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12 February 1998**No. Of pages including this one: 3**

For: HQ
For: Second Secretary

From: Belfast
From: Joint Secretary

Subj: Chief Constable's assessment of Campbell/Dougan killings

1. Following a meeting with the Chief Constable, the GOC and senior security officials this morning, the Secretary of State sent John Steele over to us at 12.30pm to inform us of the Chief Constable's firm conclusion that the Campbell and Dougan killings were Provisional IRA operations and to indicate the basis on which he had reached this view.
2. The Chief Constable believes, on the basis of intelligence, that the Campbell murder was sanctioned in general terms by the Provisional IRA leadership some time ago. Authorisation was given for DAAD-type killings and Brendan Campbell, a drug dealer against whom Republicans already harboured a grudge (he is reputed to have thrown a hand-grenade at Connolly House), was one of the more obvious candidates.
3. An unsuccessful attempt was made on Campbell's life at Boucher Road several weeks ago. It had been assumed by the RUC that, as the weapon used there was traceable to previous DAAD activities, care would be taken on the occasion of the next attempt against him to use a "clean" weapon. (The initial indications we received reflected this assumption). However, analysis has revealed that the weapon used last Monday night was not clean. It had been used in the series of DAAD killings in late 1995.
4. The Chief Constable is also satisfied, on the basis of intelligence, that the Dougan killing was sanctioned at the highest levels of the Provisional IRA. The initial assumption was that INLA might have been involved, because of a number of circumstantial similarities with the Guiney murder (both attacks had taken place in the same area, both men were from Suffolk, both were UDA leaders etc). However, contacts with INLA led the RUC to rule out this theory.

5. A raid on a house in Twinbrook later in the day uncovered three men whom the RUC firmly believe to be Provisional IRA members, clothes (with, Steele implied, relevant forensic evidence) being washed in a washing machine and discarded post office uniforms. Steele attributed the identification of this house and its occupants to "good intelligence" and implied that the individuals in question (whose names have not been released) had been under police observation for some time past. He also mentioned that there is a witness to the Dougan killing who is in a position to identify those involved.
6. The RUC are satisfied that these two killings were not the work of a splinter group or groups within the IRA but were mainstream operations which had been fully authorised. The construction which the NIO are inclined to put on them (but which, Steele emphasised, is pure speculation on their part) is that the IRA leadership believed that they could get away with DAAD-type murders and the killing of Loyalists without compromising Sinn Féin's position at the talks.
7. They may have calculated that neither of these activities would be deemed to fall within the strict parameters of the Mitchell Principles; that Sinn Féin would therefore not be expelled by the two Governments; and that, even if the UUP had walked out in protest over this, the talks process would not have been fatally damaged. The timing of the two murders (both happening within hours of each other and a week before the talks move to Dublin) may also point to a calculation on the part of the Republican leadership that, with pressure mounting daily on Sinn Féin in relation to an Assembly and other matters, it would be useful to create a distraction in the form of circumstances which would provoke a UUP walk-out, all the more so from Dublin, while leaving Sinn Féin at the table.
8. The IRA's intention, according to this theory, would have been to use "clean" weapons in order to obscure their involvement in these killings. However, a mistake was made - the gun in the Campbell murder was not clean. As for the weapon used in the Dougan killing, the forensic analysis is not yet available. We were told, indeed, that it may not be decisive, as the bullet shattered on impact. However, the RUC believe that they have sufficient forensic evidence from other sources.
9. Steele emphasised that it is intelligence which constitutes the major part of the RUC's

- case against the IRA in relation to these killings and that the forensic evidence is secondary. Whether the combined case is sufficient to achieve convictions (bearing in mind that intelligence material cannot be deployed as evidence in court) is, of course, another matter. Stephen Leach, who was also present, indicated that it was not even certain that charges would be laid.
10. The Secretary of State is to discuss the matter with the Prime Minister at 3pm this afternoon. Our understanding is that the Chief Constable's view of the matter will not be made public today but is likely to enter the public domain tomorrow through a statement made by the Secretary of State (who will be here in NI for the day). We are told that Flanagan himself is highly conscious of the political ramifications of anything he may say and that merit is seen in the Secretary of State handling the matter publicly in the first instance, though Flanagan will come under great pressure himself thereafter to elaborate on the advice given.
 11. The NIO, like others elsewhere in the British system, recognise that a suitably worded statement from the IRA leadership disowning these murders could help to avert the ejection of Sinn Féin from the talks. They are very doubtful, however, that the IRA will agree to condemn the murders in the unequivocal terms which the two Governmentst would require.
 12. Steele also noted the possibility that the body currently being sought in the border area might prove to have been a further IRA victim.
 13. In conclusion, he hoped that, having received this confidential outline of the reasons why the Chief Constable believes firmly that the Provisional IRA were responsible for both murders, our Government will feel able to close ranks with the British Government in the run-up to a very difficult decision on Sinn Féin. We responded that our Government would certainly weigh the Chief Constable's assessment very carefully, along with other factors, in forming a view on how best to proceed.

Statements following the killings of Robert Dougan and Brendan Campbell

Secretary of State (13.2.98)

The Chief Constable has given me a full briefing on the murders of Mr. Campbell and Mr. Dougan, along with his assessment that the IRA were involved in these murders. This will now have to be considered very carefully with the Irish Government and the other parties in accordance with the proper procedures. The integrity of the Talks Process and the commitment to exclusively peaceful means are paramount and all parties must be treated fairly and equally.

IRA statement (12.2.98)

Contrary to speculation surrounding recent killings in Belfast, the IRA cessation of military operations remains intact.

We reiterate our preparedness to facilitate a climate which enhances the search for a democratic settlement through real and inclusive negotiations

Comments by Gerry Adams

Whoever was involved in these two killings, in my opinion, should accept and claim responsibility for it. My view is that the IRA cessation is intact. We also reject any suggestion that we have in any way broken or breached the Mitchell Principles.

Plenary Session (UDP) (Pn 26.1.98)

You will have received copies of the two Governments' conclusions on the position of the UDP in the Talks. This speaks for itself and sets out the various considerations which led us to take our decision.

We were obliged to conclude that by reason of the UFF murders there had been the clearest breach of the UDP's commitment to the Mitchell Principles. It is our judgement that the UDP is therefore no longer entitled to participate in the negotiations. The UDP has now withdrawn from the Talks, which in the view of the course of events seems to the Governments an appropriate gesture.

At the same time we have made clear that if over a period of weeks there was a complete and unqualified ceasefire established by word and deed the Governments would consider the possibility of the UDP rejoining the negotiations.

I welcome Gary McMichael's public restatement of his party's commitment to the process. What matters now are words and deeds on the ground.

This whole process is dedicated to the idea that a comprehensive political settlement can once and for all eradicate all political violence from Northern Ireland. I look forward to resuming work towards such a settlement tomorrow.

CONCLUSIONS OF THE GOVERNMENTS ON THE POSITION OF THE ULSTER DEMOCRATIC PARTY IN THE TALKS

1. This document sets out the conclusions of the Governments on the position of the Ulster Democratic Party in the talks.

Background: The Rules and Principles, and Procedures followed

Rules of procedure

2. Rule 29 of the Rules of Procedure for the Negotiations agreed on 29 July 1996 says:

If, during the negotiations, a formal representation is made to the Independent Chairmen that a participant is no longer entitled to participate on the grounds that they have demonstrably dishonoured the principles of democracy and non-violence as set forth in the Report of 22 January 1996 of the International Body, this will be circulated by the Chairmen to all participants and will be subject to appropriate action by the Governments, having due regard to the views of the participants.

The Mitchell principles

3. The relevant passage of the International Body's Report reads:

Accordingly, we recommend that the parties to such negotiations affirm their total and absolute commitment:

- To democratic and exclusively peaceful means of resolving political issues;
 - To the total disarmament of all paramilitary organisations;
 - To agree that such disarmament must be verifiable to the satisfaction of an independent commission;
 - To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations;
 - To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and,
 - To urge that "punishment" killings and beatings stop and to take effective steps to prevent such actions.
4. In the light of the UFF statement of 23 January, at the meeting of Strand Two on 26 January the Chairman proposed a meeting of the plenary. The two Governments supported the proposal, the Secretary of State and Minister of

State O'Donnell recording that they 'believe the UFF statement, given its relationship with the UDP, and the statement by the UDP in response, raises the issue under rule 29 whether the party has demonstrably dishonoured its commitment to the Mitchell principles'. The Secretary of State's statement was circulated to participants.

5. The position was discussed in the plenary starting at 12.40. The UDP were permitted to make an opening statement; other participants were then permitted to contribute, in accordance with Rule 29; finally the UDP was permitted to reply. The Governments have since considered the question of appropriate action, in the light of all the material available to them and having due regard to the views of participants.
6. Rule 29 requires it to be shown that the Mitchell principles have been "demonstrably dishonoured" by the participant or participants complained against. The two Governments noted in their conclusions on representations considered in September 1996 and September 1997 that the terms of Rule 29, and the gravity of the potential sanction, require a clear and unmistakable demonstration by those who assert it that there has been a dishonouring of the principles. As has also been made clear, however, if it is found that the commitment to the principles of a participant has been demonstrably dishonoured, the participant cannot be allowed to remain in the talks.

Facts raising an issue under rule 29

7. A number of sectarian murders have taken place in Northern Ireland in recent weeks. The Chief Constable on 22 January said that he had no doubt the UFF had been involved in some of the murders. The following day, a statement was issued in the name of the Ulster Freedom Fighters in the terms attached (Annex A). The Ulster Democratic Party the same day issued the statement at Annex B.

The plenary discussion

8. In the plenary, the UDP said it participated in the talks on the basis of its elective mandate. It had sought to develop a voluntary relationship with the paramilitaries, so as to persuade those associated with physical force to desist. But it had no direction over those people. During the recent killings, it had acted, and the killings had ultimately stopped: but it could not say how influential its arguments were in reaching that conclusion. The party's commitment to the Mitchell principles had been, and remained, unequivocal.
9. In discussion:
 - a) delegations expressed their abhorrence of the recent killings;
 - b) some believed the UDP should not be removed, arguing that the party itself had made great efforts to oppose violence, had not itself committed any violation of the principles, and had been honest;

- c) others believed the UDP should be removed, without delay. It was suggested the talks could not proceed if a breach of the Mitchell principles had been committed; the UDP had not disowned the perpetrators of recent killings; there should be no double standards;
 - d) some of those who favoured the removal of the UDP made clear they had confidence in the good faith of its representatives in the talks; some also indicated their willingness to go on talking to them while outside the talks;
 - e) it was also suggested that the UDP's removal would not necessarily be definitive; if the UFF ceasefire were demonstrated over a period to be genuine in word and deed, the party might be readmitted
10. Responding, the UDP made clear that it was non-selective in its opposition to violence. It had at times gone to extreme lengths to exert influence against violence. A possible consequence of its expulsion was a reduction in its influence.

Conclusions

- 11. The Governments regard the UFF involvement in sectarian murders, which has been well attested by information in the security forces' possession, to be admitted in their statement. The statement itself asserts that these murders were a 'measured military response' to 'Republican aggression'. If this was the motivation of the perpetrators it is all the clearer that the murders constitute a manifest breach of the first Mitchell principle of democratic and exclusively peaceful means of resolving political issues. We find the UFF's use in this context of terms like 'military response' outrageous, unsustainable and deeply offensive to the families and friends of their innocent victims.
- 12. The Governments accept that the Ulster Democratic Party may have sought to use its influence to oppose the violence of the UFF, and take full account of the acknowledgment by other participants of the UDP's efforts.
- 13. But there is also no doubt in the Governments' minds that there are close links between the Ulster Freedom Fighters and the UDP, and that the question whether the party has demonstrably dishonoured its commitment to the Mitchell principles has to be considered in the light of that.
- 14. The Governments are obliged to conclude that by reason of the UFF murders, there has been the clearest breach of the UDP's commitment to the Mitchell principles. The UDP is therefore no longer entitled to participate in the negotiations. The UDP has now withdrawn from the talks, which in view of the course of events seems to the Governments an appropriate gesture.
- 15. The UFF statement indicates that its involvement in killings has for the present come to an end, in that what it terms its military response is now concluded. The statement leaves room for doubt, however, as to how unequivocal the restored ceasefire is. The ambiguity here must be resolved.

16. If over a period of weeks a complete, unequivocal and unqualified UFF ceasefire were demonstrated, and established through word and deed to have been fully and continuously observed, the Governments would consider the possibility of the UDP rejoining the negotiations. The Governments would welcome that prospect in such circumstances. With that possibility in mind they, with their advisers, will keep the situation under the most careful review. The Governments will, of course, do nothing incompatible with the integrity of the process, which depends on the total and absolute commitment of all participants to democratic and exclusively peaceful means of resolving political issues required by the Mitchell principles.

ANNEX A

UFF STATEMENT ISSUED 23 JANUARY 1998

"On August 25th we adopted a policy of no first strike: since the Canary Wharf bomb the UFF has endured severe provocation from the Republican movement without response.

The current phase of Republican aggression initiated by the INLA made a measured military response unavoidable.

That response has concluded.

We note that all media and political attention has focused on the UFF while ignoring the accusation by the RUC Chief Constable that the IRA has engaged in military activity under a cover name.

That selectivity is a matter of concern.

The UFF wishes to make it clear that it remains committed to the search for a peaceful resolution of the conflict and supports the efforts of the UDP to secure a democratically acceptable political agreement.

The UFF recognises the importance of ending the current crisis and is prepared to fulfil its responsibility.

The Republican movement must now rein in its dogs of war or the policy of no first strike policy will not remain in force."

ANNEX B**UDP STATEMENT, 23 JANUARY 1998**

We will continue to use all our influence both inside and outside the negotiative process in a wholly positive manner.

The opportunity remains for the peace process to be stabilised and for the emergence of political agreement. It is vital that the UDP remains in a viable position to contribute to the negotiating process.

Mitchell Principles

The parties affirm their total and absolute commitment:

- a. *To democratic and exclusively peaceful means of resolving political issues;*
- b. *To the total disarmament of all paramilitary organisations;*
- c. *To agree that such disarmament must be verifiable to the satisfaction of an independent commission;*
- d. *To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations;*
- e. *To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and,*
- f. *To urge that "punishment" killings and beatings stop and to take effective steps to prevent such actions.*

Rules of Procedure

29. If, during the negotiations, a formal representation is made to the Independent Chairmen that a participant is no longer entitled to participate on the grounds that they have demonstrably dishonoured the principles of democracy and non-violence as set forth in the Report of 22 January 1996 of the International Body, this will be circulated by the Chairmen to all participants and will be subject to appropriate action by the Governments, having due regard to the views of the participants.

MINISTER MURPHY'S STATEMENT

IRISH TIMES 13.2.98

Minister's statement on talks with UDP

THE Northern Ireland Office issued the following statement after yesterday's meeting between the North's Political Development Minister, Mr Paul Murphy, and the Ulster Democratic Party:

"Mr Paul Murphy MP, the Minister for Political Development, today met a delegation from the Ulster Democratic Party, at their request, to discuss the circumstances in which the UDP might be invited to rejoin the negotiations.

"Mr Murphy drew their attention to the determination issued by the two governments on 26 January. That determination concluded that the UFF statement of 23 January left room for doubt as to how unequivocal the restored ceasefire was.

"The determination also said that: "If over a period of weeks a complete, unequivocal and unqualified UFF ceasefire were dem-

onstrated, and established through word and deed to have been fully and continuously observed, the governments would consider the possibility of the UDP rejoining the negotiations."

The Minister welcomed the fact that events on the ground were consistent with a cessation of terrorist activity by the UFF, but warned that any evidence to the contrary would have direct and unavoidable consequences for the UDP's prospects of being invited to rejoin the negotiations.

Mr Murphy confirmed that in the light of the points made at the meeting the Government would now, in consultation with the Irish Government, begin to review the UDP's eligibility to participate in the negotiations, with a view to considering whether the necessary conditions had been met in order to enable the UDP to re-enter the process by the end of February.