

# NATIONAL ARCHIVES

## IRELAND



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Visit to Northern Ireland 29/30 June 1978

1. During this visit I met most of my regular contacts including members of the ALJ, Pascal O'Hare, Kit Napier and Dr. Joe Hendron in Belfast and Fr. Faul and Paddy Duffy in Dungannon.

2. The ALJ were as expected very exercised by the Amnesty report. They were relieved that some of the doubts which they had previously expressed to me concerning Amnesty's commitment to the interrogation problem had proved unfounded. They enquired what action the Government proposed to take and strongly argued that the British Government should be taken back to Strasbourg on grounds of contempt of the ECHR judgement. I emphasised the close attention with which the Government were following the situation and had recently sought and received from the British authorities an assurance that the Strasbourg undertaking was being honoured. As regards raising the matter with the ECHR I referred to the procedural problems, the lengthy nature of proceedings as well as implying, on a personal basis, doubts as to the effectiveness of such a course of action. I promised, however, that this option would be kept under review.

3. I was given a further set of ALJ statements on Castlereagh. From these it appears that the last bout of serious allegations arose following the murder of Constable McAllister in Lisburn at the end of April (in connection with which Brian Maguire was subsequently arrested). My interlocutors stressed however that they are continuing to receive complaints of varying seriousness right up to the present. As regards British Army behaviour they claimed that it has become seriously provocative and disruptive in the past week in the Turf Lodge and Ballymurphy areas.

4. Pascal O'Hare gave me in confidence a copy of his file on the Brian Maguire case (attached). It will be seen that he has requested that the inquest be postponed until after the trial of a number of men who were interrogated and charged in the McAllister case and who allege that they were ill-treated in Castlereagh by the same detectives and at or around the same time as Maguire. He referred to the subsequent suicide of one of the police

witnesses (A. Johnson) although he had no information to link this directly with the case. He also mentioned the unusual speed with which the inquest was set up. He was scathing in his references to the Rawlinson inquiry which according to his information would fall very short of the full investigation which the situation demanded. He was determined that the inquest should take the place of the public investigation refused by the Secretary of State.

5. The suggestion that the Government should formally bring the Amnesty report to the attention of the ECHR was again raised by Kit Napier who has of course close links with the ALJ. As a lawyer he would advise that the report be forwarded to the Registrar with the request that the Court consider it in the light of their judgement in the inter-State case. He thought that the Court would then proceed by way of private consultations with both parties with a view to securing further assurances from the British Government. I again evinced certain hesitations on the matter but promised that it would be kept under consideration. He thought that since the publication of the Amnesty report judges at the City Commission were paying greater attention to the circumstances under <sup>which</sup> statements and confessions were obtained. It would be interesting to see how permanent a change this was.

6. He referred to the petition being circulated by the ALJ for the abolition of Section 12 of the PTA which allows for 7 days detention. He hoped that the Government would raise this question with the British on the basis, as he saw it, of our experience that the holding of persons in custody for such a long period led to certain abuses.

7. While the level of legal protection afforded persons in custody was, as the Amnesty report pointed out, greatly reduced by the emergency legislation, Napier alleged that it had also suffered from the practices which had grown up around the operation of the legal aid scheme. A number of firms (Nurse and Jones, Trevor Smyth, Patrick Marrinan, Donnelly and Wall) had through contacts of a very dubious nature with members of the RUC - on the staff of the Charge Office, cornered the 'market' and were generally providing

their clients with a very perfunctory service. While Napier is, of course, a solicitor himself, his firm generally avoids criminal work and he might therefore be regarded as/<sup>a</sup>reasonably disinterested observer.

8. Dr. Hendron had not been in Castlereagh for some time and was only able to confirm that incidents of ill-treatment continue to occur there on a random basis. In conversation on the Amnesty report he referred to the article in that morning's Irish News concerning a letter from Dick Oosting to Gerry Fitt critical of the British Government's response. While welcoming the Amnesty letter he was critical of what he obviously considered to be a piece of band wagoning by Fitt whom he criticised for not taking an interest in the affair at an earlier stage.

9. Father Denis Faul gave me an account of a lunch which he had recently with the Apostolic Delegate in London. He had previously written to the Delegate complaining at his failure, as Fr. Faul saw it, to lend his support to the Catholic community in the North and particularly criticising him for appearing to get his information from persons such as Roy Mason and Senator O'Brien - guests at a recent dinner at his residence. Fr. Faul claims that he received a terse reply more or less telling him that the Delegate would carry out his duties as he saw fit; Faul apparently **replied** with a lengthy indictment of the Delegate's handling of the Northern Ireland problem and received in response a luncheon invitation. According to Faul he told the Delegate that he and other representatives of the Catholic community would "go to Rome" if necessary to persuade him to desist from involving himself in Northern Ireland matters and that, in particular, he hoped he would seriously reconsider any proposal he might have had for visiting the area.

10. As I was previously aware from press reports, Fr. Faul had been to Killarney for part of the AOH conference. While his assessment of the organisation tallies fairly closely with our own, <sup>for example</sup> and he can/ be expected to discourage the contribution of funds to NORAIID or similar fronts in this country, he is inclined to take a quite sanguine view of the activities of the INC. He made no bones of his dislike for Fr. Seán McManus but argued that only a hard-headed political pressure group such as the INC could cope with British

influence in Washington. He mentioned that in Killarney he and Fr. Raymond Murray had attended a dinner for AOH chaplains hosted by the organisation's Head Chaplain, Fr. Terence Lee. I was told that the latter was genuinely concerned to ensure that funds did not go to terrorist groups. Faul said he told him in this connection that he should seek to ensure a reduced role in the organisation for McManus. I was told that Lee was generally uninformed on the Northern Ireland scene and that much of the evening had been taken up with a briefing for the chaplains by Faul and Murray. Faul mentioned in passing that Lee had expressed annoyance at an interview which he had with what I took to be an official of the New York Consulate in which he felt he was being treated as a "crypto Provo".

11. Paddy Duffy referred to a recent visit which the Northern Ireland branch of the Association of European Lawyers had paid to Brussels, Luxembourg and Strasbourg. He was very struck with how quickly the group, most of whom would have had unionist sympathies, became aware of the disparity in representation and influence between North and South. This point was apparently made in quite blunt terms by officials in each of the Institutions they visited and their sense of isolation was further accentuated by the failure of British officials to establish contact with the group. On the other hand John Hume and Commissioner Burke did arrange to meet and entertain them. Duffy strongly emphasised the usefulness of this sort of ~~contact~~ in promoting among the Northern business and professional community a more favourable view of North/South links. In cases of visits abroad by Northern groups he suggested that the local Irish representatives could with little effort make a valuable political point.

12. As regards the protests by prisoners in Long Kesh he made the point that they are being given a grossly inaccurate picture by relatives of the level of support in the North for their campaign and this is helping to prolong the protest. He suggested that this could be remedied by a change of policy by the authorities in regard to the provision of radios or newspapers.

*PH*

P. Hennessy

6 July, 1978