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<b>Reference Code:</b>	2018/68/33
<b>Creation Dates:</b>	28 January 1988
<b>Extent and medium:</b>	7 pages
<b>Creator(s):</b>	Department of the Taoiseach
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STATEMENT BY AN TAOISEACH,  
MR. CHARLES J. HAUGHEY, T.D.,  
ON THE STALKER/SAMPSON REPORT  
IN DAIL EIREANN ON  
THURSDAY, 28TH JANUARY, 1988  
AT 3.45 P.M.

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A Cheann Comhairle, it would normally fall to the Tanaiste and Minister for Foreign Affairs, Brian Lenihan, as Minister and as Joint Chairman of the Anglo-Irish Intergovernmental Council established under the Anglo-Irish Agreement, to make this statement to the House. However, in his absence and in view of the importance and urgency of the matter and the serious concern of the Irish people, the members of the Oireachtas and the Government about recent developments, I have thought it appropriate to make this statement.

On Monday, 25 January, the British Attorney General, Sir Patrick Mayhew, in the course of a statement in the House of Commons in relation to the Stalker/Sampson report, announced that the Director of Public Prosecutions in Northern Ireland had concluded that the evidence did not warrant any further prosecution in respect of shootings which occurred in Armagh on 11 November 1982 and 12 December 1982 and did not warrant any prosecution in respect of either the fatal shooting of Michael Tighe or the wounding of Martin McCauley which occurred in Armagh on 24 November 1982.

The British Attorney General also announced that the Director of Public Prosecutions had concluded that there was evidence of the commission of offences of perverting, or attempting or conspiring to pervert, the course of justice, or of obstructing a Constable in the execution of his duty, and that this evidence was sufficient to require consideration of whether prosecutions were required in the public interest. The Attorney General stated that he had taken steps to acquaint himself with all relevant circumstances, including matters concerning the public interest and, in particular, considerations of national security which he felt might properly affect the decision whether or not to institute proceedings. He said that he had informed the Director fully with regard to his consultations as to the public interest, and in the light of all the facts and information brought to his notice, the Director had concluded, with the Attorney General's full agreement, that it would not be proper to initiate any criminal proceedings.

The language used by the British Attorney General was of an elaborate and complex construction but in essence amounted to a blunt admission that while prosecutions were warranted they were not going to be taken for reasons of national security.

It was also stated that the Report would not be published.

My Government immediately indicated that they were deeply dismayed by the decision of the British authorities not to proceed with prosecutions in respect of those matters which were the subject of the inquiry initiated by Mr. Stalker and completed by Mr. Sampson concerning allegations of a "shoot-to-kill" policy by the security forces in Northern Ireland in 1982 and allegations of a subsequent perversion of the course of justice. The Government further stated that they would be seeking urgent clarification of the announcement by the British Attorney General and of those other matters addressed by the inquiry -specifically, questions relating to the management and structures of the RUC, to Constable Robinson's statement on an incursion on the night of 12 December 1982, and to the question of the publication of the report.

Deputies will be further aware that on Tuesday, 26 January, the Government decided that because of the serious implications of the British Attorney General's statement for public confidence in the administration of justice in Northern Ireland and for cross-border security co-operation, they would seek an immediate special meeting of the Intergovernmental Conference for the purpose of clarifying the issues involved. A meeting which had been arranged between officials and members of both the Garda and the RUC on policing matters was deferred in view of the call for a special meeting of the Conference.

I can inform the House that the special meeting of the Intergovernmental Conference sought under Article 3 of the Anglo-Irish Agreement will take place in the very near future.

Let me say immediately that the Government were neither consulted nor informed under the procedures of the Agreement, or in any other manner, about any aspect of the statement made by Sir Patrick Mayhew to the House of Commons on Monday. It is a point to which I will return.

I would like now to outline for the Dail the sequence of events and the principal happenings in this long-drawn out affair.

Allegations of a deliberate "shoot-to-kill" policy on the part of the RUC first arose following the deaths of six people in three separate incidents in Co. Armagh in the period November-December 1982.

The three incidents concerned were as follows:

- (i) On 11 November, three men, Eugene Toman, Gervaise McKerr and Sean Burns, were shot dead by the RUC at a road block near Lurgan;
- (ii) On 24 November, a 17 year old youth, Michael Tighe, was shot dead, and a companion, Martin McCauley, was injured, by the RUC in a hay shed near Lurgan; and

- (iii) On 12 December, two men, Seamus Grew and Roddy Carroll, were shot dead by the RUC on the outskirts of Armagh.

The court trials which followed these incidents lent credence to allegations of a deliberate "shoot-to-kill" policy and a co-ordinated attempt by members of the RUC to cover this up:

- During the trial of Constable John Robinson, charged with the murder of Seamus Grew, Constable Robinson stated that he and other members of the RUC had been involved in a "cover up" of the existence of a special anti-terrorist group in Northern Ireland and also of the fact that members of the RUC Special Branch had operated outside the jurisdiction of Northern Ireland. An incursion by the Northern Ireland security forces on 12 December, 1982 was subsequently admitted by the British Government. It was shown, furthermore, in the trial, that several of the shots which had killed Seamus Grew had been fired from a distance of only 30-36 inches. It was also shown that Constable Robinson had emptied his weapon, reloaded and continued to fire.
- During the trial of Martin McCauley (Michael Tighe's companion) who was charged with possession of arms in suspicious circumstances, it was revealed that RUC officers had lied in statements about the incident. The officers claimed that this had been on the orders of senior RUC officers who wanted to conceal the part played in the operation by the Special Branch and by an informer.
- The conduct of two of the trials (the Robinson trial and the trial of three RUC officers charged with the murder of Eugene Toman) was itself a source of concern on a number of counts. Mr. Justice McDermott's decision to acquit Robinson was widely criticised, for example, on the grounds that Constable Robinson's decision to reload and continue to fire into the car at unarmed men did not appear to be consistent with the judgement of the Court that he was firing in self-defence.
- Furthermore, Mr. Justice McDermott did not refer the evidence of a cover-up to the DPP. A number of Mr. Justice McDermott's comments, notably his praise of Constable Robinson's marksmanship, were also a cause of deep concern. In the case arising from the murder of Eugene Toman, the late Lord Justice Gibson's acquittal of the three RUC defendants and his remarks on the occasion were also deeply disturbing.

An investigation into the question of the appearance of a cover-up was instigated by the Northern Ireland Director of Public Prosecutions. The results of this investigation, however, did not satisfy the DPP who exercised his statutory power to require full information with regard to the

circumstances in which false or misleading evidence was provided by the RUC. Consequently, on 24 May 1984, Deputy Chief Constable John Stalker of the Greater Manchester police was appointed by the Chief Constable of the RUC, Sir John Hermon, to the investigation. Mr. Stalker's initial inquiry took 15 months and in September 1985 he submitted an interim report to the RUC Chief Constable. There have been persistent suggestions that this report was highly critical of the RUC and that it recommended the prosecution of a number of RUC officers. It was submitted by the Chief Constable to the DPP in February 1986, and the DPP requested additional information before deciding whether or not to press charges.

Mr. Stalker was continuing his work on the inquiry when, on 29 May 1986, he was suspended on leave pending the investigation of certain charges against him. Following his suspension as Deputy Chief Constable, he was removed from the RUC inquiry and Mr. Colin Sampson, the Chief Constable of West Yorkshire, who had been appointed to carry out the investigation into allegations of misconduct against Mr. Stalker, was asked by the Chief Constable of the RUC to take charge of the RUC investigation also. Mr. Stalker was cleared of all charges of misconduct and was reinstated as Deputy Chief Constable in August 1986. He was not, however, returned to the RUC investigation. On 19 December 1986, he announced his decision (for "personal and family reasons") to take early retirement from the Manchester police force.

That is the background to this affair.

There are four main elements which cause particular concern.

First, is the circumstances in which six people were killed and one injured in what have been called "shoot-to-kill" incidents in Armagh in 1982. These incidents have been a cause of continuing deep anxiety to the Government, to the nationalist community in Northern Ireland and to human rights organisations in these islands and elsewhere. Second, is the question of a covert operation by the Northern Ireland security forces in this jurisdiction on 12 December 1982 which was revealed in court by Constable Robinson in 1984. Third, is the falsification of evidence, instructions to commit perjury and other actions designed to pervert the course of justice which were alleged against the RUC in the aftermath of the "shoot-to-kill" incidents and which the British Attorney General has now confirmed there is evidence to support. Fourth, is the question of the response of the British authorities to the many serious questions raised by this whole affair.

It is a matter of the most serious and grave concern to the Government:

- that it has taken over five years to decide on the question of further prosecutions;
- that it has taken four years for the British authorities to reach a conclusion on the claims of

perversion of the course of justice made by Constable Robinson under oath in 1984;

- that the Director of Public Prosecutions in Northern Ireland failed to obtain the necessary co-operation from the RUC, and indeed was misled by the RUC, in regard to the "shoot-to-kill" incidents and the RUC investigation of them;
- that the subsequent formal police inquiry itself has taken almost four years, and is still not complete in that general recommendations of Mr. Sampson are being considered further by another senior police officer;
- that the original leader of the inquiry, Deputy Chief Constable Stalker, was removed from the inquiry in circumstances which caused widespread unease;
- that no action or statement of intention has yet been undertaken by the British Government in regard to the structures, organisation and management of the RUC arising from the Stalker/Sampson inquiry other than the decision to refer the recommendations in the report to a senior police officer, for further consideration;
- that no prosecution has been taken in regard to the killing of Michael Tighe and the injuring of Martin McCauley on 24 November 1982; and
- that after five years of consideration by the prosecuting authorities, by the Northern Ireland courts and again by the prosecuting authorities, no member of the security forces appears to have been held to account for the alleged "shoot-to-kill" incidents or for the attempt to pervert the course of justice.

This is a most extraordinary series of events which has done the gravest damage to confidence in the ability and intention of the authorities to uphold the rule of law and to administer justice fairly.

In his statement in the House of Commons, the British Attorney General has indicated that it was, apparently, not in the public interest to prosecute for a perversion of the course of justice in the police investigation of the "shoot-to-kill" incidents. The Government are not aware of the basis for this decision. Let me say that I recognise that the security forces in Northern Ireland are required to operate in a turbulent situation but this can never remove their solemn obligation always to uphold the law. In our view it is most clearly in the public interest and in the interest of our Government who commit so much of their resources to security in this island that there should be confidence in the administration of justice in Northern Ireland and that there should be good relations between the community and the security forces. Indeed, it is essential that there should be

such confidence if we are to make progress towards the achievement of peace in Northern Ireland. Public confidence in the administration of justice is a matter which cannot be divorced from the public interest. In the Government's view, it should be possible for the British Government to provide a great deal more information than has so far been provided, by way of publication of the Stalker/Sampson report or otherwise, in order to answer the widespread unease which this affair has caused.

The Anglo-Irish Agreement provides that the Intergovernmental Conference shall consider security policy (Article 7), relations between the security forces and the community (Article 7), issues of concern to both countries relating to the enforcement of the criminal law and the importance of public confidence in the administration of justice (Article 8). The Agreement also provides that with a view to enhancing cross-border co-operation in security matters, the Conference shall set in hand a programme of work to be undertaken by the Commissioner of the Garda Síochána and the Chief Constable of the RUC and, where appropriate, groups of officials. Although it is clear that under the Agreement the Conference has no operational responsibilities, it is also clear from the provisions and practices established under the Agreement that consultation and the provision of information is the very least that should be expected of both Governments under the Agreement. The British Attorney General has stated to the House of Commons that he has taken steps to acquaint himself with all relevant circumstances in the matter of the Stalker/Sampson report, including matters concerning the public interest and in particular considerations of national security which might have properly affected the decision whether or not to institute proceedings. It will be part of the purpose of the Government at the forthcoming special Intergovernmental Conference to establish what was the basis of the Attorney General's consideration of the public interest. At this point I can only say that at no stage did the British Government seek the views of the Irish Government on any of the issues dealt with in the Agreement which it seems to us should have been taken into account in any consideration of the public interest.

I want to make it quite clear that the Government have attached the greatest importance to the Stalker/Sampson inquiry and have kept constantly in touch with developments. As the Tanaiste and Minister for Foreign Affairs has told the House on three occasions, in his Estimates statement on 28 May, 1987, in response to a Parliamentary Question on 16 June, 1987 and in response to a further Parliamentary Question on 4 November 1987, the Government have been concerned about the whole range of issues surrounding the Stalker/Sampson inquiry and believed that it was essential from all points of view that the matter be cleared up, and the necessary follow-up action taken, as quickly as possible. The Tanaiste indicated to the Dail that he has been using the framework of the Anglo-Irish Intergovernmental Conference to convey his concerns on this matter to the British Government. The British Government have been left in no doubt through repeated references and

inquiries at the Conference, in the Secretariat and through other means, right up to the present, of the Government's great concern and interest and of our wish to be informed.

It must be clear to any reasonable observer that the only persons likely to benefit from what has now happened are the paramilitaries. I would have thought that a decision to prosecute would be in the best interests of the R.U.C. and that they would have welcomed action by the British authorities to uphold the principle that in a democratic society the use of lethal force by the police must be the very last resort; that perjury, misleading statements to the authorities and other actions designed to pervert the course of justice should not be tolerated.

I believe it is clear also that the British Attorney General's statement and any other decisions which may be taken on foot of the Stalker/Sampson report have serious implications for the administration of justice in Northern Ireland and the relations between the security forces and the community. A further improvement in those relations which might have been hoped for will be seriously affected by these recent events. We have also indicated in our public statement our concern that it can have serious implications for cross-border security co-operation.

Co-operation and cross border security had been steadily developed in the face of the continued campaign of violence and attempts to import large quantities of arms for subversive use. But such security co-operation can only be conducted in an atmosphere of mutual trust between the two police forces on the basis that the two Governments are firmly committed to political progress by peaceful constitutional means.

The Anglo-Irish Intergovernmental Conference exists as a forum in which Northern Ireland issues of mutual concern to the two Governments can be dealt with. The Government will at the forthcoming special meeting of the Conference put forward their views on the serious crux which has arisen. They will emphasise the importance of confidence in the administration of justice in Northern Ireland and will seek an appropriate course of action and a process by means of which the deep and widespread doubts and anxieties which have been aroused by the British Attorney General's statement can be removed.

Matters cannot be left as they are.