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SECURITY BRIEF

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Reports in the media since the arrest of 8 members of the SAS last May have frequently carried errors of fact and omission which have given rise to misconceptions. It may therefore be useful to outline the following points.

On the night of 5 May and in the early hours of 6 May eight members of the SAS were arrested in the south. Six of the men were dressed in civilian clothing.

The decision to charge the SAS men was taken by the Director of Public Prosecutions (the DPP). The Irish DPP is neither a civil servant nor a politician; he is completely independent of the Government, and the Government has no power whatever to instruct him either to press charges or to drop charges. The DPP did not consult the Government and, in fact, the law specifically forbids anyone to communicate with the DPP for the purpose of influencing his decision on whether or not to prefer charges.

Number of Border Incursions

Irish Army (as reported by British Embassy)		<u>British Army</u> (inc. helicopters and other aircraft)	
1973	6	76	(reported to the Irish authorities)
1974	10	132	
1975	2	71	
1976	8	56	
	—	—	
	26	335	

Out of a total of 153 incursions by land this is the only case in which charges have been preferred.

During the same period the Irish authorities have given the RAF and the British Army permission to overfly the border 314 times.

On the morning of 5 May nine men escaped from Long Kesh prison in Northern Ireland and seven of them were still at large that night.

In 1976 the Irish Army mounted about 12,000 patrols and assisted the Gardai in manning nearly 10,000 checkpoints along the border (national totals are 20,258 and 13,160 respectively) and supplied over 8,000 military parties for checkpoint duties. In 1969 the Army numbered 8,250 men and the defence budget for 1969/70 was £14.4 million. Today the Army numbers over 14,600 (an increase of about 70%) and the budget amounts to £72.9 million. In the same period the Irish police have increased from 6,500 to 8,500.

Introduction

1. Political violence has been endemic in Northern Ireland since its establishment in 1920. Violence has erupted there in every decade since then, particularly in Belfast. Indeed the riots of nineteenth century Belfast to some extent prefigured the present unsettled community situation there. In the current phase of Northern Ireland's history up to 28 February 1977, there have been 1,715 deaths. During 1976 there were 1,908 shooting incidents and 766 bombing incidents and 21,714 lbs. of explosives were found; in 889 armed robberies £445,497 was taken; 1,276 people were charged with terrorist-type offences, including 120 charged with murder and 121 with attempted murder.

2. The Republic has also experienced serious acts of terrorism, mostly resulting from the spill-over of violence from the North. There is no reasonable evidence to support the claim that any significant proportion of Northern Ireland violence originates in the South. According to British statistics, only about 2 per cent of all incidents which occur there are alleged to have a confirmed connection with the Republic. On the contrary, many of the people convicted in the South since May 1972 for terrorist-type offences or offences connected with membership of illegal organisations had Northern Ireland addresses.

3. The success of the Irish security forces' operations in the border areas is now widely acknowledged by British spokesmen and tribute* has been paid to the excellent results achieved through the close co-operation between the security forces on both sides of the border. This success must be viewed against the physical reality of the border, which is some 300 miles long with an extremely close and tortuous road network and many other difficult topographic and geographic features.

4. Acts of violence and terrorism related to Northern Ireland are part of a common inherited problem in these islands and are in no way peculiar to the Republic. Many of those convicted in Britain or Ireland of offences connected with illegal organisations were not born in Ireland, e.g. Seán MacStíofáin, Kenneth and Keith Littlejohn,

*See Statement containing examples at Page 14.

Judith Ward, Rose Dugdale, ^{Seán}Seamus Ó Conaill, etc. Of the 154 people convicted in Britain for terrorist-type offences related to the situation in Northern Ireland over the six years up to 28 February 1977, 55 were from Britain, 52 from Northern Ireland, 31 from the Republic and 16 were of uncertain origin. Of the 31 from the Republic, many had been living for a substantial period of time in Britain. Similarly, of the 79 people excluded from Britain under the Prevention of Terrorism Act up to 11 January 1977, only 23 were from the Republic.

5. Speeches and statements of Government Ministers, Opposition spokesmen, church leaders and others regarding the current violence in Northern Ireland can leave no room for doubt that the Irish people as a whole reject utterly the use of violence in achieving political aims. For example, the Taoiseach, Mr. Cosgrave, in an address to a joint meeting of the United States Congress and Senate on 17 March 1976, said: "As Prime Minister of Ireland, let me say this as clearly and as emphatically as I can. The Irish Government, acting for the people of Ireland, repudiate violence as a means of achieving unity ... Those who use violence are destroying the very freedom in which they profess to believe. For many, they have destroyed the most fundamental freedom of all - the freedom to live".

6. The Minister for Foreign Affairs, Dr. Garret FitzGerald, speaking at the United Nations on 29 September 1976 said of the people of Northern Ireland: "We shall spare no effort in any manner open to us to prevent their lives and their livelihoods being destroyed by a violence which has become an end in itself for those who practice it".

Security Measures

1. The Republic, like Northern Ireland and Britain, has suffered from the activities of illegal organisations. In May 1974, thirty-three people died in explosions in Dublin and Monaghan. Three busmen were killed in two explosions in Dublin in December 1972 and January 1973 and there have been five other deaths since then, including the murders of the British Ambassador and Miss Judith Cook, which filled all Irish people with horror and disgust and which were a major element in the Government's decision to introduce further anti-terrorist measures, as outlined in 3 below. There have also been several non-fatal explosions in Dublin and in border counties. In July 1976 bombs were planted in hotels in Dublin, Limerick, Rosslare, Galway and Killarney and in August incendiary devices exploded in several cinemas and public houses in Dublin. Since the outbreak of the present campaign of violence, three members of the Republic's unarmed police force have been killed.

2. The Irish Government have introduced a series of measures specifically designed to ensure that the South is not used as a base for terrorist attacks against Northern Ireland and also to ensure the safety of its own citizens and the primacy of its democratic institutions which equally are at risk from the activities of subversive and illegal organisations. The Irish authorities have been markedly successful in apprehending and trying those persons within its jurisdiction who have been involved in terrorist-type activities, as is clearly illustrated by the number of convictions secured in the Special Criminal Court, established in May 1972 (see pps. 10-11). The Offences Against the State (Amendment) Act 1972, which amended and strengthened the law dealing with unlawful organisations, provides, inter alia, that the testimony of a senior police officer regarding an individual's membership of an illegal organisation will be admissible as evidence of that fact.

3. Despite the success of these measures, terrorist activities have continued and, in the light of a number of serious events - including the murder of the British Ambassador - the two houses of the Oireachtas resolved on 1 September 1976 that a national emergency exists affecting the vital interests of the State. The Criminal Law Act and the Emergency Powers Act were subsequently enacted. The

Criminal Law Act provides for increased sentences for offences related to membership of an unlawful organisation and strengthens the law against incitement to join or support illegal organisations. It also gives limited powers of arrest and search to members of the armed forces. The Emergency Powers Act gives power to the Garda Síochána to hold in custody for up to seven days persons suspected in connection with certain offences.

Criminal Law (Jurisdiction) Act 1976
and Related Matters

1. The Criminal Law (Jurisdiction) Act came into force on 1 June 1976, following a Supreme Court ruling that the measure was not in conflict with the Constitution. The provisions of the Act are based on the widely accepted principle of "aut dedere aut judicare" - the alternative of extradition or trial within the jurisdiction of arrest. By agreement between the Irish and British Governments, parallel legislation became law in both Ireland and the United Kingdom on the same date. While thus meeting the need under the Constitution that domestic law should conform to generally recognised principles of international law, the Act also enables the Irish and British Governments to take action against those engaged in terrorist activities who would take advantage of the freedom of movement between Britain, Northern Ireland and the Republic and seek to shelter behind the Republic's legislation which prohibits the extradition of persons to face charges for political offences.

2. The Act makes it a criminal offence in Irish law to commit in Northern Ireland certain scheduled offences which, if committed within the State, would constitute an offence here. The scheduled offences are: murder, manslaughter, arson, kidnapping and false imprisonment, wounding with intent, causing explosions, possession, robbery or aggravated burglary, firearm offences and hi-jacking. In addition, Section 4 of the Act makes it a crime, chargeable in the Republic, for any person within the State or any Irish citizen elsewhere (including Britain) to conspire to cause an explosion. The Act also provides that evidence obtained by examination of witnesses in Northern Ireland will be admissible at trials in the Republic for offences committed in Northern Ireland, and vice versa. Such evidence may be taken in Northern Ireland on commission before High Court Judges, in the presence of judges of the Special Criminal Court. To date, no request has been received from the United Kingdom authorities to institute proceedings under the Act, presumably because the United Kingdom authorities have had no evidence relating to suspects in the Republic.

3. In December 1973, the Government made an Order adapting the 1861 Offences Against the Person Act. Any Irish citizen against whom there is evidence that he or she committed murder or manslaughter within Great Britain or Northern Ireland since that date can be brought to justice in the Republic. In only one such case in over three years has such evidence been submitted by the British authorities; the person so accused returned to Northern Ireland while on bail on a preliminary extradition charge arising from the alleged offence and is understood to have been arrested and to be in custody there.

4. In the context of these measures it is relevant to note that between June 1971 and December 1976 the Irish authorities received only 59 extradition warrants relating to terrorist offences in Northern Ireland, of which 10 involved charges of murder. At least 12 of the persons sought were subsequently arrested in the North. As regards terrorist-type offences committed in Britain, only 3 warrants have been received since January 1971.

5. It is a generally recognised principle of international law that extradition is not granted for political offences. In connection with the United Kingdom Extradition Act of 1965, the then Solicitor-General for England, Sir Dingle Foot, explained the position thus to the House of Commons:-

"The exception relating to offences of a political character is thoroughly familiar and has been included in our extradition legislation ever since 1870. Indeed the tradition that we do not return to the country of origin persons who are accused of political offences goes back to the Napoleonic wars."

Since then, however, the United Kingdom authorities have felt enabled to sign the Council of Europe Convention on the Suppression of Terrorism, which was opened for signature on 27 January 1977 and which provides for extradition for certain offences notwithstanding that they were of a political nature. In Ireland's case, the effect of Article 29 (3) of the Constitution is such as to prevent ratification of a Convention which would oblige the State to deviate from the generally accepted principle of international law relating to non-extradition for political offences. There is, of course, no constitutional obstacle in the case of conventions or legislation (such as the Criminal Law (Jurisdiction) Act 1976) giving the alternative of extradition or trial within the jurisdiction.

STRENGTH OF IRISH SECURITY FORCES

Police

Garda strength at 30th December 1970 - 6,552

Garda strength at 31st January 1977 - 8,479

This represents an increase of 29.4 per cent. An active recruiting campaign is still in progress as the Garda force has not yet reached its full complement. There are 1,035 Gardai (12.2 per cent of the total force) stationed in border areas. The cutback in Garda overtime does not apply to those stationed at the border.

Army (permanent Defence Force)

Army strength at 30th November 1970 - 8,559

Army strength at 31st January 1977 - 14,658

This represents an increase of 71.3 per cent.

Primary responsibility for internal security rests with the Garda Síochána. The Defence Forces, pursuant to their role of rendering aid to the civil power, assist the Gardai as required. In the past few years there has been a considerable increase in the scope of such assistance.

During the financial year 1969/70 the Department of Defence estimate amounted to £14.4 million. For the current financial year the estimate amounts to £72.9 million, of which the equivalent at constant prices is approximately £24.3 million, representing an increase in Defence spending of 68.8 per cent in this period. This increased expenditure is due not only to an increase in personnel, but also to an increase in the purchase of equipment such as riot-control gear, armoured cars and armoured personnel carriers, trucks and jeeps, communications equipment, helicopters and other aircraft.

During 1976, 8,263 military parties were supplied for checkpoint duties and the Army participated with the Gardai in setting up 13,166 joint Army/Garda checkpoints, 75 per cent of these in border areas. 20,258 patrols were sent out in 1976 and 60 per cent of these were from the ten permanent military posts which are maintained in the border area. Escorts for explosives and blasting operations were provided on 984 occasions and 347 requests for bomb-disposal teams were dealt with.

In addition, a permanent military presence is maintained on certain cross-border roads and several vital non-military installations are under permanent military guard.

Arms and Ammunition seized by the Irish Security Forces

1973-1976

Border Counties*

	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>
Arms**	85	100	41	105
Ammunition	13,232	40,667	11,400	3231
(rounds)				

Non-Border Counties

	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>
Arms	551	77	39	61
Ammunition	61,491	3,354	4,442	4046

* Donegal, Leitrim, Cavan, Monaghan, Louth.

** Machine-guns, rifles, pistols, revolvers and shot-guns.

A breakdown is provided on the next page.

ARMS, AMMUNITION, EXPLOSIVES SEIZED BY THE IRISH SECURITY FORCES

1973-76

	1973		1974		1975		1976	
	Border Areas	Non-Border Areas	Border Areas	Non-Border Areas	Border Areas	Non-Border Areas	Border Areas	Non-Border Areas
Machine Guns	2	2	2	1	2	1	1	3
Rifles	51	279	50	11	19	8	37	<u>14</u>
Pistols and Revolvers	23	267	39	52	17	26	31	34
Shotguns	9	3	9	13	3	2	36	10
Rounds of Ammunition	13,232	61,491	40,667	3,354	11,400	4,442	3231	4046
Grenades	10	508	9	12	54	12	-	23
Detonators	474	125	617	36	79	199	148	225
Rockets	15	-	1	3	24	28	4	10
Rocket Launchers	4	-	1	5	3	-	3	-
Explosives (mixed) (lbs)	13,482		42,409		1,975	265	17,482	21,510

SPECIAL CRIMINAL COURT - CHARGES AND CONVICTIONS

This Court was set up on 30th May 1972 under the Offences Against the State Act. Up to 31 December 1976, 1,118 people have been charged, of which 815 (73 per cent) have been convicted. Of these 815 convictions, 186 were solely for membership of an unlawful organisation, on the evidence of a Chief-Superintendent. In 1976, up to 31 December, 130 people were convicted, of whom 50 were convicted for offences committed in the border counties, Donegal, Leitrim, Cavan, Monaghan and Louth.

SPECIAL CRIMINAL COURT

<u>OFFENCES</u>	<u>NO. OF PERSONS CONVICTED</u>	<u>SET UP 30 MAY 1972 PATTERN OF SENTENCES</u>
Firearms Offences	192	3 weeks to 10 years
Explosives Offences	96	4 months to 15 years
Armed robbery and robbery with aggravation	37	18 months to 10 years
Assault	35	6 months to 7 years
Incitement	15	2 weeks to 12 months
* (Obstruction of Government		
(Publishing of incriminating document	3	Fines £20 to £100
(Possession of incriminating document	13	6 months
(Membership of an unlawful organisation	186	3 months to 2 years
(Failing to account for his movements	6	3 months to 12 months
Riot contrary to Common Law	11	6 months to 2 years
Conspiracy	18	2 years to 8 years
Larceny	69	3 years to 15 years
Obstructing a Garda	2	P.O.A. and 3 months
Receiving stolen property	2	6 months to 2 years
Malicious damage	7	9 months to 12 years
Official Secrets Act 1963	11	3 months to 3 years
Murder	14	Life imprisonment/ Death sentence
Manslaughter	2	10 years
Escaping from prison	3	2 months to 2 years
Aiding, abetting and assisting in escape of a convicted person from lawful custody	5	12 months to 5 years
Effecting a public mischief contrary to Common Law	2	6 weeks
False pretences	1	6 months
Making false, indecent, threatening, etc, phone calls	3	1 month
Conspiracy to obstruct traffic	3	3 months suspended
False imprisonment	6	3 years to 20 years
Prohibition of Forcible Entry and Occupation Act, 1971	8	9 months
Malicious Damage/Prohibition of Forcible Entry and Occupation Act, 1971	27	2 months
Contempt of Court	1	3 months
Unlawful assembly	12	6 months
Offences Against the Person Act 1861	22	18 months to 20 years
Air Navigation and Transport Act 1973	3	6 years to 9 years
Total up to 31 December 1976	815 convicted	
	303 acquitted	
	<u>1,118</u>	

* Offences under s.7, s.10, s.12, s.21 and s.52 of the Offences Against the State Act 1939. The figure of membership (s.21) does not include 76 cases where there was a conviction under s.21, but there were concurrent sentences of longer duration imposed on other charges (in most cases, firearms and/or explosives charges).

IRISH LOCAL ELECTIONS, JUNE 1974

The electoral support of Provisional Sinn Féin and Official Sinn Féin in the State was last tested on a nationwide basis in the Local Elections of June 1974. Out of a total of 793 seats on County Councils and Corporations the above Parties obtained seven seats each. In addition, one member of the Irish Republican Socialist Party was elected.

The tabular statement on the next page shows the overall performance of Official and Provisional Sinn Féin. Their combined vote amounted to only 3.1 per cent of the total valid poll for the total of 144 electoral areas and only 7 per cent of the total valid poll of those electoral areas which they contested.

	Totals	Provisional Sinn Féin	Official Sinn Féin	Provisional and Official Sinn Féin Combined
Total No. of Electoral Areas	144	-	-	-
No. of Electoral Areas contested	-	30	40	61
Total Valid Poll for all Electoral Areas	1,219,264	-	-	-
Total Valid Poll in areas contested	-	287,746	371,131	540,362
<u>Votes Gained</u>	-	18,540	19,341	37,881
as % of Total Valid Poll for all Electoral Areas		1.52%	1.59%	3.11%
as % of Total Valid Poll in areas contested		6.44%	5.21%	7%
No. of Seats in all Electoral Areas	793	-	-	-
No. of Seats in areas contested		182	233	354
<u>No. of Seats Gained</u>	-	7	7	14
as % of No. of seats in all Electoral Areas		.9%	.9%	1.8%
as % of seats in areas contested		3.85%	3%	4%

Some expressions of satisfaction with our
security effort.

1. " I pay tribute to the co-operation we are receiving from the Government of the Irish Republic. My Rt. Hon. Friend, the Secretary of State for Northern Ireland met Mr. Cooney, the Minister for Justice for the Republic on 8th January, 1976. There is no doubt that the Government of the Republic is as determined as is HMG to stamp out cross-border banditry and murder. There is now close and valuable co-operation between the RUC and the Irish police....."

Extract from statement on security situation by Prime Minister in House of Commons on 12th January, 1976.

2. "At the end of the meeting Mr. Rees and Mr. Cooney expressed themselves as well satisfied with the progress that had been achieved and emphasised that they were in complete agreement about the need for continuing and close co-operation....."

Extract from agreed statement issued after security meeting between Mr. Rees and Mr. Cooney in London on 8th January, 1976.

3. "I refer the hon. Member to the statement that my right hon. Friend the Prime Minister made on 12th January, 1976 - [Vol. 903, c. 29] Progress made at my meeting with Mr. Cooney on 8th January is being urgently followed up by the Royal Ulster Constabulary and the Garda Siochana, and both Governments are making determined efforts to deal with terrorists and to increase the substantial co-operation which already exists".

and

"It would ill-become the United Kingdom Government to insist to the Government of an independent country that co-operation be improved when the co-operation that we get is good."

Reply by Mr. Rees to Parliamentary Question in House of Commons on 19th February, 1976.

4. "The Taoiseach and the Prime Minister reviewed the arrangements for co-operation in security and expressed satisfaction at the excellent results that had been achieved."

Extract from Agreed Communique following meeting in Downing Street on 5th March, 1976.

5. "There has been steady advance [in security co-operation/ since the discussions I had with Ministers of the Republic at Baldonnell in 1974. Co-operation between the RUC and the Garda is developing steadily".

Extract from Statement by Secretary of State Rees in House of Commons on 14th June, 1976.

6. The Leader of the UUUM, Mr. Ernest Baird speaking at a rally in Northern Ireland in February, 1976 said that "the handling of the Stagg funeral by the Republic was to be admired and it was a pity that Wilson did not possess some of Cosgrave's determination in dealing with the IRA menace".
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