982.

Please note that the above post is open to both male and female applicants.

Please quote reference number.

SOUTH TYRONE HOSPITAL, DUNGANNON

SISTER/CHARGE NURSE (Grade II)

AD/186

for Medical / Coronary Care Ward

A nurse who has recent experience in the above type of nursing is required for this ward of 38 beds of male and female patients.

Application form and job description obtainable from the Personnel Department, Gosford Place, The Mall, Armagh, for return by Friday, 2nd April, 1982, at 4.00 p.m.

NORTHERN IRELAND TOURIST BOARD

RESEARCH OFFICER

The Northern Ireland Tourist Board has a vacancy for a Research Officer within its Research Department, which is responsible for the production of all Tourism-related statistics in Northern Ireland and for market research.

The person appointed will be responsible for the production of written statistical reports, for the collection of statistics and for the supervision of fieldwork relating to surveys.

Candidates should be Graduates in Economics, Statistics or a related discipline, should have at least two years post - graduate work experience and should be under 30 years of age. A post-graduate qualification would be of benefit.

Salary Scale: £5,049 — £8 360 (under review). Participation in the Northern Ireland Local Government Officers' Superannuation Scheme is compulsory.

Application forms should be obtained from the Secretary, Northern Ireland Tourist Board, River House, 48 High Street, Belfast, BT1 2DS, for completion and return not later than Friday, March 26, 1982.

Canvassing will disqualify.

NORTHERN IRELAND HEALTH AND SOCIAL SERVICES

Consultant in Venereology

Applications are invited for this whole-time or maximum part-time post. Practitioners who for personal reasons are able to contract only for a limited number of half-days may also apply.

The main duties of the post are at the Royal Victoria Hospital, Belfast (Eastern Health and Social Services Board) and there is also a commitment (two sessions per week) at Craigavon Area Hospital (Southern Health and Social Services Board).

Application forms and further particulars are obtainable from the Chief Administrative Officer, Central Services Agency, 25 Adelaide Street, Belfast BT2 8FH, by whom applications are to be received not later than April 13, 1982.

Methodist College Belfast

Qualified Teachers

of

History
Religious Education
Mathematics

Required for September, 1982

Application, with curriculum vitae and the names of two referees, should be sent to **THE HEADMASTER**, by March 19.

PROFESSIONAL TECHNICAL

GP LOCUM
Available Immediately for March.
Tel. Whiteabbey 64550

NORTHERN HEALTH AND SOCIAL SERVICES BOARD

ASSISTANT CHIEF ADMINISTRATIVE NURSING OFFICER

Salary: £11,456–£12,997 per annum

Applications are invited for the position of Assistant Chief Administrative Nursing Officer with special responsibilities in psychiatric nursing including community care, and in the care of the mentally subnormal.

Applicants must be State Registered Nurses and Registered Mental Nurses with at least 2 years experience at Senior Nursing Officer or above in the National Health Service. Applicants should also be able to demonstrate evidence of post-basic study at an advanced level. Knowledge of recent research will be an advantage.

Further particulars and application form may be obtained from **The Director, Northern Ireland Staff Council for the Health and Social Services, The Beeches, 23 Hampton Park, Belfast BT7 3JN to whom completed forms should be returned not later than 2nd April 1982.**

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Air and Sea Transport — Petroleum
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A SALES CO-ORDINATOR
to assist our Sales Force on Administration and Tele Sales matters and, when necessary, carry out sales calls.
Full details, age, experience, education, etc., to:
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VICTORIA COLLEGE BELFAST
Cranmore Park, Belfast
Required for September 1982
Head of Physics
To take charge of the subject to GCE "A" level
Letters of application, with full details of qualifications, experience and names and addresses of two referees, should be sent to arrive with **THE HEADMISTRESS** no later than March 22, 1982.

FOR NEWS LETTER CLASSIFIEDS
Telephone 44441

SOUTHERN HEALTH AND SOCIAL SERVICES BOARD
CRAIGAVON AND BANBRIDGE DISTRICT
Craigavon Area Hospital
SENIOR I PHYSIOTHERAPIST (Clinical Supervisor)
Ref. CB 2339
Salary scale: £6,371 - £7,212 per annum.
Application form and job description may be obtained by writing to the District Personnel Department, Craigavon Area Hospital, Craigavon BT63 5QQ. **Please quote reference number.**
Completed forms must be returned not later than 2nd April, 1982.
This post is open to both male and female applicants.

GENERAL FOREMAN (Building)
Male or Female.
Required for Housing Project.
Experience in this field of work an asset, but not essential. Salary by negotiation. All applications replied to (which should be by letter):
M/s Thompson & Cherry Ltd.
2 Grove Road, Dromore, Co. Down

ELDERLY LADY
with adequate means **SEEKS**
ACCOMMODATION AND CARE
in the home of a married couple or widow, preferably in rural surroundings. Some nursing experience though not essential, an advantage.
Replies to
BOX TO451

ACCOUNTANT
FOR BELFAST PRACTICE
Small jobs, experience, computer knowledge advantage, but not essential. Salary commensurate with performance.
Replies in strictest confidence to
Box No. T0446

LADY ASSISTANT required for Belfast Chemist's Shop, north-west district. — Box N1994.

STAFF REQUIRED for a Guest House in the Portrush area, for Easter and the Summer Season. — Apply Box T0448.

15 PERSONAL (PRIVATE)

HEARING AIDS — Free Hearing Tests, Province - wide service. Free Home Consultation. Special terms for Pensioners, no credit charge. All makes repaired. Batteries and Accessories. Home surroundings to discuss your needs. Send for free literature or call Carson McCormick, 42 Gibson Park Gardens, Creagh Road, Belfast. Tel. 59942. Ample parking.

LONELY? ANXIOUS? Suicidal? — The Samaritans. Tel. Belfast 664422. Bangor 63036, Ballymena 43555, Portadown 34136 (all give 24-hour service). Coleraine 4545, Londonderry 64061, Newry 66366, Omagh 44944.

MAIL ACCOMMODATION address available. — Tel. Belfast 41958.

FREE PREGNANCY Testing, genuine pregnancy care. — Life, Union House, Bedford Street. Tel. 49414.

SINCERE GENT (44), Protestant, wishes to meet Lady, 35-50, for friendship. — Apply Box T0450.

COT DEATHS SUPPORT — Tel. Glenurtilley 3151.

16a PERSONAL (SERVICES)

PENPAL MAG; send for approval copy. — Matchmaker (E.11), Chorley, Lancs.

18 PUBLIC NOTICES

PLANNING (NORTHERN IRELAND) ORDERS 1972 AND 1978

The following appeal(s) has / have been received. Any person wishing to make representations thereon should do so in writing to the Planning Appeals Commission, Carlton House, 1 Shaftesbury Square, Belfast BT2 7LB within 14 days of this notice. Copies of any such representations will be sent to the appeal parties.

APPELLANT	LOCATION AND TYPE OF DEVELOPMENT
Suburban Taxis	Taxi office at 16 Comber Road, Dundonald.

H. C. A. BEAUMONT,
Secretary to the Commission.

16a PERSONAL (SERVICES)

MONEY MANAGEMENT Makes Money Make More Money. How to keep control over your capital and Invest under expert guidance to keep ahead of inflation. For further information, contact leading Investment Advisers, Julian Gibbs Associates Ltd., Regency House, 12 Upper Crescent, Belfast, BT7 1NW. Tel. 46627 or 20958.

RHEUMATOID ARTHRITIS. The treatment of Rheumatoid Arthritis is featured in the Spring edition of A.R.C. magazine of The Arthritis and Rheumatism Council. Send for details of annual subscription (3 issues) to — P.2. A.R.C., 41 Eagle Street, London WC1R 4AR.

CARING PERSON available for Night Duty, Maline and Lisburn areas. — Tel. Lisburn 2460.

LARGE REMOVAL Van returning to England, every Monday; requires full or part-load. — Tel. 774614.

ADULT ONLY Video Club. — Tel. 0373 830563 (day of evening).

PRIVATE LESSONS from 10 a.m.; Ballroom and Latin. — Ph. 44818.

JEAN FRENCH for Introductions — Marriage and Friendship Bureau. Now is your chance to make use of our expert services with complete confidentiality. Let us help you to make a new beginning; new friends, and lasting relationships! — For details, Tel. Belfast 740513.

PERSONAL Introductions, Parties, Talks of Events, meet interesting, attractive people, Belfast area. — 051-931-2544 (24 hours).

18 PUBLIC NOTICES

REGISTRATION OF PLACE OF WORSHIP FOR MARRIAGES

The Registrar General hereby gives notice that on 4th day of March 1982 the building known as the North Belfast Evangelical Methodist Church situated at Joanmount Gardens, Belfast in the Parish of Shankill (Co Antrim and Belfast CB) and County of the City of Belfast was registered for the solemnisation of marriages therein under the Marriage Law (Ireland) Amendment Act 1863, as amended.

Victim of 'Provo justice' is buried

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Council told to crack down on vandals

LONDONDERRY City Council is to be asked by its amenity and leisure committe to get tough with vandals who are adding thousands of pounds to the city's rates bill.

The committee was told by Councillor Len Green that the only way to curtail vandalism was to make a few examples of the culprits. Mr Green appealed to the public to report to the police and the council any damage they saw being committed.

Mr Green said the only reason the culprits continued to vandalise property was because they knew they could "get away with it".

"If a few of these vandals were taken to court and an example made of them, it would go a long way to curtailing the problem," he said.

Deputy mayor councillor James Guy said that, in many cases, gangs were carrying out the damage for profit.

"In one instance, when the technical services department planted flowers and plants worth hundreds of pounds in Woodburn Urban Park in Waterside, the following morning residents saw a person arriving with a supermarket trolly and lifting every plant.

The deputy mayor said that, in many other cases, damage running into thousands of pounds was caused by children, and he blamed parents for allowing their children to carry out the destruction.

"Until parents try to tell their youngsters that they must respect other people's property we are going to find vandalism going from bad to worse," he said.

"What many parents do not seem to realise is that it is their own youngsters that are helping to inflate our rates."

Unlucky 13 ends bid for space orders

The first attempt by the European Space Agency to launch commercial satellites ended in failure yesterday.

ESA's launcher Ariane and two satellites it should have put into orbit crashed, probably in the Atlantic, thirteen minutes after take-off from Kourou, French Guinan, a mission spokesman said.

Ariane L-5 blasted off after a perfect countdown, and the first and second stages of the rocket fired successfully, the spokesman said, but a propulsion or guidance problem in the final stage forced the £34 million rocket and satellites onto a lower trajectory than planned, and then they vanished.

Ariane carried Western Europe's hope of challenging the long US and Soviet lead in space. Most of its customers are foreign, including Intelsat, the Washington-based 106-nation International Satellite Consortium and several major US corporations already booked on Ariane in contracts worth an estimated £520 million.

Frederic d'Allest, director of the French National Centre for Space Studies (CNES), said the failure of the mission would not affect development of the more powerful Ariane II and Ariane III launchers.

Hunt for virus carriers goes on

A five-year-old girl in a London hospital with diphtheria was yesterday showing "definite signs of improvement", said a spokesman.

Doctors were pleased with the progress of Shazna Begum, who had porridge for breakfast yesterday morning before reading a book in bed.

But the hunt continues for contacts of Shazna and of three-year-old Isla Johnston, who last month became the first person to die from the disease in Britain for seven years.

Contacts from both cases had been found as far from London as Lincoln, Liverpool and Suffolk, and the hunt was becoming nationwide, a Westminster Council spokesman said.

Although Shazna, a Bangladeshi, is making steady progress it will be another three days before doctors can be sure the worst is over.

A spokesman at Coppett's Wood isolation hospital in Muswell Hill, north London, said: "Shazna is showing definite sings of improving. She is breathing much more easily."

Doctors have relieved pressure on her throat to try to keep the disease under control.

Shazna's parents and her five-year-old brother and eight-year-old sister, who live in Pimlico, London, are under observation at the same hospital as confirmed carriers of the disease.

Another 25 jailed for fraud

A FURTHER 25 people were jailed for terms up to 120 days by Oxford magistrates yesterday, for social security frauds.

They were among 168 men and women charged with falsely obtaining supplementary benefit, after a major police operation in Oxford last week.

The courts are due to hear another 19 cases on Monday and others, in which not guilty pleas have been entered, at later dates.

Those accused are mainly homeless and were said to have obtained higher benefits than their entitlement by falsely giving addresses in Oxford.

Fall-off in textile production

PRODUCTION of textiles in the Province fell dramatically during the second quarter of the year.

The latest index of industrial production just released shows that production was down 16 per cent on the first three months of the year and by 17 per cent on the second quarter of 1981.

The overall industrial output for the quarter was down 2 per cent compared with the same period last year, with textiles leading the way.

But a ray of hope comes from the mineral products, clothing, timber and furniture sectors which show large increases in production.

Concerned

EAST Belfast Community Council says it is concerned that legislation does not exist to prevent the opening of sex shops in the Province because of "the possible corruption of our young and vulnerable people."

Farm murder was sectarian, coroner told

A detective inspector told Armagh Coroner's Court yesterday that it appeared the murder of a 42 year old Protestant farmer gunned down in his farmyard near the Middletown border in April, was sectarian.

The officer said that William John Morrison, of Lakeview House, Kiltubrid, Tynan, on the Armagh - Monaghan border, was not connected with the security forces, and was a hard - working farmer. He said that, up to the present, no-one had been arrested for the killing.

He was replying to Mr. Archie Gibson, solicitor for the next of kin, who drew attention to the story in an Armagh weekly newspaper concerning the murder.

A paragraph in the story claimed: "But there are

Family suffers over article in newspaper

others who believe that Mr. Morrison, who at times took part in large cattle deals across the border, may have been shot because he failed to pay out protection money to the IRA godfathers."

Mr. Gibson explained to the coroner Mr. Gerry Curran, that he referred to the article because the deceased's family had suffered as a result of the allegation.

The murdered man was found by his 80 year old mother, Violet, with whom he lived. Mrs. Morrison was not in court, but in a statement read by a police officer, she told of running out of the house after hearing bangs, and seeing her son lying by the roadside.

A neighbour, Mr. Michael McNally, told how he and his brother James were held hostage in their homes for more than six hours, from 2 a.m. on Saturday, April 17.

Mr. McNally said he was awakened by a thumping on the door, and the dogs barking. Then he heard glass breaking, and his brother James went downstairs. Shortly afterwards three men entered the bedroom.

"They said they were the Provisional IRA," said witness. The lights were out, and he did not get a look at them. They started to question him and his brother about people living on the road, and they seemed to know about the Morrisons.

Witness said he and his brother were taken downstairs, where there was another man. All carried black-looking long rifles, with straps on them. He thought one of the men had a hand torch.

Witness said the men made tea for themselves and washed the cups.

Car

"They told us to do nothing foolish, and we would be all right," said Mr. McNally, adding: "They also said there were more men outside."

He said that about 6 — 6-30 a.m., three of the men left, returning about 8-30 a.m. One came down near the window, and the man who was holding them left.

Mr. McNally said before leaving the man said they were going to take their car. They drove off in it, but he did not know which way they went.

The report of deputy State Pathologist Dr. Norman Press, showed that Mr. Morrison died from gunshot wounds in the head and chest. He had been struck by at least eight, and possibly several other, bullets.

Abrasions

Dr. Press said the wounds were of the type caused by bullets of high velocity. Abrasions on the face and right wrist due to discharge matter indicated that those bullets had been fired at close range, possibly after Mr. Morrison collapsed.

There was nothing to show the range at which other bullets had been fired.

An RUC "scenes of crime" investigator gave evidence of recovering 13 spent cartridge cases at the scene. The firing point was established as being to the side of the dairy at the top of the entry to the farmyard.

The coroner ruled that Mr. Morrison died as the result of gunmen discharging eight to nine bullets at close range.

Evidence

A 23 year old married man found shot dead in south Armagh earlier this year was not an RUC or Army informer. This was stated by the senior police officer in charge of investigating the killing, when he gave evidnece at the Coroner's Court yesterday.

The Provisional IRA had claimed it executed Mr. Seamus Morgan, a newspaper delivery man, of Ballysaggart Park, Dungannon, because he was an informer.

But the IRA's claim was denied by a detective inspector in reply to Mr. Patrick Murphy, who appeared for the dead man's father. Witness said police inquiries into the murder were still continuing.

Release

Mr. Morgan's body was found at the side of the Carrickasticken Road, near Forkhill, on March 5, just 19 days after he had gone to stay in Monaghan after his release from police custody, he had a single bullet wound in the head.

The coroner returned a verdict that death was the result of a bullet being discharged into the head when the weapon used was only one inch from the back of the neck.

'Gold' in their smiles

☐ Celebrating their golden Wedding tomorrow — Mr James Cairnduff (73) and his wife Mary (68), of Mourne Street, Belfast. They were married in St. Anne's Cathedral on September 12, 1932.

Israel rejects Fez peace plan

ISRAEL yesterday rejected the Arabs' new Middle East peace plan, saying it would lead to destruction of the Jewish State.

However, the Israelis called for direct peace talks with Arab countries. Israeli officials said the plan, announced on Thursday night after a summit meeting in Fez, Morocco, was worse than proposals it had rejected in the past.

The plan, endorsed by leaders of 20 Arab States and the Palestine Liberation Organisation, called for the creation of a PLO - led Palestinian State, with Jerusalem as its capital, but it did not specify boundaries.

"It provides for a Palestinian State and leaves the border question open, which would lead to the ultimate dismantling of Israel," one Israeli official said.

US Defence Secretary Caspar Weinberger said it represented "some progress," but Washington preferred President Reagan's September 1 Middle East initiative, from which it differed in important respects.

He said the US plan, which Israel also turned down, would form a basis for negotiations by more parties.

King Hassan of Morocco said an Arab commission would travel to Washington to discuss President Reagan's proposals with him.

"We will study them and we will ask for clarifications," he told a Press conference.

There was no Soviet statement on the summit plan, but diplomats in Moscow said the Kremlin was likely to support it, though without great fervour because it did not specifically reject the latest US proposals.

While the new formula met a general welcome in the Arab media, the PLO newspaper Sada Al - Maaraka in Damascus struck a sour note, saying the Fez resolutions "are a springboard to a bitter struggle for the Palestinian people on the Arab and international levels."

The US, meanwhile, pulled out 800 Marines who helped to oversee the evacuation from Lebanon of thousands of Palestinian guerrillas.

Lebanese Foreign Minister Fuad Butros said Lebanon would like French troops to stay on in Beirut until their mandate ends on September 21.

French officials in Paris said the 850 French Legionnaires in the international force which supervised the PLO withdrawal, would be gone by September 14, in the wake of the US Marines and 530 Italian infantrymen expected to leave today.

Political sources said the Lebanese Government had sought the extension in case Israeli troops took advantage of the foreign units' departure.

Arms technology shock

ISRAEL displayed startling new war technology during the recent fighting in Lebanon, some of which is superior to anything the US has in its arsenals, the head of a private research group said yesterday.

Dr Joseph Churba, director of the Centre for International Study, said US officials undoubtedly recognised these advances had reduced Washington's leverage for controlling Israeli actions.

If the Israel's advances were made available to NATO, Dr Churba said, "we would probably be able to deny Soviety superiority on the central front in Europe by conventional means alone, reducing the need for tactical nuclear weapons."

He said the Israeli technology outstripped the Syrians' Soviet-made planes, armour, surface-to-air missiles and communications.

In particular, he said Israel had developed a 105 mm armour-piercing shell which destroyed a dozen of Moscow's premier I-72 tanks.

"Nothing in our inventory can penetrate the I-72," he said.

Needle may KO gas in surgery

ANAESTHETIC gas could soon be replaced by the needle in surgical operations, doctors heard yesterday.

The knock-out agent of the future is far more likely to be administered directly into a vein.

Drugs have been developed which should soon make operations safer, Dr John Sears, clinical reader in anaesthetics, told a British Medical Association meeting in Worcester.

At present most patients, especially those in district general hospitals, still received gas, Dr Sears said.

The new method had several advantages over the use of gas, he said.

Patients would recover more quickly — 10 minuts after surgery instead of the present 30 or 40 — freeing doctors form the need to spend as much time monitoring their condition.

Patients could be wheeled back to their wards sooner and go home sooner.

Riddle of the missing Peer

THE hunt for Lord Lucan, once again in the limelight after the claim by bounty hunter John Miller to have found him, has gone on for eight years and covered the world.

The missing peer — who would be 50 in December — has been wanted for questioning by police since the murder of his children's nanny and attack on his estranged wife in 1974.

Reported "sightings" spanned the world — North and South America, Europe, Africa, the Middle East, the Far East and Australia.

A titled English woman claimed she had seen him in South Africa and a policeman thought he had seen him driving through Hailsham, Sussex.

One elderly lady telephoned with the information that Lord Lucan had joined the Metropolitan Police and was on point duty at Whitehall.

But they have found no evidence that Richard John Bingham, seventh Earl of Lucan, is still alive.

The file on him has remained open, and there was a noticeable absence of any police application in the High Court seven years after his disappearance to have him — as the law allows — declared dead.

The search for the jet - setting, Old Etonian gambler began hours after 29 - year - old Mrs Sandra Rivett, nanny to the peer's three children, was found savagely bludgeoned to death with a piece of lead piping.

The attack at the home of his estranged wife in Lower Belgrave Street, London, on November 7, 1974, was followed by a vicious attack on Lady Lucan herself. She was left with severe head injuries.

Officers investigating the case believed Lord Lucan killed Mrs Rivett in mistake for his wife.

They established that within hours of the murder he visited the home in Uckfield, Sussex, of Mrs Susan Maxwell - Scott, wife of one of his best friends and the last person known to have seen him alive.

☐ Lord Lucan — mysterious sightings.

☐ John Millar — may have hoaxed the world.

Mrs Maxwell - Scott later told a four - day inquest on Mrs Rivett of a conversation she had with Lord Lucan during his late night visit to her home.

According to her, Lord Lucan said that by an "unbelievable coincidence" he had been passing his wife's hosue when "on looking through the venetian blind in the basement he saw a man attacking his wife . . . the man whom he had seen run off.

"He said his wife was very hysterical and cried out that someone had killed the nanny and almost in the same breath she had accused him of having hired the man to kill her," said Mrs Maxwell - Scott.

But Lady Lucan told the inquest that her husband, who left her in January, 1973, was her attacker.

The jury subsequently returned a verdict that Mrs Rivett had been unlawfully killed by lord Lucan.

Lady Lucan said that on the night of the murder she was watching television in her bedroom with her elder daughter when Mrs Rivett offered to make tea.

But the nanny did not return and when Lady Lucan went to investigate she heard a noise in the downstairs cloakroom.

"Somebody rushed out and hit me over the head. Three more blows followed. I screamed and the person said "Shut up". I recognised the voice of my husband."

Lady Lucan said that after the attack her husband looked at her injuries and put a towel on her bed where she lay down. When he went to the bathroom she ran to a nearby public house for help.

The following day the old Ford car which Lord Lucan had been using, was found abandoned on the South Downs, near Newhaven, Sussex. He had borrowed it from Mr Stoop, a fellow member of the Clermont club in Mayfair.

Evidence was later given by police at the inquest that a length of lead piping, similar to that used in the attacks, was found in the car, together with traces of blood that matched Lady Lucan's and the nanny's.

Congress leaves union chiefs split

THE traditional singing of "Auld Lang Syne" to mark the end of the 1982 Trades Union congress in Brighton yesterday had barely finished when the arguments began in private over the week's decisions.

TUC Conference

The congress meant different things to different people. To the health workers it was a congress which will be a landmark in trade union history.

For the first time since the 1926 General Strike the general council orchestrated a campaign in an industrial dispute to win a better pay deal for hospital workers rather than individual unions.

In the words of TUC health services committee chairman Albert Spanswick this was the congress at which the trade union movement had voice its soul in unity.

But to others it was a "disastrous congress."

Rail union leader Sidney Weighell, a passionate believer in the traditional Labour Party said last night: "The decision we took in the middle of the week on the economic debate was a disaster, in my view.

"The time that is left before the next general election will have to be used to repair the damage or the Labour Party will be in the wilderness for the next 20 years."

He was talking of the decision which left congress facing two ways over pay.

By a 6-to-4 majority it refused to discuss pay with the present or any future Government. Yet it nodded through a TUC - Labour Party liaison committee document on the national economic assessment which envisaged an understanding between the TUC and a future Labour Government.

Frank Chapple, Right-wing leader of the electricians' union, was yesterday elected president of the TUC general council, in spite of rumblings from the left.

But these were only rumblings. As militant miners' leader Arthur Scargill put it, "certain assurances were demanded."

These related to doubts by the Left that Mr Chapple would follow TUC policy.

Interviewed after the congress, Mr Chapple was asked if he was happy to lead a campaign for the NHS workers which meant telling trade unionists to break the law.

He said: "Whether I am happy to do that or not does not matter, but that is what I will have to do because that is the policy of congress."

Ulster tops flag appeal

ULSTER people give more than three times as much to the RAF Wings Appeal than any other part of the United Kingdom.

Wing Commander Harry Allen said yesterday that Northern Ireland people had always contributed generously to the RAF's Central Welfare Fund.

As he launched this year's appeal with a little help from Belfast's Lord Mayor Tommy Patton, Wing Commander Allen said the Northern Ireland branch of the RAF Association raised £36,000 from the Wings Appeal last year.

"Actually we were the only region last year which had an increase in its subscriptions," he said.

"We have 1,500 members in Northern Ireland and 16 branches and part of the money raised for the association does come back to Northern Ireland to help ex-Servicemen."

Wing Commander Allen, who is the secretary of the association in Northern Ireland, said more collectors would be used during 'Wings Week' this year than ever before. It begins on Monday and finishes on September 19.

☐ The Lord Mayor of Belfast, Councillor Tommy Patton, buys the first flag for the Battle of Britain Wings Appeal Week, which starts on Monday, from Miss RAFA NI Arlene Richardson of Portrush at the City Hall yesterday. £36,000 was raised last year in the Province for the appeal.

Police get hooked on car thefts in canal

NEWRY Canal, which was the focus for the World's Coarse Fishing Championships last weekend, produced a catch with a difference yesterday.

This time the catch being landed was stolen cars, several of them from Eire.

The vehicles, all stolen within the past year in the Newry area, were located by an RUC underwater search unit. The police divers began searching the Albert Basin on Thursday, following information received by detectives.

A crane was used in yesterday's operation, and one of the first items to be brought to the surface was a large office safe, which was thought to have been unopened. Most of the cars are Fords and, up to the moment, 13 have been recovered, but the search will continue for some time.

Port

A special squad of detectives has been assigned to carry out intensive investigations to find out who was responsible for the dumping of the vehicles.

The basin is the former Newry port, and ships used it until the mid-70s, when the port closed. Many of the vehicles had been stripped of wheels and other accessories, but some were intact.

It is believed there could be many more vehicles than the 13 discovered in the basin, which covers more than two acres and is up to 20 ft deep.

Unusual

It is believed the cars were dumped by joy-riders who then pushed them into the water.

A police spokesman said: "The discovery is certainly an unusual one, but had nothing to do with the angling championships."

Nearly 3,500 cars have been stolen in Northern Ireland so far this year.

Job rush

MORE than 3,000 have applied for 150 jobs at the new Dunnes Store which will open in the Springtown area of Londonderry next month.

The store's manager, Mr Daniel Carlin, is interviewing 1,000 of the applicants.

Grants urged for students on dole

The Rev Martin Smyth, Official Unionist parliamentary spokesman on health and social services, has called for a yearly grant to be paid to full-time students at present signing on for unemployment benefit.

He said yesterday that as well as more skilled officials being taken on at employment exchanges to deal with extra demands during the summer, the grant proposal would improve the system.

He made his suggestions after visiting the Shaftesbury Square offices to get an insight into the problems facing the unemployed seeking benefits, and those of staff. He was particularly concerned about prospects facing school-leavers.

Mr Smyth, MP for South Belfast, said that while recognising the general courtesy and concern shown by the staff, he believed the system could be improved.

Mr Smyth, along with Glengall Street Press officer Frank Millar, has also had talks with Government officials on the youth training programme and the problems of young people seeking skilled apprenticeships and job opportunities.

A statement said that while the Party welcomed what was being done, it expressed concern that the programme might be emphasising training for leisure without adequate possibilities of hope of work being fulfilled.

Greater attention should be given, the statement said, to vocational training in the education curriculum, especially in secondary and tertiary sections.

Avenger's 'brilliant' hit recalled

HMS Avenger — the only ship in the world to shoot down an Exocet missile in flight — yesterday triumphantly led home the last three frigates to return to Devonport from the Falklands war.

Avenger's computer picked out the deadly device speeding towards her during an attack by six Argentine aircraft on May 30. The ship's 4.5 in gun "Bertha" exploded the Exocet seconds away, from a range of about eight miles.

Captain Hugo White said yesterday: "The Exocet was right on course for us. It was a brilliant shot. It may have been a bit lucky — but it saved our bacon."

Avenger, leader of the "Fighting Fourth Frigate Squadron," sailed home with two other warships which also escaped unscathed — Andromeda and Penelope.

They received a tumultuous welcome from thousands of relatives and sightseers at Britain's biggest naval base.

Between them they spent a total of 375 days at sea and sailed the equivalent of about five times round the world.

A D-Day-style landing which closely resemvled a key part of the battle for the Falklands was carried out yesterday at windswept Sinclair's bay, 10 miles south of John O'Groats.

The barren landscape resembles the Falklands, and one of the dozen warships taking part, HMS Fearless, was the assault ship which helped establish the beach head at San Carlos.

However, yesterday's similarity with the Falklands landing was coincidental.

The warships were taking part in this year's big NATO 10-nation war game, "Exercise Northern Wedding," which began earlier this week.

The exercise involves 160 ships, 250 aircraft and 5,000 ground troops. It ends with a mock landing in Denmark.

Yesterday's exercise in Scotland — which involved Fearless, 12 US assault ships and two US aircraft carriers — was a dress rehearsal for the Danish landing.

Nuclear protest called off

THE Dutch branch of Greenpeace yesterday called off its East Atlantic protest action against the dumping of Swiss and Belgian nuclear waste after court action by the Dutch and Belgian Central Energy Agencies.

A Greenpeace lawyer said the crew of the protest ship Sirius had decided to withdraw from the dumping zone after a Greenpeace dinghy was hit by a 2.3-ton barrel of nuclear waste lowered by the Dutch vessel Rijnborg.

Evidence

A 23 year old married man found shot dead in south Armagh earlier this year was not an RUC or Army informer. This was stated by the senior police officer in charge of investigating the killing, when he gave evidnece at the Coroner's Court yesterday.

The Provisional IRA had claimed it executed Mr. Seamus Morgan, a newspaper delivery man, of Ballysaggart Park, Dungannon, because he was an informer.

But the IRA's claim was denied by a detective inspector in reply to Mr. Patrick Murphy, who appeared for the dead man's father. Witness said police inquiries into the murder were still continuing.

BIRTHS, MARRIAGES AND DEATHS

Notice of Births, Marriages, Deaths, Acknowledgments, In Memoriam, which must be authenticated, and Engagements, which must be signed by both parties, 4 lines or fewer £2.40, and every additional line or part thereof 60p.

Due to production schedules, the latest time for acceptance of Birth, Marriage or Death Notices is 10-30 p.m.

9 DEATHS

BLEMING — July 28, 1984 (suddenly), Thomas, dearly-loved son of the late Hamilton and Elizabeth Bleming, 50, Ballyreaburn Road, Newtownards. Funeral arrangements later. Deeply regretted by his sorrowing Brothers and Sisters and Family Circle.

BONAR — July 28, 1984 (result of an accident), James, Milltown, Convoy, Co. Donegal (formerly of Stranorlar, Co. Donegal). Remains leaving Letterkenny Hospital, to-day (Monday), at 5-30 p.m., to his residence, Main Street, Stranorlar. Funeral from his residence, to-morrow (Tuesday), at 2 p.m., for service in Stranorlar Presbyterian Church, and burial afterwards in family burying-ground at Stranorlar Church of Ireland Churchyard. Deeply regretted by his loving wife Kathleen, brothers, sister and family circle.

CALVERT — July 28, 1984, at Hospital, Samuel (late of Hill Street, Lurgan), dearly-loved husband of Minnie Calvert. Funeral from his residence, 9, Ardboe Drive, Lurgan, to-day (Monday), at 2 p.m., to Lurgan Cemetery. Family flowers only. Donations in lieu of flowers may be sent to Shankill Parish Church Restoration Fund, c/o Mr. D. Johnston, Harwood, Lough Road, Lurgan. Deeply regretted by his sorrowing Wife.

CONNOLLY — July 28, 1984, at his residence, Grange Park, Ballygawley, Paddy, dearly-beloved husband of Mary Connolly — R.I.P. Remains will be removed to-day (Monday), from his late residence, at 10-30 a.m. for 11 a.m. Mass in the Church of the Immaculate Conception, Ballygawley. Funeral immediately afterwards to St. Malachy's Cemetery, Ballymacilroy. Deeply regretted by his sorrowing Wife, Son, Daughters, Brothers, Sister and Relatives. Sacred heart of Jesus, have mercy on his soul.

CUNNING — July 28, 1984 (suddenly), at home, 60, Nursery Avenue, Coleraine, Patrick Joseph and Anna Bridget, dearly-loved parents of Angela and Emer — R.I.P. Funeral from St. Malachy's Church, to-day (Monday), after 11 a.m. Mass, to Coleraine Cemetery. House private. Family flowers only. Deeply regretted by their Daughters, Sons-in-law Danny and Vincent, and Grandchildren. Sacred heart of Jesus, have mercy on their souls.

DONAGHY — July 28, 1984, at Hospital, Mary Elizabeth (Cissie), daughter of the late Patrick and Sarah Donaghy, and dear mother of Kenneth, 24, Fortview Terrace, Cookstown. Funeral from her late residence, to-day (Monday), at 2 p.m., to Cookstown Cemetery. Deeply regretted by her Son, Daughter-in-law Doris and Grandchildren Stephen and Siobhan.

FEARIS — July 29, 1984 (suddenly), Edward Bothwell, dearest husband of Thelma, The Moorings, Killyhevlin, Enniskillen, and loving father of Timothy, Mark and Jane. Funeral to-morrow (Tuesday), after service in St. Macartin's Cathedral, at 2-30 p.m., to Breandrum Cemetery. House private. Sadly missed by the Family Circle.

HAMILL — July 28, 1984 (suddenly), at his home, Andrew (Andy), dearly-loved husband of Leila Hamill, 118, Salia Avenue, Carrickfergus, and devoted father of Drew. Funeral service in Carrick-ju fergus Gospel Hall, Scotch Quarter, to-morrow (Tuesday), at 2 p.m. Interment afterwards in Victoria Cemetery. Family flowers only, please. Donations in lieu, if desired, to the Heart Research Fund, c/o Dr., Murtagh, Cardiac Ward, Belfast City Hospital. Very deeply regretted by his sorrowing Wife, Son and the entire Family Circle at home and abroad. Absent from the body, present with the Lord.

HUNTER — July 29, 1984, George Andrew, Townparks, Raphoe, Co. Donegal, infant son of Andrew and Rita Hunter. Funeral to-morrow (Tuesday), at 11 a.m., to Raphoe Presbyterian Churchyard. Safe in the arms of Jesus.

JOHNSTON — July 28, 1984, at Hospital, James A., beloved husband of the late Sarah Matilda Johnston, 47a, Mallin Drive (formerly of Edinburgh Street). Service in St. Thomas's Church, Eglantine Avenue, Lisburn Road, Belfast, to-morrow (Tuesday), at 1-45 p.m. Funeral afterwards to Roselawn Cemetery. Deeply regretted by his Niece Elizabeth, Husband Edmund and all the Family Circle.

LEE — July 28, 1984 (peacefully), at his home, 11, Drumanee Road, Bellaghy, Richard, dearly-loved husband of Edith and dear father of John and Dorothy. Funeral to-day (Monday), at 2-30 p.m., from his home to the family burying-ground, Ballysmullon Parish Churchyard. Very deeply regretted by his sorrowing Wife and Family and all the Family Circle. At rest.

LEE — The Officers and Members of Bellaghy Temperance Masonic Lodge No. 291 regret the death of their highly-esteemed Secretary, V.W. Bro. Richard Lee, and extend to his Wife and Family Circle their deepest sympathy. — W. H. Mulholland, W.M.

LEE — The Rev. Reilly, Churchwardens, Select Vestry and Members of Ballyscullion Parish Church, Bellaghy, regret the passing of their esteemed Member, Richard Lee, and tender their sincere sympathy to his Wife and Family and all the Family Circle. — R. Overend, Secretary.

9 DEATHS

McDOWELL — July 29, 1984, at Hospital, Ellen, beloved wife of S. J. McDowell, Ballee House, Old Antrim Road, Ballymena, and dear mother of James, Robert, Charles, Girlie, Maurice, George and David. Funeral from her home, to-morrow (Tuesday), at 2-30 p.m., to Connor New Cemetery. House strictly private. Deeply regretted by her loving Husband, Family and Family Circle.

McKITTRICK — July 28, 1984, at Altnagelvin Hospital, Mary (Molly), late of 32, Church Street, Limavady, youngest daughter of the late Mr. and Mrs. William McKittrick. Funeral to-day (Monday), at 2 p.m., from Fred J. Mullan & Co.'s Rest Room, Limavady, to Drumachose Presbyterian Church Burying-ground. Family flowers only. Donations in lieu, if desired, to Roe Valley Hospital Comforts Fund or Cancer Research, c/o F. J. Mullan & Co. Deeply regretted by her Cousins Allan, Samuel and Joseph McKittrick and the Families.

McNABB — July 29, 1984 (suddenly), at Hospital, Ellen Lamont (Nellie), daughter of the late Alexander (Sandy) and Margaret McNabb, 36, Eastermeede Gardens, Ballymoney. House and funeral strictly private. Deeply regretted by her Brother Jamieson.

MANSON — July 28, 1984, at Private Nursing Home, Elizabeth E. (Betty), 74, University Street, Belfast. Funeral from her home, to- morrow (Tuesday), at 11 a.m., to Second Donegore Presbyterian Burying-ground. Deeply regretted by her Nephews, Bertie and William Manson, and Families, Larne, and Mansonstown, Barnish.

MAYERS — July 28, 1984, Lilian Margaret, dearly-beloved wife of Wesley (formerly of Toneywall, Kinawley). Burial service in Knocknin y Methodist Church, Derrylin, to-day (Monday), at 3 p.m., following service in her son's home, 40, Plumbridge Road, Newtownstewart, at 12-45 p.m. Family flowers only, please. Donations in lieu, if so desired, to Cancer Research, c/o Rev. I. Carson, 9, Dergmoney Place, Omagh, or the Rev. G. Campbell, The Manse, Lisbellaw. Very deeply regretted by her loving Sons Ronnie, Leslie, Daughters-in-law Pam and Elizabeth and Grandchildren. Safe in the arms of Jesus.

MILLAR — July 28, 1984, at home, Minnie, 23, Pottinger Street, Cullybackey, dearly-loved wife of the late Willie Millar, and dear mother of John, Vera, Doreen, Isobel, Tommy and Jean. Funeral to-day (Monday), at 2 p.m. (service 1-45 p.m.), from above address to Killymurris Burying-ground. House private. No flowers, please. Deeply regretted by her sorrowing Family, Sons-in-law, Daughters-in-law, Grandchildren and Great-Grandchildren and Family Circle. In Thy presence is fullness of joy. — Psalm 16, 11.

MURDOCK — July 28,1984, at his home, 2, Oakfield Drive, Carrickfergus, Samuel, dearly-loved husband of Edith (formerly of 173, Glenkeen Avenue, Greenisland), son of the late Archibald and Sarah Ann Murdock, Revallagh, Bushmills. House and funeral private. No flowers, please. Donations, in lieu of flowers, for N.S.P.C.C., c/o Ivan Murdock & Sons, Bushmills Road, Coleraine. Deeply regretted by the Family Circle.

NEESON — July 28, 1984 (suddenly), at her daughter's residence, 18, Creevery Road, Antrim, Blanche Elizabeth, dearly-loved wife of the late James Neeson, 19, Firfields, Antrim. Funeral from her home, to-morrow (Tuesday), at 3 p.m., to Antrim Cemetery. House private. Deeply regretted by her sorrowing Daughter June, Son-in-law Allen Houston, and Grandchildren Julie and Colin. Gone to be with Christ, which is far better.

NEESON — July 28, 1984 (suddenly), Blanche Elizabeth. Deeply regretted by her Brother-in-law Joe, Sister-in-law Florence, Lorraine, Stephen, Gary and Mark Neeson, Ballyclare Road, Newtownabbey. Thy will be done.

NEESON — July 28, 1984 (suddenly), Blanche Elizabeth. Deeply regretted by her Sister-in-law Nessie, Brother-in-law Dick, Angela and Gary Phillips, Watford. The day Thou gavest, Lord, is ended.

NEESON — July 28, 1984 (suddenly), Blanche Elizabeth. Deeply regretted by her Brother-in-law Ruby and Grandson Lloyd, 4, Centeur Court, Antrim.

NEESON — July 28, 1984, at (suddenly), Blanche Elizabeth. Deeply regretted by R. J. and Elizabeth McBride, 70, Firfields, Antrim.

PORTER — July 29, 1984 (suddenly), at his home, Oliver, 25, Young Crescent, Castledrg. Funeral service, to-day (Monday), in Drumclamph Parish Church, at 1 p.m. Interment afterwards in adjoining churchyard. Very deeply regretted.

ROWAN — July 28, 1984, at Hospital, Tillie, dearly-loved wife of the late David Rowan, 121, Craighill, Muckamore, and dear mother of Pat. Funeral from her home, to-morrow (Tuesday), at 1 p.m., for service in Antrim Methodist Church, Greystone Road. Interment afterwards in Antrim Cemetery. Deeply regretted by her Daughter Pat, Son-in-law Jimmy and Grandchildren Audrey, Elaine and Philip. At rest. Gone to join our other loved one.

ROWAN — July 28, 1984, at Hospital, Tillie, dearly-loved wife of the late David Rowan, 121, Craighill, Muckamore, and dear mother of Mervyn. Deeply regretted by her Son Mervyn, Daughter-in-law Margaret and Grandchildren Trevor and Valerie, 67, Milebush Park, Carrickfergus. We'll miss you, mother, no words can tell, your love, your voice, your smile as well.

SMYTH — July 28, 1984, at Hospital, Belfast, Elizabeth, dearly-loved wife of Andy Smyth, 29, Knockdhu Park, Larne. Funeral to-day (Monday), at 2 p.m., from her home to Larne Cemetery. Deeply regretted by her sorrowing Husband Andy, Daughters Margaret and Lavinia, and Family Circle.

THOMAS — July 28, 1984 (suddenly), at his home, 3, Greenway Avenue, Larne, William John, dearly-loved husband of Agnes Thomas, and dear father of James. Funeral to-day (Monday), at 2-30 p.m., to Larne Cemetery. Very deeply regretted by his sorrowing Wife and Family Circle.

TODAY'S EVENTS

- Soccer: Brantwood v Linfield at Skegoneill Avenue, Belfast, 7 p.m.
- Portrush: Band concert at the Arcadia Promenade, 7-30 p.m.; Open Week at the Royal Portrush Club; Coke Beach Club, 10-30 a.m. to 12-30 p.m. and 2—4 p.m.; Summer Theatre presentation, "The Love Nest", 8-30 p.m.
- Newcastle: "The Good Old Days" at Newcastle Centre, 8 p.m.; Old Tyme Dancing at the Annesley Hall, 9 p.m.
- Portstewart: Women's sports at The Warren, 3 p.m.
- Bangor: Coke Kiddies' Club at Pickie Pool, 10 a.m. to 1 p.m. and 2-30 p.m. to 5-15 p.m.
- Lisburn: Best kept garden competition.
- Blood donation sessions at the Durham Street headquarters, Belfast (11 a.m. to 1-30 p.m. and 3 to 6 p.m.); Portadown Town Hall (2 to 4-30 p.m. and 6 to 8 p.m.); Cloughmills Manufacturing Company Canteen (2-45 p.m. to 4-30 p.m. and 6 to 8 p.m.).

Markethill Festival

- Balloon Binge at the Primary School Field, 3 p.m.
- Fun run, starts The Square, 6-30 p.m.
- Old Crocks soccer match, 8 p.m.
- Whist Drive in the Primary School, 8-30 p.m.
- Indoor bowls tournament.

World weather

	C	F	
Amsterdam	20	68	rain
Athens	26	79	cloudy
Belgrade	24	75	cloudy
Berlin	18	64	cloudy
Brussels	27	81	clear
Calgary	28	82	rain
Chicago	24	75	clear
Copenhagen	19	66	cloudy
Dublin	25	77	clear
Frankfurt	19	66	clear
Geneva	23	73	clear
Jerusalem	31	88	clear
Kiev	20	68	clear
Lisbon	37	99	clear
London	29	84	clear
Los Angeles	30	86	clear
Madrid	35	95	clear
Miami	30	88	cloudy
Montreal	24	75	cloudy
Moscow	22	72	clear
New York	24	75	cloudy
Oslo	21	70	clear
Paris	29	82	clear
Rome	29	84	clear
San Francisco	18	61	clear
Stockholm	20	68	clear
Tel Aviv	30	86	clear
Toronto	20	68	cloudy
Vancouver	22	72	cloudy
Vienna	21	70	rain
Warsaw	18	61	cloudy

Eire gets warning on cults

Cults are springing up in Eire at an "alarming" rate, according to a conference held yesterday at Portmarnock, Dublin.

The conference was organised by former Jehovah Witness John May, who said he wanted to awaken parents to the danger of cults.

During the conference two young unidentified men interrupted speakers with shouts of "we have freedom."

Mr May said there were nine cults operating in Eire. He claimed Jehovah Witnesses, Mormons and the Born Again Christians group were the most dangerous.

The first basic sign of association with cults was a refusal to eat with the family, parental rejection and hate, he claimed.

Docker dies at harbour

Two people died in separate accidents in Northern Ireland yesterday.

In Belfast docks labourer Henry McCrystal, of Micra Drive, was killed in an accident at the harbour. He was helping to unload a German container vessel at Pollock Dock when he suffered head injuries.

Meanwhile, a farmer, Mr Andrew Tierney (60), from Glengash, Tempo, died after a tractor he was driving left the Glengash road, toppled down an embankment into a field, and trapped him underneath.

9 DEATHS

WARD — July 29, 1984, at his home, Grange Park, Moy, Dungannon, John Turner Ward, F.R.C.S., beloved husband of Cecilia and dear father of Richard, Peter, David and Caroline. Funeral service to-morrow (Tuesday), at 2-30 p.m., in St. Andrew's Church, Killyman. Interment afterwards in the adjoining churchyard. No flowers, please. Donations, if desired, to Royal National Lifeboat Institution, c/o Mr. C. P. Thompson, 12, Northland Row, Dungannon.

WEIR — July 29, 1984, at Banbridge Hospital, Sarah Jane, dearly-loved wife of the late David Weir and dear mother of Ida, Johnny and David and the late Maisie. Funeral from her late residence, 62, Shinn Road, Ouley, Newry, to-morrow (Tuesday), at 2 p.m., to Donaghmore Churchyard. House strictly private. No flowers, please. Donations in lieu, if desired, may be sent to Mr. K. Megaw, Banbridge Hospital for Patients' Comforts. Deeply regretted by her sorrowing Daughter, Sons, Sons-in-law, Daughters-in-law, Grandchildren and all the Family Circle. Absent from the body, present with the Lord.

WILSON — July 27, 1984, Louise, wife of the late W. J. Wilson, 8, Shrewsbury Park, Belfast. House and funeral private. No flowers or letters, please.

12 FUNERAL DIRECTORS

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Provo tactics cause concern

A PLAN by Sinn Fein to move into community groups in Dublin is worrying Eire parliamentarians. They believe the Provisionals have now brought the infiltration tactics used in Northern Ireland into Southern politics.

Health Minister Barry Desmond, who has warned already that the Provos are exploiting Eire's drugs misuse problem, said at the weekend that a confidential Sinn Fein document showed his fears were justified.

The paper, published in Dublin yesterday reveals that Provisional supporters, working in anti-drugs groups, are co-ordinated from Sinn Fein headquarters.

Mr Desmond, who is one of the Labour members of Dr FitzGerald's coalition government, said Sinn Fein is using Eire's massive drugs problems for its own ends.

"It is entirely legitimate for a political party to involve itself with a major social issue but it is not legitimate to do this for pure political advantage, particularly when the party does not recognise the State or any of its institutions," said the Health Minister.

Last Friday four Dublin men were jailed for kidnapping a man in an area of the city where there is a chronic drugs problem.

As they left the dock they were saluted by Sinn Fein activist Ruairi Dugdale. One of the kidnappers gave a clenched fist salute and shouted "Up the Provos."

RUC set to foil Provos

Continued from Page One

attempt would be made by the IRA to stage-manage terrorist events for the benefit of the Noraid group, its fund-raising agents in the United States.

But Sinn Fein president Gerry Adams also condemned the decision saying it showed the British Government had much to hide.

Mr Galvin, with 79 colleagues, visited Ulster in August 1983 on a "fact-finding" tour of the Province. The group was given pride of place in a republican demonstration in West Belfast marking the 12th anniversary of the introduction of internment.

Members of the party were arrested during riots in Belfast and Londonderry and it was widely claimed that many of the riots were "stage managed."

Mr Galvin who praised the "courage and daring" of the Provisional IRA, hit out at the thwarting of his planned return to Ulster.

In a statement he said: "This decision is a response to my invitation to the Ulster Secretary Jim Prior, loyalist Peter Robinson and others such as George Seawright, Ian Paisley, Martin Smith and Harold McCusker to address the large American delegation which I am scheduled to lead into Northern Ireland this August.

"If the British persist in this attempt to respond to my invitation for debate by censorship and exclusion, then they will only succeed in making the case against British rule in Ireland far more eloquently than I could have ever hoped to do."

In spite of the ban on Mr Galvin, about 160 Irish-Americans who would have accompanied the Noraid spokesman still plan to be in Northern Ireland on August 14 — the 15th anniversary of the Army's arrival in Ulster.

The leader of the Official Unionist Party, Mr James Molyneaux said: "When this person has come here in the past, his hosts have laid on demonstrations and would have done so again."

Referring to the ban on Mr Galvin, Mr Robinson said: "Hopefully this is a sign that the Government is going to take the initiative against the IRA and refuse them the propaganda victories of the past."

He added that any attempt to stage-manage IRA activities for the rest of the Noraid representatives must be "vigorously opposed by the security forces."

Derry road sealed off

One of the three main roads from Londonderry to Co Donegal was closed for more than 12 hours after two beer kegs were found on Saturday night in a culvert under the road at Bnaehead, about half a mile from Brandywell football ground.

It is believed the beer kegs had been placed in the culvert as the first stage to setting up a landmine.

Collection

More than 2,000 Orangemen attended a service in Lisburn yesterday, when a collection was made in support of Protestants in border areas.

Minimum wage is 'threat to teenage jobs'

Thousands of young people could be thrown out of work if the Government accepts a recommendation from the Low Pay Unit for a national minimum wage in Britain, according to a report published today.

If the national minimum wage for young males is set at 10 per cent higher than their current wage level the employment of men under 21 will fall by 12.5 per cent it claims.

The report by the independent Institute of Economic Affairs criticises the existing system of wages councils and warns of "extensive harm" from a legal minimum wage in Britain.

One of the authors, Dr David Forrest, economics lecturer at Manchester University, argues that minimum wages set above the market level will actually reduce the employment prospects of the very people such legislation would seek to protect.

"If the law compels employers to offer the same wage rate to teenagers as to adults, teenagers can be expected to lose the competition for jobs," he said in the report.

Forced

Teenagers remaining in jobs with a minimum legal wage might also be forced to accept less on-the-job training.

"Here, an individual's lifetime income could be reduced even if the rise in the minimum wage made him better off in the current year," he pointed out.

Raising wage rates would also have no effect on thousands of poor people living in poverty without even a low wage-earner in the family, according to the report.

Confused

Another of the authors, Stanley Dennison, emeritus professor of Hull University, criticises the research of the Low Pay Unit aimed at supporting its arguments for a national minimum wage.

"The unit's case does not stand up to even the most cursory examination," he said.

"The so-called analysis is a confused mixture of fallacy and a misapplication of distorted Keynesian theory," he said.

The report "Low Pay or No Pay" is published by the IEA, price £2.50.

Voluntary leave urged

GIVING employees up to eight weeks' unpaid leave a year could create more jobs at no extra cost to the employer, a psychology professor suggested yesterday.

Writing in this month's Personnel Management, Professor Peter Warr, director of Sheffield University's social and applied psychology unit, suggested his idea could ease unemployment by redistribution work.

"Consideration should be given to the wider development of policies for unpaid leave.

"Suppose that employees had a contract to work a minimum of 40 weeks a year with, say, four weeks' paid holiday. Then imagine that unions and management were co-operating to encourage people voluntarily to take unpaid leave for up to the remaining eight weeks in a year."

Prof Warr added: "Such a scheme would allow a large number of people to be on the pay-roll, at no extra cost to the company.

"It would have the great advantage of building on voluntary decisions about how long each person wants to work, so that some employees would wish to work as long (and earn as much) as possible, whereas others would take advantage of new freedoms."

Prof Warr also suggested firms facing the need for cutbacks made at least a partial switch to permanent part-time employment instead of simply abolishing full-time jobs.

"Unless we are able to find new patterns of working, we will be left with a deeply and permanently divided society; the stock of unemployed people and their families versus the fortunate ones who have jobs," he added.

Minstrels on the ramparts

The ramparts of the Norman castle at Carrickfergus, built by John de Courcy in 1180, were graced by a band of minstrels on Saturday when a medieval fair was held. The musicians were Chris Edens, Derek Simpson, Marie Burns and Noel Reilly.

Hattersley defends non-nuclear stand on TV

LABOUR deputy leader Roy Hattersley last night stoutly defended his party's new non-nuclear defence policy.

However, he said: "I accept at once that for Britain to play a non-nuclear role in NATO and remain a proper member of NATO does contain a certain ambiguity which we have got to resolve before the general election."

Mr Hattersley, speaking on Tyne Tees television's "Face the Press" programme for Channel Four said he "rejoiced" that the document, approved by the party's national executive last week, was "a thorough-going and out-and-out statement of our involvement in NATO."

Although US nuclear bases in this country would have to be abandoned, American conventional bases were recognised in the document as "essential" for security in West Europe.

He disclosed that attempts by the Left to write into the document a pledge to massively cut defence spending had failed. The majority of the NEC had decided that this was "not consistent" with the new policy.

Mr Hattersley, who was known to oppose Labour's defence policy at the last election, said the new document was "an intellectually coherent defence policy."

He said: "I believe it is electorally a much more positive programme on which we can fight and a much more convincing platform on which we can stand."

Agreement

Turning to his role as Shadow Chancellor, Mr Hattersley bluntly warned trade unions leaders that he would fight for an incomes policy.

He said: "We can manage to do something without an agreement with the trade unions on income but if we want to go as far as it is necessary to go, if we want to create the jobs and end unemployment at the speed that is morally necessary, then there has to be that agreement.

"I shall vote for an income policy and a massive reduction in unemployment."

Victim of IRA buried

A priest yesterday described the killers of a 25-year-old Rostrevor man as "misguided".

Canon Edward Hamill, Roman Catholic Administrator of Warrenpoint, was speaking at noon Mass in St Mary's Star of the Sea church, Rostrevor, before the burial of Mr Brian McNally in Kilbroney Cemetery.

Mr McNally, who was a van driver employed by Newry and Mourne Council, was reported missing on Monday of last week and his body was found on the south Armagh border in the early hours of Thursday morning. He had been shot in the head.

The killing was claimed by the Provisional IRA, which, in a statement, accused Mr McNally, one of their members, of giving information to the police. The charge was denied by the RUC and members of the McNally family.

Rocked — but festival weathers the storm . . .

ALTHOUGH the weather put a damper on Ulster's first big open-air pop and rock festival in Portrush on Saturday, the 3,000 fans who braved the elements gave the stars a really warm reception.

It was a case of "singing in the rain" for it poured down for much of the afternoon and evening, but the faithful who huddled beneath umbrellas and whatever shelter they could improvise were not unduly worried.

The rain could not spoil the beat of the music which was very much to their liking and in return the fans were voted Top of the Pops by star performers Dave Edmunds and Gary Glitter. They were so impressed that they promised to return in the near future.

The Bluebells, currently number eight in the charts with Young At Heart and on their first visit to the Province, were particularly impressed with the warmth of the welcome. They also are keen to return.

The festival setting in the recreation grounds at Portrush is capable of accommodating upwards of 10,000 spectators, but because of the weather only a few hundred fans were present at some stages during the performance.

Flop

A spokesman for the organisers, Fairhaven Promotions, said he was naturally disappointed about the weather, but he rejected suggestions that the festival had been a flop.

"In spite of the weather we had more than 3,000 people attending at various times during the afternoon and evening and they were so enthusiastic that many of the performers said they had never seen anything like it," he added.

"We will definitely consider running more festivals in the future."

The festival's troubles started on Friday night when a storm blew up and threatened to smash the huge canvas-covered, steel-framed stage which had been erected in the middle of the recreation grounds.

Heaters

The organisers called in the UDR for help and 5th Company of the UDR, based in Coleraine, were able to secure the stage with sandbags and other equipment.

A festival spokesman praised the work of the UDR team and acknowledged that, but for their efforts, the show would not have been able to go on.

Industrial heaters had to be brought in next day to dry out the stage and the show finally got under way after a delay of some two hours.

The fans were on their best behaviour and there were no reports of any trouble.

EVANGELIST HITS RECORD IN SIX CITIES

Evangelist Billy Graham was packing his bags yesterday at the end of a crusade in which he preached to more people than on any of his previous visits to Britain.

More than a million attended his rallies in six major cities and 97,000 responded to his invitation to "come forward" and make a Christian commitment.

"It was more than double the response rate in crusades around the world," said Larry Ross, Dr Graham's Press aide. "It is fantastic and we are very encouraged."

The crusade was supported by English churches of all major denominations. Many people remarked on Dr Graham's low key approach and the absence of emotionalism at the rallies.

"He is still preaching the same message," said Mr Ross. "But people, particularly in the media, have been pleasantly surprised at the lack of razzmatazz."

Dr Graham's final stop was at Ipswich, Suffolk, where he preached at the football stadium on five nights. The last night drew a crowd of 18,000, many coming by special train and coaches.

The crusade, which started on May 12, has taken him to Bristol, Sunderland, Norwich, Birmingham and Liverpool. Local churches provided counsellors for the thousands of enquiries.

Seawright wins ex-MP's support

A DUP politician, who faces prosecution for making a "burn Catholics" remark, yesterday won support from a former Belfast MP.

The Director of Public Prosecutions has directed that a breach of the peace prosecution should be brought against Mr George Seawright for his remarks at a Belfast Education and Library Board meeting.

His remarks led to a row and his suspension from the Rev Ian Paisley's Democratic Unionist Party.

Mr Seawright has refused to withdraw his remarks.

Now he has won backing from former North Belfast MP Johnny McQuade (72), who said yesterday he wanted to see the Director of Public Prosecutions prosecuted "for discrimination in a singling out Seawright and letting republicans say what they like".

He wanted "the other side" prosecuted for inflammatory remrks as well. If that happened, he conceded, "you couldn't very well let Seawright off. That would be unfair".

Mr Paisley's party is drawing up a dossier of inflammatory remarks allegedly made by Sinn Fein leaders Gerry Adams and Danny Morrison.

The dossier, said party spokesman Sammy Wilson, would be sent to the DPP.

He stressed that Mr Seawright's suspension from the party would stand, whatever happened, until "such times as he states publicly that he does not believe that Catholics should be burned."

If the prosecution goes ahead against Scots-born Mr Seawright, he promises courtroom fireworks.

"If they want a show trial, that can work both ways. I don't want to give too much away, but my attitude will be contemptuous," he said.

Witchdoctors' power proved

A chemist who spent three years in the African bush has confirmed the remarkable power of witchdoctors to prevent or cure diseases.

Isao Kubo, a Japanese researcher based in California, tapped the expertise of tribal medicine men in Kenya. Now, back in his laboratory in Berkeley, he has found that their folk remedies really do have drug-like properties.

A report in this month's Chemistry in Britain magazine says his tests showed that a substance known as maesanin — extracted from the organ berries of the maesa lanceolata bush — triggers the production of antibodies.

That was why East African witchdoctors were so successful when they prescribed the berries before surgery or childbirth. Dangerous bacteria was killed off.

The berries were also used in the treatment of asthma and as a precutionary drug to be taken before entering a known cholera area.

The magazine adds that Kubo's latest important finding concerns a substance called polygodial derived from the water pepper weed. Polygonum hydropiper.

"It works by making a hole in cell membranes, thus permitting antibiotics to enter and kill bacteria that are otherwise resistant or need massive doses of antibiotic."

Kubo believes the reason tropical plants are useful in preventing disease is that they themselves need to fend off swarms of insects and bacteria to survive, the magazine reports.

Victim of IRA buried

A priest yesterday described the killers of a 25-year-old Rostrevor man as "misguided".

Canon Edward Hamill, Roman Catholic Administrator of Warrenpoint, was speaking at noon Mass in St Mary's Star of the Sea church, Rostrevor, before the burial of Mr Brian McNally in Kilbroney Cemetery.

Mr McNally, who was a van driver employed by Newry and Mourne Council, was reported missing on Monday of last week and his body was found on the south Armagh border in the early hours of Thursday morning. He had been shot in the head.

The killing was claimed by the Provisional IRA, which, in a statement, accused Mr McNally, one of their members, of giving information to the police. The charge was denied by the RUC and members of the McNally family.

person has not committed grievous war crimes against our people, and is not engaged in a ruse, we shall remove that person's name from our target list.'

See also: Norman McKinley (2640), Robert Gregory Elliott (2598), Thomas Alexander Loughlin (2610)

2640. July 14, 1984
Norman McKinley, Tyrone
UDR, Protestant, 32, single
From Breezemount Park, Castlederg.

See also: Heather Kerrigan (2639), Robert Gregory Elliott (2598)

2641. July 26, 1984
Brian McNally, Armagh
IRA, Catholic, 25, single, van driver
He was shot by the IRA as an alleged informer. On July 26, 1984, his body was found near Meigh, close to the border on the Newry to Forkhill road. The IRA said he had been one of their members and was killed for supplying information to the RUC. In a lengthy statement, they said information supplied by him to the RUC had led to the arrest of another IRA member and to the capture of a gun. The family claimed he had been tortured, saying his fingers had been crushed, his nails cracked and that his arms were probably broken.

Brian McNally came from Beech Lodge Road, Warrenpoint, and worked for Newry and Mourne District Council. On May 24, 1984, the *Republican News* carried an article headlined 'Barracks Beating'. The report claimed the RUC had made an abortive attempt to force Brian McNally to become an informer. They said he had been roughly kicked and slapped but had remained silent and refused to co-operate. A police spokesman confirmed that he had been taken into RUC custody on May 15, 1984, but denied that he had been beaten in an effort to recruit him as an informer.

The IRA said that after his release from custody he had been 'debriefed by IRA intelligence officers' and dismissed from the organisation. He was 'given amnesty on condition he ceased collaborating', the IRA claimed, but had continued to do so. It claimed police gave him cover for his activities by having uniformed RUC men harass him on the streets. The RUC said the claim was 'a complete fabrication in an attempt to justify murder'.

His family said he had been subjected to continual harassment by the security forces since May of that year and had been 'followed everywhere'. They said the Special Branch had said to him more than once, 'We will leave it so that the IRA will have no other choice but to shoot you.' Denying he was an informer, a family member said: 'He was a firm believer in Sinn Fein, in fact he lived for the movement and sold the *Republican News* every week. He did not believe in killing but saw Sinn Fein as a means of getting rid of all the harassment.'

A family member said: 'He told us he thought he would be killed by the Special Branch or SAS. He had in fact resigned himself to this and told me the kind of funeral he wanted with all the details and with the tricolour on his coffin.' Several days after his death, the McNally family released papers through their solicitor showing he had made formal complaints that he was repeatedly followed and stopped by police between May 21, 1984, and June 5, 1984.

A detective-inspector told the inquest the dead man had not been an informer. In 1985 a Rostrevor man from a prominent republican family was jailed for 16 years for attempting to murder a UDR man and other offences. The court heard he had made statements to police in August 1984 because Brian McNally, whom he named as his accomplice, had been shot dead and he was afraid.

The defendant, admitting a series of charges, said that in February 1984 he was a pillion passenger on a motorcycle driven by Brian McNally. They had pulled alongside a UDR man's van and fired four or five shots at it. The van crashed but the UDR man escaped injury. The defendant said he and Brian McNally had on three occasions conspired to kill a policeman in Kilkeel. They had also carried out three separate bomb attacks on a Rostrevor garage because it was used by the security forces, he added.

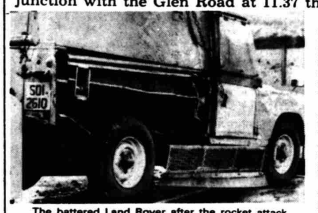
2642. August 1, 1984
Benjamin Redfern, Antrim
UDA, Protestant, 34, married, 1 child
He was killed when he tried to escape

Belfast Telegraph
★ Price 14p (20p in Eire) MONDAY, SEPTEMBER 28, 1981 112th Year

RUC MAN DIES IN ROCKET HORROR

THE DRIVER of a police Land Rover was killed and another policeman injured today when their vehicle caught the full force of a rocket blast in west Belfast.

The attack happened as the police vehicle was slowing down to cross ramps on the Suffolk Road, not far from the junction with the Glen Road at 11.37 this morning.



The battered Land Rover after the rocket attack.

And immediately after the attack an Army mobile patrol in the area chased a yellow van seen speeding down the Glen road. Later, seven people were arrested after a number of shots were fired.

A massive house-to-house search of homes in the nearby Lenadoon estate was being carried out by the Army and police this afternoon in an effort to find the RPG7 rocket launcher used in the attack.

According to eye-witnesses the armoured police Land Rover was hit on the driver's side by the rocket which was fired from a street off the Suffolk Road.

The driver, who was based at the nearby Woodburn RUC station, was killed instantly.

The front seat passenger, who was said this afternoon to be "very seriously ill" in the Royal Victoria Hospital, received extensive wounds to the legs and lower part of his body.

A local man said: "There was one terrific explosion just as the two Land Rovers were slowing up at the ramps outside the Donegal Celtic Club.

Tourniquet

"The driver's side of the first Land Rover was hit full on by whatever it was that was fired at it. I couldn't see the driver, but the other man in the front seemed badly hurt. Other police were applying a tourniquet to his leg," he said.

The seven arrests were made within minutes of the attack after an Army mobile patrol chased a yellow van into Rossnareen Avenue, about half-a-mile from the scene.

According to local people, six men barricaded themselves in a house in the avenue before surrendering to a patrol from the Royal Regiment of Fusiliers.

One report said several shots were fired during the arrest operation.

A seventh arrest was made at flats behind shops on the Shaws Road after a man had been spotted running from the scene of the attack, according to the security forces in the area.

Forensic experts moved into the flats where the Army had made six arrests and were examining it, but locals said no weapons had been seen.

The Army sealed off the area and closed the Suffolk Road, which runs from the Glen Road to the Stewartstown Road.

A police spokesman said later that two other policemen in the back of the Land Rover had to receive treatment for shock following the explosion which ripped apart the armouring around the driver's cab.

The rocket attack is the second on police in west Belfast since the start of the summer, and both the attacks were carried out against Army personnel carriers.

The rocket launcher used today is similar to that shown on the BBC Panorama programme on the Provisional IRA last Monday. The programme televised a clip from a propaganda film made by the Provisionals showing men trained in the use of the Russian-made weapon.

In the latest edition of The Republican News, Provisional Sinn Fein's mouthpiece, a masked man is shown aiming one of the rocket launchers and an article on the Panorama programme underneath it is entitled: "IRA weapon of resistance."

Market in panic as shares dive

SHARE prices nosedived this morning as panic conditions once again gripped the city.

But with the pound also under pressure, Government sources made it clear that there were no plans for either the Chancellor, Sir Geoffrey Howe, or the Governor of the Bank of England, Mr. Gordon Richardson, to return ahead of schedule from meetings in Washington.

This morning's stock Exchange plunge was faster than anything seen last week, and was the second biggest in any morning.

At 10 a.m. the FT Share Index had dropped 23.6 points to 451.1, but by 11 a.m. the market steadied and the index crept up to 452.8 — down 21.8 points on Friday's close. However, at noon, it slumped again 29.4 at 445.3.

The FT Index at 2 pm was down 24.3 at 450.4.

The pound was also down, by almost two cents against the dollar. At mid-morning its value against the US currency was 1.7660.

Fears of even higher interest rates were behind today's drop in share prices, with most City men expecting a rise in rates of perhaps another 2 pc in the next few days in a bid by the Government to stem the decline in sterling.

City economists estimate that if the pound's decline is not stemmed, the Government's hopes of single figure inflation may have to be postponed indefinitely.

Bleak

Few dealers were surprised at today's fall in share prices, especially as exchanges in Japan, Hong Kong, Sydney and New York have also been hit.

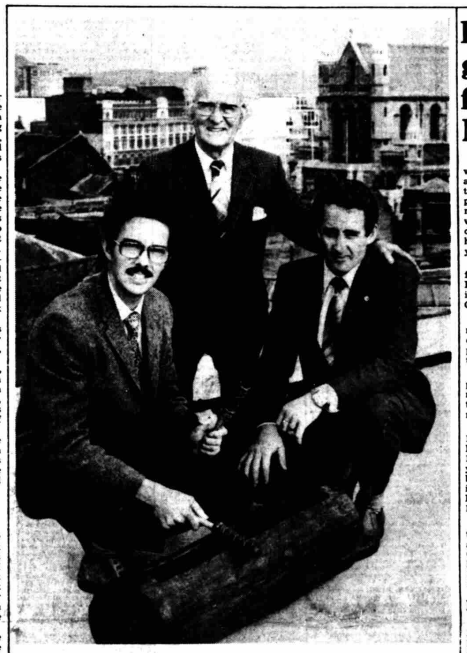
Mr. Gavyn Davies, chief economist at brokers Simon and Coates, said the City was "getting used to disaster when we get to work."

He expected a rise in interest rates — possibly as early as today: "With savings levels going into decline, credit market conditions are tightening and the outlook for interest rates for the next six months is very, very bleak.

"The Government will have to jettison one of its major objectives — low interest rates or exchange control freedom," he said.

Mr. Davies did not expect the index to fall below 400, but added: "It is free fall the attack, according to the moment, and when that happens you can be in a nasty mess when you hit the ground."

Dr. Paul Neild, chief economist at brokers Phillips and Drew, said there was nothing new behind today's slump, which by mid-morning had knocked an estimated £3,800m from share values.



Courtesy call to Belfast

A message floats out over the roof tops of Belfast as missionary, Mr. Gordon Molyneux, born in Zaire, demonstrates his talent with a slit drum from Central Africa. Gordon is one of few white men who can send and receive messages in this way. He is here to attend the annual meeting of the Unevangelised Fields Mission at the Iron Hall, Templemore Avenue this week. Also pictured are — Joe Wright (centre) who will chair the meeting and Mr. Eric Magowan.

Weather

FORECAST for tonight and tomorrow: Scattered light showers dying out this evening. Clear periods overnight leading to mist and fog in places by dawn. Becoming fine with sunny periods during the morning. Temperatures — Night min. 5C, giving local ground frost. Max. tomorrow 15C. Winds moderate westerly, becoming light southerly. Outlook for Wednesday — Cloud and rain spreading from the south west. Temperatures near normal.

THE MOON — New Moon.

LIGHTING-UP TIME — 7.39 p.m. till 6.51 a.m.

HIGH TIDES TOMORROW — 12.37 p.m. and 0.49 a.m.

Prior heckled

SECRETARY of State Mr. James Prior was heckled by H-block supporters when he arrived at Londonderry's Guildhall today for talks with the mayor and members of the city council.

As Mr. Prior moved off into the Guildhall he was jeered again.

See story — Page 5.

Murdered man was informer, claim Provos

THE Provisional IRA said today they "executed" a man found shot dead in west Belfast last night for being an RUC informer.

But police denied the claim and said: "The community should not be deceived by this attempt to justify cold blooded murder."

The murdered man was named today as Mr. Anthony Braniff, aged 27, from Etna Drive in the Ardoyne area.

Mr. Braniff's family also denied the IRA's claim.

His brothers Patrick and David described his killers as "animals."

Mr. Patrick Braniff said: "He was no paid informer. He could not have been receiving money from the police because he never had any money.

"If he was informing it was because he was forced into doing it. If that was the case then the RUC pointed the gun and the IRA pulled the trigger. The men who killed my brother were animals.

"They never came to us so that we could get the chance to speak on his behalf. If they had let us know we could have made sure he left the country. Other people have been warned in the past and have been given a chance."

He added: "But having said that I just do not believe that my brother was an informer."

The IRA claimed that Mr. Braniff was a volunteer in the organisation and had been "court martialled by his peers," before being shot.

A statement issued by RUC headquarters said "Anthony Braniff was not a police informer. The statement by the Provisional IRA is a lie."

Tape

Mr. Braniff was found in an entry off Odessa Street in the Falls Road area at around 11 o'clock last night by residents who went to investigate when shots were heard.

It is believed the murder victim had a strip of tape placed across his eyes before he was shot in the head.

The Provisional IRA claimed Mr. Braniff was recruited as an informer by the RUC several weeks ago and had passed on information about arms dumps and the movements of volunteers in return for money.

They also alleged that the dead man — they say his code-name was 'Jelly' — was asked to monitor specially named volunteers and report back on their activities to the RUC Special Branch.

The Provisionals' statement added: "He met his Special Branch contact regularly and passed on the information useful to them while receiving in return sums of money."

Continued on Page 4.

The rent-a-gent man who'll wash your dishes

DISHMOPS and dusters are the tools of the trade for a former lorry driver from Newtownards who has set up an unusual household service.

The father of four in his early 40s is offering a "Rent-a-Gent" service to busy householders and will dust, vacuum and do the dishes for only £1.50 an hour.

In an advertisement placed in this newspaper, he promises to do "most domestic work" and will also shop, drive, and babysit.

"I am unemployed and have been for a lot of interviews, but there are so many going for them it looks as though you are out for life," said the gentleman, who wishes to remain anonymous.

"I do not think a service like this is cissy. I get a lot of practice at home, so I may as well do it outside."

The rent-a-gent service is still getting off the ground but the reaction so far has been favourable.

"They do not seem to think it unusual. I did a job there for three girls whom I think were nurses," he said.

"I hung two curtain rails for them, did the dishes and hoovered the house from top to bottom."

He admits that there have been telephone calls from ladies who want more than his household chore service.

"You can usually tell from the way they are talking on the phone," he said.

"Some of them I would not go to at all. I just told them I would not bother.

"My wife does not mind at all about the service. She would be happy if I could get any sort of work."

In between jobs the former lorry driver, who has HGV, taxi and bus driving licences will continue to visit Bangor, Newtownards and Belfast Job Centres in search of regular work.

PM heads for Australia

MRS. THATCHER left for Australia today at the end of a four-day Gulf tour during which she held talks with Bahrain and Kuwait leaders.

Mrs. Thatcher and her 12-member delegation were seen off at Kuwait airport by Crown Prince-Prime Minister Sheik Saad Al-Abdullah Al-Sabah and senior officials.

Viewpoint

A party divided

PERHAPS the only positive feature of the opening session of the Labour Party conference was that Mr. Healey, and not Mr. Benn, emerged as deputy leader. But the narrowness and the nature of his victory have done little to re-establish Labour's credibility.

Can any sensible voter now feel encouraged to trust the power of running the country in a party which is making such a mess of running its own affairs? Can matters of national importance be left to the same kind of trade block voting by trade unions? And the atmosphere has not been improved by the allegations of intimidation of MPs.

What has emerged is a degree of broad agreement that the system of elections needs to be changed. This is undeniable after the apparent disregard of one union in particular, the TGWU, for the wishes of its rank and file. A situation in which a handful of activists can control massive block votes, and where MPs are forced to abstain rather than express their true feelings can hardly be called democratic.

At least Mr. Healey has been given a chance to attempt to heal the wounds inflicted by this debacle. His election may slow the drift of Labour MPs into the SDP, but a lot will depend on the policies adopted by conference this week. The country needs a viable opposition, but the indications from Brighton are that it will get another year of Bennite-inspired wrangling.

Acid test

There are two important points to be made about what the Taoiseach, Dr. FitzGerald, is saying about reform of the Republic's constitution. Firstly, he is admitting what everyone knows to be a fact — that the Republic is a sectarian state. Secondly, he is proposing changes before, not after, Northern Protestants show any interest in unity.

Both statements involve a considerable degree of political risk, for someone who is holding on to power by the skin of his teeth. No country likes to hear, from its Premier, that it is guilty of the bias of which it accuses others. The most that other leading politicians have been prepared to say — like Mr. Charles Haughey — is that change would be inevitable, if and when Unionists were prepared to talk terms for unity.

Dr. FitzGerald has mentioned the unmentionable, and it remains to be seen if he gets a positive response, or merely a negative reiteration of republican double-think. He knows better than to expect Unionist support, but everyone who engages in the debate should be aware that Northern eyes are on them, Catholics as well as Protestants. If he fails — and he has staked his reputation on the outcome — it will be crystal clear that Southern nationalism stands for sectarianism, of a kind that no Northerners, of either tradition, should have anything to do with.

Clear sign

IT would be premature to suggest that the republican hunger-strikes are on the point of collapse, but there is no doubt that they are losing their impact. Two more men have decided to end their protest, within 48 hours of one another, and this confirms that the will to fast to the bitter end is weaker.

But it is unlikely that the latest moves will lead to a swift end to the strikes. The protest and the controversy are likely to continue and Republican rhetoric may attempt to turn a victory, however hollow. The fact remains that the Government is adamant and the hunger-strikers are losing. It should now be apparent to those on hunger-strike and to their relatives that nothing will be gained by this form of protest.

EXCLUSIVE

James Callaghan, former Prime Minister

HOW I SEE ULSTER'S FUTURE — PAGE 12

Also today on Page 13 Adventures of Rafferty

TOMORROW

CUSCAIM STAD / CUSTOMS STOP

BORDER MOVES.

The first of two articles by Barry White on North-South Customs — and what makes smuggling pay.

IRA man gets life for La Mon deaths

A self-confessed IRA man was given 12 life sentences at Belfast Crown Court today when he dramatically pleaded guilty to the manslaughter of the seven women and five men who died in the La Mon House holocaust almost three years ago.

Robert Murphy, aged 23, from Norglen Parade, west Belfast, stood head bowed in the dock as Lord Justice Gibson passed sentence.

Murphy, who had denied murdering the 12 people, dramatically changed his plea today — the 15th day of the trial.

He was re-arraigned and pleaded not guilty to the 12 murders, but pleaded guilty to 12 charges of manslaughter.

He was also sentenced to 14 years for bombing the La Mon House on February 17, 1978, and had four other 14-year jail terms imposed for bombing business premises in the Lisburn Road area of Belfast, between November 1977 and January 1978.

The 12 people who died in the La Mon massacre were all members of the Irish Collie Club, who were holding their annual dinner and presentation of prizes in the hotel that night.

Horrific

Passing sentence, Lord Justice Gibson said: "You have today, by your pleas, accepted your participation in no fewer than 20 criminal offences which cover four separate incidents.

"The one by far the most serious and indeed the most horrific in the history of this community is the bombing of the La Mon House restaurant.

Continued on Page 4.

Tougher security' call

OFFICIAL Unionists want a tougher security policy by the RUC. Councillor William Bleakes, chairman of their district councillors association, said: "It is now becoming abundantly clear that the numerical strength of the RUC is not being tasked properly to defeat this terrorist war. The Chief Constable must be accountable for security failures."

Belfast may get office for issuing passports

BELFAST could have its own passport issuing office next year.

This was revealed today in a letter from the Foreign and Commonwealth Office in London to Official Unionist leader, Mr. James Molyneaux.

In the letter it was stated that the Government's Property Services Agency had arranged to lease accommodation for an enlarged passport office at Stokes House in the city centre.

Damaged

This building was extensively damaged by a car bomb explosion on August 22.

Since then the PSA have tried to get alternative accommodation in the city centre, but without success.

A spokesman for the Foreign and Commonwealth office said that despite the setback of the bombing they still hoped to have an office in the city giving full passport services sometime next year.

FitzGerald's move unlikely to bring unity, say Unionists

PROMINENT Unionists today said that Dr. Garret FitzGerald's remarks about a crusade to change the Republic's constitution might eventually help "good neighbourliness," but that it would not achieve a united Ireland.

But the SDLP's North-South spokesman, Mr. Austin Currie, said the Taoiseach deserved to be thanked, and he suggested an all-party approach towards a totally new Constitution —with direct contributions from Northern Ireland politicians.

Mr. Peter Robinson, deputy DUP leader, said Dr. FitzGerald's comments were, however reluctantly, an admission that the system in the Republic was sectarian-based — "which is what Protestants have maintained for a long time."

He commented: "It doesn't matter if the shop or its contents are changed. We want to remain in the UK, and it will never move us towards a united Ireland — because that is anathema."

Mr. Robinson said that if Dr. FitzGerald was saying he recognised they could not be "good neighbours" until certain changes were made in the Republic and, to have that, he was changing society, then he was making a start.

But, he said, if Dr. FitzGerald wanted to be a good neighbour he did not start ny making the Republic a "safe area" for the IRA.

The Rev. Martin Smyth, Official Unionist director of information, felt Unionists would be happy to see a Premier in the Republic "facing the realities of their attitudes."

He said he would welcome anything that would improve the quality of life in the Republic, but added: "We cannot see in the forseeable future any Unionist denying his Unionism and wanting to be part of a united Ireland."

Understanding

Mr. Smyth said that Dr. FitzGerald was the only surviving Southern politician who had any understanding at all of the Unionist position. "But having said that, significantly he doesn't call them Unionists — but Protestants — and it is a desire to woo Protestants. He hasn't dealt with the fundamental difference, which is that we are Unionists."

Seeking to work in "proper neighbourliness" was never outside Unionist philosophy, and Mr. Smyth added: "But we are suspicious of the Republic in negoiations, and there will be a healthy suspicior about agreement or understanding until we see a massive change of heart."

Mr. Currie said the SDLP saw Dr. FitzGerald's comments in the context of its long-held position on a pluralist Ireland, along with changes in the Constitution.

'We welcome without resevation the Taoiseach's commitment to pluralism and we share in the vista of a new Ireland, based on the non-sectarian republicanism of Tone and Davis," he said.

The party also believed that constitutional changes were needed, he said: "But we believe what is needed is a totally new constitution which would principaly emphasise the rights of minorities rather than majorities."

Mr. Currie added: "But as we have learnt from past experience, idealism, unfortunately, is not enough and must be tempered with practical considerations.

"The present Irish Constitution shares with other written consitutions, and particularly that of the US, a deliberately inbuilt resistance to change.

"For this and other reasons, the SDLP would favour an all-party approach to these matters and would particularly welcome the opportunity for groupings in the North to contribute directly to the discussions."

He said: "At the very least, Dr. FitzGerald's remarks present an opportunity to lift republicanism from the gutter to which it has been dragged in the past number of years. He deserves our thanks."

Mr. David Cook, Alliance's deputy leader, said it was clear that Dr. FitzGerald had personally accepted the right of Northern Ireland people to self-determination.

Crusade

"It is the first time that the elected leader in the Republic has come out so strongly on this issue and has even said that he will crusade for a change in Articles Two and Three of the Constitution," he said.

Mr. Cook said it meant that when Dr. FitzGerald talked about consent it was about consent of the people of Northern Ireland.

"This is a most welcome and even historical step forward since the principle of consent is, of course, the fundamental basis of the so-called guarantee."

He hoped Dr. FitzGerald got the wide support he deserved for his comments from all shades of opinion in Northern Ireland.

Mr. Cook added: "Let's also hope that there is an equally statesmanlike response from Unionist politicials supporting the right of the minority to participate in whatever system of devolved government is establish in Northern Ireland."

Obnoxious

But the Rev. Ian Paisley said Dr. FitzGerald's comments had changed nothing.

The DUP leader said the Republic's affairs were its own business and the only constitutional change of interest to Northern Irealnd was "the abandoment of the obnoxious claim of jurisdiction over us."

Mr. Paisley said the removal of that would "in no way weaken our resolve never to come under Dublin rule."

Mr. Paisley commented: "The most its removal can achieve, provided it is matched by corresponding actions and, in particular, the granting of full extradition, is to begin to create a climate on which the normal co-operation that is expected between neighbouring sovereign states can emerge.

"But as a means to the end of inducing an all Ireland or closer relations with Dublin then it is simply a non-starter."

Mr. Fergus McAteer, co-chairman of the Irish Independence Party, said they were "alarmed and saddened" at some of Dr. FitzGerald's views, and worried that some of his words might be construed as "a betrayal" by Northern nationalists.

The IIP, he said, accepted the thesis that certain fundamental changes would have to be made to the consitution of a re-united Ireland, but they felt that recent history showed Unionists would never conduct any worthwhile discussions with fellow Irishmen "for as long as Britain maintains her presence in the North."

Conviction

Mr. McAteer said the IIP was seeking a meeting with the Taoiseach on the matter, adding: "For it is our firm conviction that it is the responsibility of the Taoiseach to persuade Britain to leave, not to underwrite its unjust claim to part of Ireland."

Mr. Sean Farren, the SDLP chairman, said his party had always been calling on the Republic's politicians to conduct a public debate on the kind of Ireland which could form the basis for a united country.

Many changes, both in attitude and law, would be needed if a real, meaningful agreement was to be achieved between the people of Ireland, and Mr. Farren said some would be difficult for those committed to the status quo.

He said an aspiration to unity not supported by a willingness to change was meaningless, and the SDLP welcomed Dr. FitzGerald's comments.

Mr. Farren added: "Inevitably it will meet opposition from predictable Unionist and reactionary nationalist politicians in Northern Ireland. The negative and destructibe strands of these politicians can only perpetuate division and contribute nothing to a solution to our tragic solution."

Official Unionist Mr. James Molyneaux said the suggested withdrawal of the Republic's "preposterous" territorial claim over Northern Ireland did no more than bring the Republic into line with other sovereign states.

Interfering

"They, with very few exceptions, would not dream of including in their consititution a claim to jurisdiction over all or part of another country."

Mr. Molyneaux said that even with the proposed changes there would still remain Dr. FitzGerald's "practice of interfering in our affairs to the extent of dictating terms as to the type of structures of government we ought to have in Northern Ireland."

Mr. William Bleakes, chairman of the party's District Councillors' Association, described Dr. FitzGerald's remarks as "a cosmetic exercise in an attempt to breath life back into the Anglo-Irish talks."

He said it was significant that Dr. FitzGerald had dodged the issue of extradition of wanted IRA men and added: "The Republic must not be permitted to hide behind their own interpretation of international law and their constitution any longer."

"Until Dr. FitzGerald extradites wanted murderers and denies the use of Eire as a safe haven for terrorists any other tinkering with the constitution is meaningless."

Belfast councillor, Mr. Jeremy Burchill, said that any changes in the Eire constitution would not buy Unionists into a United Ireland.

"The only thing constitutional change would do is to create a normalisation of relationships between this part of the UK which is one country and the Republic which is another."

But he said there were things which the two states could co-operate on such as the purchase of gas from the Republic. The countries could have a normal commercial relationship.

UUUP leader Mr. Ernest Baird welcomed Dr. FitzGerald's comments, saying he hoped his efforts "to create a non-bigoted and non-sectarian state" were successful.

He said: "Basically, Dr. FitzGerald has been very honest about the social structure in the South and now the world can see why the Protestant population in Northern Ireland would not be pushed into a Catholic bigoted united Ireland."

But Mr. Baird said the Republic must co-operate on "the thorniest problem of all" — extradition — and the Taoiseach must now bring changes in the law to transfer IRA terrorists for trial in Northern Ireland.

It was only natural to change the constitution, Mr. Baird added, saying it fostered hostility, discontent and fear among Northern Protestants.

He added: "Now that a leading man has at last spoken out on the injustices the world can see at last how sectarian the Republic really is."

Mr. Baird said the question of a united Ireland was not for the present or the next generation to answer. "It will take many decades before the Protestant population can place any trust in the Irish Catholic and only when such a relaxed atmosphere is present can talk of a united Ireland come to the fore."

The choir of Cavehill Methodist Church, Belfast, engaged in a sponsored twelve hour sing-in in aid of the International Year of the Disabled People.

IRA man gets life for La Mon deaths

Continued from Page 1.

"Anyone who has heard the evidence and seen the photographs of the charred bodies could feel nothing but absolute revulsion for someone who caused such a holocaust.

"There is no doubt that you were a dedicated terrorist. Even before the La Mon bombing you were regularly engaged in bombing incidents," the judge declared.

Murphy had originally faced 27 terrorist charges. While denying his part in the bombing of the La Mon he claimed that confessions he had made to police had been "fabricated" by the interviewing officers.

But Lord Justice Gibson today cleared the interviewing officers of any malpractice.

"By your plea you have accepted that statements made by you were entirely voluntary and that there was no question of any impropriety by police," he said.

Accepting the pleas to manslaughter, Lord Justice Gibson said he must not allow his revulsion of the La Mon bombing cloud his judgment.

But added: "I am afraid, having regard to your terrorist activities, I cannot do otherwise than sentence you to life imprisonment for each of the 12 deaths."

Summing up, Mr. Richard Ferguson, QC, defending Murphy said that by accepting the pleas to manslaughter the prosecution were accepting that Murphy did not know that people were going to die in the La Mon bombing.

"He did not know where the bomb was to be placed, or the possible consequences of the siting of the bomb.

"He was not aware of the essential links that made up the terrible consequences of the La Mon bombing and the deaths of 12 people.

"It has never been alleged by the Crown that Murphy planted the bomb. He has always claimed that he was very much on the periphery of the incident," the defence lawyer added.

Murphy admitted hijacking the Fiat car used in the attack and carrying a gun to hijack the vehicle.

He also admitted being one of the bombing team who travelled to the hotel, but claimed that he stayed in the car while another man planted the device at a window beside the Peacock function room.

Murphy was jailed for four years for hijacking the car; 12 years for carrying the gun used in the hijacking; and four years for membership of the Provisional IRA.

Lord Justice Gibson told the court: "Undoubtedly someone somewhere is guilty of the murder of these 12 people who died in the La Mon holocaust."

Murder victim an informer, says IRA.

Continued from Page 1.

"His recruitement by the Special Branch and his subsequent execution demonstrates firstly, the on-going desire, indeed need, of the Brits to recruit informers and, secondly, our ability to smoke them out."

"We take this opportunity to again warn, as we have in previous statements, that however tempted one might be by the money or intimidated by the physical and psychological pressures exerted by the Brits and the RUC, to agree to work for them as an informer is tantamount to committing suicide."

Mr. Braniff was the fourth Belfast man to be murdered by the IRA during the past year for allegedly passing on information.

Alliance Party councillor Mr. Will Glendinning described the killing as "cowardly and cold-blooded murder."

He said the murder exposed the hypocrisy of the Provisional IRA over human rights.

"What sort of trial did this victim get? Was he allowed any defence, was he offered special status? The answer is no," he added.

"He was slain defenceless and in cold blood, and I hope that people will now clearly recognise the Provisionals for what they are — ruthless murderers, not the freedom fighters they claim to be."

Road warning

PART of the coast road on the Cushendall side of Ballycastle is reduced to a single lane because of road subsidence, according to the RUC.

Police hunt escaped child beater

POLICE are hunting a sadistic Hertfordshire child beater who made a daring prison escape.

William Witney (21), was serving a one-year sentence at Rollestone Prison, near Salisbury, Wiltshire, for assaulting a three-year-old girl.

He scaled a barbed wire perimeter fence on Saturday night to make his getaway. Wiltshire police set up road blocks and mounted a full scale hunt with tracker dogs but without success.

Ford moves on to next tee

FORMER US President Gerald Ford, accompanied by his wife, left London's Heathrow airport for Stockholm today for another golf match there.

Mr. Ford had taken part in the Bob Hope Golf Classic at Moor Park

Man charged with girl's abduction

A 58-year-old Co. Armagh man was charged at a special court in Lurgan yesterday with having on September 24 abducted a young girl.

Pedlow Marsden, Moyraverty Court, Craigavon, was also charged with attempting to have sexual intercourse with the girl.

He was remanded in custody to Lurgan Magistrates Court on Thursday, October 1.

Business and Finance

Prices plunge in surge of panic selling

THE SETBACK in the first 30 minutes of trading on Stock Markets today was one of the most severe on record. Only once before had it been worse — on March 1, 1974, when the FT index crashed 32.8 at 9.3 am and 25.5 at 10 am.

That was when it was realised that the Government led by Mr. Edward Heath was about to fall.

All round the market at the outset today prices were being slashed by as much as 10p a time as jobbers fought against a wave of selling.

Sterling remained under pressure. Interest rates looked poised to go higher, and economic recovery appeared further away than ever.

Losses among industrial leaders stretched beyond 20p, although prices were a shade off the bottom in places.

The FT Index at 2 pm was down 24.3 at 450.4.

ICI, for example, are down 14p at 236p after 234p.

Heaviest falls were again reserved for the electricals, where **GEC** 628p, **Racal** 360p and **Thorn/EMI** 386p, dropped between 21p and 26p apiece.

Glaxo 340p, **Pilkington Bros.** 250p, **Lucas** 179p and **Unilever** 522p were top names registering falls in a band of 15p to 20p.

A few examples of losses by second rankers were: **Smiths Industries** 17p to 288p, **Textured Jersey** 19p to 75p, **Saatchi and Saatchi** 35p to 228p, and **Sainsbury** 15p to 382p.

The two bright spots to emerge were **Hallite**, lifted 57p to 190p by a "dawn raid" for nearly 15 pc of the equity, and **Brown Bros.**, up 3½p to 28p following an increased offer by **Dana Corporation.**

Banks, with base rates expected to up to 16 pc very soon, showed falls to 28p, as in **Barclays** 320p.

Insurances and properties retreated with the rest.

Golds dropped about three dollars with the lower metal price.

Oils weakened by around 20p in places.

£ ABROAD

TOURIST RATES

Austria	28.60 schillings
Belgium	72.50 francs
Canada	2.13 dollars
Denmark	12.85 kroner
France	9.78 francs
Germany	4.08 D marks
Greece	103.00 drachmae
Holland	4.54 guilders
Italy	2080.80 lire
Malta	70 cents
Norway	10.50 kroner
Portugal	115.00 escudos
Spain	168.00 pesetas
Sweden	9.90 krona
Switzerland	3.40 francs
U.S.A.	1.78 dollars
Yugoslavia	76.00 dinars
Japan	410 yen

Mortgage rates set to rise

MORTGAGES rates look certain to rise by at leat two per cent to 15 pc when the Building Societies Association holds its next monthly meeting on October 9, writes **Nikki Tait.**

The outlook for home buyers darkened yesterday when the National Savings Bank announced that it would put up the rate on its investment account from 13 to 14½ pc on November 1st — equivalent to 10.15 pc to the basic rate taxpayer.

That means the building societies already battling to cling to their shareof the home loans market under hot competition frofm Britain's KHigh Street banks, will almost Kcertainly be forced to up their rates in order to attract new funds.

The NSB's announcement coincides with a sharp rise in interest rates in the City. If minimum lending rate had not been abolished, it would currenlty stand at 16 pc, and word was that bank base rates — hiked up from 12 to 14 pc only 9 days ago — could be heading for another 2 pc rise next week.

The Building Societies Association said it had no plans to bring forward its scheduled October meeting.

MINING SHARES

Midday prices:
Tara 550-580.
Northgate 310-325.
Flair Res. 85-95.
Whim Creek 37-43.
Anglo Utd. 45-55.
Barrymin 5-10.
Westfield 55-65.
Ohio Res. 125-135.

The punt

Foreign Exchange quotation for the punt today was 87.52p-87.45p.

M & S on course for record

WHILE the stock market has been going down and down, up and up have been going the sales of the City's favourite stores group, Marks and Spencer (writes **Iain McKelvie).**

With amazing resilience while some in the High Street are finding the going tough, M & S is heading for a record year's trading. Just how well business is going will be revealed in a few weeks time — mid-October — when the group unveils its figures for the half-year just ending.

Whispers in the trade suggest that sales of food in the 252 stores have risen by around 20 pc in the first half while sales of non-foods are up by 12 pc.

The group has been squeezing its suppliers hard on prices whether it be on cream cheese or clothing. The clampdown on price rises from its suppliers has been part of a strategy to keep its own shop prices within the budgets of its customers.

This time last year, M & S announced a disappointing drop in profit — mainly because it had allowed itself to drift too far up-market and out of the reach of many recession-hit shoppers.

The upshot of the rethought strategy has been busy shops and full tills. So in three weeks time, M & S will tell shareholders its half-year profits have risen from £69m to not far off £85m — and the City will see it is on course for full-year profits up from £181m to a record £210m.

Dividends and reports

Hills and Allen International: Turnover for year to June 30, £54,124,000 (£47,676,000). Pre-tax profit £11,531,000 (£10,127,000). Tax £5,137,000 (£4,693,000). Final 15p making 20p (13.64p adj.), pay Dec. 1.

George Wills and Sons (Holdings): Turnover half year to June 30, £38,100,000 (£35,200,000). Pre-tax profit £630,000 (£553,000). Tax £270,000 (£296,000). Interim 2p (1.5p), pay Oct. 16.

Armstrong Equipment: Final dividend 0.946p, making 1.496p (2.73p) year to June 30. Sales £103,912,000 (£119,789,000). Pre-tax profit £892,000 (£8,557,000). Interest £4,573,000 (£3,776,000). Tax £647,000 (£777,000). Deduct extraordinary item £7,043,000 (£1,235,000).

Estates Property Investment: Pre-tax profit year to April 30, £2,490,000 (£2,089,000). Interest £605,000 (£867,000). Tax £866,000 (£868,000). Final 4.25p, making 7p (6.25p), pay Nov. 3.

Haden: Interim 2p (1.8p), pay Nov. 4. Turnover half year to June 30, £112,100,000 (£107,258,000). Pre-tax profit £2,550,000 (£1,636,000). Tax £1,088,000 (£674,000).

Wilkinson Warburton: Turnover half year to June 30, £10,448,814 (£10,906,898). Pre-tax profit £321,913 (£173,541). Interest £211,339 (£317,644). Tax £98,000 (£103,700). Interim 1.94p (same), pay Nov. 6.

Aberdeen Construction Group: Turnover (excl. inter-co sales) half year to June 30, £40,018,427 (£36,956,609). Pre-tax profit £1,390,073 (£1,124,021). Interest £34,471 (£122,831). Tax £720,000 (£560,000). Interim 2.4p (2.3p), pay Nov. 28.

Glossop: Turnover half year to July 31, £8,750,000 (£10,060,000). Pre-tax profit £405,000 (£280,000). Tax £190,000 (£79,000). Interim 1.576p (same), pay Nov. 2.

W. Morrison Supermarkets: Interim 0.4p (0.35p), pay Nov. 10. Sales half year to Aug. 1, £93,469,000 (£78,815,000). Pre-tax profit £3,373,000 (£2,016,000). Tax £1,405,000 (£240,000).

S. Casket (Holdings): Final 12.5 pc net, making 17.5 pc net, equal to 25 pc gross (same), year to June 30, pay Dec. 11. Turnover £15,747,299 (£15,944,877). Pre-tax profit £416,406 (£326,074). Tax credits £217,692 (£114,336).

George Wimpey: Interim 0.85p (same), pay Jan. 7. Turnover half year to June 30, £547m (£510m). Pre-tax profit £6,400,000 (£9,400,000). Interist £9,900,000 (£8,600,000). Tax £1,300,000 (£2,400,000).

Owen Owen: Interim 1p (same), pay Dec. 3. Sales half year to Aug. 1, £55,501,000 (£51,118,000). Deduct VAT £3,950,000 (£4,039,000). Pre-tax loss £1,607,000 (loss £387,000). Tax credit £491,000 (credit £237,000).

Hall Engineering (Holdings): Interim 3.41p (same), pay Nov. 6. Turnover half year to June 30, £44,058,000 (£56,486,000). Pre-tax Kprofit £3,050,000 (£3,600,000). Tax £1,586,000 (£1,872,000).

Additional share prices

Albion	11
Allied Irish Banks	103
British Mohair	45
Bank of Ireland	288
Chloride	20
Chrysler	265
600 Group	57½
Br Enkalon	Susp.
Centrovincial	166
Davy Corporation	154
De La Rue	650
Com. Eng. Stores	38
Ewart New Northern	173
Finlay J	73
Finlay Pack	20
Ford Motors	£10⅝
Harrison Crosfield	£7⅛
Hurst C	38
P. Hill	119
Inveresk	34
Laganvale Estate	26
Mim. Holdings	252
Lamont Holdings	15½
Pauls White	147
Ruberoid	84
Sangers	51
Security Centres	98
Tara Exp	570
Ulster TV	69
Telefusion	42
Wellman	53

N. Ireland stocks

5½ Elect. 1979-82	90½
6½ Elect. 81-82	88½
NI 7pc 82-84	81½

Equity and Law

EQUITY & LAW is planning to launch new funds for individual and group pension schemes which will invest in the Government's new index-linked stocks.

Gold fixing

GOLD fixed at 427.50 dollars an ounce, down 19.00 dollars.

New bid for Hanson near certainty

SHARES of Berec, the Ever Ready battery group, have remained consistently above the level of the Hanson Trust bid, which has sunk in value along with the general slide in share prices, writes **Iain McKelvie.**

From being worth 110p a share three weeks ago, Hansons share exchange is now worth only 88p — although the 105p cash alternative is not affected. Berec shares are currently 110p.

A new bid is almost a certainty from Hanson, but the real spice lies in the possible appearance of what Berec chairman Colin Stapleton last week called "a third party with complementary activities, who would derivef greater commercial benefits from a merger with Berec."

So a new, agreed, knockout bid from Hawker Siddley or the US Union Carbide is a distinct possibility. This one could run and run. Don't sell.

Belfast dealings

ON THE first day of the new account prices plunged in early dealings.

Business: Woolworth 44½, BP 244, Shell 300, Marks and Spencer 101, GEC 620, RMC 165, Berec 105, Lonrho 66, GKN 139, RTZ 443, Bowater 186, Plessey 293, IMPS 54, Premier Oil 40, Lasmo 375.

BTR's Serck stake

BTR, the UK industrial group seeking to take over **Serck**, the valve and heat transfer equipment manufacturer, has built up its stake in Serck to 48.1 pc.

LONDON afternoon PRICES

Dollar stocks are quoted in the same form as normal securities.

+US cents or dollars ⅛ Ex Dividend ⅜ Ex Rights ¾ Ex Others ⅞ Ex Capitalisation

BRITISH FUNDS		
Consols 2½	17-1/2	⅛—1/4
War 3½	25-7/8	—3/8
Funding 5½ 82-84	83-3/4	—3/4
6 93	54	—7/8
6½ 85-87	71-3/8	⅛—1
Treasury 5½ 08-12	41-1/4	—3/4
8½ 80-82	97-3/4	—1/8
8¾ 97	62-1/8	—1
9 92-96	63-3/8	—1
14 82	99-3/8	—3/8
15 85	97-3/4	—3/4
15½ 98	94-1/2	⅛—1-1/4
Gas 3 90-95	42-1/8	⅛—5/8
Transport 3 78-88	58-3/4	—1-1/8
US & CANADIAN		
BP Canada	14⅞	— 1⅜
Con Pac	19⅜	— ⅜
Exxon	16⅞	+ ⅛
Gen Mtrs	24⅜	+ ½
Hudsn Bay	9¾	— ⅛
INCO	8	— ¼
US Steel	14½	+ ⅜
BANKS & HP		
Barclays	375	⅛— 23
Hambros	112	— 21
Hill Samuel	112	— 16
Hong Kong	116	⅛— 12
Lloyds	345	— 20
Midland	285	⅛— 20
Nat West	336	— 19
Provident	93	⅛— 6
Ryl Scotlnd	132	— 18
Schroders	405	⅛— 20
Stan Chart	552	⅛— 50
BREWERIES ETC		
Allied	64½	— 3½
Bass	181	— 13
Bulmer	238	— 7
Distillers	173	⅛— 12
Greenall	122	— 6
Guinness	51	— 3
Scot & New	45	— 2½
Whitbrd 'A'	133	— 10
BUILDING ETC		
Bath Pltd	43	— 5
Blue Circle	432	⅛— 22
BPB Inds	228	— 15
Costain	206	⅛— 10
Hvrhm Rtd	78	
Int Paint	186	— 4
Int Timber	71	⅛— 2
Lndn Brick	63	— 4

Marchwiel	92	⅛— 6
Marley	32	⅛— 2
Press Wm	60	— 7
R M C	156	— 15
Redland	148	— 5
Rugby	71	— 2
SGB Group	118	— 14
Tarmac	338	⅛— 16
Tylr Wdrw	490	⅛— 15
Wimpey	84	— 7
CHEMICAL		
Croda	39½	— 1½
Fisons	123	— 8
Glaxo	330	— 30
Laporte	99	⅛— 9½
I C I	240	⅛— 10
Rentokil	137	⅛— 2
ELECTRICAL & RADIO		
Berec Grp	105	— 4
BICC	219	⅜— 9
B S R	59	⅛— 1½
Chloride	19	— 1
Ferranti	450	— 15
G E C	627	⅛— 27
Hoover 'A'	89	— 8
I C L	24	— 3
Philips Lp	380	— 27
Plessey	292	— 12
Racal	366	— 15
Sound Dif	36	⅜— 8
Thorn	380	⅛— 28
ENGINEERING ETC		
Acrow 'A'	34	— 1
APV Hldgs	213	⅛
A E	38½	— 2
Babcock	82	⅛— 4
Birmid Qul	19	— 2
Br Alumnm	46	— 5
Brockhse	24	— 2
Brown J	69	⅜— 3
Delta	38	— 3
Dowty	200	⅛— 11
Duport	8½	— ½
Glynwed	74	⅛— 4
G K N	139	⅛— 6
Hawker	258	— 16
I M I	49	⅛— 2
Jhnsn & Fth	14	— 1
Laird Gp	105	⅜— 6
Man Brnze	21	— 2
N Eng Ind	61	⅛— 7
Powell Duff	226	— 8
Simon	325	— 15
600 Group	55	— 2½
Staveley	168	— 10
Stone Platt	11	— 1½
T I	104	⅛— 14
Vickers	138	— 9

ENTERTAINMENT		
Ass Leisure	73	⅛— 3
Ladbroke	117	⅜— 7
M A M	94	— 6
Mills & Aln	358	⅛— 40
Rediffusn	138	— 10
Trident 'A'	36	— 7
FOOD CATERING ETC		
AB Food	116	— 7
Ass Dairies	146	⅛— 14
Ass Fish	59	— 5
Brthwick	12	
Br Sugar	300	— 10
Brook Bnd	43	— 1
Cadbry Sch	76	— 3½
Fitch Lovll	54	⅛— 3
Grand Met	157	⅛— 7
Nth Foods	128	— 7
R H M	45	— 2
Rowntree	146	— 8
Sainsbury	384	— 13
Tate Lyle	152	— 6
Tesco	48	— 3
TH Forte	102	⅜— 9
Unigate	83	⅛— 5
Utd Biscuit	99	— 3
INSURANCE		
Com Union	137	⅛— 8
Eagle Star	272	— 13
Gen Acc	296	— 22
Grdn R Ex	282	— 16
Lgl & Gen	216	⅛— 7
Pearl	362	⅛— 22
Prudential	216	— 5
Royal	336	— 19
Sedgwick	125	⅛— 8
Sun Allnce	770	— 65
MINES		
+Anglo Am	12⅛	— 1½
+AA Gold	83	⅛— 5½
+Blyvoor	11⅜	— 1⅜
Chartr Con	193	— 17
Cons Gold	425	⅛— 40
Cons zinc	199	— 18
+De Beers	605	⅛— 70
Drie Cons	24¼	— 3⅛
+FS Gduld	37	— 4¼
Geevor	155	
+Joburg	64½	⅛— 5⅜
Lonrho	66	⅛— 4
Pan Contl	141	— 18
+Pr Brand	39½	— 4¾
R T Z	439	— 32
Roan Cons	95	
Rustmbrg	235	— 35
Tanks	433	— 5
+Wstn Hld	54	— 4¾
W Mining	280	⅛— 25
Zam Coppr	20	— 2

MISCELLANEOUS		
A C C 'A'	39	— 3
Beechams	174	— 7
Bibby	218	⅛— 18
Boots	198	— 7
Bridon	55	⅛— 4
B E T	112	⅛— 6
BOC	126	⅛— 5
B T R	288	— 8
B H Prop	640	— 60
Cope Allmn	32	— 2
Dalgety	284	— 12
Dunlop	67	— 1
Eng China	106	— 6
Euro Ferr	62	— 3
Fsco Mnsep	181	— 5
Grnada 'A'	173	⅛— 17
I C Gas	148	— 8
Johnsn Mat	225	— 23
Lead Inds	154	— 3
Lesney	13	— 2
LRC Int	39	⅛— 2½
Metal Box	132	— 8
Pilkngtn Br	248	— 18
Rank Org	135	⅛— 5
Reckitt	234	— 10
Sears	46	— 1
Securicor	155	— 10
Smith Nph	85½	⅛— 2½
Tilling	142	— 12
Trnsprt Dv	60	⅛— 2½
Turner Nw	73	⅛— 6
Unilever	520	— 18
Wedgwood	65	— 4½
MOTORS AIRCRAFT		
Automtv	48	— 5
Br Car Auc	57	— 5½
B L	17	— 1
Caravn Int	19	— 2½
E R F	35	— 1
Lex Service	84	— 6
Lucas	180	— 14
Smiths Ind	280	— 25
Westland	77	— 9
OILS		
B P	246	⅜— 8
Burmah	92	— 6
Ryl Dutch	15⅛	— ⅛
Shell	304	⅛— 13½
Ultramar	380	⅛— 20
PAPER & PUBLISHING		
Assoc News	175	— 3
Bowater	190	⅛— 12
B P C	[illegible]	— 2
Bunzl Pulp	13	[illegible]
DRG	70	[illegible]
Int Thomsn	31	[illegible]

Letraset	136	⅛
News Intl	86	
Pearsn Lng	150	⅛—
Reed Int	211	
Smith 'A'	140	
Utd News	155	⅛—
PROPERTY		
Brit Land	65	⅛
Hamrsn 'A'	485	
Land Secs	252	
M E P C	184	
Peachey	115	
Slough Est	102	⅛—
Town City	17	
Traflgr Hse	78	
RUBBER		
Anglo Indsn	91	
Guthrie	8½	
Hrsn Crsfld	7	
Kuala Lpr	45	⅛
SHIPPING		
Brit Cwlth	271	
L O F S	31	
Ocean	93	
P & O	96	
Reardn 'A'	84	⅛
STORES		
Br Home	[illegible]	
Burton 'A'	[illegible]	
Comet	90	
Currys	145	
Debenhms	69	
Grattan	80	
GUS 'A'	370	
Hepworth	85	
Hse Fraser	134	
Marks & S	107	
Mthercare	166	
U D S Gp	66	
Woolworth	44	
TEXTILES		
Allied Tex	[illegible]	
Carpets Int	23	
Carrgtn Viy	[illegible]	
Coats Patn	[illegible]	
Corah N	31	
Courtlds	51	
Illingworth	20	
Notts Mfg	118	
Tootals	26	
TOBACCO		
BAT Ind	335	
I M P S	53	
Rothmn Int	58	

Murdered man was informer, claim Provos

THE Provisional IRA said today they "executed" a man found shot dead in west Belfast last night for being an RUC informer.

But police denied the claim and said: "The community should not be deceived by this attempt to justify cold blooded murder."

The murdered man was named today as Mr. Anthony Braniff, aged 27, from Etna Drive in the Ardoyne area.

Mr. Braniff's family also denied the IRA's claim.

His brothers Patrick and David described his killers as "animals."

Mr. Patrick Braniff said: "He was no paid informer. He could not have been receiving money from the police because he never had any money.

"If he was informing it was because he was forced into doing it. If that was the case then the RUC pointed the gun and the IRA pulled the trigger. The men who killed my brother were animals.

"They never came to us so that we could get the chance to speak on his behalf. If they had let us know we could have made sure he left the country. Other people have been warned in the past and have been given a chance."

He added: "But having said that I just do not believe that my brother was an informer."

The IRA claimed that Mr. Braniff was a volunteer in the organisation and had been "court martialled by his peers," before being shot.

A statement issued by RUC headquarters said "Anthony Braniff was not a police informer. The statement by the Provisional IRA is a lie."

Tape

Mr. Braniff was found in an entry off Odessa Street in the Falls Road area at around 11 o'clock last night by residents who went to investigate when shots were heard.

It is believed the murder victim had a strip of tape placed across his eyes before he was shot in the head.

The Provisional IRA claimed Mr. Braniff was recruited as an informer by the RUC several weeks ago and had passed on information about arms dumps and the movements of volunteers in return for money.

They also alleged that the dead man — they say his code-name was 'Jelly' — was asked to monitor specially named volunteers and report back on their activities to the RUC Special Branch.

The Provisionals' statement added: "He met his Special Branch contact regularly and passed on the information useful to them while receiving in return sums of money."

Continued on Page 4.

Murder victim an informer, says IRA.

Continued from Page 1.

"His recruitement by the Special Branch and his subsequent execution demonstrates firstly, the on-going desire, indeed need, of the Brits to recruit informers and, secondly, our ability to smoke them out."

"We take this opportunity to again warn, as we have in previous statements, that however tempted one might be by the money or intimidated by the physical and psychological pressures exerted by the Brits and the RUC, to agree to work for them as an informer is tantamount to committing suicide."

Mr. Braniff was the fourth Belfast man to be murdered by the IRA during the past year for allegedly passing on information.

Alliance Party councillor Mr. Will Glendinning described the killing as "cowardly and cold-blooded murder."

He said the murder exposed the hypocrisy of the Provisional IRA over human rights.

"What sort of trial did this victim get? Was he allowed any defence, was he offered special status? The answer is no," he added.

"He was slain defenceless and in cold blood, and I hope that people will now clearly recognise the Provisionals for what they are — ruthless murderers, not the freedom fighters they claim to be."

AN MI5 informer admitted to a court yesterday that he received pounds 400,000 from the Security Service after the arrest of two alleged members of the Irish National Liberation Army, but denied acting as 'agent provocateur' in a plot to mount a bombing campaign.

Patrick Daly, 44, denied claims by defence counsel Rock Tansey QC, that MI5 had sent him on an illegal operation in the Republic of Ireland. Mr Tansey accused him of being 'a skilled liar'.

Mr Daly was giving evidence at the Old Bailey on the fourth day of the trial of Martin McMonagle, from Limerick, and Liam Heffernan, from Belfast, both 31, who deny conspiracy to cause explosions, conspiracy to steal explosives and possessing firearms with intent to endanger life.

The Crown has said that Mr Daly was a Special Branch informer on the IRA in the Bristol area from the mid-1970s until 1989 when he moved to Galway, in the Irish Republic, and became an MI5 agent.

A member of the political wing of INLA, he was said to have been asked to reconnoitre quarries in south-western England and find a safe house for an INLA team. Mr Daly reported back to MI5 and the two men in the dock were arrested at the chosen quarry.

Under close questioning from Mr Tansey, for Mr McMonagle, Mr Daly said that he had been paid pounds 80 to pounds 100 a month by Special Branch during the 1970s and one Christmas had received 'a few hundred pounds'. He received money for expenses and travel, which he said was 'a pittance'. When he stopped working for Special Branch in 1989, he received a payment of pounds 2,180. 'I don't think it was big money, I was risking my life,' he said.

Although Mr Daly claims he did not begin reporting back to MI5 until after he went to Galway in late 1989, Mr Tansey said that the defence had a Crown document showing he had been paid by MI5 during 1988 and 1989; he allegedly received pounds 100 a month, rising to pounds 250 a month and a cheque for expenses of pounds 3,595.

Mr Daly repeatedly said he could not recall receiving the payments. Accusations that he had been involved in an illegal MI5 operation as 'a spy and an agent provocateur' were 'complete and utter rubbish'.

Asked how much he had been paid since the arrests, he said: 'I have been reimbursed for my resettlement . . . approximately pounds 400,000.'

Suggestions by Mr Tansey that he had been a member of the IRA, had helped obtain lock-up garages to store IRA equipment, had taken part in robberies and had been involved in the theft of explosives from another quarry, were all denied by Mr Daly. He also denied helping in the shipment of arms and explosives to Ireland and helping the IRA to monitor the movements of a General Kitson.

The case continues.

British security services to capture an Irish terrorist and then protected his identity by pretending to be the man's friend, the Old Bailey was told yesterday.

The agent, Patrick Daly, wrote more than 50 letters and cards to Peter Jordan in prison, offering to launch a campaign on his behalf and persuading him not to go on hunger strike.

He told a jury that in the 1980s he drove Jordan on a surveillance mission in a plan to blow up a military leader - described in court as Colonel Batty. 'I drove Peter Jordan to the vicinity of Col Batty for reconnaissance and reported to Special Branch of everything I had done.'

Jordan was subsequently arrested and convicted.

Mr Daly denied he had 'set up and framed' Jordan, but had passed on the information to his Avon and Somerset Special Branch handlers.

He was shown one letter in which he allegedly told Jordan: 'Always remember you have friends outside to help you . . just say what you want and we will do it, whether it's pickets or MPs.'

Mr Daly was a Special Branch informer on Irish terrorists in Bristol for 15 years and an MI5 mole in Galway, the court has been told.

He is giving evidence in the trial of Martin **McMonagle** and Liam Heffernan, who are accused of plotting a bombing campaign and conspiring to steal explosives for the campaign from a Somerset quarry.

Mr **McMonagle**, from Limerick, and Mr Heffernan, from Belfast - both 31 - have denied conspiracy. It is alleged Mr Daly was recruited by the Irish National Liberation Army to help an active service unit - including Mr **McMonagle** and Mr Heffernan - steal the explosives, but that he was, in fact, an MI5 agent.

To maintain his cover and protect his life, Mr Daly told the court he had played a prominent role in republican groups.

On one occasion he made a platform speech at a major rally against the Prevention of Terrorism Act.

He had taken part in fund- raising for the wives and children of terrorist prisoners.

Mr **McMonagle**'s counsel, Rock Tansey QC, suggested that Mr Daly - who gave evidence from behind a large brown paper screen to protect his identity - lied with amazing ease.

Mr Daly replied: 'It is part of my cover. I was in danger and possibly could have been shot. I was hardly going to say I was working as a police agent, was I?'

He told the court he had not even told his wife of his double life until they moved back to Ireland in the late 1980s.

The trial was adjourned until Monday.

Terrorists jailed for bomb campaign plot: MI5 - Independent, The/The Independent on Sunday - December 17, 1993 - page 004
December 17, 1993 | Independent, The/The Independent on Sunday | TERRY KIRBY | Page 004

TWO MEMBERS of the Irish National Liberation Army were jailed for 25 and 23 years yesterday for plotting an extensive bombing campaign against British targets, which was foiled by an MI5 agent who infiltrated the organisation.

The case was notable for the four-day testimony of the agent, Patrick Daly, whose two decades as an informer illustrated the extent to which British Special Branch and MI5 have been able to penetrate areas of republican terrorism.

After a 14-day trial at the Old Bailey, Martin McMonagle, from Limerick and Liam Heffernan, from Belfast, both 31, were convicted of conspiracy to cause explosions, conspiracy to steal explosives, and possessing a firearm with intent to endanger life.

Jailing McMonagle - said to be a leading INLA figure - for 25 years, and Heffernan for 23 years, Mr Justice Sachs told them: 'You besmirched the fair name of Ireland, where good people are working towards peace in stark contrast to your activities. Your chilling intention was to maim, kill and destroy, a prospect which clearly gave you much pleasure.'

The judge did not think 'for one minute' that Mr Daly was an 'agent provocateur' who instigated and led the plot himself, as the defence suggested.

Heffernan and McMonagle left the dock shouting 'up the INLA, up the Irish people and up yours' to the judge. Their lawyers called only one witness - who accused Mr Daly of espousing violence - and took the rare step of declining to make closing speeches.

The convictions were being seen last night as proof of a successful partnership between police and MI5 which, in this case, prevented a major INLA campaign designed to demonstrate their effectiveness to the IRA. Their targets were said to include Unionist MPs, military bases, a ferry, an oil refinery and a gas terminal.

Mr Daly, a member of INLA's political wing who lived in Bristol, was recruited as an informer in 1974, when he was detained under the Prevention of Terrorism Act and threatened with deportation.

While reporting back to Special Branch throughout the 1970s, Mr Daly carried banners on demonstrations, supported the Troops Out movement, protested against the Prevention of Terrorism Act and established a branch of the Irish in Britain Representation Group. He was paid pounds 80 to pounds 100 a month, plus expenses. When he stopped working for Special Branch in 1989, he received pounds 2,180. 'I don't think it was big money, I was risking my life,' he said.

In the mid-1980s, Mr Daly notified Special Branch about Peter Jordan, a retired teacher from Bristol and a republican sympathiser, who was supplying the INLA with information about army officers. In 1986, Jordan was jailed for 14 years for his part in a plot to bomb a retired SAS officer in Hereford and Worcester. Mr Daly admitted sending more than 50 letters and messages to Jordan in prison, offering support and assistance in a campaign to win his freedom. Under cross-examination, he said he had pretended to be his friend as part of his cover.

In 1989, Mr Daly moved to Galway in the Irish Republic, where he set up a driving school business and was subsequently asked by the INLA leadership to reconnoitre West Country quarries - from which explosives could be stolen - and find a safe house.

By now, Mr Daly was being paid by MI5, although it was never established whether he went to Galway and became involved in the plot at M15's instigation. It is unclear whether the Irish authorities were notified; the judge rejected defence submissions for the trial to be halted because they were not informed. In the current climate, a protest by Dublin is extremely unlikely.

Although MI5 controllers conceded there was 'a struggle' between them and Special Branch over taking the lead role against Irish terrorism - which they were eventually given - they rejected defence suggestions that the operation was deliberately mounted to earn them credibility.

Acting under MI5 supervision, Mr Daly carried out reconnaissance for the INLA. His controllers helped him pick a quarry in the Mendips and purchased a safe house in a Bristol suburb. They wired it for sound and awaited the arrival of the three-man INLA team, whose movements were monitored from the moment they arrived in Britain. The jury heard tapes of the men discussing targets and talking about the INLA bombing of Airey Neave, the Conservative MP; McMonagle described it as 'a great job' and said they needed another like it.

At the quarry, police were waiting, but Operation Breaksea went wrong when McMonagle stepped on a marksmen in undergrowth. He and Heffernan were arrested, but the third man, Anthony Gorman, escaped. He is wanted for the murder last year in Derby of Michael Newman, an Army recruiting sergeant.

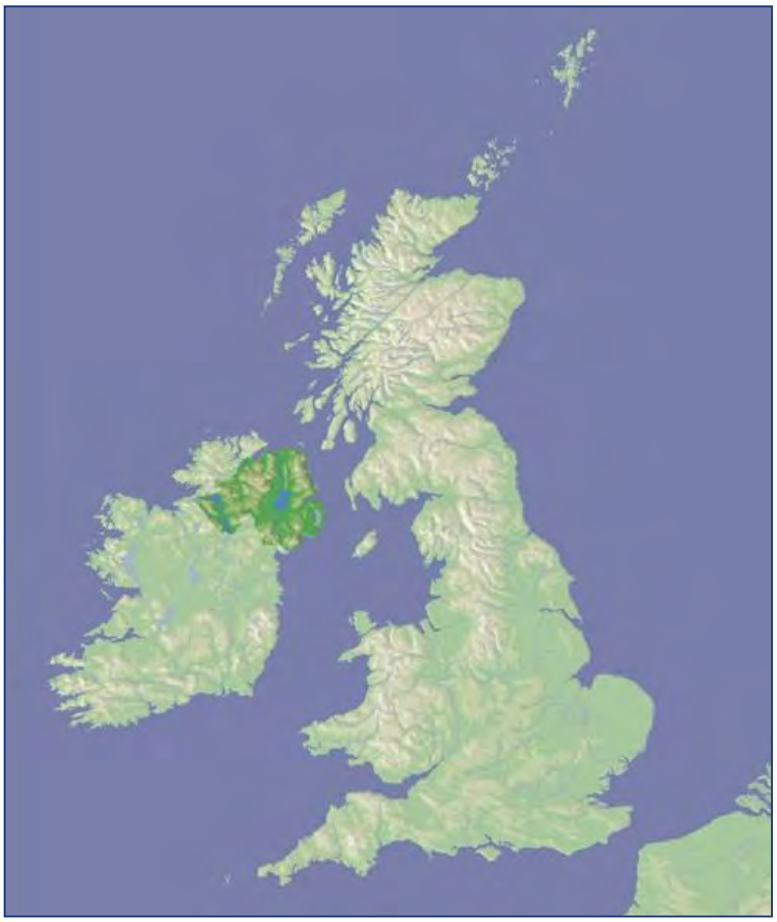
To prevent the INLA exacting revenge on Mr Daly - described by his MI5 controller, Mr C, as 'an outstanding agent' - extraordinary measures have been taken. He and his family are in hiding under new identities, created by MI5, and cushioned by a payment of pounds 400,000. With his evidence behind him, steps may be taken to change his appearance.

During Mr Daly's evidence, unprecedented measures prevented him being seen by the media, under an order not to publish any photograph or drawing. Although Mr Daly was visible to the defendants, lawyers, jury and court officials, screens and brown paper across the back of the dock kept him out of sight of the media. In the public gallery, directly above the witness box, only the rear row was used. When Mr Daly entered or left, the court was cleared.

Nigel Sweeney, for the Crown, said: 'He knows . . . his cover has been blown, he has in effect put himself in prison for the rest of his life. If he had been discovered, there would not have been for him a three-week trial at the Old Bailey, just a quick bullet in the back of the head.'

(Photograph omitted)

A NEW BEGINNING:
POLICING IN NORTHERN IRELAND



THE REPORT OF THE INDEPENDENT COMMISSION
ON POLICING FOR NORTHERN IRELAND

A NEW BEGINNING:
POLICING IN NORTHERN IRELAND

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ON POLICING FOR NORTHERN IRELAND

SEPTEMBER 1999

1

THE TASK OF THE INDEPENDENT COMMISSION ON POLICING

"… a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole."

The Agreement of April 1998.

1.1 The Independent Commission on Policing in Northern Ireland was set up as part of the Agreement reached in Belfast on 10 April 1998. In a preamble to that Agreement, the participants set out its main purposes:

> "1. We believe that the Agreement we have negotiated offers a truly historic opportunity for a new beginning.
>
> 2. The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.
>
> 3. We are committed to partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between North and South, and between these islands.
>
> 4. We reaffirm our total and absolute commitment to exclusively democratic and peaceful means of resolving differences on political issues, and our opposition to any use or threat of force by others for any political purpose, whether in regard to this Agreement or otherwise.
>
> 5. We acknowledge the substantial differences between our continuing, and equally legitimate, political aspirations. However, we will endeavour to strive in every practical way towards reconciliation and rapprochement within the framework of democratic and agreed arrangements. We pledge that we will, in good faith, work to ensure the success of each and every one of the arrangements to be established under this Agreement."

The Agreement was put to separate referendums in Northern Ireland and the Republic of Ireland on 21 May 1998. 71% of those who voted in Northern Ireland supported the Agreement, and 95% in the Republic of Ireland. The political life of Northern Ireland since then has been dominated by the attempt to implement the Agreement, re-establishing "democratic and peaceful means" as the sole way of resolving "differences on political issues". After decades of violence within the community, its leaders have tried to settle their arguments in what Abraham Lincoln called "a spirit of mutual compromise". Implementation of the Agreement would give the politics of Northern Ireland to the people of Northern Ireland; and in the same way it should also give the policing of Northern Ireland to the people of Northern Ireland.

1.2 We did our work against the background of the efforts of the past 15 months to translate the words of the Agreement into a power-sharing executive, answerable to an elected Northern Ireland Assembly, representing a community at peace with itself and committed to the democratic process. Northern Ireland's politicians have travelled part of the way to this objective, but as we were

writing our report, the talks aimed at completing the process stalled. Is our report, therefore, an irrelevant or even provocative distraction from the task of reassembling the political pieces scattered by the disagreements of July? We think not. First, the issue of policing is at the heart of many of the problems that politicians have been unable to resolve in Northern Ireland, hence the fact that we were asked to consider this question ourselves. As part of any final agreement to establish the customary institutions of democracy in Northern Ireland in a peaceful, civil society, the deeply controversial matters that we address will need to be confronted and settled. It may in some respects be better or more helpful that, with the publication of our proposals, they will now have to be debated openly by those who are looked to by the community to agree the way forward. Secondly, most of our recommendations make sense regardless of the broader political context. They touch on the efficiency, acceptability and accountability of the police service in Northern Ireland in any imaginable circumstances. Thirdly, we were appointed in the atmosphere of hope and generosity of spirit that attended the Referendum vote on the Agreement. It seems to us that, sooner or later, if peace and democracy in Northern Ireland are to be secured, something like the approach reflected in the Agreement will have to prevail. So one day – and we hope that day will come sooner rather than later – the issues raised in our report will be an integral part of the agenda for a Northern Ireland that runs most of its own affairs in a spirit of reconciliation and good faith. As a Commission that is both totally independent and mindful of the importance to its credibility of demonstrating this independence, we publish these proposals in the strong belief that they offer the people of Northern Ireland the chance of establishing an effective and widely accepted police service for which they are themselves responsible. We are not parties to the present political discussions, but we hope that those who are will see this report as a contribution to the restoration of peace and local democratic arrangements in Northern Ireland.

1.3 As we have just argued, the role of Northern Ireland's police service, and general questions of policing policy and practice, are central to many of the issues mentioned in the preamble to the Agreement and to many of the more difficult problems affecting its implementation. The reasons for this are primarily political – failure in the past to find an acceptable democratic basis for the governance of Northern Ireland that accommodated the rights and aspirations of both the unionist and nationalist communities. Policing has been contentious, victim and participant in past tragedies, precisely because the polity itself has been contentious. The consent required right across the community in any liberal democracy for effective policing has been absent. In contested space, the role of those charged with keeping the peace has itself been contested. The roots of the problem go back to the very foundation of the state. Since 1922 and the establishment of the Royal Ulster Constabulary (in part drawn from the ranks of the old Royal Irish Constabulary), the composition of the police has been disproportionately Protestant and Unionist. This has become much more pronounced during the last 30 violent years for reasons that we shall examine later. Both in the past, when the police were subject to political control by the Unionist government at Stormont, and more recently in the period of direct rule from Westminster, they have been identified by one section of the population not primarily as upholders of the law but as defenders of the state, and the nature of the state itself has remained the central issue of political argument. This identification of police and state is contrary to policing practice in the rest of the United Kingdom. It has left the police in an unenviable position, lamented by many police officers. In one political language they are the custodians of nationhood. In its rhetorical opposite they are the symbols of oppression. Policing therefore goes right to the heart of the sense of security and identity of both communities and, because of the differences between them, this seriously hampers the effectiveness of the police service in Northern Ireland.

1.4 These problems have been exacerbated by three decades of conflict which have inevitably aggravated the divisions within Northern Ireland society. Violence has increased intolerance, mutual distrust between people of different traditions and disrespect for each other's convictions and human rights. It has distorted both the RUC's approach to policing and the community's attitude to the policing of its streets and neighbourhoods. Policing cannot be fully effective when the police have to operate from fortified stations in armoured vehicles, and when police officers dare not tell their children what they do for a living for fear of attack from extremists from both sides. At one of our public meetings, a local pastor reminded those gathered in his church hall, many of whom had criticised the police for not living within the neighbourhoods where they worked, that several police families had been burned out of their homes on local streets.

1.5 The problems faced by the police service in Northern Ireland are in a sense unique to a divided society, with its own particular history and culture. But many are similar to those confronting police services in democratic societies elsewhere. We have studied policing in other countries and, while we can discover no model that can simply be applied to Northern Ireland, we can find plenty of examples of police services wrestling with the same sort of challenges. How can the police be properly accountable to the community they serve if their composition in terms of ethnicity, religion and gender is vastly dissimilar to that of their society? How can professional police officers best adapt to a world in which their own efforts are only a part of the overall policing of a modern society? How can the police ensure that their practices recognise and uphold the human dignity and the rights of individual citizens while providing them with effective protection from wrongdoing? How should human rights standards and obligations be reflected in the delivery of policing on the streets? How can police services reorient their approach so that, in the words of the founder of first Irish and then British policing, Sir Robert Peel, their main object becomes once again the prevention of crime rather than the detection and punishment of offenders? How can professional policing become a genuine partnership for peace on the streets with those who live, work and walk on those streets? These questions affect recruitment, training, management, structures, accountability, funding, attitude and style. We see them reflected in recent legislative changes in Britain and in the debate there about the relationship between the police and the ethnic minorities. We have discussed them with police professionals in Europe, North America and elsewhere. There is no perfect model for us, no example of a country that, to quote one European police officer, "has yet finalised the total transformation from force to service". The commitment to a fresh start gives Northern Ireland the opportunity to take best practice from elsewhere and to lead the way in overcoming some of the toughest challenges of modern policing.

1.6 Our broad approach to the task given us reflects a number of factors. First, we were not set up as a committee of inquiry with all the legal powers to call for papers and to interrogate witnesses. We were not charged with a quasi-legal investigation of the past. If there is a case for such inquiries, it is up to government to appoint them, not for us to rewrite our terms of reference. But we have naturally had to inform ourselves about past practice in order to propose future conduct. Second, we have not seen our role as that of political arbiters. In both written and oral evidence to us, it was argued that we should separate policing from the usual partisan agenda where it became part of a zero sum game. Policing problems, we were told frequently, could not be resolved simply on the basis of either nationalist or unionist demands. We certainly do not believe that it is possible to assemble the best set of proposals for the police service that Northern Ireland deserves by searching out the middle point between opposing political views. We were urged by those who

made submissions to us to show imagination, common sense and generosity of spirit with the changes we proposed. We hope we will be judged to have done that.

1.7 We did not approach our task bereft of values. No one who believes in an open society and the rule of law can be neutral as between democracy and violence, the protection of human rights and their abuse, the recognition of the dignity of every individual and its denial. But it was equally clear to us that we would never be able to fashion a fresh start out of a series of judgments about who was culpable for each of the tragedies and mistakes of the past. Northern Ireland voted overwhelmingly in 1998 to turn its back on the politics of revenge and retaliation. As the episcopal father of the poet Louis Macneice once advised his diocese, "It would be well to remember and to forget, to remember the good, the things that were chivalrous and considerate and merciful, and to forget the story of old feuds, old animosities, old triumphs, old humiliations … 'Forget the things that are behind that you may be the better able to put all your strength into the tasks of today and tomorrow'"[1]. So we have seen our approach as restorative, not retributive – restorative of the values of liberty, the rule of law and mutual respect, values that have sometimes been casualties of the years of violence. By means of a fresh start for policing, our aim is to help ensure that past tragedies are not repeated in the future. There is plainly a close relationship between the success of the overall agreement and changes in policing. If the fresh start for politics founders, it will be more difficult to make changes in policing; and if changes in policing are resisted (or mishandled) then there could be a serious impact on the attempt to rebuild democratic politics in Northern Ireland.

1.8 The Agreement argues that it "provides the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole". That has been our starting point but it does not provide a precise way for measuring the scope for, and the pace of change. "The opportunity for a new beginning" covers a multitude of possible outcomes, in terms of levels of violence and degrees of consensual, democratic politics. We cannot naively assume the best, and leave the community unprotected if the worst happens. Nor can we calibrate with the precision of watchmakers changes in policing and changes in the threat from terrorism or ordinary crime. Trying to double-track police change – for example, in force levels, composition and equipment – to Northern Ireland's progress towards the policing environment of Strathclyde or the Thames Valley would be a fruitless exercise. What we have therefore sought to do is to suggest what we believe would be the best arrangements for policing in Northern Ireland in any likely environment, indicating where those changes should be accomplished rapidly over a given time span, regardless of other considerations, and where change will need to be judged by those in positions of responsibility according to circumstances on the ground. For example, in the first category, we argue for a measured but ambitious programme of change in the composition of the police regardless of other factors. On the other hand, there are changes – like the eventual disarming of the police for routine purposes and the devolution of responsibility for policing and justice issues – that will need to be considered in the light of other developments. Our commitment to goals in the second category is not diluted by the recognition that we cannot be judge and jury now of the precise timing of their implementation. The government and others responsible should not take our realism as an excuse for foot-dragging and we make proposals for monitoring change in a publicly credible way. However, the changes we propose cannot all be introduced at once – nor at some

[1] **Sermon in St Thomas' Church, Belfast, quoted in the Belfast Telegraph, 8 July 1935**

unspecified hour in the future. That is not the real world, and it is not an ideal world. Ideal worlds are less disruptive. Several of the submissions we received have made a case for gradual change. "Proposed changes", argued the Church of Ireland in their submission, "... need to be evolutionary rather than revolutionary". In fact some of the changes we propose in the report can and should be introduced quickly. But others must be gradual. The Pat Finucane Centre argued that, "(the) creation of a new policing service will be an evolutionary process taking several years... It would be unrealistic and absurd to suggest that any new police service would come into being overnight... ". There is a general recognition that, whatever the arguments about its pace, change is necessary. "When we see, as we're seeing, a significant change in the environment in which we operate", argued the Chief Constable, Sir Ronnie Flanagan early in 1999, "then of course there should be a significant change in the way we go about our business"[2]. The "significant change in the environment" encompasses political development, improvements in security, and transitions in social habits and attitudes. These factors are all related. Adjustments in policing must also hang together. The "significant change" in policing should not be a cluster of unconnected adjustments in policy that can be bolted or soldered onto the organisation that already exists. The changes that we propose are extensive and they fit together like the pieces in a jigsaw puzzle. We believe that we have met the argument of the former Standing Advisory Commission on Human Rights that "holistic change of a fundamental nature is required".

1.9 After calling for a new beginning to policing in Northern Ireland, the Agreement goes on to set out its ingredients:

> "The participants [in the negotiations] believe it essential that policing structures and arrangements are such that the police service is professional, effective and efficient, fair and impartial, free from partisan political control; accountable, both under the law for its actions and to the community it serves; representative of the society it polices, and operates within a coherent and cooperative criminal justice system, which conforms with human rights norms. The participants also believe that these structures and arrangements must be capable of maintaining law and order including responding effectively to crime and to any terrorist threat and to public order problems. A police service which cannot do so will fail to win public confidence and acceptance. They believe that any such structures and arrangements should be capable of delivering a policing service, in constructive and inclusive partnerships with the community at all levels, and with the maximum delegation of authority and responsibility, consistent with the foregoing principles. These arrangements should be based on principles of protection of human rights and professional integrity and should be unambiguously accepted and actively supported by the entire community".

The Agreement specifies our detailed terms of reference (recorded in Annex 1 of this report). These seek to direct our work towards implementing the principles set out in the paragraph above.

1.10 These principles have provided the benchmark against which we have tested all our proposals. We have not tried to balance what may be politically acceptable to this group against what is reckoned to be acceptable to that. As one submission to us argued, any proposals "should not be calculated simply as a sop" to a particular interest group. The Methodist Church argued that "the sole criterion should be the improvement of the policing service for the benefit of the whole community". Again and again, the tests we have applied have been these:

[2] **Sir Ronnie Flanagan, interview with Sir David Frost on BBC "Breakfast with Frost", 31 January 1999**

1. Does this proposal promote effective and efficient policing?
2. Will it deliver fair and impartial policing, free from partisan control?
3. Does it provide for accountability, both to the law and to the community?
4. Will it make the police more representative of the society they serve?
5. Does it protect and vindicate the human rights and human dignity of all?

These tests are a matter of judgment; they do not constitute a precise science. Naturally, such judgments are conditioned by the politics of the Agreement. Someone who rejected the Agreement might well deny the validity of these tests, indeed of the whole of our work; he or she would certainly be likely to come to different conclusions from us in many, though probably not all instances. But the only way we can work, and would choose to work, is on the basis of trying to apply tests and reach judgments that would seem reasonable to anyone conscientiously committed to the establishment of peace and effective policing. Since over 70 per cent of those who voted in the Northern Ireland referendum – whatever the hazards they feared and the doubts they have subsequently expressed – supported the Agreement, this approach appears to be the most realistic as well as the most hopeful. It is not possible for us to argue that everything we advocate would make good policing sense without a political agreement. None of us can know what level of violence would exist in those circumstances and how much partisan distrust would inhibit change. Some of our recommendations are linked to the specific constitutional arrangements that should arise from the Agreement of 1998. Nevertheless, we believe that the main thrust of our proposals can be justified by looking at the challenge confronting policing in any modern society. What we propose is in the mainstream of the debate about future policing requirements in democratic and economically developed communities everywhere.

1.11 Our proposals have to be paid for, by those who are actually policed in Northern Ireland and by their fellow taxpayers in other parts of the United Kingdom. They have a right to expect us to ensure that the changes we suggest are cost-effective and that their taxes are not wasted. But we did not believe it right to add to our other tests that of cheapness. Our primary aim is not to cut costs but to raise the quality and effectiveness of policing. There may well in time be a peace dividend in Northern Ireland; the costs of security will fall and the benefits of peace fructify. We should not put that desirable outcome at risk by claiming it prematurely. First, where there is a danger that spending reductions may threaten the return of peace and the building of partnership and trust, we believe it right to err on the side of caution. Second, this clearly affects decisions about the size of the policing establishment; these calculations need to take account not only of security considerations but also of the desired rate of change in the composition of the police service. Third, it is incumbent on the state to show generosity to those who have policed in very difficult conditions but whose service may no longer be required. Circumstance has given Northern Ireland the opportunity to create a new police service that can draw on best practice from policing elsewhere. It would be a tragedy to miss this chance for want of sufficient investment. We are wholly persuaded that sensible spending now for constructive purposes can help to avoid heavier spending later to deal with the costs of a return of violence. Better to defer the so-called peace dividend for taxpayers in return for a more assured peace dividend later.

1.12 In oral and written submissions to us, and in our informal discussions in Northern Ireland and elsewhere, the word that has occurred over and over again is accountability – police accountability

to the law and to the community. The rule of law binds together a healthy, democratic society; under the rule of law we are all of us both governors and governed – we help to make the laws that govern us equally. In such a society, the police are in a uniquely privileged position. It is their task to uphold the rule of law, exercising their independent professional judgment in doing so. That independence is rightly prized as a defence against the politicisation of policing and the manipulation of the police for private ends. The police do not serve the state, or any interest group; they serve the people by upholding the law that protects the rights and liberties of every individual citizen. But the proper assertion of independence should not imply the denial of accountability. From the very beginnings of the organised policing of society, this issue of accountability has been debated: in the Roman writer Juvenal's famous question, "Sed quis custodiet ipsos custodes?" – "but who will police the police?". The debate about accountability has a particular resonance in Northern Ireland.

1.13 Accountability places limitations on the power of the police, but it should also give that power legitimacy and ensure its effective use in the service of the community. The first limitation, as Lord Scarman pointed out in his report in 1981 on the Brixton disorders, is of course the law itself – "The police officer must act within the law: abuse of power by a police officer, if it is allowed to occur with impunity, is a staging post to the police state"[3]. Where the powers available to the police have been particularly extensive, because of terrorist violence, the opportunity for abuse has been extensive too. The establishment of a credible system for dealing with complaints against the police is one part of the response to this problem.

1.14 Another limitation on police autonomy is also increasingly recognised as the key to more effective policing. Lord Scarman noted that the constitutional control of accountability meant that, while the police should exercise independent judgment, they were also the servants of the community and could not effectively enforce their judgment without the support of that community. We strongly agree with this, and we disagree with Lord Denning's view that the police officer "is not a servant of anyone, save of the law itself "[4]; accountability to the law is vital but accountability is a much wider concept than that. It raises questions both of structure – the institutional relationship between the police and government both at central and local levels – and the style and purpose of policing. It involves partnerships – "constructive and inclusive partnerships with the community at all levels", in the words of the Agreement. And it involves transparency – the police being open and informative about their work and amenable to scrutiny. In his 1995 book about the RUC, Ronald Weitzer spoke of the need for police to have a "receptive organizational culture, one that is infused with a spirit of accountability"[5].

1.15 The structural question has been particularly difficult in Northern Ireland because of the truncated nature of local democracy and because of the political imperative understandably accorded to security issues. In the absence of local government with real responsibility, an appointed Police Authority has operated as surrogate for an accountability mechanism. While it may be true, as the House of Commons Northern Ireland Affairs Committee argued, that the Police Authority has taken "a very restricted view of what duties it does have"[6], it is unfair to blame

3 "The Brixton Disorders – Report of an Inquiry", The Rt. Hon. The Lord Scarman, HMSO, London 1981

4 R v Commissioner of Police for the Metropolis, ex parte Blackburn [1968] 2QB 118

5 Weitzer, R., "Policing under Fire", State University of New York Press, Albany 1995

6 "Composition, Recruitment and Training of the RUC", Report of the Northern Ireland Affairs Committee, House of Commons, The Stationery Office, London 8 July 1998

it for all that has gone wrong. The lack of any democratic basis for the Authority has reduced its credibility; this has been further weakened by the refusal of most nationalist politicians to identify themselves with it because of their broader criticisms of policing; and on top of this, neither the government nor some past chief constables have given much impression of taking it seriously. The Committee was right to argue that changing the governance of the police was crucial to creating greater public confidence in them. We make proposals for a new structure of accountability which should ensure effective and democratically based oversight of policing and the creation of a close partnership between the police and every local community. We believe these arrangements will work best when responsibility for policing is devolved to Northern Ireland, and it seems to us that the logic of the Agreement argues for this to happen sooner rather than later. If it is true in other areas of public life that people are more likely to act responsibly when they are given responsibility, then we see little or no justification for excluding policing from this approach. But first, of course, an executive needs to be established on the basis of the sort of understanding encapsulated in the Agreement.

1.16 Accountability involves creating a real partnership between the police and the community – government agencies, non-governmental organisations, families, citizens; a partnership based on openness and understanding; a partnership in which policing reflects and responds to the community's needs. This is the best way of securing what the very first Commissioners of the Metropolitan Police, Charles Rowan and Richard Mayne, defined in 1829 as "the primary object of an efficient police", namely the prevention of crime. They went on to argue –

> "Every member of the force must remember that his (sic) duty is to protect and help members of the public, no less than to apprehend guilty persons. Consequently, whilst prompt to prevent crime and arrest criminals, he must look upon himself as the servant and guardian of the general public and treat all law abiding citizens, irrespective of their social position, with unfailing patience, courtesy and good humour."

In their report on "Policing Plural Communities" in 1996/97, HM Inspectorate of Constabulary said that the police could not hope to prevail against crime "without the support of the communities they serve"[7]. In their submission to us the Catholic Bishops of Northern Ireland made a similar point – "effective policing can only take place where the consent of the community has been secured". All true, but one can and should go further: it is not so much that the police need support and consent, but rather that policing is a matter for the whole community, not something that the community leaves to the police to do. Policing should be a collective community responsibility: a partnership for community safety. This sort of policing is more difficult than policing the community. It requires an end to "us" and "them" concepts of policing. If it is to work, it has to become the core function of a police service, not the work of a specialised command or a separate cadre of police officers. It has implications for the structure of the police, which should become more decentralised; for the management style, which should become more open and delegated; and for the manner of policing down to beat level, which should become more orientated towards active problem-solving and crime prevention, rather than more traditional, reactive enforcement. In their submission, the Presbyterian Church in Ireland argued that "the ethos [of the police] should be one of service to the whole community... it should permeate the whole organisation and should be experienced as such by the whole community".

1.17 We are convinced that this is the best way to provide "a new beginning" for policing in Northern

[7] **"Winning the Race: Policing Plural Communities", Her Majesty's Inspectorate of Constabulary, October 1997**

Ireland. The obvious challenges to adopting this approach provide the most persuasive reasons for choosing it. Organised terrorism and threats to public order have limited what the police have been able to do and have felt themselves able to do in partnership with the community. Even after the Agreement is – we hope – fully implemented, those factors will continue for some time to cast a shadow over policing. But it is our strong view that peace and decency on the streets and in the villages of Northern Ireland can only be achieved on those streets and in those villages. It will take time and it will not be easy. It is the right way, the only way, to make certain that the rule of law, not the rule of the gun and the baseball bat, prevails in every community. A sustained commitment to community policing, the creation of a police service not a police force, has implications for every aspect of the work of the police and we make appropriate recommendations on issues like training, public order and management later in this report.

1.18 But real community policing is impossible if the composition of the police service bears little relationship to the composition of the community as a whole. Anita Hazenberg, a Dutch police officer directing the "Police and Human Rights" programme at the Council of Europe, has claimed that "in no country in this world is the composition of the police representative of its society". While the problem is not unique to Northern Ireland, it is particularly acute here. The Catholic Bishops of Northern Ireland spoke to us about "a deep legacy of distrust..." between the Nationalist community and the RUC, and they noted "the deep sense of possession of the police force by the Unionist community". Others noted that the nationalist and unionist communities had different experiences of policing. The Pat Finucane Centre argued that "nationalist experience of the RUC is... a million miles from unionist experience of the same force". But as Professor McGarry and Professor O'Leary have argued, "effective policing requires strong links between the police and the people they serve, ... and it is impossible to create them if the police are overwhelmingly from one community, so more Catholics, especially nationalist Catholics, are needed on efficiency grounds"[8]. The Presbyterians also argued to us that "every effort should be made to make a career in the police an opportunity as sought after and as obtainable amongst Catholic/Nationalists as among Protestant/Unionists". This cannot be a matter of token gestures. The Equal Opportunities Commission made the point to us that it is not enough to have a few recruits from another gender (or religious background) entering the service; as long as they are less than 15 per cent they will never be able to have a substantial influence on the culture. The proposals that are made on composition of the police service are an essential part of meeting the five tests that we outlined in paragraph 1.10.

1.19 During the course of our public meetings, the Commission heard many harrowing stories from individuals about their experiences of violence in the last 30 years. We were not established as a truth and reconciliation commission, yet we found ourselves inevitably hearing the sort of stories that such a commission would be told. This underlined for us the importance of the work we were asked to do: a new beginning for policing in Northern Ireland will both contribute to and result from the return of hope, healing and peace. There will doubtless be a period of debate and discussion on our proposals while broader political agreement on the way forward for Northern Ireland is also sought. We trust that the outcome will be extensive recognition in Northern Ireland that the conclusions of this report offer the best chance of creating an effective police service which, in the words of the Agreement "can enjoy widespread support from, and is seen as an integral part of, the community as a whole".

[8] McGarry, J., and O'Leary, B., "Policing Northern Ireland: Proposals for a New Start", Blackstaff Press, Belfast 1999

5
ACCOUNTABILITY I: THE PRESENT POSITION

5.1 This chapter considers the concept of accountability in policing, and how this has been addressed in Northern Ireland. In the next chapter, we make recommendations for accountability arrangements for the future.

5.2 In a democracy, policing, in order to be effective, must be based on consent across the community. The community recognizes the legitimacy of the policing task, confers authority on police personnel in carrying out their role in policing and actively supports them. Consent is not unconditional, but depends on proper accountability, and the police should be accountable in two senses – the "subordinate or obedient" sense and the "explanatory and cooperative" sense[1] .

5.3 In the subordinate sense, police are employed by the community to provide a service and the community should have the means to ensure that it gets the service it needs and that its money is spent wisely. Police are also subordinate to the law, just as other citizens are subordinate to the law, and there should be robust arrangements to ensure that this is so, and seen to be so. In the explanatory and cooperative sense, public and police must communicate with each other and work in partnership, both to maintain trust between them and to ensure effective policing, because policing is not a task for the police alone.

5.4 It follows that there are many aspects to accountability. There is democratic accountability, by which the elected representatives of the community tell the police what sort of service they want from the police, and hold the police accountable for delivering it. There is transparency, by which the community is kept informed, and can ask questions, about what the police are doing and why. There is legal accountability, by which the police are held to account if they misuse their powers. There is financial accountability, by which the police service is audited and held to account for its delivery of value for public money. And there is internal accountability, by which officers are accountable within a police organization. All of these aspects must be addressed if full accountability is to be achieved, and if policing is to be effective, efficient, fair and impartial. This chapter deals with the areas described above, although internal accountability is discussed at length in Chapter 10 and accountability issues recur throughout this report. Accountability should run through the bloodstream of the whole body of a police service and it is at least as much a matter of the culture and ethos of the service as it is of the institutional mechanisms described in this chapter.

Democratic Accountability

5.5 In Northern Ireland accountability has not been achieved in either of the senses described in paragraph 5.2 above. The public have not been able to hold the police accountable through their democratically elected representatives, as should happen in a democratic society, whether the mechanism is an elected mayor or state governor as in the United States, or a Police Authority with a majority elected membership as in Britain. In Northern Ireland, Police Authority members are all appointed by the Secretary of State after selection through open competition; some may also

[1] Marshall, G., "Police Accountability revisited", Butler, D. and Halsey, A.H. (eds) Policing and Politics, Macmillan, London 1978. Marshall refers to these as the two "modes" of accountability

be elected councillors, but it is the Secretary of State, not the electoral process, that appoints them to membership of the Authority. The Secretary of State also has powers to remove members from the Authority. The problem of achieving a representative membership by this means has been exacerbated by the refusal of some key political parties and trades unions to allow their members to be appointed to the Authority.

5.6 Moreover, although there is in Northern Ireland a tripartite arrangement which resembles the arrangements in Britain – whereby a Police Authority, the Chief Constable and central government share responsibilities – the arrangement in Northern Ireland does not work as in Britain. A problem in applying the tripartite model to policing in Northern Ireland is the one-to-one relationships: one police force, one police authority and one Secretary of State. In England and Wales, the Home Secretary relates to a large number of police authorities. He is a more remote figure – less interventionist – and chief constables there have to forge a working relationship with their police authorities. In Northern Ireland the Secretary of State is much more directly involved and the security situation has been a major factor in bringing about a situation in which, in effect, the Chief Constable has been responsible to the Police Authority for what might be called ordinary crime policing and directly to the Secretary of State for security-related policing. Given the proverbial difficulty of serving two masters, it is not surprising if at times chief constables have tended to develop a more direct relationship with the one who appeared more influential.

5.7 These arrangements are not a basis for democratic accountability in the sense of the police in Northern Ireland being "subordinate" or responsible to the community of Northern Ireland. The Secretary of State exercises both direct influence over the police, through direct links with the Chief Constable, and also indirect influence through the appointment of Police Authority members. He/she also determines the budget. The Secretary of State, although a democratically elected minister and answerable to Parliament, is never a member of a Northern Ireland political party and therefore never someone elected by the people of Northern Ireland. So, neither through the Police Authority nor through government are the people of Northern Ireland – whether unionists or nationalists – able to hold the police of Northern Ireland to proper democratic account in the "subordinate" sense of the term.

5.8 There has long been an anxiety throughout the United Kingdom to prevent the police becoming subject to political direction. The concern that the police should be impartial servants of the community rather than executives of current government policy lies behind the system of autonomous regional police services in Britain and the tripartite system of police governance – chief officer, police authority and central government. These arrangements achieve a distinction between the police and the state.

5.9 The anxiety to avoid political direction of the police is strong in Northern Ireland as well. This view was put to us by both communities and by police themselves. Many respondents to our consultation exercise warned against a return to the situation before 1969, when the RUC was in practice subject to direction by the Minister of Home Affairs in the former Unionist government, a state of affairs which many regard as a contributing factor to the outbreak of the Troubles of the past thirty years. Several people also commented unfavourably on the present relationship between the Secretary of State and the RUC, and saw the police as an instrument of British government policy rather than a service meeting local priorities.

5.10 The Police Authority's statutory power to hold the Chief Constable to account has significant deficiencies. Since its inception in 1970 it has had the power to call for reports from the Chief Constable, but the Police Authority itself has pointed out a fundamental problem arising from doubt as to whether the Chief Constable's obligation to report includes operational matters. The Police (Northern Ireland) Act 1998 provides that if "it appears to the Chief Constable" that such a report is not in the public interest, or necessary for the discharge of the Police Authority's functions, he may request the Authority to seek a decision from the Secretary of State on whether the report should be provided. Furthermore, the Police Authority's power to obtain a report, subject to this qualification, is more limited still because it is not supported by a power to follow up the receipt of the report, if the Authority judges it necessary, for example by undertaking or commissioning inquiries.

5.11 The Police (Northern Ireland) Act 1998 contains labyrinthine provisions as to objectives, performance targets and policing plans, and the respective roles of the Secretary of State, the Police Authority and the Chief Constable. We have found these confusing, both in the text and in the oral briefings we have received from government officials (and we are mystified as to why this legislation was put through parliament in the weeks following the establishment of this Commission, given that our terms of reference required us to take a new look at the subject). But what does emerge clearly is that the Police Authority's scope for setting objectives, priorities and targets is, or can be, greatly constrained by the role given to the Secretary of State, who can set objectives (as well as principles) which must be taken into account; who must be consulted by the Police Authority, and by the Chief Constable, at several stages of the planning process; and who appears to be able to give the Chief Constable directions over the head of the Police Authority (see paragraph 6.18).

5.12 It is, however, not only the powers of the Police Authority that limit its effectiveness as a mechanism of democratic accountability. There is a perception that, to quote Weitzer, Police Authority members have "strongly pro-police orientations"[2]. True or not, the perception is fed by the way in which the Authority sometimes speaks about the police in public, for example defending the police service in relation to allegations of police wrongdoings, before such allegations have been properly investigated.

5.13 The Police Authority has also been hampered in its accountability function by having been responsible, until this year, for providing executive services to the police and managing more than three thousand civilian support staff working with the police. The combination of being at once part of the policing service and also required to monitor that service and hold the police to account was seriously flawed. As a result of the Police (Northern Ireland) Act 1998, the civilian staff have now been transferred to the Chief Constable's responsibility (from April 1999), but at the time of writing the complete separation of functions between the Police Authority and the police has not yet been achieved, and the relationship between the two bodies is still in some respects that between executive collaborators rather than one between a service provider and a regulator.

Transparency

5.14 Transparency is accountability in the "explanatory and cooperative" sense described above. People need to know and understand what their police are doing and why. This is important if the

[2] Weitzer, R., op. cit.

police are to command public confidence and active cooperation. Secretive policing arrangements run counter not only to the principles of a democratic society but also to the achievement of fully effective policing.

5.15 The past arrangements have not held the police adequately accountable in the "explanatory and cooperative" sense. Police authorities in Britain meet in public, as do comparable bodies in the United States. The Police Authority in Northern Ireland does not. Indeed, until recently, because of concerns about security, even the names of its members were not publicly available and not all of them are even now. However justified the concerns about personal safety might have been, it is inescapable that a body that meets behind closed doors cannot be perceived to be performing an "explanatory and cooperative" function between the public and the police. The public need to see, as they can see in Leeds or Los Angeles, their senior officers presenting reports and answering questions before the public's representatives. We do not doubt the sincerity with which Police Authority members have tried to meet their remit to represent the views of the community on policing, but the clear message from the submissions and evidence we have received over the past year is that the community has very little cognisance of the Police Authority and its work. The proliferation of local Community and Police Liaison Committees, which we discuss later, and which do provide opportunities for public attendance at meetings, does not in our view compensate for the absence, at central level, of a means of holding the police publicly and regularly to account.

5.16 Communication with the public and with the media is an area in which the RUC has been extremely weak. This was the view of many observers, not only journalists, who spoke to us. Police officers themselves tend to see the problem as a question of "public relations"; in nearly every police station we visited there was a feeling among officers that the RUC was not getting its message across. But it is much more than that; it goes well beyond the public relations department of the police and the "handling" of media. There needs to be a culture of openness and transparency in a police service as a whole, in which police officers as a matter of instinct disseminate information about their work. The prevailing instinct at present, however, is defensive, reactive and cautious in response to questions, as we experienced ourselves in relation to some of our own inquiries.

Legal Accountability

5.17 The police are tasked to uphold and if necessary enforce the law, but, like any citizens, they must at all times act within it. Police officers should have sound knowledge of the law and of their powers under it. They need sufficient discretion to do their jobs well but they need at the same time to be monitored in their adherence to the law, and to have any errors rectified and abuses punished. It is important for the credibility of the police in the communities they serve that all this should not only be the case but that it should also be seen to be the case. The incorporation into law of the European Convention on Human Rights, to the extent that this is effected by the Human Rights Act 1998, should serve to clarify those aspects of the law relating to policing where respect for human rights and human dignity are paramount considerations. Even where, in exceptional and defined circumstances, some derogation from these standards is permissible, these must be prescribed by law and proportional in the circumstances. Procedures to secure compliance with the law and with international human rights standards and norms are thus an important safeguard both to the public and to the police officers carrying out their duties. An

efficient and well-regarded system for dealing speedily, effectively, openly and fairly with complaints about the behaviour of police officers protects them from malicious complaints and should reassure and protect the public.

5.18 As we noted in Chapter 3, there are sharply different views in Northern Ireland as to whether the police have acted within the law in the past. A clear majority believe that they have, but a significant minority argue that there has been a large degree of abuse. Although we were not a commission of inquiry, and had no powers to investigate specific allegations, we took seriously a number of allegations concerning past police performance, some of which are still under investigation.

5.19 Whatever the outcome of these investigations, we are in no doubt that the RUC has had several officers within its ranks over the years who have abused their position. Many supporters of the RUC and both serving and retired officers have spoken to us about "bad apples". It is not satisfactory to suggest, as some people have, that one should somehow accept that every organisation has such "bad apples". They should be dealt with.

5.20 It is not simply individual officers who have been at fault here. We are not persuaded that the RUC has in the past had adequate systems in place to monitor and, when necessary, act upon complaints against officers and civil claims awards. Most modern service industries put a high premium on dealing quickly and effectively with complaints about customer service. This is a prime responsibility of management. What might be called quality of service complaints about policing should be dealt with speedily and effectively at a local level as informally as possible. The incidence of complaints should be used by management at all levels as an indicator of public satisfaction or otherwise with the service being provided, of the need to make changes and of training requirements. The proposals we make in this report are designed to ensure that this is the case, and to minimise as far as possible any prospect of abuses such as those alleged to have taken place in the past.

Financial Accountability

5.21 The police service in Northern Ireland costs the taxpayer more than £600 million per year. The size of this budget and the importance of getting good value for public money call both for good management within the police service and for close, expert scrutiny by those responsible for holding the police accountable. Neither of these requirements seems to us to have been adequately met.

5.22 This is not to say that the Police Authority is not closely involved in the expenditure of this budget. It is – sometimes too much so: the Authority has, for example, enforced rules whereby a sub-divisional commander in the RUC cannot authorize the spending of £100 to repaint his station locker-room, but must refer the matter to his superiors (a convoluted bureaucratic procedure which, if properly costed, would almost certainly be found to be more expensive than the repainting job itself). The greater failing is at the other end of the scale where, as HM Inspector of Constabulary has argued in his reports over the years, there is a need for a more structured approach to budgetary planning. Unlike other police services in Great Britain, for example, the Policing Plan produced by the Police Authority is not a costed plan. We have also seen little if any evidence of value for money studies or initiatives in any of the presentations or papers given to us

by the Police Authority. In their submission of November 1998 the Authority describes, in a four paragraph section on financial management, its role as securing from government the funds necessary for policing, and makes no mention of the need to ensure that the police use the money efficiently.

5.23 We note that the Northern Ireland Audit Office has, over the past year or so, begun to look into particular issues of police resource management. This is a welcome start, but not yet comparable in scope with the excellent work done on police resource issues by the Audit Commission in England and Wales.

5.24 At present the principal accounting officer for the Northern Ireland block (including the policing budget) is the Permanent Under Secretary at the Northern Ireland Office, and the Chief Executive of the Police Authority is a sub-accounting officer. The Chief Constable, however, is not designated as an accounting officer, which in our view is a flaw in the accountability arrangements. The senior official of the organization that actually spends the money should in principle be accountable for how it is spent.

Internal Accountability

5.25 Internal accountability is dealt with separately, as part of our chapter on Management and Personnel (see paragraphs 10.8 to 10.15).

a forum in his or her patrol area.

6.35 *We recommend that the Policing Board should maintain regular contact with the DPPBs, through periodic meetings of chairpersons, annual conferences, seminars, training courses and by including them in the circulation of information.*

Transparency

6.36 *We recommend that the Policing Board should meet in public once a month, to receive a report from the Chief Constable.* We suggest that meetings should from time to time be held outside Belfast, so as to give the Policing Board a visible profile throughout Northern Ireland. Minutes of Policing Board meetings and Board papers should be publicly available except where the public interest would be damaged.

6.37 *We recommend that District Policing Partnership Boards should also meet in public once a month, and procedures should allow for members of the public to address questions to the Board and, through the chair, to the police.* The minutes of DPPB meetings should also be made public.

6.38 *We further recommend that the police service itself should take steps to improve its transparency.* There are many ways in which this should be done. Police codes of practice should be publicly available; this does not mean, for example, that all details of police operational techniques should be released – they clearly should not – but the principles, and legal and ethical guidelines governing all aspects of police work should be, including such covert aspects as surveillance and the handling of informants (cf the ACPO Codes of Practice on these matters referred to in Chapter 4). *The presumption should be that everything should be available for public scrutiny unless it is in the public interest – not the police interest – to hold it back.* It follows that there should be readily available and clearly drafted notes on matters which the public are likely to be interested to see. It was our experience during the period of our review that briefing notes and statistics on a range of issues of interest to us – and therefore probably to others – were not readily available. Avon and Somerset police have an impressive range of methods of consulting and explaining themselves to the public, including breakfast seminars for business leaders, local councillors and other groups, factsheets, articles, interviews and radio phone-in programmes, in addition to more than 500 partnership schemes and projects. Transparency is not a discrete issue but part and parcel of a more accountable, more community-based and more rights-based approach to policing. We return to this subject again in the chapters on policing style and on management and personnel in the police service.

Legal Accountability

The Police Ombudsman

6.39 Professor Philip Stenning, in a review of complaints procedures in British Columbia, argued that "An effective process for handling public complaints against the police requires many things: a sound legislative foundation; dedicated, competent, experienced and/or trained personnel to administer it; a reasonable level of commitment and cooperation on the part of the police organisations and personnel to whom the process applies; an adequate degree of knowledge of, confidence in, and willingness to use the process, and good faith, on the part of potential complainants in particular and the public more generally; and the commitment of adequate

15.10 *We recommend that an equal number of Protestants and Catholics should be drawn from the pool of qualified candidates.* This broadly reflects the religious breakdown of the population in the normal age range for recruitment (see Chapter 14). Our model (Chapter 13, boxes 9 and 10) envisages that 370 officer recruits will be taken each year on average (the maximum would be 440). 185 of these would be Catholic and 185 would be "Protestant or undetermined" (the present categories used by the RUC)[1] . This would, incidentally, be a slightly higher level of Protestant recruitment than at present (172) as well as a much higher level of Catholic recruitment. We believe that the ratio of recruits should be kept to 50:50, at least for the ten years of the model. In the event that the level of Catholic application does not initially produce enough qualified candidates – which we hope will not happen, but it may take a year or two for interest and confidence to build up – it may be necessary to aggregate the numbers over two or three years.

15.11 We have consulted the Fair Employment Commission about the proposal above and we have taken an opinion from counsel on the legal position. We are advised that, although the proposal would require an amendment to domestic legislation, it is not incompatible with European legislation, so it is possible to make the requisite amendment to the law. Regrettably, the legal position is not the same in respect of recruitment of women, where European legislation clearly rules out such a proposal. We are, however, encouraged by the most recent level of female recruitment and our concern is more with retaining women in the service once they have been recruited. Every effort should be made to ensure that women are offered as many opportunities for a fulfilling full time career as men. We are concerned that so few women are promoted to the middle, let alone the senior ranks. The RUC has also been slower than other police forces to introduce flexible working arrangements, as Her Majesty's Inspector of Constabulary observed in February 1998[2]. *We recommend that priority be given to creating opportunities for part time working and job-sharing, both for police officers and police service civilians. We also recommend that career breaks be introduced.* The Royal Canadian Mounted Police allow any officer – male or female – to take a career break of up to five years, for any reason. Some women may decide to resign rather than take a career break. We suggest that, in such cases, an effort should be made to contact them after, say, five years, to ask them to consider rejoining the police, and that they should be able to do so without reapplying afresh. The Ontario Provincial Police have done this, with some success. A number of female police officers have raised the problem of child care with us, and *we recommend that child care facilities be introduced where practicable, or child care vouchers and flexible shift arrangements offered.*

15.12 Two points about the present recruiting process have been put to us as contributory factors to the low level of recruitment of people from Catholic/Nationalist and/or lower income areas. The first is the length of the recruitment process, which although now shorter than it was two years ago still takes up to a year. HMIC judges that some good candidates are bound to be lost because they withdraw during this period. Peer group pressure, second thoughts or impatience may lead them to change their mind. *We recommend that the process should be reduced to no more than six months.*

15.13 The second point is that the RUC has stricter eligibility criteria than other police services in that relatively minor police records can disqualify a candidate from further consideration. Young

[1] The RUC do not at present ask candidates their religion. Assumptions are made on the basis of what school a candidate attended. If a candidate attended a school outside Northern Ireland, no determination is made.

[2] HMIC evidence to House of Commons Northern Ireland Affairs Committee, recorded in report published in July 1998, op.cit.