

PREM 49/1462

CONFIDENTIAL

# 10 DOWNING STREET

THIS FILE MUST NOT GO OUTSIDE 10 DOWNING ST

FILE TITLE:

SITUATION

SERIES

IRELAND

PART:

75

PART BEGINS:

25 JUNE 2000

PART ENDS:

10 JULY 2000

CAB ONE:

~~PART CLOSED~~

LABOUR ADMINISTRATION

PREM 49/1462

**PART**  
75  
**CLOSED**

<b>DATE CLOSED</b>	10. July 2000
--------------------	---------------

Series : IRELAND

Title : Situation

Part : 75

Date	From	To	Subject	Class	Secret
06/07/2000	NIO	NIO	Drumgree situation report security	C	0
06/07/2000		SS/NIO	Letter from SDLP police service future	C	0
06/07/2000	NIO	NIO	Drumcree update	C	0
07/07/2000	NIO	NIO	Drumcree update	C	0
07/07/2000	NIO	NIO	Call from Chief Constable - 7 July	C	0
07/07/2000	NIO	NIO	Lunch with Daithi O'Cealliaigh	C	0
08/07/2000	PM		Letter to Nigel Dawson re parades commission	C	0
08/07/2000	FA/APS	Ch.Staff	UUP	C	0
08/07/2000	NIO	NIO	Drumcree update (as of 0800 Saturday 8 July 2000)	C	0
08/07/2000	NIO	FA/APS	Amended draft letter to secretary of Portodown district LOL	C	0
08/07/2000	HS	PM	Repatriation of the three Real IRA Prisoners to the Republic of Ireland	C	0
08/07/2000	NIO		Statement from the secretary of state for northern ireland - Drumcree	C	0
09/07/2000	NIO	NIO	Drumcree update (as of 0800 Sunday 9 July 2000)	C	0
09/07/2000	NIO	NIO	Drumcree situation report to 1600 Sunday 9 July	C	0
09/07/2000	duty clerk	FA/PS	Car bomb Co Tyrone	C	0
10/07/2000	NIO	NIO	Police bill - meeting with David Trimble	C	0
10/07/2000	NIO	NIO	Drumcree update (as of 0730 Monday 10 July)	C	0
10/07/2000		SS/NIO	FroLt Gen Sir Hew Pike: Borucki Sangar	U	0
10/07/2000	NIO	NIO	Police bill - meeting with David Trimble	C	0
10/07/2000	Ch.Staff	AG	Marion Coyle	U	0
10/07/2000	Ireland/HME	NIO	Ireland: Opinion Polls	R	0
10/07/2000	US /HME	NIO	US Visit by Gerry Adams	U	0
10/07/2000	NIO	NIO	Flags	U	0
10/07/2000	SS/NIO	NI/Assembly	Flying of flags at government buildings	U	0
10/07/2000	Ch.Staff	PM	Northern Ireland	C	0
10/07/2000	NI/Assembly	NI/Assembly	Meeting with the Prime Minister	U	0
10/07/2000	SINN FEIN	SS/NIO	Concern over the slowness to implement a number of important issues	U	0
10/07/2000	HS	SS/NIO	Disqualification bill	C	0

Series : IRELAND

Title : Situation

Part : 75

Date	From	To	Subject	Class	Secret
25/06/2000		SS/NIO	From General De Chastelain: Initial inspection of IRA dumps	U	0
25/06/2000	Ch.Staff	PM	Northern Ireland: CBM	U	0
26/06/2000	NIO	NIO	Conversation with Gerry Adams, 26 June	C	0
26/06/2000	PM		To David McClurg, Police Federation of Northern Ireland: Voluntary	U	0
26/06/2000	AG	SS/NIO	Roisin McAliskey	C	0
26/06/2000	NIO	FA/PS	Bloody Sunday inquiry - Sir Edward Somers	C	0
27/06/2000	AG	Ch.Staff	Extradition cases	C	0
27/06/2000	US /Pres		Letter to Benjamin A. Bilman re Patten report recommendation	C	0
27/06/2000	Ch.Staff	AGO	Draft meeting record	C	0
27/06/2000	SS/NIO	AG	Terrorists on the run	C	0
27/06/2000	NIO	AG	Marguerite O'Hare	C	0
28/06/2000	NIO	NIO	Draft letter from SS/NIO to the Attorney General - terrorists on the ru	C	0
28/06/2000	Ch.Staff	PM	Drumcree - Chairma of Parades Commission	C	0
28/06/2000	NIO	NIO	Ken Maginnis: arms dump inspection	C	0
28/06/2000	FA/PS	NIO	Northern Ireland: US concerns and possible Clinton visit	C	0
28/06/2000	Cab Off	Ireland/HMA	British-Irish Council	R	0
28/06/2000	Ch.Staff	PM	Drumcree and Trimble's concerns	C	0
28/06/2000	NIO	NIO	Flags	C	0
28/06/2000	AGO	Ch.Staff	Meeting Between the PM and the Attorney General	C	0
28/06/2000	Telegram/IN	Telegram/IN	Tel No 226 Ireland; Continued pressure on coalition Government	R	0
29/06/2000	NIO	NIO	Flags	C	0
29/06/2000	Ch.Staff	AGO	(M) Meeting between the PM and Attorney General	C	0
30/06/2000	NIO	NIO	Incident Report - Explosion in South Armagh	R	0
30/06/2000	Ch.Staff	PM	Northern Ireland - contacts with Trimble and Adams	C	0
30/06/2000	NIO	NIO	Flags	C	0
01/07/2000		PM	From Portadown District LOL No1: Drumcree	U	0
02/07/2000		Ch.Staff	Letter from D Hill - Drumcree determination	C	0
02/07/2000	NIO	NIO	Drumcree update	C	0
03/07/2000		Ch.Staff	From Gerry Adams: Marion Coyle	U	0
03/07/2000		PM	From Parades Commission: Portadown District LOL No1 Church Par	U	0
03/07/2000		PM	Letter from Gerry Adams - Pat Finucane	U	0
03/07/2000	NIO	NIO	Security SITREP	C	0
04/07/2000	NIO	NIO	Drumcree update 4/7	C	0
04/07/2000	AG	SS/NIO	Roisin McAliskey	C	0
04/07/2000	NIO	NIO	Trimble's view on Decommissioning	C	0
04/07/2000	NIO	NIO	Drumcree Meeting with David Trimble	C	0
04/07/2000	NIO	NIO	Drumcree update security	C	0
04/07/2000	FA/APS	NIO	Drumcree: Letter from Portadown District LOL No1	U	0
04/07/2000	SINN FEIN	PM	Letter from Gerry adams OTRs	C	0
04/07/2000	NIO	NIO	Drumcree update	C	0
05/07/2000	SS/NIO		Letter to Dep First Minister Police bill	C	0
05/07/2000	NIO	NIO	Flags	C	0
05/07/2000	NIO	NIO	Police bill Name of the new service conversation with the Irish	C	0
05/07/2000	AG	Ch.Staff	John Joseph Fusco	U	0
05/07/2000	NIO	FA/APS	Diane Hamill	C	0
05/07/2000	NIO	FA/APS	Nigel Dawson letter Drumcree	C	0
05/07/2000	NIO	NIO	Drumcree update	C	0
05/07/2000	NIO	NIO	Security Drumcree	C	0
05/07/2000	Ch.Staff	PM	Northern Ireland Adams letter	C	0
05/07/2000	NIO	NIO	Police bill meeting wiuth Seamus Mallon	C	0
06/07/2000	NIO	NIO	Flags	C	0



10 DOWNING STREET

PM

De-militarisation

This is very tricky indeed.

We need to discuss with Peter.

Either we think the security forces  
are safer if we win hearts and minds  
in S. America by removing installations  
or we don't. But either of his

propositions would re-legitimise our  
agreement with SA/IRA.

Equally leaving this on the record  
is very dangerous.

J.2

Lieutenant General Sir Hew Pike KCB DSO MBE

SECRET



Headquarters  
Northern Ireland  
British Forces Post Office 825

Lisburn 665111 ext 42400

GOC/50/2

The Rt Hon Peter Mandelson MP  
Secretary of State Northern Ireland  
Northern Ireland Office  
Stormont Castle  
Belfast BT4 3ST

*DEK IMMEDIATE*  
R/898(Btr)  
R/Ingram (Btr)  
PS/In Howard (Btr)  
PS/PO5 (Btr)  
Mr. Watkins  
Mr. Jelley  
Mr. Schmeffel  
Mr. Hawker  
Mr. Powell, No. 10.

10 July 2000

Top JPo

S. 107.

*Mr Secretary of State,***BORUCKI SANGAR**

With Dissident Republican attacks increasing and their expertise constantly improving, - in South Armagh now assessed as being at the same technical levels of proficiency as PIRA - I must now advise that the removal of the Borucki Sangar substantially increases the risk of a soldier or policeman being killed in Crossmaglen. Since it remains necessary for soldiers to patrol the Square and the streets leading to it, in order to support the RUC in going about their duties in the area, both soldiers and policemen will be in significantly greater danger, particularly from RCIED attacks which have hitherto been suppressed by ECM equipment held in Borucki. This capability cannot be completely replicated by manpack equipment, whilst its comparatively limited range renders it much less effective from the main Crossmaglen base; we lose ECM coverage across most of the Square and its approach roads. The base and Police Station itself will be similarly more vulnerable, specifically to Mortar attack or VBIED attack, and there will be a significant loss of surveillance capability, too.

Under these circumstances of an increased threat, my military advice is that Borucki should stay for the time being. If, however, the political judgement is that it must go in the interests of the wider Peace Process, notwithstanding the substantial increased risk that its loss will bring, then I must register my concern that no further pressure will be placed on the Army to remove other South Armagh installations, whilst the Dissident Republican threat continues to grow. Proposals for any further demolition would, I believe, lead to a most serious situation.

I am copying this letter to the Chief Constable and to the CGS.

*I am an,*  
*Mr*

1  
SECRET

622112

GERRY ADAMS MP  
SINN FEIN  
PRESIDENT(1) copyIDOSK IMMEDIATE  
PS/EdR (Btr)  
PS/Ju Ingram (Btr)  
PS/Ju Howard (Btr)  
PS/PJS (Btr)

(2) Sept - 1000.

C 1011

10 July 00

Peter Mandelson MP  
Secretary of State  
Stormont  
Belfast

A Chara

In Jeffrey  
In Watkins  
In Sean  
In Stephen  
In Halward \*  
In Schreiffel  
In. Priestley  
In. Prother \*  
In Powell - NO 10\* to be aware +  
provide a name +  
draft reply  
by 14/7/00

Unfortunately due to the ongoing situation of blocked roads and loyalist protests, I understand it is not possible for us to meet today or tomorrow.

I am, therefore, writing to place on the record my concern about the slowness in implementing a number of issues which were agreed between the British government and Sinn Fein at Hillsborough in May of this year.

I am particularly concerned that there has been very little progress on the issue of OTR's. You will recall that Gerry was asked to submit a list of upwards of 20 names and there was a commitment that these would be sorted out within a month. Two months have now passed and only three cases have been resolved. Gerry Adams has been in regular contact with Jonathan Powell about this and while it is acknowledged that there are legal and other obstacles to be overcome the situation is totally unsatisfactory and causing difficulties for Sinn Fein and for the process.

There are similar problems around demilitarisation where there appears to be a minimalist approach.

There is a need also for the issue of outstanding prisoner releases to be resolved. A number of names have been submitted to Jonathan.

And finally there is the issue of facilities for Sinn Fein MP's at Westminster. We have yet to see any movement on this.

I am concerned to developing a common view of how the next few months can be managed in terms of the advancement of the peace process. I have been told that your government is endeavouring to deal with the OTR issue in a comprehensive way during July.

There remains also the outstanding matters around the Patten recommendations.

So as you may guess, the unresolved nature of all of these matters in the wake of the IRA delivering on its commitments sends entirely the wrong signal to those republican activists who have been positive in their support for the peace process. It appears to many of them that your government is not keeping its side of the deal.

I would be relieved therefore if you could give these matters your urgent attention.

Is mise

*Sebastian Gouta*

PP Gerry Kelly MLA

~~PRIME MINISTER~~  
~~NORTHERN IRELAND~~

From: Jonathan Powell

Date: 10 July 2000

Cc: John Sawers

I am afraid we are still going backwards on this. Since your comments on my attached note of 5 July we now face:

- (a) Gareth deciding that Rita O'Hare should be prosecuted on the grounds that the DPP does not think there is a public interest case and he is not prepared to overrule him;
- (b) Peter and Gareth failing to agree on what should happen at the end of July on OTRs with the result that we have nothing to say on the subject.
- (c) The attached letter from Hugh Pike saying that the Army are not prepared to take down the Borucki Sangar at this stage.

On this basis, my meeting with Gerry Adams next week will be a disaster. Obviously you cannot sort this out yourself. But we need to find a way of getting Peter to sort it out for you. How do we do this?

J-P 4m

JONATHAN POWELL



The Rt Hon David Trimble  
First Minister  
The Northern Ireland Assembly  
Parliament Buildings  
BELFAST  
BT4 3XX

*Aw Awad,*

## FLYING OF FLAGS AT GOVERNMENT BUILDINGS

HCC: Ps/S of S (BoL)  
Ps/Mr Howarth (BoL)  
Ps/Mr Pelling (BoL)  
Mr Watkins  
Mr Jeffrey  
Mr Kelly  
Mr Maccabe  
Mr Brooker  
Mr Crawford  
Mr Johnston  
~~Mr Savers~~

Northern Ireland Office  
Castle Buildings  
Belfast BT4 3SG

*flw*

*fat? No*  
*10 July 2000*

I understand that at the most recent meeting of the Executive Committee there was a discussion of policy on the flying of flags at Government buildings, on the basis of a report from a sub-committee of the Executive. I gather it did not prove possible to reach agreement.

During the passage of the Flags (Northern Ireland) Order 2000, I indicated that, if such an eventuality arose, I would be willing to use the powers conferred by the Order to make regulations regulating the flying of flags at Government buildings.

As a first step, I am writing to seek your views on the coverage of and content of any regulations. Since the Order requires that, before making regulations, I should refer a draft to the Assembly and consider any report received from them, I do not now expect regulations to be made until after the summer recess. But in drawing up proposals it would help me to have your views.

The issues on which it would be particularly useful to have views are:

- ❖ The extent to which regulation should require or prevent the flying of particular flags;



- ❖ As regards the Union Flag, the nature of any duty under which those responsible for Government buildings should be placed;
- ❖ The days in the year on which there should be an obligation to fly the Union Flag; and
- ❖ The buildings to be covered by any regulations.

I do not want my own actions to be a substitute for continuing dialogue between local parties and I hope that it still might be possible to promote a consensus on the issue. I believe this is possible to achieve, with a willingness on all sides to arrive at a sensible way forward, and I would encourage everyone to continue to seek this.

I should be grateful if a response to this letter could reach me by the end of August.

A handwritten signature in dark ink, appearing to read "P. Mandelson", written in a cursive style.

PETER MANDELSON



Northern Ireland Office  
Castle Buildings  
Belfast BT4 3SG

Denis Watson Esq MLA  
107 Moyallen Road  
PORTADOWN  
BT63 5JY

16 July 2000

*Dear Denis,*

#### FLYING OF FLAGS AT GOVERNMENT BUILDINGS

I understand that at the most recent meeting of the Executive Committee there was a discussion of policy on the flying of flags at Government buildings, on the basis of a report from a sub-committee of the Executive. I gather it did not prove possible to reach agreement.

During the passage of the Flags (Northern Ireland) Order 2000, I indicated that, if such an eventuality arose, I would be willing to use the powers conferred by the Order to make regulations regulating the flying of flags at Government buildings.

As a first step, I am writing to seek your views on the coverage of and content of any regulations. Since the Order requires that, before making regulations, I should refer a draft to the Assembly and consider any report received from them, I do not now expect regulations to be made until after the summer recess. But in drawing up proposals it would help me to have your views.

The issues on which it would be particularly useful to have views are:

- ❖ The extent to which regulation should require or prevent the flying of particular flags;
- ❖ As regards the Union Flag, the nature of any duty under which those responsible for Government buildings should be placed;



- ❖ The days in the year on which there should be an obligation to fly the Union Flag; and
- ❖ The buildings to be covered by any regulations.

I do not want my own actions to be a substitute for continuing dialogue between local parties and I hope that it still might be possible to promote a consensus on the issue. I believe this is possible to achieve, with a willingness on all sides to arrive at a sensible way forward, and I would encourage everyone to continue to seek this.

I should be grateful if a response to this letter could reach me by the end of August.

A handwritten signature in dark ink, appearing to read "P. Mandelson". The signature is fluid and cursive, with a large initial "P" and a stylized "Mandelson".

PETER MANDELSON



Northern Ireland Office  
Castle Buildings  
Belfast BT4 3SG

Cedric Wilson Esq MLA  
Northern Ireland Unionist Party  
22 Shore Road  
BALLYHALBERT  
BT22 1BJ

10 July 2000

*Mr Cedric,*

FLYING OF FLAGS AT GOVERNMENT BUILDINGS

I understand that at the most recent meeting of the Executive Committee there was a discussion of policy on the flying of flags at Government buildings, on the basis of a report from a sub-committee of the Executive. I gather it did not prove possible to reach agreement.

During the passage of the Flags (Northern Ireland) Order 2000, I indicated that, if such an eventuality arose, I would be willing to use the powers conferred by the Order to make regulations regulating the flying of flags at Government buildings.

As a first step, I am writing to seek your views on the coverage of and content of any regulations. Since the Order requires that, before making regulations, I should refer a draft to the Assembly and consider any report received from them, I do not now expect regulations to be made until after the summer recess. But in drawing up proposals it would help me to have your views.

The issues on which it would be particularly useful to have views are:

- ❖ The extent to which regulation should require or prevent the flying of particular flags;
- ❖ As regards the Union Flag, the nature of any duty under which those responsible for Government buildings should be placed;



- ❖ The days in the year on which there should be an obligation to fly the Union Flag; and
- ❖ The buildings to be covered by any regulations.

I do not want my own actions to be a substitute for continuing dialogue between local parties and I hope that it still might be possible to promote a consensus on the issue. I believe this is possible to achieve, with a willingness on all sides to arrive at a sensible way forward, and I would encourage everyone to continue to seek this.

I should be grateful if a response to this letter could reach me by the end of August.

A handwritten signature in dark ink, appearing to read "Peter Mandelson". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

PETER MANDELSON



Northern Ireland Office  
Castle Buildings  
Belfast BT4 3SG

David Ervine Esq MLA  
Progressive Unionist Party  
182 Shankill Road  
BELFAST  
BT13 2BH

(10 July 2000

*Joe David,*

#### FLYING OF FLAGS AT GOVERNMENT BUILDINGS

I understand that at the most recent meeting of the Executive Committee there was a discussion of policy on the flying of flags at Government buildings, on the basis of a report from a sub-committee of the Executive. I gather it did not prove possible to reach agreement.

During the passage of the Flags (Northern Ireland) Order 2000, I indicated that, if such an eventuality arose, I would be willing to use the powers conferred by the Order to make regulations regulating the flying of flags at Government buildings.

As a first step, I am writing to seek your views on the coverage of and content of any regulations. Since the Order requires that, before making regulations, I should refer a draft to the Assembly and consider any report received from them, I do not now expect regulations to be made until after the summer recess. But in drawing up proposals it would help me to have your views.

The issues on which it would be particularly useful to have views are:

- ❖ The extent to which regulation should require or prevent the flying of particular flags;
- ❖ As regards the Union Flag, the nature of any duty under which those responsible for Government buildings should be placed;



- ❖ The days in the year on which there should be an obligation to fly the Union Flag; and
- ❖ The buildings to be covered by any regulations.

I do not want my own actions to be a substitute for continuing dialogue between local parties and I hope that it still might be possible to promote a consensus on the issue. I believe this is possible to achieve, with a willingness on all sides to arrive at a sensible way forward, and I would encourage everyone to continue to seek this.

I should be grateful if a response to this letter could reach me by the end of August.

A handwritten signature in dark ink, appearing to read "Peter Mandelson". The signature is fluid and cursive, with a large initial "P" and a stylized "M".

PETER MANDELSON



Northern Ireland Office  
Castle Buildings  
Belfast BT4 3SG

Gerry Adams Esq MP MLA  
c/o Sinn Fein HQ  
51/55 Falls Road  
BELFAST  
BT12 4PD

10 July 2000

*Gerry Adams*

#### FLYING OF FLAGS AT GOVERNMENT BUILDINGS

I understand that at the most recent meeting of the Executive Committee there was a discussion of policy on the flying of flags at Government buildings, on the basis of a report from a sub-committee of the Executive. I gather it did not prove possible to reach agreement.

During the passage of the Flags (Northern Ireland) Order 2000, I indicated that, if such an eventuality arose, I would be willing to use the powers conferred by the Order to make regulations regulating the flying of flags at Government buildings.

As a first step, I am writing to seek your views on the coverage of and content of any regulations. Since the Order requires that, before making regulations, I should refer a draft to the Assembly and consider any report received from them, I do not now expect regulations to be made until after the summer recess. But in drawing up proposals it would help me to have your views.

The issues on which it would be particularly useful to have views are:

- ❖ The extent to which regulation should require or prevent the flying of particular flags;
- ❖ As regards the Union Flag, the nature of any duty under which those responsible for Government buildings should be placed;



- ❖ The days in the year on which there should be an obligation to fly the Union Flag; and
- ❖ The buildings to be covered by any regulations.

I do not want my own actions to be a substitute for continuing dialogue between local parties and I hope that it still might be possible to promote a consensus on the issue. I believe this is possible to achieve, with a willingness on all sides to arrive at a sensible way forward, and I would encourage everyone to continue to seek this.

I should be grateful if a response to this letter could reach me by the end of August.

A handwritten signature in dark ink, appearing to read "Peter Mandelson", with a long, sweeping horizontal stroke above the name.

PETER MANDELSON



Northern Ireland Office  
Castle Buildings  
Belfast BT4 3SG

Seamus Mallon Esq MP MLA  
Deputy First Minister  
The Northern Ireland Assembly  
Parliament Buildings  
BELFAST  
BT4 3XX

10 July 2000

*Seamus,*

#### FLYING OF FLAGS AT GOVERNMENT BUILDINGS

I understand that at the most recent meeting of the Executive Committee there was a discussion of policy on the flying of flags at Government buildings, on the basis of a report from a sub-committee of the Executive. I gather it did not prove possible to reach agreement.

During the passage of the Flags (Northern Ireland) Order 2000, I indicated that, if such an eventuality arose, I would be willing to use the powers conferred by the Order to make regulations regulating the flying of flags at Government buildings.

As a first step, I am writing to seek your views on the coverage of and content of any regulations. Since the Order requires that, before making regulations, I should refer a draft to the Assembly and consider any report received from them, I do not now expect regulations to be made until after the summer recess. But in drawing up proposals it would help me to have your views.

The issues on which it would be particularly useful to have views are:

- ❖ The extent to which regulation should require or prevent the flying of particular flags;



- ❖ As regards the Union Flag, the nature of any duty under which those responsible for Government buildings should be placed;
- ❖ The days in the year on which there should be an obligation to fly the Union Flag; and
- ❖ The buildings to be covered by any regulations.

I do not want my own actions to be a substitute for continuing dialogue between local parties and I hope that it still might be possible to promote a consensus on the issue. I believe this is possible to achieve, with a willingness on all sides to arrive at a sensible way forward, and I would encourage everyone to continue to seek this.

I should be grateful if a response to this letter could reach me by the end of August.

A handwritten signature in dark ink, appearing to read "Peter Mandelson", is positioned above the printed name.

PETER MANDELSON



Northern Ireland Office  
Castle Buildings  
Belfast BT4 3SG

Councillor Gary McMichael  
Ulster Democratic Party  
36 Castle Street  
LISBURN  
Co Antrim  
BT27 4XE

10 July 2000

*Gary,*

#### FLYING OF FLAGS AT GOVERNMENT BUILDINGS

I understand that at the most recent meeting of the Executive Committee there was a discussion of policy on the flying of flags at Government buildings, on the basis of a report from a sub-committee of the Executive. I gather it did not prove possible to reach agreement.

During the passage of the Flags (Northern Ireland) Order 2000, I indicated that, if such an eventuality arose, I would be willing to use the powers conferred by the Order to make regulations regulating the flying of flags at Government buildings.

As a first step, I am writing to seek your views on the coverage of and content of any regulations. Since the Order requires that, before making regulations, I should refer a draft to the Assembly and consider any report received from them, I do not now expect regulations to be made until after the summer recess. But in drawing up proposals it would help me to have your views.

The issues on which it would be particularly useful to have views are:

- ❖ The extent to which regulation should require or prevent the flying of particular flags;



- ❖ As regards the Union Flag, the nature of any duty under which those responsible for Government buildings should be placed;
- ❖ The days in the year on which there should be an obligation to fly the Union Flag; and
- ❖ The buildings to be covered by any regulations.

I do not want my own actions to be a substitute for continuing dialogue between local parties and I hope that it still might be possible to promote a consensus on the issue. I believe this is possible to achieve, with a willingness on all sides to arrive at a sensible way forward, and I would encourage everyone to continue to seek this.

I should be grateful if a response to this letter could reach me by the end of August.

A handwritten signature in dark ink, appearing to read "Peter Mandelson", written in a cursive style.

PETER MANDELSON



Northern Ireland Office  
Castle Buildings  
Belfast BT4 3SG

Robert McCartney Esq QC MP MLA  
10 Hamilton Road  
BANGOR  
Co Down  
BT20 4LE

10 July 2000

#### FLYING OF FLAGS AT GOVERNMENT BUILDINGS

I understand that at the most recent meeting of the Executive Committee there was a discussion of policy on the flying of flags at Government buildings, on the basis of a report from a sub-committee of the Executive. I gather it did not prove possible to reach agreement.

During the passage of the Flags (Northern Ireland) Order 2000, I indicated that, if such an eventuality arose, I would be willing to use the powers conferred by the Order to make regulations regulating the flying of flags at Government buildings.

As a first step, I am writing to seek your views on the coverage of and content of any regulations. Since the Order requires that, before making regulations, I should refer a draft to the Assembly and consider any report received from them, I do not now expect regulations to be made until after the summer recess. But in drawing up proposals it would help me to have your views.

The issues on which it would be particularly useful to have views are:

- ❖ The extent to which regulation should require or prevent the flying of particular flags;
- ❖ As regards the Union Flag, the nature of any duty under which those responsible for Government buildings should be placed;



- ❖ The days in the year on which there should be an obligation to fly the Union Flag; and
- ❖ The buildings to be covered by any regulations.

I do not want my own actions to be a substitute for continuing dialogue between local parties and I hope that it still might be possible to promote a consensus on the issue. I believe this is possible to achieve, with a willingness on all sides to arrive at a sensible way forward, and I would encourage everyone to continue to seek this.

I should be grateful if a response to this letter could reach me by the end of August.

A handwritten signature in dark ink, appearing to read "Peter Mandelson", written in a cursive style.

PETER MANDELSON



Northern Ireland Office  
Castle Buildings  
Belfast BT4 3SG

Sean Neeson Esq MLA  
Alliance Party for Northern Ireland  
88 University Street  
BELFAST  
BT7 1HE

10 July 2000

*Joe Lean,*

#### FLYING OF FLAGS AT GOVERNMENT BUILDINGS

I understand that at the most recent meeting of the Executive Committee there was a discussion of policy on the flying of flags at Government buildings, on the basis of a report from a sub-committee of the Executive. I gather it did not prove possible to reach agreement.

During the passage of the Flags (Northern Ireland) Order 2000, I indicated that, if such an eventuality arose, I would be willing to use the powers conferred by the Order to make regulations regulating the flying of flags at Government buildings.

As a first step, I am writing to seek your views on the coverage of and content of any regulations. Since the Order requires that, before making regulations, I should refer a draft to the Assembly and consider any report received from them, I do not now expect regulations to be made until after the summer recess. But in drawing up proposals it would help me to have your views.

The issues on which it would be particularly useful to have views are:

- ❖ The extent to which regulation should require or prevent the flying of particular flags;
- ❖ As regards the Union Flag, the nature of any duty under which those responsible for Government buildings should be placed;



- ❖ The days in the year on which there should be an obligation to fly the Union Flag; and
- ❖ The buildings to be covered by any regulations.

I do not want my own actions to be a substitute for continuing dialogue between local parties and I hope that it still might be possible to promote a consensus on the issue. I believe this is possible to achieve, with a willingness on all sides to arrive at a sensible way forward, and I would encourage everyone to continue to seek this.

I should be grateful if a response to this letter could reach me by the end of August.

A handwritten signature in dark ink, appearing to read "Peter Mandelson", with a long, sweeping horizontal stroke above the name.

PETER MANDELSON



Northern Ireland Office  
Castle Buildings  
Belfast BT4 3SG

Professor Monica McWilliams MLA  
NI Women's Coalition  
50 University Street  
BELFAST  
BT7 1HB

10 July 2000

*Dear Monica,*

FLYING OF FLAGS AT GOVERNMENT BUILDINGS

I understand that at the most recent meeting of the Executive Committee there was a discussion of policy on the flying of flags at Government buildings, on the basis of a report from a sub-committee of the Executive. I gather it did not prove possible to reach agreement.

During the passage of the Flags (Northern Ireland) Order 2000, I indicated that, if such an eventuality arose, I would be willing to use the powers conferred by the Order to make regulations regulating the flying of flags at Government buildings.

As a first step, I am writing to seek your views on the coverage of and content of any regulations. Since the Order requires that, before making regulations, I should refer a draft to the Assembly and consider any report received from them, I do not now expect regulations to be made until after the summer recess. But in drawing up proposals it would help me to have your views.

The issues on which it would be particularly useful to have views are:

- ❖ The extent to which regulation should require or prevent the flying of particular flags;
- ❖ As regards the Union Flag, the nature of any duty under which those responsible for Government buildings should be placed;



- ❖ The days in the year on which there should be an obligation to fly the Union Flag; and
- ❖ The buildings to be covered by any regulations.

I do not want my own actions to be a substitute for continuing dialogue between local parties and I hope that it still might be possible to promote a consensus on the issue. I believe this is possible to achieve, with a willingness on all sides to arrive at a sensible way forward, and I would encourage everyone to continue to seek this.

I should be grateful if a response to this letter could reach me by the end of August.

A handwritten signature in dark ink, appearing to read "Peter Mandelson". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

PETER MANDELSON



Northern Ireland Office  
Castle Buildings  
Belfast BT4 3SG

The Rev Dr I R K Paisley MP MEP MLA  
256 Ravenhill Road  
BELFAST  
BT6 8GJ

10 July 2000

*Ian Lau,*

#### FLYING OF FLAGS AT GOVERNMENT BUILDINGS

I understand that at the most recent meeting of the Executive Committee there was a discussion of policy on the flying of flags at Government buildings, on the basis of a report from a sub-committee of the Executive. I gather it did not prove possible to reach agreement.

During the passage of the Flags (Northern Ireland) Order 2000, I indicated that, if such an eventuality arose, I would be willing to use the powers conferred by the Order to make regulations regulating the flying of flags at Government buildings.

As a first step, I am writing to seek your views on the coverage of and content of any regulations. Since the Order requires that, before making regulations, I should refer a draft to the Assembly and consider any report received from them, I do not now expect regulations to be made until after the summer recess. But in drawing up proposals it would help me to have your views.

The issues on which it would be particularly useful to have views are:

- ❖ The extent to which regulation should require or prevent the flying of particular flags;
- ❖ As regards the Union Flag, the nature of any duty under which those responsible for Government buildings should be placed;



- ❖ The days in the year on which there should be an obligation to fly the Union Flag; and
- ❖ The buildings to be covered by any regulations.

I do not want my own actions to be a substitute for continuing dialogue between local parties and I hope that it still might be possible to promote a consensus on the issue. I believe this is possible to achieve, with a willingness on all sides to arrive at a sensible way forward, and I would encourage everyone to continue to seek this.

I should be grateful if a response to this letter could reach me by the end of August.

A handwritten signature in dark ink, appearing to read "Peter Mandelson". The signature is fluid and cursive, with a long, sweeping underline.

PETER MANDELSON



Northern Ireland Office  
Castle Buildings  
Belfast BT4 3SG

John Hume Esq MP MEP MLA  
5 Bayview Terrace  
LONDONDERRY  
BT48 7EE

16 July 2000

*John,*

#### FLYING OF FLAGS AT GOVERNMENT BUILDINGS

I understand that at the most recent meeting of the Executive Committee there was a discussion of policy on the flying of flags at Government buildings, on the basis of a report from a sub-committee of the Executive. I gather it did not prove possible to reach agreement.

During the passage of the Flags (Northern Ireland) Order 2000, I indicated that, if such an eventuality arose, I would be willing to use the powers conferred by the Order to make regulations regulating the flying of flags at Government buildings.

As a first step, I am writing to seek your views on the coverage of and content of any regulations. Since the Order requires that, before making regulations, I should refer a draft to the Assembly and consider any report received from them, I do not now expect regulations to be made until after the summer recess. But in drawing up proposals it would help me to have your views.

The issues on which it would be particularly useful to have views are:

- ❖ The extent to which regulation should require or prevent the flying of particular flags;
- ❖ As regards the Union Flag, the nature of any duty under which those responsible for Government buildings should be placed;



- ❖ The days in the year on which there should be an obligation to fly the Union Flag; and
- ❖ The buildings to be covered by any regulations.

I do not want my own actions to be a substitute for continuing dialogue between local parties and I hope that it still might be possible to promote a consensus on the issue. I believe this is possible to achieve, with a willingness on all sides to arrive at a sensible way forward, and I would encourage everyone to continue to seek this.

I should be grateful if a response to this letter could reach me by the end of August.

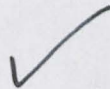
A handwritten signature in dark ink, appearing to read "Peter Mandelson", written in a cursive style.

PETER MANDELSON

FROM: D A Lavery  
Principal Private Secretary

cc Mr Campbell

DATE: 10 July 2000



TO: First Minister – Desk Immediate

#### MEETING WITH THE PRIME MINISTER

1. **This is to let you have an aide memoir for any meeting you have this week with the Prime Minister.**
2. In addition to the main purpose of the meeting, the key additional points to cover would include the following:
  - (a) Flags – it is important that the Secretary of State follows-through on his undertaking to give a public indication of how he intends to use his regulation-making power, and that any such public statement should be made before 12 July;
  - (b) Spending Review 2000 – FM/DFM have written to the Chief Secretary to the Treasury emphasising the unfairness of the Barnett formula and the need to provide additional flexibility for the Northern Ireland devolved administration as part of the SR2000 settlement.
3. The main purpose of the meeting will of course, be the Police Bill and in particular the name of the RUC. Clause 1 of the Bill reflects a careful and balanced accommodation of the Patten Report's recommendations in respect of the RUC's continued existence and new working title. The proposed interpretation clause defining 'operational purposes' would wholly undermine the integrity of this accommodation. It would also represent a material and fundamental breach of faith on the part of the Government. The current accommodation reflects not only the requirements of the Patten Report but the settlement entered into by your Party at the Hillsborough negotiations. For the Government to proceed with the new interpretation clause would be to negative the basis for the Hillsborough agreement. The proposed interpretation clause is legally pre-prosperous – the outworking of 'operational purposes' should be left to the RUC Chief Constable and the new Police Board. I am attaching copies of the relevant clauses.

[Signed]

**D A LAVERY**

Top: FA/PS  
"COS  
FA/PS  
AC/Press

FROM: BILL JEFFREY  
Political Director  
10 July 2000  
BJ/MR/409(L)

PS/SECRETARY OF STATE(L&B)

cc See circulation list below

## FLAGS

I attach an amended version of the speaking notes I submitted on Thursday, to take account of the fact that Des McCarten is likely to ask a direct question about 12 July, and of a point David Watkins made on the earlier draft. This was that it was not completely accurate to talk about flag-flying days being the same as those in Great Britain, since the flag is flown in England on St. George's Day, Scotland on St. Andrew's Day and Wales on St. David's Day. This begs a question about St. Patrick's Day which is perhaps better avoided at this stage, although I see that David Trimble expressed support for its inclusion.

2. I've now seen the Secretary of State's letter, including his amendments. It looks fine to me.

[Signed]

BILL JEFFREY  
11 Millbank ☎ 6447

### Circulation list:

PS/Mr Ingram(L&B)  
PS/Mr Howarth(L&B)  
Mr Pilling  
Mr Watkins  
Mr Kelly  
Mr Maccabe  
Mr Brooker  
Mr Crawford  
Mr Johnston  
Mr Sawers No.10-Fax ←  
Sir Ivor Roberts HMA(D)

## LINE ON FLAGS

I still hope the parties in the Executive can agree a way forward on the flying of flags. That would be by far the most satisfactory outcome.

But I have to recognise that the Executive has not so far been able to find agreement. It looks as though I may have to use the power I took a few months ago to make regulations on flag-flying over government buildings.

That is why I've written to the leaders of all the parties, inviting their views on questions like on which days of the year the Union Flag should be flown, and over which buildings.

Do you intend that the Union Flag should have to fly at Government buildings on 12 July?

12 July is one of five additional days when the flag is flown in Northern Ireland but not in Great Britain. When flag-flying is such a sensitive matter on all sides, the most reasonable course seems to me to be to follow practice in the rest of the United Kingdom. So I don't expect to be proposing 12 July, although I will obviously listen to what is said to me in consultation.



2025887859

*Handwritten notes:*  
2  
cc: PO  
MT  
AC

From Mr R N Peirce  
PPA Counsellor



British Embassy  
Washington

3100 Massachusetts Ave. N.W.  
Washington, D.C. 20008-3600

Telephone: 202-588-6532  
Facsimile: 202-588-7859  
E-mail:

[rnpeirce@washington.mail.fco.gov.uk](mailto:rnpeirce@washington.mail.fco.gov.uk)

10 July 2000

Jackie Sear  
NIO(I.)

*Handwritten signature:*  
S. Jackie Sear

**US VISIT BY GERRY ADAMS**

1. Gerry Adams has been in Washington today. He called on Steinberg at the NSC and then spoke at the National Press Club. He did not call on the President, contrary to predictions in the press. He goes on to New York tomorrow.
2. Dick Norland told me that the call on Steinberg had something of a valedictory air. Steinberg is in the process of leaving as you know. Norland thought that the main purpose of Adams' visit to the US had to do with mending fences in the Irish republican community here rather than in any business he had with the White House. In the meeting with Steinberg he raised the issue of Patten implementation and made fairly serious charges about deals having been broken. He said that he had sold the CBM to the movement on the basis of the understanding of 5 May, and subsequent events had raised questions about British good faith. Last Thursday's vote in parliament had left nationalists, including the SDLP, concerned. But, commented Norland, Adams did not appear to be suggesting that the process was finished.
3. Adams raised the issue of OTRs and asked Steinberg to weigh in with the "rotten Brits". Steinberg said that he had discussed the issue with the British and his impression was that they were doing all they could. There were, however, judicial obstacles. Adams referred to a list of 20 OTRs. He seemed very concerned about this issue and appeared to threaten not to go through with a planned meeting at No10 (with Jonathan Powell?) next week if the issue was not resolved by then.

2025887859



4. Adams also raised with Steinberg the issue of US visas for Irish republicans with terrorist traces. He did not raise specific cases but was looking for some general streamlining of the process by which waivers were granted for these people.
5. Finally, Adams told Steinberg that he wanted to find some way of managing the next stage of the process so as to avoid crises of the kind that had bedevilled progress over the past two years. But apparently he did not put forward any particular ideas.
6. I attach a note by Peter Reid of Adams' performance at the National Press Club.

*Yours sincerely*  
*R N Peirce*  
R N Peirce

CC: Bill Jeffrey Esq, NIO(L)  
John Sawers Esq, No10

2025887859

**Bob Peirce****From:** Peter Reid**Sent:** Monday, July 10, 2000 4:56 PM**To:** Bob Peirce**Cc:** Robert Chatterton Dickson; Michael Arthur; Peter Smyth; Matthew Rycroft**Subject:** Gerry Adams: Washington Press Conference

Bob,

1. Following his meeting with Steinberg, Adams, accompanied by Rita O'Hare and Richard McAuley, held a press conference at the National Press Club, lasting 30 minutes and attended by about 20 journalists and six camera crews. Full transcript to follow by email. A rather dull, surprisingly mild and content-free event. Main points:

- on 5/6 May all was doomed, but Sinn Fein managed, by talking to the two Governments and the leader of the IRA, to encourage the IRA to make its unprecedented, historic, courageous etc announcement. Without it there would be no peace process;
- the IRA move was made against and following a number of specific commitments by the two Governments involving the implementation of the GFA. But HMG having secured the IRA initiative retreated from its commitments. The IRA could have followed suit but didn't instead it showed imagination and brought Ramaphosa and Ahtassari to inspect the security of IRA weapons. HMG has yet to honour its commitments. This disturbed many Republicans;
- On his meeting with Steinberg, they had: reviewed events since May; signposted what had to happen between now and next May; focused on HMG's handling of Patten. Sinn Fein's handling of Patten ie refusal to accept the report but to judge it by HMG's implementation had been proved correct. HMG had emasculated it, contrary to 5/6 May and the Prime Minister's commitment. Of 175 only 11 had been implemented in full, 89 had been subverted and the remainder had yet to be dealt with. He thanked Sen Kenedy and 122 members of Congress for their supportive statements, and said he'd be talking this up tomorrow on the Hill and, citing 100 observers at Garvaghy Road, appealed to the US to keep the pressure on;
- he announced an 80-page Patten non-implementation plan, which was distributed to selected hacks only (ie not me)
- Unless HMG "gets its act right" no one including the Irish Govt; SDLP, community groups etc would support the police service;
- the solution lies in the hands of the Prime Minister.

## 2. In Q&amp;A:

- Asked if he supported a limited march at Garvaghy, Adams rather mildly answered it was up to people locally. The Orangemen did not consider Garvaghy residents/victims as equals. **He supported the right of Orangemen to march** but marching should only happen as a result of dialogue (force hadn't worked in the past). Don't talk, don't walk. He went on to accuse the security forces of standing by and giving succour to the naysayers and bigots;
- on yesterday's Stewartstown bomb scare, whoever had done it should be named the ROO (Rescue the Orange Order);
- Asked what HMG hadn't lived up to, he mumbled through **demilitarisation** (HMG's hasn't implemented its May commitments); accused HMG of not protecting nationalists from **sectarian harassment**; HMG hadn't pushed through the **equality agenda**;
- On **decommissioning**, there had been no discussion with the White House (just a recognition that the IRA's brave gesture had saved the process). Pushed on whether there would be anything from the IRA in the next few months, he said the IRA had honoured its commitments and he presumed they would do so with other commitments
- on the next Administration he hoped Clinton's progressive policy would be continued and couldn't imagine a return to the old order of the Brits telling the US what to do.

3. An interesting sideshow was Adams being greeted as he emerged at the elevator by Press Club VP,

10/07/2000

Peter Hickman and Alison Duncan MacDonald, the SNP rep in the US. A fact that did not escape the attention of the Daily Telegraph.

PR

RESTRICTED

Date: 10 July 2000

From: Ashley Ray (HME, Dublin)

cc: PS/Secretary of State  
PS/PUS  
HMA  
Mr Jeffrey  
Mr Stephens  
Mr Maccabe  
Mr Johnston  
Dr Milligan, DAD  
Mr Elvy, EUD(B)  
(via DAD)  
Mr Sawers, No 10  
(via DAD)  
Mr Brennan,  
Cabinet Office  
Mr Hallett  
DHM

*Faxed*

To: Mr Brooker (REI, NIO(L))

**IRELAND: OPINION POLLS**

SUMMARY

1. Latest opinion poll highlights corruption as the biggest issue in Irish politics and indicates decline in support for the governing Fianna Fail Party.

DETAIL

2. The poll published in the Sunday Tribune on 9 July highlights corruption in business and politics as the most important issue of concern to the electorate. The next key issue is the health service and hospitals. House prices, inflation and crime are listed as being next in importance. Taxation, Northern Ireland and education are given a low priority ranking.
3. The poll reveals that some 14 percent of the electorate are undecided in their political preferences. Excluding the undecided percentage, support for the Fianna Fail Party, at 40 percent, has dropped six points since the last poll published in the Sunday Independent two weeks ago. The Progressive Democrats, the Fianna Fail's partner in government, now stand at 3 percent (they had dropped to 2 percent in the Independent's poll).
4. The main opposition party, Fine Gael, have dropped 2 percent points to 21 percent since last month, while Labour at 14 percent have a one point increase. The poll

RESTRICTED

## RESTRICTED

confirms the trend in the earlier poll, and the South Tipperary by election, in that support for the smaller parties and independents is increasing. The Green Party has a 5 percent support rating and Sinn Fein 4 percent. 10 percent of those polled indicated that they would vote for independents.

5. While the popularity rating of the Taoiseach at 59 percent remains strong, only one point down from two weeks ago, it has, however, declined substantially since the April figure of 67 percent. By a margin of two to one, the poll indicates that voters do not believe that Ahern is co-operating with the tribunals investigating corruption.

6. The poll shows high dissatisfaction ratings for the Tanaiste, Mary Harney, leader of the Progressive Democrats, at 50 percent and also for the leader Fine Gael, John Bruton, at 45 percent. Ruairi Quinn, the Labour Party leader, now has an approval rating of 55 percent, up 5 points since April. The highest satisfaction rating at 61 percent is recorded for Gerry Adams, the leader of Sinn Fein.

7. The poll also provides an analysis of voting intentions by age group. Amongst young people, the 18-25 age group, Fianna Fail has 45 percent support, Fine Gael 17 percent, Labour 11 and both Sinn Fein and the Greens 8 percent. This group is, however, the most apathetic with only one third indicating an intention to vote.

### COMMENT

8. The poll provides considerable food for thought for all. Fianna Fail will be concerned at the continuing high profile for sleaze issues (a barrister, Colm OhEochaidh, is considering setting up a political party based on anti sleaze and environmental issues) and disappointed that their claimed successes, the North, taxation and education are not registering with the electorate. The main opposition parties see the smaller parties and the independents, rather than themselves, likely to benefit from the Government's difficulties if an election were to be called. Sinn Fein, while taking comfort from the increased support being signalled, may feel the need to reconsider their stated position on high profile leaders not running for Dail seats.

*[signed]*

*Ashley Ray*

RESTRICTED



10 DOWNING STREET  
LONDON SW1A 2AA

From the Prime Minister's Chief of Staff

10 July 2000

Dear Gareth,

(3/7)

I attach a letter received today from Gerry Adams providing further information on Marion Coyle, which is one of the names on the list of "on the runs" on which you had insufficient information. They have promised me further information on the other two names in due course.

JONATHAN POWELL

The Rt Hon The Lord Williams of Mostyn QC

AAAAAAAAAAAAAAAAAAAA **CONFIDENTIAL**

✓ Top. FA/PS  
" Cof  
FA/EPs  
AC/Press

Fr PS/Secretary of State  
10 July 2000

**DESK IMMEDIATE**

cc: See Copy Distribution List

Mr Jeffrey - O

**POLICE BILL - MEETING WITH DAVID TRIMBLE**

The Secretary of State had a difficult meeting with David Trimble at Hillsborough on Saturday afternoon (at which David Campbell and I were present), which ended with the latter losing his temper completely and being asked to leave by the Secretary of State. The discussion was preceded by one on Drumcree - minuted separately - during which Trimble was, as it proved in retrospect, ominously calm.

2. Trimble said that the new definitional clause would force him into an open breach with the Government. He would say in the House that the Secretary of State had double crossed him. He wanted to see the Prime Minister before the debate, and expected the Secretary of State to support his request. He had been given the Secretary of State's word and it had been broken. The concession which the Unionists had been given with one hand had been taken away with the other.

3. The Secretary of State, noting that he was sure that the Prime Minister would be very willing to hear whatever Mr Trimble had to say, rejected the accusation of bad faith. The new clause on the police name had been tabled, and passed, in the form that had been agreed. But as he had warned the inclusion of the word 'operational' had led to intense pressure for clarification from the SDLP (who were incensed by the way Thursday had gone) and the Irish which it had been impossible to resist. Trimble, when asked, had felt unable to offer him any negotiating flexibility, and Taylor had been uncontactable. In the face of the SDLP threat not to support the Bill at 3<sup>rd</sup> Reading, the definitional clause which Ken Maginnis had seen on Tuesday had had to be amended to make it more explicit. Politically, he wondered whether it was good tactics for Trimble to adopt the approach he proposed at Report. There was a widespread perception that he had gained something for Unionists, and the official Opposition were trying to jump on the

**CONFIDENTIAL**

AAAAAAAAAAAAAAAAAAAAA **CONFIDENTIAL**

ba wagon, evidenced by that day's Daily Telegraph headline; it did not seem sensible to insist in the Commons that the Unionists had been defeated.

4. Trimble rejected this angrily. He had been betrayed. There had been detailed negotiations with Mallon on the definitional clause and none with him (when the Secretary of State pointed out that he had been in Spain, he replied that he could have been contacted at any time). No amount of clever wordplay could conceal the fact that the understanding had been breached. He was not prepared to be treated in this way, etc etc (as Trimble was at this point becoming increasingly irate and personal in his remarks, the Secretary of State suggested that he leave, which he did).

5. I spoke afterwards to David Campbell, who regretted the way the meeting had turned out. I commented that this was obviously not the ideal way to conduct business, but that Trimble had clearly been tired to begin with. I added that, while the Secretary of State understood Trimble's frustration, he had withstood intense SDLP pressure over the new clause but had had little option to move on the definitional one. Campbell thought that Trimble had taken very personally what he regarded as a breach of trust. Ken Maginnis might provide a route for calming things down ahead of Tuesday's debate.

*Nick Perry*

**N P PERRY**

PS/Secretary of State

☎ (B) 28110

(L) 6462

cc: PS/Secretary of State (B&L) - O  
PS/Mr Ingram (B&L) - O  
PS/Mr Howarth (B&L) - O  
PS/Mr Pilling (B&L) - O  
Mr Watkins - O  
Mr Leach - O  
Mr Stephens - O  
Mr Kelly - O  
Mr Priestly - O  
Mr Tatham, No 10

**CONFIDENTIAL**

RESTRICTED

~~LAST~~  
~~2 JS~~"C/S  
AC Press

FROM: SUSAN SCHOLEFIELD  
SPOB  
10 July 2000

**DESK IMMEDIATE**

CC: PS/Mr Ingram (B&L)  
PS/Mr Pilling (B&L)  
Mr Jeffrey  
Mr Watkins  
Mr Hawker  
Mr Kelly (B&L)  
Mr Leach  
Mr Maccabe  
Mr Hannigan  
Mr Webb  
Mr Sawers, No 10  
(by fax 020 7839 9044)

PS/Secretary of State (B&L)

**DRUMCREE UPDATE (AS OF 0730 MONDAY 10 JULY 2000)**Security

Overall, the Chief Constable judges last night's disturbances to have been less sporadic, not sustained and not widespread (South Belfast and the Shankhill, for example, were trouble-free). As demonstrated at Drumcree, the security forces remain in control and well within capacity.

2. In the wider Belfast region, there were roadblocks in the East and North of the city; cars were set alight in North Belfast, Carrickfergus and Antrim; and there were attempts to burn Catholic property at St Mary's Hill School and Chapel, Carnmoney Road (again), Albertbridge Road, Carrickfergus and Bangor. At Randalstown, a petrol bomb was thrown at a pub; at Carrickfergus fireworks and petrol bombs were thrown at police; and in Belfast a police landrover was disabled by a firework at Doagh Road/Station Road. There was an unconfirmed report of gunmen sighted in the Rathfern area.

3. At Drumcree numbers peaked at about 2000. Johnny Adair was sighted at the Church at 9:20pm. The crowd attacked the wire barricade to the West of the bridge and at 11:20pm the police and army deployed to disperse them. Harold Gracey made a complaint about police tactics at

## RESTRICTED

am, specifically at lack of notification before the police came through to the Orange side of the obstacles. Nevertheless the Hill was empty by 2am.

4. More widely in South Region, roadblocks at Cookstown were cleared swiftly by police. There were also blocks at Tandragee and Lurgan, where the police were petrol bombed. A house was set on fire at Lurgan, although police believe this to have been an internal Loyalist attack. Catholic property was set on fire in Banbridge and cars in Newtownards.

5. In North Region there were roadblocks in Coleraine, Larne and Londonderry, and cars set on fire in various locations. In Coleraine a Catholic-owned car showroom was set on fire. In Ballyclare the police found drugs, catapults, masks, Chinese fireworks and UDA masks at Linn Road.

Forward look

6. The RUC plan to have 7 units resting, 33 on day duty and 46 ready for deployment this evening. The Army plan to deploy 4 Companies in Belfast (with others on standby), none in North Region and 10 around Drumcree (with 10 on standby).

Statistics

6. As of this morning, the police have now arrested 81 loyalists (with more in the pipeline) and 8 nationalists.

Lines to Take – for the Secretary of State's morning interviews are attached. Further defensive lines may be required in the course of the day on the role and function of the Parades Commission.

**SUSAN SCHOLEFIELD**

**#27028**

## RESTRICTED

Lines for Monday morning 10/7/00:

- The Orange Order must disassociate itself from unlawful protest and violence. Events can easily get out of control. The Order's reputation is at stake, as upholders of lawful behaviour.
- Others are using this opportunity to engage in violence.
- Security forces have the capability and determination to uphold law and order. I want to thank them for the work they are doing to protect the public.

RESTRICTED - POLICY



QUEEN ANNE'S GATE LONDON SW1H 9AT

10 JUL 2000

The Rt Hon Peter Mandelson MP  
Secretary of State for Northern Ireland  
Northern Ireland Office  
11 Millbank  
LONDON  
SW1P 4PN

*JS*  
*CE, DP*  
*MT*  
*AR*

*From Peter*

#### DISQUALIFICATION BILL

Thank you for your letter of 30 June concerning resumption of the Disqualification Bill.

I support your reasons for wanting to get the Second Reading under way in the Lords. If business managers can fit this into the programme, I agree that the process should at least be started before the Recess.

I am copying my letter to the Prime Minister, Robin Cook, Margaret Beckett, Margaret Jay, Ann Taylor and Denis Carter and to Sir Richard Wilson.

*From me,*  
*Jack*

JACK STRAW

RESTRICTED - POLICY

CONFIDENTIAL

FROM: BILL JEFFREY  
Political Director  
10 July 2000  
BJ/MR/407(L)

MAK

PS/SECRETARY OF STATE(L&amp;B)

cc PS/Mr Ingram(L&B)  
PS/Mr Howarth(L&B)  
Mr Pilling  
Mr Watkins  
Mr Leach  
Mr Stephens  
Mr Kelly  
Mr Priestly  
Mr Tatham No.10-FAX ←

POLICE BILL – MEETING WITH DAVID TRIMBLE

cc Jb  
JS  
AC

Thank you for your note about the Secretary of State's meeting with David Trimble on Saturday.

2. Paul Bew tells me that, when he met Trimble yesterday, he was "edgy" about the name provision in the Police Bill, but otherwise in good form. Bew thinks Trimble is more concerned about Taylor's reaction than about the substance of the definitional clause. I asked whether he thought that either Taylor or Trimble had intended to exploit the limitations of the word "operational" to argue at a subsequent stage for the use of the longer title for ceremonial and other purposes. Bew said that he doubted if their ambitions extended to that. They were more realistic. But there was some concern about ceremonial events of remembrance covering the period of the RUC.

[Signed]

BILL JEFFREY  
11 Millbank ☎ 6447

CONFIDENTIAL



**NORTHERN IRELAND  
Information Service**

FOR IMMEDIATE RELEASE – 1645 SAT 8 JULY 2000

8 July 2000

**STATEMENT FROM THE SECRETARY OF STATE FOR NORTHERN IRELAND**

**"I welcome the Portadown District Lodge statement calling for "peaceful and dignified" protest to accompany their stand at Drumcree. I wish this had come earlier in the week.**

**"Their further decision to disperse after registering their protest following tomorrow morning's church service is a sensible and constructive course of action. I hope this is followed.**

**"The way is opened for an agreed march if proper discussion takes place but further disruption would be bound to jeopardise this. No friend of the Orange cause will be resorting to violence in the coming days."**

760180

**CONFIDENTIAL**

File

**From: Stephen Webb**  
**Security Policy and Operations Division**  
**9 July 2000**

**To: Secretary of State - fax to Hillsborough** 028 9268 8201

cc Mr Ingram (B&L)  
Mr Sawyer, No 10  
(by Brent Fax 0207 321 2397)

## **DRUMCREE SITUATION REPORT TO 1600 SUNDAY 9 JULY**

### Security

Northern Ireland is very quiet, with all roads open. There are currently only around 400 people around Drumcree. Gracey made a highly inflammatory speech when the parade was blocked. The Real IRA are assessed to have been responsible for the 250lb car bomb attack on the RUC station in Stewartstown. The RUC have also received bomb threats in Newtownbutler, where a parade is due to take place tonight.

2. To 0600 today, there have been 76 Loyalist and 8 Nationalist arrests, with 175 attacks on the security forces, 41 security force injuries and 537 petrol bombs recovered. These figures are lower than all previous years bar 1999, and the ratio of arrests to incidents is rather higher.

### Prospects for the period ahead

3. There are reports of stockpiling of blast bombs, petrol bombs and fireworks in towns throughout Northern Ireland, but particularly Belfast, Larne and Lisburn. In Ballymena, there may be plans to block off the Nationalist Ballykeel Estate. In Portadown, there are plans to shift the focus of disruption from the hill to the town centre. The police intend to deploy water cannon in Keady tonight, where a parade is scheduled, and thereafter to Carrickfergus.

4. The prospects for tomorrow are unclear. Portadown District has called for widespread disruption by Orangemen between 1600 and 2000 tomorrow. These protests are likely to be marshalled, but there is obvious scope for trouble afterwards. The security forces are confident they have matters in hand.

### Media coverage / Lines to take

5. Media coverage has generally been useful, and Gracey has probably not done his cause much good with more moderate Orangemen. The

760180

**CONFIDENTIAL**

existing lines should probably remain, with a case for saying as little as possible and awaiting events.

sgd

**Stephen Webb**  
**#27017**

760180

RESTRICTED

**FROM: SUSAN SCHOLEFIELD**  
**SPOB**  
**9 July 2000**

**DESK IMMEDIATE**

*lie*

Cc: PS/Mr Ingram (B&L)  
PS/Mr Pilling  
Mr Jeffrey  
Mr Watkins  
Mr Hawker  
Mr Kelly (B&L)  
Mr Leach  
Mr Maccabe  
Mr Hannigan  
Mr Webb  
Mr Sawers, No 10  
(by fax 020 7839 9044)

PS/Secretary of State (by fax to Hillsborough)

**DRUMCREE UPDATE (AS OF 0800 SUNDAY 9 JULY 2000)****Security**

Overall a quiet night.

2. In the wider Belfast region there were sporadic roadblocks but Belfast itself was reasonably quiet (2 cars burned in Carrickfergus area, protests at Shore Road, Dunmurry, Dundonald, Whitewell, Lisburn but major routes were not affected).
3. At Drumcree a crowd of about 200 gathered as on the previous night.
4. More widely in South Region, at 11:30pm a car was abandoned outside Stewartstown and a bomb warning given. A burned-out vehicle has been found, possibly the get-away vehicle (a member of the public witnessed a gunman nearby). There was an explosion just before 1 am. It is not yet possible to make an accurate damage assessment, but there may be some structural damage to the police station and although there have been no serious injuries, a number of police have reported minor injuries, particularly to eardrums. Elsewhere, the M1 motorway was closed for a few hours around the Lurgan turnoff because of a suspect device, subsequently declared a hoax; there were some road blockages in Newtownards; and a fire at Ballybriest Orange Hall, Cookstown.

HL/36810

760180

**RESTRICTED**

5. In North Region there was a bomb scare in Londonderry's Waterside area, subsequently declared a hoax; petrol bombs were thrown at the Army and then petrol bombs and stones at the police; there were some road blocks. There were protests in Coleraine, Ballymena and Larne, where a nail bomb was thrown at police clearing a road block; the police made a public order arrest and all was quiet by 4 am.

**Forward look**

5. The RUC plan to have 3 units resting, 43 on day duty and 48 ready for deployment this evening. The Army will again deploy 3 Companies in Belfast (with a further 4 on standby), 10 around Drumcree with 6 on standby across North Region.

**Statistics**

6. As of this morning, the police have now arrested 76 loyalists (with more in the pipeline) and 8 nationalists.

**Lines to Take**

7. Following the statement which the Secretary of State made this morning (attached), the strategy for today should be to let the media pictures and security forces do the talking. The response team then meets again at 4:30 pm this afternoon to take stock and review the way forward.

**SUSAN SCHOLEFIELD****#27028**

760180

RESTRICTED

**07.45 hrs Sunday 9.7.00 – immediate release**

**STATEMENT BY THE SECRETARY OF STATE FOR NORTHERN  
IRELAND, PETER MANDELSON, ON THE CAR BOMB ATTACK AT  
STEWARTSTOWN, CO. TYRONE**

'I commend the bravery of police officers in Stewartstown – it was only because they put their own lives at risk that no-one was killed or seriously injured last night.

'The clear intention of this attack was to inflame what is already a tense situation in Northern Ireland. I condemn it utterly.

'The security forces will pursue those responsible and they should have the full support of the community in doing so. No-one should do anything that in any way distracts the security forces from that task – to do so only plays into the hands of those responsible.

'Now is the time for leaders from all sides to join with the vast majority of people in Northern Ireland and speak with one voice: this violence belongs to the past. No ifs or buts or qualifications – let us consign the extremists and the thuggish fringe to where they belong.'

File .

**From: Rosalind Redfern**

**Date: 9 July 2000**

**JOHN SAWERS**

**CAR BOMB CO TYRONE**

A Car bomb exploded at 0100 today in Stewartstown, Co Tyrone. The explosion took place outside a police station. One Policeman is reported to have leg injuries, as yet unconfirmed, others with hearing problems from blast. Windows in surrounding area damaged. One report says that the driver notified the police, another says a member of the public noticed an abandoned car and notified the police, either way no coded warning. Area was cleared before blast.

Widely suspected to have been Republican dissident action, supported by our DIO, though we have nothing as yet to collaborate.

**ROSALIND REDFERN**

CONFIDENTIAL



Prime Minister

## REPATRIATION OF THREE REAL IRA PRISONERS TO THE REPUBLIC OF IRELAND

My Irish counterpart John O'Donoghue has now confirmed in writing that he would not change the release arrangements for Darren Mulholland, Liam Grogan and Anthony Hyland, if they were repatriated to the Republic. Subject to your and Peter's views my officials intend to inform the prisoners of my decision to approve their repatriation on Friday 14 July.

2. I wrote to you on the 9 April informing you of my intention to approve the requests of three prisoners, convicted of Irish terrorist related offences, for repatriation to the Republic of Ireland. The three prisoners, believed to be members of the "Real IRA", meet the normal requirements of the Council of Europe Convention on the Transfer of Sentenced Persons which governs repatriation between the United Kingdom and the Republic of Ireland. John Sawers indicated that you were content for me to proceed, but on the basis of a clear understanding with the Irish authorities that there would be prior consultation (and preferably agreement with us) before any changes are made to the length of the sentences the prisoners will serve in the Republic.

3. I now have, in writing, confirmation from John O'Donoghue, that he agrees that the prisoners are not eligible for release under the terms of the Belfast Agreement. He has also confirmed that "in the event that we consider it necessary, at some stage in the future, in the context of the broader picture, to release any of these prisoners earlier, I will, of course, consult with you before I take any decision. However, at this stage I cannot envisage such a situation arising." I am satisfied with this assurance and given that the prisoners otherwise meet the normal repatriation criteria, I am content to approve their requests.

4. My officials have been in discussion with their counterparts in the Northern Ireland Office and they have provisionally agreed that the prisoners should be informed of my decision on Friday 14 July. Although the situation in Northern Ireland is tense at the moment, NIO officials do not believe that the notification to the

CONFIDENTIAL

CONFIDENTIAL

Prisoners of my decision will cause any additional difficulties. My officials will, of course, check with both your office and NIO prior to notifying the prisoners to ensure that the situation has not changed.

5. Lines to take and background on the three prisoners are attached in the event of media interest.

6. A copy of this minute goes to Peter Mandelson and to Sir Richard Wilson.

*John Shaw*

*8<sup>15</sup>*  
July 2000

CONFIDENTIAL

REPATRIATION OF DARREN MULHOLLAND, LIAM GROGAN & ANTHONY  
HYLAND TO THE REPUBLIC OF IRELAND

Lines to take

- The Home Secretary has given his consent to the repatriation to the Republic of Ireland of Darren Mulholland, Liam Grogan and Anthony Hyland.
- The prisoners were convicted of conspiracy to cause explosions and sentenced to 22 years, 22 years and 25 years imprisonment respectively in May 1999.
- The prisoners will be repatriated under the provisions of the Council of Europe Convention on the Transfer of Sentenced Persons. The prisoners meet all of the normal criteria set out in the Convention for repatriation to proceed.
- Once repatriated the prisoners will be subject to release arrangements applicable in the Republic of Ireland. However, the prisoners will not be released earlier than had they remained in the United Kingdom.
- Since the prisoners committed their offences after the signing of the Belfast Agreement they will not be eligible for accelerated release under its terms.

**PRISONERS' BACKGROUND**

In May 1999, Darren Mulholland, Liam Grogan and Anthony Hyland were convicted of conspiracy to cause explosions and sentenced to 22, 22 and 25 years imprisonment respectively. The prisoners are believed to be members of the "Real IRA", a Republican splinter group opposed to the peace process.

The prisoners were arrested on 10 July 1998 following an extensive surveillance operation during which the prisoners were observed travelling between Southern Ireland and the United Kingdom, moving about London and in the case of Mulholland carrying out reconnaissance of furniture/bedding/carpet/curtain shops in the Fulham area as potential targets for incendiary devices.

On the morning of 10 July 1998 Hyland and Grogan met up at Acton Green Common. Hyland was carrying a rucksack containing six incendiary devices. They latter met Mulholland. Talked for about 7 minutes and then split up. Later that day the prisoners were arrested. Six incendiary devices were found in the rucksack carried by Hyland. In addition, 2lb of semtex, a detonator and a timing and power unit were discovered at Hyland's flat in Belsize Park.

**RESTRICTED****JONATHAN POWELL**  
**From: Michael Tatham****Date: 8 July 2000****cc: John Sawers  
Alastair Campbell****UUP**

In your absence and John's, David Campbell phoned me on Saturday afternoon. He said that David Trimble was deeply unhappy with the Government's interpretational clause on the Police Bill. He saw this as a breach of his agreement with the Government at Hillsborough in May. The implications were very serious. This would effectively negate the terms of the agreement at Hillsborough and allow his opponents within the Party to reconvene the Unionist Council. Trimble was seeing the Secretary of State now, but he wished to insist on discussing this by phone with the Prime Minister on Monday.

  
**MICHAEL TATHAM****RESTRICTED**



10 DOWNING STREET  
LONDON SW1A 2AA

File  
De JH  
SS  
NT  
AC  
CS

8 July 2000

THE PRIME MINISTER

Dear Mr. Sanson,

Thank you for your letter of 1 July setting out your concerns about the Parades Commission's determination in respect of the 2 July march. I recognise that you will have been further disappointed by the Commission's determination in respect of the 9 July march, and doubtless now by their subsequent confirmation of it.

As I said when we met last year, the Parades Commission is an independent statutory body. I have no power to influence their determinations one way or the other. I do however recognise the contribution the Orange Order has made to reducing tension on various occasions in recent years.

I had hoped that the positive atmosphere generated last year would be enough to enable a longer term resolution of the Drumcree dispute and I am disappointed that this did not prove to be the case. I think the Parades Commission has also recognised the positive features of last year's experience. Their proposals for an approach which could let LOL No 1 complete its Drumcree march deserve careful consideration.

I know from my discussions with all the main participants the depth of feeling that the parades issue generates, and the complexity of the conflicting rights at issue. I respect your concern for civil, religious and cultural liberties and the right to

fa-caps\ dawson ecl

eu

cc N10.

1/ ~~MT~~

2/ DCO to attach  
letter of 1 July

3/ Box.

DCO 8/2

Essential that once  
signed you check with  
me before this issues.

Timing of despatch ecl be

v. sensitive.

1/ Far to Dawson -

2/ Michael let N1  
but Far to Duty Press Office  
to put out on wires

march in keeping with Orange traditions. There are, of course, other rights at issue too, and I would echo the Parades Commission's emphasis on the need for further engagement with others affected by the march to address their legitimate concerns.

I believe the Parades Commission has worked hard to balance these conflicting rights. With the incorporation of the Human Rights Act, both sides will be able to raise human rights points in court. We believe that this will further strengthen the 'rights based approach' which is at the heart of our policy.

I reiterate my view that the way forward set out by the Commission in their 3 July determination holds out an important route map for LOL No 1 to adopt. I am sure the Commission will do everything they can to assist in bringing this about on the basis of the terms they have described, and with goodwill and good faith on everyone's part. Indeed now that the Commission have set out so clearly the way in which a parade can be achieved, I do not think it will be understood why this opportunity is not seized. It goes without saying that violent or unlawful protest will only postpone the achievement of the Order's objectives.

I hope that this year's parade will pass off smoothly and lawfully, and appeal to you and all your colleagues to do everything possible to avoid tension and violence - violence that can only rebound on the whole community in Portadown and Northern Ireland more generally - and to condemn any violence that might, despite your best endeavours, occur.

Yours sincerely  
Tomy Blair

Mr Nigel Dawson

760180

RESTRICTED

**FROM: SUSAN SCHOLEFIELD**  
**SPOB**  
**8 July 2000**

**DESK IMMEDIATE**

CC: PS/Mr Ingram (B&L)  
PS/Mr Pilling  
Mr Jeffrey  
Mr Watkins  
Mr Hawker  
Mr Kelly (B&L)  
Mr Leach  
Mr Maccabe  
Mr Webb  
Mr Sawers, No 10  
(by fax 020 7839 9044)

PS/Secretary of State (by fax to Hillsborough)

**DRUMCREE UPDATE (AS OF 0800 SATURDAY 8 JULY 2000)****Security**

Generally a quiet night.

2. In the Belfast region there were various protests and roadblocks but these were much reduced in intensity and violence. 5/6 petrol bombs were thrown at police on the Springfield Road; a cache of petrol bombs and improvised Stingers was found on Cambrai Street; and overnight there were some incidents of arson and petrol bombing of cars and property, including several Catholic and integrated primary schools.

3. At Drumcree there was no parade and a smaller crowd gathered than on recent evenings (some 200). They were mainly peaceful and dispersed by 1 am, but material again was burned against the obstacle on the bridge. There were a small number of blocks and protests around Portadown, but no serious disorder and all was quiet by 2 am.

760180

## RESTRICTED

4. More widely in Northern Ireland, at Clough the occupant of a house fired at five men who were attempting to pull down a Union flag; one lost an eye and the occupant has been arrested. At Ballymena and Larne there were minor road blocks but all was quiet by morning. At Portaferry there was minor arson damage to the Orange Hall and a car was driven at Dunloy Orange Hall and set alight, causing minor damage

5. Finally, near Fivemiletown a police unit returning from duty in Belfast was involved in a fatal road traffic accident when a civilian car drove onto the wrong side of the road at a bend and straight into the police landrover. Four police were injured and the driver of the civilian car was killed.

Forward look

5. The RUC have 8 units resting, 11 on day duty and 39 ready for deployment this evening (7 in Belfast, 9 in North region and 20 in South Region which includes Drumcree). The Army will again deploy 3 Companies in Belfast, 13 around Drumcree (with a further 2 -3 on standby) with 6 on standby across North Region. The GOC's reserve Battalion is on 4 hours Notice to Move with its lead Company at Aldergrove airport on 1 hour's Notice to Move. The two Battalions still back in GB are on 24 hours' Notice to Move.

Lines to Take - are attached.

**SUSAN SCHOLEFIELD**

**#27028**

760180

RESTRICTED

**LINES TO TAKE – SATURDAY 8 JULY**

I have come here this morning to express my thanks to the Chief Constable, to the police officers and soldiers who have been working so hard this week. They have protected the majority from the thuggery of a minority who have nothing to offer. On all our behalves they have borne the brunt of vicious assaults with the courage and professionalism they always show.

I hope that common sense will prevail this weekend. I hope everyone will recognise that the Parades Commission has given them a clear routemap by which they can resolve this problem for the future. I encourage both sides to take that map and follow it – that is what the majority of people in Northern Ireland want.

As Archbishop Eames said this morning, violence has no place in this dispute and the thuggery of the past week has simply damaged the integrity of the Orange Order's protest.

I recognise that people are angry and disappointed, but they should abide by the lawful determination of the Parades Commission. The only way to get a march down the Garvaghy road is to talk. Every stone, every missile makes a march less likely. I would urge people to follow the routemap set out by the Parades Commission.

7. Jul. 2000 17:57

From: THE PRIVATE SECRETARY

No. 3974 P. 2/4



NORTHERN IRELAND OFFICE  
11 MILLBANK  
LONDON  
SW1P 4QE

Michael Tatham Esq  
Private Secretary to the Prime Minister  
10 Downing Street  
LONDON  
SW1A 2AA

7 July 2000

Dear Michael

Nigel Dawson, District Secretary of Portadown District LOL No 1, wrote on 1 July to the Prime Minister complaining about the ongoing denial of Portadown District's civil and religious liberties, the alleged failure of the Prime Minister to honour commitments given during 1999 that a march could proceed in future and what they see as new evidence of the failure of the Parades Commission.

I attach an amended draft reply. My Secretary of State feels that we need to think carefully about when the letter is sent. If the Prime Minister is content to sign the letter perhaps we could have a word about timing.

Yours ever

Kirsten McFarlane

PP NP PERRY

Nigel Dawson Esq  
District Secretary  
Portadown District LOL No 1  
15 Enniscrone Park  
PORTADOWN  
Co Armagh  
BT63 5DQ

Thank you for your letter of 1 July setting out your concerns about the Parades Commission's determination in respect of the 2 July march. I recognise that you will have been further disappointed by the Commission's determination in respect of the 9 July march, and doubtless now by their subsequent confirmation of it.

As I said when we met last year, the Parades Commission is an independent statutory body. I have no power to influence their determinations one way or the other. I do however recognise the contribution the Orange Order has made to reducing tension on various occasions in recent years.

I had hoped that the positive atmosphere generated last year would be enough to enable a longer term resolution of the Drumcree dispute and I am disappointed that this did not prove to be the case. I think the Parades Commission has also recognised the positive features of last year's experience. Their proposals for an approach which could let LOL No 1 complete its Drumcree march deserve careful consideration.

I know from my discussions with all the main participants the depth of feeling that the parades issue generates, and the complexity of the conflicting rights at issue. I respect your concern for civil, religious and cultural liberties and the right to march in keeping with Orange traditions; there are, of course, other rights at issue too, and I would echo the Parades Commission's emphasis on the need for further engagement with others affected by the march to address their legitimate concerns.

I believe the Parades Commission has worked hard to balance these conflicting rights. With the incorporation of the Human Rights Act, both sides will be able to

raise human rights points in court. We believe that this will further strengthen the 'rights based approach' which is at the heart of our policy.

I reiterate my view that the way forward set out by the Commission in their July 3 determination holds out an important route map for LOL No 1 to adopt. I am sure the Commission will do everything they can to assist in bringing this about on the basis of the terms they have described, and with goodwill and good faith on everyone's part. Indeed now that the Commission have set out so clearly the way in which a parade can be achieved, I do not think it will be understood why this opportunity is not seized. It goes without saying that violent or unlawful protest will only postpone the achievement of the Order's objectives.

I hope that this year's parade will pass off smoothly and lawfully, and appeal to you and all your colleagues to do everything possible to avoid tension and violence – violence that can only rebound on the whole community in Portadown and Northern Ireland more generally - and to condemn any violence that might, despite your best endeavours, occur.

CONFIDENTIAL

FROM: N P PERRY  
PS/SECRETARY OF STATE  
07 JULY 2000

*Prime Minister*

*JS*  
*cc: JP6*  
*MT*  
*AC*  
*GS*

cc: see distribution list below

Mr Watkins

### CALL FROM CHIEF CONSTABLE - 7 JULY

The Chief Constable rang me this morning to express his appreciation for the Secretary of State's public support for the RUC over the past few days and particularly in his media interviews this morning. This had been well received by his officers, and he was personally very grateful for the Secretary of State's remarks.

2. More generally, the Chief Constable said that he wanted to reassure the Secretary of State that the strategy for handling Drumcree was working. He had just had a very good conversation with Tony Holland and, as a result, he was now confident that the situation in Belfast on the 12<sup>th</sup> could be managed successfully. He thought that the Commission would respond sensitively to the Portadown District's latest initiative without conceding a parade this Sunday. While not complacent, his feeling was that we were now on a "downward sloping plane" as far as levels of violence were concerned. Adair, rattled by the prospect of being recalled to prison, appeared to have been scared off and was back-peddling furiously. The Security Forces had the situation under control, and morale was buoyant.

Watkins/NP/7 7



CONFIDENTIAL

CONFIDENTIAL

3. I said that I would certainly pass this on to the Secretary of State and asked how the Chief Constable himself was bearing up. He said he was absolutely fine; quite apart from anything else the adrenaline would carry him through to the other side of the 12<sup>th</sup>. He hoped to see the Secretary of State tomorrow in Portadown.

*N P PERRY*

N P PERRY  
PRIVATE SECRETARY  
EXT 6462

Distribution List

PS/Secretary of State (B&L)  
PS/Mr Ingram (L&B)  
PS/Mr Howarth (L&B)  
PS/PUS  
Mr Jeffrey  
Mr Leach  
Mr Stephens  
Mr Hawker  
Mr Kelly  
Ms Scholefield  
Mr Brooker  
HMA Dublin



INVESTOR IN PEOPLE

Watkins/NP/77

CONFIDENTIAL

CONFIDENTIAL

FROM: BILL JEFFREY  
Political Director  
7 July 2000  
BJ/MR/406(L)

SS  
Coburn  
MP  
ACBS

PS/SECRETARY OF STATE(L&B) cc See distribution list

## LUNCH WITH DÁITHÍ O'CEALLAIGH

When I met Dáithí O'Ceallaigh for lunch yesterday much of our discussion was about current business on the Police Bill, but we ranged a bit more widely, and there are a few points I should report.

2 On the Bill, I briefed O'Ceallaigh on the state of play (as it then was) on the Maginnis amendment. We had assumed that Maginnis would be content to hold the matter over until the report stage, but it had become clear during the course of the morning that he was unwilling to do so. There was a procedural problem about defeating his amendment, because it was quite likely that, if we re-presented it in slightly different form at the report stage, the Speaker would rule it out of order as too close in content to a proposal which had already been rejected in Committee. The Secretary of State had therefore decided that if Maginnis insisted on dividing the Committee, the Government should accept the amendment, but on the understanding that we would bring forward an amendment of our own in Committee of the kind already canvassed with Seamus Mallon. This would make it clear that the name "Police Service of Northern Ireland" was to be used for all working, ceremonial, legal and public purposes.

3 O'Ceallaigh said that he would need to take political instructions from Dublin, but his initial reaction was one of unease. He would be happier if we could agree to a descriptive form of words ("which incorporates the Royal Ulster Constabulary") and to the use of the PSNI title for "all purposes". I said that I did not think that either of these proposals could be accepted. In particular, the descriptive approach to incorporation went beyond our understanding with the UUP. More generally, I said that our fundamental objectives were the same as those of the Irish Government. We wanted a police service acceptable to both sides of the community. Although we were

- 1 -

CONFIDENTIAL

BJ/MR/406(L)-7.7.2000

achieving the objective by a more roundabout route than the Irish (or indeed ourselves) might prefer, the fact was that we would end up with a service known for all practical purposes as the Police Service of Northern Ireland. Unionists acceptance of this was in fact a considerable political prize, when one compared it to the attitude of the Conservatives and anti-Agreement unionists.

4. O'Ceallaigh said that there was quite a strong feeling in Dublin that the Irish Government had been bounced on the Police Bill and that their views had recently not been given the weight that they should. The two Governments operated most effectively when they worked closely together. The Irish Government were often able to identify pitfalls from the standpoint of nationalists. On policing, there was also a view that the Prime Minister had assured the Taoiseach that any departure from the Patten Report would only be made with his agreement.

5. I said that on the last point we did not accept that the approach taken on the name was a departure from Patten. There had been extensive consultation over the Police Bill, including the Ministerial meeting in Dublin and numerous exchanges between Paul Priestly and Gary Ansbro. Obviously we should do our best to keep the relationship in good working order, but I didn't think it was as bad as O'Ceallaigh suggested. In the end, on issues like Patten, our Ministers had to take the necessary decisions and be ready to defend them. Inevitably we did not always end up doing what the Irish Government wanted.

6. O'Ceallaigh conceded that Paul Priestly had been extremely helpful over the Police Bill. He had a specific proposal to make, which might improve things. This was that we should restore the practice of monthly liaison meetings with officials. Over the last year or so, Dermot Gallagher and I had seen so much of each other that such meetings might not have been necessary. But in the more stable situation which now existed they could usefully be revived.

7. I said that Gallagher and I had inherited the liaison meetings structure from our predecessors, but neither of us had been very comfortable with it, because -- with half or dozen or more people on each side -- it tended to be rather formal. Nevertheless I would be perfectly willing to revert, provided that we kept the numbers within limits

and arranged meetings when we agreed that they were necessary rather than on a strict monthly cycle. O'Ceallaigh was happy with this. His own preference was for informality. We agreed to discuss later in the month whether there would be advantage in a meeting early in August; if not, to look towards the end of September after my return from leave.

8. I alerted O'Ceallaigh to the fact that the flags issue was likely to land on the Secretary of State's lap after yesterday's Executive meeting, and told him how I expected the Secretary of State to respond. He said that he was in no difficulty with our initiating consultations. But the subject was of such sensitivity that his advice would be to play it as long as possible. I said that there was now no question of regulations being made until after the summer break, but the Secretary of State might well conclude that he needed to move pretty quickly after that. I had had the impression from Lavery that, provided we could sort out official flag flying to Trimble's satisfaction, he would be open to discussion about the use of symbols in more private contexts, including the relevant part of the Agreement on the sensitive use of symbols and parity of esteem. O'Ceallaigh said that this was encouraging. It would help if Trimble could communicate it to Mallon.

9. Looking towards the summer, I said that - assuming we got past the marching season politically intact - the greatest danger seemed to me to lie in any further attacks by PIRA. Another murdered drug dealer and the institutions would come under intolerable strain. O'Ceallaigh agreed. Following our earlier discussion, he had passed that message on.

10. I also relayed to O'Ceallaigh my understanding of Trimble's recent conversation with Adams and the importance he attached not only to a successful second inspection of dumps in September but to a positive de Chastelain report at that time. O'Ceallaigh took this on board, and appeared to be sympathetic. Adams had recently given the Taoiseach an account of the same conversation with Trimble, and had emphasised the importance from his point of view of further movement on Crossmaglen and OTRs. I said that we were aware from his conversations with Jonathan Powell that these remained high on Adams' agenda. There was a limit to what we could do, but as we approached the autumn we should each do our best to

CONFIDENTIAL

keep all these factors in some kind of balance.

[Signed]

BILL JEFFREY  
11 Millbank ☎ 6447

Distribution list:

PS/Mr Ingram(L&B)  
PS/Mr Howarth(L&B)  
Mr Pilling  
Mr Watkins  
Mr Kelly  
Mr Maccabe  
Mr Stephens  
Mr Brooker  
Mr Crawford  
Mr Priestly  
Mr Sawers No.10-FAX  
Mr Roberts HMA(D)

CONFIDENTIAL

BJ MR/406(L)-7.7.2000

**CONFIDENTIAL**

**FROM: SUSAN SCHOLEFIELD**  
**SECURITY POLICY AND OPERATIONS DIVISION**  
**7 JULY 2000**

**DESK IMMEDIATE**

cc: PS/Mr Ingram (B&L) - e  
PS/Mr Pilling (B&L) - e  
Mr Jeffrey - e  
Mr Watkins - e  
Mr Hawker - e  
Mr Kelly - e  
Mr Leach - e  
Mr Maccabe - e  
Mr Hannigan - e  
Mr Webb - e  
Mr Sawers, No 10  
(by Brent Fax)

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

*cc: JPO  
MT  
Press*

**DRUMCREE UPDATE (TO 7.00 AM FRIDAY 7 JULY 2000)****Security**

1. Overall across Northern Ireland, last night was quieter than previous evenings, although trouble areas are now more widespread. Although Belfast had a quieter night, the north of the city remained difficult, with community fighting, incursions and more gunmen on the streets. Numbers at Drumcree again peaked at about 500. By morning, all roads were again open. The security forces continue to have matters well in hand.
2. In Belfast, there were various road blockages and barricades, as listed in the duty officer's report, mainly by women and children. There was some vehicle hi-jacking and shots fired at police. In North Belfast, rival gangs



INVEST FOR THE PEOPLE

**CONFIDENTIAL**

**CONFIDENTIAL**

confronted each other at the Westland Road/Cavehill Road interface and (blank) shots were fired; also in the Shore Road and Whitewell Road areas.

3. At Drumcree, a fairly peaceful crowd again peaked at about 500. Bails of hay were placed against the obstacle and set on fire, causing only minor damage. In the Portadown area, the Army detain two people and the police arrested Stephen Wright in the Seagoe area for throwing petrol and paint bombs.

4. At 3.00 am, the Army started ploughing the fields and placing rolls of barbed wire.

5. As of 6.00 pm last night, a cumulative total of 34 Loyalists had been arrested and 7 nationalists (MacClonnaith and friends). Twenty-five charges had been made against Loyalists and four against Nationalist (riotous and disorderly behaviour, assault and petrol bomb offences). There were further arrests overnight. Five people have now been charged in connection with the Banbridge Incident. So far, 32 police officers have been injured (one seriously) and one soldier.

#### Forward Look

6. RUC and Army deployments currently expected as last night. Robert Saulters's call for no parade tonight as a mark of respect for Joey Dunlop may result in a quieter evening at Drumcree, although a memorial service is to be held instead. David Campbell and Richard Monteith meet the Parades Commission this morning to discuss LOL1's reapplication for a march on Sunday.



INVESTOR IN PEOPLE

**CONFIDENTIAL**

**CONFIDENTIAL**

Lines to take

7. Secretary of State is doing early morning interviews. In addition:
  - LOL1's reapplication is for the Parades Commission to consider.

*[Signed: Susan Scholefield]*

**SUSAN SCHOLEFIELD**

SHA ☎ 27028



INVESTOR IN PEOPLE

**CONFIDENTIAL**



NORTHERN IRELAND OFFICE  
11 MILLBANK  
LONDON  
SW1P 4QE

Michael Tatham Esq  
Private Secretary to the Prime Minister  
10 Downing Street  
LONDON  
SW1A 2AA

*replaced by [unclear]  
by fax / e-mail*

6 July 2000

*Dear Michael*

Nigel Dawson, District Secretary of Portadown District LOL No 1, wrote on 1 July to the Prime Minister complaining about the ongoing denial of Portadown District's civil and religious liberties, the alleged failure of the Prime Minister to honour commitments given during 1999 that a march could proceed in future and what they see as new evidence of the failure of the Parades Commission.

I attach a draft reply. My Secretary of State feels that we need to think carefully about when the letter is sent. If the Prime Minister is content to sign the letter perhaps we could have a word about timing.

*Yours ever*

*Kirstin McFarlane*  
PP **NP PERRY**

Nigel Dawson Esq  
District Secretary  
Portadown District LOL No 1  
15 Enniscrone Park  
PORTADOWN  
Co Armagh  
BT63 5DQ

DRAFT LETTER FROM THE PRIME MINISTER

Thank you for your letter of 1 July setting out your concerns about the Parades Commission's determination in respect of the 2 July march. I recognise that you will have been further disappointed by the Commission's determination in respect of the 9 July march.

As I said when we met last year, the Parades Commission is an independent statutory body. I have no power to influence their determinations one way or the other. I do however recognise the contribution the Orange Order has made to reducing tension on various occasions in recent years. One example was the dignity with which last year's Parades Commission ruling was received, another the decision in 1997 not to proceed with 12 July parades in a number of potentially sensitive locations.

I had hoped that the positive atmosphere generated last year would be enough to enable a longer term resolution of the Drumcree dispute and I am disappointed that this did not prove to be the case. I think the Parades Commission has also recognised the positive features of last year's experience. Their proposals for an approach which could let LOL No 1 complete its Drumcree march deserve careful consideration.

I know from my discussions with all the main participants the depth of feeling that the parades issue generates, and the complexity of the conflicting rights at issue. I respect your concern for civil, religious and cultural liberties and the right to march in keeping with Orange traditions; there are, of course, other rights at issue too, and I would echo the Parades Commission's emphasis on the need for further engagement with others affected by the march to address their legitimate concerns.

I believe the Parades Commission has worked hard to balance these conflicting rights. With the incorporation of the Human Rights Act, both sides will be able to raise human rights points in court. We believe that this will further strengthen the 'rights based approach' which is at the heart of our policy.

I reiterate my view that the way forward set out by the Commission in their July 3 determination holds out an important route map for LOL No 1 to adopt. I am sure the Commission will do everything they can to assist in bringing this about on the basis of genuine fulfilment of the terms they have described, and with goodwill and good faith on everyone's part. In the meantime, I cannot believe that violent and unlawful protests, either by Orange members or others supposedly supporting the Order, will do anything but harm the Order's interests, in Portadown and more widely, and put back prospects of a march. I hope that this year's parade will pass off as smoothly as last year's, and appeal to you and all your colleagues to do everything possible to avoid tension and violence – violence that can only rebound on the whole community in Portadown and Northern Ireland more generally.

FROM: BILL JEFFREY  
Political Director  
6 July 2000  
BJ/MR/404(L)

~~JS~~  
~~EC~~, JP  
MT  
AC  
GS

PS/SECRETARY OF STATE(L&B)

cc See circulation list below

# FLAGS

As agreed at yesterday's VCR discussion with the Secretary of State, I attach a line for him to take in media interviews after the weekend, to bring out the fact that he does not expect to be proposing that there should be a requirement to fly the Union Flag over government buildings on 12 July.

[Signed]

BILL JEFFREY  
11 Millbank ☎ 6447

## Circulation list:

PS/Mr Ingram(L&B)  
PS/Mr Howarth(L&B)  
Mr Pilling  
Mr Watkins  
Mr Kelly  
Mr Maccabe  
Mr Brooker  
Mr Crawford  
Mr Johnston  
Mr Sawers No.10-Fax  
Mr Roberts HMA(D)

## LINE ON FLAGS

I still hope the parties in the Executive can agree a way forward on the flying of flags. That would be by far the most satisfactory outcome.

But I have to recognise that the Executive has not so far been able to find agreement. It looks as though I may have to use the power I took a few months ago to make regulations on flag-flying over government buildings.

That is why I've written to the leaders of all the parties, inviting their views on questions like on which days of the year the Union Flag should be flown, and over which buildings.

There is something to be said for following practice in the rest of the United Kingdom. In Great Britain there are 15 days each year when the flag is flown officially from Government buildings. In Northern Ireland there are 5 additional days including, for example, 12 July. When flag-flying is such a sensitive matter on all sides, the most reasonable course seems to me for the flag flying days in Northern Ireland to be the same as those in Great Britain.

**CONFIDENTIAL***cf:mf*

From: Stephen Webb  
Security Policy and Operations Division  
6 July 2000

To: PS / Secretary of State (B&L)

cc PS / Mr Ingram (B&L)  
PS / Mr Howarth (B&L)  
PS / PUS (B&L)  
Mr Watkins  
Mr Jeffrey  
Mr Leach  
Mr Stephens  
Mr Kelly (B&L)  
Mr Maccabe  
Mr Hannigan  
Mr Sawers No 10  
(by Brent Fax 0207 321 2397)

## **DRUMCREE SITUATION REPORT TO 1800 THURSDAY 6 JULY**

### Security

Disruption this afternoon has been more limited than yesterday, and has cleared over the past hours. Many shops and businesses in Belfast have shut early to avoid disruption.

2. A nail bomb was thrown at Catholic workmen in Greenisland near Carrickfergus. One of the workmen may have been from the Garvaghy Road area. There has also been an explosive device discovered by a credit union in Ballymoney and a hoax bomb warning from the Real IRA in Belfast.

3. In the 24 hours to 0600 today, there were 14 arrests, 61 petrol bombs were thrown in 30 incidents, and 2 PBRs were fired. These figures are low by the standards of recent years.

### Prospects for the period ahead

4. The security forces detected an orchestrated calming of the situation around 2200 and expect this to continue. There are reports of plans to block roads in towns throughout Northern Ireland, and security on police houses has been stepped up following incidents yesterday.

### Security Forces Operational Issues

5. The Army is putting up wire at the Drumcree Bridge, and the remaining obstacles will all be put in place in the course of tonight. Police intend to deploy 10 MSU in Belfast, 13 in South Region and 11 in N Region, slightly

**CONFIDENTIAL**

fewer than yesterday. Troops will once again be on the streets in Belfast, and also in Ballymena. The security forces are still acting well within their resources.

6. Additional Army resources will be deployed to South Armagh tonight to tackle possible dissident republican activity.

Political Issues

7. The current relative calm may be influenced by Richard Monteith's meeting with the Parades Commission tomorrow morning, which should be followed by a formal determination on the revised application for Sunday's parade. We do not expect the Commission to change its line. Robert Saulters has also called for a day's pause in protests to mark Joey Dunlop's funeral tomorrow. Adair has been quieter, possibly influenced by the risk of being recalled.

sgd

**Stephen Webb**  
**#27017**

01232521126

**Social Democratic & Labour Party**  
*Páirtí Sóisialta Daonlathach an Lucht Oibre*



**SDLP**

**Headquarters:**  
 121 Ormeau Road  
 Belfast BT7 1SH

Telephone: 028 90 247700  
 Fax: 028 90 236699  
 E-mail: [sdip@indigo.ie](mailto:sdip@indigo.ie)  
 Website: <http://www.indigo.ie/sdip/>

PERSONAL

The Rt Hon Peter Mandelson MP  
 Secretary of State for Northern Ireland  
 Northern Ireland Office  
 Castle Buildings  
 Belfast BT4 3SG

*JS*  
*2*  
 6<sup>th</sup> July 2000

July 2000

*Dear Peter,*

I would like to thank you for your letter regarding the name of the future police service.

While I accept that the formulation that you have offered progresses the debate to some extent, I regret to inform you that it does not meet SDLP concerns.

The SDLP believes that the name of the police service should be the Police Service of Northern Ireland for "all" purposes. We believe, therefore, that it is unsatisfactory to have a name change for "operational" purposes only, regardless of how that term is defined. Put simply, if the name is to change for all purposes, then this should be stated in the new clause.

On the issue of the phrase "styled as", I disagree with your view that this is a more satisfactory term than "known as." I would point out in this regard that the phrase "known as" was used in the original version of the

PERSONAL

John Hume MP MEP Party Leader    Seamus Mallon MP Deputy Leader    Eddie McGuire MP Chief Whip

*Member Party of the Party of European Socialists and Socialist International*



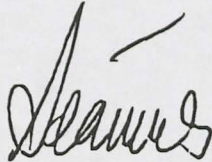
01232521126

## PERSONAL

Bill – drafted by your officials and legislative counsel – and shown to us at Hillsborough. Moreover, in sub-clause (1) of your proposed new clause, reference is made to the “body of constables known as the Royal Ulster Constabulary.” For clarity and consistency, it is essential that the same phrase be used in sub-clause (2). To do otherwise would, in fact, suggest that there is a second name lurking somewhere around.

To avoid any such suggestion I believe that it is also necessary to make certain changes to the wording and punctuation of sub-clause (1). These are apparent in the attached wording for a new clause which would be acceptable to the SDLP.

Sincerely,



SEAMUS MALLON MP

PERSONAL

01232521126

PERSONAL

***Name of the police service in Northern Ireland***

To move the following Clause:-

- “(1) The body of constables known as the Royal Ulster Constabulary shall continue in being as the Police Service of Northern Ireland, which incorporates the Royal Ulster Constabulary.
- (2) The body of constables referred to in sub-section (1) above shall be known for all purposes as the Police Service of Northern Ireland.
- (3) The body of constables known as the Royal Ulster Constabulary Reserve shall continue in being as the Police Service of Northern Ireland Reserve, which incorporates the Royal Ulster Constabulary Reserve.
- (4) The body of constables referred to in sub-section (3) shall be known for all purposes as the Police Service of Northern Ireland Reserve.”

PERSONAL

**CONFIDENTIAL**

**FROM: SUSAN SCHOLEFIELD**  
**SECURITY POLICY AND OPERATIONS DIVISION**  
**6 JULY 2000**

**DESK IMMEDIATE**

cc: PS/Mr Ingram (B&L) - e  
PS/Mr Pilling (B&L) - e  
Mr Jeffrey - e  
Mr Watkins - e  
Mr Hawker - e  
Mr Kelly - e  
Mr Leach - e  
Mr Maccabe - e  
Mr Hannigan - e  
Mr Webb - e  
Mr Sawers, No 10  
(by fax 020 7839 9044)

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

cc: JPo  
MT  
Press

**DRUMCREE UPDATE (TO 7.00 AM THURSDAY 6 JULY 2000)**Security

1. There were more incidents overnight than last night, but of a less serious nature, with trouble building until about 10.30 pm, when it appeared to be switched off. Although the main centres were again Belfast (where troops were deployed on interfaces) and Portadown (where numbers peaked at about 500) there were for the first time crowds (50) and road closures in Londonderry, and also in Limavady. All roads were again open by 7.00 am. The security forces continue to have the situation well in hand and were not stretched.



INVESTOR IN PEOPLE

**CONFIDENTIAL**

2. In Belfast, there were widespread roadblocks and an MSU cleared the Crumlin Road by force; three vehicles were hijacked (at Northwoods, Shankill Road and Deerpark Parade) and youths with guns tried to steal a car on the North Circular. There were UDA/UVF patrols telling pubs and taxis to close on the Newtownards Road, while a four man masked foot patrol with rifles was seen in the Roden Street area. The police came under attack from petrol bomb (Milltown/Shaws Bridge) and blast bombs (three at Mount Vernon) and there were several injuries, none serious. They fired one plastic baton round and made about four arrests. The Army were posted at interfaces and fired three plastic baton rounds at Glenmachan Street.

3. At Drumcree, there was sporadic throwing of stones and fireworks at the RUC and a bonfire lit in front of the block on the bridge. The RUC made an arrest but the situation calmed down after about 10.30 pm when Johnny Adair retired, having made an early appearance on the Hill. The crowd reduced from over 500 to about 100-200 who were mostly peaceful and had dispersed by 1.00 am. Corcrain Road was blocked until 0530 hours.

#### Forward Look

4. At this stage, the RUC intend to deploy 12 units to Drumcree tonight (compared to the 14 deployed overnight). There are 10 Army companies available at Drumcree, mostly standing back.

5. We will keep Ministers closely in touch with any developments on the two UVF prisoners convicted of the Poyntzpass murders who are now on the run after attacking a UVF supporter in Banbridge.



INVESTOR IN PEOPLE

**CONFIDENTIAL**

HL/36941

  
Lines to take

The revised Orange Order application for a march on 9 July at Drumcree is a matter for the Parades Commission. But urge everyone to give serious and genuine consideration to the route map laid out by the Commission.

Then as last night:

Troops have now returned to the streets in parts of Belfast. This is an operational decision to free up police resources.

Troops are not patrolling, but are protecting vulnerable interface sites. This reflects the serious disturbances in these areas. The protection of vulnerable communities remains a top priority.

We have said we will not give way to thuggery, and nor will we. The security forces have the manpower, the equipment and the determination to see the rule of law prevails.

*[Signed: Susan Scholefield]*

**SUSAN SCHOLEFIELD**

SHA ☎ 27028



INVESTOR IN PEOPLE

**CONFIDENTIAL**

FROM: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE  
BLOCK B, CASTLE BUILDINGS  
BELFAST BT4 3SG

Tel Belfast (01232) 520700

Michael Tatham Esq  
Private Secretary to the Prime Minister  
10 Downing Street  
LONDON  
SW1A 2AA

*Ben Davis*  
5 July 2000

*Dear Michael,*

Nigel Dawson, District Secretary of Portadown District LOL No 1, wrote on 1 July to the Prime Minister complaining about the ongoing denial of Portadown District's civil and religious liberties, the alleged failure of the Prime Minister to honour commitments given during 1999 that a march could proceed in future and what they see as new evidence of the failure of the Parades Commission.

I attach a draft reply.

*for* **N P PERRY**

Nigel Dawson Esq  
District Secretary  
Portadown District LOL No 1  
15 Enniscrone Park  
PORTADOWN  
Co Armagh  
BT63 5DQ

DRAFT LETTER FROM THE PRIME MINISTER

Thank you for your letter of 1 July setting out your concerns about the Parades Commission's determination in respect of the 2 July march. I recognise that you will have been further disappointed by the Commission's determination in respect of the 9 July march.

As I said when we met last year, the Parades Commission is an independent statutory body. I have no power to influence their determinations one way or the other. I do however recognise the contribution the Orange Order has made to reducing tension on various occasions in recent years. One example was the dignity with which last year's Parades Commission ruling was received, another the decision in 1997 not to proceed with 12 July parades in a number of potentially sensitive locations.

I had hoped that the positive atmosphere generated last year would be enough to enable a longer term resolution of the Drumcree dispute and I am disappointed that this did not prove to be the case. I think the Parades Commission has also recognised the positive features of last year's experience. Their proposals for an approach which could let LOL No 1 complete its Drumcree march deserve careful consideration.

I know from my discussions with all the main participants the depth of feeling that the parades issue generates, and the complexity of the conflicting rights at issue. While I respect your focus on civil and religious liberties and the right to march, there are other rights at issue too, and I would echo the Parades Commission's emphasis on the need for further engagement with others affected by the march to address their legitimate concerns.

I believe the Parades Commission has worked hard to balance these conflicting rights. With the incorporation of the Human Rights Act, both sides will be able to raise human rights points in court. We believe that this will further strengthen the 'rights based approach' which is at the heart of our policy.

I reiterate my view that the way forward set out by the Commission in their July 3 determination holds out an important route map for LOL No 1 to adopt. I am sure the Commission will do everything they can to assist in bringing this about on the terms they have described, with goodwill and good faith on everyone's part. In the meantime, I cannot believe that violent and unlawful protests, either by Orange members or others supposedly supporting the Order, will do anything but harm the Order's interests, in Portadown and more widely. I hope that this year's parade will pass off as smoothly as last year's, and appeal to you and all your colleagues to do everything possible to avoid tension and violence – violence that can only rebound on the whole community in Portadown and Northern Ireland more generally.

CONFIDENTIAL

Mr Saven Fax

FROM: BILL JEFFREY  
Political Director  
5 July 2000  
BJ/MR/403(L)

JS  
cc: JPO  
MT  
Press.

PS/SECRETARY OF STATE(L&amp;B)

cc See distribution list below

POLICE BILL: NAME OF THE NEW SERVICE: CONVERSATIONS WITH THE  
IRISH, SINN FÉIN AND DAVID TRIMBLE

Although things have now moved on, I ought to record discussions I had yesterday and this morning following the meeting with the Secretary of State yesterday morning on the police name provision.

2. I spoke to Dáithí O'Ceallaigh later in the morning. I explained that Ken Maginnis had tabled an amendment which gave effect to the approach which the Secretary of State had described in favourable terms in the House of Commons some weeks ago. There were also amendments down from the SDLP and from the Conservatives, the latter of which simply preserved the title "RUC". The Secretary of State could see some advantage in exploiting the fact that the UUP were ready to go along with an approach which provided in terms for the new name to be "Police Service of Northern Ireland". It was, as had been said before, no more than a cosmetic change to conceal the fact that the fundamental argument on the retention of the RUC name had been lost. He was therefore inclined to accept Maginnis' amendment, but to bring forward one of his own which would put beyond doubt that the PSNI name was to be used for all practical purposes. We would get copies of both amendments (together with a purely technical one on the police reserve) to O'Ceallaigh through the Secretariat as quickly as possible.

2. Your office also arranged for copies of the amendments to be sent to Gerry Kelly, who rang me early in the afternoon while we were waiting to meet Seamus Mallon. Kelly's message was brief but clear. The approach in the amendments was not Patten, and Sinn Féin would regard it as a breach of the joint statement by the two Governments. I said that we did not share that view. The end result was that Patten

- 1 -

CONFIDENTIAL

BJ/MR/403(L)-5.7.2000

CONFIDENTIAL

would be implemented. The new service would be known as the Police Service of Northern Ireland. Having got his point on the record, Kelly made no attempt to argue it. Instead he asked whether the current amendments meant that the provision in Schedule 6 about the continuance of the body of constables would fall. I said that I thought that it would, and that this, together with the removal of the Secretary of State's order-making power on the name, would be covered in consequential amendments.

3. A little later Dáithí O'Ceallaigh rang in a more excited state than Kelly – having previously warned me that he, Gallagher and Dalton all thought the Maginnis amendment was extremely problematic but would not be able to give us a definitive response until they had consulted their Ministers who were at a Cabinet meeting. Gallagher had now shown the text to the Attorney General. He foresaw huge problems if we adopted it. The Irish Government could certainly not agree it as it stood. We should do nothing without further consultations. I asked whether the Attorney General's concerns were legal or political, and whether other Ministers shared them. It would help us to understand what the problem was. The amendments should not come as any surprise to the Irish, since they were on lines we had now been discussing for quite some time.

4. O'Ceallaigh initially pointed me towards Gallagher, saying that he himself was unfamiliar with the details. But when it transpired that Gallagher was unavailable, he rang me again to say that the view of everyone in the Irish system, including the Foreign Minister, was that the Maginnis amendment would not fly, and that nationalists' support for the Bill would be lost if we adopted it. I pressed again on what the problem was. O'Ceallaigh said that there was a feeling that the amendment virtually meant that the RUC would continue, and that there was a danger of "double titling". I said that we saw no such danger. The effect of the Government amendment was that the title PSNI was to be used for all practice purposes. But I promised to draw the Irish concern to the Secretary of State's attention.

5. In a later conversation with O'Ceallaigh I reported briefly on my call with Kelly and the discussion with the Secretary of State and I had had with Mallon.

- 2 -

CONFIDENTIAL

BJ/MR/403(L)-5.7.2000

CONFIDENTIAL

Mallon in particular had concentrated on the language of the Maginnis amendment, and we had had the impression that if we could meet him on the use of the phrase "known as" rather than "styled" and on a requirement that the PSNI title be used for "all purposes" rather than "operational purposes" (both of which would be extremely difficult) it was possible that he might be content. This was some way from the Irish Government's more fundamentalist position. O'Ceallaigh did not retreat from that position, but said that there might be some mileage in the suggestions Mallon had made, and the Irish Government would be happy for us to carry on negotiating with him.

6. This morning, at the Secretary of State's request, I called on Trimble in the House of Commons. We had a brief discussion which I have already reported to the Secretary of State, which seems to have covered the same ground as a telephone conversation he himself had with Trimble earlier in the morning. I said that there was no question of the Government reneging on the undertakings that had been given to the UUP, but that, in discussions yesterday, the Secretary of State and I had been struck by the fact that, unlike the Irish Government, Mallon had not focussed critically on the element of the Maginnis amendment which preserved the name of the RUC. He had, for example, reacted against the word "styled", and I had the feeling that if we could make some minor changes to the Maginnis amendment of that kind, it was possible that Mallon might come on board. Trimble said that he had already had the same pitch from the Secretary of State, but could not help us. Only John Taylor could do so. Taylor not only had a letter from us, but had extracted one from him as well. He had a feeling that Taylor was abroad.

#### Comment

7. Trimble was affable enough, but I had the feeling that this was because he was secure in the knowledge that we are committed to the text as it is, and that, even if we could reach him, Taylor is unlikely to countenance any change. The Irish Government reaction has been a model of its kind, with everyone – even Ted Barrington to Jonathan Stephens at the US reception yesterday evening – speaking to the same anxious, almost apocalyptic, script. Sinn Féin, as ever, are cooler, and I have a feeling that Kelly's rather studied reference to a breach of the two

- 3 -

CONFIDENTIAL

CONFIDENTIAL

Government's statement is intended to play into, not only their attitude to the new service, but the inevitable haggles in the autumn over the second inspections of arms dumps.

CONFIDENTIAL

Governments statement is intended to play into, not only their attitude to the new service, but the inevitable haggle in the autumn over the second inspections of arms dumps.

[Signed]

BILL JEFFREY

11 Millbank ☎ 6447

Distribution list:

PS/Mr Ingram(L&B)  
PS/Mr Howarth(L&B)  
Mr Pilling  
Mr Watkins  
Mr Leach  
Mr Kelly  
Mr Stephens  
Mr Brooker  
Mr Priestly  
Mr Sawers (No.10)-FAX  
Mr Roberts, HMA Dublin

CONFIDENTIAL



0171-271 2460

Rt Hon The Lord Williams of Mostyn QC

✓  
9 BUCKINGHAM GATE  
LONDON SW1E 6JP

Jonathan Powell Esq  
Chief of Staff  
Prime Minister's Office  
10 Downing Street  
London SW1A 2AA

5 July 2000

*Dear Jonathan,*

On 2 March 1978 Mr John Joseph Fusco lately of 161 Whiterock Road, Belfast, was charged by police with offences of possession of a firearm and membership of a proscribed organisation. On 19 September 1977, Mr Fusco was granted bail by the High Court. On 13 October 1978, he failed to appear for his remand at Belfast Magistrates' Court.

On 24 August 1978, a direction issued from the Department of Public Prosecutions for Northern Ireland to the Chief Constable to prosecute Mr Fusco on indictment for one offence of possession of a rifle and ammunition with intent, one offence of possession of a rifle and ammunition in suspicious circumstances, one offence of possession of a revolver in suspicious circumstances and one offence of belonging to a proscribed organisation.

I have been informed by the Department of Public Prosecutions for Northern Ireland that having consulted with the Royal Ulster Constabulary and having given careful consideration to the evidence currently available the Department has concluded that there is no reasonable prospect of conviction of Mr Fusco in respect of the offences directed on 24 August 1978 for prosecution against him. A direction for no prosecution issued to the Royal Ulster Constabulary on 5 July 2000 and the Department of Public Prosecutions for Northern Ireland has written to the solicitor who was on record for Mr Fusco in 1978 to so inform him.



The decision on Fusco is not an amnesty as if fresh evidence were to emerge, including admissions from Fusco himself, it is possible that the evidential test would have to be reconsidered and a different decision may be reached.

It is not known whether Fusco is wanted for questioning by any police force in the United Kingdom in relation to any other offence or whether his extradition may be sought by another country for any offence but the Department of Public Prosecutions for Northern Ireland is presently unaware of any such interest and has sought information from police in that regard. If there were to be outstanding offences or requests for extradition these would, of course, have to be dealt with in the usual way.

*Yours ever,  
Gordon*

FROM: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE  
BLOCK B, CASTLE BUILDINGS  
BELFAST BT4 3SG

Tel Belfast (01232) 520700

Michael Tatham Esq  
Private Secretary to the Prime Minister  
10 Downing Street  
LONDON  
SW1A 1AA

5<sup>fort.</sup>  
July 2000

*Dear Michael*

You asked for urgent advice on the Taoiseach's request for the Prime Minister to meet Diane Hamill.

There has been a number of recent developments in this case.

Following the announcement on 7 June by John Leckey, HM Coroner for Greater Belfast, that he had decided not to hold an inquest into Mr Hamill's death, my Secretary of State made clear his concerns and asked Anthony Langdon to undertake a review of the case and advise whether a public inquiry is warranted.

The ICPC have said in confidence that the Chief Constable has been asked to consider a disciplinary charge of 'neglect of duty' against the senior officer at the scene of the attack, however this issue has not yet been resolved.

Recent developments have also led to the Chief Constable's decision to re-open the investigation into the behaviour of the officers at the scene, but this decision has not been announced and is not in the public domain.

You will be aware that the Hamill family met the Toaiseach on 8 June to brief him on a number of recent developments on the case. Following this meeting the Toaiseach issued a press release calling for an independent public inquiry Robert Hamill's murder.



In view of the Taoiseach's personal intervention, my Secretary of State believes the Prime Minister should meet Diane Hamill. However, we are not yet in a position to provide any undertakings regarding a public inquiry. Therefore, the Prime Minister may wish to approach the meeting in listening mode.

We will, of course, provide detailed briefing when a suitable date has been finalised. Given that the Prime Minister recently declined to meet the Staff Associations due to diary pressures, we suggest that any meeting with Diane Hamill should not be fixed until after the details of the RUC early retirement scheme have been announced. This is intended to take place during the week commencing 17 July.

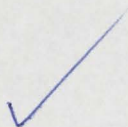
A handwritten signature in blue ink, appearing to read 'Sarah Todd', with a stylized flourish at the end.

**SARAH TODD**



10 DOWNING STREET

pm



Palku

DT has told Peter he doesn't  
care as he will have to negotiate  
with John Taylor, but he doesn't  
think he will get anywhere. Rev  
has Peter returns to the clergy  
with flowers



Northern Ireland Office  
Castle Buildings  
Belfast BT4 3SG

Seamus Mallon Esq MP MLA  
Deputy First Minister  
Northern Ireland Assembly  
Parliament Buildings  
Stormont  
BELFAST  
BT4 3XX

*[Handwritten signature]*

*[Handwritten mark]*  
cc: JP  
MT  
AC  
AS.

5 July 2000

*Dear Seamus,*

I have been reflecting carefully on our conversation about the Police Bill. I take very seriously your concern that you may not be able to support the Bill unless there is complete clarity over the name to be used for the police in future.

As you know, my original intention had been to take a power to determine the name by regulation. But in response to concerns expressed by you and others, I am clear that continuing uncertainty is undesirable and we need to resolve this issue in the Bill itself. We need to do this in a way which implements Patten's proposals that the RUC should not be disbanded, that the link between the RUC and the new police service should be recognised and that the police service should have a new name. We continue to hold to our view, as I announced in January, that the best name is "The Police Service of Northern Ireland".

At report stage, I therefore intend to table the attached new clause. As it presently stands on the Order paper, I believe this would put the issue beyond any doubt. But, having listened to what you said yesterday, I have decided to remove any possible ambiguity by adding an interpretation provision to clause 69 to make clear that "operational purposes" means all the purposes you mentioned yesterday - namely, all working, public, legal and ceremonial purposes.



On your other point concerning "styled" I think "known as" is less satisfactory from your point of view - it suggests to me that while something is "known as" there is a second proper name lurking somewhere around. I do not want such a suggestion to arise and, in the circumstances, I hope you will agree with me that, in this respect, the current proposed wording of the clause should stand.

A handwritten signature in dark ink, appearing to read "Peter Mandelson".

PETER MANDELSON

A handwritten signature in dark ink, appearing to read "J. F. Jones".

## RESTRICTED - POLICY

*Name of the police service in Northern Ireland*

To move the following Clause: -

“(1) The body of constables known as the Royal Ulster Constabulary shall continue in being as the Police Service of Northern Ireland (incorporating the Royal Ulster Constabulary).

(2) The body of constables referred to in (1) above shall be styled for operational purposes the “Police Service of Northern Ireland.

(3) The body of constables known as the Royal Ulster Constabulary Reserve shall continue in being as the Police Service of Northern Ireland Reserve (incorporating the Royal Ulster Constabulary Reserve).

(4) The body of constables referred to in subsection (3) shall be styled for operational purposes “The Police Service of Northern Ireland Reserve”.

Clause **69**, page **33**, line **21**, at end insert -

“operational purposes” means all working, public, legal and ceremonial purposes.

  
**MATRIV**

FROM: SARAH TODD  
5 JULY 2000

Mr Jeffrey - O

*Pa*  
*I am v. nervous*  
*about this.*  
*✓*

*SS*  
*cc: ✓ SP*  
*✓*  
*MT*  
*AC*  
*as.*

**FLAGS**

I have been asked to circulate for comment the attached draft letter which the Secretary of State proposes to issue tomorrow to Northern Ireland Party Leaders if the Assembly does not resolve the flags issue.

*Sarah Todd*

**S TODD**

Private Secretary  
Ext 28112

*✓ what has happened?*

cc: PS/Mr Howarth (B&L) - O  
PS/PUS (B&L) - O  
Mr Watkins - O  
Mr Kelly - O  
Mr Maccabe - O  
Mr Brooker - O  
Mr Crawford - O  
Mr Johnston - O  
Mr Sawers, No 10

## LETTER TO ALL NORTHERN IRELAND PARTY LEADERS

## FLYING OF FLAGS AT GOVERNMENT BUILDINGS

I understand that at the most recent meeting of the Executive Committee there was a discussion of policy on the flying of flags at Government buildings, on the basis of a report from a sub-committee of the Executive. I believe that it did not prove possible to reach agreement.

During the passage of the Flags (Northern Ireland) Order 2000, I indicated that, if such an eventuality arose, I would be willing to use the powers conferred by the Order to make regulations regulating the flying of flags at Government buildings.

As a first step, I am writing to seek your views on the coverage of and content of any regulations. Since the Order requires that, before making regulations, I should refer a draft to the Assembly and consider any report received from them, I do not now expect regulations to be made until after the summer recess. But in drawing up proposals it would help me to have your views.

The issues on which it would be particularly useful to have views are:

- ❖ The extent to which regulation should require or prevent the flying of particular flags;
- ❖ As regards the Union Flag, the nature of any duty under which those responsible for Government buildings should be placed;
- ❖ The days in the year on which there should be an obligation to fly the Union Flag; and

❖ The buildings to be covered by any regulations.

I do not want my own actions to be a substitute for continuing dialogue between local parties and I hope that it still might be possible to promote a consensus on the issue. I believe this is possible to achieve, with a willingness on all sides to arrive at a sensible way forward, and I would encourage everyone to continue to seek this.

I should be grateful if a response to this letter could reach me by the end of August.

PETER MANDELSON

**CONFIDENTIAL - POLICY**

From: PS/Secretary of State  
5 July 2000

cc: See Copy Distribution List

Mr Priestly - O

JS 2  
ce JRO  
MT  
AC/GJ

**POLICE (NI) BILL - MEETING WITH SEAMUS MALLON**

The Secretary of State met Seamus Mallon yesterday in Parliament Buildings to take him through the clause on the Police Service title. Brian Barrington, Mr Jeffrey and I were also present. The meeting towards the end became somewhat acrimonious, with Mallon adamant that the proposed clause was unacceptable to him. A private word between him and the Secretary of State afterwards restored a degree of equilibrium but, as you know, attempts yesterday evening to devise a revised version reflecting Mr Mallon's points while also acceptable to the Unionists could not be progressed due to the unavailability of David Trimble. As a result, after talking to Mr Ingram, it was agreed not to table Government amendments last night and these will now need to be dealt with during Report.

Detail

2. Mr Mallon, after noting that the SDLP had met Adam Ingram the previous day, passed across a note of outstanding issues on the Bill from their perspective which formed the basis of a brief discussion:

❖ Emblems: Mallon and Barrington argued that Patten's 'neutrality' recommendation should be on the face of the Bill. The Secretary of State, after noting that the SDLP amendment went further than Patten, made the point that nothing in the Bill contradicted Patten, the relevant clauses being concerned with how decisions were made rather than what was decided.

❖ Flags: Barrington argued for the SDLP amendment that the Union Flag should not be flown on any police buildings. The Secretary of State said that he understood the SDLP's position, but it was simply too inflammatory to introduce such a provision in Drumcree week. Mallon observed that they had had no control over timing, which the Secretary of State accepted.

**CONFIDENTIAL - POLICY**

- ❖ UN Standards: Mallon observed that this was not an issue to die in the ditch over, and that it should be put to one side for the purposes of this discussion.
- ❖ Appraisal Strategy: The Secretary of State noted that Ministers would be receiving advice on the SDLP proposal that the Police Board should have oversight of the Police Service's appraisal strategy.
- ❖ Majority Decisions: In a fairly vigorous exchange, Mallon and Barrington argued strongly for their suggestion that 8 members of the Board present and voting in favour of initiating an inquiry should carry the day. Mallon maintained that this went to the heart of issues like Hamill and Finucane: if the SDLP were on the Policing Board in the event of such a situation arising again and were unable to obtain an inquiry, they 'were dead'. The Secretary of State acknowledged the point, but made it clear that he would find it extremely difficult to defend such important decisions being taken without a majority of Board members being in favour. He would need to consider whether there was some other mechanism by which the SDLP's concern that Board members abstaining for political reasons could effectively block an inquiry could be met. [I would be grateful to know if **the Patten Team** have had any thoughts on this arising from their discussions with the SDLP.]
- ❖ Criteria for halting Inquiries: Mallon explained that their concern here was about the use of repeated investigations to stop formal inquiries. The Secretary of State pointed out that 'repetitious' here was being used in a quite different context, and suggested that the SDLP wait to see HMG's proposed amendment.
- ❖ Ombudsman: The Secretary of State made clear that HMG's position, which the Ombudsman herself supported, would remain unchanged.
- ❖ Oversight Commissioner: The Secretary of State confirmed that the Commissioner would oversee the process of police reform. This would be the programme which Parliament had agreed. He could monitor what he

**CONFIDENTIAL - POLICY**

**CONFIDENTIAL - POLICY**

liked but he could not require things to happen that did not have Parliamentary approval. He certainly would not be conducting any general oversight of policing, which were matters for the Policing Board and the Ombudsman. Barrington maintained that Constantine had expressed concerns about being 'constrained', but was unable to provide details when pressed by the Secretary of State. (Mallon commented in passing, a little ungraciously, that he would not have chosen Constantine, who seems to have 'a rather large ego'.)

3. The discussion then turned to the issue of the name. The Secretary of State took Mallon through the clause and the rationale for it: the title of the new service would be PSNI; Trimble and Maginnis now accepted that this would be the title for all practical purposes; at the same time HMG wished to make it clear, in line with Patten, that the RUC was not being disbanded; Maginnis' amendment was defective and would have to be corrected, which would also provide the opportunity to make it absolutely clear that PSNI would be the title effectively for all purposes. The SDLP amendment did not address the non-disbandment point, while there were harder line proposals from the official opposition and Hunter/Thompson. By amending Maginnis' amendment there was a real prospect of separating the Unionists from the Conservatives.

4. Mallon replied that the clause was unacceptable. 'Styled' should be replaced by 'known as', and 'operational purposes' by 'all purposes'. The Secretary of State explained that HMG's amendments would achieve this, but in a way that would help the Unionists overcome their deep-rooted opposition to the proposal. Mallon argued that this was not how it would appear to their supporters, or how it would be presented by others. He agreed that Sinn Fein had no intention of endorsing the Bill or supporting the new Police Service. He was not prepared to put the SDLP in a no win situation which Sinn Fein could exploit. A circular discussion along these lines continued for a short while, with some increasingly sharp exchanges. The Secretary of State then adjourned the meeting for a brief political conversation with Mallon.

5. In light of this discussion, and the clear indications that the Irish Government were upping the ante on the issue, presumably in conjunction with Sinn Fein, the Secretary of State concluded that it would be best if possible to get Mallon on board for our overall approach by amending the clause, if this could be done without losing the Unionists. You and legal advisers rapidly came up with some options. As Trimble was in transit, however, it was not possible to run these past him, and the Secretary of

**CONFIDENTIAL - POLICY**

**CONFIDENTIAL - POLICY**

State decided that it would not therefore be possible to show Mallon in writing what an amended clause might look like, as he had requested. After speaking to Mr Ingram at around 7.15 pm, it was agreed that the Government amendment should not be tabled that evening. The Secretary of State noted that we would need to consider how to handle the Maginnis amendment, which was to be pressed to a vote.

6. The Secretary of State had a brief phone conversation with David Trimble earlier this morning, primarily about Drumcree. The discussion of the Bill was acrimonious, with Trimble accusing the Secretary of State of preparing to 'betray' him over the title. He concluded by saying that it was not he (Trimble) that HMG needed to convince but John Taylor, who had received letters not only from the Secretary of State but from Trimble also. (Taylor is thought to be out of the country: the Secretary of State is not at the moment minded to try and track him down.)

*Nick Perry*

**N P PERRY**

PS/Secretary of State

☎ (B) 28110

(L) 6462

- cc: PS/Secretary of State (B&L) - O  
PS/Mr Ingram (B&L) - O  
PS/Mr Howarth (B&L) - O  
PS/Mr Pilling (B&L) - O  
Mr Watkins - O  
Mr Jeffrey - O  
Mr Leach - O  
Mr Kelly - O  
Mr Sawers, No 10

**CONFIDENTIAL - POLICY**

TOTAL P.05



0171-271 2460

Rt Hon The Lord Williams of Mostyn QC

9 BUCKINGHAM GATE  
LONDON SW1E 6JP

Jonathan Powell Esq  
Chief of Staff  
Prime Minister's Office  
10 Downing Street  
London SW1A 2AA

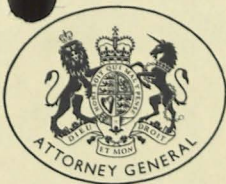
5 July 2000

*Dear Jonathan,*

On 2 March 1978 Mr John Joseph Fusco lately of 161 Whiterock Road, Belfast, was charged by police with offences of possession of a firearm and membership of a proscribed organisation. On 19 September 1977, Mr Fusco was granted bail by the High Court. On 13 October 1978, he failed to appear for his remand at Belfast Magistrates' Court.

On 24 August 1978, a direction issued from the Department of Public Prosecutions for Northern Ireland to the Chief Constable to prosecute Mr Fusco on indictment for one offence of possession of a rifle and ammunition with intent, one offence of possession of a rifle and ammunition in suspicious circumstances, one offence of possession of a revolver in suspicious circumstances and one offence of belonging to a proscribed organisation.

I have been informed by the Department of Public Prosecutions for Northern Ireland that having consulted with the Royal Ulster Constabulary and having given careful consideration to the evidence currently available the Department has concluded that there is no reasonable prospect of conviction of Mr Fusco in respect of the offences directed on 24 August 1978 for prosecution against him. A direction for no prosecution issued to the Royal Ulster Constabulary on 5 July 2000 and the Department of Public Prosecutions for Northern Ireland has written to the solicitor who was on record for Mr Fusco in 1978 to so inform him.



The decision on Fusco is not an amnesty as if fresh evidence were to emerge, including admissions from Fusco himself, it is possible that the evidential test would have to be reconsidered and a different decision may be reached.

It is not known whether Fusco is wanted for questioning by any police force in the United Kingdom in relation to any other offence or whether his extradition may be sought by another country for any offence but the Department of Public Prosecutions for Northern Ireland is presently unaware of any such interest and has sought information from police in that regard. If there were to be outstanding offences or requests for extradition these would, of course, have to be dealt with in the usual way.

Yours ever,  
Gordon

CONFIDENTIAL

*Temporarily retained*

THIS IS A COPY. THE ORIGINAL IS  
RETAINED UNDER SECTION 3 (4)  
OF THE PUBLIC RECORDS ACT

From: Jonathan Powell

Date: 5 July 2000

PRIME MINISTER

cc: John Sawers

NORTHERN IRELAND

I attach a letter from Adams.

He has called me several times complaining about lack of progress, and how hard it will be to sell a further CBM to his activists when we are seen to have reneged on our promises. I have been able to give him one further case, John Fusco (see attached letter from Attorney General).

I have arranged to meet him on 19 July in Belfast. He wants to know then what we are going to do on OTRs at the end of July, when we are going to move the legislation on disqualification and House of Commons facilities and whether we are going to take further steps on de-militarisation.

At the moment I will be going there to face charges of reneging on our promises and with very little good news to give him. Peter's view is they do not want to do any more on decommissioning anyway and they are just looking for excuses not to proceed. I am worried that we are giving them the excuses to pull the second CBM in September or at least make a real drama out of it. I suspect they do have problems with their people, who will be saying look, we told you the perfidious Brits would cheat and fail to deliver once we had delivered the CBM.

On Patten we will be alright if we can get SDLP support crucially on the name. If not, that will give Sinn Fein an excuse.

On OTRs I doubt we are going to get Rita O' Hare or indeed any other cases before August. All we will be offering is legislation some time next year to allow some of the OTRs to come back and to drop the extradition cases. That puts us in the ridiculous position that if these people came home now and went to jail most of them would be out by the end of July. But if they go down this route they can't come back for at least another couple of years.

On demilitarisation I have bullied the army into doing Crossmaglen at the beginning of August and they have done the recce we asked for. But we will need further steps in September, including in South Armagh, which we should be planning now.

CONFIDENTIAL

CONFIDENTIAL

- 2 -

And on legislation the business managers do not plan to move either of the measures till the spill-over in October.

The only way to resolve all this will be for you to speak to Peter. I suggest we should aim for:

- ✓ - motion on House of Commons facilities before the summer break and announcement that the disqualification bill will be moved in the Lords in October,
- ✓ - Peter to talk to military about further demilitarisation measures for late September if further CBM has happened.
- ✓ - OTRs: Peter and AG to discuss some way to ensure that this can be resolved by the end of July, so that people are not worse off than if they came back.
- Patten: get SDLP on board.

Perhaps you could mention these points to him when you speak to him over the weekend.

JP ✓  
JONATHAN POWELL

CONFIDENTIAL

N I O REGISTRY: **RESTRICTED**

**FROM: SUSAN SCHOLEFIELD**  
**SECURITY POLICY AND OPERATIONS DIVISION**  
**5 JULY 2000**

**DESK IMMEDIATE**

cc: PS/Mr Ingram (B&L) - e  
PS/Mr Pilling (B&L) - e  
Mr Jeffrey - e  
Mr Watkins - e  
Mr Hawker - e  
Mr Kelly - e  
Mr Leach - e  
Mr Maccabe - e  
Mr Webb - e  
Mr Moody - e  
Mr Sawers, No 10  
(by fax 020 7839 9044)

*E JPO*  
*MT*

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

**DRUMCREE UPDATE (AS OF 0700 HOURS WEDNESDAY 5 JULY 2000)****Security**

1. All roads are now open, although there were 104 blockages at various times overnight (particularly by women and children) and vehicles hi-jacked and set on fire. Trouble was fairly widespread, but particularly centred on Belfast and Drumcree, where total numbers peaked at about 500 and the police deployed water cannon. Whilst there was some deterioration in the situation compared to last night, the security forces remain well in control. No RUC Commanders requested additional forces and the Army has not yet been deployed in significant numbers to support the police.



INVESTOR IN PEOPLE

**RESTRICTED**

HL/

N I O REGISTRY: **RESTRICTED**

2. In Belfast there were four shooting incidents and the police returned fire in two of them. One plastic baton round was fired when a police vehicle was rammed in Cambrai Street. There were a couple of vehicles hi-jacked (Glenmachan Street, Lower Castlereagh Road) and the Sydenham by-pass was blocked. The police were petrol bombed in Cambrai Street and a petrol bomber was struck by a police landrover in Glenmachan Street. They made three arrests.

3. At Portadown, where numbers peaked at some 500, the focus was on Drumcree Bridge. The police came under attack from acid syringes and three blast bombs. Twenty-four police officers were injured. They used water cannon to create distance and have so far made four public order arrests.

#### Forward Look

4. In Drumcree, the security forces intend to put the crowd control obstacles and other physical security measures in place today. Fourteen RUC mobile security units will be deployed tonight as last night.

5. In Belfast, there is a march tonight by the Ballynafeigh District (5 bands, 650 people expected). It has been confined to the Upper Ormeau Road, and has been associated with trouble in the past.

#### Public Information

6. Following up the Chief Constable's interviews yesterday, today the RUC intend to show the range of offensive weapons used against the police.



INVESTOR IN PROPR.

**RESTRICTED**

N I O REGISTRY **RESTRICTED**

The Army will follow up tomorrow by a briefing for selected correspondents to Mahon road barracks to show the extent of the forces still in reserve.

Lines to take

- Deplore and condemn violence overnight. This does nothing but harm to the Orange Order and damage to everyone's well-being in Portadown and more widely in Northern Ireland.
- The Parades Commission have indicated clearly the way forward to restore calm and achieve local agreement. Urge the Orange Order to give the most serious consideration to what the Commission and its Chairman, Tony Holland, have proposed.
- Overnight, the security forces have been subject to petrol and blast bombs, fireworks, catapults firing ball bearings, acid syringes and laser pointers [as used in presentations]. This is thuggery.
- Nevertheless, all roads are now open. The security forces are resolute and have the situation in hand.

If yesterday's show of strength by Johnny Adair and LVF raised

- As the Chief Constable has said, he is giving these issues careful consideration. I understand he is preparing advice.

*[Signed: Susan Scholefield]*

**SUSAN SCHOLEFIELD**

SHA ☎ 27028



INVESTOR IN PEOPLE

**RESTRICTED**

HL/

FROM **BRIAN SMITH**  
**DUTY OFFICER**  
**5 JULY 2000**

TO: **PS/SECRETARY OF STATE (B&L)**

Copies to:

PS/Mr Ingram (B&L)  
PS/Mr Howarth (B&L)  
PS/PUS (B&L)  
PS/Mr Semple  
Mr Watkins  
Mr Jeffrey  
Mr Halward  
Mrs Brown  
Mr Leach  
Mr Kelly  
Mr White  
Mr Stephens  
Miss Scholefield  
Mr Lindsay  
Mr Maccabe  
Mrs Collins

Mr Jackson  
Liaison  
Director  
Mr Crawford  
Mr McCusker  
Mr Brooker  
Mr Priestly  
Mr Snowdon  
Mr Keown  
Parly Section  
Mr Sloan  
Mr Stevenson  
Ms Turner, BIS via RIR  
Mr Margetts  
Mrs Todd  
Mrs Sear

Mr McCourt  
Ashley Ray  
Dr J Milligan (DAD)  
Ms C Tuhey (DAD)  
Mr D Brett (DAD)  
Ms J Wilkinson  
Central Press Office  
Mr Marsden  
SPOB  
Mr Gilbert  
Ms Rogers  
Mr J Carron  
Mr E Kingsmill  
Ms C Salters

By Fax

Mr J Sawers, No 10 - 020 7839 9044

*cc JPS  
MT*

**SITUATION REPORT FOR THE PERIOD:**

**0700 HOURS TUESDAY 4 JULY TO**  
**0700 HOURS WEDNESDAY 5 JULY 2000**

**SECURITY**

**Drumcree related incidents**

**Gtr Belfast**  
**1728 hrs**

2 x roads blocked at Donegall Pass at junction Ormeau Road.  
50 peaceful protesters. Crumlin Road at junction Agnes Street and Cliftonpark Avenue – will disperse in 1 hour.

**Drumcree**  
**1950 hrs**

100 x protesters – all quiet – no violence at present.

**Gtr Belfast**

Roads blocked – Crumlin Road, West Circular Road, Ballygomartin Road, Woodvale Road, Shore Road, Castlereagh Road and Doagh Road, Newtownabbey. Mainly women and children – peaceful. RUC say protests appear to be orchestrated.

**RUC Sitrep**  
**2110 hrs**

As before – numerous roads in Gtr Belfast blocked – no violence. Remainder of Province relatively quiet.

250 protesters on Drumcree Hill and further 250 on Corcrain Road making towards Hill.

2 x police water cannons being held in reserve at Shillington Bridge, Portadown.

**RESTRICTED**

RESTRICTED  
01232 527897**Greymarey**  
**2143 hrs**

20 persons protesting outside home of Mr Martin (member of Parades Commission). Dispersed quietly after 1 hour.

**RUC Sitrep**  
**2210 hrs**

At 2155 hrs an anon male called Samaritans, claimed to represent UVF and stated a grenade had been thrown at home of James McCarry (local SF Rep). Failed to explode. RUC at scene.

At 2208 hrs - 1 x Tesco artic lorry hijacked and burned at Glenmachan Street, Belfast. Driver uninjured. Road blocks continue in Greater Belfast, Carryduff, Armagh, Castlederg.

**RUC Sitrep**  
**2235 hrs**

At 2228 hrs water cannon deployed and used at Drumcree. Paul Berry MLA criticised and condemned action of RUC with water cannon.

**Army Sitrep**  
**2325 hrs**

2 x shooting attacks. 3 shots fired at RUC at Denmark Street, Carlisle Circus - none returned. 5 shots at RUC at Shankill Road - RUC returned 6. Permission granted to use PBRs in Belfast. 4 x arrests at Drumcree.

**South Belfast**  
**0050 hrs**

1 car hijacked and burned at Milltown Road, Belvoir. RUC closed road 0130 hrs. Re-opened 0530 hrs.

**West Belfast**  
**0101 hrs**

8 petrol bombs at RUC and 1 RUC vehicle rammed. 1 x PBR fired. 1 x member of public claimed to be hit - minor injuries.

**East Belfast**  
**0106 hrs**

100 persons rioting and attacking RUC Lower Newtownards Road/Bryson Street interface. 1 x blast bomb thrown. Petrol bombs into grounds of St Matthew's Chapel. Chapel gates alight.

**Carryduff**  
**0130 hrs**

1 x van hijacked and burned.  
0414 - road cleared.

**West Belfast**  
**0135 hrs**

6 further shots fired at RUC at Denmark Street

**South Belfast**  
**0231 hrs**

Car hijacked and burned near QUB.

**0300 hrs**

1 x hijacked vehicle recovered by RUC at Westlink.

**Armagh**  
**0520 hrs**

Search at Monaghan Road uncovered 1 x long-barrelled weapon. ATO tasked.

**East Belfast**  
**0541 hrs**

Newtownards Road reported quiet. 1 x arrest Albertbridge Road.

**South Belfast**  
**0558 hrs**

Donegall Road reported quiet.

**East Belfast**  
**0619 hrs**

Army moved in to clear debris - Newtownards Road.

**Dungannon**  
**0619 hrs**

Resident of Gortnasaor discovered suspect device - biscuit tin with wires protruding. RUC at scene.

RESTRICTED

PRISON

All quiet.

Sgd

B SMITH

RESTRICTED

N I O REGISTRY **RESTRICTED**

**FROM: SUSAN SCHOLEFIELD**  
**SECURITY POLICY AND OPERATIONS DIVISION**  
**4 JULY 2000**

**DESK IMMEDIATE**

*Pay*  
*✓*  
*no sec.*  
*✓*

cc: PS/Mr Ingram (B&L) - e  
PS/Mr Pilling (B&L) - e  
Mr Jeffrey - e  
Mr Watkins - e  
Mr Hawker - e  
Mr Kelly - e  
Mr Leach - e  
Mr Maccabe - e  
Mr Webb - e  
Mr Sawers, No 10  
(by fax 020 7839 9044)

*cc JP*  
*MT*  
*AC*  
*CS.*

PS/Secretary of State (B&amp;L) - e

**DRUMCREE UPDATE (AS OF 0730 HOURS TUESDAY 4 JULY 2000)**Security

1. The detail of last night's incidents in Portadown, Belfast and elsewhere was reported by the Duty Officer. This update offers an overall assessment and forward look until the response team meets again at 0430 hours.
2. Roads remain open, all public services are functioning fully. There were sporadic disturbances overnight, but gatherings of over 50 at only 2 or 3 places: in Portadown at the Drumcree Bridge (some 200) and in the Corcrain Estate; Ardoyne in Belfast. This level of disturbance is well within the capability of the security forces.



INVESTOR IN PEOPLE

**RESTRICTED**

N I O REGISTRY **RESTRICTED**

3. Another perspective is that there were also numerous house parties across Belfast, as young people start to enjoy the bonfire season and prepare to go off on holiday with money in their pockets.

4. Specifically in Portadown, the RUC deployed 16 units overnight, the Army three companies in Drumcree, two in Portadown and one in the surrounding area (8 remained held in reserve). There was no trouble at the Dungannon Roundabout or in the Craigwell Avenue. The nationalist Corcrair Mews was protected by two police units but all remained quiet - and under observation by Breandan MacCionnaith and international observers looking down from Ballyoran. Nevertheless, there is likely to be continuing concern about the safety of isolated nationalist communities.

5. Johnny Adair's convoy of pre-booked Ulsterbuses was corralled and searched at the Dungannon Roundabout, where Adair was held back. Police are investigating the identity of the 50 men in white tee-shirts with the UFF banner. Once whistles were blown, they withdrew. Total numbers at Drumcree peaked at around 200, with a hard core of some 50 remaining at 2300 hours when the security forces moved in to clear Drumcree Hill (this would suggest the UFF banner brought out few local "respectable" supporters).

6. The RUC would plan to deploy 14 units tonight (two less than last night), with Army levels remaining the same and still no plans to set up crowd control obstacles and other defences until Wednesday at the earliest. All these arrangements are of course kept under review in the light of developments.



INVESTOR IN PEOPLE

**RESTRICTED**

N I O REGISTRY **RESTRICTED**Press Coverage

7. Response to the Parades Commission determination has been generally positive, including in this morning's News Letter. Media focus on developments overnight may tend to give a worse impression than the security forces would judge; the appearance of the UFF banner may have the effect of making respectable folk locally pause for thought.

Lines to Take

8. As circulated last night. If necessary, for defensive purposes only:

- Secretary of State keeps the status of all ceasefires under continual review and receives regular security briefings from the Chief Constable and his senior security advisers.

*[Signed: Susan Scholefield]*

**SUSAN SCHOLEFIELD**

SHA ☎ 27028

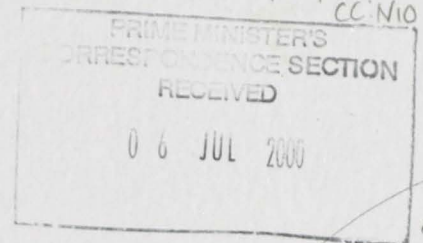


INVESTOR IN PEOPLE

**RESTRICTED**



GERRY ADAMS MP  
SINN FÉIN  
PRESIDENT



Free

Burke?

JS  
cc. JP  
MT  
AK  
AS.

4 July 2000

Tony Blair MP  
Prime Minister  
10 Downing Street  
London

A Chara

Tony

I am writing to place on the record my concern about the slowness in implementing a number of issues which were agreed between us at Hillsborough in May of this year.

I am particularly concerned that there has been very little progress on the issue of OTR's. You will recall that I was asked to submit a list of upwards of 20 names and there was a commitment that these would be sorted out within a month. Two months have now passed and only two cases have been resolved. I have been in regular contact with Jonathan about this and while there is no doubt that he is doing his best the situation is totally unsatisfactory and causing difficulties for me and for the process.

There are similar problems around demilitarisation where there appears to be a minimalist approach.

There is a need also for the issue of outstanding prisoner releases to be resolved. A number of names have been submitted to Jonathan.

And finally there is the issue of facilities for Sinn Féin MP's at Westminster. We have yet to see any movement on this.

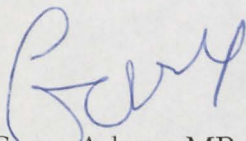
I have arranged to see Jonathan on these issues. I am particularly concerned to developing a common view of how the next few months can be managed in terms of the advancement of the peace process. He tells me that your government is endeavouring to deal with the OTR issue in a comprehensive way during July.

There remains also the outstanding matters around the Patten recommendations.

So as you may guess, the unresolved nature of all of these matters in the wake of the IRA delivering on its commitments sends entirely the wrong signal to those republican activists who have been positive in their support for the peace process. It appears to many of them that your government is not keeping its side of the deal.

I would be relieved therefore if you could give these matters your urgent attention.

Is mise

A handwritten signature in blue ink, appearing to read 'Gerry', with a stylized flourish at the end.

Gerry Adams MP

**CONFIDENTIAL**

From: PS/Secretary of State  
04 July 2000

cc: See Copy Distribution List

✓ SP  
SS  
MT  
AC  
GS

Mr Watkins - O

### **DRUMCREE - MEETING WITH DAVID TRIMBLE**

The Secretary of State last night met David Trimble, accompanied by David Campbell, at Hillsborough. You, Ms Scholefield and (for part of the meeting) Mr Jeffrey were all also present. The meeting began with strong criticism by Trimble of the Parades Commission's latest determination, but developed into a more constructive discussion of how the Orange Order could be encouraged not to reject the Commission's proposals out of hand.

#### Detail

2. Trimble began by saying the situation was 'bloody awful'. The moderates in Portadown felt bitterly disappointed and betrayed by the determination. A solution had been in the frame two weeks ago but since then things had gone downhill. He put this down to particular individuals in the Commission pursuing their own agendas. The outcome of meetings between representatives of Portadown District (Monteith, accompanied by Campbell) and Tony Holland and David Hill had not been reported back accurately to the full Commission. They had been working on a possible sequence, including direct contact between the Portadown District and the Commission before a march and dialogue with the residents through a forum afterwards, but their most recent meeting had been presented very negatively to the other Commissioners.

3. The Secretary of State asked whether there had been anything to suggest that this proposal had been sellable to the residents. Campbell thought that there were those who had been prepared to give it a shot, including Brian Currin. Trimble acknowledged that the weakest part of the proposal had been whether there was enough in it to obtain the acquiescence of the residents and to allow MacCionnaith to be bypassed. Holland had always said he was not sure whether he could carry the Commission but it appeared he had not tried to do so. He maintained now that

**CONFIDENTIAL**

~~CONFIDENTIAL~~

there had been a misunderstanding over the proposed sequence and that he had expected the Portadown District to take the initiative, whereas they had been waiting for the Commission to move first. The problem had only become clear when people had seen the terms in which the 2 July determination had been couched. He (Trimble) had been encouraging Monteith, who was very angry, not to reject the determination out of hand, but with little success to date.

4. The Secretary of State noted that the determination offered the prospect of a deferred march, which from the Order's point of view was progress. Trimble accepted this. The determination contained a number of ambiguities and lacked clarity in key respects but it could provide a way forward if clarified. It contained, however, some critical flaws. For example, it reinforced MacCoinnaith's veto by making subsequent marches dependent on agreement, whereas under the earlier proposal the Commission would have monitored negotiations in the forum and taken the nature of the parties' engagement into account when deciding future marches. This formulation gave MacCionnaith all the cards, and came close to the Commission illegally fettering its discretion. In addition, the Order could not guarantee that there would be no further protests, as this did not lie within their gift. And the implication in the determination that Harold Gracey's vigil should end immediately was too abrupt. If the District could be encouraged to engage in dialogue with the Commission some of this could be clarified, but his concern was that Portadown might close off their options at their meeting tonight. Monteith was saying that Currin also was unhappy, though they only had his word for this.

5. The Secretary of State wondered whether it would be worth his speaking to Monteith. Trimble thought it could do no harm. If the determination could be clarified, then Monteith would be a key figure in selling it - he had encouraged the District to engage with both the Commission and the residents. The Secretary of State at this point left the meeting to speak to Richard Monteith on the phone. Monteith was very negative, claiming that the Commission had betrayed him and his colleagues, that he saw very little chance of dissuading the District from rejecting the determination outright, and that there was a real risk of serious trouble (including the possibility, he mentioned, of blast bombs being thrown at the police). The Secretary of State strongly encouraged him to read carefully what the Commission had said and to recognise that there were some positive elements for

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

the District which could be built on, particularly the fact that it was the Commission itself that was now holding out the prospect of a march. The Order should be trying to bring about the circumstances in which the Commission would deliver on its undertaking. The District had to look beyond the end of their noses, or the initiative would always remain with MacCionnaith. Monteith should reflect on what he had said, and invite Harold Gracey and other colleagues to do likewise.

6. When the Secretary of State recounted this conversation to Trimble, the latter noted that now was not the easiest time for cool thinking. The Commission's idea as it stood was not quite right. He would be seeing them the following morning to point this out, and he would continue to encourage Monteith to engage direct with them. The Commission had to be prepared to show a degree of flexibility. They might need to flesh out their proposals eg by drawing up a detailed timetable. The Secretary of State agreed that it would be helpful if the Commission could show flexibility; they were not helped in this, however, by calls by Gracey and others for people to come out onto the streets. Trimble agreed that this had been stupid. Gracey would take the line of least resistance within the District. The task now was to provide an alternative way forward. The Secretary of State commented that, if it would help, he would be prepared to speak to the Portadown District, but only in a situation where they were actively considering the Commission's proposal or some variant on it. Trimble said that they would report back after their meeting with the Commission this morning.

7. Later the Secretary of State had a brief conversation with Tony Holland. Holland thought things were going as well as might have been expected. He was 'semi-optimistic'. He confirmed that not every element of the determination should be read literally (eg an immediate end to Gracey's vigil). He had been slightly encouraged by MacCionnaith's response to the determination but disappointed by Gracey's. The Secretary of State, welcoming the Commission's proactive approach, noted that on the Orange side in particular they were dealing with some very literal minded people. It would take a degree of ingenuity and flexibility on the Commission's part to encourage them down the path being laid out for them. There could, for example, be scope for the Commission to explain informally where there might be room for movement. Holland agreed strongly, and said that he would ask Roy Magee to get in touch with his contacts to try to spark some kind of dialogue.

**CONFIDENTIAL**

~~CONFIDENTIAL~~

The Secretary of State then spoke again briefly to Monteith and said that he was now even surer than before that the Commission was more flexible than the Lodge might have feared. For the reasons he had already explained he was convinced that it would be a grave mistake for the District to reject the proposal out of hand. At the very least they should pause to reflect. Monteith, while still pessimistic, said he would do his best.

*Nick Perry*

**N P PERRY**

PS/Secretary of State

- ☎ (B) 28110

(L) 6462

cc: PS/Secretary of State (B&L) - O  
PS/Mr Ingram (B&L) - O  
PS/Mr Howarth (B&L) - O  
PS/Mr Pilling (B&L) - O  
Mr Jeffrey - O  
Mr Leach - O  
Mr Maccabe - O  
Mr Kelly - O  
Mr Hawker - O  
Ms Scholefield - O  
Mr Brooker - O  
Mr Sawers, No 10

CONFIDENTIAL

N I O REGISTRY **RESTRICTED**

**FROM: SUSAN SCHOLEFIELD**  
**SECURITY POLICY AND OPERATIONS DIVISION**  
**4 JULY 2000**

**DESK IMMEDIATE**

cc: PS/Mr Ingram (B&L) - e  
PS/Mr Pilling (B&L) - e  
Mr Jeffrey - e  
Mr Watkins - e  
Mr Hawker - e  
Mr Kelly - e  
Mr Leach - e  
Mr Maccabe - e  
Mr Webb - e  
Mr Sawers, No 10  
(by fax 020 7839 9044)

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

cc: XP  
MT  
AC  
AS.

**DRUMCREE UPDATE (AS OF 0730 HOURS TUESDAY 4 JULY 2000)****Security**

1. The detail of last night's incidents in Portadown, Belfast and elsewhere was reported by the Duty Officer. This update offers an overall assessment and forward look until the response team meets again at 0430 hours.
2. Roads remain open, all public services are functioning fully. There were sporadic disturbances overnight, but gatherings of over 50 at only 2 or 3 places: in Portadown at the Drumcree Bridge (some 200) and in the Corcrain Estate; Ardoyne in Belfast. This level of disturbance is well within the capability of the security forces.



INVESTOR IN PEOPLE

**RESTRICTED**

N I O REGISTRY **RESTRICTED**

3. Another perspective is that there were also numerous house parties across Belfast, as young people start to enjoy the bonfire season and prepare to go off on holiday with money in their pockets.

4. Specifically in Portadown, the RUC deployed 16 units overnight, the Army three companies in Drumcree, two in Portadown and one in the surrounding area (8 remained held in reserve). There was no trouble at the Dungannon Roundabout or in the Craigwell Avenue. The nationalist Corcrain Mews was protected by two police units but all remained quiet - and under observation by Breandan MacCionnaith and international observers looking down from Ballyoran. Nevertheless, there is likely to be continuing concern about the safety of isolated nationalist communities.

5. Johnny Adair's convoy of pre-booked Ulsterbuses was corralled and searched at the Dungannon Roundabout, where Adair was held back. Police are investigating the identity of the 50 men in white tee-shirts with the UFF banner. Once whistles were blown, they withdrew. Total numbers at Drumcree peaked at around 200, with a hard core of some 50 remaining at 2300 hours when the security forces moved in to clear Drumcree Hill (this would suggest the UFF banner brought out few local "respectable" supporters).

6. The RUC would plan to deploy 14 units tonight (two less than last night), with Army levels remaining the same and still no plans to set up crowd control obstacles and other defences until Wednesday at the earliest. All these arrangements are of course kept under review in the light of developments.



INVESTOR IN PEOPLE

**RESTRICTED**

N I O REGISTRY **RESTRICTED**Press Coverage

7. Response to the Parades Commission determination has been generally positive, including in this morning's News Letter. Media focus on developments overnight may tend to give a worse impression than the security forces would judge; the appearance of the UFF banner may have the effect of making respectable folk locally pause for thought.

Lines to Take

8. As circulated last night. If necessary, for defensive purposes only:

- Secretary of State keeps the status of all ceasefires under continual review and receives regular security briefings from the Chief Constable and his senior security advisers.

*[Signed: Susan Scholefield]*

**SUSAN SCHOLEFIELD**

SHA ☎ 27028



INVESTOR IN PEOPLE

**RESTRICTED**

HL/36894

760180 **RESTRICTED**

**FROM: STEPHEN WEBB**  
**SECURITY POLICY AND OPERATIONS DIVISION**  
**4 JULY 2000**

**DESK IMMEDIATE**

cc: PS/Mr Ingram (B&L) - e  
PS/Mr Pilling (B&L) - e  
Mr Jeffrey - e  
Mr Watkins - e  
Mr Hawker - e  
Mr Kelly - e  
Mr Leach - e  
Mr Maccabe - e  
Mr Webb - e  
Mr Sawers, No 10  
(by fax 020 7839 9044)

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

**DRUMCREE UPDATE (AS OF 1800 HOURS TUESDAY 4 JULY 2000)****Security**

1. During the afternoon, there have been reports of sporadic roadblocks in Loyalist areas of Belfast, with the Crumlin Road, Milltown Road and Ravenhill Road particularly targeted and one vehicle hijacked and set alight in the North Queen Street area.
2. Elsewhere in Northern Ireland, a blast bomb was found outside the home of a Catholic in Dungannon. Portadown has been quiet. The police swept the field, and found a number of suspect devices, catapults, ball bearings and sharpened metal sheets. There have been a number of arrests during the day, and petrol bombs seized.

**Forward Look**

3. Up to yesterday morning there had been a total of 20 roadblocks, while in the day to 0600 today there were an additional 48. The security forces expect trouble to



INVESTOR IN PEOPLE

**RESTRICTED**

760180 **RESTRICTED**

continue tonight, particularly in the Greater Belfast area. Reports suggest plans to extend roadblocks in a number of other areas in South and North Belfast, while vigilante gangs may patrol in UDA dominated areas of South Belfast to prevent attacks on property. There are reports of PIRA plans to attack loyalists or the security forces in the event of 'incursions' into Nationalist areas of Dungannon and Lurgan.

4. The two Belgian water cannons are arriving at Drumcree tonight, and may be deployed by the bridge. The police intend to deploy 14 MSUs tonight (about 400 officers), compared with 16 yesterday.

#### Press Reporting

5. The Chief Constable appeared on the evening news, calling for calm and committing the RUC to do all it could to prevent widespread disruption. On Adair, Sir Ronnie Flanagan commented that he was examining carefully the action of organisations and individuals, and would be briefing the Secretary of State, who may need to take decisions.

6. The Army are considering taking selected correspondents to Mahon Road barracks to show the extent of the forces still in reserve.

sgd

**STEPHEN WEBB**

SHA ☎ 27028



INVESTOR IN PEOPLE

**RESTRICTED**

CONFIDENTIAL

The Rt Hon the Lord Williams of Mostyn QC

9 BUCKINGHAM GATE  
LONDON SW1E 6JP



020-7271 2460

The Rt Hon Peter Mandelson MP,  
Secretary of State for Northern Ireland,  
Northern Ireland Office,  
11 Millbank,  
London,  
SW1P 4PN.

*JS*  
*DP*  
*CS*  
*cc*

4<sup>th</sup> July 2000

*Dear Peter,*

**ROISIN McALISKEY**

Thank you for your letter of 30<sup>th</sup> June faxed to me this morning.

In the light of your comments on the sensitivities that arise in Northern Ireland at this time of year I now intend to table the Parliamentary Question on the prosecution decision in this case for answer on 18<sup>th</sup> July. I do so having taken account of the fact that Ms McAliskey is not in custody and has not expressed any interest in the final decision of the CPS on her prosecution. Of course, should she or her solicitors contact the CPS prior to the 18<sup>th</sup> July, the decision that has already been taken will have to be conveyed to them.

I copy this to the **Prime Minister** and Jack Straw.

*Yours ever,*  
*Justin.*

CONFIDENTIAL

CONFIDENTIAL

FROM: BILL JEFFREY  
Political Director  
4 July 2000  
BJ/LMcC/402(B)

✓  
FC:SS  
MP  
AC

PS/SECRETARY OF STATE (B&L) - O    cc    PS/Mr Ingram (B&L) - O  
PS/Mr Howarth (B&L) - O  
Mr Pilling - O  
Mr Watkins - O  
Mr Kelly - O  
Mr Leach - O  
Mr Maccabe - O  
Mr Brooker - O  
Ms Udy - O  
Mr Powell, No 10  
Mr Roberts, Dublin - O

*TRIMBLE'S VIEWS ON DECOMMISSIONING*

In the gap while the Secretary of State and you were on the phone yesterday afternoon, I had an exchange with Trimble which is probably worth recording.

2. I said that I was glad that No 10 had been able to put him in touch with Ahtisaari and Ramaphosa when he was in Israel last week. Trimble responded non-committally, to the effect that he too had been glad, although they had not been able to go into much detail about their inspection. But he went on to say that he had told Adams recently that it was important that by September (ie before the UUP Annual Conference) there should not only be a follow-up report on a re-inspection of the dumps, but a positive report from de Chastelain.

3. I asked what he meant by a positive report. He replied to the effect (I was not taking notes) that he meant a report of discussions about precisely how weapons were to be put beyond use, including agreement on modalities. He had told Adams that his assumption was that this was the ground discussions between the Commission and the IRA's representative would now cover. If necessary, a new decommissioning scheme could be made, provided it met the basic requirement in the legislation that the weapons should be rendered permanently inaccessible or unusable. Adams had appeared to share that assumption, but had been non-committal on timing.

CONFIDENTIAL

CONFIDENTIAL

Comment

4. This confirms what we rather feared – that we could be heading for at least a mini-crisis in September, and perhaps worse. I would be very surprised if agreement by September on how weapons are to be put beyond use is part of the Sinn Fein script. On past form, they are more likely to try to exploit the leverage created by the second inspection of dumps, and try to extract more concessions on normalisation, OTRs etc. Trimble is right to switch the focus on to the IRA/de Chastelain contacts, and in discussions with the Irish and Sinn Fein we should reinforce the expectation that these contacts will lead to progress on the putting of arms beyond use. (I will attempt to do that when I next talk to O'Ceallaigh.) But equally it could be dangerous if Trimble places too much public reliance on a positive de Chastelain report in September, to the point where it is a personal setback if such a report does not materialise. I think he is shrewd enough to appreciate this, but it may be worth the Secretary of State's marking his card if there is an opportunity.

*Bill Jeffrey*

BILL JEFFREY

11 Millbank ☎ 6447

CONFIDENTIAL

TOTAL P.02



10 DOWNING STREET  
LONDON SW1A 2AA

File to JP  
JS  
CS  
AC  
Paved 4/7 1020

From the Private Secretary

4 July 2000

Dear Nick

**DRUMCREE: LETTER FROM PORTADOWN DISTRICT LOL No 1**

I attach a letter to the Prime Minister from the District Secretary of Portadown District LOL No 1. Although the letter only reached us this morning, it is dated 1 July and clearly predates the latest determination of the Parades Commission. I would be grateful for an urgent draft reply – if possible by tomorrow afternoon (5 July).

Yours ever

MICHAEL TATHAM

Nick Perry  
NIO



Gerry Adams MP  
Sinn Féin President

*cdh*  
*no record*

*JP*  
*cc. SS*

3 July 2000

For the attention of Jonathan Powell  
10 Downing Street  
London

A Chara

Further to your recent letter requesting further information, I hope the following details will be of some help to you.

Marion Coyle, dob 5.7.54, is from Derry. She was arrested in September 1975 in Co Kildare and sentenced to 10 years for charges in relation to the kidnapping of Dr Herema. She was released in November 1985.

I look forward to hearing from you.

Is mise

*Snobham*

*GP* Gerry Adams MP



**Gerry Adams MP**  
Sinn Féin President

PRIME MINISTER'S  
CORRESPONDENCE SECTION  
RECEIVED

06 JUL 2000

July 3<sup>rd</sup>

Tony Blair MP  
Prime Minister  
10 Downing St  
London 1

A chara,

*Tony*

Since I first met you in December 1997 I have consistently raised the need for a full, public and international based inquiry into the murder of Belfast solicitor Pat Finucane.

I believe this case, and the activities of British intelligence agent Brian Nelson, are crucial matters requiring your personal and direct engagement if we are to arrive at the truth.

These matters, and others including the killing of Rosemary Nelson, the cover-up around the killing of Robert Hamill and the role of the RUC, as well as the wider collusion controversy, deserve to have a spotlight shone upon them.

More particularly I have been asked by the family of Pat Finucane, who are frustrated and angry at the lack of response from the British government, to ask you:

Why has the British government not responded to the first British Irish Rights Watch report 'Deadly Intelligence' which was given to your government almost a year and a half ago?

The Irish government responded within one month!

In February of this year another report was presented highlighting further evidence and developments.

Why has there been no response to this report?

In particular these reports accuse Force Research Unit, a secret unit within British Military Intelligence, of targeting Pat Finucane for murder.

The reports accuse the RUC Special Branch of inciting this murder. And they also accuse the FRU of killing others.

Is the information included in the reports about FRU accurate?

Are the intelligence records in the reports accurate?

Can you confirm that Douglas Hogg was briefed by the RUC before he made his remarks in the British Parliament alleging that some solicitors were sympathetic to the IRA?

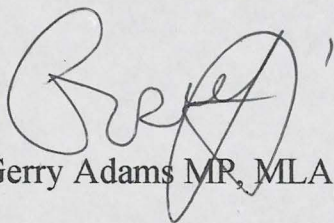
Do you accept the accusation from lawyers, human rights groups, and the United Nations that lawyers in the north have been threatened by elements within the British security system, including the RUC?

Who sanctioned the formation, set the remit, sanctioned the activities and is responsible for the policies and actions of FRU?

Will you now establish the public inquiry which the family desire and which truth demands?

The Irish government has called for this.

I look forward to hearing from you.



Gerry Adams MP, MLA



10 DOWNING STREET

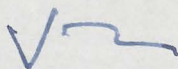
Per



Drumcker

You should see the defence note.

I think it is quite impossible that it  
is any well in NI as 'Parades  
Commission' looks at prospect  
of a march in 3-8 weeks? The  
Orange - probably - are attacking  
it but the Res. units have withdrawn  
it. they provide a way through if  
you can control the violence.



*Fixed?*

*JB*

*cc: JS*

*MT*

*Press*



PARADES COMMISSION

12th Floor  
Windsor House  
9-15 Bedford Street  
Belfast  
BT2 7EL

Tel: 028 9089 5900

Fax: 028 9032 2988

E-mail: [info@paradescommission.com](mailto:info@paradescommission.com)

Website: [www.paradescommission.org](http://www.paradescommission.org)

3 July 2000

*Dear Prime Minister:*

**PORTADOWN DISTRICT LOL No 1 CHURCH PARADE, 9 JULY**

The Parades Commission will be publishing its determination on this parade later today. I hope that you will find it helpful to have the enclosed copy.

As you will see, the Commission has gone beyond making a determination on the 9 July parade itself. We set out a scenario which we believe has the potential to resolve the dispute over the Drumcree church parade on a fair and equitable basis while also clearing the ground for a determined effort to establish good community relations in the Portadown area.

We will be urging all interested parties and those with any influence in the area to consider our determination with the same care that we have devoted to the subject and to play their part in bringing it to fruition.

*Yours sincerely*  
*Tony Holland*

**TONY HOLLAND**

**THE PARADES COMMISSION'S DECISION IN RELATION TO THE  
PORTADOWN DISTRICT LOL No 1 CHURCH PARADE  
ON 9 JULY 2000**

*The following summary is not a part of the Commission's decision.  
The Commission's analysis and determination is set out in full below.  
The Commission urges all concerned to read it carefully before commenting.*

**Key Points**

The 9 July church parade is prohibited from entering the Garvaghy Road.

The Parades Commission sets out the circumstances in which it believes that an orderly parade could take place along the Garvaghy Road in a peaceful and lawful atmosphere, ideally within the next 3-8 months. For this to happen, it would be necessary for the Portadown District and the Orange Order more generally to

Comply with the terms of the Commission's determination

Introduce an immediate moratorium on Drumcree-related protest parades and demonstrations

Avoid any actions that could reasonably be perceived as an incitement to break the law or intentionally designed to raise intercommunal tension

Engage, along with representatives of the Garvaghy Road residents, in the Currin initiative and in any civic forum that may be established, and

Undertake that following any parade the protest vigil at Drumcree would not resume.

In such circumstances the Parades Commission would look to the nationalist residents of the Garvaghy Road to demonstrate that they were genuine in seeking a long-term resolution of the inter-communal tensions in Portadown, by taking steps to facilitate the proposed parade.

The Parades Commission cannot envisage circumstances in which any subsequent Orange Order parade could take place along the Garvaghy Road except on the basis of a local agreement

The Parades Commission's proposals are designed to

- Build on the efforts of all those throughout the community who have been working to achieve a fair and equitable resolution of the Drumcree parade dispute
- End the feeling of tension under which the residents of the Garvaghy Road area have been living
- Create circumstances in which the Currin initiative and other efforts to improve community relations in Portadown could flourish, and
- Recognise the right of the Loyal Orders to celebrate their culture

The Parades Commission expects the Government, the Northern Ireland Executive and Assembly, Craigavon Borough Council and other agencies to play their part in helping to create the circumstances in which its proposals could be successfully implemented

(3rd July 2000)

**THE PARADES COMMISSION'S DECISION IN RELATION TO THE  
PORTADOWN DISTRICT LOL No 1 CHURCH PARADE  
ON 9 JULY 2000**

**Introduction**

1. The Portadown District LOL No1 church parade in early July has come to epitomise the conflict over public processions in Northern Ireland.
2. The question whether the parade should be allowed to complete its traditional route by returning from Drumcree Church to the centre of Portadown along the Garvaghy Road is of huge political and symbolic significance to people in both main parts of the community throughout Northern Ireland.
3. In recent years the dispute over this parade has demonstrated its capacity to provoke massive public disorder and damage to property throughout Northern Ireland. At one end of a spectrum of unacceptable behaviour, the conflict generated by the dispute over the Drumcree church parade has claimed several lives.
4. That dispute stems from, and has in turn worsened, the inadequate relationship between the two main parts of the community in Portadown; but it has also served to worsen relationships within the wider community throughout Northern Ireland.
5. It is against that background that the Parades Commission must yet again decide what conditions, if any, to place on the Drumcree church parade.
6. In preparing to take the decision, the Commission reviewed its previous determinations, visited the location, studied a detailed analysis of the dispute commissioned from the Mediation Network for Northern Ireland and sought a series of meetings with interested parties. One of the difficulties we face (and which we discuss in more detail later in this document) is that, by virtue of a resolution of the Grand Orange Lodge of Ireland, members of the Orange

Order are forbidden to have any formal contact with the Parades Commission. We are most grateful to all those with an insight into the thinking of the Portadown District and of the Orange Order more generally who have been prepared to give us the benefit of those insights. We have tried to give due weight to the views of the Portadown District as we understand them, but our understanding of the position of the Portadown District is necessarily indirect and incomplete.

#### Background

7. The origins and history of the dispute over the Drumcree church parade are set out in the Commission's determination of 26 June 1998, and further developed in its determination of 28 June 1999. Today's determination, as will be seen, builds on what has been said before and incorporates the Commission's strategic thinking on how the dispute could be resolved.
8. It is immediately clear that the dispute is about far more than competing interests. The Drumcree conflict has become a symbol for issues that are at the heart of the sense of identity of both main parts of the community in Northern Ireland. It has therefore come to have a significance that transcends the confines of the Garvaghy Road and the town of Portadown. It may be that the Drumcree conflict will only be finally resolved as relationships within the wider community in Northern Ireland move on to a stable and constructive footing. Conversely, a resolution of the Drumcree conflict could make a major contribution to healing the divisions that run right through Northern Ireland's society.
9. For the Portadown District, as we understand it, the maintenance of the Drumcree church parade has become a touchstone for civil and religious liberty – their right to demonstrate their faith and their culture by maintaining an age old tradition. The dispute has also acquired a strong political overtone because they believe the Garvaghy Road residents' opposition to the parade is manipulated by Sinn Fein and designed to inflict a "defeat" on a bastion of Unionism. There is also a strong sense that Unionism and Protestant culture generally are losing out, politically and in a variety of other ways. As they see it, the pattern has been mirrored in the history of the Drumcree church parade:

having been re-routed away from Obins Street in the mid-1980s, the number of parades along the Garvaghy Road had been reduced to a single return parade each year by the mid-1990s and that sole remaining parade has now been re-routed for each of the last two years. By many in the Orange Order the fate of this remaining parade is seen as symbolising the prospects for preserving Protestant culture as a whole.

10. For nationalists living in the Garvaghy Road area of Portadown, the fate of the Drumcree church parade has become a touchstone for the principles of equality and parity of esteem between the two main parts of the community in Northern Ireland. They do not see how their opposition to the return parade passing through their area could interfere with the civil or religious liberties of the members of Portadown District, or undermine Protestant culture. In their eyes the Orange Order is sectarian and anti-Catholic and represents a strand of Unionism which sought for decades to deny Catholics their civil and political rights. As there is an alternative route for the return parade, they see the Portadown District's insistence on returning along the Garvaghy Road as little more than a coat-trailing exercise, designed to be deliberately provocative. So far as they (and probably most nationalists in Northern Ireland) are concerned, if the parade is allowed to proceed along the Garvaghy Road it would expose the "equality" provisions in the Belfast Agreement as a sham and call into question the commitment of the Unionist community to fair treatment for all parts of society in Northern Ireland within the new consensus on constitutional issues.
11. The second obvious feature of the background to the Drumcree dispute is that relationships between the main parts of the community in Portadown have virtually broken down. The town has become increasingly segregated and many nationalists living in the Garvaghy Road area say that the town centre has virtually become a "no go" area for them. Until these fractured relationships are healed – which would be a long-term process – it is very difficult to see how the conflict over the Drumcree church parade could be finally resolved.

12. A third lesson from the past is that previous attempts at "mediation" have failed, often because they were not sufficiently well structured or took place at the last minute, in "crisis" conditions. They have also tended to focus on the "win/lose" question of whether the church parade should be allowed down the Garvaghy Road; and many of the initiatives were seen by the residents (and probably the Portadown District) as designed only to secure an accommodation which would allow a parade to take place. We welcome the mediation effort now under way, involving the South African human rights lawyer Brian Currin, which seems designed to avoid these difficulties. One cannot be more than cautiously optimistic at this stage, but we fervently hope that the initiative will bear fruit. It is already clear, however, that any long term improvement in inter-communal relations that may emerge from this exercise will not come in time to help resolve tensions over this year's church parade.

#### The Events of 1999

13. The Commission's determination in respect of the 1999 parade alluded to the meetings chaired by the Prime Minister's Chief of Staff, Jonathan Powell in the immediate run-up to the parade, and to the discussions which took place on Monday, 28 June 1999 in which the Prime Minister was involved. The Portadown District now say they formed an impression that while the return parade on 4 July 1999 would be re-routed, there would be a return parade before too long if they kept protest to a minimum. On the day, protest against the re-routing of the parade was low key. The estimated 5,000 Orangemen who turned up at Drumcree church were encouraged to leave after a rally. There was no repetition of the serious rioting and other illegal activity throughout Northern Ireland that had happened in 1996 and 1998. The Portadown District complied with the Commission's determination, but maintained its protest vigil at Drumcree and continued to notify its intention to parade along the Garvaghy Road each week.
14. It should be noted that the Parades Commission – the relevant statutory authority - was not party to any understanding there may have been with the Portadown District in 1999. The Commission has continued to impose restrictions on the weekly notified parades, in line with the criteria in the Public Processions Act 1998.

### The Commission's Position

15. The Commission has consistently taken the view that the freedom to parade is an important one that should only be constrained for compelling reasons.
16. A feature of contentious parades in Northern Ireland is that the organisers of parades and those who oppose them often fail even to acknowledge, let alone address, the genuine and legitimate concerns of the other side. Reasonable efforts by the organisers to minimise the disruption or offence that might be caused by a parade would at least demonstrate a degree of respect for the interests of residents. The Commission has always urged those involved in parading disputes to "engage" with each other, preferably through direct dialogue. We continue to give due weight to evidence that those involved (whether parade organisers or residents' organisations) have made a real attempt to address the legitimate concerns of others and shown a readiness to accommodate those concerns where it was within their power to do so.
17. In the case of the Drumcree church parade, there has been insufficient effort by the Portadown District to address and accommodate the legitimate concerns of the residents of the Garvaghy Road. The Portadown District does its case no good by refusing to face up to the reality that the Garvaghy Road Residents Coalition enjoys widespread support from nationalist residents of the Garvaghy Road. The District's refusal to engage with the residents' representatives tends to reinforce the residents' view that the Orange Order sees nationalists as second class citizens.
18. Another key feature of the Drumcree dispute is the violence that has been associated with it. The Orange Order cannot wholly escape responsibility for bringing thousands of people on to the streets in circumstances which led to serious large scale rioting, assaults and other unlawful acts across much of Northern Ireland in 1996 and 1998. The ongoing protest vigil and the applications to complete the parade route which have been submitted each week since July 1998 provide a constant stimulus to the high level of tension in the Portadown area. Regular "support" parades in Portadown and elsewhere in Northern Ireland also exacerbate inter-communal tensions. The

atmosphere engendered in sections of the loyalist community by these protests has created a climate of fear and intimidation in Portadown. We have received disturbing evidence about the stress that this has imposed on residents in the Garvaghy Road area.

19. The Parades Commission has tried time and time again to alert the Orange Order to the unacceptable nature of the strategy it has pursued. That strategy has progressively undermined whatever hope there might have been for securing a local agreement in relation to the Drumcree church parade.

20. The Commission's 1999 determination said that:

"An immediate cessation of protest activity would remove significant tensions and pressure from the local community. In those circumstances the Commission would look to the Garvaghy Road residents to take whatever positive steps were needed to build the confidence of everyone in Portadown that the residents were genuine in their intention to find a long term solution.

"A moratorium or even a significant reduction in the numbers of parades, would have been viewed by all involved as a positive contribution and would have indicated some degree of respect for the rights and liberties of local residents, particularly while efforts were being made to resolve the dispute."

21. In the event, the Portadown District's decision to comply with that determination was welcome; but the continuation and recent intensification of its protest action and irresponsible comments which have been made by spokesmen for the Portadown District about the prospects for a peaceful outcome to this year's parade, do not suggest any fundamental shift in the Portadown District's position.

#### Engagement with the Parades Commission

22. There are signs that some in the Orange Order, including in the Portadown District, believe it would be right to resume dialogue with the Parades

Commission. We would welcome that as a modest step towards a more constructive policy. Direct contact between the Parades Commission and the Orange Order would certainly assist us in our work and give the members of the Portadown District an opportunity to ensure that we gained a full appreciation of their point of view. But such contact would need to be sustained and genuine if it was not to be seen as a purely tactical ploy, designed to secure Parades Commission approval for a particular parade.

23. In any event, meetings between representatives of the Portadown District and the Parades Commission could be no substitute for real engagement – preferably in the form of direct dialogue – between the Portadown District and residents of the Garvaghy Road.
24. We were naturally disappointed by the Grand Lodge decision on 14 June 2000 to re-assert its opposition to contact between the Orange Order and the Parades Commission. We hope this policy will soon be reviewed and that we will be able to develop a constructive dialogue with the Orange Order in the months ahead.

#### The Future

25. In the light of the points set out above, the Commission's decision should come as no surprise to anyone.
26. However, we do not want to leave it there. There are some positive elements in the situation that we would like to encourage. We want to make what contribution we can to the success of the mediation initiative led by Brian Currin. We want to encourage those in the Orange Order and in the wider community who are looking for a fair and equitable resolution of the Drumcree conflict. We also feel a responsibility to the community in Portadown to point a way forward in the hope that this could help bring to an end the constant tension and sense of alienation that many of them feel – especially those living in the Garvaghy Road area.

27. As a first step, we appeal to the Portadown District and the wider Orange Order to comply with the Commission's determination on the Drumcree church parade in the same disciplined way as last year. We also again urge them to introduce an immediate moratorium on protest activity and support parades, including anything that could serve to stoke up inter-communal tension or perpetuate the fear and intimidation to which the nationalist residents of Portadown are exposed.
28. If that is done, the Commission would – as it promised in 1999 – look to the Garvaghy Road residents to take whatever positive steps were needed to build the confidence of everyone in Portadown that they were genuine in their intention to find a long term solution.
29. If it were clear that all Drumcree – related protest activity had ceased; that officials of the Portadown District had engaged with the Garvaghy Road residents in both the Currin initiative and any civic forum; and that the Portadown District's protest vigil would not be resumed, we believe that a limited, orderly parade by the Portadown District could take place along the Garvaghy Road in a peaceful and lawful atmosphere, ideally at some point in the next 3-8 months.
30. We feel that such a parade may be necessary in order to facilitate sustained, substantive and genuine dialogue between the two main parts of the community in Portadown. Such a dialogue may in time alleviate the damage which has been caused to inter-communal relations by the Drumcree conflict and create the circumstances in which a local agreement can be reached about future parades.
31. It is only fair to point out, however, that we find it impossible to envisage circumstances in which there could be any subsequent parade by the Portadown District along the Garvaghy Road in the absence of such a local agreement.
32. In presenting this scenario, we trust that the Government, the Northern Ireland Executive and Assembly, Craigavon Borough Council and everyone else in a

position to facilitate a sensible resolution of the Drumcree conflict will consider carefully what contribution they could make which would help to initiate the necessary dialogue.

#### **Decision**

33. The Commission has taken and considered evidence about the parade notified by the Portadown District LOL No1 for Sunday, 9 July 2000 against the criteria set down in its statutory documents.

#### ***Public Disorder or Damage which may Result from the Procession***

34. The Commission is aware that whatever decision it reaches there may be serious public disorder and damage to property. Feelings on both sides of the community, in Portadown and throughout Northern Ireland, run very deep. Nationalists would be affronted by any decision to force the parade through against the wishes of the local residents and without any serious attempt by the Orange Order to address their concerns. Experience suggests that any such course of action would trigger sustained rioting throughout nationalist areas of Northern Ireland. Equally, there are those in the loyalist community who would be likely to use any decision to re-route the parade as an excuse to mount a violent response.

#### ***Disruption to the Life of the Community***

35. It is clear that the parade - if unhindered - could pass along the Garvaghy Road in a very few minutes without, in itself, causing any significant disruption.
36. The issue, however, is not the manner and the duration of the parade but the context in which it would occur. The police and army presence required to maintain order in the event of a contested parade would inevitably have a hugely disruptive effect on the life of the local community. Disruption could occur elsewhere throughout Northern Ireland. There is also a potential for supporters of the Portadown District to cause significant disruption throughout Northern Ireland as part of a campaign of protest against any decision to re-route the parade.

***Impact of the Procession on Relationships within the Community***

37. This is the heart of the matter. Given the history and the connotations of this parade, we do not believe the Portadown District can walk down the Garvaghy Road in current circumstances without having a hugely damaging effect on inter-communal relationships, not only in Portadown but throughout Northern Ireland.

***Compliance with the Code of Conduct***

38. The Commission has welcomed the fact that in 1999 the Portadown District complied with its determination in respect of this parade. There is, however, continuing evidence that parades organised by or in support of the Portadown District LOL No1 have breached the Commission's Code of Conduct. Despite making adherence to the Code a condition for such parades taking place, offensive language and gestures continue to be used by participants; and music that is perceived to be sectarian is played at sensitive inter-face areas and outside churches.

***The Desirability of Allowing a Parade which has Customarily Been Held on that Route to Continue to be Allowed to do so***

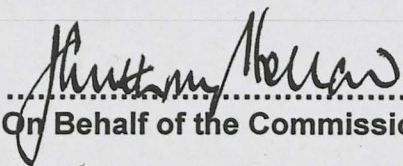
39. We acknowledge the long tradition of Orange Order parades in Portadown and in particular to and from the church at Drumcree.

## **DETERMINATION**

The Commission's determination is that the following conditions are imposed on all persons organising or taking part in the parade organised by Portadown District LOL No 1 on Sunday 9 July 2000.

1. In respect of the outward route, the parade is prohibited from entering that part of the notified route between the junction of High Street and Woodhouse Street and the junction of Obins Street and Charles Street, or any part of that route. The parade shall process from its point of departure at Carleton Street into Church Street, Market Street and High Street to the junction of Castle Street, turning back along High Street and Market Street, before turning into West Street. From West Street it shall turn into Northway and join the Corcrain Road. It shall then process along the Corcrain Road into Charles Street, along Charles Street to the Dungannon Road – Moy Road roundabout, along the Dungannon Road to the Rectors Turn, Drumcree Road to Drumcree Church.
2. In respect of the return parade, the parade is prohibited from proceeding beyond Drumcree Parish Church, Drumcree Road, or entering that part of the notified route which includes the entire length of the Garvaghy Road including Parkmount and Victoria Terrace. The return parade shall, therefore, retrace the outward route as detailed above, or alternatively parade participants shall disperse no later than 2.30pm from Drumcree Parish Church.
3. In addition the following conditions are imposed:
  - a. When the parade is in progress there shall be no undue stoppages or delays.
  - b. The organiser shall arrange for the presence of an adequate number of stewards to ensure that all parade participants behave in an orderly manner.

- c. The organiser shall ensure that only the three notified bands, namely the Star of David Accordion Band, the Edgarstown Accordion Band and the Mavemacullen Accordion Band shall accompany the procession.
- d. The parade organiser shall ensure that all directions by police in relation to the parade are promptly obeyed.
- e. The parade organiser shall ensure that these conditions are drawn to the attention of all participants including bands at the assembly point.

Signed:   
On Behalf of the Commission

Date: 3rd July 2000

RESTRICTED

FROM: I SWEET  
DUTY OFFICER  
3 JULY 2000

TO: PS/SECRETARY OF STATE (B&L)

Copies to:

PS/Mr Ingram (B&L)  
PS/Mr Howarth (B&L)  
PS/PUS (B&L)  
PS/Mr Semple  
Mr Watkins  
Mr Jeffrey  
Mr Halward  
Mrs Brown  
Mr Leach  
Mr Kelly  
Mr White  
Mr Stephens  
Miss Scholefield  
Mr Lindsay  
Mr Maccabe  
Mrs Collins

Mr Jackson  
Liaison  
Director  
Mr Crawford  
Mr McCusker  
Mr Brooker  
Mr Priestly  
Mr Snowdon  
Mr Keown  
Parly Section  
Mr Sloan  
Mr Stevenson  
Mr Harding, BIS via REI  
Mr Margetts  
Mrs Todd  
Mrs Sear

Mr McCourt  
Ashley Ray  
Dr J Milligan (DAD)  
Ms C Tuhey (DAD)  
Mr D Brett (DAD)  
Ms J Wilkinson  
Central Press Office  
Mr Marsden  
SPOB  
Mr Gilbert  
Ms Rogers  
Mr J Carron  
Mr E Kingsmill  
Ms C Salters

By Fax

Mr J Sawers, No 10 - 020 7839 9044

SITUATION REPORT FOR THE PERIOD:

0700 HOURS FRIDAY 30 JUNE TO  
0700 HOURS MONDAY 3 JULY 2000

SECURITY

Friday 30 June

**Downpatrick**  
**2230 hrs**

A band parade consisting of bands and supporters marched up to police barriers. An MLA from the DUP came up to the barriers and gave a press conference during which a considerable number marched forward to the barriers. A few bottles and fireworks were thrown at the police when one officer was struck on the shoulder by a bottle. The area returned to normal at 2357 hrs.

Saturday 1 July

**Armagh**  
**0400 hrs**

A Scania lorry and trailer carrying frozen food came under petrol bomb attack on Killylea Road. The driver escaped from the cab before it caught fire causing smoke damage to the cargo.

**Lurgan**  
**0721 hrs**

A gas cylinder with wires attached was left on the railway line at Bell's Row, Lurgan. The line was closed for a while until the "device" was cleared.

RESTRICTED



## RESTRICTED

**Portadown**  
**1015 hrs**

Garvaghy Road Residents' Committee representative Brendan McKenna was arrested along with six other men following an incident surrounding the erection of the Orange arch on the lower Garvaghy Road. Mr McKenna was charged with assaulting police, disorderly behaviour and breach of the peace and was released on bail along with the other men.

**Lurgan**  
**1130 hrs**

A suspect device was reported at the Claneirnn Social Club. It was declared a hoax by a member of staff before the ATO was tasked.

**Portadown**  
**1200 hrs**

The occupants of 31 Deramore Drive and 15 Oakwood Place both separately reported that shots had been fired at both houses overnight. No one was injured and the RUC confirmed shots had been fired. A male suspect was later arrested in connection with the incident.

### Sunday 2 July

**Portadown**  
**0945-0150 hrs**

The Drumcree orange parade passed off peacefully and ended at about 1330 hrs. However a crowd of about 150 people gathered at the bridge soon after and gradually swelled to almost 1000 people by late Sunday night. Over this period stones and fireworks were thrown at the police causing minor injuries to 7 officers. Also the wheel of a Saxon vehicle, used to block the road, was set alight.

Because of some sporadic stone throwing at Bell's Row police took the precaution of cancelling the last train on the line.

**N Belfast**  
**2130 hrs**

A crowd of 50 youths gathered near a bonfire paint bombed a police patrol in Ballysillan.

**N Belfast**  
**2350 hrs**

Police intervened to keep apart about 50/60 people from opposite factions stoning each other on Whitewell Road.

### Monday 3 July

**E Belfast**  
**0220 hrs**

Police went to clear the road at Paxton Street after youths had blocked the road with a telegraph pole. They were confronted by 30 youths throwing bottles and one police sergeant was injured in the attack.

### PRISONS

All quiet throughout the period

**Sgd**  
**I SWEET**

RESTRICTED 01232 527897

**FROM: Susan Scholefield**  
**SPOB**  
**2 July 2000**

**DESK IMMEDIATE**

CC: PS/Mr Ingram (B&L)  
PS/Mr Pilling  
Mr Jeffrey  
Mr Watkins  
Mr Hawker  
Mr Kelly (B&L)  
Mr Leach  
Mr Maccabe  
Mr Webb  
Mr Sawers, No 10  
(by fax 020 7839 9044)

PS/Secretary of State (by fax to Hillsborough)

**DRUMCREE UPDATE (AS OF 11 AM, SUNDAY 2 JULY 2000)**

Saturday night passed off peacefully, as a normal "mini-Twelfth" with 55 parades and no trouble except minor at Annalong, where police drew their (normal) batons and at least one strike was recorded.

Portadown is at the moment quiet, with bands assembling (2 at time of writing and 1000 Orangeman gathered). The church service lasts from 11am until noon, when the parade will form up and march down to the police line at the bridge. All is likely to remain calm at this stage, pending Monday's Parades Commission determination on the 9 July march.

RUC and Army resources are available, but the latter are keeping a low profile for as long as possible.

So far, there has been little media interest and the attached key themes remain valid.

I will report again after our further stocktake at 4:30pm.

SUSAN SCHOLEFIELD  
SH 27028.

HL/36810

JS }  
JB } fax  
GS  
JB } fax

**KEY THEMES FOR DRUMCREE PERIOD**

- The Government has worked constantly since last July to facilitate dialogue on the issues of Drumcree and the Portadown area, first through Jonathan Powell, then Adam Ingram and now the independent mediator Brian Currin.
- With the arrival of Brian Currin, who is independent of Government, there may be hope for a successful outcome in the future, if all sides work constructively together.
- This is essentially a local problem, which should be resolved through local agreement.
- But if local agreement cannot be reached, then it is for the Parades Commission to determine whether or not a particular parade should be allowed or have conditions imposed.
- The Commission has my fullest support as it carries out this very difficult and important job in the best interests of the whole community in Northern Ireland. I have every confidence in their ability and impartiality and I urge everyone to give the Commission their fullest support.
- If local agreement cannot be reached, the Commission has to make a determination, which everyone should then respect.
- The police, if necessary supported by the Army, are similarly obliged to carry out those determinations.

But by far the best outcome would be for agreement to be reached locally, with no need for either the Parades Commission or the security forces to become involved.



12th Floor  
Windsor House  
9-15 Bedford Street  
Belfast  
BT2 7EL

Tel: 028 9089 5900

Fax: 028 9032 2988

E-mail: [info@paradescommission.com](mailto:info@paradescommission.com)

Website: [www.paradescommission.org](http://www.paradescommission.org)

Jonathan Powell  
Alastair Campbell

2 July 2000

#### DRUMCREE DETERMINATION

Barring any unforeseen developments, the determination will issue tomorrow morning. The press conference will be held at the Europa from 11.30 am. The text will be on our website from shortly before 12 noon. We plan to publish it in full in the local papers on 4 July.

I will fax you an embargoed copy during the morning. Copies will go simultaneously to Peter Mandelson, Adam Ingram, David Watkins and Tom Kelly, and to David Brooker in London; and to the British Irish Secretariat.

A handwritten signature in dark ink, appearing to read 'D. J. R. Hill', with a horizontal line underneath.

D. J. R. HILL  
Secretary



# Portadown District L.O.L. No. 1

Michael  
Can you get an urgent  
draft to the No.?

15 Enniscrone Park  
Portadown  
Co. Armagh  
BT 63 5DQ

J/b  
C/S  
AC

THE PRIME MINISTER  
The Rt. Hon. Tony Blair MP  
10 Downing Street  
London  
SW1A 2AA

1<sup>st</sup> July 2000

Dear Prime Minister,

I have been asked by the Officers and Membership of the above District Lodge to write to you regarding the ongoing denial of our Civil and Religious Liberties. You are aware of all the issues involved and of the contribution and commitment made by us in trying to reach a solution to the Garvaghy Road problem.

Prime Minister, during our meetings with you last July, you indicated that given more time, you could have envisaged our Parade proceeding normally along our traditional route on our traditional date, but because of time constraints, this was not possible. However, you went on to say that you could foresee a Parade in the coming two months. Eleven months on and we are still waiting. The commitments made by us to you on that occasion were honoured and acknowledged by the world media. Regrettably, the commitments made by you were not.

Prime Minister, we are fast approaching the date of this years annual Parade and Church Service at Drumcree. The Parades Commission your Government set up has failed. It even refused to send observers to the last set of talks chaired by the Minister of Security, Adam Ingram MP, let alone try to mediate itself. It continues to discriminate against the Civil and Religious Liberties of our District. You must now intervene and see that the rights of the people of this part of the Kingdom are fully restored.

Yours sincerely,

NIGEL DAWSON  
DISTRICT SECRETARY

Encl.: copy of press release, issued following the latest parades commission determination.



# Portadown District L.O.L. No. 1

---

## PRESS STATEMENT

**Portadown District LOL No. 1** would firstly wish to express its regret and disappointment that once again the unelected quango known as the Parades Commission has denied the Civil and Religious Liberties of this District by refusing to permit our dignified parade home to Carleton Street from Morning Worship at Drumcree Parish Church along our traditional route.

We now take this opportunity to publicly state the attempts we have made since July 1998 to reach a just, honourable and lasting solution. These have included meetings with the Prime Minister, Secretary of States, Jonathan Powell, Adam Ingram, Church Leaders and the Business Community – not forgetting the various process's initiated by Government, including the talks at Armagh, at Stormont House and the ACAS talks at the Interpoint. We also acknowledge the efforts made by the various elected representatives. The one thread however, common to all these attempts, was that the Garvaghy Road Residents Coalition under the chairmanship of Brendan McKenna, walked away from each and every one!

Regrettably the Parades Commission has not only allowed the residents to veto these attempts, but would appear to have deliberately chosen to ignore the valuable contribution and commitment made by the District Delegation in their attempts to reach a settlement.

**Regarding** our meetings with the Prime Minister, we regret that commitments made privately to us were not delivered publicly. At one of our July meetings the Prime Minister said that given more time he could have envisaged a parade along our traditional route on our traditional date. The question must be asked – how much time does the Prime Minister require, or is he serious about trying to reach a solution to the Garvaghy Road problem.

In order to allow the Parades Commission to produce a positive determination, Portadown District submitted two applications for this year's parade, namely the 2<sup>nd</sup> and 9<sup>th</sup> July 2000. We note from the determination for Sunday 2<sup>nd</sup> July 2000 that the Parades Commission acknowledge that our Annual Parade and Service at Drumcree is traditional, indeed it has a history spanning almost two hundred years, we now expect the Parades Commission to issue a positive determination in relation to the 9<sup>th</sup> July 2000. We have given them two bites at the cherry. Even at this eleventh hour, the Parades Commission still have the opportunity to resolve the Drumcree Impasse, restore Civil and Religious Liberties, enhance community relations and implement that part of the Belfast Agreement dealing with tolerance and understanding of our Culture and Tradition.

Portadown District LOL No. 1 would again repeat its invitation that all Brethren not attending local Parades and Services will be made most welcome in Portadown on Sunday.

Brethren should assemble in Carleton Street at 0900am -- Regalia should be worn.

Statement Ends

26<sup>th</sup> June 2000

Originated by Portadown District LOL No. 1

**HERE WE STAND - WE CAN DO NO OTHER**

CONFIDENTIAL

From: Jonathan Powell

Date: 30 June 2000

PRIME MINISTER

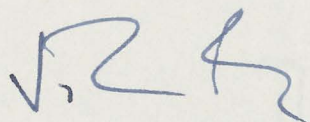
cc: John Sawers

NORTHERN IRELAND

I have had a number of contacts with Gerry Adams and David Trimble in the last few days.

Charles Guthrie has sorted out the Crossmaglen issue. Gareth has promised two more OTRs for Tuesday (the ones that failed to materialise this week). Adams says he wants to see me in NI when we know how we intend to deal with the rest of the OTRs at the end of July. You should see the attached letter from Peter that sets out his proposal. He also wants to know when we will move on the House of Commons facilities motion and the Disqualification bill. The business managers intention is to put both off to the overspill, but I imagine Adams will agitate for earlier action. What is your view? *Do something else*

Trimble is mainly concerned about Drumcree on which I have minuted separately. I have fixed the dinner you wanted for the end of July.



JONATHAN POWELL

CONFIDENTIAL



SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

NORTHERN IRELAND OFFICE  
11 MILLBANK  
LONDON  
SW1P 4PN

JTB

cc: JS

MT

DN

GS

The Rt Hon the Lord Williams of Mostyn QC  
Attorney General  
9 Buckingham Gate  
LONDON  
SW1E 6JP

27 June 2000

## TERRORISTS ON THE RUN

Thank you for your letter of 2 June about the list of 36 names of persons on the run provided to No.10 by Sinn Fein. I have also seen your letter of 8 June to Jonathan Powell. In each case, I was grateful for the information you supplied in relation to those individuals already convicted of offences who have escaped custody.

The background to this, as I think you are aware, is that in the discussions running up to the IRA statement on 6 May, Sinn Fein argued that, once remaining prisoners had been released on the second anniversary of the early release scheme on 28 July, we should acknowledge that no public interest would be served by pursuing people suspected or convicted of offences committed before the Good Friday Agreement. They were given no encouragement in this, but in a letter to Gerry Adams, the Prime Minister agreed to arrange for you to look at a dozen or so individual cases fairly quickly, and to consider separately the issues which would arise after 28 July.



INVESTOR IN PEOPLE



I agree with you that there is a distinction to be made between those cases where the person "on the run" may be subject to prosecution, and those where he or she has already been convicted and has escaped to another jurisdiction. The first category of cases is, I think, best dealt with as you are doing now, by review on a case-by-case basis. I would not want to argue for legislation preventing prosecution in any such case where the offence pre-dated the Good Friday Agreement.

We should, however, bear in mind that a decision not to exclude prosecution of pre-Good Friday Agreement offences will be controversial with Sinn Féin. In their terms the resolution of the conflict requires a line to be drawn under these cases, and they will point to earlier moments in Irish history in support of their case.

The post-conviction cases raise somewhat different issues, if only because of the operation of the early release scheme. Again the options are, broadly speaking, to legislate or to proceed case by case.

In favour of the case by case approach is the fact that it would avoid controversial legislation and enable me to examine whether the public interest served by extradition proceedings had changed in the meantime. But there are very significant disadvantages:



INVESTOR IN PEOPLE



- As you say, the discontinuation of extradition proceedings in any case would not, in itself, be sufficient to draw a line under that case. I would inevitably be drawn into considering the exercise of the Royal Prerogative to remit the remainder of the sentence. Both decisions would undoubtedly be challenged on judicial review, leading to high profile court cases which would focus public attention on the facts of the original offence rather than the rationale for my decisions.
- Even the withdrawal of extradition proceedings combined with the exercise of the Royal Prerogative would leave significant loose ends. Unless accompanied by a decision by the DPP to abandon any prosecution for escape-related offences, they would, in particular, leave the person on the run still liable to prosecution for such offences. Crucially, the licence regime under which beneficiaries of the early release scheme remain subject to recall to prison if the organisation they support breaches its ceasefire or they again become involved in terrorism would not apply. I would find this impossible to defend.
- In any event, the public interest considerations to which, in practice, I am likely to have regard – the improvement in the political situation and the fact that, if returned, the person



INVESTOR IN PEOPLE



concerned would stand to be released from prison immediately or soon afterwards - will apply to almost all of the cases in question, and point towards a more general solution.

For these reasons, like you I incline towards an approach through legislation. This might involve a Bill to regularise the position of those who escaped while serving a prison sentence, who may now be subject to extradition proceedings but who, on return, would be subject to immediate or imminent release under the provisions of the Northern Ireland (Sentences) Act 1998.

The Sentences Act currently operates on the basis of applications to the independent Sentence Review Commissioners from eligible prisoners. To be eligible, prisoners must be in prison in Northern Ireland, be serving a sentence of at least five years for a scheduled offence committed prior to 10 April 1998 and not be a supporter of a specified organisation. If the application is granted, the prisoner will be given a release date on which he will be released on licence, provided he has served a minimum period of two years in custody. Section 9 of the Act sets out the licence conditions, namely that the person does not support a specified organisation, does not become concerned in acts of terrorism and, in the case of a life prisoner, does not become a danger to the public.



INVESTOR IN PEOPLE



If a statutory approach were to be taken to the cases of escapees, the purpose of it might be to enable people to apply to the Sentence Review Commissioners whilst unlawfully at large. Amongst those on the current list, most would be eligible for immediate release, subject to the consideration of the Commissioners in each case, having already spent two years or more in custody. A few, however, would not and would be required to spend some months in prison before the two-year point was reached. Extradition proceedings against the latter could not be dropped until they had returned to serve this outstanding period.

One issue which would have to be resolved is whether, and if so how, to deal in the legislation or otherwise with the question of criminal charges for the escape itself or related offences. Some of these offences, particularly in relation to the Maze escape in 1983 when a prison officer was critically injured and subsequently died, could potentially be very serious. This aspect could be dealt with in a number of ways. The statute could, in effect, provide an amnesty for escape-related offences. Alternatively, you might wish to consider, at an early stage and on a case-by-case basis, the public interest and evidence requirements for prosecution. Or the matter could simply be left, with the attendant risk that an individual returning to Northern Ireland might be arrested in connection with the escape. The legislative option is again the only way in which a uniform approach could be guaranteed but might well be a step too far politically as it takes us well into amnesty territory for what were not trivial offences. Case-by-case consideration looks the most attractive



INVESTOR IN PEOPLE



option from my perspective although this is ultimately a matter for the DPPs in consultation with you.

There is no doubt that legislation on the lines I have described would be highly controversial. The Good Friday Agreement made no provision for fugitives to benefit from the early release scheme, and such a provision could almost certainly not have been agreed with the unionists. During the passage of the Bill which became the Sentences Act, it was made clear that it did not represent an amnesty for those who had committed terrorist offences.

On the other hand, it cannot be denied that the passage of the two year point for the early release scheme creates a new situation. There would be little point in continuing to devote public resources to seeking the return of people with no significant outstanding liability to imprisonment, or in keeping such people in limbo indefinitely. And if something is to be done about them, it seems better that it should be approved by Parliament and have the effect of applying the licence conditions.

If we did decide on legislation, there would be a fine judgement to be made about timing. Given the problems with this year's legislative programme, I imagine that there is now no question of a Bill before next session. We would have to bear in mind that, once we made our intentions known, this would in itself have an effect on outstanding extradition requests, notably



INVESTOR IN PEOPLE



the one involving the three men in the USA. I might need to take steps to halt proceedings in that case, if not in others.

Before taking a final view, I will want to consult other colleagues, including the Prime Minister. But as a first step I would welcome the discussion you suggest in your letter of 2 June. I hope it can be arranged as soon as possible.

For the moment, I am copying this only to the Prime Minister and Jack Straw, and to Sir Richard Wilson.

A handwritten signature in dark ink, appearing to read 'Peter Mandelson'.

PETER MANDELSON



INVESTOR IN PEOPLE

CONFIDENTIAL

FROM: BILL JEFFREY  
Political Director  
30 June 2000  
BJ/BM/396(L)

cc PS/Mr Howarth(L&B)  
Mr Pilling  
Mr Watkins  
Mr Kelly  
Mr Maccabe  
Mr Brooker  
Mr Crawford  
Mr Johnston  
Mr Sawers No.10-FAX

PS/SECRETARY OF STATE(L&B)

cc: JPO  
MT  
P1055

## FLAGS

Thank you for your note of yesterday. I gather that the flags paper was not taken at yesterday's Executive meeting, so there is no need to do anything until after next week's meeting, when it presumably will be discussed.

2. I attach a draft letter for the Secretary of State to look at. He has probably worked out already that my own inclination on this is to expose as little surface as possible this side of the summer. Volunteering his preferred approach could unsettle both sides at this time of the year. I would therefore omit the paragraph in square brackets, and give any signals about the way his mind is moving, either off the record or – as I suggested yesterday in relation to 12 July – by an apparently chance remark in an interview. ("I don't expect to be proposing that 12 July should be one of the days on which the Union Jack should fly, because I realise how sensitive a day it is; but I do think we have to be responsive to legitimate concerns about the flying of the flag over government buildings, as happens elsewhere in the UK. That is why I am opening consultations with the parties".)

[Signed]

BILL JEFFREY  
11 Millbank ☎ 6447

CONFIDENTIAL

CONFIDENTIAL

**LETTER TO ALL NORTHERN IRELAND PARTY LEADERS****FLYING OF FLAGS AT GOVERNMENT BUILDINGS**

I understand that at the most recent meeting of the Executive Committee there was a discussion of policy on the flying of flags at Government buildings, on the basis of a report from a sub-committee of the Executive, but that it did not prove possible to reach agreement.

During the passage of the Flags (Northern Ireland) Order 2000, I indicated that, if such an eventuality arose, I would be willing to use the powers conferred by the Order to make regulations regulating the flying of flags at Government buildings.

As a first step, I am writing to seek your views on the coverage of and content of any regulations. Since the Order requires that, before making regulations, I should refer a draft to the Assembly and consider any report received from them, I do not now expect regulations to be made until after the summer recess. But in drawing up proposals it would help me have your views.

The issues on which it would be particularly useful to have views are:

- The extent to which regulation should require or prevent the flying of particular flags;

CONFIDENTIAL

## CONFIDENTIAL

- As regards the Union Flag, the nature of any duty under which those responsible for Government buildings should be placed;
- The days in the year on which there should be an obligation to fly the Union Flag; and
- The buildings to be covered by any regulations.

[It might assist you to know that my current preliminary view on the last two of these issues is that it would probably make sense to confine the regulations to those days on which, by Royal Command, the Union Flag is flown elsewhere in the United Kingdom (ie to exclude those days which are currently specific to Northern Ireland), and to apply them to buildings or office complexes which include the headquarters of Northern Ireland Departments.]

I should be grateful if a response to this letter could reach me by the end of August.

**PETER MANDELSON**

CONFIDENTIAL

RESTRICTED

FROM: ALAN PAUL  
Security Policy and Operations Division  
30 June 2000

DESK IMMEDIATE

See Copy Distribution Below

PS/MR INGRAM (B&amp;L) - O

## INCIDENT REPORT - EXPLOSION IN SOUTH ARMAGH

Further to the information on this morning's situation report the police have advised that the explosion was on the railway line near Meigh village which is midway between Newry and Forkhill. There is a four foot wide, two foot deep crater on the railway line. There were no casualties and no reports of property damage

2. The caller gave an unrecognised code word and they did not say which organisation they represented. A clearance operation will commence as soon as the weather clears. The area has been cordoned off.
3. We will keep you informed of developments.

Alan Paul

ALAN PAUL  
SHA ☎ 27037

36846

RESTRICTED



INVESTOR IN DEBT

cc: JS  
MT  
Press  
Pl copy to  
Jonathan Powell  
at No 10  
DESK IMMEDIATE

## RESTRICTED

Copy Distribution List

PS/SofS(B&L)	Mr Brooker	Ms Wilkinson
PS/Mr Howarth (B&L)	Mr Priestly	Central Press Office
PS/PUS (B&L)	SPOB	Mr Marsden
Mr Watkins	Mr Snowdon	Mr L Barr
Mr Jeffrey	Mr Keown	Pauline Roe
Mr Halward	Parly Section	Mr McCourt
Mr Leach	Mr Sloan	
Mr Kelly	Mr Stevenson	
Mr White	Mr Harding, BIS via RIR	
Mr Stephens	Mr Margetts	
Ms Scholefield	Mrs Sear	
Mr Lindsay	Ms Salters	
Mrs Magee	Mrs Rogers	
Mr Mogg	Ms Udy	
Liaison	Mrs Jones	
Director	Mr Fisher	
Mr Crawford	Mr Ray (HME, Dublin)	
Mr McCusker	Dr J Milligan (DAD)	
Mr Smyth	Ms C Tuhey (DAD)	
Mr Maccabe	Mr D Brett (DAD)	

36846

RESTRICTED



TOTAL P.02

CONFIDENTIAL

*File*



10 DOWNING STREET  
LONDON SW1A 2AA

From the Prime Minister's Chief of Staff

29 June 2000

*SUBJECT  
MAGISTR*

*File 100*

*Dear David,*

**MEETING BETWEEN THE PRIME MINISTER AND ATTORNEY  
GENERAL**

The Attorney General met the Prime Minister this morning to brief him on progress on Northern Ireland related cases.

The Attorney General said he was looking into the question of whether there had been an abuse of process in the Rita O'Hare case. I had replied to his letter as had Bill Jeffrey in the NIO. He awaited a reply from Mo Mowlam and Ivor Roberts.

Peter Mandelson was considering the 19 cases involving extradition warrants. He would then need to meet Peter to discuss the response. It would be wrong to have disparate decisions/approaches on these cases.

The Attorney General said that the decision on Roisin McAlliskey would be made public in the next few days; the DPP had decided not to proceed against her. The DPP for England and Wales was looking at seven cases, two of which had already been dropped as we knew (Evelyn Glenholmes and Patrick McVeigh). He expected the DPPNI might well drop two cases this week where the evidence no longer existed.

There were a number of anomalies in the list provided by Sinn Fein. For example, in three of the cases we did not know anything about them. The list had included Nesson Quinlivan, even though he was serving 14 years in jail in Ireland for the murder of Garda McCabe and would not be let out according to the Taoiseach. We also needed to consider whether a general amnesty might not be more appropriate rather than dealing with the cases individually. The difficulty with this of course was that, unlike released prisoners, the individuals concerned would not be free on licence.

CONFIDENTIAL

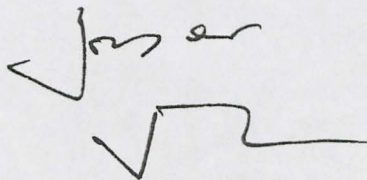
*AM*

CONFIDENTIAL

- 2 -

The Prime Minister thanked the Attorney General for this account. Summing up, he understood that it was likely that the DPPNI would make it clear that cases would not be proceeded with against two individuals from the list later this week. The Attorney General would be discussing the 19 extradition cases and related matters with the Northern Ireland Secretary. The Attorney General was awaiting a reply from Mo Mowlam and Ivor Roberts on Rita O'Hare.

The Prime Minister said he would be grateful if the Attorney General could continue to follow these cases closely. The Attorney General provided a chronology of letters written and replies received.

A handwritten signature in black ink, appearing to read 'Jon Powell', with a stylized flourish underneath.

JONATHAN POWELL

David Seymour  
Law Officers' Department

CONFIDENTIAL

## CONFIDENTIAL

FROM: PS/SECRETARY OF STATE (L)  
29 JUNE 2000

cc see copy distribution

Mr Jeffrey

Top JS  
cc JPo  
AC

## FLAGS

The Secretary of State has seen your note of 28 June. He has asked that draft letters be prepared to consult the parties about the content of any regulations and to give a preliminary indication of his thinking. He will then consider what to do in the light of the draft and other developments.

*KIRSTEN MCFARLANE*

KIRSTEN MCFARLANE  
PS/SECRETARY OF STATE (L)  
Ext 6461

Distribution List

PS/Secretary of State (L&B)  
PS/Mr Howarth (L&B)  
MS/PUS (L&B)  
Mr Watkins  
Mr Kelly  
Mr Maccabe  
Mr Brooker  
Mr Crawford  
Mr Johnston  
Mr Sawers No 10 Fax

Jeffrey/KMcF/29 6



INVESTOR IN PEOPLE

CONFIDENTIAL

CONFIDENTIAL

DRAFT LETTER FOR SIGNATURE BY THE SECRETARY OF STATE

The Rt Hon the Lord Williams of Mostyn QC  
Attorney General  
9 Buckingham Gate  
London  
SW1E 6JP

June 2000

**TERRORISTS ON THE RUN**

Thank you for your letter of 2 June about the list of 36 names of persons on the run provided to No.10 by Sinn Fein. I have also seen your letter of 8 June to Jonathan Powell. In each case, I was grateful for the information you supplied in relation to those individuals already convicted of offences who have escaped custody.

The background to this, as I think you are aware, is that in the discussions running up to the IRA statement on 6 May, Sinn Fein argued that, once remaining prisoners had been released on the second anniversary of the early release scheme on 28 July, we should acknowledge that no public interest would be served by pursuing people suspected or convicted of offences committed before the Good Friday Agreement. They were given no encouragement in this, but in a letter to Gerry Adams, Tony Blair agreed to arrange for you to look at a dozen or so individual cases fairly quickly, and to consider separately the issues which would arise after 28 July.

I agree with you that there is a distinction to be made between those cases where the person "on the run" may be subject to prosecution, and those where he or she has already been convicted and has escaped to another jurisdiction. The first category of cases is, I think, best dealt with as you are doing now, by review on a case-by-case basis. I would not want to argue for legislation preventing prosecution in any such case where the offence pre-dated the Good

CONFIDENTIAL

**CONFIDENTIAL**

Friday Agreement. It is conceivable that we will get to that point, but in my view we are not there yet.

We should, however, bear in mind that a decision not to exclude prosecution of pre-Good Friday Agreement offences will be controversial with Sinn Fein. In their terms the resolution of the conflict requires a line to be drawn under these cases, and they will point to earlier moments in Irish history in support of their case.

The post-conviction cases raise somewhat different issues, if only because of the operation of the early release scheme. Again the options are, broadly speaking, to legislate or to proceed case by case.

In favour of the case by case approach is the fact that it would avoid controversial legislation and enable me to examine whether the public interest served by extradition proceedings had changed in the meantime. But there are very significant disadvantages:

- As you say, the discontinuation of extradition proceedings in any case would not, in itself, be sufficient to draw a line under that case. I would inevitably be drawn into considering the exercise of the Royal Prerogative to remit the remainder of the sentence. Both decisions would undoubtedly be challenged on judicial review, leading to high profile court cases which would focus public attention on the facts of the original offence rather than the rationale for my decisions.
- Even the withdrawal of extradition proceedings combined with the exercise of the Royal Prerogative would leave significant loose ends. Unless accompanied by a decision by the DPP to abandon any prosecution for escape-related offences, they would, in particular, leave the person on the run still liable to prosecution for

**CONFIDENTIAL**

**CONFIDENTIAL**

such offences. Crucially, the licence regime under which beneficiaries of the early release scheme remain subject to recall to prison if the organisation they support breaches its ceasefire or they again become involved in terrorism would not apply. I would find this impossible to defend.

- In any event, the public interest considerations to which, in practice, I am likely to have regard – the improvement in the political situation and the fact that, if returned, the person concerned would stand to be released from prison immediately or soon afterwards – will apply to almost all of the cases in question, and point towards a more general solution.

For these reasons, like you I incline towards an approach through legislation. This might involve a Bill to regularise the position of those who escaped while serving a prison sentence, who may now be subject to extradition proceedings but who, on return, would be subject to immediate or imminent release under the provisions of the Northern Ireland (Sentences) Act 1998.

The Sentences Act currently operates on the basis of applications to the independent Sentence Review Commissioners from eligible prisoners. To be eligible, prisoners must be in prison in Northern Ireland, be serving a sentence of at least five years for a scheduled offence committed prior to 10 April 1998 and not be a supporter of a specified organisation. If the application is granted, the prisoner will be given a release date on which he will be released on licence, provided he has served a minimum period of two years in custody. Section 9 of the Act sets out the licence conditions, namely that the person does not support a specified organisation, does not become concerned in acts of terrorism and, in the case of a life prisoner, does not become a danger to the public.

If a statutory approach were to be taken to the cases of escapees, the purpose of it might be to enable people to apply to the Sentence Review Commissioners

**CONFIDENTIAL**

**CONFIDENTIAL**

whilst unlawfully at large. Amongst those on the current list, most would be eligible for immediate release, subject to the consideration of the Commissioners in each case, having already spent two years or more in custody. A few, however, would not and would be required to spend some months in prison before the two-year point was reached. Extradition proceedings against the latter could not be dropped until they had returned to serve this outstanding period.

One issue which would have to be resolved is whether, and if so how, to deal in the legislation or otherwise with the question of criminal charges for the escape itself or related offences. Some of these offences, particularly in relation to the Maze escape in 1983 when a prison officer was critically injured and subsequently died, could potentially be very serious. This aspect could be dealt with in a number of ways. The statute could, in effect, provide an amnesty for escape-related offences. Alternatively, you might wish to consider, at an early stage and on a case-by-case basis, the public interest and evidence requirements for prosecution. Or the matter could simply be left, with the attendant risk that an individual returning to Northern Ireland might be arrested in connection with the escape. The legislative option is again the only way in which a uniform approach could be guaranteed but might well be a step too far politically as it takes us well into amnesty territory for what were not trivial offences. Case-by-case consideration looks the most attractive option from my perspective although this is ultimately a matter for the DPPs in consultation with you.

There is no doubt that legislation on the lines I have described would be highly controversial. The Good Friday Agreement made no provision for fugitives to benefit from the early release scheme, and such a provision could almost certainly not have been agreed with the unionists. During the passage of the Bill which became the Sentences Act, it was made clear that it did not represent an amnesty for those who had committed terrorist offences.

**CONFIDENTIAL**

**CONFIDENTIAL**

On the other hand, it cannot be denied that the passage of the two year point for the early release scheme creates a new situation. There would be little point in continuing to devote public resources to seeking the return of people with no significant outstanding liability to imprisonment, or in keeping such people in limbo indefinitely. And if something is to be done about them, it seems better that it should be approved by Parliament and have the effect of applying the licence conditions.

If we did decide on legislation, there would be a fine judgement to be made about timing. Given the problems with this year's legislative programme, I imagine that there is now no question of a Bill before next session. We would have to bear in mind that, once we made our intentions known, this would in itself have an effect on outstanding extradition requests, notably the one involving the three men in the USA. I might need to take steps to halt proceedings in that case, if not in others.

Before taking a final view, I will want to consult other colleagues, including the Prime Minister. But as a first step I would welcome the discussion you suggest in your letter of 2 June. I hope it can be arranged as soon as possible.

For the moment, I am copying this only to the Prime Minister and Jack Straw, and to Sir Richard Wilson.

**PETER MANDELSON****CONFIDENTIAL**

From: Jonathan Powell

Date: 28 June 2000

PRIME MINISTER

DRUMCREE

The Secretary of the Parades Commission called me today on a personal basis (he is an old friend). He asked me to pass on the following to you but no-one else.

They have decided to put forward a ruling on Monday that will upset both sides, but in their view represent a fair solution to the problem.

They will say that they are not going to authorise the march on 9 July. They are however minded to agree to a march in 4-8 months if there is good behaviour by the Orange Order and if all protest parades are cancelled. This would be one last march; all future marches would have to be by agreement. They will also expect the Order to make public their private assurance that they would meet the residents face to face after a march. They will also call on the residents to engage in real effort to heal sectarian differences in Portadown.

I think this is an imaginative effort to find an answer. But it will all depend on the media handling on the day and the precise wording of their determination. I think it is important you don't speak to them, but I have suggested Tony Holland speaks to Peter about exactly how to handle this on the day and that they communicate their decision to both side privately just before they make it public.

JONATHAN POWELL



CABINET  
OFFICE

RESTRICTED

CABINET SECRETARIAT

Constitution Secretariat

70 Whitehall • London SW1A 2AS

TELEPHONE: 0207-270 5917 ■ FAX: 0207-270 5910 E-mail: mtaylor@cabinet-office.x.gsi.gov.uk

John Rankin Esq  
Head of Mission  
British Embassy, Dublin  
29 Merrion Road  
DUBLIN 4

Told Mark Taylor to  
propose 31 October to Irish.

flw

28 June 2000

BRITISH-IRISH COUNCIL

You accompanied us at yesterday's very helpful meeting in Dublin with Irish Government counterparts to discuss preparations for the next BIC summit. I set out below the main points arising from the meeting.

Date of next meeting

Still to be confirmed. Dublin had been considering Friday 6 October. But there is a UUP conference that weekend which might make the timing difficult for David Trimble as he will have to be in Belfast in good time for party dinners that evening. The Irish side are considering dates in the following week. (A relevant factor is that the next North-South Ministerial Council is likely to be on 26 or 29 September, and David Trimble will want as small a gap between the two meetings as possible.) You and I pressed the Irish on the need to firm up dates pretty quickly. You also agreed that the Embassy would organise arrangements for the Prime Minister's visit in consultation with No10 once a date has been settled.

Venue

Dublin Castle. We briefly visited the Castle after the meeting. All looked fine, though a more detailed visit will be needed nearer the time.

Agenda

The Irish were planning on the basis that the meeting will last about two hours, to be followed by a press conference and then lunch. We agreed with the Irish side that the agenda might look as follows:

## RESTRICTED

1. Opening Statement – Taoiseach
2. Minutes of last meeting
3. Policy on the misuse of drugs; combating organised crime and associated money laundering (paper by the Irish)

*Main piece of business: Irish presentation plus interventions from other delegations.*

4. Future Work Programme (Secretariat paper)
  - (i) Social Inclusion                      }
  - (ii) Environment                        } *Short updates from lead administrations on how*
  - (iii) Transport                         } *they are taking forward work on these subjects*
  - (iv) Knowledge Economy           }
5. Future meetings (Secretariat paper)
6. Draft Communique (Secretariat paper)
7. AOB

### Papers

The Irish handed over a first draft of their drugs paper for us to circulate to other BIC members for their comments, and I am writing separately on this. The Irish side also accepted our offer to handle the circulation of papers prior to the summit meeting. These would need to go out no later than two weeks beforehand.

Both sides agreed that it would be a good idea for Dublin to hold a meeting of officials from all the participants in early September to run through preparations. The Irish would propose a date once Clare O'Flaherty's replacement was in post.

### BIIGC

Not clear if this will need to meet on the same day as the BIC. There were as yet no clear items for an agenda, but the Irish, in consultation with you and Denis Brennan, would consider the need for a BIIGC. If the BIIGC did meet directly after the BIC, this would have an impact on arrangements for briefing the media and for lunch.

I am copying this letter to Michael Tatham and Jim Gallagher (No10), Richard Abel and Dennis Brennan (Cabinet Office), David Brooker (NIO), June Milligan (FCO), Rick Evans (Home Office), and Andrew Murray (DETR). Copies also go to the following colleagues in the devolved administrations: Barbara Doig (Scottish Executive), Steve Pomeroy (National Assembly for Wales) and Rosalie Flanagan (Northern Ireland Executive).

Yours ever,

*Mark Taylor*  
**MARK TAYLOR**  
Head of Devolution Team

CONFIDENTIAL

FROM: BILL JEFFREY  
Political Director  
28 June 2000  
BJ/MR/391(L)

*MT*  
*flu*

*Top JS*  
*2*  
*cc JB*  
*Ac*

PS/SECRETARY OF STATE(L&amp;B)

cc See distribution list below

## FLAGS

When the Secretary of State spoke to David Trimble on Friday afternoon, Trimble reported that the most recent meeting of the Executive sub-committee considering the flags issue had made no progress. The SDLP had made it clear that their Ministers would not be willing to fly the flag on 12 July. This would make an already difficult situation worse. It was essential that the Secretary of State stepped in before 12 July saying that, in the absence of agreement in the Executive, he proposed to publish draft regulations for consultation, and making it clear in doing so which would be the proposed flag days. The SDLP would then be able to say, in relation to 12 July, that they were merely anticipating the Secretary of State's decision.

2. The position as I now understand it from Gerry Loughran and Tony McCusker is as follows:

- A paper has been put to the Executive reporting that the sub-committee on the flying of flags has failed to reach agreement. (Tony McCusker tells me that Michael McGimpsey, the UUP representative on the sub-committee admitted to him in the margins that he was under instructions not to concede anything, since – if there is to be any move from the status quo – Trimble would prefer it to be imposed by the Secretary of State rather than conceded by the UUP.)
- As I write this, it is still not clear whether the paper will be taken by the Executive at tomorrow's meeting, or a week tomorrow. (Gerry Loughran has been trying to persuade Trimble to postpone.) Whenever it is, there seems no chance of agreement in the Executive. Trimble will probably

- 1 -

CONFIDENTIAL

BJ/MR/391(L)-28.6.2000

CONFIDENTIAL

argue that the matter should then be referred formally to the Secretary of State; Sinn Féin and the SDLP that the talking should continue;

Informally, Tony McCusker has managed to stimulate some interest in a compromise under which the requirement would be to fly the flag over each complex of offices which included the headquarters of an NI Department. Since Rathgael is also occupied by DFP and Martin McGuinness' own base is elsewhere, and since Castle Buildings houses not only the Department of Health but the NIO as well, one could imagine a solution under which the Union Flag flew over both buildings without McGuinness and Bairbre de Brun feeling personally responsible. (This strikes me as the best idea so far – better than anything involving the Union Flag and the tricolour flying together – and suggests a possible modus vivendi even if the Secretary of State ends up making regulations.)

3. Even if the discussion in the Executive is postponed until next Thursday, I think it would be wise for the Secretary of State to wait until it has taken place before saying or doing anything. Otherwise he would be criticised for jumping the gun. My reading of your note of 23 June was that Trimble was not asking for anything until after the Executive discussion.

4. Once the Executive has failed to agree, it seems to me that the Secretary of State has four options:

- (i) to publish draft regulations for consultation;
- (ii) to consult the parties about the content of any regulations giving a preliminary indication of his own thinking on the key questions (the nature of the obligation, which days, which buildings);
- (iii) to consult the parties without giving such an indication;
- (iv) to indicate that he intends to consult about draft regulations over the summer, but separately to let it be known before 12 July (perhaps by

- 2 -

CONFIDENTIAL

CONFIDENTIAL

dropping it into an interview) that he does not envisage proposing 12 July as one of the flag days.

5. I see no need to publish draft regulations immediately, and some risks in doing so. Trimble apparently accepts that there is no question of regulations actually being made until after the summer, if only because there needs to be formal consultation with the Assembly first. His main concern seems to be to provide the SDLP with a pretext for not flying the flag on 12 July, and take some of the heat out of the situation. Option (ii) or (iv) would serve just as well for that purpose. Option (iii) would not.

6. As between (ii) and (iv), I incline towards (iv), perhaps combined with (iii). It keeps the options open (apart from 12 July) and meets Trimble's immediate purposes. If the Secretary of State gave a fuller account of his thinking now, he would remove the last vestige of an incentive to reach a consensus in the Executive. He would be attacked by nationalists (and possibly also the Irish Government - O'Ceallaigh rang me today to express concern that we should not do anything in a hurry without consulting them) for taking Trimble's part and doing so before there had been a full opportunity for discussion.

7. If, however, the Secretary of State prefers options (ii), we will submit consultative letters to send to the party leaders, with an indication of his thinking, to issue at some point between the Executive meeting and 12 July.

[Signed]

BILL JEFFREY  
11 Millbank ☎ 6447

**RESTRICTED**  
**IRELAND: CONTINUED PRESSURE ON COALITION GOVERNMENT**  
**From: DUBLIN**

TO DESKBY 281230Z FCO  
 TELNO 226  
 OF 281103Z JUNE 00  
 INFO PRIORITY BIS NEW YORK, BOSTON, NIO BELFAST, NIO LONDON  
 INFO PRIORITY WASHINGTON  
 INFO ROUTINE EU POSTS

FCO PLEASE PASS DESKBY 281230Z TO PS/NO 10  
 SUMMARY

1. Government coalition under severe pressure from continuing scandals.

**DETAIL**

2. The Government decision to stick by the appointment of disgraced Judge Hugh O'Flaherty to a European Investment Bank post continues to be a running sore ( our tel no 184 ). Fianna Fail backbenchers, who believe the decision was a major contributing factor to the Party's dismal showing - down 15 percent - in the Tipperary South by-election (and could seriously impact on their own prospects should an election be called in the coming months), are badly shaken and longing for time to be called on this parliamentary session in 2 days time. The by-election appeared to confirm opinion poll findings that over 60 PERCENT of the electorate disapproved of the O'Flaherty appointment.

3. To add to the Government's woes, the Taoiseach has been called back to the Moriarty Tribunal( which is investigating improper payments to politicians) before the end of this week. He will face questions about omissions recently discovered in earlier information about business donations to the Fianna Fail Party. These include a claim that Ahern personally received a POUNDS IRISH 50,000 donation in 1996 from a businessman.

4. And Mary Harney, the leader of the junior Coalition partner, the Progressive Democrats, is facing pressure to resign over her remarks about former Taoiseach Charlie Haughey that he should go to prison. A judge has ruled that these remarks would prejudice a fair trial and as a result has postponed proceedings against Haughey on corruption charges indefinitely. In addition, Harney's support for the O'Flaherty nomination has considerably weakened her Party's claim to the moral high ground as self-appointed watch dogs of Fianna Fail and guardians of the public interest.

**COMMENT**

5. Ahern and the Fianna Fail party badly need time over the summer to lick their wounds and regroup. The Progressive Democrats have lost their badge of ethical superiority and have tied their fate to the Government's survival. The Labour party have meanwhile tabled a motion of no confidence ( which the largest opposition party, Fine Gael, will support) for debate before close of business on Friday. The Coalition will almost certainly manage to stagger through to the summer recess, but with another month of Tribunal evidence to come, the odds on an autumn election are shortening.

ROBERTS

*✓ PM*

*Bertie's problems  
are pretty gone, but  
he will probably scrape by*

*✓ 2*



LEGAL SECRETARY  
0171-271 2401

THE LEGAL SECRETARIAT TO THE LAW OFFICERS  
ATTORNEY GENERAL'S CHAMBERS  
9 BUCKINGHAM GATE  
LONDON SW1E 6JP

Jonathan Powell Esq  
10 Downing Street  
London SW1A 2AA

28 January 2000

**CONFIDENTIAL**

Dear Jonathan,

**MEETING BETWEEN THE PRIME MINISTER AND THE ATTORNEY  
GENERAL**

Thank you for your letter of 27 June.

The Attorney has the following comments.

Second paragraph at the end add "and Sir Ivor Roberts".

Third paragraph - for "decisions" substitute "decisions/approaches".

Fourth paragraph - second line for the words "he had decided" substitute "the DPP had decided" and in the penultimate line for the words "to drop" substitute the words "might well".

Fifth paragraph - third line the words "serving time" substitute the words "serving 14 years" and at the end of that sentence add the words "according to Bertie Aherne".

Sixth paragraph - second line add the words "it was likely that" before the words "DPP NI" and at the end of the paragraph add the words "and Sir Ivor Roberts".

As a penultimate paragraph add "The Attorney General provided a chronology of the letters written and replies received".

*Yours  
ever*

*h Dauler*

PP

**DAVID SEYMOUR**

**CONFIDENTIAL**

**PRIME MINISTER**

**DRUMCREE**

**From: Jonathan Powell**

**Date: 28 June 2000**

**cc: Peter Mandelson  
John Sawers**

David Trimble came to see me today about Drumcree.

He says that Tony Holland has let him down terribly. He thought he was going to allow a march on the basis of contacts between the Portadown Loyal Order and the Parades Commission but has now backed off this. This is going to cause great difficulties for the leadership in Portadown and for him. There is a real possibility of a backlash which would poison the atmosphere through the summer and complicate the South Down by-election for him.

He said Johnny Adair was up to no good, working with John White and Fulton, the leader of the LVF. They intend to use Drumcree for their own purposes.

He wanted us to help.

I said I had spoken to Peter Quinn. He thought that the mood on the road had improved. They probably would settle for a march this year if it were the last one and if the Orange agreed to meet the residents' leaders. There could be marches in future years but they would have to be by agreement. He thought McKenna was taking a harder line than the other residents. He said he might be prepared to settle for a march down the road next spring but not now. He was using Brian Curren to buy time. Quinn thought the one hope of agreement was

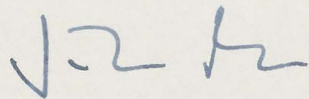
**CONFIDENTIAL**

**CONFIDENTIAL**

- 2 -

persuading Gerry Adams to use his influence. Despite what others had said McKenna wasn't close to the 32 Counties Sovereignty Committee and was subject to influence by Adams. We needed to persuade Adams to press McKenna to reach an agreement.

Trimble said he had had a similar conversation with Quinn and would be meeting Adams tomorrow afternoon. I said he should phone me after his meeting with Adams and we would speak to Adams as well on the same lines. Trimble also asked if Peter could speak to Holland in the next 24 hours. It would be very helpful if he could be prevailed upon to be as sympathetic as possible. I said I would speak to Peter.

A handwritten signature in blue ink, appearing to read 'J.P. h'.

**JONATHAN POWELL**

**CONFIDENTIAL**

CONFIDENTIAL



10 DOWNING STREET  
LONDON SW1A 2AA

File

From the Private Secretary

28 June 2000

*See Nick.*

#### NORTHERN IRELAND: US CONCERNS AND POSSIBLE CLINTON VISIT

I talked to Jim Steinberg this afternoon about Northern Ireland where he agreed things were going very well. There were still concerns among Irish Americans on the Patten Bill, but Steinberg thought that as long as we could square away the SDLP, we would be fine. I urged him not to raise hopes on OTRs: while we would continue with reviews of the outstanding cases, it was unlikely that we would be able to clear the decks without further legislation and the room for that was very limited during this Parliamentary Session.

Steinberg said the other point of concern in the US was demilitarisation. I told him the Republicans could have no complaint with the list of measures we drew up in May and which were now being implemented. There would be more in due course as the situation continued to normalise. But that required continued work on the IRA CMB ie further inspections in September, and acceptance by the Republicans that actual decommissioning had to follow. He accepted that.

On the question of a Clinton visit, Steinberg said that there was no good answer available. The possibility of a visit in July had fallen away. There was a slim window at the end of the Summer before the UN Summit, but he doubted that this would be possible. The last option would be in the Autumn. I said that a visit after the 7 November elections was possible from our point of view.

#### Comment

We can now stand down the provisional planning that was being made for a Clinton visit in the period 18-20 July.

I am copying this letter to Sherard Cowper-Coles (Foreign and Commonwealth Office), Christopher Meyer (Washington) and to Ivor Roberts (Dublin).

*Yours ever,*  
A handwritten signature in dark ink, appearing to be 'John'.

JOHN SAWERS

Nick Perry  
Northern Ireland Office

CONFIDENTIAL

CONFIDENTIAL

FROM: S J LEACH  
ASSOCIATE DIRECTOR POLICING AND SECURITY

28 JUNE 2000

cc PS/Mr Ingram (B & L)  
PS/Mr Pilling (B & L)  
Mr Jeffrey  
Mr Watkins  
Mr Hawker  
Mr Maccabe  
Mr Kelly (B & L)  
Mr Brooker  
Ms Scholefield  
HMA Dublin  
Mr Sawers (No 10)

JS  
e: JB  
MT  
95.

PS/SECRETARY OF STATE (B & L)

KEN MAGINNIS: ARMS DUMP INSPECTION

Issue: Maginnis keen to have direct contact with Inspectors. They recognise the value of a meeting and will consider how best to arrange one (though not in the short term).

Status: For information.

The Private Office passed on a request yesterday for me to speak to Ken Maginnis MP about the possibility of a meeting with Ahtisaari and Ramaphosa to discuss in more detail their arms dump inspection. After checking with Mr Jeffrey, I spoke to Maginnis. I said that while the Inspectors were independent, I expected that they would understand why the UUP were seeking some direct contact. In practical terms, however, an early meeting did not seem possible, as the two of them had now dispersed to their own countries and Ahtisaari was about



INVESTOR IN PEOPLE

CONFIDENTIAL

EPC/36817

P.01

TO

FROM ASS DIR POL & SEC  
01232 760041

28-JUN-2000 16:11

CONFIDENTIAL

to go into hospital for a knee operation which would leave him immobile for some weeks. Because of these difficulties, No 10 had arranged a telephone conversation on Monday between the two Inspectors and David Trimble in Israel. This had apparently gone satisfactorily. In the first instance, Maginnis might therefore wish to speak to Trimble.

2. **Maginnis** was not wholly conciliated by this. As security spokesman, he had a separate need to be persuaded of the reality of the CBM, to counter Peter Robinson's view (which was gaining some support in the unionist community) that it had been a meaningless stunt. When he had met the Inspectors in May, Ramaphosa had undertaken that they would see him for a fuller meeting, but they had not followed through on this or done more than acknowledge the letter he had subsequently sent them. He (and the UUP) must not be taken for granted. I said that I was sure this point was fully understood. While an early meeting was likely to be impracticable, I would mention the letter to the Inspectors' office to stress that a reply should be sent, and would speak further to Maginnis. He seemed reasonably placated, and left for the Police Bill Committee.

3. I accordingly spoke this morning to **Minna Jarvenpaa**, the Special Assistant to Ahtisaari who is co-ordinating the inspection activities. She said that the Inspectors were indeed conscious of the desirability of meeting the UUP and indeed other political parties (Ramaphosa had had a specific request for a meeting from David Irvine). They had contemplated having such meetings last week, but the inspection visit had taken longer than expected and further activity could not be accommodated within the timescale. Early meetings with the parties were now ruled out, since Ahtisaari was having his knee operation today and would not be able to travel for a minimum of two weeks. However, it would be possible to fly some of the parties into Helsinki (along with Ramaphosa) for a meeting while



INVESTOR IN PEOPLE

CONFIDENTIAL

TOTAL P.03

CONFIDENTIAL

Ahtisaari was recuperating, or alternatively to find time for meetings in Northern Ireland after the next inspection in the Autumn.

4. I said that, provided the Inspectors were in principle happy to meet the parties, both of these seemed very constructive suggestions. When Ahtisaari and Ramaphosa had reached a view on which to pursue, HMG would be very happy to advise on practicalities if required. In the meantime, it would be very helpful if a reply could be sent to Maginnis. I recognised that it might not be possible to provide the detail he was looking for, but a warm if unspecific reply, reiterating that the Inspectors hoped to meet him in due course and enclosing a copy of the first inspection report, should have a valuable effect. Minna agreed to proceed in this way (subject to checking with Ahtisaari when he regained consciousness).

5. Finally, I went back to **Maginnis** to say that the Inspectors recognised the desirability of a meeting, although it would not be possible to arrange one in the short term. Meanwhile, an early reply would be sent to Maginnis' letter. He seemed satisfied with this.

[sgd S J LEACH]

S J LEACH  
Ext: 27012



INVESTOR IN PEOPLE

CONFIDENTIAL

EPC/36817

P.03

TO

28-JUN-2000 16:11 FROM RSS DIR POL & SEC



BY: BRITISH EMBASSY;  
 11:41 PM 2000

7- 5- 0 14:17; 2025887859 =>  
 2025887859 USE COMM-FIVE RELING

#1/1  
 2000

✓ 2.11  
 5/3

1. cc Tom Sawyer No 10  
 Nick Perry 13/10/01 } by fax

*Helpfully follows this*  
*steve sent Sandy Berger CE: NT*  
*in (file)*  
*JP*  
*AP*

✓ 2.11 15  
 Bill Patten Jr.  
 Peter Smith  
 Peter Kent  
 PJ, NY, by fax  
 Fern Evans, Boston by fax

THE WHITE HOUSE

WASHINGTON

June 27, 2000

*Helpful. Received from Gilman's staff on 5 July*  
*Wmmt 5/7*

Dear Mr. Chairman:

Thank you for your letter concerning certification of full implementation of the Patten Report recommendations. I share your view that assuring a professional police service in Northern Ireland that meets the highest possible standards and that enjoys the support of the community as a whole is a vital element of the Good Friday Accord.

While it is up to the people of Northern Ireland and Members of Parliament to address the specific proposals, we will -- consistent with U.S. law -- carefully monitor the commitment of the British and Irish governments to assist in the full implementation of the Patten Report recommendations. Both Tony Blair and Bertie Ahern are aware of my strong interest in this issue. Legislation aimed at implementing Patten is currently making its way through Westminster. Once that legislation has been adopted and we have had a chance to evaluate its impact, I will assess whether I can make the necessary certification.

Again, thank you for writing on this important matter.

Sincerely,

*Bill Clinton*

The Honorable Benjamin A. Gilman  
 Chairman  
 Committee on International Relations  
 House of Representatives  
 Washington, D.C. 20515



SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

NORTHERN IRELAND OFFICE  
11 MILLBANK  
LONDON  
SW1P 4PN

JTB

cc: JS

MT

DN

GS

The Rt Hon the Lord Williams of Mostyn QC  
Attorney General  
9 Buckingham Gate  
LONDON  
SW1E 6JP

27 June 2000

*A. Sark,*

## TERRORISTS ON THE RUN

Thank you for your letter of 2 June about the list of 36 names of persons on the run provided to No.10 by Sinn Fein. I have also seen your letter of 8 June to Jonathan Powell. In each case, I was grateful for the information you supplied in relation to those individuals already convicted of offences who have escaped custody.

The background to this, as I think you are aware, is that in the discussions running up to the IRA statement on 6 May, Sinn Fein argued that, once remaining prisoners had been released on the second anniversary of the early release scheme on 28 July, we should acknowledge that no public interest would be served by pursuing people suspected or convicted of offences committed before the Good Friday Agreement. They were given no encouragement in this, but in a letter to Gerry Adams, the Prime Minister agreed to arrange for you to look at a dozen or so individual cases fairly quickly, and to consider separately the issues which would arise after 28 July.



INVESTOR IN PEOPLE



I agree with you that there is a distinction to be made between those cases where the person "on the run" may be subject to prosecution, and those where he or she has already been convicted and has escaped to another jurisdiction. The first category of cases is, I think, best dealt with as you are doing now, by review on a case-by-case basis. I would not want to argue for legislation preventing prosecution in any such case where the offence pre-dated the Good Friday Agreement.

We should, however, bear in mind that a decision not to exclude prosecution of pre-Good Friday Agreement offences will be controversial with Sinn Féin. In their terms the resolution of the conflict requires a line to be drawn under these cases, and they will point to earlier moments in Irish history in support of their case.

The post-conviction cases raise somewhat different issues, if only because of the operation of the early release scheme. Again the options are, broadly speaking, to legislate or to proceed case by case.

In favour of the case by case approach is the fact that it would avoid controversial legislation and enable me to examine whether the public interest served by extradition proceedings had changed in the meantime. But there are very significant disadvantages:



INVESTOR IN PEOPLE



- As you say, the discontinuation of extradition proceedings in any case would not, in itself, be sufficient to draw a line under that case. I would inevitably be drawn into considering the exercise of the Royal Prerogative to remit the remainder of the sentence. Both decisions would undoubtedly be challenged on judicial review, leading to high profile court cases which would focus public attention on the facts of the original offence rather than the rationale for my decisions.
- Even the withdrawal of extradition proceedings combined with the exercise of the Royal Prerogative would leave significant loose ends. Unless accompanied by a decision by the DPP to abandon any prosecution for escape-related offences, they would, in particular, leave the person on the run still liable to prosecution for such offences. Crucially, the licence regime under which beneficiaries of the early release scheme remain subject to recall to prison if the organisation they support breaches its ceasefire or they again become involved in terrorism would not apply. I would find this impossible to defend.
- In any event, the public interest considerations to which, in practice, I am likely to have regard – the improvement in the political situation and the fact that, if returned, the person



INVESTOR IN PEOPLE



concerned would stand to be released from prison immediately or soon afterwards – will apply to almost all of the cases in question, and point towards a more general solution.

For these reasons, like you I incline towards an approach through legislation. This might involve a Bill to regularise the position of those who escaped while serving a prison sentence, who may now be subject to extradition proceedings but who, on return, would be subject to immediate or imminent release under the provisions of the Northern Ireland (Sentences) Act 1998.

The Sentences Act currently operates on the basis of applications to the independent Sentence Review Commissioners from eligible prisoners. To be eligible, prisoners must be in prison in Northern Ireland, be serving a sentence of at least five years for a scheduled offence committed prior to 10 April 1998 and not be a supporter of a specified organisation. If the application is granted, the prisoner will be given a release date on which he will be released on licence, provided he has served a minimum period of two years in custody. Section 9 of the Act sets out the licence conditions, namely that the person does not support a specified organisation, does not become concerned in acts of terrorism and, in the case of a life prisoner, does not become a danger to the public.



INVESTOR IN PEOPLE



If a statutory approach were to be taken to the cases of escapees, the purpose of it might be to enable people to apply to the Sentence Review Commissioners whilst unlawfully at large. Amongst those on the current list, most would be eligible for immediate release, subject to the consideration of the Commissioners in each case, having already spent two years or more in custody. A few, however, would not and would be required to spend some months in prison before the two-year point was reached. Extradition proceedings against the latter could not be dropped until they had returned to serve this outstanding period.

One issue which would have to be resolved is whether, and if so how, to deal in the legislation or otherwise with the question of criminal charges for the escape itself or related offences. Some of these offences, particularly in relation to the Maze escape in 1983 when a prison officer was critically injured and subsequently died, could potentially be very serious. This aspect could be dealt with in a number of ways. The statute could, in effect, provide an amnesty for escape-related offences. Alternatively, you might wish to consider, at an early stage and on a case-by-case basis, the public interest and evidence requirements for prosecution. Or the matter could simply be left, with the attendant risk that an individual returning to Northern Ireland might be arrested in connection with the escape. The legislative option is again the only way in which a uniform approach could be guaranteed but might well be a step too far politically as it takes us well into amnesty territory for what were not trivial offences. Case-by-case consideration looks the most attractive



INVESTOR IN PEOPLE



option from my perspective although this is ultimately a matter for the DPPs in consultation with you.

There is no doubt that legislation on the lines I have described would be highly controversial. The Good Friday Agreement made no provision for fugitives to benefit from the early release scheme, and such a provision could almost certainly not have been agreed with the unionists. During the passage of the Bill which became the Sentences Act, it was made clear that it did not represent an amnesty for those who had committed terrorist offences.

On the other hand, it cannot be denied that the passage of the two year point for the early release scheme creates a new situation. There would be little point in continuing to devote public resources to seeking the return of people with no significant outstanding liability to imprisonment, or in keeping such people in limbo indefinitely. And if something is to be done about them, it seems better that it should be approved by Parliament and have the effect of applying the licence conditions.

If we did decide on legislation, there would be a fine judgement to be made about timing. Given the problems with this year's legislative programme, I imagine that there is now no question of a Bill before next session. We would have to bear in mind that, once we made our intentions known, this would in itself have an effect on outstanding extradition requests, notably



INVESTOR IN PEOPLE



the one involving the three men in the USA. I might need to take steps to halt proceedings in that case, if not in others.

Before taking a final view, I will want to consult other colleagues, including the Prime Minister. But as a first step I would welcome the discussion you suggest in your letter of 2 June. I hope it can be arranged as soon as possible.

For the moment, I am copying this only to the Prime Minister and Jack Straw, and to Sir Richard Wilson.

PETER MANDELSON



INVESTOR IN PEOPLE



0171-271 2460

The Rt Hon the Lord Williams of Mostyn QC

9 BUCKINGHAM GATE  
LONDON SW1E 6JP

✓

Return u.B. / JS

✓

Jonathan Powell Esq  
Prime Minister's Chief of Staff  
10 Downing Street  
London SW1A 2AA

27 June 2000

Dear Jonathan,

Thank you for your letter of 23<sup>rd</sup> June which is most helpful.

I think there has been a misrecollection. My office did not see the letter of 6 November until yesterday; and of course the extradition cases are for Peter Mandelson, not for me.

Yours ever,  
G. J. S.



Northern Ireland Office  
Block B, Castle Buildings  
Belfast BT4 3SG  
Telephone 01232 520700

POLITICAL DIRECTOR

✓ JPO  
a JS

Rt Hon Lord Williams of Mostyn QC  
Attorney General  
9 Buckingham Gate  
LONDON SW1E 6JP

27 June 2000

*Dear Attorney General*

MARGUERITE O'HARE

Thank you for your letter of 20 June.

2. To my knowledge, I have only met Ms O'Hare once, in Dublin on 12 April this year, when she was a largely silent member of a Sinn Féin team led by Adams and McGuinness, at a meeting at which we were represented by Jonathan Powell, Jonathan Stephens and myself. Irish officials were also present. At the end of the meeting, Adams made a bit of a point of raising Ms O'Hare's case, suggesting that the next such meeting should be in Belfast a few days later, and that it would be good if Ms O'Hare were able to attend. Jonathan Stephens' record of the meeting has Jonathan Powell responding that "he was aware of the Prime Minister's commitment and that would be kept, but he could not say when: all he could promise was to do his best, but it certainly would not be resolved by [the day of the next meeting]". Jonathan Powell can speak for himself, but my recollection is that the sense of the exchange was that the "commitment" referred to was the Prime Minister's commitment to have the case reviewed by you, and that no commitment was given as to the outcome.

CONFIDENTIAL & PERSONAL



3. Otherwise, I can recall several discussions over recent months which I myself have had with Irish officials, principally Dermot Gallagher, in which Ms O'Hare's case has come up. I cannot now remember the details, but I am sure that I stuck to the line that we hoped the matter could be resolved as soon as possible, but that it lay with our independent prosecution authorities, and raised difficult and complicated issues.

4. I have checked with those of my official colleagues in NIO who might have had anything to add usefully to this account, but none can; and no-one apart from Jonathan Stephens and myself can recall ever having met Ms O'Hare.

*Yours sincerely*

*Bill Jeffrey*

BILL JEFFREY

*acc Mr Powell, No 10*

CONFIDENTIAL



10 DOWNING STREET  
LONDON SW1A 2AA

From the Prime Minister's Chief of Staff

27 June 2000

Der Dan,

I attach a draft letter recording the Attorney General's conversation with the Prime Minister. I would be grateful if you let me know if you have any amendments before I finalise it.

Jonathan Powell

JONATHAN POWELL

David Seymour  
Law Officers' Department

CONFIDENTIAL

CONFIDENTIAL



10 DOWNING STREET  
LONDON SW1A 2AA

From the Prime Minister's Chief of Staff

27 June 2000

**DRAFT**

**MEETING BETWEEN THE PRIME MINISTER AND ATTORNEY  
GENERAL**

The Attorney General met the Prime Minister this morning to brief him on progress on Northern Ireland related cases.

The Attorney General said he was looking into the question of whether there had been an abuse of process in the Rita O'Hare case. I had replied to his letter as had Bill Jeffrey in the NIO. He awaited a reply from Mo Mowlam.

Peter Mandelson was considering the 19 cases involving extradition warrants. He would then need to meet Peter to discuss the response. It would be wrong to have disparate decisions on these cases.

The Attorney General said that the decision on Roisin McAlliskey would be made public in the next few days; he had decided not to proceed against her. The DPP for England and Wales was looking at seven cases, two of which had already been dropped as we knew (Evelyn Glenholmes and Patrick McVeigh). He expected the DPPNI to drop two cases this week where the evidence no longer existed.

There were a number of anomalies in the list provided by Sinn Fein. For example, in three of the cases we did not know anything about them. The list had included Nesson Quinlivan, even though he was serving time in jail in Ireland for the murder of Garda McCabe and would not be let out. We also needed to consider whether a general amnesty might not be more appropriate rather than dealing with the cases individually. The difficulty with this of course was that, unlike released prisoners, the individuals concerned would not be free on licence.

CONFIDENTIAL

The Prime Minister thanked the Attorney General for this account. Summing up, he understood that the DPPNI would make it clear that cases would not be proceeded with against two individuals from the list later this week. The Attorney General would be discussing the 19 extradition cases and related matters with the Northern Ireland Secretary. The Attorney General was awaiting a reply from Mo Mowlam on Rita O'Hare.

The Prime Minister said he would be grateful if the Attorney General could continue to follow these cases closely.

JONATHAN POWELL

David Seymour  
Law Officers' Department



**CONFIDENTIAL & PERSONAL  
APPOINTMENTS**

**NORTHERN IRELAND OFFICE  
11 MILLBANK  
LONDON  
SW1P 4QE**

2. *Michael Fether*  
*to file*  
*Jr*

*1. JPS*

1. John Sawers *olr-*  
Private Secretary to the Prime Minister  
10 Downing Street  
LONDON  
SW1A 2AA

*26* June 2000

*Dear John*

**BLOODY SUNDAY INQUIRY – SIR EDWARD SOMERS**

Sir Edward Somers, one of the members of the Bloody Sunday Inquiry team, has advised Lord Saville that he intends to resign on health grounds at the end of the current session. This note sets out the steps we have in place to consider arrangements for his replacement and the likely timescale.

Sir Edward, a retired member of the New Zealand Court of Appeal, was one of the three appointments to the Bloody Sunday Inquiry Tribunal announced by the Prime Minister when the Inquiry was established in 1998. It has become apparent over the past few months that his capacity to complete a task which still has between two and three years to run has significantly diminished and he has reluctantly concluded that he should resign as a member of the Inquiry. This is not yet widely



INVESTOR IN PEOPLE



**CONFIDENTIAL & PERSONAL  
APPOINTMENTS**

known. Lord Saville is keen to secure a replacement as soon as possible and to announce who that will be at the same time as Sir Edward's resignation is announced, preferably by the end of July.

Before embarking on a search for a suitable replacement, we are taking Counsel's advice on the legal implications of a change in the membership of the Tribunal mid-term. Once that is received, we will take a final view on whether a successor should be appointed; as of now, the clear presumption is that one will. We know that Lord Saville is most anxious to retain a three-member Tribunal, not least to share the very considerable workload.

Assuming that we appoint a successor, we will need to identify suitable candidates. As this would be a legal appointment, it would fall to the Lord Chancellor's Department, in conjunction with the FCO, to take the lead in handling the search. We would probably look to the Commonwealth (though not Canada, as they are already represented on the Tribunal). The person would need to be a fluent English-speaker and he or she would need to come from a country with a common law tradition. Given the onerous task involved, in the interests of relative youth we should not exclude the possibility of a serving judge. No action



INVESTOR IN PEOPLE



CONFIDENTIAL & PERSONAL  
APPOINTMENTS

should be taken until we have the received Counsel's advice, to avoid the risk of leakage.

If we are to appoint a replacement, we need to act quickly so that the new member can have time to familiarise him or herself with the background to the Inquiry and the proceedings so far. We estimate that 6-8 weeks preparation time will be required. Even if we are able to announce the new appointment by the end of July (having consulted Lord Saville on the candidate(s)), this could give rise to some delay to the Inquiry's planned resumption on 4<sup>th</sup> September.

For now, you are invited to note the current position. I will write to you again once we have received Counsel's advice.

- > Copies of this letter go to the private secretaries of the Lord Chancellor and the Foreign Secretary and to Sebastian Wood in the Cabinet Office.

*Yours ever*

*Kirstin McFarlane*

pp NICK PERRY



INVESTOR IN PEOPLE

CONFIDENTIAL

The Rt Hon the Lord Williams of Mostyn QC



9 BUCKINGHAM GATE  
LONDON SW1E 6JP

0171-271 2460

The Rt Hon Peter Mandelson MP,  
Secretary of State for Northern Ireland,  
Northern Ireland Office,  
11 Millbank,  
London,  
SW1P 4PN.

~~MT~~  
JPO  
JS o/r  
ON  
CS/Q  
Press

26<sup>th</sup> June 2000

Dear Peter,

**ROISIN McALISKEY**

I wrote to you on 17<sup>th</sup> May 2000 seeking your views on handling the publicity concerning the announcement of the decision not to prosecute Roisin McAliskey in this country. You replied agreeing with my suggestion that the announcement should be made by means of a written answer to a Parliamentary question. You asked to be kept informed as to timing.

I enclose a copy of the question and the intended reply. Subject to any views you, the Prime Minister or Jack Straw may have, I intend to have a named day written question tabled for reply by the Solicitor General on Tuesday 4<sup>th</sup> July. The Crown Prosecution Service will ensure the German authorities and Ms McAliskey's solicitors are notified at the same time.

I copy this letter to the Prime Minister and Jack Straw

Yours ever,  
Ruth

**PARLIAMENTARY QUESTION FOR WRITTEN ANSWER**

**ON**

**JUNE 2000**

**QUESTION:**      **MR X:** To ask the Solicitor General if he will make a statement concerning the possible prosecution of Roisin McAliskey

---

**MEMBER'S CONSTITUENCY: X (LAB)**

---

**ANSWER:    SOLICITOR GENERAL:**

Further to the statement of the Home Secretary on 10<sup>th</sup> March 1998 (*Official Report 10<sup>th</sup> March 1998 Column 133*) that he would not order the extradition of Roisin McAliskey to Germany, the Crown Prosecution Service, in accordance with this country's obligations under Article 7 of the European Convention on the Suppression of Terrorism, has considered whether to prosecute Roisin McAliskey in this country for the offences allegedly committed in Germany in relation to the Osnabruk bombing of 28<sup>th</sup> June 1996.

The test applied by the Crown Prosecution Service is the test set out in the Code for Crown Prosecutors that applies to all prosecutions in England and Wales namely, that a prosecution will only be commenced or proceeded with if there is sufficient evidence to afford a realistic prospect of conviction and that prosecution is in the public interest.

The Crown Prosecution Service, having taken the advice of Senior Treasury Counsel, has concluded that there is not a realistic prospect of convicting Miss McAliskey for any offence arising out of the Osnabruk bombing. It has reached that conclusion having taken into account the available evidence and the likely result of any argument that may be put forward by Miss McAliskey that to prosecute her now would be an abuse of process.

The Law Officers have been consulted and we agree with the conclusion reached by the Crown Prosecution Service.

It is not usual for the Law Officers to make announcements concerning consideration of individual cases. In this instance, the Home Secretary in a written reply (*Official Report 20<sup>th</sup> March 1998 Column 742*) said that this matter would be considered for prosecution in the United Kingdom. It is right that the House should be informed of the outcome of those considerations.

From: PS/Secretary of State  
26 June 2000

cc: See Copy Distribution List

Mr Jeffrey - O

✓ JPO  
cc: JS O/R  
MT  
AC  
GS

### CONVERSATION WITH GERRY ADAMS, 26 JUNE

The Secretary of State had a short phone conversation with Gerry Adams this evening.

2. After a brief exchange about today's developments - Adams claimed that his people were "a wee bit wobbly", with a few individuals becoming headstrong, but they would deal with that problem - the Secretary of State raised Drumcree, commenting that he was worried about the situation there. If there was to be trouble, which he very much hoped there wouldn't be, it would be very helpful if HMG and the police had to deal with one side only i.e. the loyalists and the Order. Adams said he and his colleagues had just been discussing the issue. He appreciated what the Secretary of State was saying. Sinn Fein wanted to have a calming effect. It hadn't helped that Gerry Kelly had been hit on the head by a "peeler" over the weekend - clearly not all RUC officers had heard about the new dispensation. HMG's position should be that the parade could not be forced down and that there had to be dialogue. He expected a stand-off to develop, which he hoped would peter out, but he didn't underestimate the volatility of the situation. This would be particularly so if the Garvaghy Road residents were seen to be getting a bad time. Portadown was 'the Alabama of this statelet'. The Secretary of State noted the desirability of finding some kind of accommodation. Adams maintained that people's rights needed to be upheld. The situation in Portadown had been complicated by the murder of Rosemary Nelson. Dialogue was the only way forward.

*Signed*

**N P PERRY**

PS/Secretary of State

☎ (B) 28110

(L) 6462



INVESTOR IN PEOPLE

c ● PS/Secretary of State (B&L) - O  
PS/Mr Ingram (B&L) - O  
PS/Mr Howarth (B&L) - O  
PS/PUS (B&L) - O  
Mr Watkins - O  
Mr Leach - O  
Mr Hawker - O  
Mr Kelly (B&L) - O  
Ms Scholefield - O  
Mr Sawers, No. 10



INVESTOR IN PEOPLE

cc: NIO  
HMT10 DOWNING STREET  
LONDON SW1A 2AA

THE PRIME MINISTER

26 June 2000

*Dear David,*

Thank you for your letter of 30 May.

As I said in my last letter, the proposals on offer in respect of voluntary severance/early retirement arrangements for RUC officers are very generous in public sector terms. Nonetheless, in view of the special situation facing police officers in Northern Ireland, I agreed to enhance the proposals in three areas. Although your letter indicates that you still have reservations, I believe that the position we have now reached fully meets the Government's commitments to RUC officers.

As I said at Hillsborough, I remain ready in principal to have a further meeting with the Police Association to discuss these issues. However, because of current intense diary pressures, it will not be possible to arrange such a meeting over the next few weeks. I have therefore discussed the position with Peter Mandelson, and propose that you should have an early meeting with him. This will give you an opportunity to put the concerns which you have, and I hope bring the process to a satisfactory conclusion, in a shorter timescale.

I hope this proposal is acceptable, and look forward to hearing from Peter how matters have been taken forward.

Mr. David McClurg

*Yours sincerely  
Tony Blair*



## 10 DOWNING STREET

Prime Minister

Jonathan has spoken to you about this and you were still inclined to meet the RUC Police Association. But:

- Peter M wants this settled soon (ahead of Drumcree). It would take time to schedule a meeting and then conclude a deal.
- You have nothing positive to say to them. We're at the end of the road on concessions.
- According to NIO officials the Police Association are not seriously expecting a meeting. This is a try-on.

We can of course arrange a meeting if that is definitely what you want. But our strong view is that we should let Peter do the work on this.

Ready to sign the attached letter?

Michael O'Leary



Established by Act of Parliament

## POLICE FEDERATION FOR NORTHERN IRELAND

Please reply to the Secretary

R.U.C. GARNERVILLE, GARNERVILLE ROAD, BELFAST, BT4 2NX, TELEPHONE: (028) 9076 0831, FAX: (028) 9076 1549

The Rt Hon Tony Blair MP  
Prime Minister  
10 Downing Street  
LONDON  
SW1A

Our Ref: DMC/DB

30<sup>th</sup> May 2000

Dear Prime Minister

I refer to our meeting of 5<sup>th</sup> May 2000 and your response dated 25<sup>th</sup> May.

The Police Association have considered at length the contents of your letter and met with Northern Ireland Office Officials on this date.

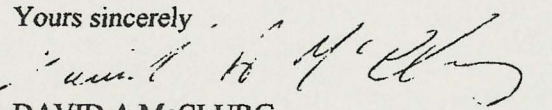
We recognise the enhancements made for those Officers with a compulsory retirement age of 57 or 60 years of age, although this only recognises Government's stated position that severance should not exceed potential earnings.

However, the vast majority of those affected are in the Constable and Sergeant ranks with a compulsory retirement age of 55 years. Without movement on the issues of salary, taxation, indexation and consideration of length of service, there is little in the proposals to enhance their position.

Within the context of these issues, we regrettably conclude that the scheme as proposed will not meet its objectives. We, in the Police Association, are committed to making Patten work in order that the promises made to the Royal Ulster Constabulary and all our communities can be met. Without the right tools, this part of Patten will fail.

At our talks of 5<sup>th</sup> May, you offered a further meeting should there continue to be a gap between your response and our view on what is required. As this gap still does exist, I wish to seek an urgent meeting in an effort to resolve this matter.

Yours sincerely

  
DAVID A McCLURG  
SECRETARY - POLICE ASSOCIATION

RECEIVED  
EVIDENCE

JUN 20



10 DOWNING STREET  
LONDON SW1A 2AA

THE PRIME MINISTER

25 May 2000

Dear David,

When I met you and your colleagues from the Police Association at Hillsborough on 5 May to discuss voluntary early retirement/severance arrangements for RUC officers, I undertook carefully to consider the points you raised. As I said I have taken a close personal interest in the changes to the force and will continue to do so.

The current proposals on offer are already the most generous in the public service and reflect the situation facing police officers in Northern Ireland. However, in view of the uniqueness of their position and in the light of my previous undertakings to the RUC, I am prepared to agree to the current offer being uprated in the following areas – an extra lump sum payment to those under 55 in receipt of pension or payment in lieu of pension, uprating of benefits for those with a compulsory retirement age of 57 and 60; and uprating of lump sum benefits for those officers with fixed term agreements. NIO officials will meet you as soon as possible to explain the detail of what I am proposing.

I hope you will be able to agree that these additional benefits, when combined with the current offer, represent a generous and acceptable public sector voluntary early retirement and severance scheme. There is also the proposal for a significant retraining scheme for those leaving. I must stress that I

see the position reached now as one which fully meets the Government's commitments to RUC officers.

I know that the changes to policing have caused many officers uncertainty and indeed worry. Equally, everything that Peter Mandelson has told us of the RUC's approach to meeting the challenge of change gives us confidence that the men and women of the RUC will continue to respond with the same degree of professionalism and commitment they have always demonstrated in the past.

Perhaps you will permit me to say, too, that on meeting all the representatives, I could not fail to be impressed by the eloquent and effective way you have represented the interests of your members.

Yours sincerely  
Tony Blair

Mr David McClurg

**From:** Michael Tatham  
**Date:** 15 June 2000

**PRIME MINISTER**

**cc:** Jeremy Heywood  
Jonathan Powell  
John Sawers  
Alastair Campbell

### **RUC SEVERANCE ARRANGEMENTS**

You wrote to the Northern Ireland Police Association at the end of last month setting out three further concessions on the proposed severance package. The hope was that this would enable agreement on a deal. It did not. The Police Association have replied dismissing the offer as inadequate and seeking a further meeting (when you met with the Police Association at Hillsborough in May you said you would be prepared to see them again if they were still unsatisfied).

Peter Mandelson sees no value in your meeting the Police Association again. He is convinced (as are Treasury) that the current package is generous and fully meets our commitments to the RUC. He thinks a further meeting with you would not be productive and would only raise expectations. He suggests instead that he sees the Association to try and wrap this issue up (he is keen to get it out of the way before the Drumcree parade).

**It makes sense to leave this to Peter despite your earlier offer to the Police Association. Are you happy to do this? If so, can you sign off the attached letter?**

*Michael Tatham*  
**MICHAEL TATHAM**

*I think it is  
difficult not to see  
them again, since I  
promised. Talk to me next week.*

McCLURG (MT)

1616



FAXED

10 DOWNING STREET  
LONDON SW1A 2AA

From the Private Secretary

8 June 2000

Dear Nick

### RUC SEVERANCE ARRANGEMENTS

I attach a letter to the Prime Minister from David McClurg, Secretary of the Police Federation for Northern Ireland, expressing continued dissatisfaction with the proposed RUC severance arrangements and seeking a further meeting.

Since the Prime Minister offered the Police Association a further meeting if necessary it would be awkward to decline this request. On the other hand diary pressures are intense over the next few weeks and it is not clear what such a meeting would achieve given the limited scope for any further concessions. I would be grateful for advice and a draft reply.

I am copying this letter to Dan Monnery (HM Treasury).

Yours ever

*Signed : Michael Tatham*  
08/06/2000 13:06

MICHAEL TATHAM

Nick Perry  
NIO

Not yet signed  
with MT?

LIZZIE.

SPOKE TO NIO.

THEY HAVE PASSED  
DRAFT OVER TO MT  
ON 13-14 JUNE.

I HAVEN'T AMENDED  
THE DATABASE.

GARRY.



## POLICE FEDERATION FOR NORTHERN IRELAND

Please reply to the Secretary

R.U.C. GARNERVILLE, GARNERVILLE ROAD, BELFAST, BT4 2NX, TELEPHONE: (028) 9076 0831, FAX: (028) 9076 1549

The Rt Hon Tony Blair MP  
Prime Minister  
10 Downing Street  
LONDON  
SW1A

Our Ref: DMC/DB

30<sup>th</sup> May 2000

Dear Prime Minister

I refer to our meeting of 5<sup>th</sup> May 2000 and your response dated 25<sup>th</sup> May.

The Police Association have considered at length the contents of your letter and met with Northern Ireland Office Officials on this date.

We recognise the enhancements made for those Officers with a compulsory retirement age of 57 or 60 years of age, although this only recognises Government's stated position that severance should not exceed potential earnings.

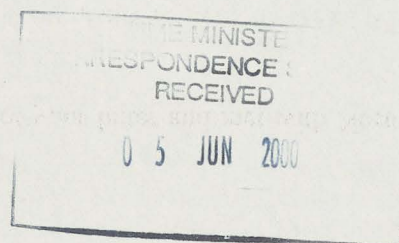
However, the vast majority of those affected are in the Constable and Sergeant ranks with a compulsory retirement age of 55 years. Without movement on the issues of salary, taxation, indexation and consideration of length of service, there is little in the proposals to enhance their position.

Within the context of these issues, we regrettably conclude that the scheme as proposed will not meet its objectives. We, in the Police Association, are committed to making Patten work in order that the promises made to the Royal Ulster Constabulary and all our communities can be met. Without the right tools, this part of Patten will fail.

At our talks of 5<sup>th</sup> May, you offered a further meeting should there continue to be a gap between your response and our view on what is required. As this gap still does exist, I wish to seek an urgent meeting in an effort to resolve this matter.

Yours sincerely

DAVID A McCLURG  
SECRETARY - POLICE ASSOCIATION



## INDEPENDENT INTERNATIONAL COMMISSION ON DECOMMISSIONING

General John de Chastelain

Brigadier Tauno Nieminen

Andrew D. Sens

Dublin OfficeDublin Castle  
Block M, Ship Street  
DUBLIN 2Tel No: (01) 4780111  
Fax No: (01) 4780600Belfast OfficeRosepark House  
Upper Newtownards Road  
BELFAST BT4 1NRTel No: (01232) 488600  
Fax No: (01232) 488601

25 June 2000


The Rt. Hon. Peter Mandelson, MP  
Secretary of State for Northern  
Ireland  
BelfastMr. John O'Donoghue, TD  
Minister for Justice, Equality  
and Law Reform  
Dublin


Gentlemen:

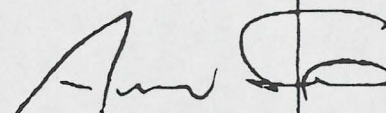
President Martti Ahtisaari and Mr. Cyril Ramaphosa informed the Commission today that they have successfully completed an initial inspection of several IRA weapons dumps. The two inspectors report that they were shown a substantial quantity of IRA arms, including explosives.

Moreover, the inspectors have ensured that the weapons are secure and cannot be used without their becoming aware that this has happened.

The full text of the inspectors' report is attached.

  
Tauno Nieminen

T.N.  
  
John de Chastelain

  
Andrew Sens

**REPORT**  
**ON INSPECTION OF IRA WEAPONS DUMPS**  
**BY**  
**PRESIDENT MARTTI AHTISAARI AND**  
**MR CYRIL RAMAPHOSA**

This report is being issued following our appointment as Arms Inspectors on 6 May 2000 and our first inspection of IRA weapons dumps.

We accepted our appointment on the basis of terms of reference set out in a joint statement issued by the Prime Minister and the Taoiseach and the statement by the leadership of the IRA on 6 May 2000.

In its statement of 6 May, the IRA leadership pledged to initiate a process that will completely and verifiably put IRA arms beyond use in the context of the statement made by the two governments on 5 May 2000. Besides undertaking to resume contact with the Independent International Commission on Decommissioning (IICD), the IRA leadership agreed to put in place within weeks a confidence-building measure to confirm that their weapons remain secure.

We see our mandate as being the inspection of the contents of a number of IRA arms dumps, reporting to the IICD that we have done so, and re-inspecting these dumps regularly to ensure that the weapons have remained secure.

In preparing for the first inspection visit, we were briefed by the British Prime Minister, the Irish Foreign Minister, the British Secretary of State and the Commissioners of the IICD. We also consulted most of the parties that have endorsed the Good Friday Agreement. In addition, we consulted independent specialists in the field of arms control, who had previously participated in arms inspections elsewhere and had expertise in the area of verification. The purpose of these consultations was to help us develop credible methods for inspection and verification.

We have now carried out our first inspection. We inspected a number of arms dumps. The arms dumps held a substantial amount of military

material, including explosives and related equipment, as well as weapons and other material.

We observed that the weapons and explosives were safely and adequately stored. We have ensured that the weapons and explosives cannot be used without our detection.

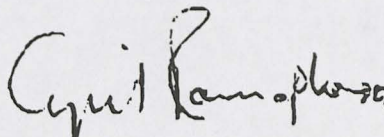
We are satisfied with the cooperation extended to us by the IRA to ensure a credible and verifiable inspection. All our requests were satisfactorily met.

We plan to re-inspect the arms dumps on a regular basis to ensure that the weapons have remained secure.

The process that led to the first inspection visit and the way in which it was carried out makes us believe that this is a genuine effort by the IRA to advance the peace process.



Martti Ahtisaari



Cyril Ramaphosa

London  
25 June 2000

**PRIME MINISTER**



**From: Jonathan Powell**

**Date: 25 June 2000**

**cc: Peter Mandelson  
Bill Jeffrey  
Alastair Campbell  
Michael Tatham  
Godric Smith**

**NORTHERN IRELAND: CBM**

President Ahtisaari called me this afternoon. He said he understood the sequence to be as follows: at 5.30 this afternoon they will hand their report to Brigadier Neimann of the IICD. At 0815 tomorrow morning when they arrive in Downing Street they will give us a written statement that they will want us to put out there and then. They will also give us a copy of their report for us and another copy to pass on to the Taoiseach. They understand that the IRA will put out a statement at 0830. Ahtisaari said he thought it would say no more than that the Inspection had taken place as promised. I said it was possible it might refer to the IRA commencing contact with the IICD.

Ahtisaari said they were not particularly keen to speak to the press and intended to stick to their written statement. The Prime Minister might however want to speak to the press after the meeting. I said that that was something we could discuss over breakfast. The cameras would certainly be there outside Downing Street. I also said the Prime Minister might say a few words about the subject when carrying out his video conference with President Clinton in the afternoon. I also said we had a shared interest with Sinn Fein in ensuring this went big tomorrow.

Ahtisaari concluded by telling me that they had good news for us.

Assuming you are content with the sequence I will make sure that the Press Office will alert journalists and camera crews to the breakfast but will do no more than that so as not to pre-empt the IRA statement and the Inspectors' press release. I think Peter is planning to speak to Trimble either very late this evening or first thing tomorrow morning.

*Diane Steel*

pp JONATHAN POWELL

