

PUBLIC ORDER - LEGAL AND CIVILIAN ASPECTS

1. The Attorney General introduced his paper "The Legal Picture in Northern Ireland" and outlined its conclusions. In addition, he gave the following information in respect of specific paragraphs:

i that recently, of persons brought to Court for terrorist offences, the acquittal rate of disputed cases is 40% - the same as the general acquittal rate in Great Britain (Paragraph 3) and,

ii that the Lord Chief Justice's decision that any statement made by an accused after a period of interrogation at a Police Holding Centre would not be admissible (unless the prosecution could show there had been sufficient time following questioning under the Special Powers Act procedures to permit the accused to recover fully from the effects of interrogation) would result in the discharge of McDermott who is accused of the murder of Sergeant Willett (Paragraph 4).

2. It was noted that the Attorney General has arranged for the Director of Public Prosecutions to inform the police of the pending discharge of such persons and that the Attorney General's Office will inform the Northern Ireland Office (NIO). The Secretary of State said that he would consider immediately arresting and detaining McDermott as he leaves the Court. He thought however that a good deal of bad publicity would result from McDermott's discharge and it was agreed that an arranged Question for the Attorney General explaining the Government's position should be put down for 19 June.

3. In discussion about the case of McKee, an alleged dangerous member of the IRA at present awaiting trial (Paragraph 6 of the paper) the Secretary of State said that he did not rule out the possibility of

detaining him in the same way as McDermott and, if necessary, he would do so on the basis of reviewing his case after a set period; he would again want his reasons for the detention widely publicised. The Secretary of State considered that it would be a help, politically, if McKee's case could be put back until September. It was agreed that the Attorney General would try to arrange this.

4. In a general discussion about Special Courts (Paragraph 8 of the paper) there was agreement with the views of the Attorney General and the Lord Chief Justice that there is no immediate need for SUCH COURTS in Northern Ireland. It was pointed out that, even before a Special Court, the Lord Chief Justice's decision about statements made by an accused after a period of interrogation at a Police Holding Centre being inadmissible would still apply. The Attorney General said that he would continue to give long term consideration to the idea of Special Courts.

5. The Attorney General outlined the difficulties in respect of cases now pending before the European Commission on Human Rights. The Secretary of State agreed that he should consider approaching the Foreign and Commonwealth Secretary with a view to getting the Government of the Irish Republic to delay in putting their cases of alleged brutality before the Commission. It was generally felt that in the present climate of rapprochement, there was reason to hope that the Irish Government would accede to that request.

6. In discussion about who should appoint and remove County Court Judges (at present the Ministry of Home Affairs) it was agreed to hold talks between the Secretary of State, the Lord Chancellor, Lord Chief Justice and Attorney General as outlined in Paragraph 13 of his paper.

7. The Secretary of State agreed that provision should be made for County Courts to exercise criminal jurisdiction during the months of July and August. Arrangements are now in hand to get the necessary Order in Council through Parliament under the 'urgent procedure'.
  
8. The Secretary of State said that the RUC should be pressed to produce their report on the cases of alleged brutalities submitted by the Irish Embassy. It was agreed that the Director of Public Prosecutions would get in touch with the police to enquire progress and that, when the report comes out, it should be sent to the Director for action.
  
9. The Secretary of State said that he was unconvinced by arguments against the closing of Holywood Detention Centre. Mr Woodfield explained that it is now surplus to requirements and it was therefore agreed that it should be closed if this would not be seen as too hard a blow to RUC morale.
  
10. Following from this there was a general discussion on interrogation techniques and Mr Woodfield explained that, since internment, interrogation techniques have aimed more at obtaining intelligence than getting successful prosecutions; there is now a need to change the order of priority. This was generally agreed. Sir John MacKie has just submitted a report to NIO officials about RUC interrogation techniques and it was agreed that more sophisticated methods of interrogation are necessary.
  
11. The Secretary of State invited the Attorney General to note the points raised in discussion and to circulate his paper, with any necessary revisions, to Gen 79.