



An Chartlann Náisiúnta National Archives

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UDR - 4 Briefing Note

The background of the Case:

On 8 November 1983, Adrian Carroll a member of a very prominent republican family in Armagh, was shot dead outside his home in Abbey Street as he was returning from his work. In the period between 29 November and 5 December, a number of members of the UDR were arrested and five of these [Neil Lattimer, James Hegan, Noel Bell, Winston Allen and Colin Warton] were later charged with the murder. Other members of the UDR arrested at the time, most notably Sgt. Rolston, exercised their right to silence during interrogation in Castlereagh and were not subsequently charged.

At their trial in July 1986, all 5 pleaded not-guilty. Four of them [Lattimer, Hegan, Bell and Allen] were convicted on the basis of their own admissions while in custody in Castlereagh. The fifth [Warton] was acquitted because the Trial Judge (Lord Justice Basil Kelly) ruled his confession as inadmissible on the grounds that he had been unfairly induced to make the statement.

Lord Justice Kelly's judgement was subsequently upheld by Lord Justice Lowry in the Northern Ireland Appeal Court in May 1988.

The Campaign:

The Four have continued to protest their innocence and their campaign has received the support of Robert Kee, the late Harold McCusker, Peter Robinson, Ken Maginnis and Ian Paisley Jnr. There have also been indications of sympathy for the campaign from Roger Garland T.D., Niall Andrews M.E.P., Michael Higgins T.D. and Senator Joe O'Toole.

The campaign received something of a boost when in an interview on RTE in February 1989, the key witness ("Witness A") alleged that she had been tricked by the RUC into giving evidence at the trial - she said that the RUC had told her that there were other witnesses to the murder. [In the event her evidence was crucial and she subsequently was put under a lot of pressure locally from the families of the Four.]

The campaigners have also made much of the fact that the paramilitary Protestant Action Force has admitted responsibility for the killing, while denying any involvement by any of the Four.

Secretary of State Peter Brooke has publicly indicated that he would be happy to look at any new evidence or new factors in the case which might be the cause of referring the matter to the Court of Appeal. The Chief Constable recently agreed the subject the police notes and confessions to the new ESDA test. The outcome of that exercise is awaited.

Judgement in the Case:

The judgement, which runs to 150 pages, provides an account of the killing, which took place at about 4.30 in the afternoon, and in circumstances which can only be described as definitely bizarre -viz-

- That Sgt Rolston and Pvt Allen drove Pvt Lattimer to the grounds of Armagh Technical School, where Lattimer changed into civilian clothes.
- That shortly afterwards, a "mock arrest" of Lattimer (who at that stage was in civilian clothes) was conducted by Pvts Bell and Warton, both of whom were in uniform, and that all three climbed into the back of a landrover driven by L/Cpl Hegan, which was parked in Lonsdale Street, outside the Armagh Technical School.
- That Hegan then gave Lattimer a .38 calibre revolver and drove him to McCrums Court in Armagh where Lattimer got out of the landrover.
- That Lattimer then went to Abbey Street and shot Adrian Carroll as he returned from work to his home.
- That Lattimer then ran down to the bottom of College Street and got into Hegan's landrover which had driven there to collect him.
- That Lattimer changed back into military uniform in the back of the landrover which drove back to the RUC Station in Armagh.

Mrs Dunne (Elaine Faulkner at the time of the incident), who was in Abbey Street at the time saw the gunman walking past her. Immediately after the incident she gave a description to the police of a man of about 5 foot or 5 foot two with a small face,

a light mustache, small build and wearing a light blue duffle-coat, gold-rimmed glasses and a check or tartan cap. This description of the killer was carried in the media that night and the next day.

Two weeks after the killing, on 22 November, another witness - a middle-aged woman called "Witness A" approached Fr Murray in Armagh and said that at 4.25 p.m. on 8 November she had seen Neil Lattimer wearing a brown anorack, tartan cap and gold-rimmed glasses being taken from the grounds of Armagh Technical School by two UDR members into the back of a UDR landrover on Lonsdale Street (the "mock arrest"). She knew Lattimer well as they had worked together for a year in a factory in Armagh and she had noted the incident because she knew that Lattimer was in the UDR and thought it strange that he should be arrested by other soldiers while dressed in civilian clothes. She had assumed that it was some kind of prank and thought no more about it until she heard Mrs Dunne's description of the murderer on the BBC news.

Witness A's evidence was however not decisive as it was directly contrary to the evidence of Mrs Dunne who had witnessed the actual shooting. Mrs Dunne was a neighbour of Lattimer and knew him well and was adamant that the killer was not Lattimer.

However, on receipt of Witness A's statement,, the RUC arrested the members of the UDR patrol for questioning in Castlereagh and it was the confessions made by a number of them in Castlereagh which was crucial in ensuring their conviction. In this regard, Lattimer's confession was the key to the case.

Lattimer:

In Court, Lattimer pleaded not-guilty, and alleged that his statement was made under inordinate pressure and improprieties. He did not allege (as the other four defendants did) that the statements were induced by inhuman or degrading ill-treatment which would have made them inadmissible under Section 8 of the Emergency Provisions Act.

The sequence of Lattimer's interrogations was that on the first day of his arrest, during his third interrogation session, he confessed, and dictated and signed a written confession at his fourth interrogation session the same day. Lord Justice Kelly underlines that Lattimer's confession followed immediately on his second interrogation session where he had been confronted for the first time with the fact that the police had a witness who had positively identified him during the "mock arrest" in Lonsdale Street.

Lattimer subsequently retracted his confession and tried to wriggle out of the charge - even to the point of hinting and subsequently naming his own brother (David Lattimer) as the civilian involved in the "mock arrest". The RUC again interviewed Witness A who confirmed that the "civilian" was definitely Neil Lattimer and not his brother David. Faced with this, on the fourth day of his interrogation, he again admitted the offence and, in addition, agreed to confront both Hegan and Warton in Castlereagh.

Lattimer's conviction essentially hinged on his confession. In that regard, Lord Justice Kelly commented that

"I am considering the weight of the confessions of a member of the security forces, a serving soldier in the UDR given to other members of the security forces, RUC detectives. That such a person should confess to a murder of which he is completely innocent, and a sectarian murder at that, I find unbelievable. That he should confess to such a murder within hours, not days, of questioning at Castlereagh, and because of impropriety no more formidable than shouting verbal abuse, threats and promises and persistent questioning, I find quite unbelievable. And that he should agree in his confessions to the extraordinary, if not incredible incident involving disguise and mock arrest in Lonsdale Street is hard to swallow. He acknowledged that he said the things contained in the various statements and interview notes, but said that he said them because he wanted to get out of Castlereagh. I find that not worthy of belief. Would such a person, confident of his innocence as a completely innocent man must be, and knowing that his comrades must give him an unshakable alibi for the activities and times of the murder, confess to a murder he did not commit and to the principal role of gunman? I cannot believe so. I regard the confrontations in this case and what they implied of very considerable weight in the case against Lattimer, especially the confrontation with Hegan. That he should face and confront his own Lance-Corporal under the circumstances he

did, on his last day in Castlereagh when he must have realised he was leaving, and affirmed his own part in a sectarian murder before Hegan and alleged involvement too by Hegan, is extraordinary conduct indeed by an innocent soldier".

Bell:

Bell was arrested on 2 December - two days after the arrest of Lattimer, and appears to have proved "easy meat" for the RUC detectives. Bell had a history of very severe alcoholism and had been hospitalised a year previously following two attempts at suicide. When confronted by detectives with Witness A's identification of Lattimer at the "mock arrest", he made a verbal admission during his 5th interrogation session on the first day in Castlereagh. He made a further statement on 5 December which apparently implied that he had agreed to become a supergrass (something which prompted his solicitor to issue an affidavit denying this, while Bell was still on remand in Crumlin Road). He also agreed to confront with his statements of admission, three of the other UDR members then being questioned in Castlereagh - Hegan, Warton and Rolston.

Lord Justice Kelly dismissed Bell's allegations that he had been beaten, pointing to the fact that Bell had not complained to his Solicitor when he met him two days after his arrest, nor to any of the four different doctors who had examined him at Castlereagh.

Hegan:

He was the eldest of the accused (36) married with three children. He was described by Lord Justice Kelly as "the most intelligent by far of the four accused... a very astute man indeed... I can understand why he holds superior rank". He was arrested the day after Bell - 3 December and resisted RUC interrogation until 6 December. On 5 December he was confronted in person by both Lattimer and Bell who had both confessed. He finally confessed when the next evening he was told that the other accused, Allen, had also confessed.

His allegations of ill-treatment were dismissed by Lord Justice Kelly on the grounds that no doctor had found any physical

evidence of ill-treatment; that he had not complained to either Dr Henderson who examined him on 4 December, nor to Dr Dean who examined him on 5 December. The Judge concluded that Hegán decided to complain after he had been confronted by both Lattimer and Bell and realised that he would need a way out of his difficulties. On the 6th December, he complained to Dr Loane of ill-treatment the previous evening 5 December. However, on the witness stand he had tripped himself up when he said that he had not been ill-treated during his interrogation on 5 December.

Allen:

Allen was aged 25 and came from a very religious family and was himself active in evangelical work. He was arrested on 5 December and taken to Castlereagh. He signed a confession on 6 December. While during one of the early interviews he broke down and cried, this was attributed to his emotional state and to what appears to have been a genuine sense of remorse on his part. Lord Justice Kelly dismissed allegations of ill-treatment on the basis of no physical evidence; that when questioned by 4 different doctors in the course of medical examinations in Castlereagh he denied that he had been ill-treated. His allegation came in a statement to his solicitor 5 months later in April 1984.

Loose Ends:

In his judgement, Lord Justice Kelly referred to a number of loose ends in the case commenting that in his experience, there are often unexplained loose ends in cases. However, such loose ends as there are, do not contradict the final judgement in this case. Principal among such loose ends were:

Evidence of Mrs Dunne: This appears the most significant. She lived near Lattimer and knew him on first name terms. She saw the gunman and provided the original description. She denied that it was Lattimer. Mrs Dunne's evidence was introduced by the prosecution who could not therefore test her evidence in cross-examination. Nor was her evidence tested by the defense who were anxious to uphold her evidence. Lord Justice Kelly volunteered no opinion on Mrs Dunne's evidence but clearly was impressed by the evidence of Witness A who was clearly a reluctant witness (not wanting to get involved) and who positively identified Lattimer in the same type of clothes which Mrs Dunne said was worn by the killer, and involved in the bizarre mock-arrest in Lonsdale Street. [Witness A was cross-examined in

detail at the trial and freely offered her view that Lattimer could not have been the killer - she knew him and he was not that type of person etc etc. However, the Judge had been particularly impressed that in all her cross-examination she did not retract her evidence that she had witnessed Lattimer involved in the mock-arrest in Lonsdale Street - an incident so bizarre she could hardly have invented it. She repeatedly said that she wished that she had not been the only one to have seen the incident.]

Ford Cortina:

A gardener (Mr Allen) witnessed a Ford Cortina car speeding away from the area of the killing and a Ford Cortina, which had been hijacked some months previously in Belfast, was found in Armagh on the night of the killing. While Lord Justice Kelly offered no comment on this aspect, it is doubtful whether it really amounts to much of a loose end. Around the same time, another local UDR man (Geoffrey Edwards), who pleaded guilty to a number of offences including the 1982 murder of Peter Corrigan in Armagh, used a modus operandi which included a hijacked Belfast car - in order to throw the RUC off the scent.

Evidence of other members of the UDR Patrol:

Lord Justice Kelly dismissed their evidence, including that of Sgt Rolston, as having been designed to support the accused.

Murder Weapon:

The gun used in the killing has never been recovered and this, coupled with the statements by the Protestant Action Force admitting responsibility for the killing, is cited by the campaigners as evidence that the Four could not have been involved. An alternative explanation of course, is that there was a conspiracy in this case which stretched well beyond the four UDR members actually convicted of the murder.

Conclusion:

The evidence of "Witness A" would not of itself been sufficient to convict any of the Four - particularly as it was contradicted by the evidence of Mrs Dunne, who actually witnessed the shooting. The importance of the evidence of Witness A is that it was sufficient to trigger the confession of Lattimer on the first day of his detention in Castlereagh. Lattimer's confession and his agreement to confront the other accused in Castlereagh, triggered confessions by all but the most resilient of the UDR group involved. [The reputed leader of the group -Sgt. Rolston, was cute enough to exercise his right to silence and is reported to have kept his mouth firmly shut throughout his seven day detention in Castlereagh.]

All Four were convicted on the basis of their confessions. While Warton was successful in his allegation that the confession had been extracted under the pressure of unfair inducements, none of the other defendants were similarly successful. In the case of Lattimer, he did not allege (as the other three did) that his confession was induced by inhuman or degrading ill-treatment and the Judge simply could not believe that he would confess to something he did not do, simply under what Lattimer agreed was no more than shouted threats and promises - and would do so on the first day of his detention. He dismissed the allegations of the other three on the grounds that there was little or no physical evidence of ill-treatment and none of them exercised their right to complain when specifically questioned by different doctors at their morning check-ups in Castlereagh.

On the whole, the circumstances of the case are certainly bizarre - why commit the murder while actually on patrol thereby involving a large number of men in the conspiracy? (In that context, it is perhaps of note that Allen was a relative newcomer to that platoon.) Why go to the trouble of the mock-arrest? It is the bizarre nature of the incident, coupled with the history of ill-treatment in Castlereagh, which gives some force to the campaign which is trying to prove their innocence. On the other hand, it could be argued that the incident is so bizarre as to have a ring of truth about it - who in their right mind would make up such a story?

The notes and statements in the case are currently undergoing ESDA tests and it remains to be seen what the outcome of those tests will be. No matter how good the case against the men may have been, it may be the case that the RUC could not resist the temptation to make the case water-tight by dicking around with the notes. Only time will tell whether this has been the case.

Policy Suggestion:

Based on conversations with our contacts in Northern Ireland, we have traditionally adopted a cautious attitude to this campaign. I see no reason for any change in attitude on our part.



Brendan McMahon, Anglo-Irish Division, 7 September 1990.