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The supergrass systemOrigins

The term "supergrass" is London slang which emerged in the mid 1970s to describe criminal informers who turned Queen's evidence against large numbers of their criminal colleagues. The first was Bertie Smalls who was given complete immunity from prosecution and who gave evidence in 1974 against 26 people, of whom 16 were ultimately convicted. Several other supergrasses followed and by the end of the 1970s the use of the supergrass had become common practice for the metropolitan police. The supergrass phenomenon started in Northern Ireland in November 1981 with Christopher Black, an IRA man who was arrested in North Belfast. On the evidence of this first Northern supergrass, 38 people were charged and in a trial lasting from December, 1982 to August, 1983, 35 were convicted. Like Smalls, the first London supergrass, Black was granted immunity from prosecution.

Supergrass Trials

Christopher Black; 38 defendants were put on trial on Black's evidence. The indictment contained 184 charges, based on 145 separate incidents. The trial lasted from December 1982 to August 1983, occupying 120 court days. The evidence of over 550 witnesses was either called or read out. The principal and in many cases the only evidence against 37 of the defendants came from Christopher Black. 35 of the defendants were convicted by Mr. Justice Kelly. Black was given immunity from prosecution.

Joseph Bennett; Bennett had been a very senior member of the UVF. His evidence led to the trial of 16 men in respect of crimes including one of murder. Bennett himself had been involved in the crimes and in another particularly brutal crime, the murder of an elderly country postmistress at Killinchy, Co. Down. There was little corroborative evidence. Mr. Justice Murray said of Bennett, "A man who has committed murder I am sure would not have scruples of perjury if it suited him". Nonetheless, Murray decided that Bennett's evidence "had a clear ring of truth in (my) ears" and convicted all but one of the sixteen defendants in April 1983. Lord Justice Lowry overturned the Crown Court's verdict on appeal in December, 1984. Bennett was given complete immunity for all his crimes.

Kevin Mc Grady; Mc Grady returned voluntarily to Northern Ireland in January 1982 from Amsterdam and confessed to a number of crimes. He said his motive was due to a religious conversion. He was convicted of three murders and several other crimes during 1975 and was charged and sentenced to life imprisonment. Ten men were charged on the basis of Mc Grady's committed

evidence for three murders, four attempted murders and four conspiracies to murder among other charges. All defendants were members of the IRA. Again there was little corroborative evidence. Four of the defendants had made written statements implicating themselves. They were all convicted. In spite of his recognition of Mc Grady's false evidence in various points, Lord Lowry declared that Mc Grady's evidence on one of the murders had 'the ring of authenticity to me'. Although he threw out some of the charges, Lord Lowry basically sustained the evidence given by Mc Grady and sentenced seven of the defendants to lengthy prison terms.

John Grimley; Grimley was a member of the INLA who had been a habitual criminal for most of his life. He had a history of psychiatric illness. 18 people were charged with a serious of offences ranging from attempted murder to INLA membership on his evidence. The Grimley trial ended relatively quickly on the 27th day when Lord Justice Gibson accepted that there was no case to answer against anybody implicated on Grimley's evidence alone. However, on 23 November, 1983, Gibson, although acquitting 7 of the 18 people, sentenced 8 of the remaining eleven to a total of 51 years in prison while three others were given suspended sentences. The judge considered that there was additional evidence warranting their conviction. Those acquitted nonetheless were in remand custody from February 1982 to November, 1983. Grimley was given immunity from prosecution.

John Morgan; Morgan was a former IRA and INLA member. Seven people were charged on his evidence. On 19 December, 1983, Mr. Justice Murray acquitted four of the accused after describing Morgan as "a dishonest witness, a most unreliable one. There was virtually no corroboration of his evidence." One of the four acquitted was however rearrested on the evidence of Harry Kirkpatrick. Morgan was given immunity from prosecution.

Robert Quigley; Quigley was a member of the IRA. There were 20 defendants in his case. Ten of the accused (all from Derry) were given heavy sentences in May 1984. In language which was to be echoed later by Mr. Justice Carswell, Mr. Justice Hutton described Quigley as "a deplorable character " but also "an impressive witness". Quigley was given immunity from prosecution.

Raymond Gilmore: 45 people were charged on the basis of Gilmore's evidence as a former member of the IRA. In December, 1984 28 of the accused were acquitted. Lord Lowry stated that Gilmore was "unworthy of belief". Seven of those charged on Gilmore's evidence are serving sentences on other supergrass evidence. Gilmore was given immunity from prosecution.

William "Budgie" Allen: Allen was a member of the UVF. Over 40 people were charged on his evidence. Allen's evidence failed to persuade Mr. Justice Higgins (Catholic) and 36 of the

defendants who had been charged on his uncorroborated evidence were acquitted. A further seven remained in custody. Allen was not given immunity.

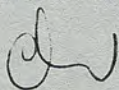
Harry Kirkpatrick: His trial is dealt with in a separate note. Charges were brought against 38 of Harry Kirkpatrick's colleagues in the INLA. The trial lasted almost a year and in December, 1985 Mr. Justice Carswell, having found Kirkpatrick credible in relation to the crimes of which the defendants were accused, convicted them. Kirkpatrick was not given immunity but obviously expected mitigation of the sentence of life imprisonment imposed at his own trial in June 1983..

Appeals

In December, 1984 Lord Justice Lowry upheld the appeal of the 14 UVF men convicted on the evidence of Joseph Bennett. Since the success of that appeal a number of informers, including Eamon Collins and John Gibson, have retracted their evidence.

Effect on Catholic population

It should be noted that the result of the Allen case in which Mr. Justice Higgins acquitted most of the defendants earlier this year, and Lord Justice Lowry's upholding of the appeals in the Bennett case, means that the Loyalist population have escaped the effect of the supergrass trials. On the other hand, those convicted on the nationalist side remain in prison. The appeal in the Black case will commence on the 7th January and will be followed by the Mc Grady and Quigley cases. It is notable that it has taken over two years to prepare for the appeal in the Black case and almost as long for the Mc Grady and Quigley cases. On the basis of the length of time taken in these cases, the Kirkpatrick will also take about two years to prepare for appeal. However, because transcript material is already available of Kirkpatrick's evidence, it may be possible to considerably shorten the time required for the preparation of appeal in the Kirkpatrick case.



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