

[Mr. Fitzsimmons]

its efforts will meet with a prompt and ready response by all concerned.

The question of sewerage has been raised and I am informed that the sewerage works is working normally and satisfactorily. I have also been informed that the refuse tip is now under control, or at least greater control, and that two men with earth-moving equipment are keeping this tip in order. Finally, I would suggest that those involved in this particular dispute would consider the possibilities of reaching an agreement because it will have to be done in the end by talking and not by striking.

Attack on Londonderry Family (Police Investigations)

3.07-p.m.

Mr. Hume (Foyle): I can only describe myself as astonished at the replies given by the Parliamentary Secretary to questions asked by me this afternoon on a matter which I regard as of very serious public importance. I asked questions about the incidents in the home of the Devenney family in Derry on April 19th, 1969. I asked the Parliamentary Secretary what investigations had taken place. He told me a very thorough one had taken place but that no evidence came to light on which any action could be taken. I asked him for the names of the district inspectors and head constables on duty in Derry on that day and for the names of the men under their command. He said it was not in the public interest to reveal those names. I asked him for the names and a list of the men injured in Derry on that date and the extent of their injuries. He again said it would not be in the public interest to give this information; and similarly with the 24 members of the R.U.C. who have since resigned, that it would not be in the public interest.

The reason why I asked those questions I will make very evident as I speak here today. Suffice it to say this at the start—the Parliamentary Secretary has spoken of an exhaustive investigation which brought no evidence to light; I say that with the information available anyone with a toy detective kit could

have found out who was in the Devenney home on that day.

Mr. Currie (East Tyrone): If they wanted to.

Mr. Hume: What has been absent is the will to find this out. I am not talking about a minor incident—I am talking about one of the most horrifying experiences any family could have suffered throughout all the disturbances of the past 18 months; horrifying in that the outrages were not perpetrated by civilians but by members of the forces who were supposed to be upholding law and order, and on a family none of whose members was involved in any way in the disturbances.

The members of this family were in their own home and they were attacked there. Present at that time were the father; the mother; an 18-year-old daughter; a 16-year-old daughter who had just come out of hospital following a stomach operation; a 12-year-old boy; a 10-year-old girl and a five-year-old boy. Each one of them was beaten and it has been accepted that these people were seriously assaulted. This the Parliamentary Secretary will not question. He will not question the fact that these people were seriously assaulted. The girl Cathy, aged 16, just out of hospital with a stomach operation, was kicked and beaten and left lying unconscious on the floor. Her father was beaten unconscious and got 22 stitches in his head and subsequently died of a heart attack. Two neighbours who were in the house were also beaten; one of them was bedridden for months afterwards. The son Jim, aged 5, was hit with a baton.

All this was committed by members of a force of law and order, and therefore, it is not a minor matter, but a matter of serious importance. It is almost a year since this happened and there was plenty of time to investigate and to find out who was responsible. The Devenney family were not involved in the disturbances. It is policemen like these who have brought the whole force into disrepute. There are many decent men in the R.U.C. but it is the men who commit outrages of this nature who bring the force into disrepute, and while they remain members of the force they

the whole force will be held in disrepute because people will hold it against them all.

Let me say that it appears from the evidence which is publicly available that senior members of the R.U.C. are protecting these men, are protecting within their own ranks people guilty of criminal behaviour, and this should not be tolerated. I asked for the names of the D.I.s and the head constables. The reason why I asked—and the Parliamentary Secretary must be well aware of this—is that one of the policemen in that house that day carried a blackthorn stick. He was therefore either a district inspector or a head constable.

District Inspector Faulkner, who investigated this case, said he asked five D.I.s and six head constables would they attend an identity parade. What happened? Every one of them exercised his legal right not to attend an identity parade. In other words, rather than do their first duty as policemen to find out who was the person involved, they clubbed together to cloak and protect the man who did this job.

Secondly, evidence is available that one of the Devenney girls recognised a policeman from Victoria Barracks. No photographs were produced. When District Inspector Faulkner was questioned at Mr. Devenney's inquest, he said that he had interviewed over 400 people—a very thorough investigation—and had even written to members of the R.U.C. who had resigned but he could not get any evidence to tell him who was guilty. Yet he knew that one of the Misses Devenney had in the hospital that evening seen a policeman with an injury to his hand and a bandage on his hand. He would not take a very great detective to find out who he was. Hence the Parliamentary Secretary's refusal to give me the names of the injured policemen and the extent of their injuries. That is the reason why he did not give the information to me—because it would have pinpointed the particular constable.

When the other Devenney sister recognised one of the policemen as one who had been in Victoria Barracks. District Inspector Faulkner was asked did he produce any photographs of policemen in the Devenney family. He said no, he

did not. So how exhaustive does the Parliamentary Secretary think that these inquiries really were? Mr. Harkin, who was injured in the Devenney home that evening, was taken from that home by policemen to the police station and thence to Altnagelvin Hospital. Surely there is a record of who brought him to the police station. Surely, again, it would not require a toy detective kit to find out who they were. Yet we are told that the investigation has been very thorough.

There has been a lot of discussion in this House over the past few months as to how we can set up an impartial police service which would have the respect of the community as a whole. This is what all of us want. All hon. Members on this side of the House have made it clear that we want to see an impartial police service, because without that the very fabric of this society is crumbling. But while members of that force, and while senior members of that force, cloak and hide and connive to protect criminals in their own ranks it is very difficult to have any respect for them.

I believe that there are many members of the police force who resent the fact that the people who have been guilty of these outrages are bringing the whole lot of them into disrepute. But neither can there be any doubt that there are many members of the police force who know who have been guilty of this and who are keeping quiet about it. How can anyone defend that situation? We have already had a situation where 16 policemen were guilty of misbehaviour in the January, 1969, incidents in the Bogside. They were condemned in the Cameron Report and condemned in the Baillie Report. The Inspector General subsequently saw fit to drop charges against them.

Now we have others guilty of one of the worst possible outrages. Children were beaten, a young girl was picked up by the hair as she lay across to protect her younger brothers and sisters and was thrown across the room and beaten, and a man got 22 stitches in the head and subsequently died. That is the sort of conduct that went on. If we are to have an impartial police force, then policemen guilty of criminal behaviour should be brought to book just as much as anybody else.

[Mr. Hume]

From what I have said this afternoon it must be very clear to most people that there is enough evidence for anybody to find out who was guilty of this. The Parliamentary Secretary comes here today and says that the "exhaustive"—and I would put that in quotation marks—inquiries revealed nothing. He tells us that, and then goes further by refusing to give us essential information. I can only say that the Parliamentary Secretary, too, is conniving and protecting these people—these criminals.

3.16 p.m.

The Parliamentary Secretary to the Ministry of Home Affairs (Mr. Taylor): The hon. Member has referred to the attack on the Devenney home on 19th April, 1969, and has made serious allegations about the inquiries into this attack which were carried out under District Inspector Faulkner. I will summarise very quickly the allegations which he has made. One is that there is evidence that a policeman had an injury which was attended to in the Altnagelvin Hospital and that a thorough investigation of this was not carried out. I can assure him that a fully effective investigation of the case of any policeman treated for an injury in that hospital was carried out. Therefore the matter to which the hon. Member has referred was thoroughly investigated by the R.U.C. investigation team.

Mr. Hume: Who were the policemen with the injured hands?

Mr. Taylor: This is what I said: any policeman with an injured hand in the Altnagelvin Hospital was investigated by the R.U.C.

Mr. Hume: How many were there?

Mr. Taylor: I said "any who had." I am not going to say how many.

The hon. Member mentioned that one member of the R.U.C. reported to have been in the Devenney home was carrying a blackthorn stick. Once again I can assure him that all officers of the Royal Ulster Constabulary who were known to be present at the Devenney home or near to it were investigated by this R.U.C. team.

Mr. Hume: Why did they refuse to attend an identity parade, then?

Mr. Speaker: Would hon. Members please restrain themselves and allow the Parliamentary Secretary to proceed?

Mr. Taylor: It is very easy to misrepresent a subject—

Mr. O'Hanlon (South Armagh): You are doing a good job.

Mr. Taylor—but one must be fair about this matter. No member of the Devenney family or any relation or friend who was present there at the time has found it possible either to identify by appearance, name or otherwise any member of the Royal Ulster Constabulary who was present.

Mr. Hume: Why did District Inspector Faulkner not show the photographs of the policemen whom they had indicated?

Mr. Taylor: What I am saying is this, that the Devenney family have not found it possible to identify by name or appearance any member of the Royal Ulster Constabulary present.

Mr. Hume: No identity parade, no photographs.

Mr. Devlin (Belfast, Falls): Because they believe in concealment.

Mr. Taylor: People have legal rights. That includes every one. It includes members of the R.U.C. They can refuse to take part in an identification parade just like any other person.

Mr. Fitt (Belfast, Dock): You are making it easy for yourself.

Mr. Taylor: The point is this, no evidence has been presented by any member of the family or their friends—

Mr. Hume: Because you made it impossible for them.

Mr. Taylor—as to their appearance or the number of R.U.C. men present. The R.U.C. investigation team

has thoroughly investigated the two points referred to by the hon. Member for Foyle (Mr. Hume), namely, the member of the R.U.C. treated in hospital for an injured hand and the question of any member of the R.U.C. carrying a blackthorn stick in the home of the Devenney family. I would go further and say that the fact that the investigation squad made inquiries from 400 members of the public underlines the thoroughness of the investigation. I reject very much the insinuation and indeed the clear statement of the hon. Member that certain members of the R.U.C. are trying to shelter other members of the force.

Mr. Fitt: They are.

Mr. Taylor: It is a most reprehensible statement to make in this House and there is no justification whatever for it.

Mr. Hume: Will the Parliamentary Secretary agree to a C.I.D. investigation?

3.21 p.m.

Mr. Currie: The Parliamentary Secretary has given us an exhibition of twisting and turning, half-truths and possibly even worse. It was a great exhibition which demonstrated why the Parliamentary Secretary is trusted by no one in this community, either on the right wing or the liberal wing. We have been given a very fine indication of the type of parliamentary performer he is by what he has said today. It has been suggested that it is not in the public interest to disclose the names of members of the R.U.C., as requested by the hon. Member for Foyle (Mr. Hume). The hon. Member made very serious allegations against the R.U.C., allegations which must be answered one way or the other. I would suggest to the Minister of Home Affairs—and I will direct my remarks to the Minister responsible and not to the Parliamentary Secretary because there is no point in addressing remarks to him—

Mr. Speaker: Will the hon. Member please address the Chair?

Mr. Currie: Yes, Mr. Speaker, through you to the Minister of Home

Affairs. These allegations are so serious that it is not in the public interest for the information asked for to be hidden. It is in the public interest that this information should be given so that if a proper investigation were carried out the public will be made aware that this proper investigation was undertaken. If necessary, people from outside the R.U.C., from the C.I.D., should be brought in.

Mr. Hume: Hear, hear.

Mr. Currie: I am sure we would get the assistance of the Inspector General on this. They should be brought in in order to ensure that there has been a full, thorough and proper investigation into this whole matter. We are dealing here with the forces of law and order. As long as it is possible for allegations to be made and not properly replied to there cannot be full support for and confidence in the R.U.C. I would argue very strongly that it is in the public interest and also in the interest of members of the R.U.C. that this investigation should be seen to be a thorough investigation.

3.24 p.m.

Mr. Fitt: I sincerely hope that the remarks that have been expressed in the House this afternoon will be fully published tomorrow at least in the local Press. I would be quite prepared to abide by the verdict of the whole community when they read the full report of what has been said here today and see if they can place any credence whatsoever—I repeat what has been said by the hon. Member for East Tyrone (Mr. Currie)—on the half-truths which were uttered and attempted to be put across this House by the Parliamentary Secretary as a reply. I echo the questions put by the hon. Member for Foyle (Mr. Hume). Why was it that the 13 senior police officers in Derry on that occasion, those who in the normal course of their duties carry blackthorn sticks, were not brought out for an identification parade? One would think that it would be a relatively easy thing for a few members of the Devenney family to come along to such an identification parade and see if it was possible to pick out

Mr. Fitt: The hon. Member has someone sitting beside him who is half-witted.

Mr. Burns:—could find out who perpetrated this alleged crime.

Mr. Currie: Alleged crime?

Mr. Burns: If this is so, I am wondering where it would be possible to obtain a toy set of instruments so that we could make a present of them to the hon. Member. It may be that we would have more difficulty in getting him someone half-witted. At the same time, sometimes if people had one more brain they would be half-witted and perhaps he would have no difficulty in finding out who was responsible. This is not a question of who is responsible. It is purely and simply a question of propaganda.

Mr. Fitt: Shame.

Mr. Burns: We have been advised, and I accept it, that the cases of the policeman who attended at Altnagelvin Hospital with an injured hand and the members of the R.U.C. who carried blackthorn sticks were fully investigated. This being so it seems to me—I am quite sure all sensible people will agree—that when a thorough investigation is carried out and it is not possible to put the blame on any one set of shoulders, then, if hon. Members know certain facts that are not known to the Minister or the Attorney-General, they should put them before them.

Mr. Hume: On a point of order.

Mr. Speaker: On a point of correction.

Mr. Hume: I just want to inform the hon. Member for North Derry (Mr. Burns) that all the information mentioned by me this afternoon is available to the people who investigated this incident. It is in statements given by various people. It has been known to them, and the fact that such information was ignored is surely proof that there was no intention of trying to find out who did it.

Mr. Burns: Information has been given and investigated and it has been found that there was no substance in it. Hon. Members opposite realise as well as anybody else that when a crime happens information is given to the police from all quarters and by all kinds of people. All this information is thoroughly investigated. I am satisfied that this incident was thoroughly investigated by the police and I am quite happy to abide by the results of their investigation.

Mr. Hume: There were no results.

Mr. Fitt: Nothing happened.

Mr. Burns: Over 800 policemen were injured very badly. Some of them had their jaws broken. The hon. Member for Dock says that nothing happened. Hon. Members opposite would not think it worth their while to say that the perpetrators of those crimes ought to be brought to justice. It would be a good idea if we tried to forget about these things, carried on with the business of the House and stopped going back over old sores, let them be right or wrong. I can give hon. Members opposite an assurance, if any assurance is required

Mr. Devlin: We need the hon. Member's assurance for everything we do.

Mr. Burns:—that when the R.U.C. investigates any matter it does so very thoroughly. All reasonable and sensible people are willing to accept the results of that investigation.

Mr. Hume: There were no results.

3.35 p.m.

Mr. O'Hanlon: Most days I enjoy remarks made by the hon. Member for North Derry (Mr. Burns), but the platitudes he indulged in today are completely out of place. The matter we are discussing is far too serious for the type of irrelevancies he has spoken. A very hackneyed phrase has been trotted out by the Government time and time again over the past few months. They have said that justice must not only be done but be seen to be done. Unfortunately all we have seen is an exhibition of

[Mr. Carron]

is a distrust that there was a miscarriage of justice. Surely a family and the people have a right to know this has been fully investigated? I endorse the suggestion that the C.I.D. or some other body which would take an impartial view should establish that justice is done. The reputation of the R.U.C. is at stake. I hope that when the Minister replies he will give us that assurance.

3.48 p.m.

The Minister of Home Affairs (Mr. Porter): I do not think that the angry tone with which some hon. Members opposite spoke on this matter lends weight in any way to the case they sought to present to the House. Insofar as they implied that the Parliamentary Secretary was speaking on his own account I would take this opportunity to refute that in its entirety. What we are concerned with is an investigation that has to be carried out in accordance with well recognised principle and practice. I repeat, as the Parliamentary Secretary said, a policeman does not lose his rights simply because he is in uniform.

There has been a great deal of talk as to why an identification parade was not ordered. Again, this is simply a question of recognising the rights that individuals have regardless of what is their position in the community. I for one am not prepared to legislate in this manner—which is really what the hon. Members opposite are inviting me to do in order to deal with one particular matter, especially when it is one in which I have taken some personal interest and have inspected the file. I am satisfied, as the Parliamentary Secretary has said, that a most thorough investigation was carried out and that every avenue has been explored.

Mr. Hume: Would the Minister give way?

Mr. Porter: Yes.

Mr. Hume: Is the Minister satisfied it has been a thorough investigation? He would agree that hon. Members of this side of the House and many people in the community are not satisfied? Would

he agree therefore to an independent investigation by officers of the C.I.D.?

Mr. Porter: I have every confidence in the present Inspector General and in those who carried out the investigation—

Mr. Hume: He was not there.

Mr. Porter: To say he was not there at the time is being very naive. The present Inspector General is perfectly competent to make an assessment of what is happening in the force he now commands. Hon. Members are putting the case no further forward in making this suggestion. The hon. Member for Foyle (Mr. Hume) in saying that the fact that information was given and that no action was taken is proof of an unwillingness to act again demonstrates how little he appreciates the rights which have got to be recognised in this case as in any others. I recognise fully that Mr. Devenney received the most grievous and reprehensible beating on this occasion.

Mr. Hume: From whom?

Mr. Porter: Some hon. Member opposite mentioned the question of their rights and indeed insofar as they were pursued by the family, they were, as the hon. Member knows, fully recognised. I do not want to speak about the proceedings on hand at the moment but the hon. Member knows that the Ministry which is responsible for all claims of criminal injury in this instance admitted liability. That simply is an admission that the injuries resulted from a criminal injury under that particular act—

Mr. Hume: By policemen.

Mr. Porter:—and, indeed, I would suggest that the hon. Member for Mourne (Mr. O'Reilly) was most unwise to make the assumptions he made this afternoon when he said, in the positive terms employed by him, that death resulted from those injuries. I feel that in putting it this way he is putting much further than he is entitled to go.

Mr. O'Reilly: I am entitled to put it that way.