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Fullertons told UDA murder suspects cannot be charged

(Barry McCaffrey, [Irish News](#))

A UDA gang identified by the RUC as the main suspects in the murder of a Co Donegal councillor cannot be charged with the killing because gardai failed to ask for them to be questioned, his family have been told.

Sinn Féin councillor Eddie Fullerton was shot dead when a UDA gang broke into his home near Buncrana in Co Donegal in the early hours of May 25 1991.

The murder was highly unusual as the killers travelled into the Republic to carry out the attack and escaped back to the north.

An Irish government minister attended the Sinn Féin councillor's funeral with then Church of Ireland Bishop Dr James Mehaffey praising Mr Fullerton's constituency work.

An eyewitness later claimed to have seen three men dressed in combat gear getting into an unmarked RUC car near Derry within hours of the murder, close to where the gang's getaway vehicle had been set on fire.

The witness later expressed concern after being "unofficially" questioned by two RUC men and a garda in a police car about his ability to identify the suspects.

In the intervening 16 years no-one has been arrested or charged with the murder.

In 2004 the Irish government appointed Detective Superintendent Noel Whyte to review the original murder investigation.

The Fullerton family rejected the initial review's findings, which cast doubt over the witness' ability to identify the unmarked police car.

The report was unable to identify the garda who took part in the 'unofficial' questioning.

Police Ombudsman Nuala O'Loan later launched an

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investigation into the allegations that the killers had escaped in an unmarked RUC car.

Mr Fullerton's family say they have now been informed that the RUC had identified the main suspects to gardai within weeks of the murder.

However, they have been told that gardai failed to ask the RUC to question the suspects.

The new evidence came from the Historic Enquiries Team (HET), set up by PSNI Chief Constable Sir Hugh Orde to reinvestigate 100 controversial murders carried out during the Troubles.

The HET team have told the Fullertons they can find no record of gardai having asked the RUC to question the main suspects, despite their names having been passed to gardai.

The Fullerton family last night (Friday) demanded a public inquiry into the Garda investigation and the failure to request that the main suspects be questioned.

Mr Fullerton's daughter Amanda highlighted the fact that the weapons used in her father's murder were later used in 13 other killings, including the UDA attacks on Greysteel and Castlerock.

It can now be revealed that the Smith and Wesson handgun used in Mr Fullerton's murder was later used to kill Sinn Féin worker Thomas Donaghy in the Co Derry village of Kilrea in August 1991.

A Browning 9mm pistol used in the councillor's murder was used to kill Sinn Féin worker Danny Cassidy in April 1992.

The Smith and Wesson was also used in the murder of four Catholic workmen at Castlerock in Co Derry in April 1993.

The same weapon was used in one of the worst atrocities of the Troubles when UDA gunmen murdered seven people at the Rising Sun Bar in Greysteel in Co Derry in October 1993.

The Fullertons say they have been told the UDA gang convicted of the Greysteel and Castlerock attacks were never questioned about the councillor's murder.

"My family want to know why the Garda made no attempt to have the main suspects in my father's murder arrested and questioned," Amanda Fullerton said.

"There is clear, incontrovertible evidence that the weapons used by this gang went on to kill 13 more people.

"If the gardai had asked for this gang to be questioned about my father's murder there is a chance that those 13 people may be alive today.

"After the Castlerock murders in 1993 my mother asked gardai to question the men convicted of that attack.

"She was told they had been questioned and had nothing to do with my father's murder."

Ms Fullerton says the HET team have now informed her family that the main suspects cannot now be charged with the murder because of the 16-year failure to seek their questioning.

"The HET's legal experts have said there is now little chance of these individuals standing trial because of the gardai's failure to have them questioned at the time.

"They could successfully argue that the failure to question them as known suspects at the time means there was an abuse of process."

The Fullertons have now demanded that Taoiseach Bertie Ahern establishes a full public inquiry into the Garda investigation of her father's murder.

"This was the murder of a democratically elected representative of the state," Ms Fullerton said.

"We now find that right from the beginning there was no proper investigation of my father's murder.

"At best this was total gardai incompetence but at worst there was gardai collusion in the cover-up of my father's murder.

"It is now time for Bertie Ahern to give us the truth by establishing a proper independent judicial inquiry into what went on here."

A Garda spokesman said it would be inappropriate to comment on the allegations as Mr White's review of the original investigation was still ongoing.

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