

## Introduction

**n the 18th June 1994**, at approximately 10pm, two armed and masked UVF gunmen entered the Heights Bar in Loughinisland and murdered six people, seriously injuring five. Families and indeed a small rural community were destroyed in the seconds that it took to wreak the vicious havoc. However the shock waves were felt further afield. Irish communities all over the world were gathered in scenes such as that enjoyed in O'Tooles earlier that evening. The World Cup match against Italy was in the process of delivering one of the most historic sporting occasions in Irish history, and the Irish nation, indeed the world was enjoying it. The focus of the date however was forever tainted by the actions of those gunmen that night and the repercussions have not dissipated. Jim Gracey of the Belfast Telegraph, in his article which he has permitted to be kindly reproduced, provides an insight into how the news was received by the team in America. Bill Flynn, an ancestral son of Loughinisland recalls how he was at the match with then Irish Taoiseach Albert Reynolds and how the atrocity served to motivate tireless effort to deliver ceasefires, which would come within weeks.

Global news as it was, the atrocity heralded a departure in papal and royal etiquette, as within weeks Pope John Paul II and Queen Elizabeth both sent personal expressions of sympathy to the families, as did American President Bill Clinton. Whereas these expressions of sympathy were soothing and gratefully received in the spirit in which they were intended, the families immediate focus was to attempt to confront the grief and manage the loss of their loved ones. News of the recovery of the getaway car within 12 hours, provided hope that the killers would be brought to justice and faith was without question reposed in the police authorities, who assured that 'no stone would be left unturned'. Within weeks, further evidential opportunity was recovered as all of the guns, the balaclavas, the gloves and the boiler suits used by the killers were all found intact, indeed 177 physical exhibits were found, and prosecutions it seemed would be inevitable.

No one has ever been charged much less prosecuted. The families, coming to the 10th anniversary felt let down. The Peace Process had occurred in the intervening time, yet their 'case' had never been progressed. In 2004, after representations from their civic and legal representatives, a 'Serious Crime Review' was incepted. 8 years on from that, still no one has ever been charged. What the families have discovered since, as to the opportunities missed to bring the killers to justice has appalled them, however the feel empowered by their recovery of the facts. Inexplicable decisions such as that to destroy the largest physical exhibit in the case, the intact getaway car, as well as the decisions to destroy interview notes of suspect has angered yet motivated them.

After the conclusions found by the Police Ombudsman in June 2011 the families were again demoralised, but resolute. Far from considering the report, the end destination, it was considered a new beginning. The families travelled to Derry to meet the experienced and successful campaigners from Bloody Sunday, who advised in no uncertain terms, the facts of the case needed to be made public to motivate action by the authorities. Humbled by that sentiment and enthused and empowered by the facts of the Ombudsman's report, if not his conclusions, the families set about composing a plan of action which, for this year, culminates in this Memorial Weekend. This booklet will appraise the local community of the lobbying of Irish America over the St Patricks week, and further will relate the rationale of the decision by the FAI to endorse the families request for the Irish team to wear black armbands in commemoration of those killed in Loughinisland, on the exact date 18 years previous. That a worldwide audience of millions will witness an act of dignified communal remembrance, providing an opportunity for healing through remembering their loved ones, is a most apt, poignant and humbling experience to a year of emotionally draining and exhaustive hard work.

There are far too many organisations and individuals for the families to thank, and they hope and pray that those who have assisted, over the past 18 years, know themselves how valued







MEMORIAL WEEKEND - COMMEMORATIVE BOOKLET

### **The Attack**

On June 18th 1994, at approximately 10pm, UVF gunmen entered the Heights Bar Loughinisland killing six people and seriously injuring five.

The UVF gunmen knew that nationalists, the O'Toole family, owned the Heights Bar and those who frequented the bar were mostly Catholics.

That the UVF attack took place as the opening game in the World Cup between Ireland and Italy was being played also ensured that the bar would have had a capacity crowd.

For the killers, and those who planned the attack, this increased the likelihood of significant fatalities and casualties, as the intent was to kill as many Catholics as possible.

Survivors described how the main gunman, masked and wearing a boiler-type suit and gloves, knelt down and pointing an automatic rifle opened fire spraying the bar in a few bursts of gunfire from the main entrance. The scene was described as one of sheer horror and carnage.

The two killers escaped in a red Honda Triumph Acclaim car driven by a third man.

Emergency calls were immediately made as survivors and local people sought desperately to tend to the injured and dying – and administer prayers to those dead.

Others immediately took details of the red Honda Triumph Acclaim and a description of the driver who was unmasked. These were provided to the RUC when they arrived.

34 year-old Adrian Rogan, 87 year-old Barney Green, 59 year-old Dan McCreanor, 39 year-old Eamon Byrne, 35 year-old Malcolm Jenkinson and 35 year-old Patsy 'OHare lay dead.

The tranquility of this rural County Down village, like the lives of all those affected that awful evening was now shattered and indelibly marked.

This attack was the focus of global media and political attention in the build-up to what was to become the peace process. But despite overwhelming evidence of who planned and carried out the attack, no one has ever been charged in connection with the killings.

This information/campaign leaflet sets out that evidence and seeks your support in establishing an independent investigation aimed at providing the truth and justice to the families, survivors and the public concerning the Loughinisland Massacre.

## Red Honda Triumph Acclaim Car - the getaway car

This car was supplied by an RUC agent known as 'Agent Mechanic' and referred to in the Police Ombudsman's Report as 'Person B'



- 'Agent Mechanic' is connected to the UVF's Mount Vernon gang in North Belfast and was involved with a series of UVF attacks and bombings
- He is a close associate of Special Branch agent Mark Haddock
- This same UVF gang were the subject of the then Police Ombudsman's, Nuala O'Loan, report Operation Ballast
- 'Agent Mechanic' has never been arrested or questioned about his role in supplying the car used in the Loughinisland murders
- BBC Spotlight revealed that in 1997 Agent Mechanic' received a £10,000 payment from the RUC.
- After the attack the car was secreted a few miles away from the Heights Bar at Listooder. The car was found intact at 9.40am the next morning by a member of the public and reported to the RUC at 10.04am
- Within an hour of the discovery of car 'Agent Mechanic' was called by 'Police Officer 4' and that day they met.
- A note on the RUC file states that 'Agent Mechanic' is only to be contacted through his police handler – known as 'Police Officer 4'
- Astonishingly the RUC ordered the destruction of the car 10 months after the murders losing the potential of further forensics opportunities

## **Police Officer 11**

- The location of where the car was recovered was close to the home of a then serving RUC officer.
- Known as 'Police Officer 11' this RUC officer was based in Downpatrick RUC station where the murder inquiry was based
- Police Officer 11' provided the personal details of an eye-witness, who could identify the driver of the getaway car, to the uncle of this same suspect
- Police Officer 11 is the only serving police officer to ever be arrested for collusion.
- Despite the facts set out above, he has never been charged.



### The Driver of the getaway car - 'Person X'

 The police are in receipt of information advising as to the identity of the getaway driver of the red Honda Triumph Acclaim. Person X is a convicted paedophile and high level drugs trafficker.



- In a separate development lawyers acting for the Loughinisland families received official documentation that shows that 'Person X' benefitted from a Royal Prerogative of Mercy from the then British Secretary of State, the late Mo Mowlam.
- The Police Ombudsman has refused to investigate this matter.
- Person X was also arrested and charged in relation to another loyalist murder in March 1998, that of David Keys, but was not convicted.
- Person X has never been arrested in relation to his involvement in this atrocity.

## Person 'G'

- The Police Ombudsman's Report shows, Ref: (5.66), that in July 1994 information was received by the RUC that 'Person G' had been involved in the Loughinisland murders.
- However, 'Person G' was not arrested in relation to the Loughinisland murders until August 17th 1999 - five years and one month after the information was received as to his involvement.
- 'Person G' was also arrested in relation to possession of loyalist weapons, "shortly after the the Heights Bar murders" and was released without charge - Ref: (5.66).
- Inexplicably no forensic samples were taken from 'Person G'. The Police Ombudsman's investigation was unable to establish reasons or rationale for not taking forensic samples from 'Person G' - Ref: (5.95).
- The Loughinisland families and survivors fear that 'Person G' was/is a serving member of the security forces as a report from the Press Association on 20th June 1994 reported that a number of RIR soldiers were "being interrogated at Gough Barracks by detectives investigating loyalist paramilitary attacks"

### Weapons

The weapons used in the attack were a VZ 58 replica AK47 automatic rifle & a Browning Pistol.

These weapons originate from a shipment of weapons imported from South Africa during the apartheid regime for loyalists by MI5 through their agent Brian Nelson.



Several weeks after the attack the weapons used were found by workmen at nearby Listooder Road. This find included boiler-suits, balaclavas, gloves and ammunition.

This created further forensic opportunities which included the recovery of a hair follicle. Given the significant developments in forensic science it is incredulous that the RUC and PSNI have been unable to maximize this potential.

The Police Ombudsman in his report Ref : (7.9) states "that the failings identified in this report indicate a lack of effective leadership and investigative diligence. There has been a lack of co-ordination and commitment to pursue relentlessly all investigative opportunities to bring these persons to justice"

The Police Ombudsman's Report, Ref: (5.78 & 5.79), reveals the very same weapons used in Loughinisland were also used in three other murders and three attempted murders by loyalists. The RUC and the PSNI have repeatedly refused to state which murders and attempted murders as has the Police Ombudsman.

This failure contrasts starkly with information frequently provided in other cases and thus the families, survivors, and public are left with an investigative information gap which raises even more questions.



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### RUC Failings -Institutional Indifference & Investigative Bias

#### The Police Ombudsman's Report reveals that;

- The RUC failed to conduct a forensic examination of the area where the car was left - soil samples, footprints, cigarette butts, chewing gum, - as they did not call to the scene SOCO or a forensic officer - Ref: (5.27)
- Forensic samples in relation to 6 suspects (D, H, I, J, K, L) arrested a month later, on 18/7/94 demonstrated 'inconsistencies' – Ref: (5.72)
- No DNA buccal swabs whatsoever were taken from Persons Q & R (Feb 19th 1996 – Ref: 5.92) or Person G (August 17th 1999 – Ref: 5.95)
- There is no confirmation that DNA profiles have been retained in relation to all suspects or of those arrested in connection to Loughinisland.
- The RUC deliberately sat on forensic evidence for a 3-year period before detaining 'Person U' (5.107)
- The Police Ombudsman also identified failings in the management of the HOLMES account (Home Office Large Murder Enquiry System), which may have resulted in the loss of evidential opportunities - Ref: (6.41)
- The Murder Inquiry Room (MIR) was poorly managed from the outset Ref : (6.18)
- A further indication of these failings is, that a bullet fragment was found at the scene of the attack by survivors long after the RUC completed its examinations – Ref: (5.13)

#### Gough Barracks Asbestos: The States Convenient Shredding Machine ?

- Ref: (5.124 None of the original notes, made during interviews of suspects between 1994 and 1995 in the Heights Bar murder investigation, has been recovered by the Police Ombudsman's investigation. In 1998 documents were destroyed as a result of contamination by asbestos at Gough Police Office. It is believed that the original notes were amongst these.
- In a number of preliminary inquest hearings into direct state killings and other controversial killings in which collusion is suspected, in East Tyrone, numerous documents were destroyed with the excuse proffered that asbestos at Gough necessitated same. The then Coroner, Roger McLarnon, was highly critical of this and asked why all original documents had not been copied prior to their 'alleged' disposal. The families ask the following questions:



Who authorized this destruction ?

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- What paperwork exists in relation to authorisation of this destruction ?
- What risk assessments were conducted in relation to this ?
- Which department with responsibility for health & safety were notified ?
- Was there any other murder files subsequently sent to Gough Barracks ?

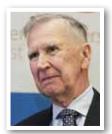






## Police Ombudsman redefining collusion moving the goalposts

The families and survivors are alarmed that the Police Ombudsman has sought to redefine collusion effectively setting a threshold way beyond that established previously by Sir John Stevens and Justice Peter Cory.



The Police Ombudsman previously operated to the definition of collusion set out by Canadian Supreme Court Judge – Justice Peter Cory – who was appointed by the British and Irish governments to investigate collusion in a number of cases.

In examining collusion the first task that Justice Cory did was to actually define the act of collusion. His definition is both domestically and internationally accepted.

"Because of the necessity for public confidence in government agencies, the definition of collusion must be reasonably broad when it is applied to such agencies. This is to say they must not act collusively by ignoring or turning a blind eye to the wrongful acts of their servants or agents or supplying information to assist those servants or agents in their wrongful acts or encouraging others to commit a wrongful act. Any lesser definition would have the effect of condoning, or even encouraging, state involvement in crimes, thereby shattering all public confidence in governmental agencies."

Indeed Lord Stevens, who first investigated RUC collusion with loyalists in the early 1990's said that he defined collusion as "the wilful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, the extreme of agents being involved in murder." In January 2007 then Police Ombudsman Nuala O'Loan adopted these two definitions of collusion when reporting of the actions of RUC Special Branch officers and Mount Vernon UVF informer Mark Haddock.

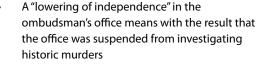
Loughinisland is the first case not to have the Cory definition applied and at no point throughout the several years of engagement with the Police Ombudsman was this ever communicated to the families and survivors.

This redefinition of collusion found on page 46 of the report – introduced the novel prerequisite of preventability - only emerged in the context of internal difficulties within the Ombudsman's office in which the Chief Executive ultimately tendered his resignation citing external interference by civil servants within the Dept. of Justice and the NIO.

A Committee on the Administration of Justice (CAJ) report, June 2011, on the Police Ombudsman further highlighted significant failings on the part of the office with regards to addressing the issue of collusion. The families' view in June 2011 was that the office was more receptive to external pressures from those opposed to scrutiny of collusive acts and

wrongdoing on the part of the police. It was feared that this interference emanated from civil servants within the system with political motive, and senior police officers.

The families fears were exonerated and effectively endorsed in a Criminal Justice Inspectorate report by Dr Michael Maguire, which made the following criticisms :



- Ombudsman reports were altered or rewritten to exclude criticism of police with no explanation
- Senior ombudsman officials demanded to be disassociated from investigation reports after their original findings were dramatically altered without reason
- Ombudsman staff investigating some of the worst atrocities of the Troubles believe key intelligence has been deliberately withheld from them
- CJI inspectors uncovered major "inconsistencies" in ombudsman investigations of the Loughinisland, McGurks and Claudy atrocities

The cumulative effect of these criticisms were such that Al Hutchison left the post of Police Ombudsman in January 2012, half way through his term of office, 3 ½ years early.





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# **Updating Irish America**

ver St Patricks week, the families took the facts of their campaign to America. It was considered that this was a natural theatre of influence to approach. The atrocity occurred as the eyes of the world were transfixed on the World Cup, most specifically that night on Giants Stadium, in New York. The UVF gang had sought to capitalise on the popularity of the match to strike fear and terror into nationalist communities throughout Ireland and indeed the world. Irish America played a crucial role in our Peace Process, indeed many political observers and historians conclude that peace would not have been delivered but for the influence and impetus provided by Irish America, from the business sector right to the door of the White House and then President Bill Clinton.

The families were part of a wider Relatives for Justice delegation, led by director of RFJ Mark Thompson. The delegation also included relatives of those killed at the Sean Grahams Bookmakers shootings, and also the British Army murders of 4 men at St Patricks Church in Clonoe, both of which occurred in February 1992, and as such those families had just recently remembered the 20th Anniversaries. The broader theme of the message to be delivered by the delegation was that the bereaved and the survivors of these horrific acts of violence deserve no less than truth and justice. The delegation further brought publicity to the fact that the British government continue to deny truth and justice through processes that they established, exercise control over. Further that these 'processes' which they then claim can examine these killings is indicative of the wider agenda of concealment and the lack of a transparent and independent approach. The PSNI's Historical Enquiries Team (HET) and the political interference in the office of the Police Ombudsman show that these processes cannot address the fundamental issues concerning these killings. In addition in the case of Clonoe murders, an inquest being delayed for two decades is totally unacceptable. Its long past the time for truth.

'The failure to implement an independent international truth recovery process is increasingly lending to the view that the only way forward is to litigate. Many families feel that it is only by upholding due process and holding to account those responsible for violations either in the domestic and/or international courts that human rights can be protected and shortfalls within policing and criminal justice can be identified and rectified.'

Mark Thompson



ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | DAN MCCREANOR | DAN MC



# **New York City**

he Families had an exceptionally busy diary in New York. Immediately on arrival, they were invited to a Memorial Mass for murdered Solicitors Pat Finucane and Rosemary Nelson at St Andrews Church and afterwards at a reception in renowned human rights law firm, O'Dwyer and Bernstein. The evening was addressed by Jim Cullen a military general and also a key advisor to Barack Obama's administration.



The following day, the families were invited to lunch by famous business man and philanthropist, Bill Flynn at the University Club on 5th Avenue. It was an afternoon which will live long in the memory. The grace and generosity displayed by Bill Flynn was exemplary and he recalled the brutality and injustice of the attack and its legacy in an equally mature and sensitive manner. Bill shared with the families that on the day in question he had actually been at the Ireland Italy match in Giants Stadium and

had Taoiseach Albert Reynolds with him as his personal guest. At that time, and since, Bill Flynn has been a giant of the Irish Peace Process, ensuring the value of connectivity and dialogue were never lost on all participants. He also was a personal adviser to the Clinton Administration on Irish Affairs, and he has retained his keen eye since, even in his retirement. Ironically, Bill's father was from Loughinisland and he has always maintained contact and focus with the families through email, and also on his trips home to Ireland and was acutely aware of the half truths and concealment contained in the 2011 Police Ombudsman report. Bill wished the families well, and ensured that they knew that the campaign had his strong support and good will.

#### **ROSIE O'GRADYS**

The Families were the guests at a dinner and information night held in their honour at Rosie O'Gradys Restaurant above Times Square. The evening was addressed by Emma Rogan, Niall Murphy and Mark Thompson wherein a Power Point presentation of the facts and the unveiling of the YouTube video of the campaign. That the evening was attended by over 200 guests, was itself testament to the reservoir of support and interest that exists worldwide for the campaign. Lawyers, Judges, members of the Arts Community, the GAA, and the Ancient Order for Hibernians all attended and were overwhelmed by the stark facts of the atrocity and the cover up of state collusion in it, since.

#### INTERNATIONAL CENTRE FOR TRANSITIONAL JUSTICE

The entire delegation was welcomed by Paul Seils at the ICTJ. The inadequacy of the current policies for dealing with the past, were articulated in first person by those directly affected by it. Aidan O'Toole and Clare Rogan addressed the problems prevalent in the Police Ombudsman, with Mark Sykes and Tommy Duffin outlining how the HET were an unacceptable process given their experience of the HET report into the Sean Grahams Bookies atrocity. Caoimhe Ui hAnnaidh and Roisín Uí Mhuiri spoke of the inability of the Coroners Court to provide an Inquest into the murder of their brother Kevin Barry O'Donnell after 20 years. Paul Seils, spoke of international experiences of societies dealing with post conflict justice systems and gave examples of Africa and south American societies, and the processes which worked there, with specific reference to the Colombian experience, in recent years. That Colombia were being held up as a more attractive human rights society than our own was a depressing fact to have to consider. The ICTJ received reports from each of the families and has maintained constructive contact since.





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## FAI Decision to Wear Black Armbands at the European Championships

The most moving and poignant recognition that the families have received in recent times, has undoubtedly been the decision by the Football Association of Ireland to sensitively embrace an overture from the families to mark the Anniversary by the Irish team wearing black armbands against Italy in the European Championships. The concurrence of date, situation and most coincidentally, the fact that the same opposition are playing, Italy, was a scenario that at first confronted the families with a degree of trepidation and concern.

The families approached the FAI privately, enquiring if the happenstance of the coincidence could be positively embraced to provide an opportunity for an official act of communal recollection of the atrocity. It is a fact that the FAI, received the enquiry with delicate consideration and were mature, honest and frank with the families at all times. Hopes were never raised, but the integrity of the Association was such that they assured the families that they would faithfully pursue the matter with UEFA. The matter was left to the FAI's professional judgement and when news of UEFA's response to accommodate the request was received the families were overwhelmed by the magnitude of the decision, and are exceptionally grateful.





# Jim Gracey Article

This article is kindly reproduced with the express consent and permission of Mr Gracey.

## How I broke the news of a terrible massacre to Irish World Cup squad

He was there when the Republic beat Italy in the 1994 World Cup, then Group Sports Editor Jim Gracey heard about a shooting back home

erget the polities and whataboutery: The FAYs armbased-wearing gesture at next month's Kuros deserves to been seen for enactly what it is... a genuine, thoughtful act of respendentes act of the Loughtful act of respendentes the set of the set of the set of the set of the loughtful act of the set of the set of the loughtful act of the set of the loughtful act of the set of the

membered in their own way but there is a particular affinity here, a unique set of circuisstances with the all the planets unrannity aligned. The same two teams facing

one absolver on the same date as that dreadful June night in 1604. The playing personnel have changed but chearly there are long and considerate memories at 953 HQ.

It is to their credit in these fickle times for faothal that they remember Jame 38, 1094 answer for imagedy than triampli. The response of Republic foothal officialdom now mirrors the mood in the camp then, thensands of miles and 18 years from the broakling news.

By their chance, 1 was the unsupporting, indirect conduit to the Republic team minutes after they left the Giants Stadium pitch, mitrefy cland by their incredible win over haly and to a turnalitose send-off from \$0,000 has why had turned the encoded the send off area.

Teleptorning my then Sanday F ife deputy editor Jim Flamagan rom a suphorie media centre, 1 intomatically sold: "Voo'll be nanting a front page piece on in

this?" "Sadly not," he replied. "We're just getting word of a terrible stroeity is County Down. "A footbull result isn't going to



setlined the No singing, no celebro in the converbublidy or herr, as a mar spect to the dead.

It was a somber and sobering journey.

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any the wise: By choosing to publicly remember, and showing that they still do makes the greereventy of liseaght, displayed is that plate in 1996, even their each passing, of line.



The response to the news was a further event in its own right. The resounding positivity from all sections of the community further emboldened the resolve of the families that the course of the campaign is one which benefits from universal support.

Notwithstanding the churlish, ill informed and lugubrious responses from certain tired and fringe opinions, more vocal in the south than the north, the families have been positively enthused by the reaction. Speaking on the Late Late Show, Irish goalkeeper Shay Given captured the mood of public opinion when asked by host Ryan Tubridy 'what do you say about people saying that sport and politics shouldn't mix' he replied 'there's people lives involved, and I think it's important to show respect to the families and we should leave politics to one side, if that's the little thing that we can do to comfort the families then that's the least that we can do.'The positive example of Liverpool FC in providing a city with a focal and vocal point to campaign for redress of unresolved social justice issues in the Hillsborough Campaign was an inspiration for the families. Furthermore the moral guidance shown in recent years by the GAA and the IRFU provide authority for the true leadership and example that only sport can provide, in an absolutely apolitical context.

The families were most touched by the perceptive words composed by Jim Gracey, Sports Editor of the Belfast Telegraph who has kindly agreed to permit reproduction of his article published the morning after the news was announced, which encapsulate the true meaning behind the FAI's decision.

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# Washington DC



Before moving down to Washington DC, the delegation were proud and privileged to be invited as lead guests at the Rockland County St Patricks Day Parade on Sunday 18th March. The Parade is actually the 9th largest in the world and this year attracted a live attendance of 90,000 as well as being broadcast live on local television. The

delegation were the guests of the Ancient Order of Hibernians who were an exceptional assistance in co-ordinating lifts and organising travel and accommodation, with special mention required for Sean Pender, without whom the trip would most definitely have been more stressful!

#### **FR SEAN McMANUS**

We were welcomed to Washington DC by renowned human rights campaigner Fr Sean McManus. Fr McManus is the President of the Irish National Caucas, and was personally instrumental in ensuring that the MacBride Principals were enshrined as domestic law and became a pre requisite for trade and investment in Ireland leading to the end of sectarian employment policies. Fr Sean became our guide to Washington and ensured access to Congressmen and Senators to articulate the concerns of the families.

#### **NI BUREAU**

The Northern Ireland Bureau Breakfast was attended and whereas the intended theme might have been intended as Titanic and Golf Tourism, the families ensured that all powers that be were appraised of their concerns. The leaders of all local political parties were lobbied, as well as Chief Constable Matt Baggot and Secretary of State Owen Patterson, and Justice Minister David Forde.

#### **IRISH EMBASSY**

The delegation were also guests of the Irish Ambassadors Ball, and this further provided an opportunity to lobby politicians from the South, including Taoiseach Enda Kenny who was the Guest of Honour.

#### CONGRESS

Meetings were conducted with Congressmen Eliot Engel from New York and Richie Neal from Massachussets. The issue which immediately resonated with the delegation was how well informed and up to date they were on current Irish affairs. Congressman Neal was presented by the AOH with a signed poster from the Bloody Sunday families extolling the central role that he played in assisting them in their campaign for truth and justice. To be present as one of the post scripts of that seminal campaign was presented to a stalwart of it, further emboldened the families to recognise that hard work and dedication can actually resolve in a positive form of truth recovery. Mark Thompson would further stay in Washington DC to make a presentation to the Helsinki Commission Hearing[1] convened by Congressman Chris Smith where he was joined by Director of Campaign for the Administration of Justice Brian Gormally, Dr Patricia Lundy of UUJ, Christopher Stanley from the British Irish Rights Watch and Geraldine Finucane.

















## Under-14 Gaelic Football Tournament Loughinisland GAC | Saturday 18 June | 1:30 - 4:30pm

When the families were considering events to commemorate the anniversary of the atrocity, it was considered appropriate that a forum be provided to permit the young people of the area to become aware of what had happened in their parish.

s opposing teams to play were considered, it was initially felt appropriate to invite Clonoe O'Raghilly's such was the bond that developed with Roisín Uí Mhuirí and Caoimhe Uí hAnnaidh in America, who were campaigning on behalf of their brother Kevin Barry O'Donnell who was murdered with three comrades by under cover British soldiers in the car park of St Patricks Church in Clonoe. No attempt was made to arrest the four men, rather they were murdered. In a theme which has a disturbing resonance with the two other visiting clubs, the families of those killed at Clonoe still await the most perfunctory of legal processes, an Inquest into the death of their loved one.

The idea of inviting other GAA clubs affected by state violence and collusion developed, and clubs were considered who had been denied the right to truth recovery and social justice for the murder of their members. As such St Endas of Glengormley in Antrim were invited as well as Bellaghy Wolfe Tones of Derry. The games will take place with two semi finals and a final on Saturday afternoon.

#### **ST ENDAS GAC GLENGORMLEY**

The St Endas club have been described as the most attacked GAA club in Ireland. It's President Sean Fox

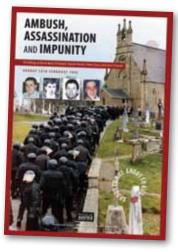
was murdered in his own home in October 1993 at the age of 73. In recent years senior football manager Gerry Devlin was shot dead at the gates of the club in December 1997 and in July 2002 18 year old mid fielder Gerard Lawlor was shot dead. No one



has ever been charged by police with any of these murders. This July, the club will host a Community

Enquiry to commemorate the tenth anniversary of Gerard's murder, who was the last Catholic to be shot dead during the Troubles. It is expected that the Community Enquiry will consider related incidents not considered by the PSNI investigation. After 10 years, the Lawlor family still await a Police Ombudsman's report into their complaints and still have not received an Inquest. They consider that Gerard's murder was preventable and that there was a distinct failure by PSNI to





investigate it, and bring the killers to justice.

#### **BELLAGHY WOLFE TONES**

A Police Ombudsman report in 2004 by Nuala O'Loan found several serious failings in the RUC investigation of Sean Browns murder in 1997. He was the Chairman of Bellaghy Wolfe Tones and had been locking up the

pitch after a nights activity when he was abducted and killed by the LVF. It was a murder which shocked the GAA to its core. The impact of his brutal death was poignantly recorded by Seamus Heaney. A native of Bellaghy, he was in Greece at the time of the killing, but penned a tribute to the GAA



man whose murder he described as a "crime against the ancient Olympic spirit". The poet wrote of the loss of "a man of integrity and goodwill, he represented something better than we have grown used to...." The Police Ombudsman report concluded that the RUC investigation into the murder was incomplete and inadequate, and suffered from significant failures. As with the Loughinisland atrocity and the murders of the Gaels at St Endas, no one has ever been charged and brought to court for the murder of Sean Brown.

# 'A Night in November'



Marie Jones



Loughinisland GAC | Saturday 16th June | 8pn



When Ulster Protestant, Kenneth McCallister finds himself on the football terraces for a crucial Northern Ireland v Republic of Ireland World Cup qualifying match, little does he know that his hum-drum life is about to change forever...



Local actor Aaron Hickland stars as Kenneth McAllister, a protestant dole clerk on a search for his own identity, sparked by the bigotry he witnesses during the football match at Windsor Park. A Night in November chronicles Kenneth's journey of self-awakening as he faces up to his own bigotry and starts to question some of his strongly-held beliefs and those of the people closest to him.

By the end of the play Kenneth travels to New York to support the Republic of Ireland in the World Cup finals, and he has come to terms with his identity as an Irish

Protestant. "I am a free man, I am a Protestant man, I am an Irish man"

The happenstance which occurs on the Anniversary, 18th June, which sees Ireland play against Italy at an international tournament for the first time since 1994 is, as the Belfast Telegraph's Jim Gracey described 'a unique set of circumstances with all the planets uncannily aligned'. The presentation of this play was considered to be the only dramatic production to be appropriate on the Saturday of the memorial weekend. The families are proud and privileged to be joined on the night by the Playwright Marie Jones, who will introduce the play.

Marie Jones' enduringly humorous and challenging play is both uncomfortable and compelling as it lays bare the issues of Protestant identity in 1990's Northern Ireland. The play skilfully references the Loughinisland Atrocity as the key and central incident, around which the play is written. Indeed the play also addresses, positively, societal issues such as sectarianism and bigotry, the exposition of such negative themes, the families seek to positively address in their campaign for truth and justice.

- · Criminal Advocacy
- Human Rights
- Coronial Law (Inq
- Legacy Inquiries
  Judical Review

Kevin R Winters & Co SOLICITOR ADVOCATES Dlíodóirí Abhcóideachta

Abhcóideacht Choinúil • Cearta Daonna • róinéireachta (Coistí Cróinéara) • Fiosrúcháin Leagáide • Athchreithniú Breithiúnach •

'The Families Solicitors are proud to be associated with the Memorial Weekend and are delighted to sponsor tonight's play 'A Night in November.'

NKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY N | BARNEY GREEN | DAN MCCREANOR | EAMON BYR CREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | A NKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MO



## Big Breakfast | Poc Fada | Panel Discussion

Loughinisland GAC | Sunday 17th June 2012

## Community Big Breakfast 10am - 12:30pm

Buffet style full cooked breakfast, from served by the families at Loughinisland GAC ALL WELCOME !

## Poc Fada Ar Son Na Cora - 6pm

In a novel and exciting way, the families are pleased to present a Poc Fada for Justice!



The families are delighted to be joined by All Ireland winning All Star hurlers **Diarmuid O'Sullivan** and

**Donal Óg Cusack** from Cork, **Eoin Kelly** of Tipperary, and **Ryan O'Dwyer** from Dublin. Local hurlers Antrim's captain **Cormac Donnelly, Graham Clarke** from Ballygalget and Down and former All Ireland Poc Fada champion, as well as current Ulster Poc Fada champion **Ruairí Convery**, along with All Star Antrim Camogie star, **Jane Adams** will all compete and display their skills. The format of the Poc Fada will follow that of a Golf Fundraiser. Local hurlers and supporters have raised money to partake in the event and will join the esteemed guests on a route commencing at O'Tooles Bar finishing at Loughinisland GAC, in the fewest strikes of a sliotar!

#### The families are also very grateful to the local businesses who have supported the event by sponsoring the participants on the route.



Derry hurler Ruari Convery and Antrim camogie player Jane Adams at the lauch of the 2010 Ulster Poc Fada. Divis and the Black Mountain, Belfast, Co. Antrim. Picture credit: Oliver McVeigh / SPORTSFILE

## Panel Discussion - 4pm

#### Niall Murphy - Kevin R Winters and Co Solicitors

Niall will present an overview of the facts of the case, the concerns that the families have, as well as outlining the legal avenues and challenges which lie ahead.

#### John Kelly - Bloody Sunday Campaign



John's brother Michael was murdered on Bloody Sunday. The intense relentless nature of their campaign for justice, and a repudiation of the Widgery Report has served as a template and an inspiration to many families across Ireland and indeed the world, who strive for truth

Sean Pender presents Richie Neal with framed picture of Bloody Sunday to the families in Derry at

a workshop in August 2011 rang in their ears and inspired them. 'That is an appalling story you have just told, and I remember the atrocity, but why have I never heard of your campaign'. The message was received loud and clear, and the families are delighted to be joined by John today, who joins the panel two years almost to the day since the publication of the Saville Report. John will discuss the impact of a successful Justice Campaign.

#### Mark Thompson - Director, Relatives for Justice

Mark and RFJ have been central to assisting the families in recent years in their campaign. Indeed RFJ, organised for the families to attend and lobby the authorities and opinion shapers in America as part of a wider delegation of families highlighting a lack of access to justice for legacy related killings. Mark will discuss how current post conflict truth recovery mechanisms do not provide an adequate means for transitional social justice. 13

MEMORIAL WEEKEND - COMMEMORATIVE BOOKLET

# Legal Update

Since receiving the Police Ombudsman's report on 24th June 2011, two avenues of legal challenge have been undertaken. The longer term case relates to recently issued High Court Writs served upon the Chief Constable and the Ministry of Defence, whereas a more immediate application for Judicial Review has already been lodged with the High Court. The basis of the civil claims are as follows :

#### HIGH COURT WRIT AGAINST CHIEF CONSTABLE

Without prejudice to the generality of the claims for misfeasance and negligence in the investigation into the murders, on the material currently available the relevant acts and/or omissions upon which the claims are based can be broadly categorised as follows:

- Closing off investigative opportunities;
- The destruction of vital evidence;
- The failure to take forensic samples from suspects;
- Delays in arresting individuals;
- The failure to keep any or adequate policy and/or decision journals and/or logs.

#### HIGH COURT WRIT AGAINST THE MINISTRY OF DEFENCE

Evidence in the public domain indicates that Brian Nelson, prominent UDA member and British army agent, was responsible for arranging a very large importation of weaponry into Northern Ireland from South Africa in December 1987. The weapons were divided between a number of loyalist paramilitary groups, including the UVF, and were subsequently linked to a number of terrorist atrocities. Some of the weapons were recovered by the police in 1988. The shipment included VZ58 rifles.

The recently published report of the Police Ombudsman for Northern Ireland (PONI) into the police investigation of the Loughinisland attack states that the weapon used in the Loughisland attack was "similar in type" to those in this shipment (paragraph 5.81).

The significance of this particular consignment of arms was that it provided the UVF and other paramilitary groups with automatic weaponry that they did not have access to before, including the kind of rifle used in the Loughinisland murders. In the six years from January 1988 the number of murders committed by loyalist paramilitaries increased very significantly - a direct result of this increased weaponry.

While the PONI report stated that investigators had not found evidence which "directly links the VZ58 rifle used in the Heights Bar attack to those weapons recovered by the police", at a meeting between the Loughinisland families and the PSNI senior investigating officers on 11 October 2005 police indicated that the rifle used in the Loughisland attack was one of the weapons that came from South Africa in the late 1980s. Although police later said that they are "unable to confirm definitely whether" the rifle had been part of that consignment the type of rifle involved and its use by the UVF establish a clear link between the weapon used in the Loughinisland attack and the "Nelson shipment".



Patrick McCreanor, Clara Reilly (RFJ) Niall Murphy solicitor

Given the close relationship between Nelson and his British army handlers, the latter must have been aware of the very large arms importation and Nelson's involvement. Further or in the alternative they turned a blind eye to the same. The outcome was the foreseeable increase in fatal terrorist attacks referred to above, including the attack on the Heights Bar, Loughinisland.

#### JUDICIAL REVIEW:

The basis of this application is that no reasonable Police Ombudsman could have reached the conclusions from the recovered facts, as were reported by Al Hutchison. As a result of the criticisms of this report, as well as independent finding by the Campaign for the Administration of Justice (CAJ) and the Criminal Justice Inspectorate (CJI) Al Hutchison terminated his tenure as Police Ombudsman 3 years prior to the natural period of his contracted term. The Judicial Review seeks 'an order of certiorari to quash the statement issued pursuant to section 62 of the Police (NI)



Act 1998 on 24 June 2011 by the Police Ombudsman for Northern Ireland ("PONI") following his consideration of a complaint concerning the police investigation into the murders at the Heights Bar, Loughinisland on 18th June 1994';

The grounds upon which the said relief is sought are as follows:

1 The section 62 statement was the product of a flawed investigation and production process as evidenced by:

- The finding by Criminal Justice Inspectorate Northern Ireland ("CJINI") that there are significant concerns over the way in which OPONI conducts investigations into historic cases (Foreward);
- ii. The finding by CJINI that the handling of sensitive material by OPONI is problematic (Foreward);
- The finding by CJINI that the way in which OPONI deals with the investigation of historic cases has led to a lowering of its operational independence (Foreward);
- iv. The comments by the Chief Inspector that "Inspectors were not there to reinvestigate Loughinisland or Claudy but the process did take in these investigations and in doing so raised questions about the manner in which they were carried out" (Irish News 6 September 2011, page 7, "Damning CJI report went further than had been expected");
- v. The comments by the Chief Inspector that "... my belief, which is based on my experience of running this organisation as well as my prior experience, is that if the process and the equality assurance process are flawed - if there are a variety of ways in which information is dealt with inconsistently within the organisation, internally and externally - that leads to a flawed product...." (Giving evidence to the NI Assembly Justice Committee on 8 September 2011, at page 35).

2 PONI has misdirected himself in considering the issue of collusion by:

- i. Considering that in order to find collusion he is required to establish what occurred to a standard sufficient to be put before a criminal court
- Holding that the absence of records and/or explanation/justification for actions or failure to act provides insufficient evidence to make a finding of collusion rather than that it provides an indication that collusion has taken place (Finding 6; Finding 10; Finding 11; Finding 16; Finding 17);
- Holding that detriment to the criminal investigation was required before a finding of collusion could be made (para 6.51; Finding 6;

Finding 11);

- iv. Holding that the absence of evidence was fatal to a finding of collusion (Finding 16; para 6.52);
- Failing to draw any or appropriate inferences from the lack of available records (Finding 10; Finding 13; Finding 16; Finding 17);
- vi. Failing to draw any or appropriate inferences from the failure to justify or explain certain actions and omissions (Finding 4; Finding 11; Finding 16; Finding 17);
- vii. Misconstruing or misapplying the test for collusion.

3 The section 62 statement fails to address or take into account the following matters adequately or at all:

- i. The delay in arresting Person U (para 5.107 and following);
- The police investigation into Person B's role, including the involvement of Police Officer 4 (para 5.32 and following);
- The fact that Persons A, B and E were never spoken to by police investigating the attack;
- iv. The police investigation into Person X's role, including the failure to hold an identification process involving Person V;
- v. The failure to take forensic samples from all suspects and/or the inconsistent taking and examination of samples.

4 PONI failed to give any or adequate reasons for the following decisions:

- The changes made to the report after its conclusions and recommendations had been communicated to the applicant's solicitor in 2009; and
- The failure to recommend to the Chief Constable that compensation should be paid pursuant to Section 64 of the Police (NI) Act 1998 and Regulation 24 of the Royal Ulster Constabulary (Complaints etc.) Regulations 2000.

5 In these circumstances and in relation to his investigation of the said murders, PONI failed to act as required by section 51(4) of the Police (NI) Act 1998 in that he could not reasonably have concluded that he was exercising his powers in a manner best calculated to secure

- (a) the efficiency, effectiveness and independence of the police complaints system; and
- (b) the confidence of the public and of members of the police force in that system.

### MEMORIAL WEEKEND - COMMEMORATIVE BOOKLET

## Loughinisland Massacre the Shocking Cover-up

- Murders sanctioned by UVF leader, who the media has alleged as being a Special Branch agent
- The car used in the attack was supplied by another RUC agent from North Belfast's Mount Vernon UVF
- The murder inquiry team did not arrest or interview this agent
- Getaway car, weapons, ammunition, boiler-suits, balaclavas - including a hair follicle - and gloves – a forensic treasure trove - all found intact, yet not one person ever charged.
- Indeed the getaway car destroyed soon after by RUC - forensic opportunities lost forever.
- RUC officer perverts the course of justice by passing on the details of an eyewitness to a relative of a main suspect
- Failure to arrest main suspect despite information received immediately after the attack
- Major delay of up to 3-years in making arrests after new forensic evidence received

- A litany of forensic failings including no DNA samples of main suspects.
- No proper forensic examination of murder scene
- No forensic examination of scene of where the getaway car is left
- Original interview notes of key suspects destroyed by the police
- Weapons used are supplied by MI5 to loyalists via Brian Nelson
- Same weapons used in further 3 murders and 3 attempted murders
- RUC PSNI & Police Ombudsman refuse to say which murders and attacks
- Senior RUC Investigating Officer involved in Loughinisland murder inquiry refuse to cooperate with Police Ombudsman - why?
- British Government provide Royal Prerogative of Mercy to one of the suspected killers concerning his involvement in other serious crimes
- Police Ombudsman refuses to use Cory definition of collusion in Loughinisland Massacre

### **COINCIDENCE OR COLLUSION ? – YOU DECIDE**

## **Campaign Demands**

- ✓ A statement of acknowledgement of the failings of original investigation into Loughinisland by the Chief Constable, the British Secretary of State & the Dept of Justice
- ✔ A fresh Independent Investigation
- ✔ That the investigation must have the full cooperation of the police and intelligence agencies
- ✓ And that the investigation have oversight by judicial, legal and human rights experts ensuring state and police cooperation