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Statement by An Taoiseach, Mr. Charles J. Haughey, T.D.,
on the shooting dead of a civilian at Aughnacloy,
Dail Eireann, 1st March 1988.

I would like to report to Dail Eireann on the circumstances surrounding the shooting dead of Mr. Aidan McAnespie at Aughnacloy and related matters, and on the action taken in this regard by the Government.

First of all I would like to express on behalf of the Government our deepest sympathy to the family and friends of Mr. McAnespie.

On the evening of Sunday, 21st February, Aidan McAnespie of Aughnacloy parked his car in that town and walked through the Aughnacloy checkpoint on his way to a G.A.A. football game in a field close to the border. The Aughnacloy checkpoint is a permanent checkpoint on the main Dublin/Derry road where all through traffic is stopped and scrutinised. It consists of a number of heavily fortified buildings, including some elevated observation and firing posts, known as Sangars, and is manned by heavily armed British security forces. The post is situated back about 1 kilometer on the Northern side of the Monaghan/Tyrone border. Mr. McAnespie had walked about 400 meters past the checkpoint toward the border and was about 600 meters from the border when, at 2.50 p.m. he was killed by a bullet fired from the checkpoint.

A soldier believed to have been involved was immediately taken off duty and placed in military custody pending the outcome of an investigation by the RUC. The British Army have publicly expressed "deep regret". Subsequently the RUC issued a statement to the effect that three bullets had ricocheted off the road, and that one had struck Mr. McAnespie. On the Wednesday after the shooting a member of the British Army was charged with the unlawful killing of Mr. McAnespie.

The Government expressed immediate concern on Sunday evening and sought a full report on this incident through the Secretariat in Belfast. The concern of the Government was subsequently conveyed formally to Secretary of State King by the Tanaiste at last Wednesday's Intergovernmental Conference.

Local reaction has been vehement. Aidan McAnespie worked in Monaghan and passed through the Aughnacloy checkpoint very frequently, on his way to and from work and at other times. There are reports that he had, over a lengthy period, been subjected to continual severe harrassment at this checkpoint -so much so that he and his family had fears for his safety. The same fear is shared by others in the district.

Following the incident the Gardai, at the request of the R.U.C., closed the road for just over three hours, but then reopened it shortly after six. Some four hours later at

around ten o'clock the road was closed again until 12 noon on the following day. The first comparatively short initial closure of the road and the second closure later that night until noon the following day were both for purposes of forensic examination.

As soon as we were apprised of this shooting the representatives of this State in the Secretariat of the Anglo-Irish Intergovernmental Conference took up the matter with the British authorities. The British explanation was that while a British soldier at the checkpoint was demonstrating, to the soldier who was replacing him on duty, that his weapon was "clear", the weapon discharged three rounds accidentally. There is other evidence that at the time in question there was a burst of fire, three or four rounds, from a machine gun in an elevated observation post which is part of the checkpoint. A later British statement is to the effect that bullet marks on the road indicate that Mr. McAnespie was killed by a ricochet bullet.

Given the background of harrassment to which I have referred, I believe that it is understandable that the suggestion of an accidental death caused by a ricochet bullet accidentally discharged, is suspect to a great many of the victim's friends and neighbours and indeed to a great many other people besides. Where the death of a person, towards whom there is known to be a history of hostility by the security forces, is caused by the same security forces, it is inevitable that a suggestion that death was due to a freak accident of an extraordinary kind must give rise to disbelief.

In view of the very deep and widespread public concern, the Government directed the Garda Commissioner to institute an inquiry immediately into the fatal shooting of Mr. McAnespie at Aughnacloy and the circumstances surrounding his death. The Garda Commissioner appointed Deputy Commissioner Eugene Crowley to carry out this task, and to take statements and obtain information from all persons able and willing to assist.

I believe that the institution of this enquiry was widely welcomed by representatives of the Nationalist community.

Apart from the certain fact that a member of the public on his way to attend a football match was shot dead in circumstances that have not been satisfactorily explained, there are a number of issues that are cause for considerable concern.

As the shooting is now the subject of court proceedings however we must not prejudge the issue of responsibility for the killing but I can inform the Dail that a number of concerns to which this incident gives rise about the handling of weapons by the security forces in Northern Ireland have been raised through the Secretariat in Maryfield.

Much of the public disquiet about the observation towers and posts along the border has arisen from fears that an accident of this kind could occur. This anxiety was indeed expressed

very recently to the Minister for Tourism and Transport by the parents and school authorities at Cloughoge Primary School near Newry. The decision to establish these posts was taken without consultation with the Irish Government. They are obviously intrusive and can provide a hazard to the lives and property of people living nearby.

The fact that the Gardai conduct an enquiry should not be taken as a reflection on any other enquiry undertaken. It must be clear to everyone that the shooting dead of an unarmed civilian going about a normal and legitimate activity in broad daylight by a British soldier from an observation post along the border is a matter of utmost gravity. It must be thoroughly investigated and every effort made to have the full truth established. If part of that truth can only be established from this side of the border, and by the Gardai, then it is obligatory for us to pursue that course of action. ||

Incidents along the border are and must be a matter of legitimate interest and concern to the Gardai who have a special responsibility for border security. In circumstances where many of the witnesses permanently reside on this side of or near the border, it is entirely appropriate that the Gardai should take statements from them. If there are witnesses who for whatever reason, which they consider valid, are unwilling to give evidence to the RUC, then that evidence should be assembled by the Gardai in order to establish the full truth as far as it is possible to do so.

During our recent debate here on the Stalker/Sampson Report, many Deputies made the point that the handling of that affair by the British authorities would cast a shadow over the credibility of future investigations of fatal incidents involving the security forces in Northern Ireland. That was a perfectly valid argument. In these circumstances does anyone expect Northern nationalists to accept that their only knowledge of this killing should come from an internal enquiry in Northern Ireland? Are they not entitled to expect that our security forces who are on the scene would attempt independently to find out as much as they possibly could about this happening which took place within yards of the border? Having regard to the feelings of anger and outrage that followed the decision by the British Attorney General in regard to the Stalker report an enquiry by the Gardai was obviously necessary.

A question has been raised about the establishment of this enquiry when the matter could be pursued through the Anglo-Irish Secretariat. In fact full use was and is being made of the Secretariat since the incident occurred, and it has been the point of contact between the two Governments.

No-one would claim that policing in areas of the North close to the border, including the area where this killing took place, is policing as we know it here or as it is known say in England, Scotland or Wales or indeed in any normal democratic society. For security reasons the RUC are, to a great extent, unable to patrol openly, and with the same access to people

and places, as other police forces. I know the dangers to which members of the RUC are subject in many areas. But the fact is that policing along the Northern side of the border is, of necessity, of a restricted nature. In addition to that is the fact that the RUC in many areas, certainly along the border and the area where this incident occurred, does not enjoy the confidence of many people in the Nationalist community. Many people will not co-operate with the RUC even, possibly even particularly, when a matter which touches them so deeply as this, the McAnespie killing, is involved.

It is clear that in relation to this killing, there is much information available in this area which would not be properly reported and recorded were it not for the institution of the Garda enquiry. We have an interest in knowing all the facts relevant to this case, so far as the Gardaí can ascertain them. We know that there are certain vital matters that the enquiry will not be in a position to cover. But there may well be other facts, just as vital, that can be established by the Garda enquiry and that could be established in no other way.

The Government statement establishing the enquiry made clear that the Deputy Commissioner would "take statements and obtain information from all persons willing and able to assist". Deputy Commissioner Crowley is a very senior and most experienced Garda Officer and no one is in a better position to decide who should or should not be interviewed for the purposes of the enquiry, and what weight should be given to each piece of evidence that is put before him. In any Garda investigation, information or evidence may come from many different sources. If these sources were to be restricted in this or any other case according to the acceptability of the informant, then a full investigation would often be impossible. I categorically reject as irresponsible and indeed detrimental to our security interests the criticisms which have been made in this connection.

No terms of reference other than those given for the Garda enquiry, would have been credible. The Government could not possibly exclude from the scope of the enquiry any person or piece of evidence which might be relevant. To have done so, would have constituted political interference with the work of the enquiry. We would have been rightly and severely criticised by Dail Eireann in such circumstances.

The Garda authorities have informed me that Deputy Commissioner Crowley is getting a great deal of co-operation from the people of the locality and has taken a number of statements from the people who were in the vicinity at the time of the shooting or who have other relevant information to volunteer. It is not possible at this stage to say when this enquiry will be completed. Deputies will appreciate that it is proceeding carefully and methodically and that this takes time. It will be made available to the Government as soon as possible and the Government will then consider the report and decide on whatever further action is necessary. An undertaking has already been given to private citizens who

have made, or are prepared to make statements, that anything they say will be treated as confidential should they so wish. I repeat that undertaking here.

It is the Government's view that not only are the Gardai absolutely entitled to conduct this enquiry, to provide information on the killing, but that they have the duty to do so. The Garda enquiry was instituted for the purpose of constructing as complete a picture as possible of the event and to provide as much information relating to it, as quickly as possible, to the Government.

At an early stage, the Deputy Commissioner conducting the Garda enquiry was approached by members of the McAnespie family with the request that the body, which had been buried in a cemetery on this side of the border, should be exhumed and submitted to a further post-mortem examination by a Pathologist here. The family had not been represented at the post-mortem carried out by the British authorities and had been given to understand that they would not be supplied with a copy of the autopsy report until after all legal proceedings had taken place - which could be expected to take several months at least. In these circumstances the Government felt that the family's request was reasonable and the relevant provisions of the Coroners Act 1962 were put into effect. The Minister for Justice decided that the necessary exhumation order should be granted on the basis that it is in the interests, not of the family alone but in the public interest, that the nature of the injury sustained by the deceased should be established to everybody's satisfaction, so far as it is possible to do this. An exhumation of a body is a traumatic and extremely distressful event for all concerned. I need hardly say that it is a matter that is never undertaken lightly. I am satisfied that had the second independent post-mortem not been allowed to take place, questions would continue to be asked and the nature of the cause of death would have remained one of controversy for a very long time. There are two points that I would like to emphasise. Firstly, I wish to repeat that the question of exhumation was raised in the first instance by the family and that it was to the family's request that the Government acceded. Secondly, our law provides for exhumation when the body is buried in our jurisdiction in circumstances of this kind.

The examination has been carried out by the State Pathologist of this State in the presence of a medical practitioner nominated by the family. His report has not yet been finalised. It will of course be made available to the Government as soon as possible.

The extraordinarily early release of Private Thain and his return to duty in the British Army naturally have raised the most serious concern in Northern Ireland and throughout this country. Given the small number of prosecutions taken against members of the security forces - indeed, Private Thain is, I believe, the only British soldier ever to be convicted of murder while on duty in Northern Ireland - this concern is understandable.

The shooting of unarmed civilians by the security forces cannot be tolerated. Nothing less than the fullest possible investigation and explanation of the circumstances, followed by appropriate legal action in each case can be accepted. It is regrettable to have to say it but it must be said that a number of events and circumstances, the allegations of a 'shoot-to-kill' policy investigated by Mr. Stalker, the early release of Private Thain and the shooting at Aughnacloy, have combined to create the impression that the security forces are above the law. Any such impression among the public in Northern Ireland must have disastrous consequences on the community and impinge on every aspect of British policy for the administration of justice in Northern Ireland.

Confidence in the rule of law and in the administration of justice in Northern Ireland is necessary, if the cause of peace and reconciliation there is ever to be advanced. This Government believe that in establishing an enquiry with the objective of helping to establish the truth, it has made an important contribution to that end.