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Meeting of Anglo Irish Inter-Governmental Conference on 2 February 1988

Outline of opening statement by Minister for Justice

REASON FOR MEETING

1. Thank you for agreeing to this meeting.
2. We asked for this special meeting of the Conference because of:
serious concern by Government
all shades of political opinion
the British Attorney-General's statement in the House of Commons on Monday
of last week.
3. Two concepts which were basic to the Anglo Irish Agreement were:-

- (i) to help bring peace and stability by ending the alienation of the minority in Northern Ireland. A central aspect of that was to ensure that the system of justice and the police are such that all sections of the community can have confidence in them as fair and impartial in upholding the law;
- (ii) Full co-operation between the two Governments in dealing with terrorism which threatens all of us in these islands. This can only take place on the basis of mutual confidence on the part of the two police forces.

We believe both of these concepts which are basic to the Agreement have now received a very serious setback; and there is a very strong public reaction to what has happened.

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SECOND INCIDENT

In the second incident on the 24th November, 1982 a seventeen year old youth was shot dead in a hayshed near Lurgan. The building was riddled with gunfire from R.U.C. men. It is understood that the youth who was killed had no paramilitary connections. A friend of his was seriously wounded in the same incident. At the time the two young men were carrying rifles more than 22

BACKGROUND

I will give the background. rifles which had no bolts and were without ammunition. No prosecutions were brought against the policemen involved. The man who was injured was charged with possession of arms in suspicious circumstances, convicted and given a suspended sentence. Allegations of a deliberate shoot-to-kill policy on the part of the R.U.C first arose following the deaths of six unarmed people in three separate incidents in Co. Armagh during the months of November and December of 1982.

THIRD INCIDENT

In the third incident on 12th December, 1982 two members of the I.R.A. were

FIRST INCIDENT

In the first incident on 11 November, 1982 three ^{UNARMED} members of the Provisional I.R.A. were shot dead by a group of R.U.C. men near Lurgan following a car chase. Over a hundred bullets were fired by the police at the car. The fatal shots were believed to have been fired after the car had stopped on a grass verge. Three members of the R.U.C. were charged with murder arising out of the incident. They were acquitted in controversial circumstances. Particular controversy was aroused by the judge's commendation of the R.U.C. men for "their courage and determination for bringing three deceased men to justice; in this case the final court of justice".

It was also shown that Constable Robinson had emptied his weapon, reloaded and continued to fire after one of the men was injured. Robinson was acquitted by Mr. Justice McDermott, a decision which was widely criticized. Particular criticism was directed at Mr. Justice McDermott's statement that the killing of one of the men "of course speaks highly of his (Robinson's) marksmanship and training which requires him to be accurate under stress".

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SECOND INCIDENT

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THIRD INCIDENT

In the third incident on 12th December, 1982 two members of the I.N.L.A. were shot dead by the R.U.C. on the outskirts of Armagh after their car was stopped by a Headquarters Mobile Support Unit. Both men were unarmed. Nineteen bullets were fired into the car by Constable John Robinson killing the men outright.

ROBINSON TRIAL

During his trial for murder Robinson claimed that four senior R.U.C. Officers had threatened him with the Official Secrets Act and ordered him to lie. It was shown furthermore, that several of the shots which had killed one of the men had been fired from a distance of less than three feet. It was also shown that Constable Robinson had emptied his weapon, reloaded and continued to fire after one of the men was injured. Robinson was acquitted by Mr. Justice McDermott, a decision which was widely criticised. Particular criticism was directed at Mr. Justice McDermott's statement that the killing of one of the men "of course speaks highly of his (Robinson's) marksmanship and training which requires him to be accurate under stress".

MCATAMNEY'S REPORT

Following these cases and the evidence produced of a cover-up by the R.U.C., an investigation was instigated by the Director of Public Prosecutions for Northern Ireland. The Chief Constable appointed his Deputy to investigate the matter. The results of this investigation however did not satisfy the Director of Public Prosecutions.

STALKER'S APPOINTMENT

Consequently on the 24th May, 1984 Deputy Chief Constable John Stalker of the Greater Manchester Police was appointed by Sir John Hermon to the investigation. His initial enquiry took fifteen months, and in September 1985 he submitted an initial report to the Chief Constable of the R.U.C. That report was forwarded by the Chief Constable to the D.P.P. in February 1986, five months after its completion. The Director of Public Prosecutions requested some additional information before deciding whether or not to press charges.

STALKER SUSPENDED

Stalker was due to begin compiling this additional information and to proceed with his work when on 29 May 1986 he was suspended on leave pending the investigation of disciplinary charges against him. Following his suspension he was removed from the R.U.C. inquiry by the Chief Constable. Colin Sampson the Chief Constable of West Yorkshire was appointed to carry out the investigation into the allegations of misconduct against Stalker. He was also asked by the Chief Constable of the R.U.C. to take charge of the investigation which Stalker had been conducting. In the event 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 R.U.C. Investigation. On 19th December, 1986 he announced his decision for "personal and family reasons" to take early retirement from the Manchester Police Force.

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SUMMARY OF EVENTS

DISSATISFACTION

These events have caused widespread unease and disquiet in Ireland and in Britain. This extraordinary and long-drawn out series of events gives rise to a number of issues of the utmost seriousness:

INCURSION

A covert operation was conducted by the Northern Ireland security forces in our own jurisdiction on 12th December, 1982. Over five years later, despite repeated requests, we have still received no report from the British Government on that incursion.

- Court Trials - including the deeply disturbing remarks of Mr. Justice McDermott and of the late Lord Justice Gibson.
4. The fact that members of the R.U.C. Special Branch had operated across the border, outside the jurisdiction of Northern Ireland.
 5. The fact that a report by a very high-ranking R.U.C. officer - which was prepared to meet questions raised by the D.P.P. - failed to properly address the questions asked. It was this that caused Mr. Stalker to be called in.
 6. The very disturbing circumstances of the removal of Mr. Stalker from the enquiry at what is believed to have been a particularly crucial stage.
 7. The various long delays that have been a feature at very many stages of this entire affair - we must be excused for thinking that there was a deliberate delaying policy on the part of different people.

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SUMMARY OF EVENTS

"This extraordinary and long-drawn out series of events gives rise to a number of issues of the utmost seriousness:

1. The Shoot-to-Kill Policy itself - impossible to exaggerate its seriousness.
2. The cover-up, relating to this policy indulged in by apparently a sizeable number of R.U.C. Officers - some apparently of very senior rank.
3. The conduct of the two Court Trials - including the deeply disturbing remarks of Mr. Justice McDermott and of the late Lord Justice Gibson.
4. The fact that members of the R.U.C. Special Branch had operated across the border, outside the jurisdiction of Northern Ireland.
5. The fact that a report by a very high-ranking R.U.C. officer - which was prepared to meet questions raised by the D.P.P. - failed to properly address the questions asked. It was this that caused Mr. Stalker to be called in.
6. The very disturbing circumstances of the removal of Mr. Stalker from the enquiry at what is believed to have been a particularly crucial stage.
7. The various long delays that have been a feature at very many stages of this entire affair - we must be excused for thinking that there was a deliberate delaying policy on the part of different people.

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8. The eventual extraordinary statement by your A.G. last week, that no further criminal proceeding would be brought in respect of the incidents that led up to the Stalker/Sampson inquiry - despite the admitted existence of evidence of the commission of offences of preventing or attempting or conspiring to pervert the course of justice or of obstructing a Constable in the course of his duty. A statement which in fact amounts to a declaration that in Northern Ireland at any rate, the rule of law now takes 2nd or possibly 3rd place to a non-defined "public interest" and to matters of "National Security".

IMPLICATIONS OF FAILURE TO PROSECUTE

Surely I do not need to spell out the dark shadow under which this unprecedented series of events places the R.U.C. and the gravity of the implications which it has for Cross Border Security Co-operation with the Garda Siochana, apart altogether from its impact on relations between the R.U.C. and the minority community in Northern Ireland, but it is about Garda/R.U.C. Security Co-operation that I want to talk now.

RECOGNITION OF IMPROVEMENT IN R.U.C.

Before I go on to that, there is a very important point that I want to make clear. I am very conscious of the enormous difficulties and dangers under which the Security Forces in Northern Ireland operate. I know that in the R.U.C. and R.U.C. Reserve alone some 250 members have been deliberately killed or murdered in the years since the present major

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unrest started. The most recent victim of this appalling campaign was Constable Colin Gilmore, killed on the Belfast Falls Road within the past few days. I know the viciousness and cowardliness that is the hallmark of all of these killings. We are all neighbours on this small island and I feel for the death of any one of these R.U.C. members as I would for the death of any member of our own Force or of anyone who is the victim of violence.

It is possible for us all to understand the loss of these R.U.C. members to their Force and to their families and friends and the feelings of bitterness and maybe even vengeance that their deaths could give rise to. But any feelings of this nature must be kept firmly in check. No matter what the provocation, there must never be any question of members of the Security Forces being allowed to deflect from their solemn duty to uphold the law. They must never descend to the level of the terrorist and if ever this should happen, it must be clearly seen that such action will not be tolerated and covered up.

SECURITY CO-OPERATION

Having said that, I want to return to the question of security co-operation.

For security co-operation to exist, there must be a very high degree of confidence and trust between the two Police Forces.

Lets be frank about it - it is only in recent years that this trust and confidence has come into being. It is acknowledged that changes in

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You must see the effects on the Garda Síochána of what has happened:-

(1) you must see that co-operation with and confidence in the R.U.C. attitudes and policies by the R.U.C. were in large measure responsible for bringing this about and that these changes demanded no little courage and determination on the part of officers and men of the Force. It is a fact that the development and improvement of cross-border security goes hand-in-hand with the build-up of trust and confidence.

MUTUAL CONFIDENCE

Confidence by its nature is not something that can be ordered into existence or created overnight - especially when it has to replace generations of mistrust. It is something that can be built up only slowly over time.

What I have said relates not just to confidence between the police of both Forces - it relates also of course to relationships between the R.U.C. and the community they serve - and in particular the minority nationalist community. But I am now addressing the problem of relationships between the two Forces.

The position is that confidence between the two Forces - a plant which was not easily rooted, which is slow to grow but which was coming along nicely - has now received a devastating set-back. There is no use pretending that this is not so or saying that there is no need for it to be so. It is so and that fact has got to be faced.

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You must see the effects on the Garda Síochána of what has happened:-

- (i) you must see that co-operation with and confidence in the R.U.C. are bound to suffer when that Force is known to have within it and to be shielding officers who, at the very least, are strongly suspected of serious criminal offences
- (ii) you must see that the Gardai are themselves liable to lose some of the almost total community support which they now have, if they are seen to be closely associated with a Force whose reputation has been so vitaly damaged
- (iii) you must see that many people will now have reservations about giving security related information to the Gardai if they believe that it will be relayed to the R.U.C. and
- (iv) you must see that individual Gardai may well now have reservations about making information available to the R.U.C. if they are not fully confident about the use that may be made of it
- (v) you must see that it is not possible for the Commissioner or anyone else to oblige Gardai to have confidence in the R.U.C. or to give whole-hearted co-operation - these things come only from men's inner convictions and motivation
- (vi) you must see the damage you have done to confidence and thereby to co-operation.

You have done this damage - not us!

What do you propose to do about it?

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PROSECUTIONS

1. Publication of Stalker Sampson Report

- We must have publication of the full report. The investigation has now been going on, first on the Stalker Report, then Sampson, then McLaughlin, for four years and there is no reasonable excuse for failure to publish at this point. Failure to publish contributes to the political problem by creating even greater unease.
- I think we all accept that this affair has seriously undermined confidence among the minority in the administration of justice in Northern Ireland. Essential therefore that urgent action be taken to correct this. Particularly helpful to this process if the affair could be brought out into the open through publication of the Report. Public opinion just does not understand the logic or justification for not publishing.
- In addition, the publication of Stalker's book later this week, and its serialisation in the Daily Express, is already making public much of the material in the Report. Better making an immediate decision to publish rather than be faced with daily doses of media coverage of the affair.
- (If the British, as is practically certain, refuse to publish, we should ask them if they have any effective alternative to publishing in mind.)

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PROSECUTIONS

the Second requirement is the prosecution of all those identified in the Stalker/Sampson Report against whom there is evidence of wrong-doing. The statement to Parliament by your Attorney General makes it clear that evidence of the commission of ~~offences~~^{OFFENCES} does exist. His further statement that proceedings are not to be instituted for reasons of "public interest" or "security" is not acceptable. He indicated that the steps he took "to acquaint himself with the relevant circumstances" involved consultation with others and gave the clear indication that prosecution would have ensued were it not for the advice he obtained in these consultations. We must ask - who were those who were consulted and what was the nature of their advice? Why were we not consulted on these issues of "public interest" and security? They have a grave impact on matters catered for in the Anglo Irish Agreement and accordingly we had a right to be consulted. As the Attorney General indicated, the decision not to prosecute was taken on the basis of non-judicial consideration - in effect on the basis of views put forward by political people and it is surely open to these people to change their views or for their views to be re-examined. The Attorney General's reservations about prosecutions, based on his concept of what the "national interest" requires must be withdrawn. Prosecutions must go ahead. [Possible fall-back position - immediate sacking or suspension].

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Birmingham Six

I would now like to turn to the Birmingham Six case. The Agreement embraces consideration of the policy aspects of extradition and, as you will be aware, the Birmingham case has been a major factor in the whole extradition debate here. In addition, having regard to the consequences of the Birmingham decision for confidence in the administration of justice, and for relations between the two countries, I believe that it is very important that we take up this issue today.

I could not possibly over emphasise the sensitivity, the importance and the significance of this issue for public opinion in Ireland. It is one of the most serious and emotional issues which I have personally come across in my period in political life. We would strongly urge, therefore, that the Home Secretary consider using the wide range of powers available to him in order to provide for the early release of the Six (we are not asking for a pardon). They have already spent over thirteen years in jail and it would now be reasonable and humane for the Home Secretary to use his powers as we suggest.

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4. EXTRADITION

The fourth thing we want relates to extradition. Both the Stalker/Sampson Affair and the Birmingham Six case have definite implications in the area of extradition because of the effects they have on confidence in the administration of justice and on the prospects of Irish people who are extradited getting fair treatment.

You know of the very deep-seated concerns which the whole extradition issue has given rise to in Ireland among the public and all political parties. You are aware of the reasons why it was essential for us to introduce new safeguards into the extradition process at the same time as taking the very important step of giving effect to European Convention on the Suppression of Terrorism.

In framing these safeguards we want as far as it was possible for us to go in meeting certain concerns that were expressed on your side. Even so, difficulties have now arisen because the British Attorney General is apparently unwilling to provide the kind of minimal documentation that our Attorney General requires in order to discharge his functions under our new Act. This is a matter which needs to be resolved quickly, especially in view of the fallout from the events of last week.

We are therefore seeking an undertaking that our Attorney General will be supplied in every extradition case coming under our new legislation with such information about the evidence in the case as he may deem appropriate to enable him to form the opinion that he is required to form under our new legislation. I want to make it absolutely clear that what our Attorney General is seeking is the minimum that is necessary to comply with our legislation. Extradition will not be possible at all if he does not receive the necessary information.

5. Absence of prior consultation

- Your failure even to inform us of the contents of the Attorney General's statement in advance has raised most serious doubts in our mind - and in the public mind - of your commitment to work the procedures of the Agreement. You have to make a response on this point. We understand the difficulty for you in regard to prior consultation, but we believe that even if the Attorney General could not see his way to consulting us directly, he should have sought our views on the public interest aspects through you.

- The failure to consult or even inform makes a nonsense of our right to put forward views and proposals on matters relating to Northern Ireland, and still more of the provisions in the Agreement for determined efforts to be made to resolve any difficulties.

- (If the British say that this matter was a legal one and one exclusively for the Attorney General, we could point out that it appears from the Attorney General's own statement that he undertook essentially political consultations in order to form an opinion as to the public interest. Who did he consult, what were the considerations put to him to cause him to reach his decision, why were we not consulted through you in regard to our view of the public interest ?)

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6. Effects on Security Co-Operation

During Constable Robinson's trial for the murder of Peter Lee Carroll on the

The very serious situation that we now have involves issues of confidence between the two Forces and the effects of these on security co-operation. The various matters that we have raised here today must be cleared up to our satisfaction in order to allow meetings involving representatives of the two Forces to function satisfactorily in a conducive atmosphere of trust and confidence.

A source had informed the R.U.C. that [unclear] in Armagh on the weekend the [unclear] was ordered to capture him. [unclear] the Army and the Special [unclear] member.

He claimed that R.U.C. Special [unclear] the jurisdiction" (i.e. in the [unclear])

Counsel said that they were [unclear]

the Irish Government [unclear]

relating from these allegations [unclear]

It is R.U.C. policy, [unclear] of the Force should [unclear]

The United Kingdom [unclear] instructions should [unclear]

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Evidence of Border Incursions by the R.U.C. in 1982

The following further indication was given by the Ambassador in confidence of
During Constable Robinson's trial for the Murder of Grew and Carroll on the
night of 12 December, 1982 in Armagh, his testimony included the following:-

- he was ordered under the Official Secrets Act to use a cover-up story
concocted by Senior R.U.C. Officers about the events leading to the Grew
and Carroll killings so as not to involve the Special Branch, the British
Army Surveillance Unit and to protect the life of a source.

- A source had informed the R.U.C. that Dominic McGlinchey would be active
in Armagh on the weekend the killings took place and a major operation
was ordered to capture him. The operation involved the Special Branch,
the Army and the Special Support Unit of the R.U.C. of which he was a
member.

- He claimed that R.U.C. Special Branch Officers were operating "outside
the jurisdiction" (i.e. in this State) on the night of the shooting.

At a meeting of the Anglo-Irish Conference held on 2 December, 1982 it was
Crown Counsel said that they were not challenging Robinson's allegations.

When the Irish Government sought clarification in early 1984 of the situation
arising from these allegations the British Ambassador indicated that;-

- it is R.U.C. policy, enshrined in an explicit instructions, that members
of the Force should not cross the Border while on duty.

- The United Kingdom Government was very concerned and regretted that these
instructions should apparently have been violated.

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The following further indication was given by the Ambassador in confidence of their current understanding of what had happened:-

- (a) at the time the Security Forces were keeping a close eye on Grew who was believed to intend to commit serious crimes. It was thought likely that he would try to make contact with McGlinchey in furtherance of these.
- (b) On the day in question they lost contact with him and in the hope of reestablishing contact two Special Branch men travelled briefly across the Border.
- (c) This action was authorised at a low level (Chief Inspector). It was and remains entirely contrary to policy and to explicit instructions for any member of the R.U.C. to act thus. They were assured that while over the Border the men did not make any contact with any person. When Grew and Carroll were eventually picked up again it was north of the Border.

At a meeting of the Anglo Irish Conference held on 8 December, 1986 it was indicated to the Northern Ireland Secretary of State that the British Ambassador had promised us a report on the cross Border incursion incidents in early 1984. Mr. King said that they were sensitive to that point but that this would have to await part three of the Sampson Report (i.e. the part dealing with the structures of the R.U.C., as well as with his management and control).

A full report and explanation in regard to this very serious incident is long overdue and we must ask for a very early response.

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The Stalker AffairChronology of main events (including principal representations made by Irish side and British response)

- 11 November 1982: Police shoot dead Eugene Toman, Sean Burns and Gervaise McKerr, all with IRA connections but unarmed at the time, at Tullygally East Road in Lurgan. Over 100 bullets fired by the police at the car.
- 24 November 1982: Police surround a hayshed at Ballyneary, Co. Armagh and shoot dead Michael Tighe, aged 17, who had no paramilitary connections. His companion, Martin McCauley, was seriously injured. Building riddled with gunfire by police officers carrying rifles, machine guns, semi-automatic pistols and a pump action shotgun.
- 12 December 1982: Police shoot dead Seamus Grew and Roddy Carroll, both with INLA connections but unarmed, at Mullacreevie Park in Armagh. 19 bullets fired into the car.
- 1 February 1983: Minister for Foreign Affairs protests the killings to Secretary of State Prior, pointing to the damage they had caused to the relationship between the nationalist community and the RUC.
- 3 April 1984: Constable John Robinson is acquitted of the murder of Seamus Grew. (During his trial Constable Robinson claims that four senior RUC officers had ordered him to lie in order to conceal a cross-border incursion by the RUC Special Branch on the night of the Grew/Carroll killing.)
- 5 April 1984: Taoiseach calls in British Ambassador about the incursion, latter conveyed admission and regrets of British Government, indicating that inquiry into the entire matter underway. Taoiseach expressed concern that the enquiries should be expeditiously carried out and that the Irish Government should be kept fully informed of developments in relation to them.
- May 1984: Following internal RUC inquiries which failed to adequately explain allegations surrounding the killings, Mr. John Stalker, deputy chief constable of the Greater Manchester Police, is appointed to conduct an investigation. The incursion incident also included in his brief.

- 5 June 1984: Constables William Montgomery, David Brannigan and Frederick Robinson are acquitted of the murder of Eugene Toman.
- 6 June 1984: Minister for Foreign Affairs reiterates to Secretary of State Prior our concerns about the outcome of the above trial and its implications for public confidence and about the unacceptable remarks at the trial of Judge Gibson.
- 22 August 1984: Armagh Coroner, Mr. Gerry Curran, resigns because of "grave irregularities" in police files prepared for the inquests into the deaths of Grew and Carroll. (Note: inquests on the 6 victims not yet held.)
- 29 August 1985: Assistant Secretary Lillis reminded British Ambassador of Taoiseach's request at their meeting on 5 April 1984 to be kept fully informed of developments, particularly in relation to incursion incident.
- 18 September 1985: Mr. Stalker's interim report, which media reports claimed recommended charges against at least eight officers, is given to the Chief Constable, Sir John Hermon.
- 28 February 1986: The Chief Constable submits the report to Sir Barry Shaw, the Northern Ireland DPP. The DPP is understood to have requested some additional information before deciding whether or not to press charges.
- 29 May 1986: Before completing his investigations in this regard, Mr. Stalker is suspended from duty as Deputy Chief Constable of Manchester pending the investigation of unspecified disciplinary charges against him by Mr. Colin Sampson, the Chief Constable of West Yorkshire. On the same day, Mr. Stalker is removed from the RUC inquiry. His role in this regard taken over by Mr. Sampson also.
- May 1986 (and subsequently): Much media speculation about the nature of Mr. Stalker's investigation and the real reason for his removal. Rumours abounded about RUC (up to Chief Constable) unwillingness to co-operate, the new evidence he had uncovered about the killings, and the RUC conspiracy thereafter, M15 involvement, the number and level of prosecutions he had recommended etc.

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- 6 July 1986: Two RUC Superintendents, believed to be implicated in the alleged cover-up, are suspended from duty. (They remain under suspension at present.)
- 21 August 1986: Mr. Stalker cleared of all charges of misconduct and reinstated as Deputy Chief Constable. He was not, however, returned to the RUC investigation.
- 6 October 1986: Minister for Foreign Affairs, at meeting of Conference, raised the matter again. The agreed Joint Record of the meeting indicates that "the British side said that the papers were still with the Director of Public Prosecutions, but a statement on the "public interest" aspects could be expected soon."
- 22 October 1986: First part of Mr. Sampson's report (three parts in all) submitted to the Chief Constable and DPP.
- 23 October 1986: Mr. King undertakes in the House of Commons to make a statement in the House "at the earliest opportunity" on aspects of the investigation falling within his area of responsibility, including "matters concerning the management of the RUC". (This statement yet to be made.) He told the House on the same day that "as is the usual practice with police reports covering criminal investigations", Mr. Sampson's report would not be published.
- 2 November 1986: Mr. Stalker privately tells Ambassador London that the real kernel of his investigation was about murder - "six murders". He said that he had no direct access to Ministers; he was convinced that if he had had, attention would have been paid to what he was saying. As it was, he had to go through Home Office Inspectorate and Chief Constable Hermon who "blocked and muffled" what he wanted to say. In addition, he constantly found himself blocked within the RUC from access to files he wished to see. In general, however, he felt the RUC were "all right except for some people very near the top who were very much to blame". The main problem he saw with the force was its structure; the Special Branch had always been a force unto themselves and they wanted to maintain their position and their power.

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- 4 November 1986: British Attorney General Havers privately tells Embassy London that he believed "the boys in the barn case" (Michael Tighe) was murder.
- 8 December 1986: Secretary of State briefs Irish side in some detail in the Conference. He says "major charges" "likely" - "its a question of deciding what charges will be made and against whom". Our side reminded the British side of promised cross-border report. The agreed Joint Record of the meeting stated that "the British side indicated that this would be done after the third part of the Report had been completed". (This part was submitted on 10 April 1987).
- March 1987: Mr. Stalker takes early retirement as Deputy Chief Constable, citing "personal and family reasons". Media speculation that his decision represented further fall-out from his RUC inquiry (i.e., that the investigation ultimately cost him his career).
- 6 April 1987: Second part of Mr. Sampson's report submitted to DPP and Chief Constable.
- 10 April 1987: Third part submitted to Chief Constable and Secretary of State.
- 28 April 1987: Attorney General Havers indicates privately to Embassy London that he had grounds for believing that he would be undertaking prosecutions within the RUC "which will go high, as high as Chief Superintendent".
- 11 May 1987: In letter to Secretary of State King, Tanaiste asked to be kept informed through the Secretariat of action on the Stalker/Sampson report.
- 16 June 1987: Tanaiste tells Dail, in PQ reply, that the Government wish to see action as quickly as possible on the Stalker/Sampson report (a point he had also made in Estimates speech in Dail on 28 May 1987).
- 15 July 1987: Mr. King announces a special inspection into matters of RUC organisation and procedures to be conducted by a British Inspector General of Constabulary (Charles McLachlen). (This development in response to one of Mr. Sampson's recommendations.)

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- 3 August 1987: When reminding the Secretariat of the signals we had received that there would be prosecutions, the British said that they "had no information which would suggest anything to the contrary".
- 11 September 1987: Irish side (official level) in the Secretariat pass request to British side for update on position in relation to inquiry.
- 21 October 1987: Tanaiste raises matter at Conference meeting. Secretary of State indicated that matter was close to resolution.
- 4 November 1987: Tanaiste tells Dail, in PQ reply, that the Government were concerned about the whole range of issues surrounding the Stalker/Sampson inquiry. He considered it essential from all points of view that the matter be cleared up and the necessary follow-up action taken as quickly as possible. He indicated that he had been using, and would continue to use, the Conference framework to convey his concerns in the matter to the British Government.
- 14 January 1988: British side in the Secretariat (at official level) indicate that we would be given advance notice of Mr. King's proposed statement in the Commons (on matters relating to his area of responsibility).
- 25 January 1988: British Attorney General announces decision that there are to be no prosecutions arising out of the Stalker/Sampson inquiry.
- February 1988: John Stalker's book due for publication. Expected to contain, inter alia, details about his RUC inquiry and the reasons for his removal from it.

Anglo-Irish Division,
28 January 1988.

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British Army Instructions for
opening fire in Northern Ireland

(RUC have Force Regulations in
substantially the same terms)

The 1980 Yellow Card

RESTRICTED

Army Code No. 70771

Instructions for Opening Fire in Northern Ireland

General Rules

1. In all situations you are to use the minimum force necessary. FIREARMS MUST ONLY BE USED AS A LAST RESORT.
2. Your weapon must always be made safe: that is, NO live round is to be carried in the breech and in the case of automatic weapons the working parts are to be forward, unless you are ordered to carry a live round in the breech or you are about to fire.

Challenging

3. A challenge MUST be given before opening fire unless:
 - a. to do so would increase the risk of death or grave injury to you or any other person.
 - b. you or others in the immediate vicinity are being engaged by terrorists.
4. You are to challenge by shouting:
'ARMY: STOP OR I FIRE' or words to that effect.

Opening Fire

5. You may only open fire against a person:
 - a. if he* is committing or about to commit an act LIKELY TO ENDANGER LIFE AND THERE IS NO OTHER WAY TO PREVENT THE DANGER. The following are some examples of acts where life could be endangered, dependent always upon the circumstances:
 - (1) firing or being about to fire a weapon
 - (2) planting detonating or throwing an explosive device (including a petrol bomb)
 - (3) deliberately driving a vehicle at a person and there is no other way of stopping him*
 - b. if you know that he* has just killed or injured any person by such means and he* does not surrender if challenged and THERE IS NO OTHER WAY TO MAKE AN ARREST.
* 'She' can be read instead of 'he' if applicable.
6. If you have to open fire you should:
 - a. fire only aimed shots,
 - b. fire no more rounds than are necessary,
 - c. take all reasonable precautions not to injure any one other than your target.