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AIDE MEMOIRE

The Irish Government's Aide Memoire of 8 August about the conduct of the British Army in Northern Ireland has been carefully studied by the competent British authorities. It has also been brought to the personal attention of the Prime Minister, who endorsed this reply.

The position of the Security Forces in Northern Ireland is a very difficult one. They are combatting clandestine and ruthless opponents who resort to most extreme measures, notably the indiscriminate use of violence and terrorism, in order to weaken the resolve of law-abiding citizens who oppose them and achieve their own ends. Their tactics include the murder of members of the RUC and of the British Army.

The Army's continued presence in Northern Ireland is determined by, and only by, the need to support the civil authorities in the protection of the civil population from terrorism. In carrying out this duty the Army operates against terrorism from whatever quarter it may come and the charge of harassment against the minority is quite unjustified. There is certainly no prejudice on the part of the British Army against the minority population of Northern Ireland. All units of the British Army in Northern Ireland operate under strict instructions on such matters as arrest procedures, rules of engagement and the search of premises. This was just as true of the Grenadier Guards during their recent tour of duty in the Creggan as it is of other units.

No British Government would wish to keep in Northern Ireland a moment longer than is necessary the sizeable part of the British Army at present deployed there. Indeed, the voices raised both in Parliament and among the general public in Britain in favour of a wholesale withdrawal of British troops are loud and numerous. But so long as the British Army's presence is necessary to support the RUC it would be irresponsible and wrong to withdraw it.

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It is recognised that the deployment of the Security Forces in the border area sometimes gives rise to incidents of the kind listed in the annex to the Irish Aide Memoire. A detailed commentary on the Annex is set out in Appendix A to this memorandum. A number of these incidents take the form of inadvertent incursions, often in hot pursuit of terrorists over an imperfectly defined line of demarcation. Others concern the blocking of cross-border roads, for which due warning is always given. Occasionally, shots are fired across the border in the engagement of terrorists. Whenever the Security Forces are shown to be at fault, even though they have acted in good faith, in these incidents, apologies are tendered to the Irish authorities: and the Irish authorities, recognising that the apologies are offered sincerely and in good faith, have customarily accepted them. The British Government are grateful for this understanding attitude.

The British Government would, however, wish to underline the fact that the main reason why the Security Forces operate in the border areas is that terrorists use the Republic as a base and as a source of supplies of every kind, including notably the raw materials for the preparation of the explosive devices which they use to such bloody and destructive effect in the North. A statement of recent evidence bearing on this point is attached at Appendix B. The British Government are conscious of the increased efforts of the Irish authorities to patrol their side of the border, and are grateful for the contribution thus made to cutting off the terrorists' escape routes and disrupting their supply lines. But it must be obvious that the separate efforts of the Security Forces on each side of the border would be made immensely more effective if satisfactory procedures could be devised and put into effect for their co-ordination. It is for this reason that the British Government have urged for many months the holding of a joint security meeting at Ministerial level with representatives of the Irish Government. They venture to suggest that, if the

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meeting had already been held, and the appropriate procedures for consultations and co-operation had been put into effect, a number of the incidents complained of in the annex to the Irish Aide Memoire would very probably not have happened.

10 Downing Street,
London, S.W.1.

28 August, 1974

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APPENDIX A1. Coleman's Island 9 May 1974

This incident involved a British Army unit and four Gardai on the concessionary road into the Clonoony Salient, and was the subject of a formal apology by HMG to the Government of the Republic on 11 May.

Certain facts are relevant to the handling of the incident: one of the cars in which the members of the Garda were driving was listed, in error, as a wanted vehicle; the occupants of the car were in mixed civilian and uniform dress; at that time it was suspected that members of the Provisional IRA might be wearing uniforms stolen from the Garda to carry out acts of terrorism. The soldiers' action under these circumstances was reasonable.

2. Munelly, Clones, Co. Monaghan 28 May 1974

On 28 May 1974 two constables of the RUC were on patrol duty which involved patrolling close to the border. This particular area is notorious for cross-border violence, and when the constables observed a car parked near the bridge, but on the Northern side of the border, suspicions were aroused.

On investigation the constables recognised the car. The identity of the two men near the car was not known to them but their behaviour made the constables suspicious. As a precaution the two men were asked to accompany the constables back to Newtonbutler to identify themselves and give an account of their actions. The two men were held for 20 minutes and then were released.

Following a subsequent complaint, the two men, [REDACTED] and [REDACTED] were invited to give evidence at an RUC enquiry into the matter. [REDACTED] accepted the invitation and he politely, but firmly, insisted that the constables had arrested him on the southern side of the border. There was a conflict of evidence which the enquiry failed to resolve.

3. Clongore, Co. Monaghan 1 June 1974

On 1 June 1974 three uniformed RUC constables were fired upon whilst travelling along the Clones to Cavan concession road, in the townland of Clongore in the Republic. The driver was hit but managed to drive on to the North. The Irish authorities have

Garda have suggested that the RUC should conceal their uniforms when using this road. This is not considered feasible as the road is only used in extreme circumstances, e.g. in hot pursuit or protection of life.

4. Drumneill, Co. Monaghan 9 June 1974

This incident occurred on 9 June when two British helicopters on patrol in a follow-up to a shooting incident, crossed the border and one landed in the Republic to question a man, Mr. [REDACTED] who seemed to be behaving suspiciously. The circumstances of the incursion were explained to the Department of Foreign Affairs on 19 June and an apology was made for the way the matter was handled. The personal effects which were taken from Mr. [REDACTED] have now been returned to him with a letter of apology from the Commanding Officer of the unit concerned. He has also been offered a sum of money by the British authorities in compensation for any inconvenience that may have been caused to him. This was explained on 25 June to the DFA who expressed themselves as content with the outcome of the incident.

5. Omeath, Co. Louth 27 June 1974

It is tactically advisable to close unapproved roads where this helps to channel traffic and thus enables the Security Forces to concentrate surveillance on certain major problem points. As is always the case with such closures, the Irish authorities were notified in advance, and negotiations took place locally between the RUC and the Garda. When at our request the Irish authorities agreed to maintain a permanent vehicle checkpoint on their side the British barrier was removed.

6. Creagh, Co. Monaghan

The date of this incident was 3 July 1974 (not 5 July as stated in the Irish Aide Memoire).

The Irish authorities were informed on 25 July of the fact of this case, and an apology was made.

As was explained at the time, the incursion by the British Security Forces was an instance of faulty map-reading by a young

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patrol commander, who was quite unaware that he had crossed the border. The patrol believed that they were still in the North and this is evidenced by the fact that they stopped an Irish Army vehicle, believing it to have made an incursion.

7. North East of Lough Foyle

The allegations referred to are presumably those described in the DFA's Memorandum of 18 July. A full reply answering these allegations has been prepared and will be handed over to the Irish authorities in the near future.

8. Courtbane, Co. Louth, 25 July 1974

An account of this incident was given to the Secretary of the DFA on 9 August and an apology was made. As it was explained, the patrol had come under heavy fire from terrorists and on seeing a car, of which they could see only the roof, apparently behaving suspiciously, assumed it to be the get-away vehicle. The incident is very much regretted but, it is suggested, could have been avoided with proper communications between the Security Forces operating on both sides of the border.

9. Allegations of intimidation against witnesses in the Strasbourg Case, 31 July 1974 and 6 August 1974

The Government of the Republic have considered it appropriate to report these allegations direct to the European Commission of Human Rights. If the Commission ask for observations, the British Government will reply direct to them.

10. Kiltyclogher, 4 August 1974

The closures of several border roads took place in the Kiltyclogher area in late July after the usual advance notice had been given to the Irish authorities. The closures were postponed from their original dates, which were found to clash with the Kiltyclogher Festival, as the British authorities wished to cause as little upset as possible.

One of these closures took place on 31 July. Despite the fact that advice had been given to the Gardai, several of the local residents, including the Gardai, failed to open their windows and in consequence some were shattered by the explosion caused in the blocking of the road. Another closure took place on the

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Northern Ireland side of a bridge crossing a stream which constitutes the border at that point. On 4 August, 20 to 30 local people advanced across the bridge and tried to break away the concrete blocks established at the crossing on the Northern side of the border. Neither an Irish Army patrol, who were in the area at the time and whose assistance had been requested, nor the Gardai who were present at the scene of the incident, took any action in dispersing the crowd. After due warning, British Security Forces saw no alternative way of dispersing the crowd, and of protecting the barrier, other than to fire baton rounds. Two baton rounds were fired at a man on the Northern side of the border and the crowd subsequently retired.

11. Mr. Patrick McElhone

A soldier has been charged with the murder of Mr. Patrick McElhone and the matter is therefore now sub judice.

APPENDIX B

The following incidents which occurred during the period 1 January to 13 August 1974 are known or strongly suspected to have originated in the Republic:

- 11 murders, of whom 9 have been members of the security forces
- 211 shooting incidents
- 109 bomb incidents

The most significant recent incidents are as follows:

(a) 3 August 1974

A CIE train travelling from the Republic was stopped at Kilnasaggart Bridge (GR 059150) near Jonesborough by six or seven armed and masked men. The driver was ordered off the train, something was loaded on to the locomotive and the driver was then ordered to reverse the train 200 metres back towards the border. He did this, then ran back across the border and was taken to the Garda in Dundalk. An Ammunition Technical Officer (ATO) was tasked and neutralised four milk churns each containing 100 lbs of explosive. The train was declared clear at 16.45 hours.

(b) 3 August 1974

Three high velocity shots were fired at a Security Forces observation point (SF/OP) by two or three gunmen positioned in a hedgerow by the K4A border crossing at GR 857282. The members of the OP returned fire at a gunman who was then seen running towards the border.

(c) 3 August 1974

A man and woman told the driver of the Dundalk to Newry bus that there was a bomb on board. The bus was stopped just inside the North at Donnelly's Filling Station (GR 077203) blocking the road, and was abandoned by the passengers. The man and woman disappeared. An ATO was tasked and arrived early next morning (having dealt with the CIE train). While he was dealing with it, the 20 lb device exploded, causing a fire which destroyed the bus.

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(d) 4 August 1974

At 23.15 hours on 3 August, three armed men entered the home of a man at Knocknaginny near the K26A border crossing. His wife was held hostage while he was forced to drive his car to the K26A crossing (the bridge is blocked to vehicles but pedestrians can pass). There a bomb was loaded into his car and he was told to park it outside the Deer Park Hotel Caledon. This he did at 23.22 hours, raising the alarm. A customer of the hotel pushed the car along the road until it was outside the Corner Bar where it exploded without causing any casualties, at 00.15 hours.

(e) 9 August 1974

A Protestant living near the border close to Aughnacloy was forced by four armed men to drive his car, which had been loaded with a 355 lb bomb packed into three milkchurns, into Aughnacloy. His father was held hostage while he parked the vehicle outside Wilson's bar. The device exploded 90 minutes later causing extensive damage.

(f) 9 August 1974

Heavy fire was directed at the vehicle checkpoint (VCP) near the MI border crossing. Five enemy gunmen were located in the Republic at GR 660510/659513. They fired about 150 rounds possibly using MI carbines and Garand rifles. Fire was returned using a General Purpose Machine Gun (GPMG) and Browning.

(g) 9 August 1974

At 23.40 hours on 8 August, a car was hijacked by two armed men at the L77 border crossing near Pettigoe. About four to five men emerged from the hedge and two plastic sacks were loaded into the boot of the car. Another car arrived on the scene which was also stopped. The passengers of the two cars were held hostage while the driver of the first car was forced to park it outside RUC Kesh. The 40-50 lb device exploded causing some damage to the station. The hijackers then escaped into the Republic.

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(h) 9 August 1974

A van was hijacked in Londonderry and the owner was forced to drive South of the city beside the River Foyle where an armed man loaded a suitcase bomb into the van, having brought it in a boat across the river (from the Republic). The bomb was then planted in a bar at Cloghcor near Strabane. The bomb partially exploded causing little damage to the bar which is Catholic owned but frequented by the UDR.

(i) 9 August 1974

Three low velocity shots were fired across the border at a foot patrol in the area of the M5 border crossing near Clogher.

(j) 10 August 1974

A bus and an articulated lorry were hijacked and placed near the burnt out hulk of a lorry on the Newry to Dundalk road at GR 075194 in the North. The road was completely blocked and at 20.17 hours a bomb in the bus exploded, completely wrecking it.

(k) 10 August 1974

A car was hijacked in Castlederg and the driver forced to drive to the M22 border crossing where two milkchurns were loaded. An OP at the crossing observed this and stopped the car as it was returning to Castlederg. After a short gunbattle one terrorist was captured (slightly wounded), the car driver was rescued unharmed and a second terrorist escaped back across the border. The Garda were most helpful in the follow up and agreed to the use of a tracker dog entering the Republic with his handler in plain clothes. When the dog reached the Border, however, the Irish Army refused to permit it to cross.

(l) 10 August 1974

An explosion was reported in the area of Forkill during the night. The next morning the security forces found that the railway line at GR 052164 had been blocked where a bridge over the line had been destroyed. The explosion was caused by a 400 lb bomb in four beer kegs. The line was cleared by mid-afternoon.

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(m) 13 August 1974

A 150 lb bomb exploded at GR 929131 south of Crossmaglen killing two Marines and wounding two others. The Marines had been taking up an observation position overlooking the border when the device exploded underneath them. The Provisional IRA have since admitted publicly that they detonated the device from the Republic.

(n) 13 August 1974

Twenty shots were fired at the VCP near the MI border crossing near Aughnacloy, from across the border. There were no casualties; fire was returned.

(o) 14 August 1974

A van was hijacked just inside the border at border crossing M26 near Castlederg by three armed men. A 200 lb bomb was loaded into the van and the driver was told to park it in Castlederg while his wife was held hostage. This he did, giving a warning to the RUC Station. Before the ATO could neutralise it, the bomb exploded causing considerable glass damage.

(p) 15 August 1974

Twenty shots were fired at a foot patrol at Drummuckavall, South of Crossmaglen from across the border. There were no casualties. Fire was returned but no hits were reported. Four men were seen to get into a silver grey Cortina and drive further into the Republic from the scene of the shooting.

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