

## CONFIDENTIAL

## DAVID TRIMBLE'S PROPOSALS

Authorised Investigators

[Proposal: The right to silence should be curtailed in terrorist cases by the extension of AI powers to all terrorist crime.]

Speaking Note

- David Trimble's proposal was considered very carefully some time ago, when originally suggested by RUC Chief Constable.
- Amending the law as proposed would represent a significant change in the way in which general criminal investigations are carried out and render the law in NI fundamentally different from that in England and Wales.
- It would hand the Provisionals and the Loyalist terrorists a formidable propaganda weapon.
- Some of our existing arrangements, eg absence of audio recording and solicitors from police interviews of terrorist suspects, would become more difficult to defend. Nor is it clear how the Courts would react.

Intercept Material as Evidence

[Proposal: The law on interception evidence be changed to allow the prosecution to adduce intercept material in terrorist cases.]

- The arguments for and against use of intercept have been well rehearsed in the past. Would simply note that Lord Lloyd's report revisits to this topic, and we will need to reconsider the issues in that context. (Slight delay anticipated on planned publication date of Lloyd's report: now set for 24 October.)

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