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IMPUNITY FOR ABUSE OF LETHAL FORCE: THE CASE OF PRIVATE LEE CLEGG

On 20th September 1990, soldiers of the Parachute Regiment killed two teenage "joyriders", Karen Reilly and Martin Peake. A third occupant of the car was wounded.

Unusually, seven soldiers were prosecuted as a result of the incident, after a police officer who had been present said that he saw some of the soldiers deliberately injuring one of them in order to make it appear that he had been struck by the teenagers' car.

In June 1993, Private Lee Clegg was found guilty of murdering Karen Reilly and attempting to murder Martin Peake. Another soldier, Private Barry Aindow, was also found guilty of attempted murder. He was jailed for 7 years and Clegg was sentenced to life imprisonment.

In April 1994 Clegg lost his appeal against conviction. He appealed to the House of Lords, but in January 1995 they also upheld the conviction.

Most paramilitaries sentenced to life for murder in Northern Ireland serve a minimum of 11 years before any consideration is given to releasing them on licence. On 13th March 1995, the Secretary of State for Northern Ireland, Sir Patrick Mayhew, referred Clegg's case to the Life Sentence Review Board, after he had spent less than 4 years in custody. On 6th June 1995 the Board met to consider his case, and were urged by the authorities to consider his case as if he had been convicted of the lesser crime of manslaughter, rather than murder. The Board decided by a majority to release him on licence. Breige Gadd, head of the probation service, resigned from the Board in protest.

The decision to release Clegg led to the worst civil disturbances in Northern Ireland since the ceasefires of autumn 1994.

From 1969 until the end of 1994, over 3,000 people died in Northern Ireland as a result of the conflict. These victims included 349 people killed by on-duty members of the security forces, representing over 10% of the total deaths. These deaths gave rise to prosecutions in 22 cases of 32 people, only six of whom were convicted. In 194 of the cases, or more than half, the victims were civilians with no history of paramilitary involvement. In a substantial proportion of all the deaths, including some of acknowledged paramilitaries, the circumstances are in dispute, and the figure of 22 cases giving rise to prosecutions is considered by all independent observers to be remarkably low. Of even more concern, however, is the very low conviction rate arising from those prosecutions which have been brought. The following table summarises the outcome of those trials. All charges were of murder unless otherwise indicated.

DATE OF TRIAL	CASE	FORCE RESPONSIBLE	VICTIM(S)	OUTCOME OF TRIAL	SENTENCE
1974	R v Foxford	army	Kevin Heatley	Manslaughter conviction quashed on appeal	
1974	R v Ross	army	Anthony Mitchell	Acquittal	
1974	R v Spencer	army	Samuel Martin	Acquitted of manslaughter	
1975	R v Nicholl	army	Alex Howell	Acquitted of manslaughter	
1975	R v Jones	army	Patrick McElhone	Acquittal	
1975	R v Fury	army	Hugh Devine	Acquittal	
1976	R v Scott	army	Anthony Gallagher	Acquittal	
1977	R v Williams	army	Majella O'Hare	Acquittal	
1979	R v Bohan & Temperley	army	John Boyle	Acquittal	
1981	R v Davidson	army	Theresa Donaghy	Convicted of manslaughter	Suspended sentence
1981	R v McKeown	police	Michael McCartan	Acquittal	
1982	R v Bailey	army	Eamonn Bradley	Acquittal	
1984	R v Robinson	police	Seamus Grew & Roddie Carroll	Acquittal	
1984	R v Robinson, Montgomery & Brannigan	police	Gervaise McKerr, Eugene Toman, & Sean Burns	Acquittal	
1984	R v Thain	army	Thomas Reilly	Convicted of murder	Life: served 2 years and 3 months
1984	R v Baird	army	Martin Malone	Acquitted of manslaughter	
1987	R v Hegarty	police	John Downes	Acquitted of manslaughter	
1988	R v Holden	army	Aidan McAnespie	Manslaughter charge withdrawn	
1993	R v Clegg, Aindow, Boustead, Oliver, Wood & Tracey	army	Karen Reilly & Martin Peake	Clegg convicted of murder, Aindow's conviction for attempted murder commuted to malicious wounding on appeal	Life: served less than 4 years 7 years
1993	R v Elkington & Callaghan	army	Fergal Caraher	Acquittal	
1993	R v Hanley	police	Kevin McGovern	Acquittal	
1994	R v Wright & Fisher	army	Peter McBride	Both convicted of murder	Life