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OIFIG AN AIRE GNÓTHAÍ EACHTRACHA
OFFICE OF THE MINISTER FOR FOREIGN AFFAIRS

BAILE ÁTHA CLIATH 2
DUBLIN 2

Mr. Tom Kitt TD
Minister of State at the Department of
Enterprise, Trade and Employment,
Kildare St.,
Dublin 2.

23 March 1998

Dear Tom,

I understand that you met with Ms. Eilish McAnespie during your recent visit to West Belfast and that she raised with you her concerns at the circumstances of the death of her brother, Mr. Aidan McAnespie.

You will be aware that Mr. McAnespie was killed on 21 February 1988 at a permanent vehicle check point at Aughnacloy, Co. Tyrone.

The following day, 22 February 1988, at the request of the Government, the Garda Commissioner appointed Deputy Commissioner Eugene Crowley to institute an immediate inquiry into the fatal shooting and the surrounding circumstances. On 28 February 1988, at the request of the McAnespie family, the body of Aidan was exhumed from its grave in Co. Monaghan. The State Pathologist, Dr. John Harbison conducted a post-mortem examination on the body on the same day.

Deputy Commissioner Crowley's report and Dr. Harbison's report were submitted to the then Minister for Justice, Mr. Gerard Collins T.D., on 8 April 1988. On 13 October 1988 a copy of Dr. Harbison's report was given to members of the McAnespie family at a meeting with the then Tánaiste, Mr. Brian Lenihan T.D.. The Minister for Justice stated in Dáil Éireann in May 1988 that as the Crowley inquiry had been conducted on the understanding that witnesses' statements and identities would be treated as confidential, the report would not be made public.

My Department has had contact again recently with Ms. Eilish McAnespie, a sister of the deceased. In conjunction with the Department of Justice, Equality and Law Reform, it is proposed to meet in the near future with the McAnespie family to discuss their ongoing concerns. I would be glad to arrange for you to be briefed on the outcome of that meeting in due course.

With kind regards

Yours sincerely,

David

David Andrews T.D.
Minister for Foreign Affairs

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Confidential

Aidan McAnespie

Background Note

1. Aidan McAnespie (24 years) was shot dead by a British Army soldier, Grenadier Guardsman David Holden (who was 18 years old, at the time), at a permanent vehicle check point at Aughnacloy, Co. Tyrone on 21 February 1988.

2. On 22 February 1988, the Garda Commissioner, at the request of the Government appointed Deputy Commissioner Eugene Crowley to institute an immediate inquiry into the fatal shooting and the surrounding circumstances.

3. On 24 February 1988, Grenadier Guardsman David Holden was charged in Northern Ireland with unlawfully killing Aidan McAnespie. Holden was held in civil and military custody for seven months, before the charges against him were dropped by the DPP in September 1988. In December 1988, the British Army disciplined Holden for the negligent discharge of his weapon and imposed a fine. Holden returned to service in the British Army following the dropping of charges against him. He has since left the British Army.

4. On 24 February 1988, the McAnespie family indicated to Deputy Commissioner Crowley that they had heard media reports that the death was an accident caused by a ricochet bullet and did not accept this. The family requested to have the body exhumed from its grave in Co. Monaghan in order to have an independent post-mortem performed. On 28 February 1988 the body was exhumed and a further post-mortem examination was conducted by the State Pathologist, Dr. John Harbison. Dr. Harbison's report was handed over to the family, on a confidential basis, in October 1988. The family were informed at the time that the findings of Dr. Harbison and Dr. Derek Carson, Deputy State Pathologist for Northern Ireland, who carried out the initial post-mortem examination, were at one in their conclusion that Mr. McAnespie

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was killed by a bullet ricochetting off the ground and striking his body in the back.

5. Deputy Commissioner Crowley's report was submitted to the Minister for Justice in April 1988. Statements from 49 people were taken in the preparation of his report. The Deputy Commissioner found that it was not possible to establish "with evidence" whether the shooting was deliberate or otherwise, or to establish positively whether only one shot or more than one shot was fired. The Deputy Commissioner gave as his opinion the following points:

- a shot burst of 3 or 4 shots was fired (from a general purpose machine gun).
- the shooting was not a deliberate act by the soldier involved.
- it is open to conjecture that the soldier involved had McAnespie in his sights and with whatever thoughts there may have been in his mind on what he would wish to do to him, he accidentally discharged a burst of fire.
- it is difficult to accept the soldier's reported defence that his fingers slipped when cleaning the gun.
- McAnespie was walking southwards at the time with his back to the checkpoint and was shot by a ricochet bullet which entered his back.

6. The findings of the Crowley report were neither made public nor passed on to the family at the time. Speaking in the Dáil on 19 May 1988, the then Minister for Justice, Mr. Collins, stated that, "the inquiry was conducted on the basis that the wishes of witnesses to have statements and identity treated as confidential would be respected. For that reason the report of the inquiry will not be made available to anybody other than the Government". The Minister went on to say that, "in due course the Government may decide to publish the main findings of the Garda report without disclosing the identity of any person who gave evidence or the contents of any statement received". The Minister for Justice was subsequently on record as saying that the report was confidential and would not be made public.

7. An inquest into the death of Mr. McAnespie was held in March 1993. The jury in the inquest found that the soldiers in charge of the machine-gun which killed Mr. McAnespie were in contravention of the standing orders in relation to the handling of

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the weapon. The Coroner, Mr. Roger McLernon said that, "this death was avoidable and should have been avoided". He went on to say that, "I must urge all those in a position of authority, namely the military, to do everything in their power to see that this sort of incident does not happen again".

8. In response to our raising this matter through the Secretariat at the time, the British side stated that they would not be changing the instructions governing the handling of weapons as a result of the findings of the inquest. The British authorities maintained that the rules were not inadequate, but had been breached in this instance.

9. In January 1992, the McAnespie family received damages, having made an out of court settlement in their civil claim against the British Ministry of Defence. In making the settlement the British authorities emphasised` that the payment of damages does not imply any acceptance of any criminal liability.

Security Section
23 February 1998

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