

NATIONAL ARCHIVES

IRELAND



Reference Code:	2014/32/1824
Creation Date(s):	6 June 1984
Extent and medium:	2 pages
Creator(s):	Department of Foreign Affairs
Access Conditions:	Open
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Minister,

I suggest you might make the following points to Prior:

1. The acquittal of three members of the RUC on the charge of killing McKerr, Toman and Burns has strengthened feeling here and, of course, among Northern nationalists, that the legal system is heavily biased against the Catholic community. This has damaged the SDLP at an extremely important moment. It is also making security cooperation more difficult and makes complete nonsense of extradition.
2. What was even worse was the Judge's statement commending the three RUC men:

"I wish to make it clear that having heard the entire Crown case I regard each of the accused as absolutely blameless in this matter. That finding should be put in their record along with my own commendation for their courage and determination in bringing the three deceased men to justice, in this case to the final courts of justice."

That statement determines the guilt of McKerr, Toman and Burns without any trial and also, taken together with the rest of Gibson's statement, is seen here as constituting a licence to kill on suspicion.

All of this goes back to a series of killings in November and December 1982 which many people believed involved a policy of shoot-to-kill. That policy and the suspicions about it centre on a anti-terrorist unit, apparently known as E4, which allegedly comprises units of an RUC anti-terrorist group, the RUC Special Branch and the SAS who are specially trained.

It would be very important, in order to restore some degree of public confidence, that it be made clear that that unit has been stood down. If it has not already been stood down, it must be stood down now well in advance of June 14th.

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3. It is important that the British Government distances itself from the comments of Judge Gibson both by making it clear that there is no licence to kill and by taking whatever measures are possible about the Judge.

M.J. Lillis

6 June 1984