



An Chartlann Náisiúnta National Archives

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1/16 August, 1987.

Mr. John Fahy,
Solicitor,
Main Street,
Strabane,
Co. Tyrone.

Dear Mr. Fahy,

You recently forwarded to the Taoiseach - via Ms. Mary McGarry, 12 Rosslyn Court, Bray, Co. Wicklow - a copy of a joint statement issued by the Devine and Breslin families.

The Taoiseach has asked me to tell you that he has noted the statement and that he has brought the matters raised in it to the attention of the British authorities.

In response they have indicated that the Secretary of State has no jurisdiction in relation to coroners. Complaints about the behaviour of coroners are a matter for the Lord Chancellor's office and are forwarded through the Northern Ireland Court Service.

On the question of possible further court proceedings, the British authorities have indicated that decisions made by a coroner's court may be challenged only by means of an application for judicial review. Under Section 18 of the Judicature (N.I.) Act 1978, an application can be made for an order of certiorari, i.e., one which would quash the verdict of the court. It would be a matter for you and the families' legal advisers to decide whether adequate grounds existed for such an application. There is a time-limit on such applications of three months.

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Another course of action open to the families would be to make formal complaints about the conduct of the police and army personnel involved in the incident. These complaints should be filed in the normal way with the appropriate authorities. If the families so wished, however, they could also be raised with the British Government through the machinery established under the Anglo-Irish Agreement.

Yours sincerely,

GEORGE SHAW.

Private Secretary
to the Taoiseach.

Telefón }
Telephone } (01) 780822

Telex 25300

Tagairt }
Reference }



AN ROINN GNÓTHAÍ EACHTRACHA

Department of Foreign Affairs

BAILE ÁTHA CLIATH, 2.

Dublin 2.

31 July 1987.

Mr. Brian McCarthy,
Department of the Taoiseach,
Government Buildings,
Upper Merrion Street,
Dublin 2.

Dear Brian,

*W. Leelanor
For attention re
PmR 31/7.*

You recently forwarded a copy of a letter which the Taoiseach had received from Ms. Mary McGarry, enclosing a copy of a statement issued by the families of Michael and David Devine and Charles Breslin (three members of the Provisional IRA who were shot dead by the security forces in Strabane on 23 February 1985).

We brought the matters raised in the statement to the attention of the British side through the Secretariat. We have incorporated their response in the attached draft letter which the Private Secretary to the Taoiseach might wish to send to Mr. John Fahy (one of the solicitors acting for the families and on whose behalf, Ms. McGarry had forwarded the statement to the Taoiseach).

Yours sincerely,

David Donoghue.

Mr. John Fahy,
Solicitor,
Main Street,
Strabane,
Co. Tyrone.

Dear Mr. Fahy,

You recently forwarded to the Taoiseach - via Ms Mary McGarry, 12 Rosslyn Court, Bray, Co. Wicklow - a copy of a joint statement issued by the Devine and Breslin families.

The Taoiseach has asked me to tell you that he has noted the statement and that he has brought the matters raised in it to the attention of the British authorities.

In response they have indicated that the Secretary of State has no jurisdiction in relation to coroners. Complaints about the behaviour of coroners are a matter for the Lord Chancellor's office and are forwarded through the Northern Ireland Court Service.

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Another course of action open to the families would be to make formal complaints about the conduct of the police and army personnel involved in the incident. These complaints should be filed in the normal way with the appropriate authorities. If the families so wished, however, they could also be raised with the British Government through the machinery established under the Anglo-Irish Agreement.

Yours sincerely,

Private Secretary to the Taoiseach.

18 May, 1987.

Mr. John Fahy,
Solicitor,
Main Street,
Strabane,
Co. Tyrone.

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~~Public & CS.~~

Dear Mr. Fahy,

I wish to acknowledge receipt of a document which was sent to this Office by Mary McGarry.

Yours sincerely,

GEORGE SHAW.

Private Secretary
to the Taoiseach.

h. W. ... Done ... #20/5 ... 19/5

! Mr. Brian McCarthy,
!
! For your information and any action
! you consider appropriate.

18 May, 1987.

Ms. Mary McGarry,
12 Rossllyn Court,
Bray,
Co. Wicklow.

Dear Ms. McGarry,

Thank you for your letter of 13th May, 1987, addressed to the Taoiseach, Mr. Charles J. Haughey, T.D. and for enclosing the document.

Yours sincerely,

GEORGE SHAW.

Private Secretary
to the Taoiseach.

12. Rosshyn Court

Bray

Co. Wicklow.

13. 5. 87.

Dear Mr. Haughey, Two Northern
Irish solicitors have asked me to
forward the enclosed document for your
attention. I would be obliged if you
could acknowledge receipt of this to
Mr. John Fahy (solicitor) Main St.
Strabane Co. Tyrone N.I.

Wishing you every
success in the coming years. Keep up
the good work.

Thanking you.

Mary Magarry.

JOINT STATEMENT ISSUED BY THE DEVINE AND BRESLIN FAMILIES

We the Parents of the three deceased, Michael and David Devine and Charlie Breslin, decided that we had no alternative but to instruct our legal representatives to withdraw from the Inquest in protest, because it had become blatantly obvious that the proceedings were never intended to be an impartial inquiry into the circumstances which resulted in the killing of our sons. The Points of concern to our legal representatives and ourselves, which had arisen during the course of the proceedings, have been adequately detailed by our solicitors Mr. Fahy and Mr. Collins.

Since the Inquest commenced on 3rd February last we had become increasingly convinced that the Coroner had abdicated his authority and had permitted the Crown Representatives and the R.U.C. in particular to take control of, and stage manage the entire proceedings. Despite the restrictions imposed on our legal representatives, we believe that they, Mr. Fahy and Mr. Collins have done an excellent job and have succeeded in bringing to light certain facts which the R.U.C. did not wish to become public knowledge. The most important of these facts came to light during cross examination of the Forensic Scientist when he conceded that his findings would confirm that our sons were allowed to walk past at least two of their killers before being shot in the back. By their own admission our sons' killers issued no challenge or call to surrender. While giving evidence to the Inquest Chief Inspector Creighton agreed with Mr. Fahy that Murder, is murder, is murder yet as the events surrounding these deaths would indicate, the R.U.C. do not investigate the possibility of murder when the killers are members of the Crown Forces.

During the hearing our legal representatives have adequately established the fact that the R.U.C. did not even carry out a superficial investigation into the actual circumstances of the killings but simply went through the formalities of taking statements from the killers and other Crown Forces personnel who were involved in the murderous operation. These formalities were necessary in preparation for the Inquest. The fact that one military witness and one R.U.C. witness stated in evidence that the British Army Major who was in command of the operation, and the R.U.C. witness together with the

Major himself, suggested in evidence that a second Major from British Army H.Q. in Lisburn were present when the investigating officers of the R.U.C. took statements from the killers can only lead us to believe that there was collusion between the R.U.C. and British Army personnel involved in the killings, to conceal the true circumstances surrounding the murderous ambush.

Again we are not surprised at the failure of the R.U.C. to carry out a full investigation into the killings as all of the available evidence would suggest that the R.U.C. played a major and key role in the planning, mounting and execution of the murderous operation. They cannot afford to allow the full facts of the operation to be made public. As far as we are concerned the events and revelations on the second last day of the hearing made it impossible for us to continue to participate in what can only be described as a judicial farce. Our legal representatives were told that the R.U.C. had destroyed the clothing worn by our sons, together with the masks allegedly worn by them, all of which should have been produced as evidence and made available for independent examination. Our representatives were also told that they could not question procedures used for selection of the Jury, and the Coroner refused to respond to an application made on the previous day by Mr. Collins requesting that depositions should be taken from two key R.U.C. witnesses, and that the State Pathologist should be recalled. The Coroner also refused to grant Mr. Collins a five minute recess so that he could consult with his client. Finally the Coroner refused to explain to our legal representatives the reason for the lengthy adjournments between hearings, and abruptly adjourned the proceedings and left the Court while Mr. Faby was addressing him during the course of a submission.

We shall now consult with our solicitors to consider the possibility of further Court proceedings arising out of the unjust manner in which the Inquest proceedings have been conducted. We shall also be seeking the assistance of various human rights organisations to highlight and pursue the demand for a public inquiry into the murder of our sons.

One obvious question which still remains unanswered is "Why were the killings of our sons not included in the cases arising

From the 'Shoot-to-kill' policy, which formed the basis of the Stalker, Samson investigation.

Local residents who have made witness depositions through our legal representatives had indicated their willingness to go ahead and give evidence, however, in view of the fact that we considered that the proceedings were totally lacking in credibility we believed that it would have ^{BEEN A} futile exercise for these witnesses to come forward. We also believed that the witnesses would have exposed themselves to future harassment and intimidation by the R.U.C. as has been the recent experience of Mark Tinney who commenced giving evidence on the second last day of the hearing 8th April. Mr. Tinney and one of the witnesses who was to be called have been harassed by R.U.C. personnel and taunted about their evidence and the statements contained in their depositions.

In recalling that in the immediate aftermath of the killings Charlie Haughey as leader of the opposition in the 26 Counties called for a public inquiry into the death of our sons, now that he occupies the seat of power in the 26 Counties, and in view of the unjust manner in which the Inquest proceedings have been conducted, we would expect Mr. Haughey to take positive steps in support of his previous call for a public Inquiry.

Finally, we would emphasise that it is our intention to campaign with the utmost vigour and by all possible means to highlight the fact that our sons were brutally murdered without mercy in a joint operation by the British Army and the R.U.C.