

## The position of agent-running organisations in the late 1980s

- 4.76 It is apparent that the failure to develop an agreed framework for agent-handling in Northern Ireland in the late 1980s had a significant effect on the organisations responsible for intelligence-gathering.
- 4.77 In their submissions to my Review, those responsible for running agents in Northern Ireland consistently highlighted the lack of any adequate guidelines. A/05's submission stated that the FRU ran agents "without the proper legislative basis and guidance to which I believe we were entitled".<sup>78</sup> In his statement to the Stevens III Investigation, A/05 noted:

*"I believe the wilful neglect in this matter lies with successive governments who despite calling for counter terrorist intelligence measures and reaping the political rewards of FRU's work in Northern Ireland have ignored Blelloch and Chilcot and have deliberately failed to address the need for a more complete legal framework and more detailed guidelines."*<sup>79</sup>

- 4.78 The retired senior RUC officers I met during this Review provided similar accounts. R/15 told me that he raised this specific issue when briefing the then Prime Minister in the late 1980s. The note of my meeting with former RUC officers records that:

*"... when Margaret Thatcher asked R/15 whether there was anything else he needed to combat terrorism effectively, he had no hesitation in telling her that he regarded as essential a sound legislative basis on which intelligence operations could be conducted lawfully. In relation to the ... sources for which he was responsible at the time, he said that their management was made infinitely more difficult because they were operating in a grey area, and in the absence of a sound legal framework."*<sup>80</sup>

- 4.79 R/15 provided the following account of his recollections as to how the UK Government handled the representations made by senior RUC officers:

<sup>77</sup> Minute, Sir Patrick Mayhew to the Prime Minister, 28 May 1995

<sup>78</sup> A/05, written submission to the Review, p. 35

<sup>79</sup> A/05, statement to Stevens III Investigation, 2002

<sup>80</sup> Note of meeting with former RUC officers, 25 July 2012, para 54

## The Report of the Patrick Finucane Review

*"The response was ... essentially that the issue was too difficult to handle, and that SB should continue as before. [R/15] said that there was a reluctance to give official recognition to what SB was doing, the effect of which would be to authorise agents of the State to allow informants to take part in activities that could lead to the commission of terrorist offences. [R/15] said that the gist that he took from the Government's response was, in effect, 'carry on with what you're doing but don't tell us the details'. This remained the attitude until around 2000 when the effect of the Human Rights Act 1998 (HRA) coming into force required the Regulation of Investigatory Powers Act 2000 (RIPA) to be passed to deal with the situation."*<sup>81</sup>

4.80 R/15 did not have access to the documentary records when providing his evidence to my Review, but his account is none the less strikingly consistent with the picture revealed by UK Government files. Blair Wallace described the UK Government as having lacked the "political will" to deal with this issue.<sup>82</sup>

to its submission to my Review, the Police Service of Northern Ireland (PSNI)