

The PFC describes itself as a non-party political, anti-sectarian human rights group advocating a non-violent resolution of the conflict on the island of Ireland. Also, a human rights advocacy and lobbying entity in Northern Ireland. Named in honour of murdered solicitor Pat Finucane, it operates advice centres in Derry and Newry, dealing mainly with complaints from Irish nationalists and republicans.

Pat Finucane, a human rights lawyer from Belfast who was murdered in front of his wife and children on 12 February 1989 by the pro-British UDA had successfully challenged the British Government over several important human rights cases. One of those involved in his murder, Brian Nelson, was working for the Force Research Unit an undercover unit of British Military Intelligence. Ken Barrett who was convicted of Pat's murder was also a state agent. Another UDA member William Stobie who provided the gun which killed Pat was subsequently recruited by RUCSB.

Below is a summary of the documentation you will find here, many of which have been acquired from the National Archives, and, includes the text from the PFC website in support of the document contents.

[Avalon Library submission date: October, 2019]

The Security Forces and the UDA

[document] MOD MEMO ON SECURITY FORCES AND THE UDA

One MoD memo from November 1972 titled 'Security Forces and UDA' instructs that operations

'should be directed against their criminal extremist elements whilst making every endeavour to maintain good relations with law abiding citizens in the organisation.'

The RUC apparently had similar instructions. Vigilante type patrols should be tolerated...

Directing Protestant energies

[document] MEMOS ON UDA MEMBERSHIP AND THE UDR

The issue of UDA membership of the UDR, a locally recruited regiment of the British Army, was the subject of various memos and correspondence. On July 31 1972 a letter from HQNI argued that an

"important (but unspoken) function of the UDR is to channel into a constructive and disciplined direction Protestant energies that might otherwise become disruptive."

The UDA murdered at least 20 people in July alone, the same month the letter was written.

In response to a query from the Prime Minister at the Gen 79 meeting in September the Ministry of Defence in November returned to the theme of

"Protestant energies that might otherwise become disruptive."

In a possible Freudian slip this MoD letter however refers to the UDA not UDR

UDA membership of the UDR

[document] UDA MEMBERSHIP OF THE UDR

An internal military Staff-in-Confidence memo on UDA membership of the UDR suggests that a 'moderate line' should be taken towards UDA members because of the role of the UDA as a 'safety valve'.

Plastic bullets – plastic death. Decoding the Declassified documents (Parts 1 and 2 of 2)

[document] CHEMICAL DEFENCE ESTABLISHMENT AT PORTON DOWN LETTER REGARDING BATON ROUNDS, 28 MAY '82

[document] MINISTRY OF DEFENCE ANSWER, 2 JULY '82

[document] CHEMICAL DEFENCE ESTABLISHMENT ANSWER, 8 JULY '82

[document] PIGS VERSUS CHILDREN - LOOSE MINUTE 21 DEC '83

[document] CHEMICAL DEFENCE ESTABLISHMENT PORTON DOWN LETTER REPLACEMENT WEBLEY SCHERMULY, 20 MARCH '84

[document] INADEQUACIES OF EXISTING EQUIPMENT

[document] CURRENT EQUIPMENT TO BE REPLACED

Thatcher and the UVF

[document] WILSON/THATCHER BRIEFING

Minutes of the 1975 meeting

The first document contains the minutes of a meeting between the then head of the Conservative opposition in 1975 (Margaret Thatcher) and the then Prime Minister, Harold Wilson, just weeks after the Miami Showband Massacre involving members of the UDR. At page 3 the following fascinating admission is made,

the Secretary of State said....

"Unfortunately there were certain elements in the police who were very close to the UVF, and who were prepared to hand over information, for example, to Mr Paisley. The Army's judgement was that the UDR was heavily infiltrated by extremist Protestants, and that in a crisis situation they could not be relied on to be loyal."

Let no-one claim that the levels of collusion between the RUC, UDR and loyalist paramilitaries was not known at the highest levels of the British Government and opposition.

UVF and UDR

[document] HANDWRITTEN NOTE FROM 1979 ABOUT UVF/UDR

The second document also concerns the UVF only by this stage, 1979, Thatcher is the Prime Minister. In a hand written note she urged mention of the 'Volunteer Ulster Defence Regiment (? Is that the name)'. Her officials clearly had difficulty reading her handwriting and the typed version of her comment reads.

(viii) The Prime Minister would also like to see some reference to the valiant work being carried by the Ulster Volunteer Force.

Prosecution of British Soldiers

[document] MEMO FROM HEAD OF C2 AT HQNI AND THE ATTORNEY GENERAL

Declassified documents recently uncovered by the PFC are showing the extent to which the legal establishment colluded with the British Army in the early 70s to ensure that soldiers would not be prosecuted for murder.

Meeting with Attorney General

Two pages of a memo (AG 1971 p2 and AG 1971 p3) concerning the visit of a J.M. Parkin, Head of C2 at HQNI (British Army HQ) in the North to the then Attorney General Basil Kelly, a Unionist MP. In reference to any potential prosecutions of soldiers for the murder of civilians Parkin notes,

"I have no doubt the Attorney General is doing all within his power to protect the security forces against criminal proceedings in respect of actions on duty."

The memo continues...

"I am however satisfied that there is no need to remind him of the dangers to morale inherent in prosecutions of soldiers or policemen."

At the meeting the Attorney General promised to advise the British Army in advance if soldiers were to be prosecuted.

Apparently neither she nor her officials were fully cognisant of the difference between the UDR, (? Is that the name) the largest Regiment in the British army, and the UVF, a loyalist paramilitary group. On this point at least she found herself in agreement with the nationalist/ republican community.

Instructions to not prosecute soldiers

The second document, also 2 pages, is a diary of the meeting and additional confirmation that the Attorney General fully understood that HQNI was telling him that he should not prosecute soldiers. In effect the military tail was wagging the legal dog. This meeting took place less than two months before Bloody Sunday... See related documents under William Mc Greaney in individual cases.

Policy on Internment of Loyalists

Unless otherwise stated all of these documents are from November/ December 1972. Internment without trial had been introduced in August 1971. Despite a deadly loyalist assassination campaign in 1972 (with over 120 sectarian murders in that year alone) the authorities had not interned a single loyalist. By late 1972 memos began to circulate in the Ministry of Defence and Northern Ireland Office as to when and under what circumstances they 'might' arrest and intern 'Protestants'.

Arrest Policy

[document] ARREST POLICY

Outlines criteria for internment - explains why policy does not allow for arrest of loyalists except under certain circumstances. Poor quality copy but other copies below provide same detail.

Criteria for internment orders

[document] INTERNMENT CRITERIA LETTER

Letter from Secretary of State William Whitelaw to General Officer Commanding Harry Tuzo outlining criteria for internment orders and why loyalists 'may not fall' within the new Order.

Arrest Policy for Protestants

[document] ARREST POLICY FOR PROTESTANTS

Discussion of the difficulties in laying down criteria for arresting loyalist paramilitaries

Arrest Policy for Protestants - Memo from AW Stephens at the MoD in London

[document] ARREST POLICY FOR PROTESTANTS - MEMO FROM MOD

At point 1 (apologies for the quality of the copy) reference is made to a meeting at Stormont Castle on November 29 1972 where the GOC (General Officer Commanding - the British army) was asked to "draft an arrest policy covering the UVF and other extreme loyalist elements, though not the UDA per se."

Arrest Policy for Protestants - Loose Minute

[document] ARREST POLICY FOR PROTESTANTS

Discusses the changes that would be required and asked a fascinating question at paragraph 4! Just what did the RUC object to? See memo from AW Stephens above.

Criteria for loyalist detentions - Loose Minute

[document] LOOSE MINUTE

MoD memo discussing the criteria that might be applied 'if and when' loyalists would be detained. Refers to loyalist violence including 'comparatively harmless vigilante activity'.

PFC note- throughout 1972 there had been a number of incidents where 'comparatively harmless vigilante activity' had included taking Catholics from their vehicles at UDA roadblocks and beating, stabbing and shooting them to death in so-called 'romper rooms'.

1974 memo (1 page only released)

[document] NOTE OF A MEETING IN THE NORTHERN IRELAND OFFICE

Note of a meeting in the Northern Ireland Office on 13 November 1974 including officials from various ministries, the Attorney General's Office and the Treasury Solicitor's Office. The 'Counsel' referred to in the document is almost certainly the legal counsel representing the British Government at the European court case taken by the Irish Government in respect of multiple violations of the European Convention on Human Rights by the British in the North.

The claim that only Roman Catholics were interned before 1973 because loyalists did not pose a threat in that period of a kind which led to death and serious injury will no doubt come as a surprise to the many Catholic families who had loved ones murdered in that period.

The fact that the British Government was also deceiving the European court is perhaps less of a surprise. Did these Whitehall mandarins really believe this deception?

ECHR - European Convention on Human Rights - 1974 Memo

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The "Hooded Men"- Irish State case & ECHR

Declassified British government documents uncovered by the PFC & RTE suggest information was withheld from the ECtHR by the British government and that Cabinet ministers authorised and sanctioned the use of "torture" during the interrogation of the Hooded Men. Evidence from the documents can also link the premature death of one of the men, Sean McKenna, to the interrogation techniques he was subjected to.

The evidence was presented to the Irish government who has asked the European Court of Human Rights to revisit their original findings in light of this new information.

The "Hooded Men" were Jim Auld, Pat Shivers, Joe Clarke, Michael Donnelly, Kevin Hannaway, Paddy Joe McLean, Francie McGuigan, Patrick McNally, Sean McKenna, Gerry McKerr, Michael Montgomery, Davy Rodgers, Liam Shannon and Brian Turley.

For further background reading see:

Anne Cadwallader, Morning Star, 1 April 2017 - <http://www.morningstaronline.co.uk/a-017f-Malice-Intended#.WOYiiPWcFdi>

Susan McKay, Irish Times, 25 July 2015 - <http://www.irishtimes.com/news/crime-and-law/the-torture-centre-northern-ireland-s-hooded-men-1.2296152>

Rita O'Reilly, Irish Times, 12 June 2014 - <http://www.irishtimes.com/news/crime-and-law/torture-retold-how-the-hooded-men-case-has-come-back-under-the-spotlight-1.1829676>

In 1978 the European Court of Human Rights (ECtHR) held that the British government had violated Article 3 of the European Commission on Human Rights in their treatment of 14 men in 1971. These "Hooded Men" had been selected for 5 techniques of "Deep Interrogation" - white noise, wall standing/ stress positions, sleep deprivation, bread and water diet, and hooding. The ECtHR found this amounted to inhuman and degrading treatment, but not torture.

[document] MEMO TO PRIME MINISTER FROM MERLYN REES, BRITISH HOME SECRETARY, MARCH 1977

[document] DR LEIGH'S MEDICAL REPORT FOLLOWING EXAMINATION OF SEAN MCKENNA, 20 JUNE 1975

[document] MADDEN & FINUCANE PRESS STATEMENT

[document] GERALDINE FINUCANE PRESS STATEMENT

[document] Supreme Court judgement

British Govt Legal Advice on UDA roadblocks

Orwellian legal advice on UDA roadblocks from 1972

Advice note from Ministry of Home Affairs dated 22 August 1972 (by this date the duties of this Ministry had been taken over by the Northern Ireland Office) which seeks to retrospectively justify UDA roadblocks which were frequent throughout Belfast and elsewhere in the summer of 1972.

The advice note states that "Members of the UDA who create an obstruction are...generally speaking committing an offence" before outlining possible defences open to them.

One defence states as following:

"...there appears to be nothing to prevent an ordinary citizen "flagging down" a driver..." and goes on to claim that a UDA member

"... has no power to search a vehicle, though presumably he may carry out a search if the person in charge of the vehicle authorises him to do so."

Even more bizarrely the legal advice goes on to claim,

"The UDA might claim that their patrols were on the look out for terrorists and they might, therefore, want to invoke s.2 (3) of the Criminal Justice Act (NI) 1967.... Thus if a car were seen to be driving at speed from the scene of an explosion, a member of the UDA might be justified in stopping it. "

[unless presumably it was the UDA who had planted the bomb! Ed note]

At this time the UDA (a legal organisation) were stopping cars in Belfast and questioning occupants to ascertain their religion. Those with "catholic names" were taken away, tortured and murdered. Two such victims were James McGerty and James Corr who were stopped by UDA roadblocks on 26 July 1972 (less than a month before this 'advice' was issued) tortured and murdered. The HET report on James Mc Gerty, on file at the PFC, states that the roadblock was in place over many hours.

Others taken from their vehicles at UDA roadblocks in the summer of 1972 and subsequently murdered included Patrick O'Neill and Rose Mc Cartney, two traditional musicians, and Francis Arthurs.

The authorities were aware that Catholic civilians were being abducted and murdered at these roadblocks but chose to tolerate their existence.
