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17/8.

PS/Secretary of State (L&B) - M

cc: PS/Mr Scott (L&B) - M
PS/PUS (L&B) - M
~~PS/Mr Bloomfield - M~~
Mr Brennan
Mr A W Stephens - M
Mr Chesterton
Mr Buxton - M
Mr Merifield - M
Mr Coulson - M
Mr Radcliffe - M
Mr G Hewett - M
Mr Reeve - M
Mr Clark, RID, FCO



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2 Mr Carr
3. SEC/1

REPRESENTATIONS ABOUT SECURITY INCIDENTS

The Foreign Secretary spoke to the Secretary of State on 28 February about the possibility of providing more information in public about controversial security incidents involving the security forces. The Foreign Secretary had heard that in the shooting incident in Strabane on 23 February the guns held by the terrorists were cocked and that they were no more than 10 metres from the security forces when shot.

2. The main purpose of providing such information would be to allay public disquiet in Northern Ireland and to preempt the sometimes strident criticisms which are made by the Irish Government. We have considered this in consultation with colleagues in Belfast, the FCO and our Embassy in Dublin, and in the context also of our general handling of representations from the Irish Government on security issues.

3. The Irish Government, in the form of Mr Barry or on other occasions officials in the Department of Foreign Affairs, have made a number of representations to us in recent months about certain incidents involving the security forces. Some have attracted a good deal of press attention and Irish representations have been made in a high key, for example,

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the death of John Downes on 12 August. Others, such as the Strabane shooting, have been handled rather more quietly by the Irish. There are other individual incidents allegedly involving the security forces which have not come to public notice: these include the representations generated as a result of Father Faul's newspaper advertisement asking for cases to be passed to Dublin.

4. The UK Government have accepted that the Irish Government may make representations to us, and we have said that we will listen to their views and respond. The Secretary of State made this clear in his press briefing following the November summit, and repeated it in a number of subsequent speeches. Both he and the Foreign Secretary, however, told Mr Barry when they met him on 4 February that strident public representations only made more difficult the process of developing cooperation with the Republic. While Mr Barry made clear that he would continue to respond to security incidents, he promised to do so in future in a more level tone where possible. It is too early to say whether that commitment will be met, but there are some signs that the message may have been heeded. Also, we know that the DFA by no means pass on all the representations they receive.

5. Where representations are made on behalf of individuals about specific allegations involving the security forces, they must be dealt with through the normal complaints machinery. Other controversial incidents involving the security forces must also be investigated by the police in the normal way. These enquiries can inevitably take a very long time. The papers on the Downes enquiry, for example, only now are with the Director of Public Prosecutions. It would be unrealistic to imagine that the complex enquiries which are often needed could be significantly speeded up.

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6. We do not think there is any scope to make formal public statements on cases on the basis of incomplete information and in advance of the completion of police enquiries. To do so would unacceptably jeopardise the conduct of those enquiries and would be seen to be prejudicial to their final conclusions. The initial information anyway is not necessarily the whole story, and it would be dangerous to attempt to draw conclusions from it or for it to be interpreted as publicly defending or criticising security force actions. For example, we do not yet really know whether any policemen acted improperly during the Galvin riot on 12 August. Equally, the first reports of the police shooting incidents in the autumn of 1982 were very different from the circumstances now being investigated by the Stocker inquiry. If therefore we were to try to make a substantive public statement on incidents, we could lay ourselves open to criticism both for prejudging the inquiry and for selectively releasing information which appeared to meet our immediate interests. The problem would be compounded if it were subsequently shown that we had based our comments on inaccurate information.

7. We consider, therefore, that our formal public line on security incidents must remain that the relevant enquiries are being made by the police. We should not be drawn into commenting on individual allegations or ourselves retailing in public early versions of events beyond the most basic outline.

8. We need to take the same public line in response to representations from the Irish Government. But in doing so, we can lose an opportunity which would otherwise be open to us to encourage the Irish to take a more responsible attitude on these incidents. Their public comments can inflame opinion in Northern Ireland, and make more difficult the task of improving relations with the Republic. We have considered how this difficulty might be overcome.

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9. We believe the Irish would be receptive to receiving informally any additional early information we may have about an incident, and would be prepared to treat that information in confidence. If we were to act in this way, we believe that the Irish might be the more ready to temper their public statements, and we would have a better working relationship with them. We know that Irish officials maintain close links with people in Northern Ireland and there must always be the chance that, perhaps under pressure from them or in the Dail, this information and its source will be revealed. This would be an embarrassment, although we need not necessarily confirm the story. But we should then at least be in a stronger position with the Irish in being more circumspect in future.

10. There may be cases also when incidents have attracted particular attention in the United States and we may be able to brief the Administration on the same basis. We know, for example, that the Administration are concerned about the delay with the Downes inquiry, and a more open approach with them earlier on might have been helpful.

11. We propose, therefore, that in appropriate cases we should be prepared to pass on any suitable information we may have to the Dublin (or if appropriate the Washington) Embassy in confidence, and that they should have discretion to draw on this information in discussions with their relevant official contacts if they judge it will be helpful and if they are satisfied that its confidentiality will be respected. If in the event this confidence proves ill-founded, we shall have to review the arrangement.

12. If the Secretary of State agrees, we propose to send the ... attached telegrams to Dublin about the Strabane shooting.

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The telegrams make clear that the information is not for public use. They also advise the Embassy not to draw the conclusion that this necessarily justifies the action of the security forces, or that had circumstances been different (for example, had unarmed terrorists been shot or the guns been unloaded) the security forces would necessarily been found to have acted unreasonably.

13. I should be grateful to know whether the Secretary of State agrees that:

(i) we should continue to avoid detailed public comments on security incidents in advance of the police inquiry;

... (ii) we should send instructions to our Ambassador in Dublin on the lines of the attached Annex;

(iii) we should in future look for other opportunities where we may be able to provide background briefing to Irish or, on occasions, American Government representatives in confidence on particular security incidents.

J. M. Lyon

J M LYON

14 March 1985

Encl

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DRAFT TELEGRAM TO DUBLIN

FATAL SHOOTING OF 3 TERRORISTS AT STRABANE - 23 FEBRUARY 1985

Your telegram No 88 of 25 February.

You should thank the Irish for responding to the Strabane incident in a low key.

The incident is now the subject of a police investigation and the Government can make no formal comment on the circumstances until that is completed. That inquiry will be interested to find out what actually happened and whether those involved behaved properly. Inevitably it may take some time to complete. But we could not prejudice that inquiry or attempt to draw conclusions from information which may in the event be shown to be inaccurate.

You may, however, find it helpful to have the report in MIFT which summarises what we know so far about the incident. You have discretion to transmit this information orally to the Irish if you consider that would be helpful and if you are satisfied that your contacts will treat it in confidence and will not refer to it outside official circles or in public or reveal their source.

You should not imply or encourage the conclusion that any of the circumstances recorded in MIFT can be relied on in themselves to explain the action taken by the security forces. In particular, we would not wish to imply that if the circumstances were different (eg the rifles had not been loaded) then the security forces would not have been justified in opening fire.

You may intimate that if its confidentiality is respected, it might be possible in future to provide similar information in

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confidence on other security incidents. You may also wish to say that you are prepared to be this frank with the Irish as a reflection of our cooperative relationship and to help them in future gauge their reaction to particular incidents.

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MIFT

At 0453 hours on Saturday 23 February a three-man uniformed patrol of military personnel encountered three masked and armed men in a field in the Fountain Street area of Strabane. The patrol had been on night observation duties and were just pulling out of their position when one of them saw the gunmen approaching from a short distance away. The gunmen also became aware of the patrol, raised their weapons and adopted firing positions. The patrol opened fire on the gunmen killing them before they could fire back.

The deceased, who were subsequently claimed by PIRA as members of their organisation, were identified as:

- (i) Charles BRESLIN, (aged 20), 4 Innisfree Gardens, Strabane.
- (ii) Michael Joseph DEVINE (aged 22), 9 Courtal Park, Strabane.
- (iii) David DEVINE (aged 16), 9 Courtal Park, Strabane.

At the time of their deaths they were all wearing nylon masks and gloves. One of them was in a blue boiler suit and others were in military-type combat jackets. The police recovered three rifles, two home-made rifle grenades, and two home-made rifle grenade projectors from the scene. The rifles were loaded and had bullets in the breech.

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