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Hastie's Case

CONFIDENTIAL

HASTIE CASE: ADDITIONAL BRIEF FOR SECRETARIAT

Hastie/Garvin

1. The committal material shows that Hastie was a boy soldier who joined the Army at 15; he served in the Falklands and was 22 at the time of the offence. One deposition records D/Inspector Lagan answering Garvin's solicitor's assertion that she was particularly naive with the comment that he believed she was being used by other people (page 22). The police questioning focusses on Garvin who is detained for the full seven days (Hastie was charged on the same day, 23 May, his fifth day in custody). Garvin's defence lawyer believes she was the less culpable of the two; he described her as dumpy, unattractive, eager for attention, besotted with her murdered platoon sergeant, Dennis Taggart, and easily influenced by his brother, her taxi driver, Michael Taggart. Whereas Hastie was strongly supported by the Royal Scots, Garvin was abandoned by the UDR; he was retained in the Army; her resignation was required. She is still in the North, feels bitter about her treatment and is considering legal action against Spotlight and the Sunday Tribune (which, not for the first time, blithely gave names of UVF and IRA suspects as well as witnesses).

2. The Charge

Garvin was told on 23 May that she was to be charged with possessing information likely to be of use to terrorists under s. 22(1)(C) of the EPA (page 53). She and Garvin were in fact charged by the police on 23 May with making available photographs and particulars of motor vehicle owners "knowing or suspecting" that they would be used in connection with an act of terrorism under s. 10(2) of the PTA. Both denied this charge (page 22). The DPP gave his consent on 10 October to the alternative charge of possession (pages 26-7) to which they pleaded guilty.

Although the EPA charge carries a maximum of 10 years and the PTA charge a maximum of 5 on indictment, the PTA charge is the more serious. We understand from Garvin's lawyer that the original intention of the DPP was to maintain the PTA charge against Garvin.

3. The police notes would certainly seem to justify the PTA charge. If the DPP had brought the PTA charge against Hastie and succeeded, it would scarcely have been possible to let Hastie off with a suspended sentence. The DPP may have felt, however, that the statements under caution were insufficiently clear-cut; and he may have been aware of other factors causing him to doubt that he had a reasonable prospect of success against a plea of not guilty (see below).

Charge of Conspiracy to Murder?

4. There were local rumours in North Belfast in May 1988 that the security forces had been involved in the death of Terry McDaid in a "mistake" shooting in Newington St on 10 May. Garvin was arrested in Belfast on 17 May. Hastie had left Northern Ireland at the end of April and he was arrested two days later in Scotland. The committal material shows persistent questioning by the police on the line that Garvin and Hastie were targetting Adrian McDaid, a well-known North Belfast republican who bore a strong likeness to his brother, Terry.
5. It could be regarded as surprising that that there is no record of interviews with the UVF/UDA taxi drivers to whom Garvin passed material. The police notes, which were signed by the accused in some cases but not all, contain incriminating statements by Garvin and Hastie which are not reflected so explicitly, or at all, in their statements made under caution on 22 May.
6. In her statement Garvin says she got the photographs because she thought "loyalists wanted to get to know

republicans, what they they looked like and where they lived, and I knew Michael Taggart (taxi driver) would give them to Jackie Mahood and I know he's UVF". In the police notes, Garvin accepts that she knew the material would go to the UVF and UDA and that these organisations "probably" wanted to shoot those on the list (pages 3, 40-1, 50, 58). There is also a statement from a friend of Garvin's (Jackie Coyle) which is evidence that Garvin intended that the material would be used to kill IRA suspects.

7. In his statement, Hastie says he knew his material "might" go to Protestant paramilitaries; that he acted because of IRA provocation at checkpoints and because of the killing of the two Army Corporals at the funeral in Andersonstown in March 1988; but that he did not want to see anybody killed. Garvin tells detectives that Hastie told her "maybe when I'm in Germany I'll hear about some of them being rubbed out" (page 38) but the farthest he goes in police interviews is to accept that he thought the photographs "were going to end up with Protestant paramilitaries". In response to questions whether he knew people would be killed, he replies repeatedly "No, I do not know" (pages 13-4, 112, 114, 125).
8. Journalists have focussed naturally on the incriminating elements in the police notes. The notes also show, however, that in the face of persistent police questioning in interviews over several days, Garvin and Hastie were contradictory, at times indicating that they knew where the material would end up and that it would have consequences, but at other times denying this, or indicating doubt, or saying that they did not know why they handed the material over (eg page 75, 94) or claiming that it was obtained for the defensive purpose of identifying IRA activists from whom people might be at risk (Garvin page 3, Hastie page 110) or that it was ordinary communication of information from one soldier to another (Hastie page 147). At no point does Garvin state that she knew who was identified in the material she passed on; and she denies the evidence of

Coyle that she recognised Terry McDaid (believed murdered in mistake for his brother Adrian) on TV news as a person in the photomontage she handed over. Hastie denies that Adrian McDaid was in the material he passed to Garvin (although he does name others including Patrick Fitzpatrick who was wounded in an attack on 7 July). Unlike Garvin, he never accepts that he knew people would be targetted. Finally, in the face of sceptical police remarks, neither Garvin or Hastie accept that they intended IRA suspects to be killed.

Other Matters Arising

9. It has been said to us by several legal contacts that the judge in the Hastie case, Petrie, is a known "soft touch" and that he can be "soft" also towards civilian defendants, including members of the IRA. Our contacts also underline the integrity of the DPP, which we have recognised ourselves in the Dail debate on Stalker/Sampson. Nonetheless, we can use the Hastie case to discourage excessively harsh treatment of vulnerable civilians in Northern Ireland. In fairness, there may be less risk of a conviction on a questionable conspiracy charge in Northern Ireland than there is in England, but we should watch for charges against civilians of possessing or passing information. There are also other charges brought to bring pressure on vulnerable people with no connection with terrorism, for example, people whose cars are hijacked by the IRA, who are afraid to report the theft and who are then charged with withholding information.
10. The Committal material poses a number of serious questions which should be raised/returned to in the Secretariat. These are in annex.



Declan O' Donovan
9 November 1989

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Garvin/Hastie Case

The following are matters we should raise/return to in light of the committal material:

- 1 What action was taken in respect of the people Garvin identified, in particular Taggart and Courtney, the taxi drivers to whom she gave information and whom she thought were UVF and UDA respectively; and the Call-A-Cab owner Jackie Mahood whom she thought would get the information and whom she knew to be UVF?

- 2 Hastie denies that the IRA suspect Adrian McDaid, whose brother Terry was murdered on 10 May (by mistake?), was on the photomontage he gave Garvin or on the city sighting list. He says however that the photographs were of "very well known players in North Belfast" (page 116) and specifically recalls that Patrick McDade of New Lodge, Cleekie Clarke of Ardoyne, Patrick Fitzpatrick, Patrick Burnside and Sean Maguire were included in the material he passed to Garvin (pages 107, 137). Fitzpatrick was shot and wounded on 7 July 1988. It could be argued that Fitzpatrick was a known INLA suspect and that he and others would have been a target of loyalists in any event but the link cannot be ignored. Were Fitzpatrick and the others warned of the threat to them posed by Hastie's offence? And was consideration given to bringing fresh charges against Garvin and Hastie after the attack on Fitzpatrick? How many others of those in Hastie's material were the victim of attacks (David McKittrick claims three in all in the Independent of 7 November).

- 3 A search of Hastie's locker in Germany caused detectives to ask him about recognition cards (photo with name, address, date of birth and suspected organisations). He says he had about 50 of them. When

asked for an explanation, he says he was not asked to return them (page 124). He also agreed that he had maps of parts of Belfast and notebooks with lists of suspects in his possession (pages 135-6). Hastie was questioned closely on 20 May about the ease or otherwise with which security information could be stolen. He says it would have been easy to steal photomontages on the briefing room walls, from Templar House and from the intelligence cell when the colour sergeant was not around. He says two photmontages went missing from sangers when the UDR took over from his regiment for a period (pages 133-5). Were these matters investigated or referred to the Stevens inquiry?

- 4 Garvin's statements show that the giving of information to soldiers by intelligence personnel appears to be casual. Before turning to Hastie she went to the Int Sergeant (Douglas) "three or four times" (page 2) to have vehicle numbers checked; she was told they were clear and passed this on to Taggart. No statement was taken from Douglas. What are the current procedures for release of such information? Has Douglas been reprimanded or warned? Garvin also mentions a UDR Corporal, MacRitchie, who she says gave her names (page 3): no statement appears to have been taken from him. Was MacRitchie interviewed? What action was taken in his case?

- 5 Garvin says some of the Royal Scots soldiers other than Hastie talked of leaving information for the UVF in Tigers Bay or the UDFA in the Shankill before they left (pages 41, 55). Two of these, Steel and Craig were interviewed in Germany and denied the allegation. Garvin's remarks are, however, further evidence of the willingness of regular army soldiers to leak to paramilitaries.

- 6 According to Garvin, Hastie told her some of the addresses he gave her were wrong (statement, page 3) which again raises doubts about the reliability of security information made widely available and the danger it poses to quite innocent people if it gets into paramilitary hands.
- 7 Garvin was originally approached for material by a driver of the Call-A-Cab taxi service which she knew to be owned by Jackie Mahood of the UVF. Ironically, she began to use Call-A-Cab because the Alpha taxi service was put out of bounds (a car was stolen and not recovered). Some attention was paid to taxis therefore but not to a service which was known to be UVF. Garvin was allowed to use this service to go to and from work each day despite the fact that the police knew it was owned by Jackie Mahood of the UVF (page 37).
- 8 Garvin's references to people she knew present a microcosm of the problem of the UDR: her sister was in the UDR; she lived with a friend, Jackie Coyle, who had a UVF boyfriend (Russborough) who had gone to jail; who had borrowed money from the UVF; who wanted to go out with a UVF leader, Jackie Mahood; and who drank regularly in the Shankill bar; and whose mother was a searcher with the UDR. Garvin's regular taxi driver, Taggart, whom she thought to be UVF, was a brother of her platoon sergeant who had been murdered; his father Davy had only recently left the UDR and had previously worked for Call-A-Cab (page 39); another taxi driver, Lee Collins was former UDR; another had a son-in-law in the UDR; and another, Jackie Courtney, was in the UDA (page 52). Why did Army screening and vetting not detect Garvin before McDaid was killed? Will the new measures ensure early detection of people with such a web of undesirable associations?

END