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Samuel Devenny Inquiry

HOUSE OF COMMONS

Samuel Devenny Inquiry

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Samuel Devenny Inquiry (Chief Superintendent Drury's Report)

Mr. Speaker: For the guidance of hon. Members I want to say that the next matter to be debated on the Adjournment this afternoon concerns the report of the investigations into the circumstances of the death of the late Mr. Samuel Devenny. Anything outside that report I will regard as being out of order and I will rule accordingly. Mr. Hume.

3.55 p.m.

Mr. Hume: Thank you, Mr. Speaker.

On Tuesday, 22nd April, 1969, which was the first available opportunity of raising in this House the incident which is the subject of this investigation, I drew hon. Members' attention to what had happened in the home of Mr. Samuel Devenny; I described what happened. On that occasion Mr. Devenny was in his own home with his family: his 20-year-old son, his 16-year-old daughter, who had just come out of hospital following a stomach operation; a 12-year-old son, a 10-year-old daughter and a five-year-old boy. Each of these people in that house that day was beaten and the beating of Mr. Devenny was so savage that he required—he was beaten unconscious—22 stitches in his head.

Mr. Devenny subsequently died of a heart attack, and although the verdict at the inquest was that he died from natural causes following a heart attack many members of the public and many people in the city of Derry have no difficulty in linking his death with the attack upon him in his own home by members of the police force. Following an R.U.C. investigation headed by District Inspector Faulkner which produced no result whatsoever, I said in this House on 18th March, 1970:

"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."

The then Parliamentary Secretary to the Ministry of Home Affairs, now the Minister of State for Home Affairs, replied:

"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. It is a most reprehensible statement to make in this House and there is no justification whatever for it"—[OFFICIAL REPORT, 18th March, 1970; Vol. 75, cc. 1177, 1181.]

That was the reply of the present Minister of State for Home Affairs to my allegation on that date. I do not make such serious allegations lightly and I hope that the Prime Minister, as Minister of Home Affairs, since his Minister of State is not in the House, will now withdraw that remark on his behalf. That is the first request I have to make in raising this matter today.

Let me say that what happened in the home of the Devenny family has horrified many people. It is a fairly horrifying experience for young children and for the family. I welcome Sir Arthur Young's statement. I welcome it in that it is quite forthright. It says many things about the gallantry of the police in Derry on that date, but when one moves aside all the padding, what is Sir Arthur Young, Chief Constable of the R.U.C., saying? He talks about forcible entry and attack on a private household. He talks about wilful assault which the police undoubtedly made upon Samuel Devenny, his son Harry, his daughters Anne and Catharine, Frederick Budd and Patrick Harkin, who were also present in the house, and he also says:

"I am satisfied that among those officers who possess this guilty knowledge there is a conspiracy of silence motivated by a mis-conceived and improper sense of loyalty to their guilty comrades."

I welcome the statement because it is forthright in its condemnation of the conspiracy of silence which exists within the R.U.C., but I would say that the statement does not go far enough in that there is obviously, in a report of 136 pages, with thousands of folios, of statements, et cetera, quite an amount of information withheld. In the first place, I should like to make a correction to one point which he makes. He says:

"There is clear evidence that notwithstanding the fact that such individuals were in the house"—

he is talking about the fact that there is clear evidence that a man with a blackthorn stick who is either a constable or a head constable, as the ranks were at that time, and a local policeman were in the house—

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On reading that it might be assumed by some members of the public that Sir Arthur Young is exonerating these people. I should like to make it clear that I would not exonerate them; certainly I would not exonerate the commanding officer in that group. Not only were these people present when that attack took place but they are quite definitely shielding and conspiring to shield the guilty men. What is more, how could a senior officer of any police force turn his back on children who were screaming while their father lay unconscious on the floor? Such an officer is not worthy to wear the uniform of any police force.

The figure of eight policemen is mentioned and it is said that there were not more than eight policemen in the house. This is set out in the statement beside the fact that there were 500 policemen in Derry on that day. It must be obvious to everyone that there are more than eight policemen involved in this conspiracy of silence.

This report vindicates the allegations which I made on behalf of the people in that area and establishes the clear truth of what exactly happened apart from the identity of those involved. I hope it will give the general public some glimmer of understanding of why the people who live in that area take up the attitude they do towards the Royal Ulster Constabulary. That incident was only one of many which took place in the area.

The statement of Sir Arthur Young raises some very serious issues. Here we have the Chief Constable of our police force saying that under his command and within his force there are officers who are conspiring in silence to protect people who, if found, would have been charged with causing grievous bodily harm to individual and private citizens. The fact that these men remain will not help in any way the attempts that are being made by Sir Arthur Young to create an impartial police force.

What is far worse is that the result of the investigation announced yesterday is the worst possible result for the

R.U.C. Had the individuals been named then action could have been taken against them. Now it is the police force as a whole which has been found guilty and will remain guilty until these individuals are found. Rumours as to the identity of these people abound. Surely because of the fact that people are being named in these rumours it is essential to take measures to try to find out who exactly was involved.

I said that the statement did not go far enough. What did I mean by that? I know that in his report Mr. Drury indicated that he could not identify the guilty men but did he indicate who he thought was conspiring in silence to protect these guilty men? Five D.I.s and six head constables were the only men who could have been carrying black-thorn sticks in Derry on that day.

These people refused to attend an identity parade for the original investigation; they were perfectly entitled to refuse to attend such an identity parade because it is the legal right of any citizen to refuse such a request. These were not only policemen but senior officers of the police. They were being asked to co-operate in a very serious investigation and they refused. Was that conspiracy of silence to protect individual policemen? Who were these 11 men? In my view they were undoubtedly conspiring to protect people within the police force.

Who was in command of the police force in Derry that day? If subordinate men in any force, whether it is a military or police force, commit a serious offence and if they cannot be found, surely the whole purpose of having a command structure is that whoever is in command carries the can. Why is the officer who was in command of the police forces in Derry that day not carrying the can, or is he one of the 24 who resigned since that date? What about the county inspector and the district inspector for the county and city of Derry who held office at that time and who received complaints in the Press and made to them about this incident? Did they institute an immediate investigation into what must have seemed to them to be a very serious allegation against their force?

[Mr. Hume]

Who, for example, was the station sergeant under them in Victoria station that day when a Land Rover arrived at the door with Mr. Patrick Harkin, one of the people beaten in the Devenny household, aboard? Was the arrival of Mr. Harkin noted in the log book, as most things are? If not, why not? Was the station sergeant conspiring in silence as well, and, if he was, why did his commanding officers, the district inspector and the county inspector, not investigate his failure to do his duty? In their failure or neglect to investigate that were they conspiring in silence as well? Who was driving the Land Rovers in Derry that day? Very few Land Rovers were there, which narrows down the drivers. One of the drivers is conspiring in silence. Who was the leader of the riot squad that day? I know who he was. He was subsequently decorated by the Queen for his performance as leader of the riot squad on many occasions. Was it a platoon of the riot squad, or what we know as the riot squad, and, if so, is the leader of that squad not to be held responsible?

These are all questions which are left unanswered by yesterday's statement. Does this report indicate who Mr. Drury felt were conspiring in silence? It is absolutely essential that we get further information on this inquiry and the report. It is a very serious situation in any community when a police force is admitted by its own Chief Constable to have within its ranks people guilty of conspiring to protect their fellow policemen who are found guilty of a serious crime. It is a situation which is bound to erode any confidence which exists in the police as an impartial force because, as I have already said, while this situation exists the finger of suspicion points at every policeman who wears a uniform. There are many decent men in the force. They all come under the cloud with those who are guilty.

What are the Government going to do about this? Has the Prime Minister anything to add to what the Chief Constable said yesterday? What steps does he propose to take to ensure that the force is cleaned and cleared of the people we are complaining about? Will he give us more information and will he let us

know whether the report, which he admitted last week in the House he had read, goes further than the statement yesterday? No one should doubt the seriousness of Sir Arthur Young's statement. I do not think any chief of police could make a more serious statement about the members of his force. When he went so far in his statement there must be an awful lot of things in the report which gave him cause for worry and deep concern.

4.10 p.m.

Mr. Burns (North Londonderry): There are some things in the report issued by Sir Arthur Young, the Chief Constable, which hon Members can take to be correct. First, there was a riot in the city of Derry on 19th June and into 20th June. During that riot there were quite a number of police casualties—168 constables, 34 sergeants, 9 head constables and 3 district inspectors. They were injured, some of them seriously.

It is also true to say that while the police were being assaulted, every now and again they would make a charge along the street to apprehend rioters. On one occasion a number of these people ran into a house owned by the late Mr. Samuel Devenny. I do not think there is any difficulty about this. A number of policemen pursued these people to apprehend them, as they say in police language. It seems strange to me. This house was in the middle of a battlefield and in the ordinary way one would assume the occupants would keep the door closed to keep out the petrol bombs and stones. But instead of that the door was wide open so that the house could be an escape route for the people causing the riot. Because this was a planned escape route, it is also safe to assume—although we do not know from the evidence—that these people were involved in some way.

Mr. Hume: Ah, sit down. Sit down.

Mr. Burns: Sit you down. You had your say. [Interruption.]

Mr. Speaker: Order, order. repeatedly requested hon. Members to refrain from persistent interruption.

hon. Member who is addressing the House. If an hon. Member wishes to intervene momentarily during another hon. Member's speech in order to clarify a point he should rise and ask the hon. Member to give way, but all interruptions from a seated position are disorderly. As my repeated appeals have not been heeded, I must now warn hon. Members that in future I shall use the powers conferred upon me by the House to order an hon. Member who offends in this respect to leave the House and its precincts for the remainder of the sitting, Mr. Burns.

Mr. Hume: On a point of order, Mr. Speaker.

Mr. Speaker: A point of order, Mr. Hume.

Mr. Hume: Would you also request, Mr. Speaker, that hon. Members would not abuse the privilege of this House to make slanderous statements against innocent people?

Mr. Speaker: Mr. Burns.

Mr. Burns: I am assuming, I think correctly, that in conditions such as prevailed, people who were not involved in any way would naturally close themselves in; they would close the doors so that they would be away from difficulty and trouble. That is the reasonable and natural thing to do. Not only was this door wide open but people ran into the house. These people involved themselves further, if we are to accept the statement we are discussing, because they put up very strong resistance against the police who followed. They put up this resistance so that it would be impossible for the police to lay their hands on these people.

That being so, it is very natural to assume that they were in complete sympathy with the rioters and the people who were running. This is one of the first points I want to make. This was not the case of an innocent bystander as it were; these were people who were involved in some way—if not in the riots themselves then in providing an escape route; and not only that but preventing the police from following

these people. The statement makes this quite clear. There is no doubt whatever about it.

The Chief Constable points out in the statement that the police assaulted the late Mr. Samuel Devenny. This is where I raise issue with him. It could be; it might not be. There is no evidence to say this happened. It is true, of course, that a number of people in this House say it did happen. They also say there was a man there with a blackthorn stick but they do not say whether that man was a district inspector or a head constable. Anybody over the age of 10, living in Northern Ireland, can tell the difference between a head constable, a D.I., a sergeant or a constable in the police. There is no difficulty so far as that is concerned, and there were not so many head constables or district inspectors in the city of Derry that when photographs or other evidence was produced people would not be able to recognise them.

The great difficulty as I see it is this. Many statements have been made but no proof is forthcoming; there is no evidence. To my mind this is very strange indeed, especially when one considers the amount of publicity this case has received and the tremendous number of people who have been interrogated by the police. And not only by the police force themselves but by the ordinary population. If certain people carried out an assault on other people surely to goodness it would have been possible for someone, regardless of who that person might be, to come forward. Surely the people who were themselves engaged in the riots and who were not fond of the police at any time, and still are not fond of them, would have no hesitation in coming forward to say that such-and-such a person was there. The fact remains that as far as this report is concerned no evidence whatever is presented which implicates any single, solitary policeman.

The report tells us that Mr. Devenny died on 17th July. That was from April to July. It also says he died of a coronary thrombosis and that he had two coronaries prior to this time. The report also states—and to my mind this is a very foolish statement—that there was

[The Prime Minister] move any shred of suspicion which may still exist in relation to those of their comrades who are entirely innocent. I leave it at that.

In making his inquiries the detective chief superintendent was also handicapped by the fact that some persons claimed to have evidence but did not produce it even in response to repeated requests. Hon. Members will have seen from the report of the Chief Constable how diligent and comprehensive the inquiry was, and I can only say that we must all regret that his mammoth task was in vain in the sense that, despite all efforts, he was unable to discover the identity of the culprits. Should, however, evidence emerge in the future of the guilt of any officers of the Royal Ulster Constabulary then I am satisfied that the Chief Constable will take the appropriate disciplinary action.

A number of points were raised. In his opening remarks the hon. Member for Foyle (Mr. Hume) referred to a statement in HANSARD made by the Parliamentary Secretary to the Ministry of Home Affairs on 18th March. I can only assure him that on that occasion the Parliamentary Secretary spoke in accordance with the facts as he then knew them. He spoke in good faith on the basis of the information that was available. I would just add that it is easy to be wise after the event when new facts come to light.

The hon. Member went on, as he was entitled, to ask a considerable number of questions. He asked me to identify a number of people and to indicate who it was who refused to attend identity parades; he also asked other questions designed to try to attribute blame. All I can say to him on that is that Chief Superintendent Drury, after a very exhaustive inquiry, did not manage to apportion blame and it certainly would be quite inappropriate for me as a layman to attempt to do so. I certainly do not intend to name any names at this point in time lest unwittingly and inadvertently through my lack of legal knowledge I should lay the blame where it should not lie.

He then inquired what action I intended to take about these matters. He

knows as well as I know that unless something new comes to light there is nothing more I can do than Chief Superintendent Drury did in his extremely exhaustive inquiry.

There are one or two other points I should like to take up. The hon. Member for Mourne (Mr. O'Reilly) said that Mr. Devenny died as a result of what happened on that particular afternoon. That is an allegation which, I must make plain, is not substantiated by the evidence produced. Some seven doctors were involved and they were asked to give an opinion as to the cause of death. The overwhelming body of medical evidence was to the effect that death did not result from the injuries which were sustained on that particular afternoon in April.

I must also refer to the fact that he mentioned that 24 men had resigned from the force in the period between this incident and the inquiry. It is only right and fair to say that it is quite wrong to suggest that they resigned because in some way they were involved in this incident. Some of them may have been but it is a wild allegation to tar the whole lot with this particular crime—

Mr. Hume: On a point of order.

The Prime Minister—which he could not, I believe, substantiate.

Mr. Hume: The Prime Minister has just said that seven doctors have produced evidence of a certain nature. Could the Prime Minister tell us where and when they produced this as I am sure he understands that the question of establishing compensation in relation to Mr. Devenny's death is still *sub judice*?

The Prime Minister: I am referring to the evidence which is contained in the inquiry.

The only other point made by an individual Member which I want to take up is the view of the hon. Member for South Antrim (Rev. William Beattie) that the report should be published. I can only tell him that it would be contrary to normal precedents to publish a report of this kind. This is a matter of the discipline of the Royal

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