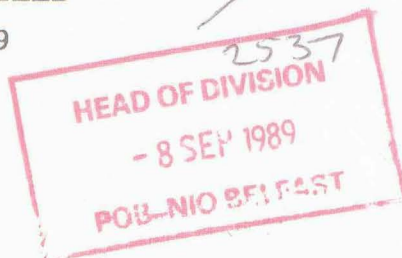


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61/89

RM/7716/89/DR

FROM: R C MASEFIELD
8 SEPTEMBER 1989



cc Mr Burns - M
Mr Stephens o/r
Mr A P Wilson
Mr Thomas - M
Mr Miles
Mr Daniell
Mr Shannon
Mr Blackwell - M

Mr. de la Haye AS 8/9.
2000 11 9 154

Mr Bell

PAPER SUBMITTED BY THE IRISH SIDE OSTENSIBLY FOR THE MEETING OF THE COMPLAINTS MONITORING COMMITTEE ON 7 SEPTEMBER

I have already passed to you (only) the attached paper which I was handed by the Irish immediately prior to the meeting of the Complaints Monitoring Committee on 7 September.

2. We agreed that much of what the Irish were specifically requesting was not directly for those concerned in the CMC, and I therefore read only certain points from the Irish paper into that record.
3. I should prefer that we should now take forward the handling of this paper separately, with a view to the first of the discussions with the Irish, probably at Grade 5 level, as envisaged at the Confidence Group meeting on 4 September.
4. It may be helpful if I briefly summarise the main Irish concerns.
5. They make a number of general points:
 - (a) the security forces are too ready to view entire families as IRA members;

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- (b) there has been an upsurge of harassment towards the end of a Regiment's tour of duty - West Belfast is cited in particular;
- (c) the extent of certain activities of the security forces can themselves play a part in "setting up" individuals for sectarian attack.

Under (c), the Irish cite regular stopping and searching, house searches, photographing, and the drawing of plans.

6. Finally the Irish paper draws attention to five specific cases, one of which goes back as far as last year:

- (a) allegations concerning the murder of Patrick Finucane,
- (b) suggestions that RUC photographs were passed to paramilitaries in a particular case,
- (c) an allegation of UDR/Loyalist paramilitary collusion,
- (d) alleged guilt by association,
- (e) concern about plans of peoples' houses.

7. I have tried to explain in robust terms to the Irish when and why plans are made. (a) and (b) were both expressed through the Secretariat; (b) was denied. I suspect that (a) remains an unfinished tale. (c) and (d) are both new allegations for the Secretariat.

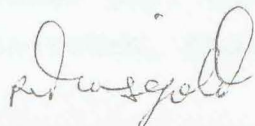
8. Although much of this paper falls outside the remit of the CMC, and that is disappointing in itself, I believe that we should take care to respond to it. Could I please ask SPOB to check up (c) and (d), and to see if anything further could be said about (a) and (b).

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9. We might then usefully include with a response on those, on your return from leave, a more general discussion on the other Irish points, and some informal feedback on the CMC meeting of 7 September beyond that likely to be contained in the monthly report.

10. It would be helpful to know if you are happy to proceed on this basis, before you go on leave.



R C Masfield

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SUBMISSION BY THE IRISH SIDE FOR MEETING OF THE COMPLAINTS MONITORING COMMITTEE

1. We appreciate that questions of collusion and security leaks do not of course lie with the Committee. Nevertheless, it would be useful for the Committee to focus on the connection between actions of the security forces which can amount to harrassment, and are complained of as such, and sectarian attacks by Loyalist paramilitaries and indeed serving members of the security forces.

2. We appreciate that the security forces must compile information on known or suspected paramilitaries and are not going to make life easy for established members of paramilitary organisations. However, given the known problems of security leaks and collusion, and the evidence that Loyalist paramilitaries look to the security forces for indications of a person's IRA involvement, it would be opportune to look closely at (a) how widely the security forces spread their net and (b) whether restrictions should be placed on certain activities.

3. In regard to (a) we repeat our belief that the security forces too readily regard entire families as IRA members where one member is known or suspected and regard membership of, or sympathy with, Sinn Fein as conclusive evidence of IRA membership or at least of willingness to assist in IRA violence.

4. In regard to (b) the activities we have in mind include

- constant stopping and searching which is seen by Loyalist paramilitaries as a clear signal that a person is a known or suspected IRA member (for Loyalist paramilitaries suspicion may be as good as certainty),
- extensive house searches,
- the photographing of people and their residences, places of work, social haunts,
- the drawing of plans of people's houses, places of work.

5. Such actions by the security forces have an element of intimidation. At its mildest, this may simply amount to a warning that 'we're watching you'. Where there is a sound basis for suspicion, we do not quarrel with that, but it is believed in the nationalist community that actions by the security forces can be intended not merely to warn or impede but to set up people for paramilitary attack. Clearly, this is a very serious element in the broad confidence issue and, from the point of view of the security forces themselves, has major implications for the willingness of nationalists to cooperate with them.

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6. The Committee could consider what care is taken to ensure that a person is not set up for sectarian attack by actions of the security forces, Issues which will arise here include

- the basis for suspicion, if any, which prompts actions by the security forces in regard to a person or family,
- the security value of the action vis a vis the inconvenience, worry and risk to the person concerned (e.g., constant stopping, public photographing, drawing of plans of a house),
- the existence of Loyalist paramilitaries who may be looking for signals,
- the vulnerability of a person or family (many of the persons killed by Loyalists in recent years, including Maginn, were "soft" targets).

7. General Behaviour of Security Forces

We are aware that Directives have been issued by Army HQ on the matter of general behaviour at the beginning of tour of duty of a regiment. We have an increasing number of complaints from areas such as West Belfast that there has been an upsurge of harrassment when a regiment is ending its tour of duty, on the assumption, according to nationalist leaders, that regiments seem to feel that once they are out of Northern Ireland they will be immune from examination/punishment in relation to harrassment.

Specific Cases

8. We would draw attention to the following specific cases where allegations of collusion between members of the security forces and Loyalist paramilitaries have been made:

- (a) allegations that RUC personnel in Castlereagh were involved in setting up Pat Finnuane for assassination by the UDA last February. It would be useful to have a briefing as to what action has been taken on foot of these most disturbing allegations.
- (b) We expressed concern earlier this year about alleged RUC mugshots of Anthony and Gerard Slane which appeared in the UDA magazine 'Ulster'. Gerard Slane was murdered by Loyalist paramilitaries in September, 1988.

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- (c) In the case of the murder of Jack Kielty in January, 1988, there were reports that one of those convicted (Delbert Watson) was also convicted of being in possession of an album of photographs and addresses containing information useful to terrorists.
- (d) Patrick Feeney, an innocent Catholic murdered in February of this year. These were reports circulating at the time that he was targetted on the basis of appearing on the security forces computer as a result of having been stopped at a VCP with a passenger who was a known IRA activist.
- (e) We raised, in the past few days, the security force search of the house of Arthur Loughran, in Co. Armagh and the specific complaint that the security forces drew detailed plans of the house. There were allegations that similar plans were drawn up of the house of Loughlin Maginn and of Gerry Casey, who was murdered by Loyalists in Rasharkin last April. It is difficult to see why the security forces should need to draw up such plans and this practice by the security forces is a matter for concern.

September, 1989

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