

BACKGROUND BRIEFING - LINES TO TAKE - SECURITY ISSUES

Internment

- Let there be no misunderstanding. Internment is not a simple answer to the security problem in Northern Ireland. It might well not even provide a short "breathing space". Its use would have unpredictable and far-reaching consequences. It remains among the measures available to Government. This means that the Secretary of State has not ruled out its use in all circumstances. But, as he has said before, and for obvious reasons, he will not be drawn on what those circumstances might be. And public discussion of the issue only unsettles the atmosphere, unhelpfully.

Proscription

- The Government keeps under careful review the possibility of proscribing any organisations which are paramilitary in character and associated with violence.
- If the Government felt that the proscription of any organisation was likely to materially assist in bringing terrorism to an end, it would not hesitate to proscribe it.
- Non-proscription confers no immunity from prosecution for substantive offences of violence.
- The Government will only proscribe organisations which are actively and primarily engaged in the commission of terrorist acts.
- This policy accords with the Government's view that people should be prosecuted for actions rather than beliefs.

Information Handling - Army Concerns

- The Government is aware of concerns about the effective presentation of policies, and effective response to individual, usually controversial, incidents. However, this is not a straightforward issue. There are many inter-linked aspects to consider, and it is essential that any arrangements result in a cohesive and proactive approach, which takes account of the different responsibilities of the Government and of the security forces, and does not prejudice the operation of the system of justice.

Lethal Force - Review of the Law

- The Government is currently considering the possibility of changes to the law relating to "lethal force". Ministers are determined that this very difficult subject should receive the closest scrutiny. It will not be possible to make any rapid moves, as the full consequences of any change will have to be carefully assessed.

Cross-border Security Co-operation

- The Government attaches the highest importance to cross-border security co-operation in the task of bringing terrorism to an end. However, the task of patrolling the border is a difficult one, not only for our own security forces, but also for the Republic's.
- Since the Anglo-Irish Agreement, which provides a framework for security co-operation, progress has been made in a number of areas, but the constantly developing terrorist threat requires continuous review and refinement of the co-operation.
- More needs to be done; is being done, and will continue to be done.

C O N F I D E N T I A L

- A major problem is the very different constitutional structure of the Republic - which creates barriers of understanding which are difficult to surmount.

Independent Assessor of Military Complaints Procedures in Northern Ireland

(Background - under the EPA the Secretary of State must appoint such an Assessor, who may:

- review procedures for handling complaints;
- investigate the operation of the procedures;
- make recommendations to the GOC about inadequacies in the procedures; and may require him to review any case.)
- The Government is considering the practical details of this statutory scheme, which it believes will improve public confidence in complaints procedures, an important element in the key challenge of building confidence in the security forces.
- It is not the Government's intention to disturb the relationship between a Commanding Officer and his men; but it is important, particularly in a more open society, for there to be - and be seen to be - an independent element in the picture.

**ADDITIONAL SPEAKING NOTES ON THE EPA**

Given that the ordinary law is not sufficient to deal with the particular and severe difficulties which the police and Army face daily in protecting the public and apprehending terrorists, the Emergency Provisions Act is, and continues to be, necessary.

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New Powers and Offences

The Army has been given a new power to seize equipment used to re-open closed border roads, and there is a new related offence of making bypasses around closed crossing points. The Act also allows the security forces to look for evidence of terrorist planning and targeting, by examining documents found in the course of a search. It creates a new offence of possessing an article intended for terrorist purposes, in circumstances where there is a reasonable suspicion that it is for use in connection with terrorism. A further new offence of directing the activities of a terrorist organisation which carries a maximum penalty of life imprisonment is aimed at the 'godfathers' of terrorism.

The Act also contains far-reaching new provisions aimed at paramilitary racketeering in Northern Ireland. New powers, similar to those in drug-trafficking law, will allow the courts to confiscate the assets of those who have benefitted from the proceeds of terrorist-related activities.

Review

As with all emergency powers, they are kept under review, and changes to the law will be made where necessary. This allows both for adjustments to keep ahead of a developing terrorist threat; and for changes to reflect increasing normality, or public concerns on particular issues.

Safeguards

The Government believe that while severe measures are necessary to deal with what is an exceptional threat, these must be balanced by safeguards to ensure that the law is, and is seen to be, used responsibly. An Independent Assessor is to be appointed to monitor the armed forces' procedures for handling those complaints which

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fall short of allegations of criminal misconduct. In addition, the Secretary of State is required to make codes of practice on the exercise of certain aspects of the emergency law. These will include the contentious areas of detention, treatment, questioning and identification of terrorist suspects arrested under section 14 of the Prevention of Terrorism Act 1989. The Codes will set out the rights of such persons while in custody.

Finally, it is of course the ordinary criminal law which permits, in certain circumstances, the use of force and, in particular, lethal force. There are those who argue vigorously that more terrorists should be killed by the security forces; and equally resolute voices for restrictions on the use of force to be much more tightly drawn. Inevitably, there will continue to be occasions on which it is lawful and reasonable to use force, including lethal force, in defence of self or others. But the keynotes of effective security force action must continue to be responsibility and respect for the law and for the valuable principles behind it. If respect for these is lost, we will indeed be no better than terrorists. It is the Government's responsibility to keep the law in this area, as in all others, under close scrutiny to ensure that it is appropriate and adequate to the prevailing terrorist threat, and offers proper protection to the public, and to those charged with defending them.

C O N F I D E N T I A L

SECURITY STATISTICS IN NORTHERN IRELAND

	1987 JAN- OCT	1988 JAN- OCT	1989 JAN- OCT	1990 JAN- OCT	1991 JAN- OCT
1. DEATHS					
RUC	9	4	6	6	5
RUC'R'	6	1	2	3	1
Army	3	21	7	7	5
UDR	8	11	1	7	7
Civilians	51	50	35	40	59
TOTAL	77	87	51	63	77
	JAN- AUG	JAN- AUG	JAN- AUG	JAN- AUG	JAN- AUG
2. INJURIES AND WOUNDING					
RUC	149	131	96	124	80
RUC'R'	32	24	32	34	25
Army	68	154	132	119	114
UDR	9	14	9	15	36
Civilians	466	417	409	345	310
TOTAL	724	740	678	637	565
3. SHOOTINGS					
Involving SF	161	137	98	115	131
Not involving SF	192	108	165	151	129
TOTAL	353	245	263	266	260
4. EXPLOSIVE INCIDENTS					
Explosions	163	175	153	115	153
Neutralisations	94	134	126	90	89
5. ATTACKS ON RUC STATIONS					
	110	115	52	82	116
6. PLASTIC BATON ROUNDS FIRED					
	2300	2852	793	224	316
7. WEAPONS RECOVERED					
	191	388	243	120	138
8. ROUNDS OF AMMUNITION RECOVERED					
	8433	77097	31236	16358	10977

CD 1 (1987/1991)

	1987 JAN- AUG	1988 JAN- AUG	1989 JAN- AUG	1990 JAN- AUG	1991 JAN- AUG
9. EXPLOSIVES RECOVERED (KGS)	2034	2446	3638	1871	158

10. CHARGES

Murder	14	16	25	6	22
Attempted Murder	8	18	36	45	46
Firearms Offences	95	79	84	76	51
Explosives Offences	15	16	14	17	18
Theft Act	63	27	20	24	24
Others	116	110	93	98	70
TOTAL	311	266	272	266	231

11. CONVICTIONS

Murder	6	3	8	2	9
Attempted Murder	22	14	3	20	12
Firearms Offences	80	40	48	35	49
Explosives Offences	20	17	22	14	19
Theft Act	93	147	100	79	48
Others	196	135	77	120	110
TOTAL	417	356	258	270	247

12. CURRENT FORCES LEVELS  
(as at 30 September 1991)

RUC

Regular	8275
Full Time Reserve	2999
Part Time Reserve	1531

UDR (as at 31 July 1991)

Permanent Cadre	3011
Part Time	3016

Regular Army 10603

on or supporting IS operations