

E.R.

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JUN 1983

3 JUN 1983

10 JUN 1983

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- cc PS/PUS (L&B)
- Mr Brennan
- Mr Bourn
- Mr Buxton
- Mr Angel
- Mr Boys Smith
- Mr Radcliffe

Not really. I note that the suggested change to para 8 has not been made. *See*

To see if. Any amendments, additions to suggest?

DIV/1B
 1064
 -3 JUN 1983
REF. TO 2040

Mr Abbott

~~BRIEFS FOR INCOMING SECRETARY OF STATE - LAW AND ORDER~~

I attach a draft brief on Law and Order, which has been amended to take account of comments by Mr Buxton and others at this end. It may need further amendments, and will certainly need to have up-to-date figures inserted in Annex G (PBR). I will supply these at the last possible moment.

[Signature]

P COULSON
 Law and Order Division

1 June 1983

Mr Coulson

I would repeat our suggestion that the words "who have remained" in para 8 should be deleted. As it stands, the sentence in question suggests that Catholics have been leaving the Force in disproportionate numbers, as distinct from not joining it in proportion to their strength in the community. Would you return the draft brief, pl.

Mr McHugh

Mr Radcliffe - my apologies. I have passed the corrections to Mr Abbott in a separate minute.

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Mr Sloan 13/6

MR. Vance

To see & file carefully please

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BRIEF NUMBER VI

LAW AND ORDER

1. The current campaign of terrorist violence, which commenced in 1969, has seriously damaged the Province's prospects for economic regeneration and political progress. It has also created a climate in which other types of petty and serious crime have flourished. It has been the aim of successive Governments, therefore, to reduce crime as a whole but, in particular to bring about an end to terrorism.

2. These policies have been pursued by resolutely applying the rule of law. Those who commit crimes of violence to subvert the democratic processes of government are not engaged in a war in any moral or legal sense, despite their claims to the contrary. Hence, successive Governments have not been tempted to achieve a 'military solution', but instead have treated terrorists as the criminals they are, dealing with them in open courts by the due processes of law. This approach is based upon the tenet that the rule of law is fundamental to any democratic society and the knowledge that it is this foundation which the terrorists are seeking to undermine. Hence, the security forces who are charged with upholding and enforcing the law, must themselves be answerable to it.

3. A natural consequence of this policy is that the police are its main agents, calling upon the Army for support where necessary. In Northern Ireland there are several factors which make it particularly difficult to deal with terrorists by means of normal legal processes.

4. Firstly, it is often difficult to isolate terrorists from those sections of the community who share their political aims. Sectarian divisions run deep and loyalties are fiercely held. Otherwise law abiding members of these communities may have ambivalent attitudes towards those who break the law to achieve ends of which they approve and may be reluctant to support the security forces in bringing these terrorists to justice. Secondly, even if members

of these communities wish to support the security forces they may frequently be deterred from doing so by intimidation and violence. For example, witnesses to crimes frequently assist the police covertly but are rarely willing to give evidence in open court for fear of being identified. Similarly there is little or no prospect of juries reaching fair and impartial verdicts because of the fear of reprisals by terrorists. Finally, there is the very real difficulty of apprehending terrorists when they are easily able to flee the jurisdiction. The border with the Republic of Ireland is over 300 miles long and any benefits that might flow from the attempt to seal it would be vastly outweighed by the cost - in political and security terms - to our current cross-border co-operation with the Irish authorities (see attached Annex A), quite aside from the enormous expense, of both manpower and resources, of such an attempt. Hence, although the security forces operate check points and patrols, those who commit crimes fast ~~fast~~ ~ ? inside Northern Ireland can flee back into the Republic, with little risk of being caught.

5. Sustaining the community's confidence in the impartiality and effectiveness of the law, and of those who enforce and administer it, offers the best prospect of isolating terrorist groups from the sections of the community they claim to represent. It is also central to achieving and maintaining a progressive abatement in the overall level of violence, which is essential if the public are to develop confidence in the ability of the security forces and the judicial machinery to protect them. Without this confidence the community will not be persuaded to move from tacit support for the security forces to more active willingness to provide information and evidence of a kind that can substantiate charges before the Courts.

6. The Northern Ireland (Emergency Provisions) Act, which was introduced in 1973 (replacing the 1920 Special Powers Act) was intended to overcome some of the problems caused by terrorist violence and intimidation. After being reviewed by Lord Gardiner it was amended in 1976 and subsequently consolidated into the Northern Ireland (Emergency Provisions) Act 1978. The UK-wide Prevention of Terrorism (Temporary Provisions) Act was also introduced in 1976; this was reviewed by Lord Jellicoe who published his report earlier this year. The 1978 Act is currently being reviewed by Sir George Baker. (Notes on those Acts are attached at Annex B).

7. The primary responsibility for achieving these aims rests with the RUC, who took over this role in 1977; in earlier years the Army had been the dominant partner. The police are assisted as necessary by the Army, including the locally recruited Ulster Defence Regiment (UDR). The ^{Regular} RUC has more than doubled in size since the present terrorist campaign began in 1970, while the Regular

Army presence has more than halved since 1972: see Annex C. Except in the border areas (notably South Armagh), West Belfast and West Londonderry the RUC are largely able to manage without Regular Army support. The Chief Constable and the GOC are firmly committed to close co-operation, with the police in the lead, and this is well understood within the forces they command. There is, of course, an extensive network of joint planning relationships linked to Special Branch and intelligence sources. This work is overseen by the Security Policy Meeting chaired by the Secretary of State. It covers operational matters as well as physical security planning.

8. Police officers are recruited on merit; unfortunately terrorist action has caused the minority community to be under-represented within the Force (as they are in the UDR), although a number of those Catholics who have remained in the Force have risen to senior positions. The RUC have been making steady progress towards securing Catholic acceptance of the Force as fair and dispassionate in its enforcement of the law. Although it is fair to say that the deaths of the hunger strikers in 1981 and the subsequent street rioting constituted a set-back, this progress has now been resumed. But it will continue to be slow and subject to occasional set-backs. However, the RUC has not been deflected from developing a wide ranging community relations programme, and several liaison committees for consulting local opinion.

Current Position

9. Following an erosion of their public support, coupled with security force successes, the Provisional IRA (PIRA) were forced in the late 1970s to reorganise themselves into self-contained cells less susceptible to intelligence penetration than the previous "battalion" structures. PIRA's current pattern of violence largely takes the form of shooting and bombing attacks, particularly on "soft" targets such as off-duty members of the RUC and the UDR. From time to time they use more powerful weapons than ordinary rifles and weapons - for example mortars, RPG 7 rocket launchers and the M60 machine gun.

10 The level of violence has however continued to decline

substantially over recent years (a table of security statistics is attached at Annex D). The trends this year seem to be towards a lower number of attacks but a higher degree of secrecy and efficiency in their planning along with varying competence (and luck) in their execution. This campaign of violence is sustained in part by organised/ crime/ against which the Chief Constable mounted a special anti-racketeering squad in 1982. The sectarian murders and street violence which were a feature of earlier years, and which recurred in 1981, are not at present significant security problems. Terrorist activities are now largely the preserve of experienced and dedicated organisers - the so-called "Godfathers" who are careful to distance themselves from actual crimes - and the small "Active Service Units" (ASUs) who do the bombing and shooting. But the organisations are not limited to fixed numbers; the ethos is transmitted generationally, culturally and socially, and cannot be excised by unsophisticated means.

11. PIRA are to some extent sensitive to public opinion - both within the Catholic community and internationally - and in general seek to avoid "innocent" casualties. With the emergence of Sinn Fein (their political wing) as a credible political party, they are also conscious that terrorist activities cannot be wholly divorced from electoral popularity. But they are far from consistent: as recently as 24 May a car bomb explosion outside Andersonstown police station in the heart of Catholic West Belfast injured 12 civilians and caused extensive damage to homes. To some extent the abatement in the overall level of violence presents an opportunity for republican terrorism. Domestic and international expectations of violence are so well established that it is possible for PIRA to maintain credibility (despite reductions in capacity), and to manipulate public attention for much smaller investments in violent action. Hence the move into 'political' activity and the link between 'armalite' and 'ballot box'.

12. The other main republican terrorist group is the Irish National Liberation Army (INLA). INLA is smaller and less disciplined than PIRA, and shares none of its political ambitions. The organisation

was responsible for the Ballykelly bombing last December in which 12 off-duty soldiers and 5 civilians were killed and many more injured. (The two explosions mentioned above illustrate the element of chance in the results of terrorist activity: the Andersonstown bomb was around 440 lbs of explosive and caused no fatalities: while the Ballykelly bomb weighed about 4 lbs, inflicted no direct casualties, but blew away a pillar supporting the roof of the building).

13. There are also Loyalist paramilitary groups, the largest of which is the Ulster Defence Association (UDA). The UDA was prominent in the political strikes of 1974 and 1977 but now seems to be a spent force. It has never claimed responsibility for any terrorist attacks and remains a legal organisation. Other smaller loyalist groups have been proscribed, of which the most significant are the Ulster Volunteer Force (UVF) and the Ulster Freedom Fighters (UFF). These are little more than sectarian criminal gangs whose violence is usually reactive to republican terrorism.

Current Issues

14. All Northern Ireland Secretaries of State are held responsible by the public, particularly the Unionists, for security. To that extent, the issues are unchanging. To varying degrees, depending on the nature of the latest terrorist outrage, the Secretary of State is expected to have a public stance. The topical policy issues do however change. At present the ones attracting most publicity are the security forces' alleged shoot-to-kill policy, the RUC's use of supergrasses' evidence in terrorist prosecutions and plastic baton rounds; of equal importance, though less noteworthy, are the current review of the emergency legislation and the maintenance of security co-operation with the Irish Republic. Annexes/^E to ⁷ these issues are attached, [together with a note on the Kincora affair.]

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Northern Ireland is also within the scope of the Prevention of Terrorism Act 1976 (PTA), which applies throughout the United Kingdom. This is again temporary legislation and is subject to renewal by Parliament every 12 months. It enables terrorist suspects to be held by the police for 2 days and then for up to a further 5 days on the express authority of the appropriate Secretary of State, separately given in each case. The PTA was recently reviewed by Lord Jellicoe and his Report is under consideration by the Home Office, who are aware of the need to consider the implications for Northern Ireland of any changes in the legislation.

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1. POLICE NUMBERS: 1969-83

<u>Strength Figures</u>	<u>RUC</u>	<u>RUC Reserve</u>
31 Dec 1970	3800	324
31 Dec 1971	4086	1284
31 Dec 1972	4257	2134
31 Dec 1973	4391	2514
31 Dec 1974	4565	3860
31 Dec 1975	4910	4019
31 Dec 1976	5253	4697
31 Dec 1977	5692	4868
31 Dec 1978	6110	4605
31 Dec 1979	6642	4514
31 Dec 1980	6943	4752
31 Dec 1981	7334	4871
31 Dec 1982	7718	4840
30 April 1983	7868	4734

2. ARMY AND UDR NUMBERS: 1969-83

<u>Force Levels (maximum Strength)</u>	<u>Regular Army</u>	<u>UDR</u>	<u>Total</u>
1970	9616	4008	13624
1971	14224	6786	21010
1972	21266	9245	30511
1973	17211	8959	26170
1974	16085	7976	24061
1975	*15150	7833	22983
1976	14781	7838	22619
1977	14621	7745	22366
1978	13664	7894	21558
1979	13130	7484	20614
1980	12553	7559	20112
1981	11295	7570	18865
1982	10338	7238	17576
30 April 1983	9665	7152	16817

* including temporary reinforcements for S. Armagh

SECURITY STATISTICS: 1969-83

References	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	30 April 1983
Fatalities:															
RUC	1	2	11	14	10	12	7	13	9	4	9	3	13	8	3
RUCR	-	-	-	3	3	3	4	10	6	6	5	6	8	4	4
Army	-	-	43	103	58	28	14	14	15	14	38	8	10	21	2
UDR	-	-	5	26	8	7	6	15	14	7	10	9	13	7	1
Civilians*	12	23	115	321	171	166	216	245	69	50	51	50	57	57	11
Totals	13	25	174	467	250	216	247	297	112	81	113	76	101	97	21
Terrorist incidents:															
Shootings	-	213	1,756	10,628	5,018	3,206	1,805	1,908	1,081	755	728	642	1,142	547	135
Bombs [†]	8	170	1,515	1,853	1,520	1,113	635	1,192	535	633	564	400	529	332	87
Incendiaries	-	-	-	-	-	270	56	239	608	115	60	2	49	36	6
Totals	8	383	3,271	12,481	6,538	4,589	2,496	3,339	2,224	1,503	1,352	1,044	1,720	915	228
Finds:															
Weapons	-	324	717	1,264	1,595	1,260	825	837	590	400	301	203	398	321	88
Explosives (tons)	-	0.4	2.6	27.4	31.6	23.7	9.9	16.9	2.7	3.5	0.9	0.8	3.4	2.3	0.12
Terrorists charged:															
All offences	-	-	-	531	1,414	1,362	1,197	1,276	1,308	843	670	550	918	686	179

* Includes suspected terrorists

† Includes devices 'defused'

SHOOTINGS BY THE SECURITY FORCES

Between November 1982 and March of this year the security forces shot at and hit terrorist suspects on 8 occasions. Ten people died and 5 more were injured. These deaths provoked considerable controversy among the Catholic community (all except one of the dead were Catholics) and fuelled a propaganda campaign alleging that the security forces (and in particular the RUC) had been allowed to embark on a "shoot-to-kill" policy.

The Chief Constable emphatically denies this charge. The police are well aware that they must themselves obey the law which they enforce. Any incident where death or injury results from the use of firearms by the security forces is closely investigated by senior police officers and a report is submitted to the Director of Public Prosecutions, who is empowered to call for any additional information he considers necessary. The DPP is currently examining the reports on the earliest of these cases; his decisions on whether or not any of them furnish sufficient evidence to warrant a prosecution can be expected to arouse controversy. If policemen are charged the Protestant community will deplore the fact that shooting "known terrorists" is regarded as a criminal offence; if there are no prosecutions, then many Catholics will believe that the security forces are permitted to operate outwith the law and are immune from its sanctions.

PLASTIC BATON ROUNDS

Plastic baton rounds (PBRs), popularly known as plastic bullets, are the security forces' principal means of dealing with serious rioting. PBRs are about 4 ins long, 1½ ins in diameter and weigh 135 grams: they are more stable in flight than the rubber baton rounds they replaced. The guidance over the circumstances in which they may be fired is clear and provides that they must be aimed at the lower body of specific rioters and not used at a range of less than 20 metres, unless the lives of members of the security forces or innocent civilians are seriously threatened. At less than 20 metres the dangers of PBRs are, of course, increased.

By definition, riot control measures are only necessary when there are riots. During 1981 the security forces fired 29,695 PBRs; so far in 1983 they have fired / /. Since the beginning of 1981 / / people have died from injuries apparently caused by baton rounds and about / / have been injured - mostly not seriously. In all cases involving death or serious injury thought to have been caused by PBR, the police send a detailed report to the DPP. He has directed no prosecutions of members of the security forces in respect of any of the cases involving death or injury; two cases of death are outstanding.

Criticism of PBRs stems partly from propaganda motives - baton rounds are an extremely effective way of keeping rioting crowds at a distance - and partly because some of those killed have been children whose participation in rioting has in some cases been questioned. Moreover, it is widely believed, though wrongly, that the Home Secretary has banned their use in England and Wales; their use in Northern Ireland is therefore portrayed as an illustration of double standards. Finally, other European countries use different and less dangerous riot control weapons, such as water cannon and CS Smoke, but these have not been found to be effective in dealing with the serious rioting than can occur in Northern Ireland. Nevertheless, possible alternatives for the control of riots are being carefully studied in consultation with the Home Office and Scottish Office.

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THE KINCORA AFFAIR

From the 1960's onwards, a small number of staff at some children's homes and hostels in Northern Ireland were over a period of time convicted of homosexual offences against boys in their care. By 1980, when the housemaster of the Kincora Children's Home was convicted, rumours were rife that there had long been a homosexual prostitution ring based on the homes and that a number of public bodies had allowed the scandal to continue, both because of the involvement of senior members of their own organisations and because the prominent Unionist politicians, loyalist paramilitary leaders and (Protestant) businessmen who are allegedly involved were being blackmailed for information about political and paramilitary activities in the Province. Those rumoured to be involved in the public sector included senior NIO officials, RUC officers, and members of the intelligence services. And it has been alleged that politicians like Mr Paisley and Mr Molyneaux knew what was going on but covered-up to protect colleagues. The salacious aspects of the affair have thus become associated in the public mind with a number of other themes, such as the activities of UK government authorities under direct rule and the position of prominent members of the community [some of whom are anxious to clear their names.] This combination of factors has served to give continued impetus to public interest. Added impetus was given to the scandal by the Government's decision to legalise homosexual acts, a move which was bitterly opposed by the more fundamental religious sects.

In February 1982, in response to increasing public concern (and the collapse of a limited inquiry by DHSS into the way in which their homes were administered), Mr Prior announced that he would be appointing a committee of inquiry to look into the whole affair, sitting in public under a High Court judge. This could not be established however until two outstanding matters were concluded: first, the RUC were conducting some further investigations and would be reporting to the DPP(NI), so there could be no public inquiry while there was a possibility of further prosecutions; and second, the Chief Constable of Sussex, Sir George Terry, had been appointed to report on the way in which the RUC had

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conducted their inquiries throughout, and his conclusions, which would be published, would have to be considered before a public inquiry was started.

The DPP(NI) announced on 23 May that there will be no further prosecutions, but the Terry Report has not yet been received. The delay has inevitably increased public concern. The Northern Ireland Assembly debated the matter in March and the party leaders saw Mr Prior a few days later to press him to institute the 'full public judicial inquiry' as soon as possible. Mr Prior reaffirmed that he would proceed as speedily as possible once the way was clear, and he assured the party leaders that he would consider with his Ministerial colleagues whether the inquiry should be established under the Tribunals of Inquiry (Evidence) Act 1921. An inquiry under this legislation would have the necessary powers to explore the allegations (as other kinds of inquiry would not) but could be very protracted and expensive.