



An Chartlann Náisiúnta National Archives

Reference Code:	2017/10/29
Creation Dates:	20 May 1987
Extent and medium:	6 pages
Creator(s):	Department of the Taoiseach
Accession Conditions:	Open
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Mr B McLaughlin
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IMMEDIATE FOR THURSDAY MORNING

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TO HQ FROM BELFAST

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cc PSM
PSS
MR O Tuathail
MR O Donovan
MR. Matthews (DJS)
MR. Nally
Box

LOUGHGALL

FOR O TUATHAIL FROM O CEALLAIGH

PART I

ELLIOTT HAS NOW RESPONDED IN AN AUTHORITATIVE AND MORE FORMAL WAY TO THE TANAISTE'S QUESTIONS CONCERNING THE LOUGHGALL INCIDENT, AS CONVEYED IN YOUR 258C, WHICH WERE PUT TO THE BRITISH ON 15 MAY. THE RESPONSES HAVE NOT BEEN CLEARED BY MINISTERS BUT WERE DRAWN UP BY THE SENIOR OFFICIALS HANDLING THE ISSUE IN THE NORTHERN IRELAND OFFICE. THEY ARE THEREFORE MORE AUTHORITATIVE THAN PREVIOUS RESPONSES.

ELLIOTT ASKED THAT THE INFORMATION BEING GIVEN IN THE RESPONSES BE KEPT CONFIDENTIAL. HE SAID THAT SOME OF THE ANSWERS ARE NOT AS FULL AS WE WOULD HAVE LIKED AND HE GAVE TWO REASONS FOR THIS.

THE RUC ARE STRONGLY OF THE VIEW THAT THE INVESTIGATION WOULD BE SERIOUSLY PREJUDGED IF THE NIO WERE TO PUT OUT ANY STATEMENT CONCERNING THE INCIDENT SUCH AS THE NUMBER OF WEAPONS FIRED BY THE IRA PARTY, THE NUMBER OF SHOTS FIRED OR WHO FIRED FIRST. THE NIO ARE AWARE OF RUMOURS THAT THE PROVISIONALS INTEND TO PUT OUT A STATEMENT ON THE INCIDENT. THEY ARE SEEKING ADVICE FROM THE DPP AS TO WHAT THEY MIGHT SAY IN THE EVENT OF THE PUBLICATION OF A PROVISIONAL

STATEMENT WHICH WAS PATENTLY FALSE, BUT THEY DO NOT THINK THAT THEY WOULD BE ABLE TO SAY VERY MUCH. THE SECOND REASON IS THAT THEY CANNOT SAY WHAT THE FACTS ARE UNTIL THOSE FACTS ARE DEFINITELY ESTABLISHED BY THE POLICE INVESTIGATION AND THE CONSIDERATION OF THE DPP. THEY CANNOT FORECAST WHEN THAT PROCESS WILL BE COMPLETE. MANY STATEMENTS ARE BEING TAKEN AND THERE IS CONSIDERABLE FORENSIC EVIDENCE TO BE EXAMINED. PREVIOUS EXPERIENCE WOULD SUGGEST THAT THIS PROCESS WILL TAKE WEEKS RATHER THAN MONTHS. ELLIOTT GAVE IT AS HIS PERSONAL VIEW THAT THIS INVESTIGATION MIGHT TAKE A TOTAL OF 3-4 WEEKS. A GOOD DEAL OF THE HARD EVIDENCE HAS ALREADY BEEN ACCUMULATED. THEY DO NOT HAVE ANY DOUBTS ABOUT WHAT HAPPENED "BUT IT IS IN THE NATURE OF SUCH INCIDENTS THAT INITIAL DETAILS CAN BE MISREPORTED". THEY DO NOT BELIEVE THAT IT WOULD BE IN THE INTEREST OF EITHER GOVERNMENT TO GIVE US FACTS WHICH LATER TURNED OUT TO BE INCORRECT.

ELLIOTT REFERRED TO THE LETTER OF THE SECRETARY OF STATE REPLYING TO THE TANAISTE'S LETTER OF 11 MAY, WHICH HE ALSO GAVE ME. (A COPY IS CONVEYED IN AN ACCOMPANYING TELEX.) KING SAYS HE WILL MAKE SURE THAT THE TANAISTE IS KEPT FULLY INFORMED THROUGH THE SECRETARIAT OF ANY SIGNIFICANT DEVELOPMENTS IN THE INVESTIGATION AND THAT THE TWO MINISTERS COULD ALSO KEEP IN TOUCH BY TELEPHONE WHERE CIRCUMSTANCES REQUIRE. HE BELIEVES THE LOUGHGALL FUNERALS WERE WELL HANDLED BY THE RUC AND MUCH OF THAT WAS DUE TO A MEETING BETWEEN HERMON AND BISHOP CAHAL DALY.

THE LETTER ALSO SAYS THAT BALLASTIC TESTS HAVE CONFIRMED THAT THE WEAPONS IN THE POSSESSION OF THE IRA MEN KILLED IN LOUGHGALL WERE RESPONSIBLE FOR EVERY SINGLE MURDER AND ATTEMPTED MURDER IN FERNANAGH

AND TYRONE THIS YEAR AS WELL AS BEING USED IN OTHER AREAS. MURDERS IN THIS AREA HAVE INCLUDED THREE CIVILIAN CONTRACTORS. THE ADVICE AVAILABLE TO KING WOULD INDICATE THAT THAT PARTICULAR IRA GROUP KILLED AT LOUGHGALL HAD COMMITTED 40-50 MURDERS OVER THE YEARS. THE LETTER ALSO STATES THAT FIVE MEMBERS OF THE SECURITY FORCES WERE IN THE STATION AT THE TIME OF THE ATTACK AND THAT THEY ONLY NARROWLY

SURVIVED BOTH THE BOMB AND THE MACHINEGUN ATTACK ON THE BUILDING.

BEFORE ELLIOTT ANSWERED THE SPECIFIC QUESTIONS I UNDERLINED THE IMPORTANCE OF PROVIDING THE FULLEST POSSIBLE ACCOUNT OF WHAT HAPPENED AT LOUGHGALL AS SOON AS POSSIBLE AND I ASSURED HIM THAT HIS REQUEST THAT ANY INFORMATION GIVEN TO US BE MAINTAINED CONFIDENTIAL WOULD BE FULLY RESPECTED.

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507C CONTD.
IMMEDIATE
20.5.87

TO HQ FROM BELFAST

21/5/87

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DM

LOUGHGALL

FOR O TUATHAIL FROM O CEALLAIGH

PART JJ

ELLJOTT THEN WENT THROUGH THE QUESTIONS. (THERE ARE SOME MINOR
ADDITIONAL QUESTIONS ASKED BY US). I TOOK A DETAILED NOTE AS
FOLLOWS:

(A) WHAT WAS THE OBJECTIVE OF THE SECURITY FORCES ON 8 MAY AT
LOUGHGALL?

RESPONSE: TO PROTECT INNOCENT LIFE AND PROPERTY: IF POSSIBLE TO
PREVENT THE COMMISSION OF A CRIME OR FAILING THAT TO APPREHEND THE
PERPETRATORS: USING ONLY SUCH FORCE AS WAS REASONABLE AND NECESSARY
IN THE PARTICULAR CIRCUMSTANCES.

(B) WHAT ATTEMPTS WERE MADE TO PREVENT THE IRA ATTACK?

RESPONSE: HOW TO RESPOND TO THE THREATENED ATTACK WAS AN OPERATIONAL
DECISION. IT IS UNLIKELY THAT THE POLICE HAD SUFFICIENT INTELLIGENCE
TO MAKE PREEMPTIVE ARRESTS. NO CHARGES COULD HAVE BEEN BROUGHT IN
RESPECT OF THE ATTACK BEFORE IT HAD BEEN SET IN TRAIN. THERE IS NO
REASON TO BELIEVE IT WOULD HAVE BEEN PRACTICABLE TO HALT THE
TERRORISTS ON THEIR WAY TO THE SCENE WITHOUT AT LEAST AS MUCH
VIOLENCE AS IN FACT OCCURRED.

(C) WHAT ATTEMPTS WERE MADE TO OBTAIN THE SURRENDER OF THE IRA PARTY
OR OTHERWISE TO DEAL WITH THE ATTACK WITHOUT RESORT TO LETHAL
FORCE?

(D) WAS ANY ATTEMPT MADE TO DISABLE THE IRA PARTY WITHOUT RESORTING

TO KILLING THEM?

(E) DID THE SECURITY FORCES FIRE ONLY AIMED SHOTS AND NO MORE ROUNDS THAN WERE NECESSARY TO STOP THE ATTACK AND PREVENT ESCAPE?

RESPONSE: THE EXACT SEQUENCE OF EVENTS IS STILL BEING ESTABLISHED IN THE POLICE ENQUIRIES. IT WILL BE FOR THE DPP TO CONSIDER THE DEGREE OF FORCE THAT WAS USED AND TO DECIDE WHETHER THERE IS ANY CASE TO BE PUT TO THE COURTS. (ELLIOTT, SPEAKING PERSONALLY AND CONFIDENTIALLY, SAID KING'S LETTER WENT AS FAR AS THEY DARED IN POINTING TO THE IRA FIRING THE FIRST SHOTS. KING HAD WANTED TO MAKE THIS POINT IN PUBLIC BUT HAD BEEN PREVAILED UPON NOT TO DO SO BECAUSE OF THE POSSIBLE LEGAL RAMIFICATIONS.)

(F) WHAT PRECAUTIONS WERE TAKEN TO KEEP OUT OR AVOID INJURY TO UNINVOLVED PERSONS?

RESPONSE: THE SECURITY FORCES DID THEIR BEST WITHIN THEIR TRAINING AND ON THE BASIS OF THE INTELLIGENCE AVAILABLE TO THEM TO AVOID INJURY TO INNOCENT PEOPLE. SPECIFICALLY IN PREPARING FOR THE ATTACK AT LOUGHGALL THEY MADE THEMSELVES AWARE OF THE PATTERN OF MOVEMENTS BY LOCAL PEOPLE AND DEPLOYED THEMSELVES WITH THE OBJECTIVE OF MINIMISING RISK TO THE POPULATION OF LOUGHGALL. IN THEIR ASSESSMENT OF THE INTENDED ATTACK THEY WERE SATISFIED THAT THE BOMB TO BE USED WOULD NOT RISK CIVILIAN LIVES BECAUSE THE RUC STATION IS SUFFICIENTLY REMOVED FROM OTHER BUILDINGS IN THE AREA. OBVIOUSLY THEIR INTELLIGENCE AS ALREADY INDICATED WAS NOT COMPREHENSIVE OR PERFECT AND THE DEATH OF HUGHES AND SERIOUS INJURY TO HIS BROTHER WAS VERY MUCH REGRETTED. OTHER INNOCENT CIVILIANS HAD ALSO BEEN IN THE AREA AS IT HAD NOT BEEN POSSIBLE FOR REASONS INDICATED IN RESPONSE TO QUESTION (B) TO SEAL OFF THE AREA BEFORE THE ATTACK. AS WELL AS THE HUGHES BROTHERS THERE HAD BEEN AN UNINVOLVED WOMAN IN A CAR NEARBY AND A MAN WHOSE ACCOUNT HAD BEEN PUBLISHED IN THE TYRONE DEMOCRAT (SEE RESPONSE TO QUESTION (B)).

(G)(1) IS IT THE CASE THAT A FURTHER PERSON WAS AT THE SCENE AND FLED HIS CAR TO ESCAPE GUNFIRE - PRESS REPORTS OF 15 MAY 1987? COULD WE HAVE INFORMATION AND COMMENT AS NECESSARY ON THIS EYE WITNESS ACCOUNT?

RESPONSE TO THE FIRST PART: YES. HE WAS TAKEN INTO CUSTODY AND WAS RELEASED ONCE THE RUC WERE SATISFIED HE WAS NOT INVOLVED.

(G)(2) COULD WE HAVE INFORMATION AND COMMENT AS NECESSARY ON HIS EYE WITNESS EVIDENCE?

RESPONSE: NO. ANY INFORMATION HE GAVE WILL FORM PART OF THE RUC REPORT. GIVEN HIS OWN STATEMENT TO THE POLICE IT IS UNLIKELY THAT HE SAW MUCH OF WHAT HAPPENED.

(H) IN PARTICULAR, WHAT IS THE RESPONSE TO HIS REPORTED EVIDENCE THAT GUNFIRE BROKE OUT BEFORE THE EXPLOSION, EVIDENCE ALSO GIVEN BY CANON LOWRY'S WIFE AND LOCAL TEENAGER ALAN KERR (NEWS LETTER 9 MAY)? (NOTE: INFORMATION GIVEN BY BRITISH SIDE SECRETARIAT ON 14 MAY 1987 WAS THAT THE FIRST VIOLENT EVENT WAS THE EXPLOSION).

RESPONSE: THE FORMAL ANSWER IS AS IN (G)(2) ABOVE. BRITISH CANNOT COMMENT SINCE THIS IS A MATTER FOR THE POLICE ENQUIRIES.

(I) ARE THE AUTHORITIES STILL SATISFIED THAT NO MEMBER OF THE IRA PARTY ESCAPED?

RESPONSE: THE BRITISH HAVE NO REASON TO BELIEVE THAT ANY MEMBER OF THE IRA PARTY WHO WAS INVOLVED IN THE EXCHANGE OF GUNFIRE ESCAPED. THERE MAY OF COURSE HAVE BEEN OTHERS WHO WERE IN THE VICINITY TO ASSIST IN THE ATTACK IN SOME WAY BUT WHO WERE NOT INVOLVED IN THE SHOOTING. THAT CAN ONLY BE SPECULATION.

(J) WHAT IS THEIR RESPONSE TO LOCAL SUGGESTIONS THAT SOME OF THE IRA WERE SHOT ON THE GROUND AFTER BEING CAPTURED?

RESPONSE: THEY CANNOT COMMENT ON THIS. IT IS CLEARLY A MATTER FOR POLICE ENQUIRES.

(K) HAVE THE SOLDIERS INVOLVED BEEN RELIEVED OF OPERATIONAL DUTIES PENDING THE RESULT OF INVESTIGATION ALONG THE LINES OF STANDARD PROCEDURE (INDICATED BY THE BRITISH SIDE FOLLOWING THE MC KERNAN SHOOTING LAST SEPTEMBER) WHERE REGULAR SOLDIERS ARE INVOLVED IN SHOOTING INCIDENTS? WHAT IS THE POSITION IN REGARD TO RUC PERSONNEL?

RESPONSE: NO MEMBER OF THE SECURITY FORCES INVOLVED HAS BEEN REMOVED FROM OPERATIONAL DUTY TO DATE. (I REMINDED ELLIOTT OF THE INFORMATION WHICH HAD BEEN GIVEN TO US ON 15 SEPTEMBER LAST THAT IN ALL CASES WHERE A REGULAR ARMY SOLDIER HAS BEEN INVOLVED IN A SHOOTING INCIDENT WITH TERRORISTS WHICH HAS INVOLVED LOSS OF LIFE OR INJURY, THAT SOLDIER IS NOT REQUIRED FOR OPERATIONAL DUTIES AND CARRIES OUT DUTIES IN BARRACKS, UNTIL A DECISION IS MADE ON THE BASIS OF THE FACTS. THE DECISION IS MADE BY THE GOC NORTHERN IRELAND.

ELLIOTT SAID HE WOULD MAKE FURTHER ENQUIRIES.)

WE HAD ASKED SOME FURTHER QUESTIONS AS FOLLOWS:

(L) WILL THERE BE A FURTHER PUBLIC STATEMENT BY THE BRITISH?

RESPONSE: EXCEPT IN THE CIRCUMSTANCES MENTIONED ABOVE WHERE THE PROVISIONALS PUT OUT A STATEMENT WHICH IS CLEARLY FALSE THERE WILL BE NO FURTHER PUBLIC STATEMENT BY THE AUTHORITIES HERE BEFORE THE DPP HAS GIVEN HIS DIRECTIONS. (I ASKED HERE WHAT WOULD HAPPEN IN THE EVENT THAT THE DPP DIRECTS THAT THERE IS A CASE TO BE ANSWERED, PERHAPS IN RELATION TO THE SHOOTING OF THE HUGHES BROTHERS. ELLIOTT SAID THAT UNTIL THE INVESTIGATION IS COMPLETE IT WILL NOT BE CLEAR WHETHER THE HUGHES BROTHERS WERE SHOT BY THE SECURITY FORCES OR BY THE IRA OR BOTH. HE WILL HOWEVER ENDEAVOUR TO OBTAIN AN ANSWER FOR US. I ALSO SAID TO HIM THAT IT IS PROBABLE THAT THERE WILL BE INQUESTS. PREVIOUS EXPERIENCE WOULD INDICATE THAT PERTINENT FACTUAL INFORMATION HAS NOT IN THE PAST EMERGED UNTIL THE HOLDING OF THE INQUEST AND THAT IT IS NOT UNUSUAL FOR SUCH INQUESTS TO BE HELD TWO OR THREE YEARS AFTER THE INCIDENT ITSELF HAS OCCURRED. WOULD THE LIKELIHOOD OF INQUESTS AFFECT THE FACTUAL INFORMATION WHICH COULD BE MADE AVAILABLE ONCE THE DPP HAS GIVEN HIS DIRECTIONS? ELLIOTT WILL ALSO CHECK THIS ISSUE.)

(M) ARE PRESS REPORTS ACCURATE THAT AN ADDITIONAL WEAPON (A PISTOL) HAD BEEN FOUND?

RESPONSE: THE BRITISH UNDERSTAND THAT ONE FURTHER NON-SECURITY FORCES WEAPON HAS BEEN FOUND - A STAR GUN PISTOL.

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