



# An Chartlann Náisiúnta National Archives

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Meeting of the Anglo-Irish Intergovernmental Conference

Belfast, 5 November 1997

Item 2 (a) Response of Security Forces to current situation

Speaking Points

Key Points:

The IRA cease-fire is holding remarkably well. It is crucial that the security forces act with sensitivity at all time and particularly so in republican areas at this delicate time.

While the activities of the CAC and the threats from the LVF are worrying they should not unduly obstruct a lowering of the security force profile.

- Expectations about the extent to which the security forces would lower their profiles are perhaps less now than they were with the first cease-fire. Nonetheless, progressive reductions in security force activity would be an important reflection of the move to more normal conditions.
- Are there plans for the withdrawal of any British Army units from Northern Ireland now or in the near future?
- I understand that British Army patrols are down by some 60%. It would be useful if your side could provide a geographic breakdown of this.
- It is important that all security patrols operate with sensitivity. We hear persistent reports of abusive and needlessly aggressive RIR patrols in the Lurgan area, for example.
- I understand that there is still strong concern in South Armagh and elsewhere about the level of helicopter flying. Can you provide figures for changes in helicopter use since the restoration of the cease-fire?
- The question of the future of the Observation Towers in South Armagh is of considerable local concern. Some indication that consideration is being given to their removal in due course would help allay the political pressure building up on this issue.

- In the shorter term, the removal of the street furniture at the Cloghogue checkpoint on the main Belfast - Dublin road near Newry, would have a positive impact.

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Item 2 (a) Response of Security Forces to current situation

Background Note

**Paramilitaries**

1. Following on the calling of the second IRA ceasefire on 20 July 1997, Sinn Fein were invited to join the talks process formally by the two Governments on 29 August 1997. Confirming the unequivocal nature of the IRA ceasefire, the Secretary of State stated that "there has been no evidence of active targeting or paramilitary assaults that can be directly attributed to the IRA". On 9 September 1997 Sinn Fein affirmed its support for the Mitchell principles of democracy and non-violence as required by the Governments' letter of invitation to talks. In a recent interview, the RUC Chief Constable, Mr. Ronnie Flanagan, referring to the IRA ceasefire, said that "up to this point it has been remarkably stable". However he added that "it is much too soon yet to say that the IRA has done amounts to a permanent abandonment of the possibility of the use of violence".
2. The security forces on both sides of the border are content that the IRA are obeying the strictures on non-targeting and surveillance. However, there is considerable pressure on republicans from their communities to resume punishment beatings, particularly in North and West Belfast and in the Bogside. Under the aegis of Sinn Féin, 'neighbourhood watches' have been set up in parts of West and North Belfast with what is, in effect, a vigilante function.
3. The Continuity Army Council (CAC) remain an active threat, capable of launching bomb attacks at politically sensitive times, e.g. the bomb hoax at the DUP anti-talks rally at Carryduff, Co. Down on 16 October 1997 and the attempt to bomb local government offices in Derry on 30 October. Their bomb attack in Markethill on 16 September 1997 also demonstrated their capability. A small trickle of disaffected Provos have joined the CAC but active membership remains small and concentrated in Fermanagh and the adjoining border areas. In a recent statement, the CAC (Derry Brigade) condemned the talks and Sinn Féin's involvement in them. It went on, "the Continuity IRA, rather than

even think about decommissioning or signing up to such (Mitchell Principles), would firmly argue that while the British presence remains, backed by loyalist death squads, the nationalist population will always require a trained, disciplined and dedicated volunteer citizen army, if only for defensive purposes”

4. A booby trap bomb exploded underneath a car in the staunchly loyalist Kilcooley Estate in Bangor killing, Mr. Glen Greer (28 years) who apparently had past links with the UDA and it is believed the attack was carried out by fellow loyalists. Tensions have been rising between the UDA and the UVF and these have led to the break up of the Combined Loyalist Military Command (CLMC) in mid October 1997 apparently generated by competition between the UDA and the UVF for control of territories (and associated protection rackets). On 25 October 1997 the UVF sent a coded message to the UTV newsroom warning that, “Members of the Maryfield Secretariat are being given 48 hours from midnight tonight to resign or they will become legitimate targets”.

#### **Security Forces**

5. There has been some lowering of the general profile of the security forces since the restoration of the cease-fire in terms of patrols, for example. The British side claimed at a recent meeting that there has been a 60% reduction in Army patrolling and that this is now concentrated in rural areas. They also claimed that there has been a significant reduction in helicopter flying, although this is disputed by our contacts in e.g. South Armagh. Overall, the security forces appear to be guided by making only “reversible” changes in the security presence until there is greater long term certainty about IRA intentions and about the capability of the CAC.
6. On 11 August 1997 the British Army announced that troops would “as a matter of policy” wear regimental head-dress (berets etc.), instead of helmets. This was described as “an operational decision taken in light of the current assessment of the threat to the security forces following the declaration of the IRA ceasefire on 20 July 1997”.

### **Proposed Closure of Army Base**

7. We understand that it is proposed that the Mourne Abbey Royal Irish Regiment army base at Kilkeel, Co. Down is to be closed and demolished. The understanding is that the company based at Kilkeel, the 1 Company of 3 Royal Irish is to be disbanded. This announcement is not expected to be presented as a de-escalatory measure, rather as a further indication of the steady return to normality.

### **South Armagh Farmers' and Residents' Committee**

8. A march and rally organised by the South Armagh Farmers' and Residents' Committee took place in south Armagh on 19 October 1997 to campaign against army hilltop observation posts. It was addressed by Louth Deputy, Mr. Seamus Kirk, T.D. and included representatives from the SDLP, Fianna Fáil, Sinn Féin, farming organisations and the GAA. The issue of the potential health risks associated with monitoring equipment being used by the British Army was raised also.
9. Speaking in an adjournment debate in Dáil Éireann on 23 October 1997, the Minister for Foreign Affairs said that "the reduction in the profile of the security forces generally - and including installations such as the observation towers - would represent a visible and very meaningful expression of the new climate of peace that now exists in Northern Ireland". The Minister went on to suggest that this matter might appropriately be raised as part of the discussions of the Sub-Committee on Confidence Building Measures which was established as part of the talks process.

Security Section

31 October 1997

Meeting of the Anglo-Irish Intergovernmental conference

Belfast, 5 November 1997

Item 2 (b) Parades

Speaking Points

Key Points:

**I welcome your exclusion of sporting events from the extension of the Parades Commission remit.**

**The Commission needs the resolute support of the authorities to succeed.**

- I am concerned that there is now a clear expectation that the remit will be extended at some point in the coming months to cover "other expressions of cultural identity".
- I would urge you to be very careful about this.
- Can you say anything more about your plans in this regard?
- Nonetheless, we wish to give the Parades Commission a fair wind. Our comments have been intended to be constructive and are meant to help ensure that the Commission has the confidence of both sides.
- I am concerned that customary routes has been included in primary legislation as a consideration. Why was this included? Why not demographic changes?
- The real test of the Parades Commission will be the next marching season, the degree of political support it enjoys and the commitment of the RUC to see that its determinations are enforced.
- What is your assessment of the Burning of Lundy in December? The Apprentice Boys did not help themselves with the nationalist community last August.

- Does the Commission expect to be involved in mediation?
- The situation in Bellaghy could be resolved if the British Legion showed some flexibility on the band. The Harryville protests run very deep with the nationalist community and bands that have taken part are seen as very sectarian. Remembrance Day should avoid such sectarian overtones.
- It is puzzling that the British Legion should employ a "kick-the-Pope" band. Can you use any influence to encourage the British Legion to employ a non-sectarian band?

Meeting of the Anglo-Irish Intergovernmental Conference

Belfast, 5 November 1997

Item 2 (b) Parades

Background Note

General

1. The circumstances in which the Portadown Orange Parade was forced down the Garvaghy Road on 6 July threatened to generate serious upheaval and conflict between the nationalist community and the Orange Order up to and including the Twelfth of July. The situation was defused by the decision of the Orange Leadership and local lodges - advised and supported by Lord Molyneux, RUC Chief Constable Ronnie Flanagan and the loyalist paramilitary political leadership - to cancel or reroute marches from contentious areas. (It is widely believed that to facilitate this, the British authorities undertook to extend the remit of the Parades Commission to nationalist culture and to enshrine in some way the notion of traditional routes.) As a result of the Order's decision, a de facto truce emerged between local lodges and resident groups which defused potential flashpoints for the remainder of the marching season.

Draft Parades Bill

2. On Friday, 17 October 1997, the Secretary of State published the Public Processions etc (Northern Ireland) Bill. It provides for the Parades Commission to have determining powers over marches, by setting conditions on contentious parades, including in regard to routes. This Bill has included within its remit "other expressions of cultural identity". This move has been strenuously resisted by our side and as a result sporting events were specifically excluded from the Bill. Introducing the extension of the Commission's remit, the Secretary of State stated that she would "keep it under close review and hope that it will be possible to activate the provision within a matter of months". The new Bill also proposes to extend the period of advance notice required from 21 to 28 days. The inclusion of the subsection 8(6)(e), "the desirability of allowing a procession customarily held along a particular route to be held along that route", may prove contentious in nationalist quarters as it appears to endorse the concept of a customary or 'traditional' route in primary legislation. The

Bill is expected to become law by March, 1998.

### Reaction to Parades Bill

3. The Minister for Foreign Affairs welcomed the fact that the Bill provides for the implementation of the recommendations of the North Review, particularly the provision of determining powers to the Commission. The exclusion of sporting events from the Commission's remit was also welcomed. The Minister, however, noted the extension of the Commission's remit to include other expressions of cultural identity and the understandable concern which this provision has caused with the nationalist community. The Minister indicated that it was in the interests of both communities in Northern Ireland that the Parades Commission succeeds in its task of reconciling the conflict of rights which surrounds the parades issue.
4. Reaction to the Parades Bill was critical from both sides of the community, though not to the point of threatening its credibility. Nationalist criticisms focused on the extensions of the remit. The DUP's Nigel Dodds claimed the Bill was "another concession to the pan-nationalist front", by giving powers to "an unelected and unaccountable body to ban or re-route traditional lawful parades". The Orange Order are quoted as describing the draft Bill as "draconian" though the County Armagh Grand Orange Lodge in a statement welcomed "the inclusion of the desirability of traditional parades proceeding long their customary routes and will be surprised if, in future, the oldest Orange Parade throughout the World, from Drumcree Parish Church, was ever to be banned again. It waits to see if this principle is upheld in practice".
5. Speaking at the Ulster Unionist Party annual conference on 25 October 1997, the party leader Mr. David Trimble was critical of the Secretary of State's approach to the parades legislation, saying that republicans on both sides of the border wanted to cause trouble, not prevent it. Mr. Trimble went on to address a message to the Secretary of State; "I know that some members of your Parades Commission are threatening to resign. But frankly they are no loss. Remember, Mo, who delivered the good outcome this summer? It is they who have the good of the whole community at heart".

### Parades Commission

6. The Commission published on 27 October 1997 three booklets, *Procedural Rules*, *Guidelines* and *Code of Conduct* (for organisers). These are open to public consultation until February 1998:

- The *Code of Conduct* provides guidance for parade organisers and participants. It focuses on the preparation for parades, particularly the routes chosen, the involvement of bands, stewarding, the provision of notice and the conduct of the parade itself, in particular the behavior of parade participants while near sensitive locations.

- The *Guidelines* provide an outline of the factors that the Commission members will take into account in reaching their decisions, including the public disorder or damage to property which may result, the disruption to the life of the community, the impact on relations with the community, the compliance of the organisers and participants with the Code of Conduct and the desirability of allowing a parade which has been customarily held on that route to continue to be allowed to do so.

- The *Procedural Rules* sets out how the Parades Commission is to operate. It focuses on the Commission gathering information, taking evidence, expressing a preliminary view, making formal determinations and the review of a decision or determination.

7. Representatives of the resident groups publicly declared their lack of faith in the members of the Parades Commission and called on them to resign because of what they cite as their lack of credibility, particularly in regard to Alastair Graham. They were particularly upset that Graham should have joined the NIO consensus that the Garvaghy parade should proceed, as revealed in the so-called 'game plan' document that was leaked. A meeting has been agreed between the residents and the Commission to discuss this issue.

### Recent and Upcoming Parades

8. The Orange parade of 14 September through the village of **Dunloy** was prevented by the RUC from marching through the village where residents have called for talks with the loyal orders. In response, protests have recommenced outside the Catholic church

in **Harryville**, Ballymena, Co. Antrim. The numbers involved have been considerably reduced on last year and the protest seems at this stage to be fading to a token presence.

9. On Sunday, 12 October 1997 loyalist protesters clashed with police as they attempted to block the route of the **Rosslea** Martyrs (United Irishmen) nationalist parade in Enniskillen. One Plastic Baton Round was fired during the rioting which caused considerable damage to property. The marchers bypassed them and voluntarily re-routed their parade away from the mainly Protestant village of Maguiresbridge.
10. On 26 October 1997, an Orange parade was prevented from parading along the **Lower Ormeau Road** by the RUC. There were no disturbances.
11. Controversy is brewing over **Bellaghy's** objection to the participation of an Orange "kick-the-Pope" band in a Remembrance Day parade through the village on 9 November next. The Bruce's True Blues band was involved in the Harryville protest. A further aggravating factor is that 28 residents in the village were injured as a result of disturbances caused by parades this summer. The village does not object to the parade but to the band's presence (and suspect that the Spirit of Drumcree have deliberately inserted the band under cover of Remembrance Day). The British Legion have refused to engage in dialogue on the issue. The village has proposed that the parade be accompanied by a non-sectarian band such as the Salvation Army.
12. The only main event remaining of this year's marching season is the Burning of Lundy celebrations in **Derry** in December.

Security Section

31 October 1997

**Meeting of the Anglo-Irish Intergovernmental Conference**

**Belfast, 5 November 1997**

**Item 2 (c): Prisons Issues**

**Speaking Points**

**Key points:**

- **A sensitive and generous approach to the treatment of prisoners will serve to increase confidence significantly.**
  
- **Conversely, dissatisfaction at the handling of these issues can have a disproportionate and negative impact on the peace process.**
  
- **I therefore warmly welcome recent decisions taken by yourself and the Home Secretary in the prisons area. The first decisions on transfers by the Labour Government ( in the cases of Hayes, Wood and Kinsella) are particularly welcome. I look forward to further transfers being agreed in the months ahead under the humanitarian provisions of the relevant Convention.**
  
- **I also welcome the improvements in the compassionate parole arrangements for transferred prisoners in Northern Ireland since 1 October, from which Danny McNamee and Ella O'Dwyer have already benefitted.**
  
- **There are very widespread concerns about the humanitarian aspects of the Róisín McAliskey case and I would hope that your Government will take these fully into account when decisions fall to be taken on the extradition application.**
  
- **The developments regarding the Casement Two appear to be positive. Can you clarify what the current position is and when might we see them released?** ✓
  
- **Early and generous decisions relating to Christmas Home Leave would create goodwill.**

- I continue to receive complaints regarding the treatment of Republican prisoners.
- We are concerned that a number of Republican prisoners continue to be held in the Special Secure Unit of Belmarsh prison.
- Insistence on certain procedures, such as DNA testing, aggravates tension between staff and prisoners; this could be diminished by a more flexible approach.
- I hope that the Home Secretary will shortly set the tariffs of the Balcombe Street Four to enable their transfer applications to be processed.

## Meeting of the Anglo-Irish Intergovernmental Conference

Belfast, 5 November 1997

### Item 2 (c): Prisons Issues

#### Background Note

#### Positive developments

- a. On 18 August 1997, thirteen Exceptional Risk Republican prisoners were reclassified as High Risk. As a result, eight of these have been moved out of SSUs. All are now allowed receive open visits.
- b. On 12 September, improved arrangements relating to compassionate leave, seven day leave and Christmas Home Leave for prisoners in Northern Ireland were announced.
- c. On 1 October, new regulations governing the transfer of prisoners from Britain to Northern Ireland came into effect. These prisoners are now given "restricted" transfers, which place them on the same footing as those convicted in Northern Ireland for all purposes except final release (which continues to be a matter for the British Home Secretary). They are therefore be able to benefit from the classification and temporary release procedures in force in Northern Ireland. Two high-profile prisoners, Ella O'Dwyer and Danny McNamee, have already benefitted under these regulations.
- d. On 22 October, Danny McNamee's security classification was down-graded from top risk to high risk. There are currently no prisoners classified as "exceptional risk" (in Britain) or "top risk" (the Northern Ireland equivalent).
- e. On 31 October, the Home Secretary agreed to the transfer of Patrick Hayes, Denis Kinsella and Vincent Wood to prison in Ireland. These transfers will take place once the steps required, inter alia, under Irish legislation are completed; this could take up to four weeks
- f. Also on 31 October, five other applications for transfer were transmitted to the Department of Justice, Equality and Law Reform by the Home Office. These will be processed as a matter of priority when received.

#### Outstanding issues of concern

- i. The proceedings to extradite **Róisín McAliskey** from Britain to Germany are still unresolved following the continued refusal of the magistrate to order her extradition unless she is present in court. A further hearing is due on 10 November, but her lawyer (Gareth Pierce) may seek the Home Secretary's intervention in advance of a court ruling.
- ii. Five remand prisoners (four of whom are currently on trial at the Old Bailey) continue to be held in the Special Secure Unit (SSU) in Belmarsh Prison. In addition, we understand that one convicted prisoner has been held in the Belmarsh SSU, as a temporary measure, since 28 October. In the past, we have expressed our grave concern at the effect of SSUs on the physical and mental health of prisoners.

- iii. The treatment of prisoners still gives rise to concern. Strip-searching has increased (partly because the prisoners are receiving more visits), and a number of prisoners have been forced to provide samples for DNA testing. There have also been allegations of petty harassment by warders. As a result, there have been a number of incidents involving prison staff and prisoners.
- iv. Although the necessary paperwork is complete, the Home Secretary has still not taken a decision in relation to the tariffs of the Balcombe Street Four, who are serving life sentences and who have spent more than twenty years in prison (a prisoner cannot be transferred until the tariff is set).
- v. The operation of the Life Sentence Review Board (LSRB) in Northern Ireland continues to be problematic for confidence in the administration of justice.

### **Prisoners in Britain**

There are currently 21 convicted prisoners and 6 remand prisoners detained in British prisons in connection with a variety of terrorist offences. A further two individuals, Róisín McAliskey and Patrick McKinley, are currently on bail.

The Government closely monitors the humanitarian aspects of the treatment of Irish prisoners in Britain. Issues of concern are raised both at political level and through the Embassy in London. The Embassy regularly carries out consular visits to Republican prisoners in British prisons, most recently between 25 and 26 September. A further round of visits will take place shortly.

It is widely recognised that both Republican and Loyalist prisoners made a significant contribution to the achievement of the ceasefires. The issue of prisoners has been consistently identified as one where there is scope for building confidence in both communities if it is appropriately and sensitively handled. However, in recent weeks there has been growing dissatisfaction among Republican prisoners at delays on the British side in handling transfer requests, and at prison conditions, and this gave rise to fears of a negative impact on the peace process. It remains to be seen whether recent British action on \_\_\_\_\_ will defuse this, although it is to be noted that a rumoured protest in the prisons on 1 November did not materialise after news of the transfers came through.

### **Transfers to Ireland**

The question of transfer of Republican prisoners from Britain is an issue which is accorded a high priority by Government. The principle that, wherever possible, prisoners should be permitted to serve their sentences close to their families has been consistently supported. It has been repeatedly made clear to the British authorities that Ireland stands ready to receive Republican prisoners transferred under the provisions of the European Convention on the Transfer of Sentenced Persons, which is the international instrument governing transfers between Britain and this jurisdiction. These matters are pursued with the relevant British authorities through the Irish Embassy in London and within the framework of the Anglo-Irish Intergovernmental Conference.

A total of six Republican prisoners in Britain have been transferred to prison in this jurisdiction since the Convention came into effect here on 1 November 1995 - the last transfers took place in December 1996. Of the twenty one convicted prisoners currently serving sentences in Britain, nineteen of them have made applications for transfer to this

jurisdiction. Another has applied for transfer to Northern Ireland.

The processing of transfer requests inevitably takes some time, since there are a number of statutory requirements which must be fulfilled. Nevertheless, we had been concerned that, in a number of cases, decisions relating to transfers appeared to be taking longer than necessary on the British side. The British maintained that they were concerned that prisoners transferred here would be released early. However, this concern seems to have been allayed by the Minister for Justice, Equality and Law Reform, who has provided the Home Secretary with written assurances concerning respect for the integrity of sentences. This was followed by the announcement, on 31 October, of British agreement to three transfers, and the transmission of documentation relating to five other transfer applications.

### **Róisín McAliskey**

Róisín McAliskey has been detained in London since November 1996 on foot of a request made by the German authorities for her extradition in connection with the IRA attack on the British Army barracks at Osnabruck on 28 June 1996. Following her release on conditional bail from Holloway Prison to Whittington Hospital in London on 23 May and the birth of her daughter on 26 May, Ms. McAliskey has been remanded on continuing bail at Maudsley hospital in London. Her full committal hearing has been set three times (most recently on 23 October) but Ms. McAliskey did not attend any of the hearings. The magistrate indicated that he would have agreed to Ms. McAliskey's committal had she been present in the court but said that it would not be appropriate to do so in her absence. On 23 October the Magistrate invited the legal teams involved to seek judicial review on how he might best proceed. The next Magistrate's committal hearing has been set for 10 November 1997.

### **Life Sentence Review Board**

The operation of the Life Sentence Review Board (LSRB) has been deeply problematic recently for confidence in the administration of justice. It is virtually indistinguishable from the NIO and apparently operates at the whim of the Secretary of State and senior NIO officials. Thus it appears to nationalists that the LSRB will treat generously incarcerated British soldiers (e.g. Lee Clegg) but not nationalists.

On 27 October 1997 the Secretary of State directed that the LSRB should in future reduce the maximum period for which a case may be deferred for further consideration from five to three years.

The cases of Guardsmen Mark Wright and James Fisher and the Casement Two (Seán Kelly and Michael Timmons) were reviewed by the LSRB on 14-15 October 1997. In these cases the recommendations of the LSRB were referred to the Secretary of State for her personal recommendation. The Secretary of State announced on 27 October 1997 that Wright and Fisher would be referred to the LSRB in a year, when they have served six years. With regard to the Casement Two, their cases have been referred, by the Secretary of State, for consultation with the judiciary to examine the possibility of them being released on licence.

Security Section  
Anglo-Irish Division  
3 November 1997