



An Chartlann Náisiúnta National Archives

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Seamus Plastic Bullet Plan BB
1984
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Mr. Miller: del
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Meeting with Mr & Mrs Duffy, 9 April 1990

The parents of Seamus Duffy, killed by a plastic bullet fired by the RUC last August, called by arrangement to the Department. They were accompanied by a brother of Mrs Duffy, Paul Cassidy, who lives in Dublin. This was a follow-up to their earlier meeting in the Department on 28 August last year.

The purpose of the meeting was to discuss the recent decision of the Northern Ireland DPP not to institute prosecutions against any members of the RUC in respect of their son's death. They had not been surprised at this decision as they had little faith in any RUC investigation into the incident, but they had been particularly upset at the fact that the authorities had not even had the good grace to communicate this decision to them in advance. They had learned of the decision from the BBC evening television news.

In fact, throughout the investigation they had only one interview some months ago with the investigating officer (Chief Superintendent George Caskey). That meeting had been uninformative and both they and their solicitor had gained the impression that Caskey had arranged the interview in order to see what kind of people they were. [NOTE: The meeting with Caskey may in fact have been as a result of our representations through the Secretariat on 30 August that after the killing of Seamus Duffy on 9 August, the police had made no attempt to discuss the investigation with the family.] Since the meeting with Caskey, no further contact had been made with them by either the RUC or the Independent Commission for Police Complaints (ICPC) who supervised the police investigation. [The Chief constable requested the ICPC to supervise the investigation and the Vice-Chairman, Brian Garrett, was appointed by the ICPC to conduct the supervision. Prior to the submission of the case file to the DPP, the ICPC certified that the investigation had been properly conducted.]

Their experience with the security forces since the killing has apparently been particularly insensitive and they told me that it

was not unusual for family members to have insensitive remarks made to them by soldiers and police in relation to the killing of Seamus. [Comment: I asked them to let me have details regarding any such incidents as the Minister would be most anxious to ensure that any insensitive behaviour of this kind should be stopped immediately.]

Following the decision of the DPP, the RUC issued a terse statement declining to comment on the case until after the Inquest has been held. In the light of the recent decision of the House of Lords in the McKerr case (that members of the security forces can not be compelled to give evidence at inquests), the Duffy's felt that the inquest, whenever it is eventually held, would be of little or no value in getting at the truth in relation to the incident.

While the RUC statement was a short factual one, the Duffy's commented that this did not seem to have precluded the RUC from providing background to a number of journalists to the effect that there is a video recording showing Seamus Duffy involved in rioting that night. They commented that whether or not Seamus had been rioting (and their information is that he was not), the matter at issue is whether he was rioting at the time and place at which he had been shot (the junction of Dawson Street and Sheridan Street in the New Lodge). The only witness, Damien Browne, who was with Seamus at the time, is adamant that they were both walking home as it had begun to rain. They also pointed out that no one, including Damien Browne, had been charged with riotous behaviour in relation to the alleged rioting that night. In addition, before handing over Seamus clothes to the RUC for forensic examination, on their solicitor's advice they had submitted the clothes for independent forensic examination. The report showed no traces on the clothes of petrol or other substances which might be expected to be found if he had been involved in throwing petrol bombs. They mentioned that the RUC were putting about a story among journalists that Seamus had been wearing a coat that night. They were most insistent that this had not been the case.

They are convinced that the entire investigation is a cover-up. Reports in the media have suggested that the investigation showed that the fatal shot may have been fired by one of two policemen but that the investigation was unable to determine which of the two had fired the fatal shot. They mentioned that there had been reports at an earlier stage that the shot had been fired from a land-rover which had not been part of the police operation in the area at the time but had driven in from the Antrim Road, fired a single shot, and returned to the Antrim Road and disappeared. Damien Browne is adamant that only one shot was fired. They also mentioned that people in the area have alleged that the vast majority of plastic bullets fired that night (approx 100) had been fired after Seamus had been shot, and have concluded that this was to confuse matters in terms of tracing the single shot which had killed Seamus, and to create an impression that the rioting was more serious the night than it actually was.

Their solicitor (Mr McAnulty of McAnulty & Bogue) has recommended two courses of action -viz-

- A Civil case, which has already been initiated; and
- A private criminal prosecution for murder. Their solicitor was unsure as to the feasibility of this course of action and understood that there was only one precedent for such a course of action - some years ago in Scotland. [Comment: This may not be a very promising course of action as under existing provisions, in order to preclude malicious or spurious private criminal prosecutions, the DPP is empowered to take over any such private prosecution if he considers this appropriate, and to terminate the prosecution.]

Their eventual aim is to take this case to Strasbourg and they see either or both of the above two courses of action as a necessary prelude by way of exhausting domestic remedies. They have the support of the United Campaign against Plastic Bullets (UCAPB) who have access to legal resources and advice and who are

anxious to take a test case to Europe on the question of plastic bullets. [An earlier case involving the killing of Brian Stewart failed in Strasbourg in 1984, but neither the Duffy's nor the UCAPB are deterred by this.]

They were anxious for the Government to exert whatever pressure might be possible on the British Government in relation to this case. I told them that I would be reporting on our meeting to the Minister and assured them of the Government's deep concern in relation to this matter, which would be pursued through the framework of the Anglo/Irish Agreement. We agreed to keep in continuing touch.

B y - 7.5

Brendan McMahon
Anglo/Irish Division
10 April 1990

cc A/Sec Gallagher
Joint Secretary
Mr M. Collins

1360

CONFIDENTIAL

0297C

TO: HQ FR: BELFAST
DATE: 29.03.90

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FOR: ASS/SEC. GALLAGHER FR: JOINT SECRETARY
TO CONFIRM

I WAS TOLD LAST EVENING (WITH APOLOGIES FOR THE LATENESS IN INFORMING US) THAT THE DPP HAS DECIDED NOT TO BRING ANY PROSECUTIONS IN THE CASE OF SEAMUS DUFFY WHO WAS KILLED BY A PLASTIC BULLET LAST AUGUST. I WAS TOLD THAT THE RUC WOULD BE ISSUING A STATEMENT AND THAT THE NIO WERE CONSIDERING ISSUING ONE. I ASKED IF IT WAS USUAL FOR STATEMENTS TO BE MADE CONCERNING DECISIONS OF THE DPP. I WAS TOLD IT WAS UNUSUAL BUT THAT THERE WERE PARTICULAR CIRCUMSTANCES IN THIS CASE.

THE STATEMENT ISSUED BY THE RUC (TEXT OF WHICH WE RECEIVED THIS MORNING) SIMPLY ANNOUNCES THE DECISION, SAYS THAT A CORONER'S INQUEST WILL BE HELD AND THAT NO FURTHER COMMENT WILL BE MADE UNTIL THAT TIME.

THE DECISION WILL NOT COME AS A SURPRISE TO US GIVEN THE CONFIDENTIAL INFORMATION PROVIDED BY THE CHIEF CONSTABLE THAT THE AUTOPSY SHOWED YOUNG DUFFY AS HAVING CONSUMED LARGE QUANTITIES OF ALCOHOL AND THAT A VIDEO OF THE SCENE SHOWED HIM THROWING MISSILES AT THE POLICE. THERE MAY BE REACTION, HOWEVER, FROM NATIONALIST SPOKESMEN WHO ARE NOT SO AWARE AND WHO WILL SEE THE DECISION AS A WHITEWASH OF THE RUC.

Don't know
for Plastic Bullets
File in Kelly's
2/4

CODED MESSAGE	
IMMEDIATE	
CONFIDENTIAL	
DATE 29/3/90	TIME 1137.
INITIALS	<i>fam</i>

Peri
McNally : PLS
McNally : McT...
Call PC