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7 SEPTEMBER 1988

TO HQ FROM WASHINGTON
FOR R O'BRIEN FROM D KELLEHER

PLEASE CC MR DECLAN O'DONOVAN

2/9/88

1. On Friday evening last, ABC's late night news show "Nightline" featured Northern Ireland. Ted Koppel was the host. The focus of the show was on the question of the British shoot-to-kill policy in Northern Ireland and it ranged over the Stalker/Sampson affair, Gibraltar, and the recent shootings by the SAS of the three IRA men in Tyrone.

2. The show consisted of a scene-setting introduction and then separate interviews with Brian Mawhinney, Minister at the Northern Ireland Office, speaking from Nottingham, England, and Danny Morrison of Sinn Fein, speaking from Belfast. As the attached transcript shows, neither interviewee cut an imposing figure. Koppel was tough and direct with both Mawhinney and Morrison. Mawhinney, in particular, seemed quite uncomfortable for most of the interview, was hesitant, clearly not at ease and fidgety. Koppel's questioning of Morrison was also insistent and Morrison was put on the defensive, notably in responding to Koppel's point that the IRA kill people without notice. (See Morrison's response at the top of page 6).

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September 2, 1988

Show #1900

British Shoot-to-kill Policy in Northern Ireland

In Washington

TED KOPPEL Host

Guests:

In Nottingham

BRIAN MAWHINNEY Northern Ireland Minister

In Belfast

DANNY MORRISON Sinn Fein National Spokesman

RICHARD KAPLAN Executive Producer

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ABC NEWS NIGHTLINE Show #1900

Air Date: September 2, 1988

British Shoot-to-kill Policy in Northern Ireland

TED KOPPEL [voice-over]: The charge is being made that the British have told their anti-terrorist forces to shoot first, and worry about consequences later. What looks like one of those consequences—the worst month of violence in Northern Ireland in 15 years.

[on camera] Good evening. I'm Ted Koppel, and this is Nightline.

[voice-over] Has Britain decided to fight terrorism with terrorism? Our guests: Brian Mawhinney, the British parliamentary undersecretary of state for Northern Ireland, and Danny Morrison, spokesman for Sinn Fein, the political wing of the IRA.

ANNOUNCER: This is ABC News Nightline. Reporting from Washington, Ted Koppel.

KOPPEL: Imagine yourself for a moment a decisionmaker in a western democracy, the leader of a country that prides itself on a civilized and humane tradition. From your vantage point, everything you and your government stand for is threatened by a group of determined revolutionaries whom you regard as terrorists. Would you, in that position, insist that your military and police forces abide by the same rules and laws in dealing with terrorism that apply the rest of the time? Or do you fight fire with fire? That is, and has been, the dilemma confronting Britain's prime minister, Margaret Thatcher. And it may be, as Mike Lee now reports, that Britain has opted for suspending certain laws when dealing with the IRA.

MIKE LEE [voice-over]: Throughout the past 33 days, the IRA and British security forces have been caught up in some of the worst violence since the Northern Ireland urban war erupted 20 years ago. The latest wave of trouble began with the IRA penetrating into the heart of London, blowing up an army barracks, killing one soldier and wounding several others. In Northern Ireland itself, the IRA assassinated an off-duty soldier in front of his wife, and murdered two elderly construction workers because they were helping to repair a police station. The IRA also blew up an army bus, killing eight soldiers. All of this put British officials under intense public pressure to clamp down on the IRA.

TOM KING, Northern Ireland Secretary: We face a serious and a vicious terrorist challenge. It is the responsibility of government to respond to that challenge in the most effective way in the interests of community and it's our responsibility also to not to tell the terrorists what we may have in mind.

LEE [voice-over]: Last Tuesday, in Northern Ireland, the British army hit the IRA with one of its own tactics: an ambush. Three IRA gunmen were shot dead in this white car by an undercover squad. The British government said the dead men had been armed with these weapons, and that they were about to try and kill a part-time soldier. However, there was no indication that the IRA suspects had been given a warning, or a chance to surrender, before the army opened fire.

It was the latest in a series of shooting incidents over the past six years which have led to allegations that there is an undeclared British government policy of simply assassinating IRA suspects, without due process of law. The question of a so-called "shoot-to-kill" policy also arose last March, in the British outpost of Gibraltar. Security forces were tipped off that the IRA was planning to trigger a car bomb at a weekly British army changing of the guard ceremony. Three IRA suspects were trailed by British undercover units. Suddenly, shots rang out, and the suspects were dead. All three were unarmed. Next week, in Gibraltar, an official inquest will be held, at which several eyewitnesses, including this woman, are expected to dispute the British government claim that the IRA suspects had made "threatening moves."

CARMEN PROETTA, Eyewitness: There was no exchange of words on either side.

No warning, nothing said, no screams, nothing. Just the shots.

LEE [voice-over]: This, and similar incidents, have raised the concern of Amnesty International, the human rights organization.

LARRY COX, Amnesty International: There was eyewitness reports that people were not given a fair warning, that they were shot after they were on the— on the ground, and that there is a pattern which indicates that they may have been, once again, deliberately killed rather than taken prisoner.

LEE [voice-over]: Even before the Gibraltar incident, Amnesty compiled a dossier on allegations of a British shoot-to-kill policy. It focused on three disputed shooting incidents during 1982 in which six IRA suspects were killed by police. The dead men were unarmed. John Stalker, a senior policeman on the British mainland, was appointed by the government to find out if officials in Northern Ireland had sanctioned extrajudicial execution.

JOHN STALKER, Former Deputy Chief Constable: I'm just as angry as any other policeman would be about people who kill indiscriminately, but that's still no reason for taking them out. And that was the— the heart, really, of the— of the Stalker investigation, of whether these people had been given a fair chance, terrorists or not, to— to surrender.

LEE [voice-over]: Sir John Herman, chief of the Royal Ulster Constabulary, is the man most directly responsible for planning police operations in northern Ireland. He says there's been no shoot-to-kill policy.

Sir JOHN HERMAN, Chief Constable, RUC: I give you that reassurance, nor would I countenance it, nor would my command countenance it, nor would men on the [unintelligible] be a party to it.

Chief Constable STALKER: The policy to me means one of two things. It means either a written instruction or a verbal instruction, an unequivocal instruction to go out and kill people before— they— rather than arrest them. I didn't find that. But what I did find was a very clear understanding on behalf— on the part of the men who did the shooting that that was what was expected of them.

LEE [voice-over]: Before he could complete his investigation, John Stalker was ordered off the case by an unnamed senior official. Stalker has since resigned from the police force.

[on camera] Despite widespread evidence of a coverup in those disputed killings, the British government has so far refused to prosecute any police officer for obstruction of justice, saying it would not be in the interests of national security. — not in [voice-over] But the controversy continues.

Rev. WILLIAM MCCREA, Democratic Unionist Party [Yesterday]: I think it's about time the people of Ulster woke up to the fact that it is a war situation, the niceties are finished, we are facing a life-and-death situation. It's about time the coffins were carried out with the terror— for the— with the terrorists in them.

Mr. COX: We think one of the most important messages about human rights is that they cannot be abandoned, even when you're facing people who have no respect for it themselves.

LEE [voice-over]: As the IRA buried its latest dead today, British police in Northern Ireland remained on alert. The law says that security forces cannot use terror in order to fight terrorists. The question is whether or not British officials have turned a blind eye to that principle in order to give police and soldiers a better chance to survive. This is Mike Lee for Nighline in Northern Ireland.

KOPPEL: Later we'll be talking with a spokesman for the political wing of the Irish Republican Army, but first, when we come back, we'll be joined by a top British official concerned with Northern Ireland, Dr. Brian Mawhinney.

[Commercial break]

KOPPEL: The British government has a policy of barring its representatives from engaging in direct public debate with representatives of the IRA. Later, as we noted, we'll talk with an IRA spokesman. But with us now live from Nottingham, England, is Brian Mawhinney, British parliamentary undersecretary of state for Northern Ireland.

Linkman to Stalker's underin- his book!

*the public interest to his...
even though there's evidence
of corruption is
beset the work
of justice: Mawhinney
- LCC.*

not who knew

Dr. Mawhinney, a member of Parliament since 1979, was born and educated in Northern Ireland, and is joint author of a book entitled *Conflict and Christianity in Northern Ireland*.

Dr. Mawhinney, why should one not operate from the assumption that a parliamentary— or, for that matter, a constitutional democracy is operating at such a disadvantage in dealing with terrorism that there are times when the rules have to be suspended?

BRIAN MAWHINNEY, Northern Ireland Minister: Because the rule of law is at the heart of any democracy. It is at the heart of your democracy, it's at the heart of our democracy. And for any democratic government to set aside the rule of law and to behave like the terrorists behave is damaging to that democracy.

KOPPEL: So if indeed the charges that have been leveled against the British government— if indeed those three IRA members on Gibraltar were killed even though they put up no resistance, even though they were— carried no weapons, then presumably the people responsible for that ought to be punished, right?

Mr. MAWHINNEY: Well, let's be quite clear. There has not been, and there is not, a shoot-to-kill policy by the security forces in Northern Ireland—

KOPPEL: With all respect, sir, that's— *(crosstalk)* with all respect, sir, that wasn't what I asked you. What I asked you is if indeed what happened in Gibraltar is— as has been reported, or indeed, even as Mr. Stalker suggested— then those people should, if what you told me at the beginning applies, they should be punished.

Mr. MAWHINNEY: Security forces who act outside the law are subject to the law.

KOPPEL: And would you consider— would you consider that those actions, sir, as they have been described— if that description turns out to be accurate— would you regard that as outside the law?

Mr. MAWHINNEY: Well— uh— you— I— you've been told already, at least your viewers have been told already, Mr. Koppel, that there is an inquest starting next week in which all the evidence that pertains to the incidents in Gibraltar will be fully examined. You quoted in your introductory piece the views of one eyewitness. There have been contrary views expressed. The proper forum for discussing all of this is the inquest which will take place in Gibraltar. The British government's position has always been that that is the correct and proper forum for these matters to be fully investigated.

KOPPEL: And— and I completely understand why you take that position, but you must understand that your position is weakened somewhat by the fact that the British government first forms a commission, puts Mr. Stalker in charge of that commission, he comes up with certain conclusions which clearly are not those that the British government wanted to see, and he ends up having to resign from the police force and the commission— or the results of that commission are— are not brought to light. Now, that, you must understand, makes things look a little curious.

Mr. MAWHINNEY: Well, again, you will, I'm sure, know that there are a number of investigations being conducted in Northern Ireland at this very time with respect to a number of policemen. And it would be quite wrong for me to get into the details of those, much less to prejudge what the outcome will be. But it would be misleading to create the impression for anyone that the British government was turning its back on any suggestion that people were acting outside of the— of the law.

KOPPEL: You heard what Mr. Stalker said. Now, unfortunately, we were not able to find him so that he could be on this program and join us live, but you heard what he said in that sound bite. He said while it was clear that no written or oral command was given, that it was nevertheless— there was sort of a wink and a nod there, that it was— it was left to those troopers, those— whether they were SAS, anti-terrorist people— to infer what was expected of them. And what was expected of them was go and kill those people.

Mr. MAWHINNEY: Neither Margaret Thatcher's government nor the security forces operate in Northern Ireland on the basis of winks and nods. What they do is, they operate on the basis of rules of engagement, as the prime minister has made clear again this week. And if security forces are found to be acting outside of the rules of engagement,

I did not find that their was a show to kill without

at is a serious matter which we take seriously. But I would also want to point out to you that Mr. Stalker confirmed what is in his report, which was that there was no shoot-to-kill policy in Northern Ireland, and I can tell you that there is no shoot-to-kill policy in Northern Ireland.

OPPEL: You used the term engagement. In what manner were whoever it was that led those people in that white car some 10 or 12 days ago, in what manner were they engaged? How were they engaged by the—

MAWHINNEY: Mr. Koppel, you—

OPPEL: —by the alleged terrorists?

MAWHINNEY: —you— you cannot expect me to go into the sort of details which— the terrorists in Northern Ireland would be only too happy to have. Can I point out to you things, however? The first is that the RUC have already put on show the weapons that were found in that car, and discharged cartridges. And secondly, I'm— make it clear that the IRA themselves indicated that this was an active service unit. Now we in the United Kingdom and in Northern Ireland understand very clearly what the IRA mean when they talk about active service units. Active service units are— result in death and terrorist activity and killing in Northern Ireland.

OPPEL: Precisely my point, Dr. Mawhinney. What I am saying, or what is being suggested here, is that people have been identified as being members of an active service unit, and the question then is, is membership in such a unit sufficient then that they can be killed?

MAWHINNEY: No, of course it's not. And I have sought to reassure you on that point.

OPPEL: Well, that's why I was asking you—

MAWHINNEY: And the security—

OPPEL: —at the beginning— that's why I was asking you at the beginning in what manner the people in the car engaged the people who were lying in ambush?

MAWHINNEY: Well, a full report on that incident is being produced at the moment. The prime minister has confirmed that the activities were within the rules of engagement, that's my understanding. There is no reason to believe that that is not the case. I'm sure that you would accept that there are times when security forces find themselves under threat, they have the right to defend themselves. They find the community they are seeking to serve and to protect under threat, and they have the right in those circumstances to take appropriate action. Those are the sort of legitimate and legal circumstances in which the security forces operate. They do not operate outside of the law, of the rules of engagement.

OPPEL: Dr.— Dr. Mawhinney, we'll be back with you a little bit later in the broadcast but if I may, when we come back, we'll go live to Belfast, to talk with Danny Morrison of Sinn Fein, the political wing of the Irish Republican Army.

(Commercial break)

OPPEL: Danny Morrison is national spokesman for Sinn Fein, the political wing of the Irish Republican Army. He joins us now live from Belfast. Mr. Morrison, it's easy enough to watch the representative of the parliamentary or constitutional democracy in a democracy when they have to deal with the conflict between their laws and what some of our police forces occasionally do, but why should they be bothered with niceties like that when, in fact, your killers and thugs don't bother giving anyone any notice when they're about to assassinate someone, do they?

DANNY MORRISON, Sinn Fein National Spokesman: Well, the point that has been made is that the British government actually discarded the law 19 years ago when they introduced curfewing Irish nationalists, and when they introduced the shoot-to-kill policy 19 years ago, in 1970. So it has been going on since then, and there has been coverup after coverup.

OPPEL: You've— you've addressed my point in one sense. In another sense, you've not addressed it. My point is that when your assassination teams go out, they don't worry about giving anybody any notice that they're going to kill them. They don't ask them to drop their arms, they don't try to capture them, they just go out and kill them.

Mr. MORRISON: Right— well, that is a fair point, but you see, the IRA actually makes no complaint, and its volunteers expect to get killed, seriously injured, or to go to jail. The British government, on the other hand, cry foul whenever the IRA kills their soldiers. And yet they've been— the British government has been systematically killing not just IRA volunteers, by the way, they've been killing civilians. The coroner, for example, in Derry, blamed the British government of mass murder in 1970 on Bloody Sunday. No British soldier was charged. Brian Muwhinney said that all the security forces in the north would be prosecuted if they stepped outside the law, and yet a British soldier, [unintelligible], who assassinated an Irish Catholic youth and was sentenced in a British court to life imprisonment, was amnestied by the British government and is now back in the British army.

OPPEL: Let me see if I understand you correctly. You're saying as far as you're concerned, the rules of the game— you're saying it's the British government that's hung up on the legalities here, that as far as the IRA is concerned, or at least as far as Sinn Fein is concerned, it's kill or be killed, right?

Mr. MORRISON: There's a war situation here, which was started by the British government when the home secretary in 1971 declared war on the IRA. Reginald Maudling said that, "I declare war on the IRA." Now, the British government does not want to admit that it is a colonial situation here. It does not want to admit, for example, that the European Commission on Human Rights found it guilty of torture, that Amnesty International has consistently found it guilty of torturing the internees. And, in fact, you look at Gibraltar, an analogy of the assassinations of the three IRA volunteers in Gibraltar could be the police in New York killing three people in Buffalo and then excusing it by three days later finding explosives in Toronto.

OPPEL: Well, now, hold on just a second. I'm not sure that that analogy carries quite much weight with me as it does with you. What is it that those three people in Buffalo are alleged to have done? The IRA people, at least, were accused by the British government of themselves being assassins. Now, you know, are we talking about assassins in Buffalo? Because then I can easily understand our police going out there and looking after them.

Mr. MORRISON: No. There is— there is— the IRA has said that the three volunteers in Gibraltar were on active service. The IRA is making no bones about that. People—

OPPEL: Now, an active— active service, I just want to make sure whether you and the British government have the same definition of active service. Active service means what— what Dr. Mawhinney said it means? When someone is on active service he's there trying to knock off British police or British members of the army?

Mr. MORRISON: No, not necessarily. Active service could range from carrying out a military act, it could— if Mary Nelis (?) had been knocked down in Paris and killed by the IRA, the IRA would still have described that she was in active service. If an IRA prisoner in jail dies on hunger strike, he is on active service. It has a wide range of meaning.

OPPEL: Is the— the fundamental difference, then, simply the— the declaration of war? In other words, as far as the IRA is concerned, you're at war, and all's fair, right? the British government—

Mr. MORRISON: The fundamental difference—

OPPEL: —go ahead, I'm sorry.

Mr. MORRISON: —the fundamental difference is that— the fundamental difference is British hypocrisy. It's that Britain is actually carrying out more repression, that Britain— the difference, in a sense, is we don't think Britain should have the right to rule us. And people are frustrated. They cannot channel their activities into politics. For example, whenever I was elected into a British assembly, I was then excluded from going to the main town to talk to the British public about trying to get their troops withdrawn. So the difference is that we don't think that the British government has the right to be here. There is a state of conflict between the IRA guerrillas and British forces. But British people won't admit that what they are doing is, they are assassinating, they are torturing, they have been condemned by every human rights group which exists in the western

world, they have the hypocrisy to call on the Russian troops to withdraw from Afghanistan. The British public wants them withdrawn, and the British government refuses to withdraw. There's no legitimacy for their presence in the north of Ireland.

KOPPEL: Mr. Morrison, I thank you very much for being with us. When we return, we'll go back for just a moment to Brian Mawhinney, British parliamentary undersecretary for Northern Ireland.

(Commercial break)

KOPPEL: With us again now from Nottingham, England, Dr. Brian Mawhinney. Dr. Mawhinney, we have time, I'm afraid, only for one more question and answer. You heard what Mr. Morrison had to say, that his charge that the British government has been carrying out a shoot-to-kill policy for 19 years now. How many times over the past 19 years has any British soldier ever been found guilty of stepping outside the regulations?

Mr. MAWHINNEY: Oh, I'm afraid I couldn't give you that number off the top of my head without notice. But there have been people who have— yes, there have been people who have been charged with stepping outside. What is very important for your viewers, Mr. Koppel, to understand is that British government is determined that terrorism will not succeed in Northern Ireland, and it will stay within the law in combating terrorism in conjunction, can I add, with the Irish government, because in cooperation we are both determined that terrorism will not succeed in the island of Ireland. But your viewers also ought to be quite clear that there is a shoot-to-kill policy in Northern Ireland. It is the shoot-to-kill policy of the IRA, not of the British government.

KOPPEL: Dr. Mawhinney, thank you very much. I'm afraid we're out of time. That's our report for tonight. I'm Ted Koppel in Washington. For all of us here at ABC News, good night.

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