



## **An Chartlann Náisiúnta** **National Archives**

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## Stevens Report - Background Note

John Stevens was appointed to conduct his inquiry on 14 September 1989 and issued a summary of his report on 16 May 1990. A paper outlining the essential points contained in that document is in the brief.

### Initial Reactions:

Seamus Mallon was critical -viz-

"When Mr Stevens was appointed to carry out his investigation I expressed the hope that, for once, a Northern Ireland inquiry into security matters would reach conclusions which were credible and comprehensive. It is a matter for regret that this report achieves neither of those objectives."

While Mallon's reaction was negative, it is probably fair to say that overall, the initial reaction among nationalists in Northern Ireland was fairly muted. This may have been for the cynical reason that the history of such inquiries in Northern Ireland give nationalists little cause to expect much in the way of dramatic results. At the same time there may also have been a feeling that, within his terms of reference, Stevens had probably done the best he could.

At the Conference meeting of 17 July, in an initial reaction to the Report, the Minister

gave due recognition to the effort of Mr Stevens and the extent and range of the recommendations in the Report; recognised that the significance of the Report was that it exposed a hitherto neglected area of criminality (collusion); highlighted the importance of the speedy implementation of the recommendations; flagged the problem of a number of unresolved killings where collusion appeared to have been a factor; suggested a meeting of officials to consider the Report in detail with a view to preparing for a more detailed discussion at a future Conference; and referred back to our view as expressed in the October 1989 Communique on the need for a comprehensive enquiry into relations between the security forces and the community - as something which we could come back to at a future date.

### Recent Developments:

The decision of the DPP on 10 October not to proceed with the prosecution of five loyalists arrested as a result of the Stevens Inquiry has fed nationalist cynicism regarding the Inquiry. There has been no explanation for that decision and media reports have linked the decision with the case of Brian Nelson - potentially perhaps the most embarrassing case to have emerged as a result of the Stevens Inquiry.

Brian Nelson, who was arrested as a result of the Inquiry, was a senior figure in UDA intelligence and is generally rumoured to have been, at the same time, an agent for British Military Intelligence. This raises the spectre that British Military Intelligence may have had foreknowledge of certain assassinations planned by the UDA in recent years. There had been

considerable speculation in Belfast as to whether Nelson would testify against other UDA figures - something which raised the possibility of a return to supergrass trials. Knowledgeable observers however felt that Nelson would be unlikely to be allowed to undergo cross-examination in Court. While it is unclear whether Nelson was a factor in the dropping of charges against the 5 loyalists, it has nonetheless reinforced the expectation that Nelson will not in the end testify against his former UDA colleagues. The expectation now is that Nelson will plead guilty to some minor charges, and will be whisked off to a British prison to serve some portion of whatever sentence is meted out in his case. Overall, the Nelson case continues to arouse deep suspicions among the public and feeds the growing mood of cynicism regarding the Inquiry.

#### Evaluation:

A total of 43 people were charged with a variety of offences as a result of the Inquiry. Five of these have now been released. Of the remaining 38, twelve have been convicted (3 of those convicted were given custodial sentences - one of 3 years; and two of 1 year; the remainder received fines ranging up to £100). A further 26 people are still awaiting trial.

The relatively light sentences imposed to date would seem to support the contention that only the very minor players were arrested as a result of the Inquiry. However, among the remaining 26 still awaiting trial are leading UDA figures like Tommy Lyttle and it remains to be seen how their cases will be conducted.

Overall, while one could be critical of the relatively disappointing performance of the Inquiry to date in terms of securing convictions, other aspects of the Inquiry can be viewed as representing some (albeit) limited progress on the wider issue of collusion -viz-

- For the moment at least, it appears to have had an important psychological impact in that members of the security forces can no longer be under any illusion regarding the seriousness of the crime of passing information to terrorists.
- This has been reinforced by the fact that the Inquiry team appear to have followed up any leads with a level of energy unusual for Northern Ireland. In that context it is noteworthy that Ken Maginnis, (no doubt reflecting the feelings of members of the security forces), has called for the withdrawal of the remaining members of the Stevens team from Northern Ireland.
- The report took a timely and useful "kick" at the traditional sloppy systems in operation over the control and dissemination of sensitive information; and a particularly useful "kick" at the army (especially the UDR) over their very sloppy screening procedures.

Overall, the scope and range of measures recommended by Stevens, if fully implemented, could have some impact on the problem.

#### Implementation of the Recommendations:

At the July Conference, the Chief Constable provided a brief description of the state-of-play in relation to the implementation of Stevens' recommendations -viz-

- That there are three working-groups, one within the RUC, one within the Army and one within the NIO, which are reporting to the Chief Constable, the G.O.C., and the N.I.O. on the detailed implementation of the recommendations.
- That at the time of that Conference (17 July), of the recommendations relating to Inter-agency cooperation, around 40% had been implemented; of 18 recommendations on the security of Intelligence and information systems, 13 had been implemented; of 34 recommendations in relation to the Army, 15 had been implemented.

It was agreed at that Conference that there would be a meeting at official level to have a detailed exchange of views on the Stevens Report. However, at the most recent Conference meeting in September, the British side drew away from that idea and proposed instead that the Chief Constable would report progress at future Conference meetings. In that context, at the Conference of 14 September, the Chief Constable reported in very general terms on the implementation of the Stevens Report ("the work on the implementation of the recommendations was almost 60% completed"). It is possible that this Conference meeting may see another generalised report from the Chief Constable on the work in the intervening period.

#### Suggested Approach:

It would be appropriate to refer to the DPP's decision to drop the charges against the five loyalists earlier this month. While we would not question the independence of the DPP in this matter, we might point to a growing mood of public cynicism regarding the Inquiry and enquire as to whether difficulties are anticipated in respect of other pending cases.

It might also be appropriate to refer to the growing public controversy regarding the case of Brian Nelson which, in our view, would seem to be feeding this mood of growing public cynicism.

We feel that it would be sensible to have a first discussion of the detail of Mr Stevens' recommendations at official level in order to help in the preparations for a fruitful discussion at a future Conference meeting. However, if the British continue to resist this idea, it might be appropriate to query them regarding Mr Stevens' recommendations in areas of particular concern - most notably recommendations 28, 29, 30 and 50 et seq. which refer to improved vetting procedures for the UDR. Have all these recommendations been implemented and, if not, which ones remain outstanding?

Brendan McMahon  
Anglo-Irish Division  
23 October 1990

## Recommendations of the Stevens Report

Published on 17 May 1990, the Report recommended a wide range of improvements in procedures for handling intelligence material, ranging from improved security at RUC stations, to stricter controls on recruitment to the UDR. It also made wide-ranging recommendations about the structure of the RUC, including the setting up of an anti-terrorism Branch, and the improvement of technical and forensic procedures.

Among the Report's 83 recommendations were -

### Information and Intelligence Systems:

(a) Review criteria guidelines for issue of recognition information; suspects inclusion in such material; the security classification of such material.

(b) Research methods to uniquely identify documents; make them traceable; restrict circulation to operational needs; ensure accountability - a nominated person to be responsible; prevent unauthorised photocopying.

(c) Similar criteria to apply to computer systems.

(d) Ensure information is weeded regularly.

### RUC:

(a) Form an Anti-Terrorist Branch; Central reporting of documents finds - a senior officer to have an overview of finds; identify user access to computer records; identification features for photocopied material; improved physical security for documents.

(b) Notify Army of all incidents involving Army personnel; Involve RUC in UDR vetting procedures.

(c) Various technical improvements in finger-printing and forensics.

### Army:

(a) Much tighter vetting of applicants and existing members of the UDR -viz- RUC to be closely involved in vetting; an inter-organisation appeal process on disagreements between the Army and RUC; agree on definition of paramilitary organisations; interview UDR applicant's referees;

(b) A series of measures to ensure tighter control of security material, including soldier's notebooks etc.