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OIFIG AN AIRE DLÍ AGUS CIRT
(Office of the Minister for Justice)

BAILE ÁTHA CLIATH

(Dublin)



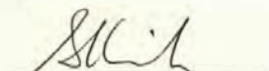
15 May, 1991.

Dear Private Secretary,

I am directed by the Minister for Justice, Mr. Ray Burke, T.D., to refer to a recent letter received by the Taoiseach from Mr. Kevin McNamara, M.P., requesting an enquiry into allegations that the Provisional I.R.A. obtained confidential information from Garda records.

The Minister responded to a number of Private Notice Questions in the Dail on this matter on 17 April and I am enclosing a copy of his reply which, it is suggested, could be referred to Mr. McNamara for his information.

Yours sincerely,


Private Secretary

Private Secretary,
An Taoiseach,
Government Buildings,
Dublin 2.

Garda leak connected with a recent murder in Northern Ireland.

Mr. McCartan asked the Minister for Justice if he will give details of the investigation which is planned into the circumstances in which a representative of the Provisional IRA is reported to have produced to a journalist a Garda document on a man whom they murdered in County Tyrone last week; if, in view of the fact that the Provisional IRA appear to be using the information on the document to justify the murder of the man in question, he will outline whether any review of security procedures relating to such documents is planned by the Garda authorities; and if he will make a statement on the matter.

Mr. Allen asked the Minister for Justice if he will make a statement on media reports that high security Garda documents have been passed on to the IRA and that the leaking of these documents has resulted in the death of at least one person in Northern Ireland.

Mr. S. Barrett asked the Minister for Justice the way in which a confidential Garda document came into the possession of the Provisional IRA; if his attention has been drawn to the possible threat to life this leak presents; the steps he intends taking to deal with this matter and ensure no recurrence of such incidents; and if he will make a statement on the matter.

Mr. Enright asked the Minister for Justice if, in view of the splendid record of the Garda Síochána and in order to uphold the good name of the force, he will outline the position regarding the alleged leaked confidential Garda report of *Fógra Tóra*; the steps he has taken to investigate this matter and the action he intends taking to prevent a recurrence of similar type incidents; if, in view of the implications for national security, implicit in such a leaked document, he will establish a full inquiry into this incident; if he will outline the nature, powers, extent and make-up of personnel of such

an investigation; and if he will make a statement on the matter.

Minister for Justice (Mr. Burke): I propose to take the five questions together.

A copy of a photocopied document which was handed over to a journalist by a person claiming to be a representative of the Provisional IRA has been made available to the Garda authorities. As the House will be aware by now, a senior Garda officer has been appointed to investigate allegations that the document in question is a copy of an internal Garda document.

I have been informed by the Commissioner that, on the face of it, the document appears to be an extract from a recent edition of a regularly produced internal Garda document on criminal matters known as *Fógra Tóra*. The edition in question, which dealt specifically with matters of a subversive nature, received appropriate circulation within the Garda Síochána at the beginning of the year and contained information on 46 persons wanted by the Garda Síochána in connection with murder and other serious crimes, some on warrant and others for interview.

The 46 persons are believed by the Garda Síochána to be members of subversive organisations or, at least, connected with such organisations. The edition of *Fógra Tóra* to which I refer contains details on 28 alleged members of the Provisional IRA, 11 alleged members of the Irish National Liberation Army, four alleged members of the Official IRA, one alleged member of Saor Éire and two persons believed to have Loyalist sympathies.

The Garda authorities have now specifically drawn the attention of the RUC to the fact that particulars concerning a person believed to have Loyalist sympathies are included in the document.

As the House will appreciate, it is essential that criminal intelligence and other information which is necessary in the investigation of serious crimes receive appropriate circulation within the Garda Síochána. It is also essential, of course,

that such circulation be properly controlled and this poses certain difficulties when the fundamental purpose of circulating the information in the first place is the need to bring it to sufficient appropriate attention.

With this in mind, the senior Garda officer investigating this matter has been asked to produce recommendations about the procedures relating to the circulation and custody of such documents as well as investigating the possible criminal offences arising from the unauthorised possession of such documents in this particular case.

While fully acknowledging the seriousness of the situation which has given rise to the investigations now commenced, I do want to add that we in this House should not allow ourselves to be drawn into the trap of losing sight of the underlying reality here, which is the vicious and callous behaviour of the Provisional IRA in this whole matter. They have perpetrated a brutal murder — one of a long series of murders they have been responsible for. Their primary tactic in disclosing the fact that this document has come into their hands is to seek to draw a cloak of spurious legitimacy over that murder and try to direct attention from the fact that what has actually happened is that ruthless terrorists have arrogated to themselves the role of judge, jury and executioner on the basis that the victim was somebody whom the gardai wanted to interview. These are the same people who would be first to claim the full protection of the rule of law and of the principle of innocent until proven guilty for their own members. It is sickening hypocrisy that at the same time they blatantly deny that protection to others day in and day out with the horrific consequences that we are all only too familiar with. Their secondary tactic in this matter is to try to make mischief for the Garda Síochána, and indirectly the Government, hoping thereby also to distract public attention and awareness from their murderous campaign.

I am confident that the House, side by side with its expression of understandable concern about the Garda investigation

Private Notice Questions.

High Security Garda Documents.

Mr. Bell asked the Minister for Justice if he will make an urgent statement about the investigations into allegations of a

[Mr. Burke.]
and what gave rise to it, will join with me
in condemning in no uncertain terms the
appalling deed which these murderers are
now attempting to justify.