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FROM: C D KYLE
25 3 AUGUST 1992

CDK/19723/AL/92

HEAD OF DIVISION
250. 25 AUG 1992
POB AND BELFAST

- cc Mr Ledlie B
- Mr Thomas B
- Mr Alston B
- Mr Steele B
- Mr Bell B
- Mr Lyon B
- Mr Shannon B
- Mr Dodds B
- Mr Cooke B
- Mr Leach B
- Mr White B
- Mr McClelland LAVRY B
- Mr Rickard B
- Dr Rosborough DAL. B
- Mr Perry 26/8. B
- Mr McCartney B
- Mrs Collins B
- Mr Whysall B
- Ms Lodge B
- HMA Dublin B

NOTE FOR THE RECORD

CONFIDENCE ISSUES: STOCKTAKE MEETING BETWEEN BRITISH AND IRISH OFFICIALS 31 JULY 1992

British and Irish Officials met at Stormont House on 31 July to exchange views on Confidence issues. The British side was represented by Mr Ledlie, Mr Alston, Mr Steele, Mr Dodds, Mr White, Dr Rosborough, Mr Perry, Mr Whysall and myself. The Irish side representatives were Mr O'Donovan, Mr Dalton, Mr Farrell, Mr Hennessy, Mr Kelleher and Mr O'Brien.

PARADES

2. Mr O'Donovan expressed the view that the marching season had gone fairly well and he advised that the Irish side had been impressed by the Secretary of State's robust criticism on the behaviour of some of the marchers on the Lower Ormeau Road. He believed it was the first time for a number of years that a Secretary of State had said something robust on the issue and it pointed up the contention that parades should not go where they were not welcome. He went on to comment that it was useful to note that one of the conditions contained in the Public Order Order in regard to parades talked about 'serious disruption to the life of the community' and he felt that this aspect tended to get ignored.

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Steele agreed that the parades had gone well and that this was down very much to the fact that there had been a lot of good work by the police in discussion with organisers in an attempt to minimise the effects on the community. It was understood that the Chief Constable planned to look at the Ormeau Road question, as well as other flashpoints, before next year's parades. Mr Dalton said that the Irish side had found their two discussions with the British side on this year's parades very helpful and Mr Hennessy affirmed the Irish view that it was important for the Chief Constable to look at the Lower Ormeau Road position in advance of 1993. Mr Steele explained that careful work would be necessary and that such business was best handled in a sensitive and quiet manner.

CLOGHOGE PVCP

3. Mr O'Donovan said that the major point of concern was clearly the safety of the children in the local school and he enquired if the Department of Education planned to relocate the school to a new site. Mr Steele replied that he had no knowledge of any such plans by D.E.N.I. Mr Ledlie explained that following the attack in May the decisions taken about the Cloghoge PVCP had been difficult in both political and security terms. The line taken was consistent with the NIO's approach to other PVCPS: providing more security for the personnel based at the check-point, ensuring more effective control of the road, and facilitating the passage of vehicles. Both the NIO and the security forces were anxious to do what they could, within the security constraints, to ease any problems and they had sought to keep local people informed as best they could.

4. Mr Steele assured the meeting that the British side had no great affection for PVCPS and that the changes at Cloghoge would enable the PVCP to be used as a forward patrol base, and make it safer (by setting the check-point off the road thus making it less of a target) for both security personnel and local residents. Whilst it was believed that the terrorists would not attack the check-point when the school was occupied this was not something that had influenced the Government's thinking. The security forces had

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ought to take account of the natural fears of parents and a landscaped mound had been incorporated in the plan to help insulate the school from the security installations; the meeting was shown a plan of the revised arrangements at Cloghoge. Mr Steele went on to explain that it was envisaged that the system of barriers being installed would permit greater flexibility in regulating the flow of traffic through the check-point.

5. In response to two questions from Mr Dalton, Mr Steele confirmed that 400 children attended the nearby school and that no costs were incurred in protecting the school; the provision of a landscaped mound was to hide the security installations from the line of view from the school. Mr Hennessy asked about reports on large scale building accommodation being erected. Mr Steele replied that the patrol base building was a constrained installation and the other features at the site were barriers, traffic lights and shelters for the personnel operating the checks. Mr Steele also confirmed that the Secretary of State supported by Mr Mates and Mr Hanley would be meeting the local MP and representatives from the Newry and Mourne Council to discuss the matter; this was an indication of the seriousness with which the Government viewed the matter.

PERMANENT VEHICLE CHECK-POINTS/CROSS-BORDER ROADS

6. In reply to an enquiry from Mr O'Donovan, Mr Steele advised that the Op Loren work was approaching completion. Mr Dalton conveyed the Irish view that it was well known in the border regions of the Republic of Ireland that the Gardai and the Irish Army had co-operated with the British security forces during the programme of work and the failure to see any benefit arising from the work, in the form of re-opened cross-border roads, was having an impact on the intelligence coming to the Gardai. He believed it would be beneficial if one or two significant roads could be re-opened. Mr Ledlie explained that whilst he was sympathetic to this view it was an extremely difficult matter and in reality the road closures complemented the PVCs. It would be counterproductive to have PVCs

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Monitoring certain roads whilst others were left open; thus it was difficult to see what could be done without appropriate arrangements on the Irish side of the border. Mr Ledlie assured the Irish side that if they felt that a particular road was worthy of such consideration the British side would be happy to discuss the matter but the trick was to re-open a road without compromising security. He reminded the meeting that the issue had been discussed at recent IGCs and between the two police forces; they had been unable to agree mutually acceptable arrangements. Mr Dalton suggested that perhaps the RUC and Gardai could get together again to look at the issue. Mr Ledlie said he thought it would be helpful if Mr Mates and Mr Flynn could discuss the matter first and give the question some political impetus. Dr Rosborough added that she understood that discussions on the matter were continuing between the RUC and the Gardai. It had to be said that the road closures had been seen as a success, particularly in areas such as Fermanagh, where murders in the border area had declined during the 1980s. Mr O'Donovan noted the point but suggested that the decline could also be attributed to better cross-border security co-operation and a change in terrorist tactics.

8. Mr Hennessy remarked that he was disturbed to hear that the Op Loren work might consolidate rather than ease the case for road-closures. Mr Ledlie responded that the Op Loren did not have an effect in either direction; the whole issue of border road closures remained a difficult problem. On a point of clarification about remarks made by Mr Mates in Parliament, Dr Rosborough explained that as a result of repositioning of PVCs in Fermanagh one or two very minor roads were under consideration for re-opening.

9. Mr O'Donovan referred to a recent speech by Mr Atkins on the subject of cross-border economic co-operation which raised the issue of transport infrastructures, and he advanced the view that the problem of closed cross-border roads was significant in this context. The re-opening of one or two major cross-border roads would facilitate social and economic intercourse. Mr O'Donovan suggested that the current political talks process was likely to

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ing the matter into greater focus. He also repeated the attention that the Sinn Fein/PIRA campaign on the issue of closed border roads could latch onto the point that despite the Republic of Ireland's co-operation with the security forces in Northern Ireland (particularly during Op Loren) not a single cross-border road had been re-opened. He felt that it was important in the broader sense that a political signal be sent out and this could be accommodated by the re-opening of one or two major roads. Mr Ledlie said he understood the point but any re-opening would need to be accompanied by acceptable measures of control on the Irish side. Mr Dalton confirmed that the Gardai were prepared to invest in resources to facilitate the re-opening of roads but he believed the issue had foundered on the question of mobile or static protection. Mr Ledlie agreed that if a re-opening could be achieved it would be a positive step but the issue must be approached on a logical manner.

10. In noting the economic and social aspects, Mr Ledlie emphasised that there was a security dimension to the question and hence his view that a political directive was needed. In reference to Mr O'Donovan's comments about the subject arising in Strand II of the Talks, Mr Alston said he did not see that as an appropriate forum in which to address the matter. He went on to say that if the Irish side could advise on the roads they had in mind, as being of economic value, it would help the British side to focus on the question. Mr Ledlie reaffirmed his view that the subject was best pursued through Ministerial meetings; in this regard he hoped that the postponed meeting between Mr Mates and Mr Flynn could be held in the near future. Mr O'Donovan advised that the DFA and Department of Justice would give the matter some further consideration.

11. Mr O'Donovan then referred to complaints about the unpredictability of night-time closure arrangements at the Camels Hump PVCP at Strabane. Dr Rosborough explained the background to night-time closures and added that a programme of rebuilding work in connection with a new by-pass had compounded recent difficulties. In the last two months the PVCP had been closed on four occasions because of "an immediate and specific threat". The RUC were hopeful that now that work had finished at the PVCP that there would be an improvement.

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INCURSIONS

12. Mr O'Donovan raised two points, an increase in the number of alleged incursions this year and a delay in responding to representations made about reports of incursions. Dr Rosborough replied that the Northern Ireland Office was unhappy with the speed of response and that recent discussions with the police and army had resulted in new arrangements for the investigation of alleged incursions being put in place and it was hoped that this would improve the situation. She added that where there was a report of a serious incursion, say in the case of a foot patrol, the NIO had responded promptly. In regard to the types of alleged incursions Dr Rosborough said that the majority (23 out of 33 so far in 1992) referred to air incursions and she understood from the military that it was in fact very difficult for a person on the ground to be sure if an aircraft was on the Republic of Ireland side of the border. It was also worth noting that the increased level of allegations of incursions this year could stem from the work associated with Op Loren and the fact that more members of the Irish security forces were on the ground around the border. However, allegations of incursions were a matter the British side took seriously as had been emphasised in a recent letter from Mr Mates to Mr Flynn.

RUC HOLDING CENTRES

13. Mr Ledlie advised that the NIO was still seeking to fill the appointment of Commissioner for the Holding Centres and he was hopeful that this would be done in the near future. Details of the scheme and the appointment of deputies were also being looked at. In response to a point from Mr O'Donovan, Mr Perry confirmed that the points made by the Irish side had been taken on board and advised that the Commissioner would be independent and make frequent and random visits. Mr Hennessy commented that he understood that SACHR had visited Holding Centres and he wondered if there was any role for them, or the ICPC, in the monitoring of Centres. Mr Ledlie explained that SACHR could request to visit Holding Centres but they

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not have a monitoring role and similarly there had been some talk about the ICPC, but it was not envisaged that they would have a role in monitoring cameras at Holding Centres. Mr Hennessy said that whilst they welcomed the appointment of the Commissioner the Irish side still believed that video-taping of interviews was the real solution. Mr Ledlie confirmed that there had been no change in the Government's position on video-recording at Holdings Centres; he believed that the appointment of a Commissioner was the most appropriate way of assuring the public and Parliament of the safeguards for those detained.

14. Mr Dalton asked if it was envisaged that the Commissioner would publish his report. Mr Ledlie replied it was hoped that this would be the case although confidential elements might have to be reported privately to the Secretary of State. Mr O'Donovan asked that the Irish side be kept informed on developments in the appointments and the terms of reference for the Commissions. Mr Kelleher referred to SACHR comments about the number of out-of-court settlements for compensation to individuals held at Holding Centres; 517 since 1988. This raised an important point about the perception and credibility of the Centres. Mr Ledlie advised that some analysis work was being done on the figures for compensation in out-of-court settlements. He undertook to try and let the Irish side have some details once the analysis was complete.

MILITARY COMPLAINTS ASSESSOR

15. In regard to this appointment Mr Ledlie explained that it was difficult to find the right person; one person approached had declined but further names were under consideration and it was hoped that an appointment would be made soon. The broad terms of reference were laid down in the Emergency Provisions Act and Mr Ledlie agreed to let the Irish side have the detailed terms of reference once they were finalised. In regard to speeding up the process of complaints Mr Ledlie advised that the Army had set up a Central Complaints Office and it was hoped that this would help improve the situation.

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Mr O'Donovan referred to the recent controversy concerning members of 3 Para and events in Coalisland. Mr Ledlie explained that the battalion had now left Northern Ireland on completion of their tour of duty and that the RUC were investigating the incidents in Coalisland. Mr Hennessy said that the Irish side had already conveyed their views about the deployment of regiments of that kind in Northern Ireland. Mr Ledlie emphasised that it was not a case of "regiments of that kind"; other elements came into play. The Parachute Regiment (as well as the Royal Marines) was expected to maintain the same standards of behaviour as other army regiments, and for the foreseeable future the Parachute Regiment and Royal Marines would be deployed in Northern Ireland.

17. Mr Dalton raised what he referred to as the effectiveness of the Committee on the Security Forces and the Community (CSFC). The Irish side did not feel it was a very effective group; reports back to the Irish side did not say much and briefings were perhaps not as frequent as they might be. Dr Rosborough explained that the purpose of the committee was to monitor and give advice to Ministers on complaints - both on the police and army side, although only the army element of the report was passed to the Irish side. The CSFC was a large committee representing many varied interests but it did not have executive power in dealing with complaints. It was agreed that the matter might be discussed further at a forthcoming CSFC briefing meeting with the Irish side.

ACCOMPANIMENT

18. Mr Ledlie handed over to the Irish side details of the accompaniment figures for the period October 1991 to March 1992. Mr O'Donovan said that they would consider the paper and come back at a later stage. He asked if the amalgamation of the UDR into the Royal Irish Regiment would have an effect on statistics and Dr Rosborough advised that this matter was under discussion with the Army. Mr Kelleher said that the incident in Coalisland involving the Parachute Regiment had highlighted what he considered was a problem

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the quality of accompaniment; the RUC must not have a passive role in accompaniment they must assert their authority. The issue of the quality of accompaniment had been raised in connection with complaints in the North Belfast area raised earlier in the year by the Irish side. Mr Ledlie replied that the question was the quality of the activities of all the security forces and that the highest standards of behaviour were required from both the RUC and the army.

UDR/RIR MERGER

19. Mr O'Donovan asked if there was anything the British wished to say following the merger of the Royal Irish Rangers and the Ulster Defence Regiment to form the Royal Irish Regiment. Mr Ledlie said that it had been expected that this would be a sensitive and difficult transition, but it had been achieved with comparative success and the threats of widespread resignations had not materialised. In response to a point from Mr O'Donovan, he confirmed that there had been no significant reductions in the number of part-time members. There had been a trend of declining numbers of part-timers in the UDR over recent years. He also advised his understanding that a number of the younger members of the regiment had expressed an interest in overseas service as part of a general service battalion of the Royal Irish Regiment. Mr Hennessy said that he understood that an attractive redundancy package for part-timers had been on offer and he would be interested to know if there were any figures indicating take up of that package, and also if there was any information on how recruitment was going for the new regiment.

LETHAL FORCE

20. Mr O'Donovan said that at the last IGC the Secretary of State had shown a particular interest in the subject of lethal force and he understood that there was a proposal going to Ministers suggesting that consultations on the issue of lethal force should take place between departments. Mr Ledlie confirmed that it was the intention to address the issue in that sort of framework and if the

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had anything they wished to add to their earlier paper the British side would be happy to receive it. He undertook to keep the British side posted on developments. In regard to individual cases involving the use of lethal force by the Security Forces it was noted that these could be pursued through the Secretariat and it was anticipated that Irish Ministers would wish to have an update on them at the next IGC.

CARLINGFORD LOUGH

21. Mr O'Donovan opened this part of the discussion by referring to the approach to the ex Taoiseach's yacht (Celtic Mist) in Carlingford Lough in June and its subsequent boarding the next day in Belfast Lough. He then went on to raise the question of the new operating instructions for naval patrols in Carlingford Lough saying that he believed the ball was in the British side's court. Dr Rosborough said that she understood that the British side were waiting for the Irish to respond to the leaflet prepared for use by the Royal Navy in Carlingford Lough. The meeting identified that there were a number of points outstanding in regard to both the note describing the practice of naval patrolling in the Lough and the proposed leaflet. It was agreed that a meeting should be held between the two sides in early September to take the matter forward. On a point raised by Mr Hennessy about a perception of greater naval activity generally round the coast of Northern Ireland, Dr Rosborough advised that the Royal Navy had responsibility patrolling the whole coast but she was not aware of any additional activities.

NORTH HOWARD STREET

22. Mr Kelleher referred to the recent murder of Mr Kieran Abrams near the North Howard Street interface and said that this gave rise to two issues. Firstly, there was the fear of loyalist sallies across the interface into nationalist areas and secondly there was the point that this had happened in front of North Howard Street Army base. It was a matter which the Irish side had raised earlier in the year when Sean Quigley had been injured as a result of an attack near this location. It was an issue which was likely to be

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ed by Sinn Fein for propaganda purposes. There was also the
tion regarding the Lanark Way security barriers which the RUC
d closed in the aftermath of the murder of Phillomena Hanna; the
rish side understood that the closure was due for review and their
recommendation would be that the closure should be maintained.

23. In connection with North Howard Street Dr Rosborough advised that the discussions had been ongoing during the first half of this year regarding measures which could be taken to improve security. The NIO was under pressure from a local trader who was arguing that existing security measures in North Howard Street were already excessive and as a result his business was in danger of closure. The decision had been taken to proceed with the closure of North Howard Street outside normal office hours and the new gates were ready for erection at the beginning of July; work had begun on the installation just before the murder of Kieran Abrams on 5 July. Mr Kelleher said that when incidents of this nature were perceived as happening under the eyes of the Army it gave rise to feelings of insecurity and a loss of trust by the local people. Mr Ledlie replied that he understood such feelings but pointed out that the North Howard Street military installation was a patrol base and that the soldiers deployed there were engaged in perimeter security; not in providing law and order in the immediate vicinity. The soldiers had instructions not to become involved in confrontations without an RUC presence although clearly if the army believe that a sectarian murder was involved they would intervene.

HELSINKI WATCH REPORT

24. Mr O'Donovan said that he had heard reports that the Secretary of State had rejected the points raised in the Helsinki Watch Report and he had also heard Mr Mates' response to the points and wondered if there was any special significance in this. Mr Ledlie pointed out that the Helsinki Watch Report had not been made to the Government and added that there was no special significance or anything deeper which should be read into Mr Mates' comments.

INQUESTS

25. Mr O'Donovan said that the law on inquests in Northern Ireland was seen as much narrower compared with that in Scotland and in England and Wales. Mr Perry replied that he could not accept that in broad principle the Northern Ireland arrangements for inquests were very different from those in the Republic of Ireland and in Great Britain; it was a fact finding forum not one for apportioning blame. Mr Kelleher raised the question of delays in holding inquests and Mr Perry advised that delays had arisen, not through the offices of the Court Service, but rather they arose from points of law being raised by the families and being pursued through the courts. Mr O'Donovan said that when there was a killing involving the security forces there was no response mechanism within Government and that inquests represented the only public forum to explore the incident. He suggested that it might help remove part of the problem if the arrangements in Northern Ireland were brought into line with those of England and Wales. Mr Ledlie replied that he did not believe such a change in inquests would fill the lacuna and in fact such changes might give rise to expectations which would not be fulfilled. Mr O'Donovan asked if the Irish side could be kept informed on the British side's response to SACHR points on inquests.

PRISONS

26. Mr White advised that following the recent improvements carried out in the arrangements at Belfast Prison, in light of the Colville Report, the prison had been fairly quiet. In response to a point from Mr Dalton about Maghaberry Prison, Mr White advised that individual incidents such as that which had happened earlier in the year in the female prison could happen at any time. In regard to the question of the temporary transfer of prisoners from GB to prisons in Northern Ireland Mr White reported that the matter had gone forward to Ministers for their consideration. Mr Hennessy said that he had a briefing on prisons issues earlier in the year and

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it was helpful to have early responses on prisons matters; Mr confirmed that the British side had already replied to two recent enquiries made in respect of Belfast Prison. Mr O'Donovan asked if there was anything which was likely to cause problems in Northern Ireland Prisons in the future; Mr White replied that there was nothing in sight at the moment, but of course it had to be remembered that prisons were volatile places.

REMAND PERIODS

27. Mr Whysall advised that remand periods was recognised as a problem area and that energetic efforts were being made to reduce remand periods. A new administrative scheme had been introduced which set target time limits on the most serious cases up to 52 weeks. He explained that the scheme was run through an interagency monitoring committee and he added that Ministers did not see this move as being the end of the line in seeking to relieve the problem. In response to a point from Mr O'Donovan, Mr Whysall said he understood that the case for a further High Court judge was under review. On a point from Mr Hennessy about the working of the bail arrangements, Mr Whysall said that he was not aware of any particular difficulties.

JURORS' OATH

28. Mr O'Donovan said he understood that legislation was required on this issue and Mr Whysall confirmed that the Lord Chancellor proposed to take powers to prescribe the form of the jurors oath by subordinate legislation. The Lord Chancellor hoped to introduce a modern form of the oath, based on that currently in place in England and Wales, in time for the legal year beginning September 1993.

COLLUSION/NELSON CASE

29. Mr O'Donovan said that the subject of the Nelson case was a large one but he wondered if there had been any developments arising from the examination of the lessons to be learnt from the case.

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Ledlie replied that work was ongoing and suggested that perhaps Mr Alston might meet with Mr O'Donovan and Mr Dalton in September to discuss the matter further.

INDEPENDENT COMMITTEE FOR POLICE COMPLAINTS

30. Mr O'Donovan said that he understood that the Secretary of State had not accepted some of the recommendations contained in the ICPC Triennial Review Report. Mr Ledlie replied that the Secretary of State had accepted most of the recommendations but there were a few he could not accept. With regard to the suggestion that the Commission should be given the power to call in for supervision those matters considered by the Commission to be of grave or exceptional circumstances the Secretary of State felt that the existing powers for himself and the Chief Constable were correct and that the ICPC were not best placed to decide on the supervision of cases. On the proposal for the establishment of the Independent Tribunals to hear disciplinary charges the Secretary of State felt that decisions on disciplinary matters against police officers were best left with the RUC. Finally on the question of the RUC being required to consult the ICPC in those cases where they were of opinion that the matter did not constitute a complaint within the meeting of the 1987 Order, and that the Commission's decision should prevail where there was a difference of view as to whether the matter should be properly regarded as constituting a complaint, the Secretary of State did not believe there was a case for change and it was decided to leave the arrangements as they stood.

KANE/TIMMONS/KELLY

31. Mr O'Donovan enquired if the British side had received representations relating to the way the courts had dealt with the case of Kane, Timmons and Kelly who had been convicted of the killings of Corporals Howe and Wood in Andersonstown in 1988. He believed that approaches might be made to the Secretary of State for a referral to the Court of Appeal. Mr Whysall advised that he was aware of a number of interested groups who were looking at this

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including the Committee on the Administration of Justice and the Aldane Society of Socialist Lawyers. In fulfillment of an early request from the Irish side, the British side handed over a copy of the judgements in this case.

32. At the conclusion of the meeting Mr O'Donovan thanked the British side for their hospitality and suggested that the group might reassemble in September. Mr Ledlie responded that he would like to encourage a meeting between Mr Mates and Mr Flynn on security co-operation as soon as possible as security items were the corollary to the Irish side's interest in confidence issues and there were a number of topics that the British side would like to raise. Mr O'Donovan enquired if this could be done at official level and Mr Ledlie reinforced earlier comments saying that he believed that this was best taken forward in discussion at political level first. Mr Hennessy commented that it had been some time since the Confidence Issues Steering Group had met and Mr Alston said he hoped that the Irish side would see today's meeting as fulfilling the role of a meeting of the steering group (even though Mr O hUiggin was not present) and that a further meeting of the steering group could be left until later on in the year.

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