*Towards Human Rights and Truth Recovery*

the PAT FINUCANE centre

NEWSLETTER ISSUE 5/XMAS 2010

# RECOGNITION

## Finally the truth is told

The family of Bernadette Friel, a 22-year-old Derry mother shot dead 35 years ago, have thanked the HET for finally laying to rest a fabricated story that she had been involved in a "game of Russian roulette".

The HET report, while it leaves many questions unanswered they say, at least clears the dead woman of any spurious complicity in her own death or that she shot herself – while pointing the finger clearly at those responsible.

Bernadette, a young mother full of life with a bright future in front of her, was shot in the home of Thomas Ramsay, a former British soldier living in Carnhill, Derry. She died in hospital two days later.

She was survived by her son, Tony, then aged four; her father, William Friel (now deceased); her brothers Joe, Leo, John, Billy and Paul and her two sisters, Jean and Mary.

Their grief at her loss was compounded when Thomas Ramsay and another man, Hugh Stanley, concocted a story that she had been involved in a game of Russian roulette at the time she was shot.

They told various versions of this story before and during their trials for manslaughter (not murder) – but the HET report found that the forensics showed this account could not possibly have been true.

The HET concluded Ramsay deliberately shot Bernadette and had then fabricated the Russian roulette story - despite the pathologist's clear findings that the position of the wound and the direction of travel of the bullet completely excluded this possibility.

The family decided to engage with the HET in the hope of getting more information about Bernadette's killing and overturn the official record on how she had died.

Although Ramsay and Stanley were tried in 1976, the family were shocked that Ramsay only received a 12 month prison sentence after he pleaded guilty to Bernadette's manslaughter.

They were also outraged that the DPP recommended no charge against Stanley for his involvement, despite the recommendation of senior RUC officers that both men be charged with murder.

A large quantity of arms was found in the house where Bernadette was shot following her killing.



*Derry mother Bernadette Friel.*

The family find it unbelievable that Ramsay was given only two years imprisonment for this, to run concurrently with the sentence for manslaughter. Stanley was given a conditional discharge for two years in relation to firearms offences.

Although Bernadette hasn't got justice, the Friel family believes the HET went as far as it could and are pleased it confirms that she was not involved in any accidental death or "Russian roulette".

They still, however, have unanswered questions about the DPP's role in failing to ensure that those responsible were brought to account and have asked the Public Prosecution Service to meet them and discuss their concerns.

## Invitation

The Pat Finucane Centre would like to invite you to join us in either Armagh or Derry for a pre-Christmas get-together.

**ARMAGH**
15 December 2-5pm

**DERRY**
17 December 2-5 pm

Please try to let us know if you are coming so we can ensure we don't run out of mince-pies and drinks!

*Paul, Maggie, Geraldine, Alan and Anne*



# INQUESTS PROS AND CONS

## Maggie O Conor

There are only limited options open to people seeking the truth about why a family member was killed during the conflict, especially if there are disputed circumstances.

In the absence of any agreed mechanism to look into the past, some families are asking if a new, or renewed, inquest could provide them with at least some answers?

As with any legal process, there are dangers and opportunities.

An inquest is quite unlike other civil or criminal proceedings. It is not a trial. The Coroner cannot determine criminal/civil liability or apportion guilt or blame.

He or she can only investigate the circumstances to determine the how, why and where of the death.

Coroners themselves decide who will be called to give evidence as witnesses and they question such witnesses - although there may also be further questions by "properly interested people" or their legal representatives.

Person's with a "proper interest" include:

- relatives of the deceased
- solicitors acting for the next of kin
- anyone who may, in some way, be responsible for the death
- others at some special risk or appearing to the Coroner to have a proper interest

At the end, the inquest will only state the most basic facts of how the person died – not who was responsible or if anyone acted wrongly.

Human rights groups argue that, if inquests are to stand any chance of gaining public confidence, "interested parties" must be able to take part in an informed and open way on an equal footing with everyone else.

This should be true of every stage of the process, including setting out the scope of the Coroner's inquiries. Obviously, this can only be achieved if all potentially relevant material is fully disclosed.

While these rights are not guaranteed in law, Coroners now generally agree that effective participation by families requires wide disclosure.

Nevertheless, past experience shows that material may be redacted (ie blacked out/censored) particularly if it may later be the subject of a "PII" certificate.

Public Interest Immunity (or PII) allows the courts to grant orders allowing one party not to disclose evidence where this is considered "contrary to the public interest". Needless to say, the state decides what is in our public interest …

*… if inquests are to stand any chance of gaining public confidence, "interested parties" must be able to take part in an informed and open way on an equal footing with everyone else.*

This is an exception to the usual rule that everyone before the courts must disclose any relevant evidence. Human rights groups believe "PIIs" seriously undermine the ability of Inquests to make meaningful enquiries.

It is clearly important that all witnesses with any significant evidence should appear at inquests. While there have been some welcome changes in compelling such witnesses to appear, they may still refuse to answer questions, even if they directly relate to the circumstances surrounding the death. Witnesses are also allowed to refuse to answer questions if, by doing so, they would incriminate themselves.

Despite all these difficulties, an inquest may still be of some help to families as they grapple to try and get the truth. Only the dogged determination of some families has led to any changes in the system.

Nowadays, families may be entitled to legal aid; witnesses are compellable; the principle that families should have access to available information is accepted - and the Coroner can make findings on the circumstances of the death.

Many Inquests, however, have been opened and left uncompleted. Some into conflict-related deaths have led to lengthy legal proceedings (including judicial reviews, referrals to the House of Lords and the European Court of Justice).

Recently, the Attorney General has exercised a discretion that allows him to order a new Inquest, even if there was already one completed, although there must be new evidence before he will consider doing this.



Inquests are no panacea for anyone seeking the truth. They may leave families with even more questions and so fail to address their trauma and distress – but they should not be dismissed out of hand.

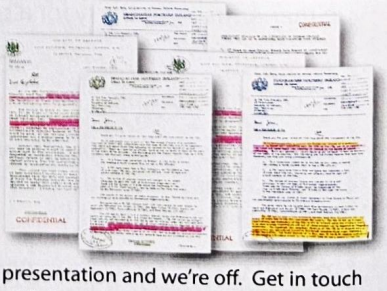
# WEAPONS OF CHOICE

The Pat Finucane Centre has given another performance of "Weapons of Choice" – our multi-media, dramatic presentation using official documents to show how loyalists used "stolen" British Army weapons to kill dozens of people.

The Sarsfield GAA Club in Lenadoon, west Belfast, was packed for the performance – given by the two PFC case workers in Armagh, Alan Brecknell and Anne Cadwallader, along with Robert McLenaghan.

Should any group you are involved with wish us to give another performance in a community hall or to a meeting, please get in touch.

All we need are a few chairs, a desk, a white wall on which to project the presentation and we're off. Get in touch with Anne in Armagh for more details (028) 3751 5191.



# ARCHIVES

## Paul O'Connor

PFC research in London has uncovered shocking, but unsurprising, evidence of the almost benevolent way the British government viewed loyalist violence in the 1970s.

Previously "Top Secret" documents, unearthed by us in the British National Archive, show that hundreds of people, mostly Catholic, were murdered before Westminster even considered extending internment to loyalists.

London has, of course, always sought to portray itself internationally as an "honest broker" between two warring Irish tribes. The previously secret documents tell a very different story.

The hitherto hidden documents were discovered by PFC researchers in one of our periodic "raids" on the Archive at Kew in London during July. Many are now on our website (www.patfinucanecentre.org).

Some of the documents show that London was in total denial over the existence of the loyalist assassination campaign - as evidenced by its failure to intern loyalists until 1973.

This amounted, we argue, to the official condoning of loyalist violence such as the murder of 15 people in December at McGurks Bar in Belfast. In the wake of that horrific attack, the RUC and the British Army even attempted to blame the IRA.

London's failure, until 1992, to ban the UDA (the North's largest loyalist paramilitary group) – taken with its toleration of widespread infiltration of the UDR – is clear evidence of a counter-insurgency policy that viewed loyalist paramilitaries as allies in the war against the IRA.

Remember, the UDA was still legal when it murdered Pat Finucane, at the behest of RUC Special Branch, MI5 and the FRU (an undercover unit of the British Army).



***London's failure, until 1992, to ban the UDA . . . taken with its toleration of widespread infiltration of the UDR – is clear evidence of a counter-insurgency policy . . .***

In effect, the relationship between loyalist paramilitaries and the British state was similar to the relationship between the Contras and the US administration of Ronald Reagan.

The murder of hundreds of civilians by loyalists was viewed as mere collateral damage inevitable because of this counter-insurgency policy.

Other official documents demonstrate a shocking disregard for civilian lives in respect of the actions of the British Army.

For example, the British Attorney General asserted in 1971 that soldiers in uniform were incapable of committing murder as they were "on duty". This gave soldiers a de facto license to kill.

The inevitable results were tragedies like Bloody Sunday and the Ballymurphy Massacre. This not just of historical interest.

More recently, interrogation methods used here in the seventies were used in Iraq. The then Labour government claimed it had "forgotten" these methods had already been ruled illegal by the European Court of Human Rights (ECHR).

Even today, in the year 2010, a soldier is still serving in the British Army despite his conviction for the 1992 murder of North Belfast Catholic teenager, Peter Mc Bride.

### Internment of Loyalists

Internment was introduced in August 1971 but, despite a deadly loyalist assassination campaign in 1972 (with over 120 sectarian murders in that year alone) the authorities did not intern a single loyalist.

By late 1972, memos began to circulate in the Ministry of Defence and Northern Ireland Office on when, and under what circumstances, they "might" arrest and intern Protestants (some Protestants were interned but only where they were regarded as republican and/or socialist)

The Irish government then took a case against the British government at the ECHR. At a high-level London meeting in 1974, senior civil servants and legal advisors discussed strategy.

One of London's barristers warned the government that the ECHR might ask why "only Roman Catholics" had been interned before 1974. The official response, we learn from the documents, is that Westminster, prior to 1973, believed that loyalists did not pose a "threat… of a kind which led to death and serious injury..."

This represents a truly shocking denial of the extent of loyalist paramilitary violence at a time when hundreds were murdered. London effectively airbrushed out hundreds of civilian deaths.

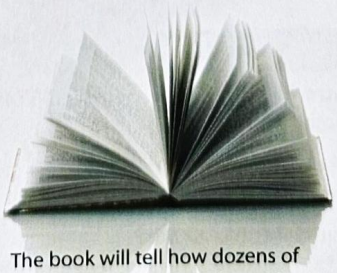
It also means a sovereign government lied to the ECHR. The level of this deception is simply staggering.

See the documents at: www.patfinucanecentre.org. Click on 'declassified documents'.

# NEW BOOK

Work has now started on the PFC book due for publication in 2011 focussing on what is sometimes known as the "Glenanne Series" of murders.

All the families whose experiences will be included in the publication will be contacted for their consent in due course (probably early next year).



The book will tell how dozens of people lost their lives, in the early to mid 1970s, both in the "Murder Triangle" and further afield, including evidence of collusion and direct state culpability.

It will make extensive use of first-hand sources including official state documents and interviews with families.

Anne Cadwallader is now collating original material so anyone with relevant documents, photographs or evidence to be included should ring her at the Armagh office (028) 3751 5191.

# RELEASE OF MICHAEL McLARNON REPORT

On December 1st the PFC released the HET report in to the British army killing of Ardoyne man Michael Mc Larnon on October 1971. The Committee for the Administration of Justice kindly lent us their office for a Press Conference held by the family and the PFC. The PFC have been representing Mary Kelly, Michael's sister throughout the HET investigation for the past two and a half years.

Michael's death was subject to two BBC television documentaries screened in 2006, "Facing the Truth" and "Spotlight". 'Facing the Truth' brought together British Army Lieutenant Burrage and Mary Kelly, Michael's sister. Burrage claimed he had shot Michael.

PFC caseworker Maggie O'Conor said, "This is a remarkable report in that the HET has investigated the facts and have concluded that the facts belie the information in the public domain and that the investigation was irrevocably flawed.

The key findings by the HET are that the soldier who claimed to have shot Michael did not in fact shoot him and secondly that Michael was most likely shot by members of another British army patrol that may also have shot John Copeland.

Lieutenant Clifford Burrage of the 1st Battalion,the Green Howard's Regiment, said he had shot Michael from the upstairs window of a house he had occupied in Etna Drive. He said he shot Michael because he had been in possession of a gun and had been amongst a group of gunman.

*... the facts belie the information in the public domain and that the investigation was irrevocably flawed.*



The actions and claims of Burrage were not investigated by the RUC but by the Royal Military Police (RMP). Although two civilian witness's evidence threw doubt on Burrage's story the RMP interviews with the soldiers did not challenge the soldiers' accounts. A crucial aspect of the interviews should have been to challenge and test the interviewees' account of events against what had already been established during the rest of the investigative process. This was not done.

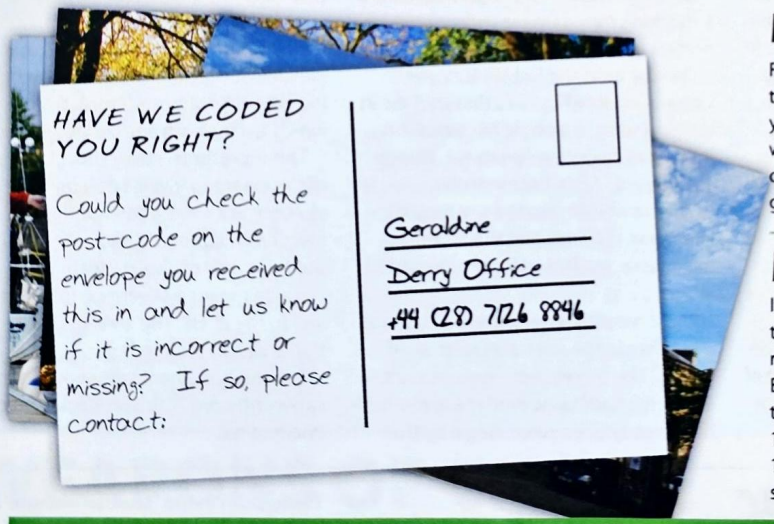
As a result of the letter that Burgess sent to Mr. McLarnon senior in 1975 Mary Kelly, Michael's sister, appeared on the BBC programme 'Facing the Truth' which was chaired by Archbishop Desmond Tutu and sought to bring together, on a truth and reconciliation basis, the relatives of victims and those responsible for causing the deaths. The programme brought together Lieutenant Burrage and Mary Kelly.

However, the HET investigation and review has clearly found that the stories Burrage has told over the years do not fit the facts.

The Pat Finucane Centre has always cautioned about involving bereaved relatives in such confrontational exercises, especially in cases where no proper investigation was carried out and the truth is uncertain or different accounts have not been tested.

Lieutentant Burrage seems to be somewhat of a Walter Mitty figure. On his own account he says he was influenced by James Bond and although he alleges he killed other people the HET has not been able to verify this.

Since Michael's killing family and family representatives have protested his innocence and they are, as Mary Kelly has already said pleased that his innocence has officially and categorically been recognised.




## MEMORIAL

Families should be aware of changes in the way the NI Memorial Fund works. If you are thinking of seeking a grant, it would be best to give us a ring first so we can advise you on the paperwork. Some grants are now going to be means-tested.

## McGURKS BAR

It is deeply disappointing for families to be notified that the Police Ombudsman Investigation into the Mc Gurks Bar bombing will not now be delivered to families in December. The December 1971 UVF bombing caused the deaths of 15 people and the PFC acts on behalf of some of the families.

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