

C O N F I D E N T I A L

FROM: N P PERRY
Security Policy and Operations Division 2
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- cc PS/Secretary of State (B&L) - B
- PS/PUS (B&L) - B
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Mr W. Stevens
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W. Stevens
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UNDER/ SEC 991/3
19 MAR 1993
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FORTHCOMING INQUEST: AIDAN McANESPIE

The Minister will wish to be aware that the inquest into the death of Aidan McAnespie, a Sinn Fein member killed by a soldier's negligent discharge in February 1988, is due to open on 22 March in Cookstown, and will probably last 3 days. The incident attracted considerable controversy at the time which may be revived by the inquest.

Background

2. Mr McAnespie lived in Aughnacloy and regularly passed through the Permanent Vehicle Checkpoint (PVCP) on the border with County Monaghan. He was therefore well known to the soldiers manning the PVCP. McAnespie was involved in a number of minor incidents at the PVCP as a result of his reluctance to comply with routine security checks. He complained of harassment on a number of occasions, and attracted some public attention.

3. On Sunday 21 February 1988, Guardsman Holden of 2 Grenadier Guards negligently discharged 2 x rounds of 7.62mm tracer ammunition and 1 x round of 7.62mm ball ammunition from a GPMG whilst on duty in the North sangar of Aughnacloy PVCP. One of the rounds ricocheted from the roadway, striking and fatally wounding Mr McAnespie, who was walking away from the PVCP and was approximately 250 metres away from the firing point.

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Following McAnespie's death, it was alleged that he had received death threats from soldiers at the PVCP. The shooting was condemned as "murder" by Cardinal O'Fiaich, and by some nationalist politicians. McAnespie's death caused tension in Anglo-Irish relations, and Mr Haughey ordered a separate investigation by the Garda. (This apparently concluded that the death was accidental.)

5. Although Gdsm Holden was initially charged with manslaughter, the DPP decided in September 1988 not to prosecute. However, Gdsm Holden was held for several months in military custody awaiting this decision. He was then fined 21 days' pay (£370) by his CO for the negligent discharge. John McAnespie, father of the deceased, brought a civil action against MOD following the death, and was awarded £25,000 in an out of court settlement. The GOC also wrote to Mr McAnespie senior to express his regret.

6. At the inquest there will be 6 military witnesses, all from 2 Grenadier Guards. Holden (who is no longer in the Army) will not appear in person. There will be about 25 other witnesses, including expert witnesses. We understand that the report of the Republic's state pathologist will be read to the court; he carried out a (second) postmortem on McAnespie at the request of the family. This is likely to provide supporting evidence that McAnespie was killed by a ricochet, ie was killed accidentally.

7. The incident appears to have been a tragic accident. Unlike other recent inquests there are no considerations of national security which would make a PII certificate necessary.

Line to take

8. MOD are in the lead in this case: there is no NIO involvement. No comment will be made until the inquest outcome is known.

(Signed)

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