COLLUSION IN **CAPPAGH** KILLINGS

SHOOT TO KILL SHOOT TO KILL

STATE SPONSORED MURDER AT BOYLE'S BAR, CAPPAGH, SUNDAY 3rd MARCH 1991



RELATIVES FOR JUSTICE

THE UNTOLD STORIES OF RELATIVES, VICTIMS AND SURVIVORS

COLLUSION IN **CAPPAGH** KILLINGS

The murder of Thomas Armstrong, Dwayne O'Donnell, John Quinn and Malcolm Nugent






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RELATIVES FOR JUSTICE

Sunday 3 March 1991

The Murder of

Thomas Armstrong, Dwayne O'Donnell, John Quinn
and **Malcolm Nugent**

at Boyle's Bar, Cappagh, Co. Tyrone,

03.03.1991

DWAYNE O'DONNELL, JOHN QUINN, MALCOLM NUGENT THOMAS ARMSTRONG, DWAYNE O'DONNELL, JOHN QUINN, MALCOLM NUGENT THOMAS ARMSTRONG, DWAYNE O'DONNELL, JOHN QUINN, MALCOLM NUGENT THOMAS ARMSTRONG, DWAYNE O'DONNELL, JOHN QUINN, MALCOLM NUGENT THOMAS ARMSTRONG, DWAYNE O'DONNELL, JO
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COLLUSION IN **CAPPAGH** KILLINGS

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"Article two, the right to life, is one of the core rights. It involves not only the state's responsibility to protect people from unlawful death, but also the responsibility to investigate effectively the circumstances of the death and punish those responsible. It is an absolute obligation ... until now there has been virtual impunity for the state actors involved"

Nils Muiznieks, Council of Europe's Commissioner for Human Rights, November 2014

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THOMAS ARMSTRONG, DWAYNE O'DONNELL, JOHN QUINN, MALCOLM NUGENT






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DWAYNE O'DONNELL, JOHN QUINN, MALCOLM NUGENT THOMAS ARMSTRONG,

1. INTRODUCTION

3rd March 2016 is the 25th anniversary of an attack carried out at Boyle's Bar, Cappagh, Co Tyrone by the Ulster Volunteer Force. Four men were killed, three very young: Thomas Armstrong (aged 52), Malcolm Nugent (aged 20), Dwayne O'Donnell (aged 17) and John Quinn (aged 22). This publication commemorates their death and seeks to put into the public domain all the information and documentation about their lives and deaths. It is hoped that it will assist the families in their long search for truth and justice about the context of the attack and the unanswered questions that remain to be resolved.

The report is based on a written submission of complaint to the Office of the Police Ombudsman (OPONI). This was drafted on behalf of the families by Relatives for Justice and was lodged with OPONI in November 2014. Also included is a report compiled by Bernadette McAliskey who, with Fr Joe McVeigh, spoke to over 30 witnesses about the circumstances surrounding the murders in the weeks after the killings. An account of the inquest into the deaths which took place over two days in June 1994 in Cookstown Courthouse is also included. This was compiled by Martin Donaghy, solicitor at that time for three of the families. (The families, in consultation with RfJ and Martin Donaghy of Rafferty and Donaghy, Solicitors in Dungannon - who has been the families' legal adviser from the outset - developed a legal strategy to involve KRW Law from Belfast. Each firm now represents two of the families.) Finally, this commemorative publication includes pen pictures of the four men who died, based on family recollections, love and pride.

The complaint to the Police Ombudsman is the substantive element of this report. It raises families' concerns regarding the lead up to the killings, threats that were made to some of the deceased by state personnel, the suspicion of RUC/UDR involvement in or connivance with the UVF, the potential presence of a state agent or agents in the loyalist grouping and the inadequate post-attack investigation carried out by the RUC. The connection between the weapons used in the attack and 17 other killings in the same area are drawn out, as is the fact that one of the weapons used in the attack was from the arsenal imported to Ireland by loyalists with the assistance of state agents and British intelligence groups.

The Police Ombudsman's office is currently viewed as the most likely source of an independent investigation that will examine all aspects of the case without fear or favour. Over recent weeks, a review of legacy inquests by Lord Justice Weir has found deep flaws in the willingness of the state to provide disclosure, particularly in cases such as outlined in this publication where there is suspicion of collusion between loyalists groups and the RUC/UDR and British army. This was also paralleled by the resistance of the British Secretary of State Theresa Villiers to agree mechanisms to handle national security issues in the context of negotiations on legacy architecture in December 2015.

This complaint will be investigated by OPONI officers who will have access to all material relevant to the case. It is a process, however, which will take a considerable period. Because of this effectiveness, OPONI has been subjected to large year on year cuts to staffing and resources, hampering its ability to carry out its investigations as speedily as it would like. Nevertheless, that body has been increasingly been relied on to carry out independent investigations to conflict related killgs.

There is little faith that the PSNI is capable of providing the requisite independence to examine evidence without fear or favour. It remains to be seen whether the Historical Investigations Unit promised in the Stormont House Agreement in Dec 2014 yet emerges; if it does, it will take over the legacy investigation function from OPONI. Negotiations at the end of 2015 failed to






achieve agreement on access to and publication of "national security" information relevant to an understanding of killings, their context and the sequence and involvement of the British state and its agents.

This is an important consideration in the case of the Cappagh murders. The village and area around it were seen as heartlands of the republican struggle in the late 1980s and early 1990s. Rural and inaccessible, there was nevertheless a very heavy level of surveillance by mainstream and special security operatives of the British state. Defeating the IRA had become a primary element of state security policy and the Tyrone heartlands around Cappagh, north Armagh and south Derry would see many republicans targeted and killed. Prominent in the campaign were set piece executions by undercover military personnel and assassinations by loyalist units provided with information by RUC/army sources and manipulated by state agents inside the UVF and the UDA.

The deaths of Thomas Armstrong, Malcolm Nugent, Dwayne O'Donnell and John Quinn should be seen in this context.



From right: Seanna Quinn, Póilin Quinn, Siobhán Nugent and Michael Armstrong present Pablo de Greiff (centre, UN Special Rapporteur on Truth, Justice, Reparation and Non-recurrence) with documentation about their case, November 2015.

2. THE VICTIMS

MALCOLM NUGENT



Malcolm Nugent was born on the 10th November 1970. His parents were Brendan and Susan. He had three brothers Francie, Mark and Brian and two sisters Siobhan and Caitriona. Malcolm was the third oldest in the family. Malcolm's family lived in the townland of Altaglushan in Galbally, Co. Tyrone.His father Brendan was a lorry driver in a concrete production firm. Malcolm's mother Susan died of cancer in 1980 at only 34 years old. Malcolm was only 10 years old when she died. The wider family circle in Galbally, supported the family in the years after the death of Malcolm's mother. His father died in 2000 at the age of 57. Malcolm went to St Mary's primary school in Cabragh and then to St Ciaran's secondary school in Ballygawley. After his school years Malcolm took up an apprenticeship as a fitter with a local engineering company. Malcolm played underage gaelic football for Galbally Pearses GAC, (Piarsaigh an Ghallbhaile). He would also have played pool for Boyle's Bar in Cappagh as part of the Clogher Valley League. Malcolm's close friends would have been John Quinn and his cousin Peter McCaughey, the brother of Martin McCaughey, who was killed along with Dessie Grew by the SAS on the 9th October 1990. After Martin was killed Malcolm gave up his employment to become a full time activist in the Republican Movement. As was the experience of most people living in the Galbally and Cappagh area Malcolm was stopped regularly by the British army and at RUC/UDR checkpoints. Malcolm is buried in the republican plot in Galbally graveyard along with his cousin Martin McCaughey, Seamus Donnelly and Declan Arthurs. All four were IRA volunteers in the East Tyrone brigade of the Irish Republican Army. *Ar dheis lámh Dé go raibh a anam*

THOMAS ARMSTRONG



Thomas Armstrong was born on the 20th January 1940 and was 52 years old when he was killed. His father Patrick was born in 1895 and his mother Bridget was born in 1909. Both were from Galbally, Co Tyrone. Patrick and Bridget married in 1930 and they had twelve children. Thomas's father Patrick worked a 47 acre farm producing cattle, pigs, potatoes and vegetables. Thomas went to Crosscavanagh School and after he left he went on to help his father on the farm. There were six boys and six girls in the Armstrong family with Thomas at number 6; May, Bridget, Frank, Lizzie, Tessie, Rita, Patrick, Thomas, Ethne, Kathleen, John, Michael and Eamon. Six of Thomas's siblings are still alive today. Thomas lived all his life with his parents on the farm. Thomas loved accordion music and would have gone to the local pub, Pomeroy or Traynor's bar, Armagh to hear local musicians. His family said that wherever there was music Thomas went. He also went to the pictures and loved Laurel and Hardy movies. Thomas had a dry sense of humour and would have argued with his friends that a black crow is white. Thomas loved to work on cars, vans and tractors around the farm fixing and repairing them. He could turn his hand to most things. Thomas had restored an old tractor at one time and used it to go on his céilí. A regular patron of Boyle's bar in Cappagh, Thomas would have had a drink there most Sunday nights. Thomas was in the bar that Sunday night when the attack in Cappagh occurred in which he lost his life.Like many people in the Galbally area Thomas would have frequently been stopped by the British army, RUC and UDR. Thomas is buried in Galbally graveyard; A memorial on his grave, erected by the people of the area reads: 'Murdered by agents of British Imperialism'.
Go dtuga Dia suaimhneas sioraí dó






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DWAYNE O'DONNELL



Dwayne Michael O'Donnell, eldest son of Brian and Briege, was born on July 27th 1973 in Dungannon. The family lived in Donaghmore and then moved to a new home built by Brian in the townland of Glenbeg in Galbally. Dawyne quickly adapted to St Joseph's where he developed lifelong friendships. He was a quiet and attentive pupil.

Dwayne had three brothers, Barry, Fergal and Mark and one sister Séana, a very happy, close family liked and respected by all. He has 9 nephews and nieces that he never had the opportunity to meet. Dwayne was noted for his likability and his happy-go-lucky personality and made friends easily. He enjoyed his time at St Patrick's Secondary School, Dungannon. Not so fond of academic work he nevertheless loved Irish history, culture and music. He also enjoyed woodwork and sport. He played football for Piarsaigh An Ghallbhaile. One of Dwayne's most rewarding experiences was a 400 mile cycle hike from Mizen Head, Co. Cork to Malin Head, Co. Donegal sharing tandems with blind people.

However, Dwayne also had to cope with harassment by the British Army and RUC, a regular feature for young people at the time. No journey was stress free and age was no barrier to harassment going to football training, the youth club or the chapel. Dwayne began to feel his community was under siege.

Aged 14 years, Dwayne and another lad were arrested and brought to Gough Barracks, interrogated and questioned before being charged with *'collecting information that could be used for terrorism'*. Following this experience, harassment increased dramatically; coming from Galbally heightened security forces' contempt as it is a proud republican area which experienced massive pain and loss throughout 'The Troubles'.

Living through this nightmare, Dwayne decided to pursue a career in engineering. Unfortunately in April 1990, as a result of a serious work related accident; Dwayne suffered a broken pelvis, broken leg and internal injuries. During a long stay in hospital the consultant told us it was unlikely Dwayne would work again. But he was determined, and was back at work in January 1991. Apparently he missed the 'craic' with his friends!

Though only 17 years when killed, he was a mature and self-aware young man. Particularly interested in his grandfather's involvement with the old IRA, he drew the parallels with police and army raids on his and his beloved grandmother's homes and the homes of his neighbours.

As a close family, the void after his death was never filled. We take great comfort from our faith and our mementoes of Dwayne. We strongly feel Dwayne was murdered by agents of the state acting in collusion with death squads who were exonerated from justice. We are proud of him as a son, brother and an IRA volunteer.

> *'I was 39 years old and would have been 40 the same year Dwayne would have been 18. We were hoping to have a double celebration but sadly the events of Sunday 3rd March 1991 meant this was not to be. I hope to God we live to see the outcome'*

(Dwayne's mother Briege, now 64 years old).

DWAYNE O'DONNELL, JOHN QUINN, MALCOLM NUGENT THOMAS ARMSTRONG,

JOHN QUINN



"An outlawed man in a land forlorn
He scorned to turn and fly
But kept the cause of freedom safe
Upon the mountains high"
(Lyrics from the Mountains of Pomeroy, Dr George Sigerson)

John Quinn was born on 13 June 1968. He was killed by British state forces in collusion with Loyalists on 3 March 1991 along with his good friends Malcolm Nugent, Dwayne O'Donnell and Tommy Armstrong at Boyle's Bar, Cappagh. John was 22 years old. He was a son, a brother, a friend, a comrade and an IRA volunteer. John was the son of Pat and Peggy Quinn. He was the second youngest of six children, three sisters and two brothers. John spent his childhood years in Cornamaddy until the family moved the short distance to a small 45 acre farm at Cranogue, Cappagh.

John grew up with the local folklore and the stories of local heroes such as Shane Bernagh the bold rapparee and Martin Hurson who sacrificed his life on the 1981 Hunger Strike. He also grew up with the stories of Republican resistance and from a young age identified with the activism of a local community that stood firm against British military occupation. He identified with the ordinary men and women who defined resilience and activism in very challenging times.

John's early school years were spent at St Joseph's Primary School, Galbally. He then progressed to St Patrick's Secondary School, Dungannon. He loved his Irish culture. He had a grá for traditional Irish music with a talent for playing the drums with his sisters in their traditional music group. He played gaelic football at underage level playing many times in the Martin Hurson cup at senior level.

Upon leaving school John worked with a local engineering firm. He was always regarded as a steady and conscientious worker. In life John took his responsibilities seriously. He loved his community and its people, its local landscape. Yet he was acutely aware from an early age that the things that he cherished were threatened daily by state oppression and discrimination. It was no surprise to those that knew John well that he joined the ranks of the Irish Republican Army. Like many young men and women John joined the Republican Movement to confront and resist British state oppression. He had a vision for an Ireland that was shaped by her people and free from British involvement. The killing of some of his close friends and neighbours at Loughgall on 08 May 1987 in an ambush was a seminal moment in John's life. It propelled him to make life-defining decisions. One was a proud decision to join the Republican Movement to confront British military occupation. On reflection John would always say that his decision to join the Republican Movement was not a reaction but a response to a war situation. He had a very clear sense of his duty and what the situation demanded of him. Throughout his activism many doors were opened to John and his comrades not just in Tyrone, but further afield. John was always appreciative of the hospitality offered by so many.

Even with the prospect of a different life in Australia John declined preferring to fulfil his commitment to the Republican struggle. He knew that his calling was at home. In devoting his energy and resolve to the struggle John became a target of the RUC, the UDR and British army. Along with many friends and comrades he endured daily harassment, arrest while also living with a daily threat on his life.

John was well respected within the Republican community. His large wake and funeral was testament to his standing and the respect he was held in by his family, friends and comrades. His comrades would say he was a loyal, strong and fearless Volunteer in the Irish Republican Army.

A strong sense of loss and grief is felt to this day by his family and friends. The feelings of loss are still raw and the wounds remain open as the many questions surrounding his death, and that of his friends Malcolm, Dwayne and Tommy, remain unanswered and unacknowledged.

Just as John dedicated his life to upholding the rights of his community, 25 years on his family and friends remain defiant in our pursuit of the truth.






3. SUBMISSION TO POLICE OMBUDSMAN - NOVEMBER 2014

1. Introduction

N.B. In this public document the names of individuals who are still alive and who may connected to the events are substituted by capital letters. Their names have been submitted to the Ombusman.

At 10.30pm on the night of Sunday 3rd March 1991, men holding assault rifles and wearing balaclavas got out of a car outside Boyle's Bar in the small village of Cappagh, Co Tyrone. One man was tall – well over 6 feet - while the other was of average height. The driver remained in the car. As they were preparing to attack the bar, another car containing four men drew up and parked outside the bar. Before the car's engine had stopped, the armed men started pouring gunfire into it from close range.

Initial press reports were confused as to where the four men were in the car and who was killed where. This is probably because the survivor, Malachy Rafferty (21 years old) got out of the car after the gunmen had left the scene and walked into the bar through the back door before anyone else arrived. In addition, those who first arrived on the scene decided to take John Quinn (22, the driver) and Dwayne O'Donnell (17, back seat passenger side) to the South Tyrone Hospital, Dungannon, though both were already dead. It was felt this was the best and most respectful course of action rather than leaving them in the car. According to accounts from the first people to arrive at the scene, they did not know until later that a third occupant of the car Malcolm Nugent (20) had also been killed as he tried to evade the killers by crossing the road and getting over a wall.

The confusion may account for the ***Irish News*** report (also quoted in ***Lost Lives)*** claiming that it was Dwayne O'Donnell who was shot while trying to get away). Malachy Rafferty believes that, by distracting the gunmen away from the car and its occupants, Malcolm's attempted escape saved his life.

After killing Malcolm, the gunmen then turned their attention to the bar and the tall man fired a number of shots through the toilet window, located high on the exterior wall. These bullets killed Thomas Armstrong (52). When Malcolm's body was found, it was brought into the bar and laid beside Thomas' body.

The operation was claimed by the Ulster Volunteer Force (UVF). Three of the victims John Quinn, Malcolm Nugent and Dwayne O'Donnell were Irish Republican Army (IRA) volunteers.

Various accounts have been written and a variety of theories have emerged concerning the shooting; yet the families feel that the full circumstances have not yet been examined properly. Given the location of the shooting in a difficult to access, deeply rural setting and proudly republican area, they feel it is likely that the operation had the assistance of state security in:

- **identifying the building and the intended victims;**
- **gaining knowledge of the bar's layout; they knew line of fire from the toilet window would reach the main body of the bar;**
- **accessing and exiting the village without being stopped at the usually multiple checkpoints;**
- **targeting individuals involved in the IRA; and**
- **importing the weapons used in this and many other killings.**

Though some arrests were made, no-one has ever been convicted for the murders. The families believe that the police investigation was hampered by Special Branch officers, Frank Murray, "B" and

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"C". There are also suspicions that, though claimed by the UVF, the killings may actually have been carried out by members of the Ulster Defence Regiment. At any event, families are of the view that the police investigation was not a serious attempt to identify the perpetrators and bring them to justice.

Furthermore the families' contact with the RUC officer in charge of the case, Detective Chief Inspector Kenneth McFarland, and his officers was minimal and uncommunicative. The investigation did not meet the criteria set out in European case law. It was neither prompt, nor thorough, or impartial and family liaison was non-existent. The RUC also failed to win the confidence of the local community, as evidenced by the fact that a dossier of 34 statements was compiled by Bernadette McAliskey and Fr Joe McVeigh. All were from people who could have been interviewed by the police. Either the police did not actively seek witnesses or the local community had insufficient confidence in the police to trust them with an account. In the event, the statements were handed in to the inquest, but the coroner did not wish to make use of them.

The inquest opened in Cookstown Courthouse on 14.06.1994. Following an adjournment, it concluded on 23.06.1994 in the same venue. An account of proceedings was made by Martin Donaghy, the solicitor for the families of Dwayne O'Donnell, John Quinn and Malcom Nugent (see chapter 5).

The Historical Enquiries Team (HET) met with the families on a number of occasions and were able to provide some information gleaned from previous police investigations and their own examination of 17 boxes of material held in their archive. However, by October 2014, no report has been produced from HET. Though the families were informed at such meetings that reports had been drafted, HET officers said they were not in a position to share these as the case had now been passed to another team to investigate. Moreover, the families have not received an interim report as they had been assured would happen.

2. FURTHER INFORMATION FROM FAMILY MEMBERS, NEIGHBOURS AND FRIENDS IN THE LOCAL COMMUNITY AND PUBLIC SOURCES

2.1 The background and context

There are two main theories about who carried out the shootings:

- **the first that it was carried out by the Portadown UVF and notorious loyalist Billy Wright;**
- **the second that a rogue UDR unit based in Cookstown and led by an 'D' was responsible.**

The first theory emerged almost immediately the police arrived, though it took them over two hours to turn up to the bar after the shootings. This is despite the fact that a local Protestant family who had been driving past the bar when the shooting was actually taking place had made their way into Dungannon Police Station to make a statement straight after the incident.

Once the police arrived, witnesses heard the statement: "Billy Wright was behind this". At the time, Wright was a prominent UVF figure in Portadown; he is also widely believed to have been an agent of one or other British security agency. It is known that Wright was questioned along with 'I', one of his associates. It is also known that a man by the name of 'J', who was Wright's regular driver was separately arrested and questioned.

A journalist source informed family lawyers that the individuals who carried out the murders were

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Billy Wright, "C" and Mark Fulton with the latter being the driver. According to this source, during the attack Wright behaved in a frenzied manner while "C" was calm and holding Wright in check.

Further grist to the theory that Wright was involved in the Cappagh killings emerged from Long Kesh one day in the period before the killings and remembered in its aftermath. On this occasion during visits, when different factions and their visitors generally observed a scrupulous distance, Wright very deliberately approached individuals from Cappagh and said to them: "How's the boys round Cappagh. I'll be up to see them shortly". According to the accounts, he was keen to make a point of signalling his interest in the area.

Despite the currency of this theory regarding Wright's involvement, there are conflicting claims about it. Both Peter Taylor and Cusack/McDonald in their books on Loyalism and the UVF respectively say that the UVF leadership is adamant Wright was not involved. Both of these books, of course were written after Wright and the LVF had split from the UVF and the continuing UVF leadership may have wanted to ensure the "credit" for Cappagh remained with their organisation. Thus, prominent loyalist Billy Hutchinson described in the RTÉ documentary ***Voices from the Grave*** (https://www.youtube.com/watch?v=YSb_XhN2L6s) how the UVF "took the war to the IRA" in East Tyrone.

Another set of suspects emerged from information provided during a HET briefing. This related to the fact that, in December 1991, four UDR soldiers based in Cookstown were arrested and questioned in relation to the murders. The families had never before been aware of this even if there had been persistent rumours of UDR involvement in the case. Notably, one member of the community had given a statement to Bernadette McAliskey and Fr Joe McVeigh that a member of a UDR patrol told him that he (the UDR soldier) had been involved in the shooting. That four soldiers were actually arrested suggests a higher intelligence and suspicion threshold had been reached.

According to the verbal briefing from HET, their own enquiries related to UDR assistance to the killers rather than involvement in the shooting. This line of inquiry rests on the claim of a former UDR witness that he had "heard or picked up" information that the Cappagh killers had received help. Indeed, because of the nature of the collusion traces in the investigation, the HET officers reviewing the case passed details to the HET "WHITE" team responsible for a thematic collusion investigation.

At the inquest in June 1994, DCI Kenneth McFarland confirmed that 6 people had been arrested but no-one had been charged. According to a note of the inquest proceedings by the solicitor for the Nugent, O'Donnell and Quinn families, 4 individuals had been arrested in December 1992 rather than a year earlier.

In respect of the RUC arrest of four UDR soldiers from Cookstown in December 1991, the name of "D" was mentioned during a HET oral briefing attended by family members and RfJ staff. Of potential relevance is the fact that he is a tall man, well over six foot. He and three others ("E", "F" and a soldier with the surname "G") have been consistently mentioned as being involved in other sectarian killings including that of Sean Anderson and Tommy Casey.

According to local reports shared with RfJ, these four men were taken to Scotland in 1991 and de-briefed. When they returned, they were given a financial package and told to resign. Republicans in the area confirm that this unit's activities ceased from this point. No longer were they routinely seen as being involved in sectarian killings; they seem to have been retired. A further allegation claimed the four had been taken to Scotland earlier for SAS training.

Aggravating these suspicions about military intelligence connected to the incident, a few months after the shooting, a local person was arrested and taken to Aughnacloy Holding Centre. A British soldier pointed out on a grid map exactly where he was situated on the night of the shooting – this was at the end of Corrigan's lane (less than a quarter mile from the scene).

Such stories and rumours float round the district and are given so much currency precisely because there has been no proper investigation and accounting for what took place. It is impossible to verify their truth or otherwise until a genuine and thorough examination of all available evidence

DWAYNE O'DONNELL, JOHN QUINN, MALCOLM NUGENT THOMAS ARMSTRONG,

and intelligence is carried out by a properly independent mechanism in which the families and local community can have some faith.

Nevertheless, suspicions are given more substance by the fact that the PSNI re-investigated the Cappagh attack along with other linked cases in 2003; and by confirmation from the HET that UDR involvement was a strong line of investigation at the time. Finally, the fact that the inquiries rest on the word of a witness who has consistently linked UDR soldiers to the case from 2003 to the time of the HET enquiries heightens family suspicion of collusion.

2.2 British and loyalist attitude to Cappagh

The area was seen by both loyalists and British security agencies as a staunchly republican one containing very much a suspect community. All the literature is infused with an approach which viewed the people of Cappagh as the enemy. The expressed views of the British military and loyalists is impossible to separate.

Take the UVF statement claiming the killings: "This was … an operation directed at the very roots of the Provisional IRA command structure in the Armagh-Tyrone area". Cusack/McDonald quote a senior UVF source describing Cappagh as: "one of the best things we did militarily in 30 years. We proved we could take the war to the Provos in one of their strongest areas". Peter Taylor describes Cappagh as "deep [in] the IRA heartland of East Tyrone" and as a village "whose IRA credentials and history are legend".

Sarah Ford, a former British special forces soldier, writes in her book ***One Up*** of induction to operations in the north of Ireland. The month long orientation entailed: "getting the crucial locations into our heads, and watching endless videos of the target areas - Dungannon, Moy, Armagh, Crossmaglen, Newry, Coalisland, Cookstown and Cappagh … mind-boggling quantities of detail to assimilate, enclosing an endless encyclopaedia of information on the players [i.e. republican suspects]: their houses, vehicles, vehicle registration numbers, relatives, backgrounds, political sympathies, past actions. The spooks supplied us with photos and potted biogs and we'd watch videos of them taken at events like protest marches and funeral processions."

The book has many negative references to identified republicans who are described as "evil", whose deaths or woundings are celebrated. The following is a typical characterisation: "Cappagh is a staunch Republican stronghold. None of the security forces go on the ground there, and even the police don't operate. It's a really hard area. Everyone in Cappagh, even the kiddies and the old grannies, is a terrorist…"

However, perhaps of particular interest is an account in the book of an incident that occurred in Cappagh around a year before the Boyle's Bar attack. No date is supplied in the undercover account. There is, however, a parallel – though strikingly different - account from republican sources and reported in ***An Phoblacht/Republican News***, Sinn Féin's weekly newspaper on 29.03.1990. This dates the incident to 24.03.1990.

Both accounts agree that a daytime car chase took place through the village of Cappagh, in which an undercover vehicle was followed at high speed by an XR3I Ford Escort containing IRA personnel who opened fire as a result of which, the undercover vehicle crashed. A firefight ensued. The book ***One Up*** claims that despite prolonged firing on both sides, the single undercover soldier injured his two pursuers/attackers and was himself unhurt and, a hero, subsequently decorated. By contrast, republican sources claimed 14 IRA volunteers had been involved in an operation over the weekend, that two undercover British soldiers died in the incident and up to 8 other undercover cars, an unknown number of "dug-in" military personnel and an RUC back-up team had also been deployed on the state side. This account states that the bodies and the car were smuggled away during a four



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hour sealed operation. Local sources speculate the bodies were subsequently brought back from Germany, amid claims that they had died in a car crash.

The following week, on 05.04.1990, ***An Phoblacht/Republican News*** reported that the ***Irish News*** had confirmed eye-witness accounts of two bodies at the scene and a prolonged and secret clean-up operation.

For the purposes of the current incident, what is of particular interest, is the fact that the British army account names the two IRA volunteers as John Quinn and Martin McCaughey. Both were dead within the year.

In the ***Lost Lives*** account of Martin McCaughey's death at the hands of undercover British soldiers in October 1990, the shootout in Cappagh is referred to and Peter Taylor is quoted saying that Martin McCaughey was "clearly on the security forces' most wanted list". The account goes on to say that he had been recuperating from injuries received in the Cappagh incident. The other volunteer involved, John Quinn died in the hail of bullets outside Boyle's Bar alongside Martin McCaughey's cousin, Malcolm Nugent.

The impression of this series of events is that, to hatred, suspicion and vilification had been added another motive for murder; the state's imperative for revenge.

A final point worth mentioning with regard to British covert intelligence is that, despite the significant capacity, resources and intelligence available to these units, they seem never to have been tasked to intervene to prevent loyalist killings and disrupt loyalist activity. There are many instances when covert units were deployed to prevent IRA actions and assassinate republican activists (see, for example http://relativesforjustice.com/wp-content/uploads/2014/03/Clonoe-Report-LRes-18.pdf). Nowhere in the literature we have examined have we found occasions when such units have – actively or re-actively – protected catholic, nationalist, republican targets from loyalists. Thus, when Sam Marshall was killed in Lurgan in March 1990 after signing off on his bail conditions in the RUC barracks, up to nine undercover soldiers observed his murder by loyalists yet did nothing to intervene or apprehend those responsible. Covert operatives were instructed not to intervene when Roseanne Mallon was murdered in her own home in May 1994 by the UVF.

(N.B. *During the recent review of inquests in Belfast under Lord Justice Weir in January 2016, it emerged that as many as 23 soldiers had been identified who were involved in the surveillance operation on Sam Marshall on the day he was shot dead.*)

2.3 Collusion

2.3.1 Accessing layout of the target

There has always been a suspicion of collusion between the UVF and members of the security forces behind the attack on Boyle's Bar in March 1991. The first piece of evidence concerns the fact that in the weeks before the attack, UDR patrols accompanied by single RUC officers took to entering the bar and asking to ID patrons. Then on one Sunday shortly before the shooting, a joint UDR/RUC patrol entered the bar in Cappagh and drew a plan of the bar, an occurrence which caused considerable unease. Other loyalist murders had been preceded by British soldiers drawing plans of buildings or seeking or sharing other information.

By way of example, on the night of the shooting incident at the Battery Bar in Coagh (30.11.1989) in which Liam Ryan and Michael Devlin were murdered, an RUC patrol stopped at Boyle's bar in Cappagh and asked owner Malachy Boyle if the darts match was on that night. Malachy said it was being held at the Battery bar on that particular night. It was following this episode that the bar was attacked where the two men were killed and one man injured.

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It is also pointed out by local people that the killers deliberately fired through the toilet window and appeared to be sure that their bullets would reach the main bar area. This knowledge, they say, could only have been gleaned from prior access to the bar. To their recollection, the only outsiders who had been in the bar in the preceding period were those UDR soldiers accompanied by the RUC. Notably, RUC Investigator DCI Kenneth McFarland outlined at the inquest that though aware of the concern surrounding the plan-drawing incident, he had neither inquired into this matter nor sought to discover which soldiers and RUC officer were on that patrol.

2.3.2 Accessing Cappagh and Boyle's Bar

The second issue arousing suspicion of collusion is the way the killer gang was able to reach and leave Cappagh without being stopped by a routine checkpoint. Cappagh, as outlined elsewhere, experienced some of the highest surveillance levels in the north. As well as uniformed foot patrols and vehicle check points, a significant level of undercover and electronic surveillance was in operation and had been found by local people on a number of occasions. Furthermore, helicopters were a constant feature in the area.

In keeping with the general attitude to Cappagh as a suspect community, the village was saturated with soldiers and surveillance on that Sunday in March 1991. There was a heavy troop presence all day and into the evening; most of the soldiers were UDR. There was a helicopter in the air for up to five hours. A local football match in Galbally was disrupted by an aircraft that "had been around the pitch constantly". According to testimony heard at the inquest this was a spotter-plane; other accounts say this was a helicopter. Local people remember vehicle checkpoints (VCPs) in the afternoon and evening. Thomas Armstrong's brother remembers clearly seeing a chopper land briefly within sight of his home about a mile from Boyle's Bar just one hour before the shootings. From the chopper's behaviour, he assumes a foot patrol or undercover unit were being landed or lifted. Sarah Ford (***One Up***) confirms that on the day of the attack, members of her intelligence unit "had been operating in the area. The attack was mounted just thirty-five minutes after we'd lifted off."

In a notable development, about an hour before the murders, all security force activity in the area appears to have ceased. In subsequent conversations, people who were out driving noted that VCPs had disappeared. The killers do not appear to have been stopped driving to or away from Cappagh (though see Sean McPhelimy's allegations later). Furthermore, it took the police over two hours to arrive at the scene of devastation. Such sudden disappearance of military and police personnel were common occurrences when loyalist killings took place in republican areas. The use of "Out of Bounds Orders" (OBO) are recurrent manifestations of a decision to clear an area of troops for operational purposes (***Killing for Britain***). Another account of loyalist and army interaction (***TEN THIRTY-THREE: The Inside Story of Britain's Secret Killing Machine in Northern Ireland***) outlines the use of "restriction orders" requiring security personnel and police to remain away from designated areas during loyalist operations. In particular, the book describes a restriction order being in place during the murder by the UFF of Patrick Hamill in September 1987 in his Forfar Street home in West Belfast.

RfJ understands that the existence of OBOs and restriction orders can be confirmed in Tasking and Co-ordinating Group records and Special Branch files for the area. It is our view that these records for the Cappagh area on the days in question should be examined in order to understand the intelligence background to the killings.

2.3.3 Accessing republican suspects

Peter Taylor summarises the prevailing objective view that: "The operation must have involved meticulous planning and was unlikely to have been carried out without some degree of assistance






from the security forces. They, most likely in the form of the UDR, would have been the only agency to pinpoint the movement of IRA volunteers and pass the information on to the loyalist hit team. Also getting into and out of the village of Cappagh is not easy."

Targeting the IRA in East Tyrone was not a straightforward matter as Peter Taylor has made clear. There have been persistent rumours that the real target of the attack was not the three IRA volunteers who by some accounts, turned up unexpectedly at the bar. Indeed, it was well-known from the survivor's testimony that all four men in the car had been at a football match earlier in the day following which there was discussion about a number of possible destinations before they decided to head to Boyle's Bar in Cappagh.

From this point of view, one of Taylor's assertions seems misplaced. The three volunteers who were killed may have been unfortunate and the UVF operation did not, therefore, go as planned. Another view asserts that the gunmen may have recognised the occupants of the car as IRA volunteers. One of the men, John Quinn, was distinctively bald, for example. However, either way, prior knowledge of IRA personnel had been a tried and tested indicator of collusion in the late 1980s and early 1990s. The Stevens Inquiry was established in 1989 when loyalists began to publicise the number of documents they had received from police and army contacts containing personal details of republicans, including images, addresses and car registrations. When taken into account with routine threats and harassment experienced by the men, who were also told that their RUC files had gone missing, all suggests that at least some of the information was in the hands of loyalists.

While Stevens' inquiries concentrated on the greater Belfast area, there are accounts of information being given to loyalists by security force personnel in other parts of the north. Paul Larkin Coyle, in his book ***A Very British Jihad***, recounts an interview he had with Billy Wright in which the loyalist claimed that he regularly received envelopes posted through his door containing security force information on suspected republicans.

Sean McPhelimy's book ***The Committee***, outlined further allegations of collusion between senior RUC figures and loyalists in Armagh and Tyrone. His informant claimed that there were as many as three cars involved in the Boyle's Bar attack, one of which contained members of the RUC who were able to ensure they were not stopped by any checkpoints. McPhelimy repeats the assertion that the main target had been inside the bar, where a republican meeting was due to take place. He further claims that Wright (who, according to this account, led the attack) was criticized for not going into the bar, leaving the main target uninjured. In this regard, it is notable that Sarah Ford, in her (typically typecast) account of undercover army activity repeats the claim that the bar was "filled with members of the Provisional IRA, including the evil OC of East Tyrone, who survived the attack".

The impression is gained of routine discussion - and vilification - of personalities/targets and intelligence in loyalist and British army circles. In a situation where there may well have been overlapping membership between the UDR and UVF, or common socialising, the exchange of information about the common enemy is almost guaranteed. Also to be considered is the increasing evidence of informants within loyalist organisations supplying information to - and being used as pawns by - the intelligence agencies to carry out the state's agenda. A cursory reading of the de Silva report into the murder of Pat Finucane provides chilling evidence of military intelligence capacity for manipulation and wrongdoing. If this was the pattern of state security in relation to the elimination of Pat Finucane, a human rights lawyer, targeting an IRA unit would have been given far freer sanction.

Moreover, and more generally, routinized passing of intelligence from security forces to loyalist groups was well-advanced. The de Silva review examines this question in detail in respect of contact between UDA elements and the many branches of the security agencies. At para 11.110 he confesses that: "The scale and nature of the 'leaks' from members of the security forces to loyalist paramilitaries during the late 1980's has never properly been acknowledged". In the following paragraph we read:

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"The Security Service [i.e. MI5] made a detailed assessment in 1985 that 85% of the UDA's intelligence came from the security forces. Having examined a very large volume of material relating to UDA activity in the late 1980's, I am satisfied that the proportion of their intelligence originating from the security forces would have remained largely unchanged by February 1989". These assertions are made by an individual reviewing papers in a non-transparent exercise where families were unable to test his findings. It is reasonable to assume that the actual percentage may be even higher.

RfJ is aware that some of the individuals involved in this incident had been told that their details had been leaked to loyalists. We are also aware that some of the victims had been threatened that their details would be given to loyalists during police detention and questioning.

2.3.4 Accessing weapons

The final element of the collusion jig-saw relates to the weapons used. As well as forensic links to other killings, which are outlined below, there is also the matter that the firearms were part of a consignment of weapons smuggled into the north of Ireland with the connivance of British intelligence services. The background and detail of the involvement of state intelligence bodies in the importation of arms for loyalist groups is set out in RfJ's report into the Ormeau Road bookies killings (for the report into the shooting of 5th February 1992, see http://relativesforjustice.com/portfolio/sean-graham-bookmakers-atrocity/).

The most recent official confirmation of this came in the Desmond de Silva review into the murder of Pat Finucane. During the course of his assessment of loyalist arms importation, he seeks to undermine RfJ's analysis of what took place. Nevertheless, while seeming to deny intelligence facilitation of the arms transportation, de Silva confirms that intelligence agencies: knew of the visit by their agent Brian Nelson to South Africa in 1985; knew that he was there to discuss arms transportation; worried about their agent Brian Nelson's exposure should the plan emerge rather than the danger the weapons could cause to loyalist targets. De Silva suggests that this transaction failed to transpire due to lack of UDA funds. However, a 1987 operation did succeed.

De Silva is less categorical on this ("I have not conducted a detailed examination of the intelligence … in relation to these shipments…") and relies on a single piece of evidence from the intelligence agencies themselves to exonerate them from blame. On this occasion, though knowing all about the importation plans, they somehow were unable to intercept the weapons "due to a lack of prior intelligence". This self-serving exoneration would have us believe that the many loyalist agents who routinely supplied information, some of whom were involved in the plan, failed to do so on this occasion. It is far more likely that the authorities knew and allowed the weapons in. And this shipment included the two VZ58s used in the Cappagh shootings.

When one of the weapons was recovered, the letters TUVF were found written on the rifle-butt. This is assumed to refer to Co Tyrone UVF, a further suggestion that Tyrone rather than Armagh is where the killers came from.

*(**N.B.** In RfJ's view, it is inconceivable that RUC Special Branch did not know all about the South African weapons shipment The importation of these loyalist weapons is one of the issues that will form part of a Police Ombudsman report into the murder by the UVF of 6 people in a bar in Loughinisland, Co Down, on 18th June 1994. The interest of the Ombudsman in seeking to unravel this issue was reported during Lord Justice Weir's review of legacy inquests in Belfast in January 2016. These imported weapons were also used in the attack on Sean Graham's bookies on the Ormeau Road on Wednesday 5th February 1992. This attack is the subject of another complaint to the Police Ombudsman, the report of which is well advanced.)*






2.4 Forensics

According to the HET, 46 spent cartridges were found at the scene; however, the quality of the scenes of crime examination was very poor. Bullet casings were being found for weeks after the incident, indicative of the poor quality of the police investigation overall.

Another item of interest was found at the scene though there is a lack of clarity as to what is was. At the inquest, according to the family solicitor's note, it was reported Ignatius Nugent had found a rifle "muzzle" at the scene. Forensic scientist, Colette Quinn, stated that it would not fit onto the guns used in the attack. The HET, on the other hand, referred to a "muzzle cover" found at the scene and described it as similar to one used by British army personnel including UDR.

The barman, Malachy Boyle, described one gunman as being tall. This is confirmed by the height of the window through which a weapon was fired which killed Thomas Armstrong. The forensic report outlined to families by the HET likewise suggested that the gunman must have been quite tall to have fired through the toilet window, particularly at the trajectory which caused the injuries to Thomas Armstrong and the other occupant of the bar.

A restricted internal police document dated 10th March 1991 noted that the murder appeared to have been very professionally carried out. It found that the groupings of the bursts of fire were quite exceptional for a protestant parimilitary shoot and that the targets had been well acquired and further pointed out that a lot of ground recce must have occurred before the shooting as the perpetrators struck deep in the heart of a Republican area. The report also pointed out that the toilet window through which the shooting occurred would have required a reasonably tall person as the shots were directed through a missing window at about 2 metres height. The fall of shot inside indicated that the firer could see the person he was shooting and the grouping of shots, a quantity of approximately 17, which was in the region of 45 cms across was noted as being quite exceptional considering the height of the window.

The report also contained details confirming that the weapons used in the attack had a history of involvement in ten previous incidents of murder/ attempted murder.

Two weapons have been identified as having been used in these killings. Both are VZ58P assault rifles. These were designed and manufactured in Czechoslovakia and externally resembled the more familiar Russian AK47. The bullets were of Chinese origin rather than the indigenous Czechoslovakian make and fully cased in brass. Both rifles and ammunition were part of the consignment brought into Ireland by loyalists and – as already outlined – known about in advance by British intelligence.

The combination of the rifle with Chinese ammunition produced distinctive forensic evidence that allowed the guns to be individually identified and subsequently linked to other killings. Additionally, as reported in Lost Lives, the hammer of one gun struck the bullet slightly off centre. Serial numbers were assigned to each as follows: R18837 and J50195.

The first ballistic report was received by Martin Donaghy, one of the family solicitors in 1991. However, the RUC later produced a second ballistic report as a replacement. This was the evidence that stood at the time of the inquest when DCI McFarland reported that two weapons used in the killings had been recovered in separate locations. He outlined the history and subsequent use of both. One had not been used since the Boyle's Bar shooting while both had (in a telling euphemism) "a previous history".

However, new forensic tests commissioned and carried out for an ongoing inquest into a linked murder - that of Roseanne Mallon - suggest that the first forensic report, tying the weapons to a far higher number of killings is the more accurate one.

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The Lost Lives account of the Cappagh shootings states: "Ballistics showed the weapons had killed seven other Catholics." In fact, the number of connected murders is far higher. According to HET detectives, the weapons are linked to 12 other murders and two attempted murders. However, from RfJ's own sources, the weapons can be linked to an additional murder and attempted murder. These are set out below.

Chronological listing of Cappagh incident and other murders and attempted murders based on weapons and ballistic linkages

Victim	Date and location	HET	RfJ
MURDERS			
Phelim McNally	24.11.1988 Derrychrin Road, Coagh	✔	✔
Liam Ryan	30.11.1989 Battery Bar, Ardboe	✔	✔
Michael Devlin	30.11.1989 Battery Bar, Ardboe		✔
Patrick Boyle	03.06.1990 Eglish Park, Annaghmore	✔	✔
Denis Carville	06.10.1990 Oxford Island, Lough Neagh	✔	✔
Tommy Casey	26.10.1990 Moveagh Road, Cookstown	✔	✔
Malachy McIvor	08.11.1990 Castlefarm Road, Stewartstown	✔	✔
John Quinn	03.03.1991 Boyle's Bar, Cappagh	✔	✔
Dwayne O'Donnell	03.03.1991 Boyle's Bar, Cappagh	✔	✔
Malcolm Nugent	03.03.1991 Boyle's Bar, Cappagh	✔	✔
Thomas Armstrong	03.03.1991 Boyle's Bar, Cappagh	✔	✔
Sean Anderson	25.10.1991 Loughbracken Road, Pomeroy	✔	✔
Dessie Rodgers	14.11.1991 Hyster Forklift Factory, Lurgan	✔	✔
Fergus Magee	14.11.1991 Hyster Forklift Factory, Lurgan	✔	✔
John Lavery	14.11.1991 Hyster Forklift Factory, Lurgan	✔	✔
Charlie Fox	06.09.1992 Listamlat Road, the Moy	✔	✔
Tess Fox	06.09.1992 Listamlat Road, the Moy	✔	✔

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Roseanne Mallon	08.05.1994 Cullenrammer Road, Killymoyle		✔
Victim	**Date and location**	**HET**	**RfJ**
ATTEMPTED MURDERS			
John Rush	January 1989 Stewartstown, Co Tyrone		✔
Frances McKeown	February 1989 Moneymore, Co Tyrone	✔	✔
Wilson Fry	January 1992 Portadown, Co Armagh	✔	✔

The first VZ58 assault rifle was recovered in January 1992 in an arms find on the Mossland Road in Coagh. The second was recovered with other ammunition and firearms at Kilmore in Loughgall on 10.05.1993.

For a wider analysis of the inter-linkages between loyalist killings, see RfJ's September 1995, report detailing 229 killings between 1990 and 1994 where collusion is a key feature and in which many of weapons - imported with the connivance of British intelligence services - were involved (see http://relativesforjustice.com/wp-content/uploads/2012/12/COLLUSION-REPORT-1990-1994-PDF.pdf).

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3. SPECIFIC ISSUES FOR THE OFFICE OF THE POLICE OMBUDSMAN ARISING FROM AVAILABLE INFORMATION:

The families of the victims of the attack in Cappagh on 03.03.1991 wish to make a composite complaint on the range of issues arising from the foregoing, and, in particular in respect of the following matters:

1. Can the Police Ombudsman guarantee the families that he will make every effort to uncover all materials relating to this shooting in Cappagh which is held by all branches of the RUC/PSNI/ British Army?

2. Will the Police Ombudsman make whatever information he uncovers available to the families and/or their legal representatives?

3. The families wish to complain that they were not kept updated by the RUC as to how the investigation was progressing. A particular example relates to the 2003 re-investigation disclosed by the HET. The families were not informed at all about this.

4. Why did it take the RUC investigators two and a quarter hours to arrive at the scene of the shootings? What picture emerges from the call logs in the local RUC barracks?

5. One family was caught up in the gun fire while driving past and their car was hit by at least one bullet. It is believed that this was a local protestant family. The family in question were returning home from a party and a daughter had been driving until the car was hit by a bullet. The father of the family then drove the car directly to the RUC barracks in Dungannon to give a statement of what had occurred. The RUC were therefore aware of the shooting incident within at least 20-30 minutes of the shooting.

6. When the families arrived at South Tyrone hospital, Dungannon, to view the bodies and start their grieving, police officers were lined up outside, sneering and jeering at them. This was indicative of attitudes to republican activists and no apology has ever been received. Can these individuals be identified and questioned about their behaviour?

7. Did the RUC investigate links with other cases that emerge from forensic and intelligence material? If not this is a missed opportunity to hold those to account involved in an onslaught on the local republican community.

8. When can the families receive the HET report in its current state? As all HET material is now held in the PSNI estate it therefore comes within PONI's remit.

9. The HET confirmed they have seen logs and reports of UDR patrols in operation in the Cappagh area during the day of the shooting. Were any of the four named soldiers ("D", "E", "G" and "F") in any of the patrols?

10. If any of the logs and records in respect of uniformed or undercover military and/or RUC activity have been destroyed, the families and RfJ invite the Ombudsman to draw an adverse inference from this fact.

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11. The HET told families in 2012 that they planned to re-interview a witness who has consistently linked UDR soldiers based at Cookstown to a number of killings including those at Cappagh. Was this done and if so, what was the result?

12. Why did the RUC produce a second, inaccurate, forensic report which reduced mention of linkages to other killings arising from the weapons and ballistics examined relating to the Cappagh killings?

13. Was the Weapons and Explosives Research Centre (WERC; this was a secretive forsenic unit that existed solely for RUC Special Branch purposes. Its existence became public only during the Omagh bomb trial and the Roseanne Mallon inquest.) involved in any of the forensic analysis of rifles and ammunition? The families, along with RfJ, have particular concerns in respect of the provenance and governance of WERC as it has become clearer from the Roseanne Mallon inquest. It seems that essentially, the RUC set up and controlled its own forensic unit without proper regulation, control or proper accreditation of staff. (RfJ filed a Freedom of Information request to the PSNI asking for details concerning the professional and service background of WERC staff and in particular whether they have previous experience in police or military intelligence. The request was refused.) What purpose did it serve beyond providing an alternative view of forensic evidence should the official examination produce a view contrary to the wishes of Special Branch? The families along with RfJ wish to make a formal complaint regarding WERC as part of their more general complaint in respect of this incident.

14. At the inquest, DCI McFarland was specifically asked as to MI5 and Special Branch involvement in any operation related to Cappagh. He stated that he "wasn't aware of what the role of MI5 would be". When asked to confirm no other Security Agencies were operating in the area after 7pm on the night of 03.03.1991, he said that "he was not able to do this". Can this be established now? (Sarah Ford, the pseudonymous author of One Up makes explicit reference to this.)

15. When will a proper investigation, that has access to all relevant material, be carried out into the incident?

16. The families, with RfJ, invite the Police Ombudsman to ask Billy Hutchinson for what information he has on the Cappagh incident?

17. Can the Police Ombudsman confirm whether Billy Wright was an informant/agent for any of the intelligence agencies in operation in 1991? If so, what contact information was given to that/those agencies? In the Roseanne Mallon inquest, Mr Justice Weir reminded people that as Billy Wright is now deceased, he has no article 2 rights in respect of disclosure.

18. The families and the local community wish to raise the activities of Special Branch officers Frank Murray and, in Dungannon, "A" and "B". According to local knowledge and experience, nothing happened in the area without their say so and CID had little knowledge and no co-operation. When it comes to direct confrontation between the state and the IRA, as seems to be a definite line of inquiry in this case, Special Branch is key. The families would like to see the role of these officers examined in this case.

19. What was the level of surveillance in this case? Were cameras in operation and were any trained on Boyle's Bar on the night of the shooting?

20. Tasking and Co-ordinating Group and Special Branch records for the area and date in question

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should be examined to ascertain what covert operations were in place at the material time: surveillance, deployment of specialist units etc. RfJ know, from monitoring the Roseanne Mallon inquest that the most senior CID officer covering the case was unaware of the extensive covert operation in place at the scene of the shooting. Only when the family accidentally discovered hidden cameras and went to the media, did the CID find out about covert activity. Or so they claim. It has also become known through the course of the inquest that recording earlier in the day captured images of the killers. These were erased before the inquest was able to view them.

21. Was the firefight in Cappagh between the IRA and British undercover operatives a year before the Boyle's Bar attack a factor in the investigation? If not, it should be considered as part of this investigation. In particular, the families and RfJ ask that military incident records relating to 14th Int. Company, SAS and other undercover units be examined for corroborative purposes.

22. The men were routinely harassed and threatened by RUC officers. The families were only visited once in the aftermath of the shootings: they were promised that "No stone would be unturned". There was no follow up and families do not believe a proper investigation with access to all relevant information took place. This needs to be remedied.

November 2014

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4. THE McALISKEY / McVEIGH PAPERS

A contemporary report on the Cappagh Shooting

By Bernadette McAliskey

Introduction

Following the murder of four men in Cappagh, Co Tyrone on the night of the 3rd of March, 1991, a public meeting took place in Galbally Hall which was attended by the community and their public representatives.

The general consensus of the meeting was that there was no public confidence that the assassins would be caught, and a considerable body of opinion that the security forces had prior knowledge and/or participation in the armed attack on Boyle's Pub, which resulted in the deaths of four people, a fifth being seriously injured.

It was decided that an effort should be made to document and record as much information as possible with a view to making the facts available to any impartial body willing to investigate the matter further.

Consequently, Fr. Joseph McVeigh and myself spent several days taking evidence from anyone who came forward; and on the basis of information in these statements, visited a number of homes and took further statements.

In all, thirty statements were taken, twenty-five of which were transcribed, including the name of the witness making each statement. Five witnesses preferred to give verbal evidence, and while happy to speak with us, did not wish to be identified, even to the extent of having their evidence recorded. We respected this, but took the anonymous nature of evidence into account in weighing it against other evidence.

Results of our Investigation:

Given the restrictions on our work, we were able only to raise questions rather than provide answers. However, several important facts emerged which should be investigated further by someone with greater access to information:

The first fact to emerge (from the statements of people who were, at any point prior to the shooting, in the company or presence of the three young men who were in the car) was that their decision to visit Boyle's Bar at the time they did was taken within a short time of actually going there.

Statements taken from people in Boyle's Bar clearly indicated that the particular grouping of individuals in the bar was random. No one we spoke to was there by prior arrangement.

Conclusion: We therefore concluded that the attack on the bar, whilst premeditated and planned, could not have been based on any prior knowledge of the identity of those in the bar, and was not directed at specific persons.

We heard considerable evidence of the presence of the U.D.R. and military in the area, including helicopter surveillance for the greater part of Sunday afternoon. The last 'sightings' of the army/U.D.R. being approximately 7.00pm - 8.30pm. A helicopter in the area shortly after that was presumed to be picking up the patrol, although there were no witnesses to the actual pick-up.

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Conclusion:

- The heavy military presence in the area poses a number of alternatives and questions either:
- There was nothing suspicious or untoward which would have indicated that an attack was imminent; or
- The patrols failed to take due note of suspicious or unusual signs; or
- The patrols were aware of the events to come, and part of the plan.
- We did not have sufficient evidence to reach a conclusion on which was the case; however, a number of questions arise:
- Did the helicopter surveillance or foot patrols confirm the presence or absence of a car in the quarry at any point during the day?
- Did any of the following come to the attention of the security forces:
- A small red car, seen several times; driver, male, 20 – 30; clean shaven;
- A red/orange Vauxhall Astra; seen Tuesday and Thursday before the shooting; Reg. 01B-; two men; passenger had curlyish hair, possible greying; ages 30 – 40; seen Saturday afternoon; one man, glasses, reddish face , 'dirty colour ginger' hair. Was this the same car each time?
- A brown/grey Lada seen about 3.00 - 4.00pm Sunday (of the shooting);
- A car parked on the narrow road behind Boyle's Pub, on Sunday;
- A dark red Orion;
- A white Ford Sapphire (NX11 -) with a C.B. aerial.
- All of these vehicles gave concern to a number of witnesses.

The Attack and Aftermath:

We took statements from two people concerning a car which was independently described by both as being 'like Paul Tierneys's Car' - a yellow/orange Golf, four-door car. One witness described the car at the scene of the shooting. Another saw a car described in the same terms, at 10.15pm near Tally's pub. At no time did this car feature in public police inquiries. Why not?

Conclusion: From statements taken we concluded that there was no visible presence of the attackers before 10.10pm, when the last person went into the bar. At this time, John Quinn, Dwayne O'Donnell and Malcolm Nugent were, with others, at the chip shop on the Main Street. The decision to 'race' to Malachy Boyles Pub was taken almost simultaneously with the arrival of the gunmen at the pub. At approximately 10.15 - 10.20pm.

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Reconstruction from Statements:

- Not earlier than 10.10pm – 10.15pm, a four door car pulled up on the concrete at the side/rear of Boyles Pub. All four doors were open, indicating the presence of four persons (at least).
- Between 10.20 – 10.30pm two cars were driven at speed towards Boyles, and two young drivers 'raced' the distance from the chip shop to the pub.
- The first car passed the attackers and their car. Within seconds, the gunmen opened fire on the second car. The evidence suggests that the gun fire came from both front and rear of the building.
- The gun attack on the occupants of the bar followed this attack, and would appear to have been the work of a single person who fired through the toilet window, the greater part of the gun barrel being inside the window.
- John Quinn, Dwayne O'Donnell and Malcolm Nugent died in the attack on the car. Mr Armstrong in the attack on the Bar.
- There is evidence to suggest the existence of a second car, a red car which may have joined the attackers' car as it left the scene. This car may have come down "Corrigan's Hill", joining the first at the junction of the road leading to the quarry.

- Two cars leaving the scene and going up the Main Street were accounted for. One belonging to a local woman returning from Bingo, the other to a family visiting friends in the area, this second car was hit by gunfire, but the driver successfully reversed out of danger. This car stopped while the driver got out and changed places with a passenger.
- It was the occupants of this car who notified the police of the attack.
- An eye-witness gave evidence of a car leaving the quarry where subsequently a burnt out vehicle was discovered.
- A number of things troubled us about these events. On evidence of time, it seemed that the car burning in the quarry was out of sequence with the attack. The witness spoke of watching a specific television programme. When it ended, a sequence of events led to him spotting 'a glow' in the quarry.
- However, the last person in the bar had watched the same programme to its conclusion before 'putting on his boots and driving to the bar'. He was between 5-10 minutes in the bar when the attack took place. This time scale is much too long compared with the evidence of the quarry eye-witness. It is therefore probable that the car was burned in the quarry by persons involved in the conspiracy, but not the attack itself, leading to the possibility of 'a false trail', and bringing the number of suspicious vehicles in the area to three – if the burnt car was already in place – and four if it was not. This raises a possibility of five or six persons being in the area at the time of the attack: 4 in the car at the scene, a minimum of 1 in the red car from Corrigan's Hill, 1 to drive the car into the quarry, 1 to drive away from the quarry.
- The eye-witness whose description was a combination of 'sight and sound' in the dark, described the car leaving the quarry as 'possibly an Orion'.






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- The burnt out car was a two-door car.
- The RUC contacted Boyle's by telephone shortly after the attack, but did not arrive on the scene until after midnight.
- A number of serious questions arise from the police behaviour at the scene:
- Several witnesses stated that members of the RUC on arrival, and in the course of the work, openly stated the identity of the attackers as 'The Portadown boys', 'Billy Wright' and 'The Rat'.
- Whether or not the RUC had reason or evidence to support this theory, we considered it criminally irresponsible to indulge in 'name-dropping' in the public domain of a multi-murder scene. We are satisfied that the assertion of guilt, later taken up by the media, was made by the RUC.
- The RUC took the names of everyone in the bar. While this was not untoward in itself, against the background of random decision which brought the individuals to the bar and the statement issued the following day by the U.V.F we concluded that either:
- The U.V.F. had the bar under surveillance from it opened at 7.20pm (whist the UDR military were still in the area):
- The identity of the people in the bar had been made know to them after the event, but before 9.00am - by someone who had access to the list of names taken by the RUC. Accepting 'the dangers to police' as a reason for their delay in arrival, a question remains about what action was taken once information was received. What roads were closed for check-points (if any)? At what time and where was Billy Wright and a second man arrested? When were they released?
- A further disturbing feature was an incident report by Mr H, who made a complaint to his solicitor at the time. On the Tuesday following the attack, a member of the UDR boasted to Mr H of involvement in John Quinn's death at Cappagh. Whilst this may have been a case of unnecessary and hateful behaviour, the description of the soldier as 'exceptionally tall' alerted us.
- We believe, from an examination of the scene, that the person who fired through the toilet window was, of necessity, exceptionally tall.
- Several general features giving rise to concern were:
- The presence of a UDR patrol on several occasions prior to the attack, in the bar itself taking notes on the persons present, and on one occasion drawing a plan of the interior.
- The presence of two police officers in an unmarked car, driving a third person who 'ducked below the window' in the back, when witnesses observed the car.
- Two known officers of the RUC who spoke with witnesses and were later seen picking up a man in black who came out of a field.
- Malcom Nugent and Dwayne O'Donnell were followed to evening classes by a car, in the week before the shooting.
- All of these things happened within fourteen days of the attack and prior to it.

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Statement on events in Cappagh on 3rd March 1991 completed in 1994 for submission to coroner by Bernadette McAliskey and Fr Joe McVeigh

Fr Joseph McVeigh and Bernadette McAliskey were present a meeting of the Cappagh community in the immediate wake of an attack on Boyle's Bar on March 3rd 1991. Other public and community representatives were also present. The general consensus of the meeting was a concern that the attack might not be fully investigated for a number of reasons, which included an unwillingness of some of those who might have had information to identify themselves to the RUC in case of attracting attention and danger to themselves.

We agreed to undertake the task of collecting as much information as possible, both of us having considerable experience in this kind of documentation.

We spent three days taking statements from those who came forward and then visited the homes of several people, and took statements from them. We also visited Boyles's Bar, measured the distance between the ground and the toilet window through which Mr Armstrong was shot, studied the angle at which the strike marks related to the window to establish as best we could the direction and angle of the weapon when it was fired. We also spoke to, and ascertained the whereabouts of the local car described as being similar to that used in the attack. With the permission of the owner we photographed the car with its four doors open, also from the front, etc.

At the conclusion of our investigation we had taken twenty-five written statements and five verbal statements we believed relevant to establishing the events leading up to the deaths of four people whose inquests are now in progress.

In keeping with the assurances given to those who spoke with us we have not disclosed their names.

We did, however study the information contained in these statements and believed it proper and lawful that we make the coroner aware of that information, and the manner in which it was obtained.

Seven statements referred to the presence in Cappagh of a red/orange Vauxhall Astra, reg. no. OIB, and possibly including either the numeral 2 and/or the numeral 4. This car was seen in the area on Tuesday, Thursday and Saturday prior to the attack on Sunday March 3rd. On the first two occasions there were two occupants, both male. Descriptions were given. On Saturday the car was driven by a male not answering any of the descriptions of the Tuesday or Thursday occupants. Each witness believed the car and its occupants gave cause for concern. Two statements referred to a small red car, male driver, description given. This car was parked at Boyle's pub and the driver was dressed in a yellow coat, like those worn by DOE employees. One witness saw this person out of the vehicle however no DOE work appeared to be in progress, and no yellow markings were made, as when pot-holes are being marked. These events took place within two weeks of the attack. Evidence was also given by two witnesses of hearing a "sporty type" car of some power, possible a Volvo or XR3, with a slight blow out in the exhaust. One witness saw a white Ford Sapphire NXI with a CB ariel, another a dark red Orion, all of which were seen on the day/night of the attack.

One witness described a car leaving the quarry as possibly an Orion, the colour could not be identified in the dark.

One witness' attention was drawn to a brown Lada between 3.00-4.00pm on the afternoon of the attack, but apart from the fact that they knew of no-one who owned such a vehicle, and that they felt unnerved by the appearance of the driver, they could not articulate why its presence gave them concern.

We took statements from three people, two of whom independently used the same comparison






in describing an orange four-door car seen shortly before the attack, and at the scene of the attack. The other sightings of this vehicle was at 10.15pm approx. approaching Tally's pub in the Galbally area, from the direction of Galbally. The car was described, in fact initially identified as belonging to a local man, but this person confirmed that he was not in the area at the time or at any time that evening. His car, which we photographed, was a distinctive colour, had four doors, and was a Volkswagen Golf. All of those who came forward confirmed a strong military presence in the area in the weeks and days prior to the attack and on the day of the attack. A considerable number of premises, particularly outhouses were searched, and a military presence of semi-permanence seemed to have been in place until the evening of the attack. A military helicopter was in operation over the village for part of Sunday afternoon. Searches were conducted of outhouses in the area on Sunday morning and vehicles were being checked at check points throughout Sunday afternoon and early evening.

Most of those who made statements last saw a security presence between 7.30/8.45 p.m. on Sunday evening, but one witness saw 'military' personnel on foot at 10p.m. Further military activity was noted shortly after 11.00p.m., by which time the attack had already taken place. Most of the military activity involved the U.D.R. Two witnesses were present in Boyle's pub, some weeks before the attack, when a U.D.R. patrol came into the premises. Both stated independently that members of the patrol asked for identification of several people, noted their names, and drew a diagram of the seating in the bar. One witness recalled this incident, did not see what the U.D.R. were actually doing, but recalled them being challenged about drawings.

After the attack, an official complaint was made to the RUC about an incident at a vehicle check point where a member of the U.D.R. claimed to the driver of having been involved in the attack. This person described the soldier in his statement, and given information already given to us, we were seriously concerned about this incident, and the possibility of this soldier's involvement or having information vital to the investigation. We took statements from persons in Boyle's Pub at the time of the attack, persons who left prior to the attack, and persons who had been in the company of the deceased earlier in the evening.

From these statements it was clear to us that the attack on Boyle's Pub was not intended specifically against the deceased or anybody in the premises. There was considerable indecision about how to spend the evening, amongst a larger group of young people of whom the deceased were a part. Eventually, some went to Boyle's, left and went to the Hillside, whilst others went to Cookstown. Some went originally to the Hillside, and on to Cookstown. The deceased and injured unfortunately decided to go to Boyle's Pub and drove into an attack, just as it was about to take place. We were particularly concerned about the evidence in two statements. Both witnesses clearly identified their own movements in relation to the events, as beginning with the end of the same television programme "The Sandy Kelly Show". This clearly sets a timescale in which both experiences are measured.

Witness A switched off the television as the programme ended, put on his shoes and jacket and was driven to Boyle's Bar. He went in, ordered and was given a drink by the owner, who then went to lock the door and came back to play a game of pool, when they heard a noise outside the front door, and then the shooting started.

Witness B, was watching the same programme in his home. As the programme ended he got up, switched off his television, filled the kettle, pulled on his shoes, and went outside. He immediately noticed the glow of something burning in the quarry. It is impossible to conclude then that the car in the quarry was alight, before it was conceivably possible for the attackers to have carried out the attack at Boyle's Bar, driven to the quarry, and set the vehicle on fire.

The weather conditions on the night of the shooting were such as made driving difficult. There

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was a deep frost and the road surface in the Cappagh area was slippy. We travelled the distance from the pub to the quarry ourselves and it is difficult to conceive that even a person familiar with the road at night, could have accounted for the closeness in the timescale of the two statements. This sequence of events has occurred in at least one other such attack. According to statements taken after the shooting of Liam Ryan in Ardboe, a vehicle was also set alight just before or simultaneous with the attack.

One further point which gave us considerable concern, and which continues to concern us.

Our investigation led us to believe that individuals in Boyle's Bar at the time of the attack was a random group of people, who had arrived at different times, none of whom had decided to visit the bar any more than an hour before so doing.

It was therefore impossible for any person to identify the individuals unless (a) the bar patrons in question were individually known by sight, and (b) the person identifying them had been watching Boyle's Bar for at least two hours before the attack. This seems to us totally impossible, unless the bar was under surveillance by persons hidden, and in possession of a means of communication with the attackers which meant they did not have to leave their position in order to inform the attackers of who was in the premises.

Nonetheless, an organisation claiming responsibility for the attack issued a statement in the forenoon of the following day, and named individuals in Boyle's Bar as their targets, and basis for the attack. Those named were not among the dead or injured but were in the premises at the time, going about their private and lawful business.

Those in the bar stated that the names of everybody in the bar were taken by the RUC after the attack. This has been confirmed by the RUC. This list of names must also be seen as a possible source of the information contained in the statement the following day.

We were concerned further about the fact that three people specifically stated that investigating police named an individual of some notoriety, whilst conducting their investigation, and claimed this person to be responsible for the attack.

We considered this to be irresponsible, and dangerous behaviour. There is no explanation which excuses it. Whatever of the fears, prejudices or beliefs of the community, professional Police Officers at the scene of the crime, should not make accusations of guilt against any person.

This statement has been written by Bernadette McAliskey and it has been read and confirmed by Fr Joe McVeigh as a true account of information received by us, the manner in which they were obtained, and are we believe honest and factual statements made in good faith by people whose only motive in remaining anonymous is fear.

(**RfJ update**: As suggested by the McAliskey/McVeigh analysis above, it is now clear that dug in surveillance has long been a feature of military policy in Tyrone. When Ms McAliskey herself was attacked by loyalists in January 1981, soldiers were observing the house. It has emerged in the course of the inquest into Roseann Mallon's murder in May 1994 that army surveillance through a camera had been in place for some time. One prominent republican from Cappagh was told by a soldier from Liverpool that he had been on surveillance duty and had observed the shooting in Cappagh on 3rd March 1991. It follows that more electronic, camera or human surveillance could have been in place to assist the loyalist killers.)






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5. NOTE OF INQUEST BY MARTIN DONAGHY, SOLICITOR

INQUEST TOUCHING THE DEATHS OF

THOMAS A. ARMSTRONG, MALCOLM JAMES NUGENT, DWAYNE MICHAEL O'DONNELL, JOHN MARTIN QUINN

STATEMENTS AND DEPOSITIONS

Statement of Peter John Sanderson McCANN	RUC Mapping Branch
Statement of Constable Gordon STEEL	RUC Photography Branch
Statement of Ashley MIDDLETON	RUC Photography Branch
Deposition of Fiona MORRIS	Witness
Deposition of Malachy RAFFERTY	Witness
Deposition of Malachy BOYLE	Witness and owner Boyle's Bar
Deposition of Ignatius Leo NUGENT	Witness
Deposition of Kevin CORRIGAN	Witness
Deposition of Thomas John McGEE	Attended Scene
Deposition of Kevin CORRIGAN	Witness
Deposition of Kevin CORRIGAN	Witness
Deposition of Johnston DOUGLAS	Witness
Statement of Sean KELLY	Attended Scene
Statement of John CARTMILL	Ambulance Driver
Statement of David DEVENNIE	Attended Scene
Statement of D/Constable Ian MONTEITH	Attended Post Mortem
Statement of Dr K R P ACHARYA	Pronounced life extinct (M Nugent)
Statement of Dr K R P ACHARYA	Pronounced life extinct (T Armstrong)
Statement of Dermot Massie McALEER	Funeral Director
Statement of Sergeant Stanley W F MOFFATT	Maintained Log
Deposition of Inspector Thomas Noel BLAIR	Officer I/C Scene
Deposition of Sergeant Stuart Frazer TOMLINSON	Attended Scene
Deposition of Norman Henry WILLIAMS	SOCO
Deposition of Constable R N ESPIE	SOCO
Deposition of Constable Johnston Leslie CAIRNS	SOCO
Deposition of Colette Christine QUINN	Forensic Scientist
Statement of Robert David RUSSELL	Forensic Scientist
Statement of Neil Adam SEYMOUR	Previous owner of Mazda SO1 5415
Statement of Ken JOHNSTON	Downtown Radio
Deposition of Chief Inspector Kenneth McFARLAND	Officer I/C

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PROCEEDINGS - noted by Martin DONAGHY, Solicitor

The inquest into the shootings at Cappagh was held at Cookstown Courthouse on the 14th June 1994. The matter was subsequently adjourned and was concluded on the 23rd June again at Cookstown Courthouse. John Morrisey, B.L. appeared on behalf of the Coroner. A Mr Mercer, Solicitor appeared for the Chief Constable of the RUC. I appeared for the families of the John Quinn, Dwayne O'Donnell and Malcolm Nugent and Mrs Ann Kelly appeared for the family of Thomas Armstrong.

On the first day of hearing Fiona Morris gave evidence. In addition to her deposition she looked at the photographs and said that the car shown in the quarry was not the one which she saw. The car she saw at Boyle's Pub had four doors and was orange coloured. Malachy Rafferty gave evidence in accordance with his deposition. Malachy Boyle gave evidence in accordance with his deposition and in addition confirmed that members of the Security Forces (UDR) had been in his premises in the weeks/months prior to this attack. He wasn't aware of them making any diagrams or sketches. Ignatius Nugent gave evidence and in addition to his deposition he confirmed that the Security Forces had been in Boyle's Bar on Sunday nights prior to this incident. Kevin Corrigan gave evidence in accordance with his deposition and in addition he confirmed that there had been a heavy Security Force presence in the Cappagh area on the Sunday of the incident. He had been at a football match at Galbally and the spotter plane had been around the pitch constantly. He had been aware of a military presence right up until the evening of the shooting.

Norman Williams, SOCO had dealt with the find of the Mazda car in the quarry. He found no fresh footprints or tyre marks in or about the vehicle. When he found the vehicle, the passenger's door was shut. The driver's door was open. On examination of the vehicle he attempted to open the passenger door. He was unable to open it. He could not say whether the door lock had always been broken or whether it had been damaged by the fire. Constable Espie, SOCO gave evidence about the find of a number of items of clothing and footwear found en route from Cappagh to the quarry and from the quarry to Hopper's Bridge. The photographs did not show any of these items in situ. When questioned about this he claimed that they had been lifted prior to being photographed so as to preserve any forensic evidence. He accepted that this was not normal practice. Colette Quinn, Forensic Scientist gave evidence and in addition to her deposition confirmed that there was no scientific evidence to link any of the items found along the roadway with the Mazda car or to link the Mazda car in any way with the shooting at Boyle's Bar. She further indicated that the gun muzzle found by Ignatius Nugent would not fit on to any of the guns used in the shooting.

Neill Seymour the previous owner of the Mazda car found in the quarry did not attend. He could not apparently be located by Police and it was believed he had left the country. His statement was read to the inquest and in it he indicated how he had advertised the vehicle for sale. A man had telephoned him to say he was from the Portadown area and that he would come down to look at the vehicle. The man came down on a Saturday night. They both went for a test drive in the car. Without any bargaining the vehicle was sold for £120.00. The only questions which the man asked about the car was whether or not the exhaust was sound.

The inquest was adjourned to enable the Coroner to consider an issue raised by Bernadette McAliskey and Fr Joseph McVeigh. That matter is dealt with in a ruling given later by the Coroner on 23rd June 1994.

*(**RfJ N.B.**: The issue raised by Bernadette McAliskey and Fr Joseph McVeigh concerned the request to have a report based on a number of statements they had taken about the Cappagh attack included in the evidence considered by the inquest. In the event, the coroner refused. The information from these statements is outlined in the documents in chapter 4 from Ms McAliskey and Fr McVeigh.)*






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Following that ruling Detective Chief Inspector McFarland gave evidence. In addition to his deposition and during cross-examination he conceded the following:

Despite the concern expressed by witnesses about the activities of the UDR in entering Boyle's Bar in the weeks prior to this shooting, drawing sketches etc. he has not made any attempt to establish who those soldiers were and what exactly they were doing in the bar.

The weapons have since been recovered or at least two weapons used have been recovered. The weapons had a previous history and as regards any subsequent use he was able to say for definite that one of the weapons has not been used since the Cappagh shootings but said he would have to check the position regarding the other weapon. Both weapons were found at different times and both were found quite some time after the shootings. The weapons were not found together. Mr McFarland would not say where they had been found other than to say they were found in different parts of the country.

A total of six persons were arrested for questioning. Four of these were arrested in December 1992. He would not say whether any of the persons arrested had connections with the Security Forces.

The sighting of the Department of the Environment (DOE) Water Service van was investigated. These enquiries proved negative in that the DOE were not aware of any of their vans in that area at that time.

When questioned about the time at which the Security Forces left the Cappagh area prior to the shooting he said that all military etc. were out of the area by 7 p.m. He was then asked about the role of MI5 and the Special Branch. He said he wasn't aware of what the role of MI5 would be. He was asked whether he could confirm that there were no other Security Agencies operating in Cappagh following 7 p.m. He was not able to do this. He was asked about an incident approximately one year prior to the shootings in Cappagh when undercover soldiers were involved in a shoot-out during which a number of them were seriously injured. He said he knew of the incident but since he wasn't directly involved in it he thought it best he didn't comment further.

(**RfJ update**: The sighting of the DOE Water Service van may suggest a significant line of inquiry which has parallels in other cases. Thus, a BT van was spotted in the vicinity of the attack in the Moy at the time Kevin and Jack McKearney were shot by the UVF in January 1992. The BT van was parked next to the killers' red Mitsubishi Colt near a public telephone booth. An eye witness wanted to use the public telephone but was prevented by someone posing as a BT engineer who told him it was faulty. As in the case of the DOE van in Cappagh, BT said they had no vehicles in the Moy at the relevant time, nor were any repairs being carried out. This pattern of unauthorised public utility vehicles appearing in the lead up to shootings bears investigation. It may well be a tactic used by British intelligence services, gathering information in preparation for loyalist attacks.)

DWAYNE O'DONNELL, JOHN QUINN, MALCOLM NUGENT THOMAS ARMSTRONG,



Boyle's Bar, Cappagh



Cappagh Village



Cappagh Village



Road coming into Cappagh Village from Galbally



Road signage, Cappagh Village



Turn off to Cappagh Village from Dungannon



Sessiadonaghy Road, used by gunmen after attack heading towards quarry where car was burnt out



Location where car was burnt out

THOMAS ARMSTRONG, DWAYNE O'DONNELL, JOHN QUINN, MALCOLM NUGENT THOMAS ARMSTRONG, DWAYNE O'DONNELL, JOHN QUINN, MALCOLM NUGENT THOMAS ARMSTRONG, DWAYNE O'DONNELL, JOHN QUINN, MALCOLM NUGENT THOMAS ARMSTRONG, DWAYNE O'DONNELL, JOHN QUINN, MALCOLM NUGENT THOMAS ARMSTRONG,
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Sunday 3 March 1991



- Not earlier than 10.10pm – 10.15pm, a four door car pulled up on the concrete at the side/rear of Boyles Pub. All four doors were open, indicating the presence of four persons (at least).
- Between 10.20 – 10.30pm two cars were driven at speed towards Boyles, and two young drivers 'raced' the distance from the chip shop to the pub.
- The first car passed the attackers and their car. Within seconds, the gunmen opened fire on the second car. The evidence suggests that the gun fire came from both front and rear of the building.
- The gun attack on the occupants of the bar followed this attack, and would appear to have been the work of a single person who fired through the toilet window, the greater part of the gun barrel being inside the window.
- John Quinn, Dwayne O'Donnell and Malcolm Nugent died in the attack on the car. Mr Armstrong in the attack on the Bar.
- There is evidence to suggest the existence of a second car, a red car which may have joined the attackers' car as it left the scene. This car may have come down "Corrigan's Hill", joining the first at the junction of the road leading to the quarry.
- Two cars leaving the scene and going up the Main Street were accounted for. One belonging to a local woman returning from Bingo, the other to a family visiting friends in the area, this second car was hit by gunfire, but the driver successfully reversed out of danger. This car stopped while the driver got out and changed places with a passenger.
- It was the occupants of this car who notified the police of the attack.
- An eye-witness gave evidence of a car leaving the quarry where subsequently a burnt out vehicle was discovered.

DWAYNE O'DONNELL, JOHN QUINN, MALCOLM NUGENT THOMAS ARMSTRONG,

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