

Hysteria and hometruths



President Higgins welcomes Justice for the Forgotten/ Pat Finucane Centre and the families of those killed or injured in the Dublin, Monaghan, Dundalk, Belturbet and Castleblaney bombings to the Áras an Uachtaráin, 22nd May 2014.

As the media hysteria dies down in the wake of the Gerry Adams arrest (and release) many bereaved families are left to pick up the pieces. For many their isolation and lack of a voice in this debate has been magnified. This may be a good time to remind ourselves of a few home-truths.

The vast majority of families in contact with the PFC (over 200) have no faith in the PSNI to conduct a professional, independent, article 2 compliant investigation into the death of their loved one. No-one is holding their breath that the RUC killers of Paul Whitters, the British army killers of Kathleen Thompson or the loyalist gunmen who carried out the Loughinisland massacre are about to be arrested and questioned at Antrim Serious Crime Suite. Recently the family of Tyrone man JP Cunningham asked the PFC to make clear to the PSNI that they have no confidence whatsoever in any PSNI

re-investigation of his British Army murder. (To those who would point to the Bloody Sunday investigation two points need to be made. 1) The BS families would NEVER have accepted a police investigation in lieu of a public inquiry. 2) the task of the PSNI is merely to prepare a prosecution file- the investigation of the facts was done over five years in the Saville Enquiry.)

A second home truth concerns the allegation levelled by Sinn Féin that the PSNI is less than forthcoming when it comes to dealing with the past-that there are dark forces. No-one it must be said is stepping up to the mark when it comes to dealing with the past and the SF insistence on calling for an international truth commission which everyone knows is not going to happen is less than helpful. This doesn't mean that the allegations levelled at the PSNI don't have validity. Our own casework

offers deeply worrying examples of an obstructionist mindset within some senior ranks in the PSNI. Within hours of publication of the Ombudsman's report on Mc Gurks Bar the Chief Constable issued two statements rejecting the findings. Baggott has little or no knowledge of this murky 'psyops' affair where the IRA was blamed by the RUC for a loyalist bombing. Other senior officers within the PSNI framed this response which appalled not the families of the 15 people killed but also the wider community.

Following the release in July 2013 of the Ombudsman's report into the 1988 Good Samaritan bombing in Derry the PSNI expressed 'deep and sincere sorrow' at the loss of life. To any observer it appeared that the organisation had drawn lessons from the sharp public reaction to the earlier Mc Gurks rejection. Some months later the Retired Police



Patrick Finucane Anniversary Event

On the anniversary of the murder of solicitor Pat Finucane on 12th February, Paul O'Connor, PFC Project Manager took part in the Transitional Justice Institute Seminar Series, examining the relationship between loyalist paramilitaries and state agencies. The presentation was entitled "Deadly Intelligence and the Rule of Law."

Other events were held across the country to remember Pat Finucane and his enduring legacy.

Bloody Sunday Anniversary Events



This year the Pat Finucane Centre and Bloody Sunday Trust held a series of events to mark the 42nd anniversary of Bloody Sunday. We invited families whose loved ones were killed by the British army or RUC in Belfast, Armagh, Tyrone and Derry to attend the minute's silence held on Thursday 30th January. Brief but powerful contributions were made by a number of those present both as a tribute to those who died and as an indirect challenge to those who seek to create a hierarchy of victims depending

on perpetrator and the religion of the victim. Political unionism is shamefully exploiting the 'innocent victims' lobby because they are afraid to deal with the legacy of the conflict and their role in it. By implication they are ignoring the hundreds of civilians killed by the British army, RUC and loyalist paramilitaries. As we commemorated the 14 unarmed civilians killed on Bloody Sunday we felt it was appropriate to remember the many other unarmed civilians killed by the British army and RUC.

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Officers association issued a poorly researched 'rebuttal' of this report but most people regarded this as the pathetic response of embittered but retired officers. As a result of this legal challenge however documents were disclosed to the family of internal correspondence between the PSNI and the Ombudsman. To their great shock the family discovered that this disclosed that the PSNI did not accept the findings in this case though they did not admit this publicly! So much for the much vaunted role of the Police Ombudsman if the police can reject critical findings when it suits their purpose. What would the public response have been had the British army rejected the findings of the Saville Enquiry?

The PSNI attitude towards conflict related inquests-block, delay and obfuscate-betrays a contempt for families and the judicial process. In addition it is clear that whatever emerges from the train crash that is the HET will be even less independent and will find itself engaged in ongoing battles with families, NGOs and solicitors. In our Summer 2013 Newsletter we suggested that the Chief Constable is surrounded by senior officers with an agenda. The situation has not improved. Time for the two governments and the political parties to start implementing the Haass proposals! Then all families would have an article 2 compliant investigative mechanism that might begin to win public confidence. Might.



INTERNS AND VOLUNTEERS

PFC volunteer Amie Gallagher has recently received the Positive Relations Project, Woman's Network award for Peace and Reconciliation. Amie has been volunteering with the PFC for over a year and is working on a project funded by the Department of Foreign Affairs and the Community Foundation of Northern Ireland examining issues of sectarian division in Derry.

It is my view (confirmed by Brian Faulkner before his death) that the decision to use methods of torture in Northern Ireland in 1971/72 was taken by Ministers – in particular Lord Carrington, then Secretary of State for Defence.

If at any time methods of torture are used in Northern Ireland contrary to the view of the Government of the day I would agree that individual policemen or soldiers should be prosecuted or disciplined; but in the particular circumstances of 1971/72 a political decision was taken.

Call on British Govt to release 'torture' files

The Pat Finucane Centre has called on the Secretary of State to 'declassify and release' all official documents relating to the so-called 'Hooded men' case in the 1970s. The call coincided with the UN sponsored International Day in Support of Victims of Torture and follows recent revelations on an RTE documentary suggesting Ministerial involvement in what a cabinet minister described as 'torture'. In a declassified memo from then Secretary of State Merlyn Rees to the Prime Minister on March 31 1977 the Northern Secretary said,

"It is my view (confirmed by Brian Faulkner before his death) that the decision to use methods of torture in Northern Ireland in 1971/72 was taken by ministers, in particular Lord Carrington, then secretary of state for defence."

CAJ solicitor Gemma McKeown, who is acting on behalf of one of the families of the hooded men, said: "There is no statute of limitations in respect of torture. In international law it is quite rightly regarded as one of the most serious abuses of human rights

possible. That a memo should surface suggesting ministerial involvement in the decision to torture is a matter of deep concern."

Documents have also been uncovered which suggest that the British Government withheld vital medical, legal and policy documents from the European court of Human Rights and the Irish Government in respect of the case taken to Europe by the Irish state alleging torture.

Among the many documents discovered at Kew were the notes of a medical examination of one of the victims who was examined by a doctor who was the chief medical witness to the Tribunal representing the British Government. These medical notes disclosed that this man had a chronic medical condition prior to 'in-depth interrogation', that this was known to his interrogators and that his condition worsened as a direct result of his time at Ballykelly airfield and led to his premature death just days after this medical examination in June 1975."

CVSNI DEALING WITH PAST CONFERENCE

The Commission for Victims and Survivors held a day-long conference on the subject of Dealing with the Past on 25th February at the Stormont Hotel in Belfast. Paul, Margaret, Anne and Sara attended the conference; Alan was also in attendance but was representing the Victims and Survivors Forum. The conference was opened by Victims Commissioner Kathryn Stone who outlined that the event was an opportunity for the commission to consult and listen to the views of individuals, groups and organisations representing victims and survivors.

US Trip



Senator Tom Menendez (R, NJ), Chair of the Senate Foreign Affairs Committee, Sean Pender (AOH, RFJ) and Anne Cadwallader

The PFC took its message on collusion across the US in March, meeting congressmen and senators in Washington and speaking to public meetings from San Francisco to Baltimore.

"Lethal Allies" might have sold 14,000+ copies on this side of the Atlantic – but its conclusions badly needed explaining to the Irish/American lobby in the US.

London may want to try to forget the uncomfortable message about its role in Ireland during the conflict – but with American help this should prove impossible. US public and political opinion has proved critically-important at other moments during the peace process – and the PFC believes it is similarly vital now in our search for an acceptable truth-recovery process.

They spoke at the United Irish Cultural Centre in San Francisco and at public events in both Baltimore and Washington including a meeting of the "Tom Lantos Commission on Human Rights" on Capitol Hill. They met Senator Robert Menendez, chair of the Senate Foreign Relations Committee and his House of Representatives counterpart, Chris Smith. Thanks to Elaine Brotherton in San Francisco (niece of William McKinney, killed on Bloody Sunday), Pete McDowell in Baltimore (cousin of Joe McGleenan, PFC board member), Peter and Sharon Kissel in Washington who accommodated us and to Sean Pender and Bill Pribyl of the Ancient Order of Hibernians who put their lives on hold for four days to guide us in DC.

Victims visit the European Parliament

The families of victims of collusion and state violence gave moving testimony of their hurt and anger to MEPs and officials of both the British and Irish governments over two-days of meetings at the European Parliament in Brussels in January.

Pat Finucane Centre and Justice for the Forgotten staffers joined 30 family members, campaigners and solicitors who were hosted and invited by MEP Martina Anderson. The delegation's testimony was often very emotional and was very well received by all those in attendance.

The delegation included representatives of Relatives for Justice and families/spokespersons on behalf of those bereaved in the Ballymurphy Massacre, at Kelly's Bar on the Whiterock Road, at Sean Graham bookmakers, in Loughinisland and groups including the "New Lodge Six", the Shankill UVF killings, the family of Pat Finucane and a representative of



Clare Brown, Department for the Execution of Judgements, Christos Giakoumopoulos Human Rights Directorate, Martina Anderson MEP, Paul O'Connor (PFC), Niall Murphy (KRW Law)

"The Hooded Men".

The purpose of the visit was to highlight in Europe the effects of collusion and other British Government policies during the conflict. All those in attendance had the opportunity publicly to put on record their experiences and the human effect of their loss, injury or

physical ill-treatment.

Paul O'Connor and Liam Shannon on behalf of the 'Hooded men' were also able to meet and brief justice officials on recent documents that have emerged regarding the use of 'deep interrogation' and the case that the Irish Government took against the UK in the 1970s torture case.

PRESENTATION TO THE GOOD FRIDAY AGREEMENT COMMITTEE OF THE IRISH PARLIAMENT

Margaret Urwin and Anne Cadwallader addressed the Committee in January. Margaret spoke about the ongoing work of JFF while Anne outlined her investigative work on security force collusion in the killings of more than 120 people, a third of them in the Republic.

The Chairman, Joe McHugh, said afterwards: 'The Committee complimented Margaret Urwin on her unerring commitment to keeping the quest for truth in the public limelight. The Committee was unanimous in praising Anne Cadwallader for her painstaking work in uncovering the truth in her book, *Lethal Allies* and strongly agreed with her on the imperative for uncovering the truth around state collusion for wider British and Irish society, as well as for the bereaved families.'

PFC/JFF on the road

MOTION OF SUPPORT FROM
MONAGHAN TOWN COUNCIL -
DECEMBER 2013

At the December monthly meeting of Monaghan Town Council the Members adopted the following Notice of Motion: 'As we enter the year of the 40th anniversary of the Dublin/Monaghan bombings, that this local authority reiterates our support for the Justice for the Forgotten committee and their aims of campaigning for truth and justice for the victims of the Dublin and Monaghan bombings of 17 May 1974'.

TALK GIVEN TO STUDENTS OF
INSTITUTE FOR THE INTERNATIONAL
EDUCATION OF STUDENTS (IES
ABROAD) - 19 FEBRUARY 2014

Aidan Shields, whose mother was killed in the Dublin and Monaghan bombings (Talbot Street, Dublin) and Margaret Urwin spoke to US students at the invitation of Brendan O'Brien, former RTE journalist and a lecturer at the college. Aidan spoke movingly about his own personal story and the terrible impact the loss of his mother had on his father, his two sisters and

himself. It was the first time he had ever told his story in public and this was greatly appreciated by the students. Margaret spoke of the bombings and the people who were killed on that dreadful day. She also addressed the need to deal with the legacy of the past in Ireland and recalled the Spanish experience and its inability to sweep the past under the carpet in a Pact of Forgetting (Pacto del Olvido). Anne Cadwallader and Margaret Urwin were invited to give presentations to students at the Irish Centre for Human Rights. (Pictured above) Anne spoke of the stark findings of *Lethal Allies* while Margaret gave a short talk on the period surrounding the Dublin and Monaghan bombings, the climate of the period and the context in which the bombings occurred. She made reference to declassified documents from the UK National Archives, Kew, which demonstrate the British Government's anxiety from early 1974 to obtain increasing co-operation from the Irish Government in cross-border security and to put formal structures in place.

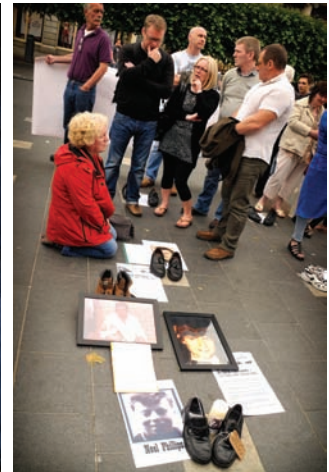
DAY OF ACTION

**Day of Action, Dublin,
14th June**

Over 150 from all over Ireland who were bereaved or injured during the conflict joined together on O'Connell Street, Dublin on the 14th June with a single message to the Irish and British Governments- "Set The Truth Free."

Each family brought a pair of shoes symbolising a loved one who was killed or injured, and a note explaining who they represent, how they died or were injured, and any demands or hopes the particular family may have.

A similar event took place in Derry on 28th June at the Guildhall Square. Belfast details to be confirmed.





MET REFUSE TO RELEASE DEVENNY FILES

‘CONSPIRACY OF SILENCE’ CONTINUES

Sammy Devenny was a married father of nine when he was attacked in his home in Derry by RUC officers on 19th April 1969. He was 43 years old. Sammy suffered severe head injuries and was hospitalised. He died two months later. No RUC officers were ever prosecuted for his murder.

The RUC at the time failed to investigate Sammy's death, and the Chief Constable, Sir Arthur Young brought in Superintendent Kenneth Drury of the Metropolitan Police to carry out an external investigation in April 1970. The Drury Report was never shared with the Devenny family.

Following a complaint to the Police Ombudsman in 2001, the Devenny family was provided some information regarding the Metropolitan Police investigation. They learned that Superintendent Drury was met with a “conspiracy of silence” with RUC officers refusing to name their “guilty comrades” and was impeded from completing

a comprehensive investigation.

In December 2012 the Metropolitan Police decided not to release four files to the National Archives, but to retain these files until at least 2022. We don't know whether the Police Ombudsman had access to these files as part of their investigation in 2001.

The Pat Finucane Centre issued a Freedom of Information request seeking access to the two files on behalf of the Devenny family. This was refused, with the Information Manager at Met stating that “After weighing up the competing interests I have determined that the disclosure of the above information would not be in the public interest.”

PFC is now assisting the Devenny family in challenging this decision. It is reasonable to assume that the files contain information that is embarrassing or worse to the RUC.

Diary of a PFC Intern

My name is Megan Jekot and I am a political science major from St. Olaf College in Northfield, Minnesota. I am currently studying through the INCORE (International Conflict Research Institute) program at the University of Ulster. I chose the Pat Finucane Centre because it is an opportunity to expand my knowledge of non-violent conflict resolution and human rights activism.

My main task at the Pat Finucane Centre is to review declassified government documents that relate to the conflict in the PFC's document database.

Through my experiences at the PFC, I feel that I have developed a better understanding of loss. I have come to understand

that it is not simply the loss of a loved one that is painful for survivors but it is also the unanswered questions remaining as a result of incomplete investigations and lack of arrests in their cases.

I have also learned the importance of challenging and raising awareness of human rights violations in the quest to uncover truth surrounding the lives lost during the conflict. My perspective is probably much different in comparison to fellow students in our program due to the nature of this organization's work.

I have appreciated working in an organization with such genuine, close-knit, hardworking individuals.



FRESH INQUEST GRANTED INTO RUBBER BULLET DEATH OF THOMAS FRIEL 1973

The Attorney General has ordered a fresh inquest to examine the circumstances of Thomas Friel's death in light of documents uncovered by the Pat Finucane Centre that were withheld from the original inquest. Thomas, 21, was struck by a rubber bullet in Creggan as he was returning home after a night out on 18th May 1973. He died four days later. Thomas was one of a family of ten, five brothers and five sisters.

The documents show that the Ministry of Defence had withheld scientific data showing that they were aware that rubber bullets were more dangerous than had been admitted publicly. They concerned the out of court settlement in the case of Richard Moore, who was 10 years old when he was shot in the face and blinded by a rubber bullet in 1972.

One document is an article describing injuries caused by rubber bullets based on hospital records from Derry and Belfast concludes that "the rubber bullet cannot be considered safe in its present form."

Another document, written a year before Thomas died, is entitled "A study of the wounding potential of the 1.5 inch rubber baton round" describes how rubber batons "converts ... to a potentially lethal weapon" in certain circumstances.

The Attorney General has stated that "these documents represent potentially relevant material which could usefully be explored at the new inquest into the death of Thomas Friel." The Attorney General has also considered a new pathology report commissioned by the HET that contradicts the finding of the original post-mortem carried out by the deputy State Pathologist Dr Carson. Dr Carson had determined that Thomas had died as a result of being struck by a rubber baton round. However the AG has stated that the conclusions in the new report that "casts some doubt on the original findings of Dr Carson and the finding of the original inquest."

SEAN BROWN INQUEST

CORONER GIVES PSNI 14 DAYS TO PROVIDE HET REPORT OR FACE HIGH COURT ACTION.

Coroner Leckey told the PSNI/Chief Constable that they have 14 days to provide the court with a copy of the HET report into the death of Sean Brown, killed by loyalist paramilitaries on 12th May 1997, at a preliminary hearing on 6th May 2014.

Leckey said "for years and years and years" the PSNI have been dragging their feet, and refusing to provide documentation required to proceed with the inquest. They now have 14 days

to do so, or face the High Court. Solicitor for the family said that this development is "highly significant."

PFC's Paul O'Connor was with Sean's family at the Coroner's Court. He said "This is a small victory for the family who have been waiting for years for this inquest to go ahead. The delay after delay has exasperated the hurt and distrust felt by Sean's family. It is about time the Chief Constable realised that these delay tactics only serve to undermine confidence in the police service."

NIRPOAs JUDICIAL REVIEW AGAINST OPONI IN GOOD SAMARITAN CASE REJECTED BY COURT

Judge Seamus Treacy has rejected the judicial review being brought by the Northern Ireland Police officer's Association against the Police Ombudsman in the 'Good Samaritan' case.

The NIRPOA rejected the findings of the OPONI report, published last July, that found that the RUC failed in their duty to advise the local community or its leaders of possible IRA activities in the area, they failed in their responsibility to uphold Mr Dalton's right to life under Article 2 of the European Convention of Human Rights, and they failed to properly investigate the death of Mr Dalton and Mrs Lewis. Gerard Curran also died as a result of his injuries a few months later. This action was brought out of time, with no good reason being provided by the NIRPOA for the delay. Justice Treacy also strongly criticized the NIRPOA for initiating the action without informing the Dalton family, who had to learn about it through the press. This caused unnecessary trauma to the Dalton family.



Paul O'Connor and Sara Duddy (PFC), with Gerry McGowan, Gerry Kelly, Michael Toner and Stephen Crumlsh (the 'Derry Four')

Former RUC officers face perverting course of justice charges in the "Derry 4" case

Two former RUC officers are being prosecuted for perverting the course of justice in respect of one of the "Derry Four", Gerry McGowan, by recording a written statement after caution from Gerald McGowan which was not his independent account of his involvement in the murder of Lieutenant Steven Kirby.

The four men, Gerry McGowan, Gerry Kelly, Stephen Crumlsh and Michael Toner, were arrested for the murder of soldier Steven Kirby and other offences, in Derry in 1979. They were 16 and 17 years old at the time. During the trial, they fled to the Republic of

Ireland where they lived openly for 20 years.

In 1998 all four were acquitted of the murder and other charges. Following a complaint to the Police Ombudsman, a referral was made to the Public Prosecution Service resulting in charges being brought against two former RUC officers.

PFC was in court with the "Derry Four" and their families on 30th May 2014, when the trial was due to start, however, the defendants failed to appear. They did appear on the 27th June and the trial is set for September 2014 at Belfast Crown Court.

GERMAN TV

Anne and Alan took part in a German TV mini documentary alongside Geraldine Finucane. The programme was aired on 26 February on Deutsche Welle, Germany's international broadcaster. The programme focused on the search for truth and justice and why it is important.

Geraldine outlined the difficulty in getting information about collusion at higher command levels, while Anne made reference to intelligence being available at the time in some cases which could have prevented murders, she also discusses the subsequent cover-up in some cases after the event which ensured that those involved were protected and never faced justice. Alan outlined the need for the truth to be told to ensure that our society can start to move on.

The programme can be accessed at <http://www.dw.de/european-journal-the-magazine-from-brussels-2014-02-26/e-17413338-9798>

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HTR Study visit to Bosnia and Serbia

PFC Caseworker Sara Duddy recently took part in the Healing Through Remembering study visit to Bosnia and Serbia. The focus of the visit was to understand the factors that led to the brutal war in the 1990's that resulted in mass genocide and ethnic cleansing across the Balkan region. It was also to observe the processes and initiatives being used to try to deal with the region's history and move forward without reverting back into conflict.