

FROM: J M LEGGE
4 July 1996

POLITICAL AFFAIR
DIVISION

04 JUL 1996

cc PS/Secretary of State (B&L) - B
PS/Sir John Wheeler (B&L) - B
PS/Michael Ancram (B&L&PROCB) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Steele - B
Mr Watkins - B
Mr Bell - B
Mr Leach (B&L) - B
Mr Perry - B
Mr Hill (B&L) - B
Mr Lavery - B
Mr Stephens - B
Mr Maccabe - B
Mr Myles - B

J. McKERVILL

R. SMITH

J. BLACK

A. McVEIGH

MR THOMAS (B&L) - B

RELAYING INFORMATION ON PUNISHMENT BEATINGS TO SENATOR MITCHELL

Thank you for your minute of 2 July. I note that Michael Ancram also shares your concerns. Let me say first that I have no particular axe to grind on this issue: I was responding to a request from Sir John Wheeler, endorsed by the Secretary of State, to devise a mechanism for providing information on punishment beatings to the Independent Chairmen. The proposals in my minute of 2 July (developed in consultation with CPL) were designed to meet that remit. The intent, as I interpret it, is simply to leave Senator Mitchell and his colleagues in no doubt about the scale and nature of continuing paramilitary activity in this particular area, not least given its linkage to the sixth Mitchell principle. It would be essentially background information on which they would not be expected to take any action.

2. If there is a real worry about the possible impact on the continuing presence of the Loyalist political parties at the talks, I can quite see that it would be unwise to proceed as proposed. I am not best placed to make a judgement on this, except to say that I think it would be extremely difficult to link the UDA and UVF

unequivocally to punishment beatings (except by intelligence information which we could not use publicly) let alone the UDP and PUP. The link between the loyalist parties and their paramilitary wings is, in any event, less direct than the Sinn Fein/PIRA symbiotic relationship. I cannot therefore see any possibility of our using this information to try to get the loyalist parties excluded, although I recognise that our provision of the information might conceivably be (wrongly) interpreted in this light.

3. From a security standpoint it is a straightforward matter to provide the information. The question of whether we should do so, however, requires a political judgement. Perhaps this could be resolved by a brief discussion at one of the regular Ministerial meetings, provided the Secretary of State, Sir John Wheeler and Michael Ancram are all present.

Many thanks for your minute of 4 July. I am sure a discussion with Ministers would be helpful.

Signed JML

2. I very much understood the context of what you put forward. Equally perhaps I could confirm the context of my own very hurried response. It is undoubtedly true that punishment beatings go on and that this is a highly relevant piece of information which at the right moment we will probably want to bring to the attention of the Independent Chairmen, and to the delegates. (Though the delegates do not need us to tell them what is going on.) My own note was not intended to prevent that, but merely to suggest, as I know Michael Ancram also felt, that we should take pause and consider precisely what and how we should do it and to what end.

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3. I agree with you that in practice the information about punishment beatings will be difficult to translate into firm evidence that any party in the Talks has demonstrably dishonoured its commitment to the Mitchell principles. But there will certainly