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HEAD OF DS 10

NORTHERN IRELAND RULES OF ENGAGEMENT

The Secretary of State has been reflecting on the rules of engagement for the Security Forces in Northern Ireland, and has asked for it to be borne in mind that if violence erupts again consideration should be given to the possibility of introducing some form of dispensation permitting the Forces to open fire in an emergency without fear of subsequent legal action.

2. I was unable to consult S of S further before his departure for Cyprus, but I imagine that he is particularly concerned about claims for compensation such as those made by the dependents of those shot on Bloody Sunday and by Mrs Kathleen Heatley.

3. As I understand it, the Yellow Card attempts to give practical definition to the Security Forces' obligations and rights under Common Law. They enjoy a certain degree of latitude, and correspondingly of personal responsibility for their actions. To remove this personal responsibility would be a serious step which might, in the long run, do the Security Forces more harm than good. It would, I assume, be a major step involving a decision by Ministers collectively (and perhaps legislation) to try and grant any kind of immunity.

4. As indicated, I have not been able to draw these points to S of S's attention. I should however be glad if you would take note of his views for future use as necessary.

5. In view of the delicate nature of S of S's enquiry I have limited the curculation of this minute very severely. I should be grateful if you would do likewise, should you have any points which you wish to draw to S of S's attention.

A J Cragg

6th January 1975

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