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The Kirkpatrick Informer Trial: Facts

On 16-17 December, 1985 sentences were passed on the defendants in the Kirkpatrick case. On 19 December 1985, one defendant, Bobby Tohill, commenced a hunger strike in the Maze Prison. On 26 December, he was joined by a second, Gerard Steenson. There are plans for a further three to go on hunger strike towards the end of next week and for others to join the strike on a weekly basis thereafter.

The Kirkpatrick case came to court on 30 January 1985. It was the ninth informer trial and involved the implication of (originally) 33 men on the uncorroborated evidence of Harry Kirkpatrick, a prominent INLA member who is currently serving a life sentence for five murders to which he himself confessed. Kirkpatrick was an experienced INLA gunman in Belfast with a career which started in the junior wing of the Provisional IRA when he was 13. From 1975-80 he was in prison on firearms charges but during the period 1980-82 he became heavily involved in INLA activities in Belfast and Armagh. He was arrested in 1982 on the word of other supergrasses and offered his own services as a supergrass after admitting to five murders and 72 other offences.

All the men accused on Kirkpatrick's evidence were INLA members. Thirteen of them were charged with the murder of six people between December 1980 and October 1981. The murder victims were five members of the security forces (2 RUC reservists, a British Army soldier and 2 UDR members) and a UDA commander, Billy McCullough.

On 16-17 December, 1985 Mr. Justice Carswell, who had heard the case from the outset, found the remaining 28 defendants guilty of nearly 200 charges. On 17 December he handed down jail sentences to 27 of them as follows:

	<u>Found Guilty of</u>	<u>Sentence</u>
- Gerard Steenson (27)	All six murders	Six life sentences (with a recommendation that he serve a least 25 years)
- Patrick Fitzpatrick (25)	Murder of 2 RUC reservists.	Life sentence. (No recommendation made as to number of years to be served).
- Thomas Power (31)	Murder of 1 RUC reservist.	" "
- Patrick McAreavy (26)	Murder of UDR members	" "
- Robert Tohill	" "	" "
- Martin O'Prey (22)	" "	" "
- John McFadden (26)	" "	" "
- Thomas Malloy (31)	" "	" "
- Emmanuel Conway (29)	Murder of UDA Commander.	" "
- Stephen Downey (24)	" "	" "

- John Tomelty (30)
- Henry Mcnamee (28)
- Michael Kearney (30)
- Paul Donnelly (24)
- James Brown (29)
- Colm Peake (22)
- Martin McKnight (27)
- Anthony McGrann (25)
- Oliver Grewr (24)
- William Smith (33)
- Gerard Power (24)
- Joseph Heaney (37)
- James Bradley (29)
- Dermot Drain (26)
- Thomas Molloy
- Peter Connolly (24)
- Hugh Torney (31)

Other terrorist offences
(such as INLA membership,
conspiracy to murder,
attempted murder, possession
of arms and explosives).

Sentences
ranged from
20 to 5
years.

The first of the above, Steenson (nicknamed "Doctor Death" by the INLA), was described by Carswell as the head of the INLA's Belfast brigade and an "enemy of society". It has been indicated to us that, in the nationalist community, Steenson and Brown are widely believed to be guilty of very serious crimes and are regarded as the most dangerous of these men.

The case has proved to be one of the longest and costliest supergrass trials ever. It has been accompanied by public controversy and disquiet throughout. Members of the Oireachtas have attended the trial as observers (Sen. Michael O'Higgins in September 1985, Deputies Liam Skelly, Monica Barnes and Bernard Allen in December 1985). Cases such as that of Thomas Power have attracted publicity. When the Kirkpatrick trial began last January, Power had served 35 months on remand on the basis of allegations made against him by no less than five successive supergrasses. Kirkpatrick's evidence against him is regarded as particularly unconvincing. Power's mother has been in correspondence with the Minister for Foreign Affairs and officials of the Department have seen her on a number of occasions. In October 1984, the Minister raised with Secretary of State Hurd the fact that Power and others had been held on remand for such a long time. There have also been two relatives committees, the Relatives for Justice and the Families for Legal Rights, which have lobbied in Britain and the United States on behalf of the defendants. On 22 December, following a meeting the previous day in Twinbrook, the Relatives for Justice held a press conference at which they presented the prisoners' demands: the announcement of an early date for the appeal hearing and an immediate review of all cases where the accused have been convicted on the uncorroborated evidence of informers. They also claimed that no "party" political organisation was involved in the strike and that only Relatives for Justice were mandated to speak for the strikers.

A wide range of individuals, including politicians and churchmen, have condemned the outcome of the Kirkpatrick trial. In a statement on 18 December, Seamus Mallon criticised the decision to convict on the testimony of Kirkpatrick, who had admitted to five murders and over 70 other offences:

"Because of the nature of this trial, guilt has not been fairly established. Therefore justice has not been done nor has it been seen to be done. This preposterous warping of the judicial process must not continue. Men like Kirkpatrick must not be allowed to walk free and judges like Carswell should not be in a position to pass sentence on a supergrass's dubious word."

On behalf of Fianna Fail, Dr. Rory O'Hanlon, T.D., strongly criticised the verdict. Lord Gifford Q.C., and Peter Archer (Labour Party spokesman on Northern Ireland) have also attacked the judgement and there have been predictable condemnations from Sinn Fein and the IRSP.

David Donoghue
17 December 1985