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Interview on Radio Ulster "Talk Back" Programme on Monday 30 January, 1989.

Barry Cowan: Four former UDR soldiers convicted of murdering a catholic labourer in 1983 are fighting to have their cases reopened with the backing of MPs, clergymen and the author and broadcaster Robert Kee. The four Neil Latimer, Noel Bell, James Hegan and Winston Allen were convicted in a no jury Diplock Court of the murder of 24 year old Adrian Carrol in Armagh six years ago. The Judge heard evidence from witnesses stating that one of the accused Neil Latimer was not the murderer but chose instead to accept confessions given to the police during questioning. At their trial however the former UDR men claimed that these confessions were obtained either with violence or unfair pressure. Their case has been taken up by the author and broadcaster Robert Kee whose research was instrumental in achieving an appeal earlier this month for the four people convicted in the Guilford pub bombing case and Robert Kee joins me on the line now.

Barry Cowan: Why did you become involved Mr Kee?

Mr Kee: I became involved first of all because James Hegan wrote to me from prison after he had seen newspaper reports of my involvement in the Guilford case and said he was innocent. I wrote back and had to say, well I know nothing of the case, I suspend judgement entirely. As far I was concerned you may be innocent, you may be guilty. He was awaiting appeal at the time, the appeal was rejected, I then got in touch with his solicitors who put me in touch with Harold McCusker and Ken Maginnis, who then sent me full transcripts of the trial and the judge's judgement and though I haven't read all the evidence yet I have read the judgement very fully, I have read a lot of the statements of the witnesses and I am very strongly inclined to the view that these people are entirely innocent.

Barry Cowan: Well what are the areas of contention, I mean what was the case brought against them and how strong was it ?

MrKee: With a case of this sort you always have to realise that there are two ways of starting to look at it. If you start looking at it from the way in which the case is presented in the newspapers you start with four people in the dock, (actually five to begin with,) but you start with the people in the dock, you start with the fact that they have made confessions, you don't even know then that they are going to say that these were forced out of them in one way or another, but you start with the assumption that the Crown case is at least plausible. If you start looking at the papers in

this case forget about the trial, begin with the very first release of what happened. We begin with the girl who went down to post some letters from her office, on the way back up Abbey Street in Armagh she saw a man just in from her in a duffle coat pull a gun out of his pocket, go down an alleyway, she heard two shots as she passed the alleyway, by then in some distress herself she saw a man lying there, she ran back to the office and spoke to her boss, who told her to go to the police who within an hour or so had a statement from her giving a clear description of the man. She incidently was a girl of 5ft 4ins, she described the man in full, everything he was wearing and said he was 5ft 2ins. About that time the gardener working in the Cathedral gardens heard two shots, saw a cortina drive past with two men in it. That cortina is found later that evening not far off - to have been stolen from the Shankill Road, in Belfast some weeks before. The next thing we know is that for a fortnight the police can find nothing except that there has been a statement by a unionist paramilitary group in Belfast that they were responsible.

Barry Cowan: But when did the finger of suspicion begin to point at this 13 man UDR Patrol?

Mr Kee: Exactly, because after that fortnight, as I say nothing has happened except the evidence of this girl. A woman comes forward and says on that afternoon at about that time I saw two UDR landrovers stuck in Lonsdale Street picking up a man who is apparently a civilian but who I know to be Neil Latimer, who I recognise in civilian clothes and she says that he was the man. The police then oddly enough, and this is the Crown case in court and the Judge himself uses to emphasise the probable guilt of Neil Latimer that this woman describes him as wearing the same thing as the young girl had described, but of course the only description the police have or anybody has is what the young girl gave in the first place and which was broadcast to the police so the weight of improbability as you look at this case is immense there is one further aspect - the Crown case was that this was all part of a conspiracy on the part of the UDR men. That patrol did not know where it was going to be sent until 12.30pm that afternoon so how can it have plotted this rather elaborate plot of getting Neil Latimer into civilian clothes, picking him up, pretending he was a civilian etc.; one of the group only joined the UDR section the day before so he was unlikely to have known anything about this plot. As I say the weight of improbability is immense.

Barry Cowan: As well as adding that Neil Latimer, not 5ft 2ins but 5ft 10ins - so clearly there is a discrepancy there.
(Mr Kee: Exactly)

Barry Cowan: In the confessions which were the substance of the Crown case, was there any consistency among those confessions that might even suggest there was a conspiracy?

Mr Kee: None that I can find at all I have looked through them very carefully. I have looked through all, not just the statements, but all the long long interviews that took place between the police and the defendants. I can find none, the contradictions are extraordinary of course, I mean, one of the defendants, Bell I think describes the landrover, because by this time of course, I mean they get statements out of the, they get confessions out of the defendants that synchronize more or less with what this later woman witness suggested that the police say might have taken place. And one of the these defendants Bell describes his landrover as going round a roundabout at the top of Lonsdale Street which was in fact not there at the time, was only there after, was only put there some weeks afterwards, at the time of his arrest and interrogation, which makes one feel that he was recounting in his confessions after an immense amount of interrogation something the police wanted him to say, one feels that.

Barry Cowan: One wonders though were relations between the Nationalist population and the UDR bad at that time? Was that why if these confessions were obtained by unfair pressure, was that perhaps one reason why the police may have sought a conviction in this case.

Mr Kee: I think it would probably be fair to say this, there had been an appalling number of murders of UDR men in previous years and indeed quite recently to this event. I think it would be fair to say, I am just speaking for myself, that a large number of people would have thought if there had been a UDR conspiracy to this effect it wouldn't have been all that un-understandable.

Barry Cowan: What did you make of the manner in which Lord Justice Kelly came to his conclusions?

Mr Kee: Well I have to say I am absolutely amazed by them, I mean for instance I mentioned the evidence of the gardener, He dismisses that as unimportant. I have mentioned the evidence of the stolen cortina, he says that strikes him as being of no importance, I have mentioned the two key witnesses, the girl who saw the man immediately and who gave an immediate description of him, and the woman who came along a fortnight later and

gave a different description in certain respects but in some respects the same as the first woman, in other words using the same description as the first woman had used. While saying as an experienced Judge that he doesn't put all that much trust in personal observation, he says he has no hesitation in accepting the evidence of the latter woman and I find that very strange.

Barry Cowan: Would you say on the balance of probability there has been a miscarriage of justice in this case?

Mr Kee: I have to say this, that I haven't read all the papers in the case yet, but that everything I have read so far including the 150 page judgement of Lord Justice Kelly, makes me think that a miscarriage of justice is likely to have taken place.

Barr Cowan: Do you expect and hope that it will be pursued with the same vigour as the cases of the Birmingham Six and the Guilford Four have been pursued?

Mr Kee: Oh yes indeed, but I hope it doesn't take so long to get British Justice, to justify itself.