



An Chartlann Náisiúnta National Archives

Reference Code:	2021/45/64
Creator(s):	Department of Foreign Affairs
Accession Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

SUBJ: "PANORAMA" PROGRAMME ON LETHAL FORCE (22.7.91)

1. We would be grateful if you would take up with the other side a number of points which arise from last week's "Panorama" programme on recent incidents involving the use of lethal force by the security forces.
2. Our general concerns in this regard will be conveyed at the meeting of officials which, we understand, has been agreed with a view to preparing a possible joint report on this subject to the next Conference. The following points relate to the specific cases highlighted by the "Panorama" programme.
3. Alex Patterson
 - What is the current status of the RUC investigation into the Victoria Bridge incident? Has a report gone to the DPP? If so, has the DPP reached a decision in this case?
 - The programme suggested that Alex Patterson was killed at close range by a soldier who ran up to the car in which Patterson was sitting (after it had careered to a halt in the course of the abortive getaway). It described Patterson as sitting still in the car, in the expectation that he would be spared because of his role as informant.
 - If the circumstances were as described, it is difficult to understand why no effort was made to arrest Patterson. At the very least, it should have been possible to issue a challenge with a view to enabling him to surrender and to effecting his

455/3

- 2 -

arrest. Why did the soldier concerned believe that life was about to be endangered and that resort to firearms was the only way to prevent danger?

- When is the inquest into Patterson's death likely to take place?

4. Brian Robinson

- When is the DPP likely to reach a decision in this case?
- The programme suggested that Robinson was "finished off" at close range as he lay motionless on the ground. If the circumstances were as described, why was no effort made to arrest Robinson?
- The programme suggested that, after Robinson had been shot at by the female soldier and had staggered to his feet, it should have been clear that he was not armed. It is difficult to understand, accordingly, why the female soldier chose not to issue a challenge to him but to fire at him again.
- If, as the programme indicated, Robinson was immobilised by the subsequent shots and (as one witness asserted) did not reach for a possible gun, it is difficult to understand why the decision was taken, once again, to fire at him rather than to seek to arrest him. Why did the soldiers believe, at this point, that life was about to be endangered and that resort to firearms was the only way to prevent danger?



- When is the inquest into Robinson's death likely to take place?

5. John McNeill

- The Whiterock Road incident has, of course, been the subject of earlier exchanges in the Secretariat. In our Aide' Memoire of 16.1.90 to the other side, we sought the fullest possible account of what had happened. While some information was subsequently provided, a number of important questions about this incident remain unanswered.

- If the programme's account of the circumstances of the deaths of Eddie Hale and Peter Thomson is accurate, it is difficult to understand why no effort was made to arrest the two men as they lay seriously wounded and motionless on the ground. Why was no challenge issued? When it was clear that fire was not being returned, why did the soldiers chose to "finish them off" instead of trying to arrest them?

- If the programme's description of the circumstances of John McNeill's death is accurate, the same questions must again be asked. Witnesses heard no warning being issued. Why was no effort made to arrest McNeill? Why did the soldiers consider that the resort to firearms was the only means of preventing the danger posed by McNeill?

- Why did the RUC not question in detail all of those who entered the car (the programme identified seven) on the issue of whether or not there had been a gun



455/5

in the car?

- When are the inquests into these three deaths likely to take place?

6. John Kearney

- While the shooting of this joy-rider did not result in a fatality, the questions which this incident raises about the resort to firearms by the security forces are no less disturbing.
- If the circumstances were as described by the programme, why was no effort made by the soldiers to arrest Kearney? It should have been clear to them, as Kearney fled on foot away from the car, that he was not armed. Why was no challenge issued? It is difficult to reconcile the behaviour of the soldiers in this incident with the obligation on the latter to use "the minimum force necessary" and the requirement that firearms only be used as "a last resort".

7. Martin Peake and Karen Reilly

- This incident was raised at the time with the other side. Some information was provided but the crucial questions relating to the conduct of the soldiers were left unanswered.
- Has the DPP reached a decision in this case?
- What comments does the other side have on the programme's assertion that the car did not hit a



455/6

- 5 -

soldier and an apparent injury to the soldier in question was faked?

- Even if a soldier was hit and the patrol felt themselves to be in immediate danger from the car, it is difficult to understand why no effort was made to immobilise the car by e.g. shooting out the tyres (instead of opening fire directly at the occupants).
- The programme inferred from the position of the car at the side of the road that the driver survived the first barrage. It concluded, therefore, that gunfire continued even after the car had been brought to a halt. If this hypothesis is correct, it is not clear why a challenge could not have been issued to enable the occupants to surrender. Why did the soldiers consider that the danger to life posed by the trio was such that it could only be prevented by continuing to resort to firearms?
- When are the inquests into the two deaths likely to take place?

8. Fergal Caragher

- This incident has, of course, been the subject of detailed exchanges in the Secretariat and at meetings of the Conference, most recently at the meeting on 16 July.
- We would remind the other side of the concerns expressed by the Irish Joint Chairman on 16 July both about the Cullyhanna shootings and about the wider issues involved.

