

22 MAR 1988

Continuation

1. Mr J Sheehans - to see
1a Miss McGowan - may be interested in
2. Mr Jones the cases raised
3. Mr. [unclear]
JLT
22.3.88

Ms Wood
Thank you for your work
on this. Please
copy as appropriate.
S 15/3

RECEIVED IN REGISTRY	
14 MAR 1988	
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FROM: S N P Hemans
DATE: 11 March 1988
CC: Mr Boyd
Mr Ratford
Mr George, RID
Mr Roberts, SCD
Mr Meyer, News Dept
Mr Dorey, CSCE Unit

Sir J Fretwell

SECRETARY OF STATE'S VISIT TO THE SOVIET UNION:
NORTHERN IRELAND

1. Mr Shevardnadze raised the issue of human rights in Northern Ireland with the Secretary of State and handed over a list of eight "political prisoners" about which he claimed the Soviet Government was concerned.
2. The Northern Ireland Office have told us that seven of the eight are serving life imprisonment for murder, and the other life imprisonment for attempted murder. Several have been convicted of more than one murder, and/or other serious offences.
3. We need to show the Russians that we have taken their expression of concern about Northern Ireland seriously, and examined the list carefully. This reminds the Russians that we expect a no less careful response to our own representations about human rights and individual cases. At the same time we need to make very clear to the Soviet authorities that the particular cases they have raised bear absolutely no comparison with the refuseniks, religious believers, psychiatric prisoners or others on our own list. They should be left in no doubt that we consider Shevardnadze's remarks a pretty blatant propaganda ploy. We should however reassure them that we are always ready for serious discussion of human rights questions, and that we look forward to having such an exchange through the mechanism of the official level consultations agreed during the Secretary of State's visit.
4. Accordingly I submit a draft telegram of instructions to Sir Bryan Cartledge in Moscow; the text of a Speaking Note to be handed over, together with an annex, containing details of the cases raised by the Russians. RID and News Department concur.

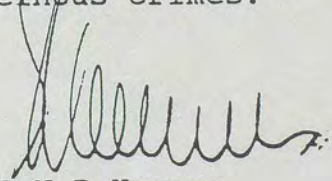
cc Mr Burns
Mr Chesham
Mr Steele
Mr Hewitt
ALJAAI
Mr Jackson
Ms Marson

Mr Marshall
P. arrange
to NIO(B) etc
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5. The telegram instructs the Ambassador to take action at Deputy Foreign Minister level. I think nothing less will do in view of the level at which the Soviet allegations were made. I doubt if it is worth insisting on seeing Shevardnadze himself although Sir Bryan should ask that he be told of our reply. The telegram also includes advice on a defensive line to take if the Russians make any reference to the Stalker affair or recent events in Gibraltar: other background material on Northern Ireland has already gone to Moscow by bag.

6. The annex gives details of the murders of which the individuals on the Soviet list were convicted, and also refers, selectively, to other serious offences of which some had been convicted. Some of those on the list had convictions for eg "belonging to a proscribed organisation" or "communicating prohibited information". We have judged it prudent not to refer explicitly to these convictions in our response to the Russians, to avoid being drawn into a sterile argument about whether these offences are "political" in nature. The point is that the eight individuals are genuine villains whose main crimes are murder.

7. It is tempting to give some publicity to this response. But the Northern Ireland Office are reluctant to see information about individual prisoners given out in public without the prisoners' knowledge or consent, and on their advice we have recently declined to name the prisoners on the Soviet list in answer to a PQ from Chris Mullin MP. (If he comes back to the charge, as is likely, we may have to look at this again to avoid any suspicion that we ourselves are nervous about the named individuals). We have also, with human rights organisations, tended to emphasise the confidentiality of our exchanges with the Russians on human rights issues. It would not be consistent with this line to trumpet abroad the details of the Soviet list. I therefore think it best not to volunteer information about our response to the Soviet list at this stage; but I see no reason why we should not, if asked, confirm, as we have already done in answer to an earlier PQ from Mr Mullin, that seven of the eight individuals on the Soviet list are convicted murderers, and the other has been convicted of attempted murder. We might add unattributably that we found it hard to understand why the Soviet authorities seem keen to defend those guilty of such heinous crimes.


S N P Hemans
Soviet Department

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OUT TELEGRAM

Classification	Caveat	IMMEDIATE

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1 ZCZC
2 CONFIDENTIAL
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5 TO IMMEDIATE MOSCOW
6 TELNO
7 OF 101500Z MARCH 88
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10 FROM HEMANS, SOVIET DEPT, FOR AMBASSADOR
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12 SECRETARY OF STATE'S VISIT TO THE SOVIET UNION: HUMAN RIGHTS IN
13 NORTHERN IRELAND
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15 1. We are now ready to respond formally to Shevardnadze's
16 remarks about Northern Ireland and the list of prisoners he
17 handed over (your tel 304). My two IPTs contain text of a
18 Speaking Note, which you may leave behind, and an annex with
19 our detailed response on the prisoners and their offences,
20 which should also be given to the Russians.
21 2. Grateful if you would seek an appointment at Deputy Foreign
22 Minister level to deliver our reply. You have discretion to
23 call on Kovalev or Adamishinⁿ as you think fit. Our objectives
24 are to show the Russians that we have taken their
25 representations seriously and so to remind them that we expect
26 no less consideration over our own representations on human
27 rights; to make absolutely clear that the particular cases
28 Shevardnadze raised bear no comparison with the kind of cases
29 included on our own lists, and to reaffirm that we remain ready

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for serious discussion of human rights questions and look forward to this through the mechanism of the official level consultations agreed during the Secretary of State's visit. You should ask that Shevardnadze be given the details of our reply. You should also make clear that we shall not be giving the details of this exchange to the media (see para 5 below).

3. The annex gives details of the murders of which the individuals on the Soviet list were convicted, and also refers, selectively, to other serious offences of which some had been convicted. You have received by bag a copy of the original response from the Northern Ireland Office which also includes details of convictions for eg quote belonging to a proscribed organisation unquote or quote communicating prohibited information unquote. We have judged it prudent not to refer explicitly to these convictions in the annex, to avoid being drawn into a sterile argument about whether the offences are quote political unquote in nature. The point is that the eight individuals are guilty of what by anyone's standards are very serious crimes.

4. You will have received by bag more general background material about the situation in Northern Ireland for use if necessary. The Russians may raise with you the Stalker affair or recent events in Gibraltar. On the former, you should refer to Guidance tel 016 of 18 February. You will be aware of the main outline of events in Gibraltar and of the Secretary of State's statement of 7 March (copied to you in the Verbatim Series). A guidance telegram will issue shortly, on which you may also draw as appropriate.

5. We have considered whether we should publicise our response. But the Northern Ireland Office are reluctant to see information about individual prisoners made public without the prisoners' knowledge or consent, and on their advice we have recently declined to name the prisoners on the Soviet list in

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from
answer to a PQ ~~ed~~ Chris Mullin MP. Publicity would also not be
consistent with the line we take with human rights
organisations which emphasises the confidential nature of our
exchanges with the Russians. However we see no reason why you
should not, if asked, confirm, as we have already done in
answer to an earlier PQ from Mr Mullin, that seven out of eight
individuals on the Soviet list are convicted murderers, and the
other has been convicted of attempted murder. You might add
unattributably ^{that we} find it hard to understand why the Russians
should choose to defend people who are guilty of such heinous
crimes.

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NEWS DEPT

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PS/MR MELLOR

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MR RATFORD

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MIPT: HUMAN RIGHTS IN NORTHERN IRELAND

TEXT OF SPEAKING NOTE

1. On 15 February Mr Shevardnadze handed to Sir Geoffrey Howe a list of eight individuals imprisoned in Northern Ireland. He asked if these cases could be examined to see whether the sentences were justified, and stated that the Soviet Government had received representations about many prisoners serving sentences which they believed to be illegal and contrary to their rights. It was also suggested that there were more than 400 so-called quote political prisoners unquote in Ulster and concern was expressed at the practise of holding trials without juries in the province.

2. My authorities have carefully examined the eight names upon the Soviet list. It has been established that seven of the persons named are serving life imprisonment for murder and the eighth is serving life imprisonment for attempted murder. Most are also serving terms of imprisonment for other serious offences. ~~but~~ Details of the individuals on the Soviet list,

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their sentences and criminal activities are in this annex.

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3. All persons held in prison in Northern Ireland have been convicted of criminal offences and sentenced by the courts, or have been remanded or committed in custody for trial by a properly constituted court. There are no political prisoners or political offences in Northern Ireland. The laws in Northern Ireland, including the emergency provisions, are consistent with the UN and European Conventions on Human Rights, to which the UK is party. We are firmly committed to the protection and enhancement of human rights in Northern Ireland, as in all other parts of the United Kingdom. the fight against terrorism is an important part of our drive to ensure basic human rights for all.

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4. The central principles of British justice apply in Northern Ireland. Trials are held in open court, witnesses can be cross-examined, and the onus is on the prosecution to prove guilt beyond reasonable doubt. All courts, both civil and criminal, together with the judiciary itself, are completely independent of the Government.

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5. Because of the possibility of intimidation of jurors or perverse judgements in controversial cases it has been necessary temporarily to suspend trial by jury in Northern Ireland for a limited number of serious, terrorist type offences. A number of safeguards have been introduced to ensure the rights of the defendant are maintained. Chief among these is the unconstrained right of appeal against sentence or conviction on any grounds. Furthermore, the judge must set out his reasons for convicting a person in a written judgement which is unique in the UK judicial system.

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6. We have no doubt that the persons named by the Soviet side were duly convicted in fair trials of the very serious crimes of which they were accused. We find it surprising that the Soviet Union should seek to defend convicted murderers, several

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of whom had murdered more than once.

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7. We trust that this full response to the enquiry raised by the Soviet side is satisfactory. We look forward to receiving a similar detailed response to the list of cases of an entirely different nature handed over by the UK side during the recent visit of Sir Geoffrey Howe to the Soviet Union.

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8. We are of course always ready for serious discussion with the Soviet side of human rights questions, including human rights in the UK. We therefore look forward to the first round of official level talks on these issues, following the agreement reached by our Foreign Ministers. We have proposed that these talks take place in London on 28 March - between Mr Ratford and Mr Adamishin.

(Annex to Speaking Note in MIFT)

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PS/MR MELLOR

SIR J FRETWELL

MR BOYD

MR RATFORD

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MY TWO IPT'S: HUMAN RIGHTS IN NORTHERN IRELAND

11

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ANNEX TO SPEAKING NOTE

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1. Paul Martin Creighton, DOB 18 June 1955, HM Prison, Maze -
Presently serving Life Imprisonment for Murder.

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On 3 November 1975 Creighton acted as a look-out whilst others
shot and killed J Fogarty at his home during an IRA feud.

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2. Michael Culbert, DOB 17 July 1949, HM Prison, Maze -
Presently serving Life Imprisonment for Murder.

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Culbert passed on information which resulted in 2 gunmen
murdering police photographer C M McAllister at his home on 24
April 1978.

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3. Joseph Gibson, DOB 13 October 1956, HM Prison, Maze -
Presently serving Life Imprisonment for Murder.

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3 On 19 June 1976 Gibson shot R W Nicholl (member of UDA and
4 former member UDR) at his home.

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6 4. John Anthony McCooey, DOB 31 July 1955, HM Prison, Maze -
7 Presently serving Life Imprisonment for Murder (7 counts).

8
9 On 1 September 1976 McCooey with accomplices murdered 5
10 Orangemen at Tullyvallon Orange Hall: collected information
11 which resulted in the murder of J McCullough (UDR) near his
12 home: drove 2 men to scene where R W McConnell (UDR) was
13 murdered.

14
15 McCooey is also serving sentences for six other criminal
16 offences including possession of firearms and ammunition and
17 possession of explosive substances.

18
19 5. Thomas James McGrath, DOB 25 July 1956, HM Prison, Maze -
20 Presently serving Life Imprisonment for Murder (2 counts).

21
22 On 13 October 1976 shot W Corrigan (UDR) and his son.

23
24 On 2 June 1977 took part in the murder of Constables D Davison,
25 K Lynch and H Martin at Stewartstown.

26
27 6. Peter Christopher Whelan, DOB 9 December 1957, HM Prison,
28 Maze - Presently serving Life Imprisonment for Attempted
29 Murder.

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31 On 26 November 1976 attempted to murder a reserve policeman at
32 Strand Road, Londonderry.

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34 Also serving sentences for four other criminal offences
including wounding (2 cases) and possession of firearms and

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ammunition.

7. Kevin Gerard Christopher McNally, DOB 17 June 1958, HM Prison, Maze - Presently serving Life Imprisonment for Murder (2 counts).

On 18 October 1977 murdered former Reserve constable Anderson at Girvan Bridge, Armagh.

On 19 August 1978 with others murdered former UDR member T Johnston at Keady.

McNally is also serving sentences for fifteen other criminal offences including arson, robbery, possession of firearms and ammunition, attempted murder and hijacking.

8. Edward Joseph Patrick O'Connor, DOB 10 January 1956, HM Prison, Maze - Presently serving Life Imprisonment for Murder (2 counts details of which are as for McNally above).

O'Connor is also serving sentence for nine other criminal offences including attempted murder possession of fire arms and ammunition, and conspiracy to rob.

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CSCE UNIT

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PS/MR MELLOR

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MR RATFORD

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