



An Chartlann Náisiúnta National Archives

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CONFIDENTIAL:

Dignity,

*In plastic bullet
files*

On 28 August, I met with the parents of Seamus Duffy, who was killed by a plastic bullet fired by a member of the security forces in Belfast on 10 August. They were accompanied by an uncle of Seamus Duffy, Paul Cassidy, who lives in Dublin and who owns a shop in Glasnevin. The meeting was arranged through SDLP Councillor, Brian Feeney.

I opened the meeting by conveying the Government's condolences to the Duffy family on the tragic death of their son and reiterating the Government's deep concern at the circumstances surrounding his death. The Government had requested a full report on the matter through the Anglo/Irish Secretariat and, while we had received some preliminary reports, a full report on the matter is awaited.

Mr Cassidy commented that for people in the Glasnevin area, Seamus' killing was not just "another statistic" as Seamus had helped him out in his shop on a number of occasions and was well known in the area. Since the killing, he had received a large number of calls from local people expressing their sympathy and their anger at the circumstances of the killing. The family made a number of comments on the on-going police investigation and on relations with the security forces in recent weeks -viz-

From their own information, they understand that there was no rioting at the time that Seamus was killed and that those carrying Seamus Duffy from the scene were in turn fired on by the RUC. They know that the RUC have admitted that 100 plastic bullets were fired that night (the figure supplied to us in the Secretariat) but that in fact the number actually fired may well be in excess of that figure. (As reported previously, Feeney mentioned to me some time ago that the US Consul in Belfast had been told by the NIO that the number of rounds fired that night had been in excess of

100.) Local people in the New Lodge maintain that the morning after the riots, a JCB arrived to clear up the debris. Apparently it was not sent by the Belfast City Council and the feeling is that it was a private contractor sent in "to clean up the evidence".

In the immediate aftermath of the killing, RUC contact with the family was conducted through the local curate (Fr Goan) who apparently has refused to continue to act as a go-between for the RUC. The only direct communication received to date from the RUC has been a sympathy card.

They have complied with the RUC request to hand over Seamus' clothing for forensic testing, though on the advice of their solicitor (Mr McAnulty of Bogue & McAnulty) they took the precaution of having the clothing tested independently beforehand. These tests apparently showed no traces on the clothing.

They reported that security force patrols in the area have made a point of ostentatiously pointing to their house as they pass on patrol and, on one occasion the previous week, members of an patrol pretended to fall about the place laughing as they passed their house.

The police investigation, is being based in the York Road station. The Duffy's were surprised at this, given that York Road is hostile territory for anyone from the New Lodge. They felt that North Queen Street would be a more neutral location for the investigation.

Their understanding is that CID have been interviewing a large number of people from the New Lodge but that little information is forthcoming. People are unwilling to come forward for two reasons - a fear that if they admit to being in the area they will be charged with riotous behaviour; and a fear that if they come forward they will make themselves targets for security force harassment.

The purpose of their visit was to request the support of the Government to ensure that Seamus' killing is not swept under the carpet and that a full and proper inquiry is conducted and that those responsible would be made fully accountable for their actions. In this regard they made three requests -

An Inquest should be convened immediately and, while they recognised that it would have to be adjourned pending the police investigation, they felt that calling an Inquest would demonstrate some level of commitment to thoroughly investigate the killing. They pointed to the fact that Inquests had been summoned immediately after the recent boat tragedy on the Thames and contrasted this with the practice in Northern Ireland where Inquests have been delayed for many years (eg the 1982 Armagh killings, Loughgall etc).

They have no faith in the RUC investigation which they feel will be another whitewash and wondered whether the Government would conduct its own investigation, as was the case in the killing of Aidan McAneaspie.

Owing to this same lack of confidence in the administration of Justice in Northern Ireland, they reiterated the call made at the funeral for the government to take the Duffy and other plastic bullet cases to the Court of Human rights in Strasbourg.

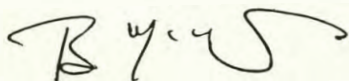
In response, I again highlighted the Government's concern at this matter which would almost certainly be high on the agenda of the next meeting of the Intergovernmental conference. I undertook to raise the question of an Inquest through the Anglo/Irish Secretariat, but I agreed with them that the precedents provided by the Armagh killings in 1982 and the Loughgall killings, could not lead one to be optimistic that an Inquest would be held at an early date.

In respect to an investigation being conducted in this jurisdiction, I pointed to the cross - border dimension of the McAnespie killing which underlay the Government's decision at that time to institute its own Inquiry, but I undertook to pass on their request to the Government.

I undertook to pass on their request to the Government to take a case to the European Court in Strasbourg. We discussed the prospects of such a case (whether taken by the Government or by themselves) in the light of the failure of the Brian Stewart case which was ruled as inadmissible by the Commission in 1984 on the basis that the death of Brian Stewart, who was killed by a plastic bullet, resulted from the use of force no more than absolutely necessary in action lawfully taken for the purpose of quelling a riot.

Comment: The Duffy's gave the impression of being very much an ordinary working class Belfast family who feel powerless in the situation in which they have found themselves. Their visit to the Department was not done in association with any organisation and while they had a number of requests (viz- an independent Inquiry, Strasbourg case etc), these appeared to have been chosen without reflection on their part and to have been selected on the basis of immediate and attractive formulae to achieve their understandable objective -ie to ensure that a proper Inquiry is held and that the matter is not simply swept under the carpet. Their request for the holding of a speedy Inquest; their concern at York Road as the location of the police investigation; their allegations regarding security force behaviour; and the lack of any contact with "officialdom" in relation to the Inquiry into their son's death, are all matters which have been raised through the Secretariat. They appeared pleased with newspaper reports that the matter would be high on the agenda of the next Conference as they feel that the administration in Northern Ireland will only respond to strong pressure from outside and that acting alone, they are unlikely to receive any satisfaction. I undertook to keep in contact with them and I

propose to contact them shortly after the next Conference meeting in order to keep the abreast of developments and provide reassurance of our continuing interest in the case and in the broader question of the use of plastic bullets in Northern Ireland.



Brendan McMahon
Anglo/Irish Division

20 August 1989

cc PSM

PSS

A/Sec Gallagher

Mr O'Donovan (on return)

P. Collins (Secretariat)