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ms re Stevens

STEVENS INQUIRY

Terms of Reference

On 14 September 1989 the RUC Chief Constable announced the appointment of Mr John Stevens, Deputy Chief Constable of Cambridgeshire, to investigate

- the theft (made public at the same time) of a document listing IRA suspects from Dunmurry RUC station
- the report by BBC Chris Moore at the end of the previous August that he had been shown classified RUC material by the UFF in justification of their murder of Laughlinn Maginn
- the theft of a document listing 9 IRA suspects from Ballykinlar UDR base which had been made public on 10 September.

The scope of the inquiry, however, was widened to include the rash of subsequent leaks, and on 28 September the number of staff working on the inquiry was increased from 15 to 19.

While the specific terms of reference were never revealed publicly we were informed by the Secretariat that in addition to the matters already mentioned Stevens had been asked to report on "any other matters relevant to this area of inquiry". It was suggested to us that while Stevens had not been asked to make recommendations, this formulation would lead him to do so, rather than leave it simply at passing relevant information to the DPP for criminal prosecutions. It would, however, we were told, be a matter for the Chief Constable to decide what to do about such recommendations.

Course of the Inquiry

The early weeks of the inquiry were characterised by the at times startling number of leaks of security material involving at least

twenty reports of leaked material covering some 500 IRA suspects. Within a month of its establishment, the inquiry team arrested 28 members of the UDR in a dawn raid, of whom 11 were subsequently charged. These arrests and the relatively minor nature of the charges were to lead to criticisms that the inquiry was focussing unfairly on the UDR. These criticisms were redoubled when it was reported that some of the men arrested would be rehoused for security reasons following the arrests and as it became increasingly clear that no RUC officers were to be charged with offences in connection with the inquiry although a considerable number of the leaked documents came from police sources. There were also a number of clumsy attempts by loyalist paramilitaries to implicate the RUC in the leaking of material. In October the Irish News alleged the existence of a group within the RUC called the Inner Circle dedicated to the eradication of republican terrorism and the overthrow of the Anglo-Irish Agreement.

Apart from the UDR, the main target of the Stevens inquiry have been the UDA. Some 28 members of the UDA have been arrested, including what appears to be the entire leadership of the organisation. One of those charged, UDA intelligence officer Brian Nelson, appears to have been a ^{Irish} ~~police~~ informer for some years and his arrest has caused consternation in loyalist paramilitary circles.

On 10 January 1990, a fire destroyed the inquiry headquarters in Carrickfergus but it was stated that copies of all material compiled by the inquiry were kept elsewhere (notwithstanding this assurance, the fire was subsequently cited to us as a reason for the delay in issuing a report). The fire was found by forensic experts to have been accidental but reports of differences between the RUC and the inquiry surfaced in the media. The RUC Chief Constable and Mr Stevens subsequently issued a joint statement denying that any differences existed between them.

Number of Arrests, Charges and Convictions

While exact numbers are not yet clear, we have been informed by the Secretariat that 59 people have been charged as a result of the Stevens inquiry investigation. According to information

compiled in the section from media reports, of some eighty recorded arrests, 47 people have been charged. Of these, 11 were members of the UDR and one a member of the British army. The rest appear mostly to be members of the UDA/UFF (but also charged were alleged members of the UVF and the Red Hand Commandos). No member of the RUC has been arrested or charged with any offence in connection with the inquiry, though it has been suggested that a number of officers were questioned at work.

On 15 March 1990 eight of the charged UDR members were found guilty of having excess ~~having excess~~ rounds of ammunition. Two were granted absolute discharges, one was fined £100 and five were fined £50. While the men had been expected to stand trial in the Crown Court, the charges against them had been amended to enable them to be dealt with by way of summons at the Magistrate's Court (We have requested the Secretariat to query this procedure).

Outcome of investigation

There have been indications in recent weeks that the Stevens team has completed its investigations and would report shortly to the RUC Chief Constable. According to an article which appeared in the London Times of 31 March, Stevens would report that in a society where the security force personnel are largely drawn from one side of the community and most of the violence is coming from the other, it is probably impossible to eradicate collusion. It is argued, however, that it can be kept to a minimum by strict controls on handling intelligence and stiff penalties for abuse. The report would therefore, it is suggested, recommend the creation of a new auditing and accounting regime of intelligence material.

If this is an accurate reflection of Mr Stevens' findings, it is unlikely to prove satisfactory from our point of view. While welcoming the tightening of procedures, the Minister has argued strongly in Conference that the question of collusion goes beyond disciplinary or procedural matters but lies at the heart of the problem of the relationship between the security forces and the nationalist community in Northern Ireland. The communiqué

issued after the Conference of 18 October 1989 indicated that following the completion of the Stevens inquiry, it was the intention of the Irish to return to their proposal for a comprehensive inquiry into all issues affecting the security forces (in particular the UDR) and the community.

Anglo-Irish Section

4 April 1990

Stevens. 999.