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TAOISEACH

Secure Fax: 960

19 August 1998

No of pages including this one: 3

To: HQ
For: Secretary Gallagher

From: Belfast
From: Joint Secretary

(Handwritten initials)

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to check it with
...
PST*

Subj: Statement about British legislation

1. We have handed over the text of our Government's statement to the British side
2. There will be no British Government statement as such. However, the Secretary of State will make a number of points in the course of a tour of TV studios later this afternoon.
3. Welcoming the steps announced by our Government, she will present these as essentially importing into Irish law a number of measures which already exist under British emergency legislation. The British Government, however, will be looking at further ways of strengthening its own legislation, in particular ways in which individuals may be more easily prosecuted for membership of proscribed organisations. It will be addressing this as a matter of urgency
4. A draft press release for issue by the Secretary of State is attached. In addition, draft question/answer material is to be copied to us shortly.
- NR 5. The British Government do not intend to recall Parliament to make the necessary legislative changes. Parliamentary procedures at Westminster would in any event make this a more time-consuming process than in our own case. Should there be criticism of the British Government for not recalling Parliament, the Secretary of State is likely to rely on the argument that the current emergency legislation is already very extensive and contains the measures now to be introduced into Irish law

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**MO MOWLAM WELCOMES IRISH CRACKDOWN ON TERRORISM:
GOVERNMENT LOOKING ACTIVELY AT TIGHTENING OF LAW ON
MEMBERSHIP OF TERRORIST ORGANISATIONS**

The Secretary of State for Northern Ireland, Dr Marjorie Mowlam MP, today welcomed decisions by the Irish Government to strengthen their anti-terrorist laws, and said that the Government is considering steps to make it easier to convict terrorists for membership of a proscribed organisation.

In a statement today, Dr Mowlam said:

"After Saturday's appalling atrocity in Omagh, we must be sure that everything possible is being done, not only to bring those responsible to book, but to prevent such awful events happening again.

I warmly welcome the steps the Irish Cabinet decided to take today. Almost all of these introduce into Irish law provisions which are already included in our own anti-terrorist legislation. Taken together with the steps which the Chief Constable and the Garda Commissioner are taking to enhance further operational capabilities in border areas, which I announced on Monday following my meeting with the Irish Minister of Justice, this means that we now have the strongest ever anti-terrorist measures across the whole of the island.

Our own legal framework already provides extensive powers. I am looking actively at ways of further strengthening them. In particular, it is at present difficult to secure convictions for the offence of membership of a proscribed organisation, such as the Real IRA which has admitted to Saturday's bombing. I am therefore considering changes

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similar to those which the Irish Government have announced today to make it easier to prove membership. The details are still being worked out, as they are with the Irish, but I hope we can move quickly.

Membership of a proscribed organisation is already a serious offence. What we would do is make it easier for prosecutions for that offence to succeed. Conviction is punishable by imprisonment.

The police are continuing their efforts to bring the perpetrators of the Omagh bombing to justice, including using expert assistance from the Metropolitan Police. I know that they will not rest until they have done so, and that they will ensure that there is no hiding place for those who are still intent on violence."

W. Kinnear

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W. J.
Laughlin

N. I. papers 9/8/52 10/5

information

Paul

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24/8/98

RECEIVED 25 AUG 1998

962/1

24 AUG 1998

Secure Fax: 962

19 August 1998

No of pages including this one: 3

To: HQ
For: Secretary Gallagher

From: Belfast
From: Joint Secretary

25A

Subj: British response to our Government's statement

I attach the question/answer material referred to in our earlier message on the above.

cc Group 1

Tapscott
[Signature]
24.8.98

[Signature]

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Q & A

Q. The British Government has not announced a single measure, in contrast to the Irish Government's comprehensive package?

A. Nearly all the measures which the Irish have introduced already exist in Northern Ireland and have done for several years. For example, our legislation already allows terrorist suspects to be held for up to 7 days, imposes restrictions on bail in terrorist cases, allows the courts to draw inferences from silence in particular circumstances, and contains the offences of directing a terrorist organisation, giving equipment and withholding information. Today's announcement by the Irish Government further aligns the anti-terrorist legislation in both jurisdictions, which is very welcome, and represents further proof of our joint determination to eradicate terrorism.

Q. This is an extremely weak response?

A. No. Most of the Irish measures are already in our armoury. We are currently considering urgently how the membership provisions can be strengthened, and we will be consulting closely with the Irish on this. We are also looking at a wide range of other options, which we are discussing with the police, other Departments and so forth. Some would require primary legislation, many are complex so detailed work is required. We will not hesitate to bring forward additional measures if we judge it helpful to do so. The determination of the two Governments to crack down on the Real IRA and similar groups is unshakeable.

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Q. Why not recall Parliament and act at once?

A. We are considering urgently not just the nature of any new provisions but also how, and how quickly, it might be possible to implement them. The possibility of recalling Parliament is certainly something we would be prepared to consider should that prove necessary.

Q. Can you be more specific about the equivalent provisions in the UK legislation?

A. The power to hold terrorist suspects for up to seven days for police questioning is contained in the Prevention of Terrorism Act; restrictions on bail are in the Emergency Provisions Act; the ability of a court to draw inferences from silence in certain specified circumstances is in the Criminal Evidence (NI) Order 1988; the offences of directing terrorism, possession of items intended for terrorist purposes, unlawful collection of information, and training in the use of firearms etc are all in the EPA; and the offence of withholding information about acts of terrorism is in the PTA.

Q. What are the police doing now?

A. The intensive police investigation, north and south, continues. A number of people are still being questioned. Additional help is being provided at the bomb scene by officers from the Metropolitan police. An enormous commitment is being made to this investigation. The RUC and Garda are in touch constantly. There will be no let-up until those responsible are brought to justice.

My position on what happened in Omagh on Saturday is quite categoric. I have condensed it without equivocation.

This appalling act was carried out by those opposed to the peace process. It is designed to wreck the process and everyone should work to ensure the peace process continues. I call on whatever group was responsible to accept responsibility and to stop immediately.

Those responsible are aligning themselves with the forces opposed to a democratic settlement of the conflict here. Sinn Fein believes that the way forward is political, through exclusively political and democratic means.

We have to work politically to make the Omagh bombing the last violent incident in our country, the last incident of this kind. We are committed to making conflict a thing of the past.

There is a shared responsibility to achieving an end to conflict. In particular the two governments have the principal responsibility as do the party leaders. I am committed to play my part as is Sinn Fein.

Inclusive and honest dialogue is the only way to resolve the conflict in this country. I am repeating the call I made hours after the Omagh bombing on David Trimble and Seamus Mallon to bring all the political leaders together to discuss the situation and to map a path out of the dark tunnel that people feel themselves to be in. There is much despair around and the vacuum that has been created should be filled by such an initiative.

FOR P BARTON

FROM P TEAHAN

As far as we are concerned, the position is clear. We are committed to exclusively peaceful and democratic means to achieve a way forward and these means alone. We have no hesitation in condemning the Omagh bombing and in saying that, so far as we are concerned, these bombings are a thing of the past, over, done with and gone. Furthermore, we believe those responsible should not simply admit their responsibility but should be arrested, convicted and punished under law for their crimes.

for Paddy Teahan

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Alternative language.

Philip Barton

18/8