

# NATIONAL ARCHIVES

## IRELAND



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Note for the Minister

The use of "Supergrass" informers in Northern Ireland

1. For the past two years, the RUC has resorted to the practice of presenting evidence in court supplied by police informers some of whom in an attempt to evade long prison sentences, informed on their fellow terrorists. Both Loyalist and Republican terrorists have cooperated with the RUC and, in return, some have been given immunity from prosecution for their part in serious crimes. In addition it is evident that financial inducements were offered to a number of informers to enable them to live a new life under a different identity in another country.
2. The evidence of the supergrasses has had an effect on the Provisional IRA, the INLA and the UVF. Claims have been made in background police briefings that the UVF's operational ability has been destroyed and that some units of the IRA or INLA have been decimated, notably in parts of Belfast and in Derry. Hints have been dropped to the effect that the IRA and INLA leadership are in serious danger of being charged on supergrass evidence. Others have told us that the information provided by the supergrasses has left the IRA and INLA leadership relatively unseathed. What is clear is that the level of violence in Belfast, Derry and South Armagh has diminished with the emergence of the supergrass. It seems reasonable to conclude that some or all of the godfathers have gone into hiding in case they are charged. The overall conclusion must be that the informers have damaged the terrorist organisation.
3. Christopher Black, a former member of the PIRA, gave statements to the police - which he later repeated in court - that led to the arrest, charging and conviction of 35 terrorists for a total of 4,000 years. The INLA supergrass, Harry Kirkpatrick, whose relations were abducted by the INLA in an effort to force him to retract his evidence, is believed to have implicated 18 people. On the loyalist side, Joseph Bennett gave evidence which led to the arrest of two UVF members on a charge of murdering a 64 - year old post-mistress, a crime in which Bennett himself was supposed to be implicated, and the conviction of 18 others. The terrorist organisations attempted to counter the effect of the informers by kidnapping their relatives and by offering an "amnesty" to informers who retracted evidence or gave themselves up to the organisation.

4. More recently, 21 people were charged on 88 counts on the evidence of INLA informer John Grimley (including attempted murder, armed robbery and wounding with intent), while the IRA informer, Kevin McGrady, implicated ten men from the Markets and Short Strand area of Belfast. In a significant legal development, however, Lord Justice Lowry dismissed a number of charges against the latter on the grounds of inconsistent and unsatisfactory evidence. McGrady, who claimed he had undergone religious conversion, but had himself been implicated in violent crimes, had given an inconsistent testimony which had provided suitable opportunities for the defence to raise sufficient doubts. A number of people have been charged on the evidence of a loyalist informer, John Gibson.
  
5. There are a number of grounds on which the practice of convicting on informers' evidence has been criticised. A number of informers have been given immunity from prosecution, among them Bennett, the UVF terrorist, who was himself implicated in an horrific sectarian killing. Sir John Hermon, the Chief Constable, said privately in Oxford on 18 September that the granting of immunity is considered individually and that there is no immunity for murder. (A note of his remarks is attached). On the other hand, the INLA informer Kirkpatrick was sentenced to five life terms for his part in serious crimes. Such immunity, in addition to allegations of financial inducements, has given rise to unease among some politicians and churchmen about the ethics of affording known gunmen or former gunmen the protection of the law.
  
6. Apart from the ethics of the practice the effect on the legal system in Northern Ireland of using largely uncorroborated evidence proffered by witnesses of dubious character has not been measured. In the trial of 35 terrorists convicted on Black's evidence, Mr. Justice Kelly actually adverted to Black's admission that he had perjured himself in a previous case. It must be underlined that in any normal court of law in Britain or in the State evidence given by a self-confessed perjurer would be automatically tainted and most probably ruled inadmissible. For that reason, some members of the legal profession believe that the rules of evidence have been subordinated to expedience,

even taking into account the fact that less rigorous rules of evidence apply in the Diplock Courts than in our special courts. Among the legal practitioners who have voiced their anxiety about the strain being placed on the North's legal system is Sir Patrick McRory, a noted impartial lawyer, and Mr. Paschal O'Hare, a Belfast Solicitor and SDLP member. As mentioned above Lord Chief Justice Lowry has in one case dismissed charges brought on the evidence of an informer.

7. Public comment by politicians on either side has been quite muted, reflecting the dilemma with which the supergrass tactic has presented politicians of both communities. On the one hand, there is quiet satisfaction at the number of successful convictions of known Republican terrorists among the Unionist community; on the other hand, the arrest of UDA and UVF activists has given pause for thought to some unionists, particularly the DUP. Molyneux of the OUP recently produced a carefully-worded statement favouring the practice on balance as the lesser of two evils and likely to break "the terrorists grip on the community" having previously condemned it at a time when the supergrasses were predominantly loyalist. There is an increasing support within the loyalist community for the use of supergrass. *Diplock.*
8. On the SDLP side, Seamus Mallon is on record as saying on 14th August, 1983 that the supergrass system cannot be justified at all: "Some of the people giving such evidence may have committed very serious crimes such as murder. They could not be described as reliable people. Their evidence is being accepted not by a jury but by a judge who may be case-hardened - and it is often uncorroborated evidence". The SDLP have said that if the practice is continued with it will lead to a further undermining of the process of law. The Church of Ireland and Catholic Bishops of Derry recently expressed concern about the effect of the supergrass system on respect for the legal system. The Association for Legal Justice (prominent in the campaign to have plastic bullets banned) have stated that the Secretary of State is "presiding over the destruction of legal justice in the North of Ireland". The "Relatives for Justice Committee" has been taken over by the provisionals to exploit concern within the minority community. It has failed so far to attract widespread support, largely because of attacks launched on it by Fr. Denis Faul. The latter, who objects to the Provisional takeover of the Committee, nonetheless is very much opposed to the supergrass phenomenon.

9. The Secretary of State for Northern Ireland, James Prior, has consistently maintained that supergrass trials are a matter for the judiciary and the Director of Public Prosecutions. However, he did not comment on the decline in terrorist activity and suggested that it was not unrelated to the success of the police in getting people to give evidence.
10. Those objecting to the use of supergrass evidence are divided between independent lawyers who are concerned for the future of the North's legal system, clergy who are anxious about the seemingly unethical practice of conferring immunity on known criminals, and politicians such as the SDLP who must show they are responsive to constituents have about being imprisoned on the uncorroborated evidence of an informer, who may be acting on a personal grudge.
11. It is certain that the Minister will at some stage be asked if he has pressed the Secretary of State to dispense with the use of supergrass. A number of T.D.'s have written privately enclosing a Circular they received from some Community Organisations in West Belfast, apparently organised by Fr. Des. Wilson. The Minister may wish therefore to raise the matter with Mr. Prior, so as to enable him to state later that the matter has been raised with the British.

*Doc*

D. O'Ceallaigh

18 October, 1983