



PAT
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CENTRE

Press Release On Behalf Of The Family Of Loyalist Murder Victim Henry Cunningham

A fifteen-year legal battle ends today for the family of Loyalist murder victim Henry Cunningham. Henry was a young 16 year old Presbyterian youth in August 1973 when he was killed after the work van he was travelling in was shot at from a motorway bridge near Randalstown. The weaponry used in the attack was stolen from a TAVR (Ulster Defence Regiment) barracks in Lurgan in October 1972. The same stolen haul was used in a series of other incidents, but no one was ever prosecuted for the attack on the van. Two of Henry's brothers Robert and Herbert issued proceedings against the MOD for damages for negligence and misfeasance. They took the case in their own right as survivors of the attack and on behalf of the estate of the deceased. The action was premised on suspected collusion between the UVF and elements connected to the security forces. This morning the MOD confirmed it's agreement to pay an undisclosed sum of damages but without any admission of liability.

Speaking today after today's announcement of a settlement in the action, Associate Solicitor in KRW Law, Gary Duffy said,

"This case was launched on the back of important investigative research by the Pat Finucane Centre in a seminal document entitled 'Subversion in the UDR'. They discovered Ministry of Defence documents revealing an internal military assessment that "suspected collusion" was involved in the theft from the armoury. This extraordinary concession was never meant to see the light of day because without this revelation the case may have struggled to get off the ground. The case is yet another example of the need for all State agencies engaged in truth recovery to disclose as much information as possible to Conflict bereaved. Without that they will face an uphill battle to get justice for their loved ones.

Paul O'Connor from the Pat Finucane Centre echoed the significance of their investigative work on the documents touching upon the internal MOD inquiry stating,

"The authorities were well aware of the widespread infiltration of the UDR by loyalists when these weapons were 'stolen' but turned a blind eye-and innocent civilians like Henry died. It is only right and proper that the MoD which was complicit in the pipeline of illegal weapons supply to loyalist paramilitaries should now pay compensation to Henry's family. This is all due to the tenacity and determination of members of the Cunningham family."

Solicitor Kevin Winters added,

"There's a real poignancy to this morning's announcement given the untimely passing of one of Henry's brothers. I visited Herbie a short time before he died. He was wheelchair bound for a long time but despite his failing health he was still absolutely insistent upon attending the final hearing of his case. Sadly, he never survived to see this case out but his brother Robbie has fought on and stands defiantly outside court this morning. Whilst it's disappointing that he didn't get an apology it's nevertheless

important to emphasise the significance of a today's High Court resolution. I am immensely pleased for him that he's got some long overdue closure now."

Settlement of the High Court action including payment of damages was announced this morning by instructed counsel Mr Brian Fee KC and Mr Nick Scott BL.

ENDS

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