



An Chartlann Náisiúnta National Archives

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THE STALKER AFFAIR

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Pl. PA Stalker.
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1. BACKGROUND

In November and December 1982 six people were killed in disputed circumstances in three separate incidents in Armagh. Each of these incidents involved RUC Mobile Support Units. These units had been set up between 1981 and 1982, containing about 30 members each, each unit having its own surveillance team.

- (i) On 11 November three IRA men Toman, McKerr and Burns were shot dead at a road block near Lurgan following a chase. The men were unarmed at the time. Over 100 bullets had been fired at the car. The fatal shots are believed to have been fired after the car had stopped on a grass verge.

- (ii) On 24 November, a 17 year old youth, Michael Tighe, was shot dead in a hay shed near Lurgan. The building was riddled with gun fire from police officers carrying rifles, machine guns, semi automatic pistols and a pump action shot gun. Tighe had no paramilitary connections. At the time, he and his companion, Martin McCauley were carrying rifles more than 50 years old which had no bolts and were without ammunition. In a nearby outhouse, sixty cigarette butts were later discovered implying a security force stake-out .

- (iii) On 12 December two INLA members Grew and Carroll were shot dead by the RUC on the outskirts of Armagh, after being intercepted by a HQ MSU (Mobile Support Unit). Both men were unarmed. 19 bullets were fired into the car killing the men outright.

2. COURT CASES

Following these incidents RUC Constable John Robinson was accused of the murder of Seamus Grew; Sergeant William Montgomery and Constables David Brannigan and Frederick Robinson were charged with the murder of Toman and Michael Tighe's companion Martin McCauley was charged inter alia with possession of arms in suspicious circumstances.

- During McCauley's trial it was revealed that police officers had lied in statements about the incident. They claimed that this had been on the orders of senior officials who wanted to conceal the part played in the operation by the Special Branch and by an informer.
- Another cover up was revealed during the trial of Constable Robinson. It was alledged (and remained unchallenged) that four senior officers had threatened him with the Officials Secret Act and ordered him to lie. The purpose it was maintained had been to conceal a border incursion by the Northern Ireland Special Branch on the night of the killing. Robinson's statement also revealed the existence of a Special Unit comprising elements of the British Army, the RUC Special Branch and the RUC Anti-Terrorist Unit. These allegations were not challenged.
- There were strong indications that the RUC was operating the "shoot-to-kill" policy. It was shown for example that several of the shots which killed Grew were fired from a distance of 30 to 35 inches. It was also shown that Robinson had emptied his weapon, reloaded and continued to fire.

3. BORDER INCURSIONS

Following the allegations of the border incursion on the night of 12 December 1982, the British Ambassador was called to the Department of Foreign Affairs and made aware of our concerns about this and other aspects of the trial. On 5 April 1984 the matter was raised with the Ambassador by the Taoiseach. The Ambassador was informed of the Government's concern at the allegation which was viewed as a serious departure from normal rules of inter state conduct and harmful to the spirit and practice of security cooperation. The British Ambassador replied that there are explicit instructions within the RUC against such incursions and formally apologised that these instructions had apparently been breached. In response to further inquiries we were informed by the British authorities that the RUC are not aware of any other occasions on which members of the force have made unauthorised operational crossings (reports attached).

4. The conduct of the trial in the Toman and Grew cases were themselves a source of some concern on a number of counts (although not directly related to the substance of Stalker's report). There were several discrepancies for example in Lord McDermott's decision to acquit Constable Robinson. Robinson's decision to reload and continue to fire into the car at unarmed men was not consistent with the judgement that he was firing in self-defence. McDermott failed to refer the evidence of a cover-up to the DPP. A number of McDermott's comments (obiter dicta) were also controversial. Commenting on the killing of Carroll who was shot dead by Robinson, and whose body was found in the passenger seat, McDermott said that this "of course speaks highly of his marksmanship and training which requires him to be accurate under stress". There was also some controversy arising from Lord Gibson's acquittal of Montgomery, Brannigan and Robinson who had been charged with

the murder of Toman. Gibson found that "there was never the slimmest chance that the Crown could hope to secure a conviction" and asked why the case had been brought in the first place. He said "I regard each of the accused as absolutely blameless in this matter. That finding should be put on their record along with my own commendation as to their courage and determination for bringing the three deceased men to justice, in this case the final Court of Justice".

5. THE SUBSEQUENT INVESTIGATIONS

Despite Lord McDermott's failure to refer the evidence of the cover-up to the DPP, (Sir Barry Shaw) an investigation was instigated by the DPP. Sir John Hermon appointed his Deputy, Mr. Michael McAtamney to investigate the killing. This investigation, however, did not satisfy the DPP. Consequently on 24 May 1984 Deputy Chief Constable John Stalker of the Manchester police was appointed to the investigation. Stalker and his team completed a report in September and handed it to the Chief Constable, who sent it to the DPP five months later on 30 February. On 4 March, however, the DPP requested further information. On 28 May, Mr. Stalker was removed from the investigation and asked to take extended leave pending an investigation into charges of misconduct on his part. Mr. Colin Sampson, the Chief Constable of West Yorkshire, was appointed to take over leadership of the team.

6. Stalker was later informed of the nature of the charges against him. On 11 June Stalker said that he would wait for 14 days to receive substantiation of the charges against him. If this was not done, he would go public on the matter. He was informed of the evidence last week-end and was reported to have been unhappy with it.

Newspaper reports speculated that the only evidence against Mr. Stalker is a four year old photograph of the Deputy Chief Constable attending the birthday party for over 100 guests given by a Property Developer Mr. Kevin Taylor, who is himself under police investigation. Guests at the party have confirmed that they have been questioned by detectives from West Yorkshire about the names of anybody they can remember at the party. The photograph was among a substantial quantity of material taken by police from Mr. Taylor's home some weeks ago. It is understood that Taylor himself does not know why he is been investigated.

Suspicious that the evidence against Mr. Stalker was somewhat flimsy were confirmed on (25 June) when he announced that the case rested primarily on photographs of himself at a social function which was also attended by an ex criminal. (It is reported that the function had also been attended by Chief Constable Anderton). He said that he had received hospitality from Taylor only in 'a reciprocal sense'. Stalker said that he would like, if invited, to go back to Northern Ireland but added that he would not go public if the conclusions of the report differed significantly from his own.

In the past week there has been increasing pressure in the House of Commons for explanations about Stalker's removal and about the report on the RUC. David Steel has expressed concern about the outcome of the RUC inquiry. Most recently, Labour spokesman, Peter Archer, has called for the immediate publication of the 'interim' report which Stalker had completed prior to his removal as head of the inquiry. He has also expressed concern about the progress which Mr. Sampson is likely to make on the RUC inquiry given the constraints placed on him as head, also, of the inquiry into the inquiry into Stalker. Pursuing this there, the Greater Manchester Police Authority has called for the suspension of Sampson as head of the RUC Enquiry and for the suspension of Stalker pending further investigations. The latter move is designed to speed up the investigation of the allegations against Stalker.

7. Several circumstances have combined to fuel speculation about a cover-up on the smear campaign directed at Stalker.
 - Sir John Hermon sat on the report for five months before passing it to the DPP.
 - Hermon and Stalker are known to have had a number of clashes during the course of the investigation. During a recent Panorama programme Hermon stated that he had refused for "morale" reasons to suspend two senior officers at Stalker's request.
 - The same programme disclosed the existence of surveillance transcripts from a bug, believed to have been planted from an MI5, in the shed in which Tighe was killed. It is alledged that Stalker had been refused access to these transcripts.
 - The evidence leading to Stalker's removal from the investigation has been shown to be remarkably slight..
 - Stalker was removed from the investigation only days before he had planned to return to Belfast on (3 June).

8. Following the removal from the investigation of Stalker, we were informed by the British side of the Secretariat, that his report was not interim. The use of the word interim, we were told, was a journalistic misunderstanding of the legal process involved. We were told that the DPP had asked for additional information and that Stalker was engaged in the compilation of this information. This information was clearly contradicted by a PQ reply given by Tom King in the House of Commons on 13 June (attached), in which Mr. King referred to the report as interim. We raised this matter with the British side of the Secretariat on 19 June and were initially informed that the reply had been incorrect; that the report was a full report. We were later informed, however, (also on 19 June) that there had been a

misunderstanding; that the use of the work interim in relation to the report was accurate. We were told that the report was virtually complete but not entirely so and that it contained the word interim on its cover. That evening in the House of Commons Nicholas Scott confirmed that the report was interim and said "I regret if anybody has been misled as a result of our misunderstanding" (attached).

9. The Minister for Foreign Affairs speaking in the Dáil on 24 June urged that the matter be brought out into the open; that any supplementary investigations necessary should be completed as soon as possible and that the report acted on without delay. He refused to comment on press speculation either about the substance about the report or about the circumstances surrounding the removal from the investigation of Deputy Chief Constable Stalker. He said he was satisfied that the confusion was the result of a genuine misunderstanding on the British side (text of reply attached).

Anglo-Irish Section.

3 July 1986.

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