



An Chartlann Náisiúnta National Archives

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TO HQ FROM BELFAST
14 NOVEMBER 1988

IMMEDIATE

CODED MESSAGE	
IMMEDIATE URGENT	
CONFIDENTIAL	
DATE 14.11.88	TIME 1720
INITIALS PS	

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FOR D. O'DONOVAN FROM P. COLLINS

I HAD A BRIEF DISCUSSION WITH MY OPPOSITE NUMBER ON THE CERTIFICATE OF IMMUNITY ISSUED BY THE SECRETARY OF STATE IN RELATION TO THE INQUEST ON MCKERR, TOMAN AND BURNS. HE GAVE ME SIGHT OF A COPY OF THE CERTIFICATE, BUT SAID THAT HE WAS NOT AUTHORISED TO GIVE ME A COPY FORMALLY. THE CERTIFICATE PROVIDES AS FOLLOWS:

1. THE SECRETARY OF STATE AGREES THAT MEMBERS OF THE RUC IDENTIFIED AS W, A, K, F, X, H, G, N, D, E, AND V SHOULD GIVE EVIDENCE ON THE CIRCUMSTANCES OF THE SHOOTINGS AND, IN THE CASE OF CERTAIN OF THE MEMBERS OF THE RUC INCLUDED IN THE ABOVE (THESE ARE NOT IDENTIFIED SPECIFICALLY), THE NATURE OF A CONSPIRACY TO MURDER AN OFF-DUTY MEMBER OF THE SECURITY FORCES.
2. THE SECRETARY OF STATE, HOWEVER, WOULD OBJECT TO INFORMATION OR DOCUMENTS IN RELATION TO THE FOLLOWING ISSUES:
 - (A) IDENTIFICATION OF THE POLICEMAN GIVING EVIDENCE AND IDENTIFICATION OF SOME OTHERS NOT GIVING EVIDENCE, INCLUDING 3 POLICEMEN REPRESENTED BY THE LETTERS A, B AND C.
 - (B) THE ORGANISATION, CHAIN OF COMMAND AND METHOD OF OPERATION OF THE UNITS IN WHICH ALL SUCH POLICEMEN SERVED ON THE 11TH OF NOVEMBER 1982.
 - (C) DETAILS OF RUC COUNTER-TERRORIST CAPABILITIES, OPERATIONS, SPECIALISED TRAINING AND EQUIPMENT.
 - (D) DETAILS OF THE INTELLIGENCE IN RELATION TO THE ALLEGED CONSPIRACY TO MURDER AN OFF-DUTY MEMBER OF THE SECURITY FORCES AND

(| THE METHODS BY WHICH THIS INTELLIGENCE WAS OBTAINED.

(|(E) CERTAIN DETAILS IN RELATION TO SURVEILLANCE OPERATIONS.

3. THE SECRETARY OF STATE GOES ON TO JUSTIFY HIS OBJECTIONS TO PROVIDING DOCUMENTS OR INFORMATION ON THESE ISSUES ON THE BASIS THAT THEY WOULD BE USEFUL TO TERRORISTS, COULD HINDER FUTURE ANTI-TERRORIST OPERATIONS AND WOULD BE CONTRARY TO NATIONAL SECURITY.

4. THE GIVING OF ORAL EVIDENCE IN RELATION TO ANY, OR ANY PART, OF THE DOCUMENTS OR INFORMATION SET OUT IN 2. ABOVE IS ALSO COVERED BY THE SECRETARY OF STATE'S CERTIFICATE.

5. THE CERTIFICATE IS DATED 9 NOVEMBER 1988.

COMMENT

MY INTERLOCUTOR SAID HE UNDERSTOOD THAT THE LAWYER FOR MCKERR (FINNUCANE) HAD WALKED OUT OF THE INQUEST THIS MORNING IN RELATION TO THE CORONER'S REFUSAL OF AN ADJOURNMENT TO ENABLE FINNUCANE TO SEEK A HIGH COURT JUDGEMENT ON ONE OF THE CORONER'S DECISIONS (IT IS NOT CLEAR, AT THIS STAGE, WHAT DECISION WAS INVOLVED). IT IS MY UNDERSTANDING THAT FINNUCANE REPRESENTS ALL 3 FAMILIES AND I ASSUME HIS WALK-OUT RELATED TO THE MCKERR ISSUE ONLY. I HAVE ASKED THE BRITISH TO CHECK THIS POINT - THEY WERE UNCLEAR ON IT.

ENDS

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