

An Chartlann Náisiúnta National Archives

Reference Code: 2017/10/29

Creation Dates: 15 May 1987

Extent and medium: 7 pages

Creator(s): Department of the Taoiseach

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Courselloss A-I C258 Mr. Denogline 15TH MAY '87 Mr naily TO BELFAST FROM HQ Mr. matthews (2003), Box 1. WE HAVE HAD AN OPPORTUNITY TO DISCUSS DEVELOPMENTS ON LOUGHGALL EVENTS WITH TANAISTE. 2. WE HAVE ALREADY ASKED YOU TO TRANSMIT TO THE OTHER SIDE OUR VIEW THAT THE RUC SHOULD GIVE A CLEAR, COMPREHENSIVE AND PUBLIC ACCOUNT OF LOUGHGALL AS SOON AS POSSIBLE. THIS WAS A POINT STRESSED TO US BY BISHOP CATHAL DALY. 3. WE GENERALLY AGREE RECOMMENDATIONS IN OUR 488C AND 489C. ON THE TANAISTE'S INSTRUCTIONS YOU SHOULD REQUEST FOLLOWING INFORMATION FROM BRITISH SIDE WITH REFERENCE TO THE BRIEFING ALREADY PROVIDED (YOUR 486C) AND DEVELOPMENT OF DISQUIET ABOUT ACTIONS OF SECURITY FORCES IN NATIONALIST COMMUNITY (NOTE ESPECIALLY COMMENTS IN TODAY'S IRISH NEWS OF FR. FAUL). WHAT WAS OBJECTIVE OF THE SECURITY FORCES ON 8 MAY AT LOUGHGALL? (A) WHAT ATTEMPTS WERE MADE TO PREVENT THE IRA ATTACK ? (B) WHAT ATTEMPTS WERE MADE TO OBTAIN THE SURRENDER OF THE IRA (C) PARTY OR OTHERWISE TO DEAL WITH THE ATTACK WITHOUT RESORT TO LETHAL FORCE ? WAS ANY ATTEMPT MADE TO DISABLE THE IRA PARTY WITHOUT RESORTING (D) TO KILLING THEM ? DID THE SECURITY FORCES FIRE ONLY AIMED SHOTS AND NO MORE ROUNDS (E) THAN WERE NECESSARY TO STOP THE ATTACK AND PREVENT ESCAPE ? WHAT PRECAUTIONS WERE TAKEN TO KEEP OUT AND AVOID INJURY TO (F) UNINVOLVED PERSONS ? 15 15 IT IS THE CASE THAT A FURTHER PERSON WAS AT THE SCENE AND FLED (G) HIS CAR TO ESCAPE GUNFIRE (PRESS REPORTS TODAY)? COULD WE HAVE INFORMATION AND COMMENT AS NECESSARY ON THIS REPORTED EYEWITNESS

- ACCOUNT ?
- IN PARTICULAR, WHAT IS THE RESPONSE TO HIS REPORTED EVIDENCE THAT GUNFIRE BROKE OUT BEFORE THE EXPLOSION, EVIDENCE ALSO GIVEN (H) BY CANON LOWRY'S WIFE AND LOCAL TEENAGER ALAN KERR (NEWSLETTER 9 MAY) ? (NOTE INFORMATION GIVEN TO O CEALLAIGH THAT FIRST VIOLENT INCIDENT WAS EXPLOSION).
- (1) ARE THE AUTHORITIES STILL SATISFIED THAT NO MEMBERS OF THE IRA PARTY ESCAPED ?
- WHAT IS THEIR RESPONSE TO LOCAL SUGGESTIONS THAT SOME OF THE (1) IRA MEN WERE SHOT ON THE GROUND AFTER BEING CAPTURED (WE ARE AWARE OF THESE SUGGESTIONS FROM OUR CONTACTS AS WELL AS OF COURSE FROM AN PHOBLACHT) ?
- HAVE THE SOLDIERS INVOLVED BEEN RELIEVED OF OPERATIONAL DUTIES (K) PENDING THE RESULT OF INVESTIGATION (REF. YOUR 775C OF 15/9/86 CONCERNING STANDARD PROCEDURE WHERE REGULAR SOLDIERS ARE INVOLVED IN SHOOTING INCIDENTS) .? WHAT IS THE POSITION IN REGARD TO RUC PERSONNEL INVOLVED ?

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TO HQ FROM BELFAST

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FOR A/SEC O TUATHAIL FROM O FLOINN

PART J

AS INSTRUCTED BY THE TANAISTE I PUT THE QUESTIONS AS LISTED IN PARA. 3 OF YOU C258 TO THE BRITISH SIDE THIS MORNING. HEWITT, WHO IS BRITISH DUTY OFFICER THIS WEEKEND, CALLED TO THE SECRETARIAT IN PERSON AT MY REQUEST THIS MORNING. ON THE BASIS OF THE QUESTIONS PUT WE HAD A LENGTHY CONVERSATION. AT FIRST HEWITT WAS INCLINED TO STRESS THE SUB JUDICE NATURE OF THE MATTERS UNDER DISCUSSION AND TO SUGGEST THAT HIS SIDE HAD ALREADY GONE FURTHER IN PROVIDING INFORMATION THROUGH THE CHANNEL OF THE SECRETARIAT THAN WOULD BE STRICTLY PROPER IN THE CONTEXT OF NORMAL PROCEDURES OF REFERRAL TO THE DPP ETC. HE SAID TOO THAT SOME OF THE QUESTIONS WE WERE ASKING WOULD NOT EVEN BE PUT BY OFFICIALS ON HIS SIDE TO THE SECURITY FORCES BEFORE A REPORT HAD BEEN PREPARED FOR THE DPP. J REFERRED TO THE TANAISTE'S ACKNOWLEDGEMENT IN THE DAIL ON 12 MAY 1987 OF THE INFORMATION ALREADY PROVIDED THROUGH THE SECRETARIAT AND REMARKED THAT SUCH A SERJOUS INCIDENT WAS VERY MUCH A MATTER TO BE ADDRESSED IN THE STRUCTURES SET UP UNDER THE AGREEMENT (ARTICLE 7). SECRETARIAT PROVIDED AN ABSOLUTELY CONFIDENTIAL CHANNEL FOR THE TRANSMISSION OF INFORMATION ABOUT SUCH INCIDENTS. I ADDED THAT WE APPRECIATED THE INFORMATION ALREADY PROVIDED AND NOW WISHED, AS IT WERE, TO ''TJE SOME OF THIS TOGETHER'' AND ALSO (A) TO RAISE SOME SPECIFIC QUESTIONS PROMPTED PARTLY BY THE INFORMATION PROVIDED THROUGH THE PAST WEEK AND (B) TO EMPHASISE AGAIN THE NEED FOR THE AUTHORITIES HERE TO PROVIDE THE FULLEST POSSIBLE ACCOUNT OF WHAT

HAPPENED AT LOUGHGALL AS SOON AS POSSIBLE, PARTICULARLY IN THE CONTEXT OF GROWING DISQUIET IN THE NATIONALIST COMMUNITY ABOUT THE EVENTS THERE. WE ARE AWARE THAT THE FILE ON LOUGHGALL WOULD BE GOING TO THE DPP BUT THE TANAISTE HAD INSTRUCTED THAT WE SHOULD AT THIS POST SEEK TO ESTABLISH AS FULL A PICTURE AS POSSIBLE OF WHAT ACTUALLY HAPPENED AT LOUGHGALL ON THE BASIS OF THE INFORMATION NOW COLLATED ON THE BRITISH SIDE.

I REMARKED THAT THE TANAISTE WAS AWARE OF THE SECRETARY OF STATE'S POSITIVE REACTION TO HIS STATEMENT ISSUED AFTER LOUGHGALL AND TO HIS STATEMENT IN THE DAIL ON 12 MAY 1987. THE QUESTIONS THAT HE HAD INSTRUCTED SHOULD NOW BE PUT WERE NECESSARY BECAUSE IT WAS ABSOLUTELY ESSENTIAL THAT THE IRISH GOVERNMENT, COMMITTED AS IT WAS TO WORKING THE ANGLO-IRISH AGREEMENT WITH THE BRITISH GOVERNMENT, SHOULD HAVE THE FULLEST AND MOST UP-TO-DATE INFORMATION ABOUT ALL THE CIRCUMSTANCES OF AN INCIDENT AS SERIOUS AS THAT WHICH HAD OCCURRED AT LOUGHGALL. THIS NEED WAS MADE ALL THE MORE URGENT BY THE EMERGENCE OF SOME POTENTIALLY DISTURBING QUESTIONS, NOT JUST FROM PROVISIONAL SOURCES BUT FROM RESPONSIBLE ELEMENTS IN THE NATIONALIST COMMUNITY.

AFTER I HAD ELABORATED ON THE GOLDTEXT FROMHICH WE WERE PUTTING THESE QUESTIONS HEWITT BECAME MORE FORTHCOMING AND WE WENT THROUGH THEM ONE BY ONE. HE REMARKED THAT IT SEEMED TO HIM THAT THERE WERE THREE CATEGORIES IN THE QUESTIONS PUT: ONE CATEGORY INVOLVED MATTERS THAT WERE DEFINITELY SUB JUDICE AND ON WHICH HE FELT IT WOULD BE DIFFICULT TO PROVIDE INFORMATION EITHER IMMEDIATELY OR IN THE VERY NEAR FUTURE: ANOTHER CATEGORY INVOLVED QUESTIONS ON WHICH HE WOULD HAVE TO SEEK INSTRUCTIONS AND THE FINAL CATEGORY INVOLVED QUESTIONS WHICH HE COULD RESPOND TO WITH AUTHORITY IN THE COURSE OF OUR CONVERSATION. (HE CLEARLY HAD INSTRUCTIONS ENABLING HIM TO GIVE A PARTIAL RESPONSE TO OUR QUESTIONS.) HEWITT SAID THAT IT WAS LIKELY THAT THE FILE ON LOUGHGALL (WHICH WOULD BASICALLY COMPRISE TWO DISTINCT PARTS: THE FORENSIC EVIDENCE AND (2) STATEMENTS BY THOSE INVOLVED) WOULD BE SENT TO THE DPP WITHIN 2-3 WEEKS. IT WAS THEN FOR THE DPP TO DECIDE WHETHER PROSECUTIONS WERE NECESSARY AND UNLESS QUESTIONS AROSE REQUIRING HIM TO SEND THE FILE BACK TO THE CHIEF CONSTABLE FOR CLARIFICATION, IT WAS NOT LIKELY THAT HIS CONSIDERATION OF THE FILE WOULD TAKE VERY LONG. AT THE END OF OUR CONVERSATION WE WENT THROUGH THE QUESTIONS WE HAD DISCUSSED ONCE MORE AND I TOOK A DETAILED NOTE OF HEWITT'S RESPONSE AS FOLLOWS:

(A) WHAT WAS OBJECTIVE OF THE SECURITY FORCES ON 8 MAY AT LOUGHGALL?

(NOT RESPONSE: TO KILL OR CAPTURE THE TERRORISTS AND PREVENT INNOCENT

CAPTURE LOSS OF LIFE AS FAR AS POSSIBLE.

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- (B) WHAT ATTEMPTS WERE MADE TO PREVENT THE JRA ATTACK?
- RESPONSE: THE SECURITY FORCES HAD INTELLIGENCE WHICH INDICATED THAT AND TIACK WAS PLANNED. HOWEVER, THEY DID NOT KNOW THE PRECISE TIME WHEN THE ATTACK WOULD BE LAUNCHED NOR WAS THE INTELLIGENCE SUFFICIENTLY COMPREHENSIVE TO INDICATE THE PRECISE TACTICS THAT WOULD BE ADOPTED BY THE TERRORISTS. THEIR ASSESSMENT WAS THAT IT WAS PROBABLY IMPOSSIBLE TO EFFECT ARRESTS BEFORE THE EVENT. SPECIFICALLY TO HAVE ATTEMPTED TO INTERCEPT THE TERRORISTS E.G. SETTING UP A ROAD BLOCK BEFORE THEY ARRIVED AT LOUGHGALL RUC STATION WOULD INEVITABLY IN THEIR ASSESSMENT ALSO HAVE INVOLVED A GUN BATTLE WITH A GREATER RISK BOTH TO SECURITY FORCE PERSONNEL AND INNOCENT PARTIES. IT WAS THEREFORE DECIDED TO MAKE NO ATTEMPT TO INTERCEPT THE TERRORISTS.
 - (C) WHAT ATTEMPTS WERE MADE TO OBTAIN THE SURRENDER OF THE IRA PARTY OR OTHERWISE TO DEAL WITH THE ATTACK WITHOUT RESORT TO LETHAL FORCE?

RESPONSE: HEWITT IS TO SEEK INSTRUCTIONS ON A REPLY TO THIS QUESTION.

(D) WAS ANY ATTEMPT MADE TO DISABLE THE IRA PARTY WITHOUT RESORTING TO KILLING THEM?

RESPONSE: HEWITT IS TO SEEK INSTRUCTIONS ON A REPLY TO THIS QUESTION. (HIS STRICTLY INFORMAL AND PERSONAL RESPONSE WAS THAT IT WAS UNREASONABLE IN THE KIND OF CIRCUMSTANCES WHICH DEVELOPED AT LOUGHGALL TO EXPECT THE SECURITY FORCES TO BE ABLE TO DO ANYTHING OTHER THAN AIM AT THE PART OF THE BODY THEY WERE MOST LIKELY TO HIT I.E. THE TORSO.)

(E) DID THE SECURITY FORCES FIRE ONLY AIMED SHOTS AND NO MORE ROUNDS THAN WERE NECESSARY TO STOP THE ATTACK AND PREVENT ESCAPE?

RESPONSE: THE ANSWER GIVEN TO THIS QUESTION IS "YES". HEWITT SAID THAT THE SECURITY FORCES AIMED THEIR SHOTS AT THE TERRORISTS WITH THE OBJECTIVE OF KILLING THEM OR DISABLING THEM. THEY FIRED NO MORE ROUNDS THAN WERE NECESSARY FOR THIS PURPOSE J.E. THEY KEPT FIRING UNTIL THE ATTACKERS STOPPED FIRING. DURING OUR CONVERSATION HEWITT REMARKED THAT THE "YELLOW CARD" CONTAINED GUIDELINES ONLY. THE ULTIMATE DECISION REGARDING THE LEGALITY OF ANY SECURITY FORCE ACTION WAS FOR THE COURTS.

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16.5.87

TO HQ FROM BELFAST

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FOR A/SEC O TUATHAIL FROM O FLOINN

PART II

(F) WHAT PRECAUTIONS WERE TAKEN TO KEEP OUT OR AVOID INJURY TO UNINVOLVED PERSONS?

RESPONSE: THE SECURITY FORCES DID THEIR BEST WITHIN THEIR TRAINING AND ON THE BASIS OF THE INTELLIGENCE AVAILABLE TO THEM TO AVOID INJURY TO INNOCENT PEOPLE. SPECIFICALLY IN PREPARING FOR THE ATTACK AT LOUGHGALL THEY MADE THEMSELVES AWARE OF THE PATTERN OF MOVEMENTS BY LOCAL PEOPLE AND DEPLOYED THEMSELVES WITH THE OBJECTIVE OF MINIMISING RISK TO THE POPULATION OF LOUGHGALL. IN THEIR ASSESSMENT OF THE INTENDED ATTACK THEY WERE SATISFIED THAT THE BOMB TO BE USED WOULD NOT RISK CIVILIAN LIVES BECAUSE THE RUC STATION IS SUFFICIENTLY REMOVED FROM OTHER BUILDINGS IN THE AREA. OBVIOUSLY THEIR INTELLIGENCE AS ALREADY INDICATED WAS NOT COMPREHENSIVE OR PERFECT AND THE DEATH OF HUGHES AND SERIOUS INJURY TO HIS BROTHER WAS VERY MUCH REGRETTED. OTHER INNOCENT CIVILIANS HAD ALSO BEEN IN THE AREA AS IT HAD NOT BEEN POSSIBLE FOR REASONS INDICATED IN RESPONSE TO QUESTION (B) TO SEAL OFF THE AREA BEFORE THE ATTACK. AS WELL AS THE HUGHES BROTHERS THERE HAD BEEN AN UNINVOLVED WOMAN IN A CAR NEARBY AND A MAN WHOSE ACCOUNT HAD BEEN PUBLISHED IN THE TYRONE DEMOCRAT (SEE RESPONSE TO QUESTION (G).

(G) IS IT THE CASE THAT A FURTHER PERSON WAS AT THE SCENE AND FLED HIS CAR TO ESCAPE GUNFIRE - PRESS REPORTS OF 15 MAY 1987?
COULD WE HAVE INFORMATION AND COMMENT AS NECESSARY ON THIS

RESPONSE: THE ACCOUNT IN THE TYRONE DEMOCRAT AND OTHER NEWSPAPERS YESTERDAY JS 'SUBSTANTIALLY CORRECT'. HEWITT SAID THAT THE INDIVIDUAL INVOLVED HAD BEEN CAUGHT UP IN THE EVENTS AT LOUGHGALL AND WAS SOME DISTANCE FROM THE FOCAL POINT OF THE ATTACK. HE WAS VERY, VER DISTRESSED AND APPARENTLY WAS NOT ARRESTED UNTIL SOME MINUTES AFTER THE END OF THE SHOOTING. AT FIRST IT WAS BELIEVED THAT IT WAS HIGHLY LIKELY THAT HE HAD BEEN INVOLVED IN THE ATTACK AND HIS DETENTION WAS ON THIS BASIS. HE WAS RELEASED EARLY THE FOLLOWING MORNING AND A STATEMENT HAS BEEN TAKEN FROM HIM. THE ASSESSMENT OF THE AUTHORITIES HERE IS THAT HIS EVIDENCE IS NOT OF MUCH VALUE AS HE WAS LYING ON THE GROUND FOR THE ENTIRE DURATION OF THE ATTACK. THEY ACCEPT HOWEVER THAT HE MAINTAINS GUNFIRE WAS TO BE HEARD BEFORE THE EXPLOSION. THEY NOW ACCEPT THAT HE IS TOTALLY INNOCENT.

(H) IN PARTICULAR, WHAT IS THE RESPONSE TO HIS REPORTED EVIDENCE THAT GUNFIRE BROKE OUT BEFORE THE EXPLOSION, EVIDENCE ALSO GIVEN BY CANON LOWRY'S WIFE AND LOCAL TEENAGER ALAN KERR (NEWS LETTER 9 MAY)? (NOTE: INFORMATION GIVEN BY BRITISH SIDE SECRETARIAT TO O CEALLAIGH ON 14 MAY 1987 WAS THAT THE FIRST VIOLENT EVENT WAS THE EXPLOSION).

RESPONSE: HEWITT SAID THAT HE FELT THIS QUESTION WAS DEFINITELY SUBJUDICE BUT HE WOULD ENDEAVOUR TO GIVE US SOME RESPONSE FOLLOWING INSTRUCTIONS. HE REMARKED THAT THE STATEMENT BY THE TANAISTE IN THE DAIL ON 12 MAY 1987 THAT 'ON THIS OCCASION, THE INITIAL VIOLENCE DID COME FROM THE PROVISIONAL IRA' COULD DEFINITELY STAND AND WOULD BE FULLY SUPPORTED BY THE FACTS AS THEY WOULD BE ESTABLISHED. HEWITT CONFIRMED THAT MOST OF THE PROVISIONALS' WEAPONS HAD BEEN FIRED. FORENSIC EVIDENCE TO BE SUBMITTED TO THE DPP WOULD INCLUDE THE NUMBER OF SPENT CARTRIDGES FOUND. I ASKED ABOUT PRESS REPORTS THAT AN ADDITIONAL WEAPON HAD BEEN FOUND ((A PISTOL) AND HE IS TO COME BACK ON THIS.

(1) ARE THE AUTHORITIES STILL SATISFIED THAT NO MEMBER OF THE IRA PARTY ESCAPED?

RESPONSE: HEWITT SAID THAT THE BRITISH ARE STILL SATISFIED THAT THERE WAS NO SUCH ESCAPEE BUT ADDED THAT HE WOULD WISH TO RESERVE HIS POSITION ON THIS AND WOULD COME BACK TO CONFIRM THE RESPONSE AFTER CHECKING IT WITH RELEVANT AUTHORITIES.

(J) WHAT IS THEIR RESPONSE TO LOCAL SUGGESTIONS THAT SOME OF THE IRA MEN WERE SHOT ON THE GROUND AFTER BEING CAPTURED?

RESPONSE: HEWITT SAID THAT THIS WAS COMPLETELY SUB JUDICE AND HE HAD NO INFORMATION AND NO ANSWER TO GIVE AT PRESENT. THE FORENSIC EVIDENCE WOULD GIVE THE ANSWER TO THIS QUESTION. HE ADDED ON A PER NAL BASIS THAT HE COULD NOT BELIEVE SUCH ALLEGATIONS.

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(K) HAVE THE SOLDIERS INVOLVED BEEN RELIEVED OF OPERATIONAL DUTIES PENDING THE RESULT OF INVESTIGATION ALONG THE LINES OF STANDARD PROCEDURE (INDICATED BY THE BRITISH SIDE FOLLOWING THE MC KERNAN SHOOTING LAST SEPTEMBER) WHERE REGULAR SOLDIERS ARE INVOLVED IN SHOOTING INCIDENTS? WHAT IS THE POSITION IN REGARD TO RUC PERSONNEL?

RESPONSE: HEWITT WILL PROVIDE US WITH AN ANSWER TO THIS QUESTION WHEN HE HAS RECEIVED INSTRUCTIONS. HE ANTICIPATES THAT THEY WILL BE ABLE IO PROVIDE SUCH AN ANSWER IN A STRAIGHTFORWARD MANNER. HE ADDED INFORMALLY THAT WHILE HE COULD NEITHER FORMALLY CONFIRM NOR DENY THE PRESENCE OF SAS TROOPS IF SUCH SOLDIERS WERE PRESENT THEN THE ANSWER TO THE QUESTION WOULD BE 'YES' BECAUSE SUCH SPECIAL PERSONNEL ARE ONLY RARELY DEPLOYED ON ACTIVE OPERATIONAL DUTIES I.E. AFTER LOUGHGALL OR A SIMILAR 'SPECIAL' INCIDENT THEY WOULD RETURN TO BASE BARRACKS. PENDING HIS FORMAL RESPONSE (ON INSTRUCTIONS) I DID NOT PROBE THIS INFORMAL COMMENT ON THE SAS FURTHER (IT HOWEVER RAISES QUESTIONS RELATING TO THE NATURE OF ANY SAS DEPLOYMENT IN THE NORTH).

IN GENERAL REMARKS AT THE END OF OUR CONVERSATION (WE SPOKE ABOUT LOUGHGALL FOR AN HOUR AND A HALF) HEWITT SAID THAT BRITISH MINISTERS DJD NOT SEE LOUGHGALL AS A 'NORMAL PART OF SECURITY OPERATIONS'. IN THE DAYS AFTER LOUGHGALL THERE HAD BEEN TWO MAJOR ELEMENTS INVOLVED IN THE WAY BRITISH MINISTERS RESPONDED PUBLICLY: (1) THEY HAD DECIDED THAT IT WOULD CERTAINLY BE A MISTAKE TO BE IN ANY WAY DEFENSIVE ABOUT THE SECURITY FORCE ACTION BUT (2) THEY HAD EQUALLY DECIDED TO AVOID ANY NOTE OF TRIUMPHALISM.

BEFORE HE LEFT HEWITT FINALLY SPOKE ABOUT CURRENT PESSIMISTIC ASSESSMENTS ON THE BRITISH SIDE OF JOE HENDRON'S CHANCES IN WEST BELFAST IN THE FORTHCOMING BRITISH GENERAL ELECTION. I WILL REPORT MORE FULLY ON THIS PART OF THE CONVERSATION IN A LETTER TO BE SENT BY BAG. THE ESSENCE OF HEWITT'S COMMENTS WAS THAT THE BRITISH REGARD LOUGHGALL AS A NEGATIVE AND POTENTIALLY FATAL FACTOR IN HENDRON'S CAMPAIGN. IN RESPONSE I EMPHASISED THE IMPORTANCE OF THE POINTS RAISED IN THE TANAISTE'S LETTER TO THE SECRETARY OF STATE DATED 11 MAY 1987.

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