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Mr. McCarty P.D. Mr. Minister
T.S.A. and for file
WR 18-3 77
Chun an Aire Dli agus Cirt: To the Minister for Justice. 45

QUESTION:

To ask the Minister for Justice the total cost of the recent trial of the British S.A.S. soldiers; and the number of troops, the number and types of vehicles, the number of aircraft and the number of Gardai involved in the operation.

- Joe Dowling.

For answer on Tuesday 15th March, 1977.

ANSWER:

It would be contrary to well-established practice to give details of the personnel or equipment involved in a particular security operation or to disclose information which could be used to quantify the deployment of manpower and resources in such an operation.

As regards the cost of the trial, it would be extremely difficult and time-consuming to ascertain this, having regard to the wide variety of the elements of expenditure that would need to be assessed. It can safely be assumed, however, that by far the biggest item in the cost was the cost of the necessary security measures and accordingly, even if there were no practical problem in ascertaining those costs, it would I believe be invidious and inappropriate for me to publish them. The Deputy may take it that the security measures where those which in the professional judgment of those charged with responsibility for operational security were judged to be necessary to discharge our clear obligations in the particular circumstances that had arisen.

SAS CASE

1. At 10.50 p.m. on 5 May a car containing two men dressed as civilians, but one of whom had a military jacket, was stopped on the Flagstaff Road, Co. Louth, a short distance on the southern side of the border. The occupants said they were in the British Army, new to the area and were out testing a car. At 2.30 a.m. on 6 May two further cars were stopped at the same point. The first contained four men in civilian clothes and the second contained two men in uniform. The total number of weapons found between the three cars comprised 4 sub-machine guns, 3 pistols, 1 sawn-off shotgun and 1 dagger. The eight men were held in custody in Dundalk overnight.
2. On the following morning the British Ambassador called on the Secretary at his own request. He said he was instructed to apologise for the incursion and ask for the return of the men and their equipment. The Ambassador's explanation for the incursions was that initially three soldiers were sent in a civilian car to a position on the northern side of the border to establish an observation post near the H.4 border crossing. When nothing was heard from them by midnight two other cars were sent to the same point to look for them. The total armoury consisted of 5 pistols, 4 sub-machine guns, 1 shotgun and 1 self-loading rifle. Apart from the overall discrepancy, the Ambassador's account of the distribution of weapons between the cars was at variance with information available to the Irish authorities. The Secretary explained the difficulties which the incident created for us, particularly in an area where there had been a recent allegation of an abduction of a person who was now in custody in Northern Ireland. He also pointed out that it was necessary to be certain of identification, not least because most of the eight were in civilian clothes and in that area one could not even be certain that those wearing uniforms were necessarily genuine soldiers. The British Ambassador said he had no further information but would obviously try to obtain fuller details and convey them to us as soon as possible.
3. The British Prime Minister telephoned the Taoiseach shortly after noon to ask for the release of the men. The Taoiseach told him he would immediately look into the matter. In the afternoon the Minister informed the British Ambassador that the eight soldiers

would be brought to Dublin and charged that evening (6 May). The charges and manner in which they would be dealt with were, of course, matters solely for the DPP who had taken his decision without reference to the Government. All necessary consular facilities and (if bail were granted), facilities to enable the soldiers to leave the Republic quickly would be granted. The Minister conveyed to the Ambassador that none of the various accounts given by the soldiers tallied with that given by the Ambassador earlier in the day. The Ambassador said his information had been hurriedly put together by an NCO and an Operations Officer at HQ NI Lisburn.

4. Quite apart from the specific circumstances of the SAS incursions of 5/6 May, a number of serious incidents had occurred in the area in the course of the preceding months and days. In March, the family of Seán McKenna, a Newry man, alleged that he had been kidnapped in Co. Louth by the SAS and held incommunicado for four days before being put into RUC custody. (The Gardaí uncovered no evidence to support this allegation.) In April, Peter Cleary was arrested near Forkhill by the SAS and shot dead when, according to a British Army statement, he assaulted the soldier guarding him. On 2 May, the body of a Dundalk man, Seamus Ludlow, was found on the roadside near the town on the southern side of the border. On the morning of 5 May, nine men had escaped from Long Kesh and seven of them were still at large on the night of 5/6 May.

5. The Government take a serious view of all unauthorised incursions by British Army personnel. All such incursions - whether accidental or not - are a breach of international law and also render the personnel subject to our civil and criminal law. The British Government have repeatedly given assurances that everything possible is done to prevent British military personnel from crossing the border without permission. The number of British Army incursions reported to the Department of Foreign Affairs in the period 1973-76 was as follows: 1973, 76; 1974, 132; 1975, 71; 1976, 55. Generally speaking, the Gardaí - where they are satisfied that the British Army personnel have inadvertently crossed the border - escort them back to the border as quickly as possible. Thus out of 334 incursions over a four-year period, this is the only case in which charges have been preferred. Since this incident, there has been a marked decline in the number of such incursions.

6. The decision to have the eight SAS men brought before the Special Criminal Court was entirely a matter for the Director of Public Prosecutions who is wholly independent of the Government in the exercise of his functions. The men were charged under Sections 2 and 15 of the Firearms Act 1925 (possession of firearms without a certificate and possession of weapons with intent to endanger life) and were released on bail and flown back immediately to Northern Ireland. The charges under Section 2 could involve fines of up to £100 and/or imprisonment with or without hard labour for a term not exceeding two years and the charges under Section 15 could involve sentences of penal servitude for a term not exceeding 20 years or imprisonment with or without hard labour for a term not exceeding 2 years. The case is scheduled to come before the Special Criminal Court on 7 March.
