



# Advocacy for Innocent Victims Newsletter



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**Dear Member,**

There was a recent decision made by the SEFF Board that due to the increase in the size of the Newsletter, that the AfIV insert would now only go out every other month, alternating with Health and Well-being.

The NIO recently released a short consultation on the VASPA pension for those seriously injured in the Troubles 'through no fault of their own.' AfIV advocates were extensively involved over that period conducting presentations and assisting those who wished to respond to the consultation. We will be there and available to assist those who wish to apply for the pension next year.

SEFF AfIV Advocates were recently in London supporting the families of the victims in the Hyde Park atrocity of 1982. The criminal case against Downey for Hyde Park had to be abandoned due to it being revealed that Downey had received an OTR letter. The accused in this civil case, John Downey, is already on remand in Maghaberry prison, after being charged with the murders of Jimmy Eames and Alfie Johnston near Enniskillen in 1972. The result of the civil trial is on page 5 of this supplement. It is expected that the criminal trial will be in court some time in 2020.

The AfIV team continue to support you all in your pursuit of truth, justice and acknowledgement and are available to assist you in any way you desire.

We wish you all a Happy Christmas and a prosperous New Year.

**Ken Funston**

**Advocacy Support Manager**



## **THE MURDER OF IAN SPROULE AND THE QUESTIONS THAT WON'T GO AWAY**

The recent Spotlight series on the BBC brought back into sharp focus several controversial murders that occurred during 'The Troubles.' It spent much time examining alleged Northern security force collusion with Loyalists as well some of the murders said to have been carried out as a result of that collusion but what the series did not report on was the collusion between Irish authorities and the PIRA, nor did it examine any of the murders which occurred because of that collusion.

SEFF has taken a clear and unequivocal line that all unlawful violence, from whichever quarter, during 'The Troubles' must be condemned but it believes that the involvement of the Irish state in the prolonging of 'The Troubles' has been subject to a light touch examination as opposed to the rigorous scrutiny brought to bear upon the British state. The Spotlight series is one more example of that legacy imbalance.

Those of an older generation will recall a series of precise PIRA murders that occurred in the border region between Newry and Dundalk from 1985 to 1989, beginning with the murders of four RUC officers in 1985 in what was known as the Brinks Mat explosion, the murderous bomb attack on Lord Justice Maurice Gibson and his wife shortly after they left their Garda escort in 1987 as well as the tragic obliteration, in an PIRA car bomb attack, of the innocent Hanna family from Hillsborough in mistake for the late Lord Justice Higgins as he was being escorted back to the border from Dublin airport, and the abduction, torture and murder of Terence McKeever. The Smithwick Tribunal reported in 2013 that it was satisfied there was collusion between the PIRA and members of An Garda Síochána (AGS) in the murders of two senior RUC officers, Harry Breen and Bob Buchanan in 1989, as they returned from a meeting at Dundalk Garda station. This, however, was only one more instance of collusion between AGS and the PIRA.

Another notorious case, which has caused ongoing public disquiet, is the PIRA murder of Ian Sproule outside Castlederg, close to the border with the Irish Republic in April 1991. Ian was a 23-year-old Protestant, shot multiple times as he parked his car outside his father's house. The PIRA then rang his father to taunt him about what they had done to his son. They claimed Ian was a member of the UVF but this was dismissed by his family as well as the UVF. The murder was widely seen as sectarian, so in an attempt to rebut this accusation the PIRA contacted a reporter from the Derry Journal newspaper. At a meeting with him they produced an official Garda sighting document which said that Ian Sproule was a member of the UVF wanted for questioning in connection with firebomb attacks in County Donegal in 1987; this attack was actually conducted by the UDA. If Ian had been wanted for questioning by the AGS, he could easily have been stopped by them as he visited family most weekends who lived in County Donegal.

There then began what the family and SEFF believe to be an orchestrated effort by the PIRA and others, north and south of the border, to conceal the full truth about the circumstances of the murder of Ian Sproule.

At the start of October 2019 Ian's family, with the assistance of SEFF, submitted a comprehensive dossier to the Attorney General, John Larkin QC. The family wished to establish liability for Ian's death and thus requested that he order a new Inquest into this murder.

This request flowed from the Irish Government passing legislation in June 2019 that allows for a Garda witness to provide testimony for a Northern Ireland Legacy Inquest.

This move came about as a result of the efforts of the Kingsmill Inquest families to obtain sworn testimony from Garda witnesses in their own legacy Inquest. It is hoped that if a new Inquest is ordered, it shall be able to establish who is responsible for Ian's death. The Garda ordered a high-level internal investigation and the Garda Press Office tried to shift attention to the earlier recovery, by the RUC, of another Garda document from a Loyalist cache in 1987. The outcome of the Garda investigation was not revealed to the public.

The RUC, unknown to the Sproule family and the wider public, began an internal investigation and compiled their own secret report. That report was not mentioned at any stage during the 1994 Inquest held into Ian's murder.

In 2012 there was a bombshell disclosure at the Smithwick Tribunal when a RUC witness questioned on other matters revealed the existence of the secret RUC report into Garda collusion with the PIRA. The Tribunal Chairman, who was investigating Garda collusion, was highly critical of both the Garda and the PSNI for not informing the Tribunal of the existence of their reports until it was inadvertently revealed by the ex RUC witness. Indeed, it would appear both the Garda and the RUC withheld their own investigative reports from each other and the PSNI did not receive the Garda report until 2012 and the reverse was true of the Garda with the RUC report.. The RUC report, not only said the Ian Sproule leak came from the Garda, but that RUC Special Branch informed the RUC CID officer "there were Garda leaks to the PIRA from a number of Garda stations in County Donegal."

This shocked the family, who were appalled at this revelation, and more pertinently, that the RUC possessed such knowledge yet still gave Ian's details to the Garda, without any restriction as to how that information was held by them, knowing there were Garda leaks to the PIRA. This cavalier approach to the sharing of information with a force that they knew to be penetrated by the PIRA, horrified the family.

The indiscipline of An Garda Síochána in County Donegal during the 1990s was later confirmed by the Morris Tribunal which was set up by the Irish Government to address allegations against Gardai in the County. The Tribunal was scathing in its final report, stating that it was staggered by the amount of indiscipline and insubordination it found in AGS in the area. In such an environment it was no surprise the PIRA received such sensitive documents but what was staggering to the family was that the RUC could so casually share such documentation on people in Northern Ireland, without any safeguards and knowing the likelihood of leaks to the PIRA. The RUC did not pay due regard to the Article Two right to life of Ian Sproule and seemed more concerned about not upsetting working relationships with AGS.

As a result of the Smithwick hearings the family requested a copy of the secret RUC report from the PSNI but that request has been rebuffed and no-one from the PSNI has ever met with the family to answer their questions and address their concerns.

The family also contacted the AGS and asked for a copy of their report but were similarly rebuffed. Accordingly, on their behalf, SEFF lodged a formal complaint with the Garda Síochána Ombudsman in 2017 asking them to investigate the leak of information from the Garda and were told by the Ombudsman they would look at their complaint. However, they displayed no appetite to take on this complaint. SEFF sent them 26 emails over two years and received nothing more than a basic acknowledgment. This murder is one that the authorities, north and south don't want to talk about and wish to go away but there are too many unanswered questions for that to happen.



## **An Open Letter to All Politicians and Parties Standing in Northern Ireland in the 2019 General Election - Stop the Witch Hunt!**

We the undersigned represent a wide range of individuals and groups within Northern Ireland, being either civilian, police, prison service or military veterans who resisted the campaign of terrorism which was conducted here against civil society over a period of more than thirty years - or else victims of that terrorism and their families. There are many of us; and we all intend to vote.

We note with regret the manner in which so-called 'legacy issues' have been handled to date and we now call upon all individual candidates and all political parties to state without equivocation their stance on the issue of the draft legislation arising from the Stormont House Agreement (SHA).

In particular, we call upon all parties to express their clear opposition to the proposed creation of a 'Historical Investigations Unit' (HIU).

We believe that this proposal will:

- create false expectations of long-delayed justice for victims of crime;
- create new victims and re-victimise existing ones in relation to trauma;
- undermine centuries of successful development of the rule of law by introducing arbitrary and capricious official opinions as a substitute for due process and judicial decisions;
- breach numerous articles of the European Convention on Human Rights; and
- facilitate a huge and expensive exercise in scapegoating those who worked to protect society whilst ignoring the perpetrators of violence.

We will not countenance the perpetuation of what we see as a witch hunt - a witch hunt which is clearly designed to assist those who seek to re-write the history of the last fifty years in order to deflect attention from their heinous crimes, to justify terrorism and to blame others for the ensuing misery.

We welcome the references in the manifestos of two of our main political parties to their concerns about the HIU. We now call upon all parties to repudiate the concept of any quasi-judicial definition of 'collusion'. The law already provides for the investigation and punishment of conspiracy to murder, perverting the course of justice and all other associated crimes. Yet another new definition will only serve to perpetuate the myth of collusion - the greatest piece of 'fake news' to hit Northern Ireland.

Candidates and all political parties - where do you stand? Are you for justice or are you for continuing the witch hunt?

Signed,

*County Armagh Phoenix Group (Police, Military and Prison Officers Support), Decorum NI (Police, Armed Forces, Prison Service and Families Support), Families Acting for Innocent Relatives (FAIR), Innocent Victims United (An umbrella organisation for 23 support groups, supporting in excess of 11,500 individual victims/survivors), Mourne Action for Survivors of Terrorism (MAST), South and East Tyrone Welfare Support Group (Police, Military and Prison Officers Support), Ulster Human Rights Watch, Wounded Police & Families Association, Mid-Ulster Victims Empowerment Project (MUVE), Northern Ireland Retired Police Officers Association (NIRPOA), Northern Ireland Prison Service Central Benevolent Fund, NI Retired Prison Officers Fellowship, Out of the Shadows Group, RUC GC Association, RUC GC Parents' Association, South East Fermanagh Foundation*

## **Woodenbridge Hotel, Arklow Co. Wickow**

### **Respite Friday 7th - Saturday 8th February 2020**

Approx. 40 victims/survivors will come together from across Ireland and Northern Ireland. There will be workshop discussions examining victims/survivors perspective on issues of justice, truth and acknowledgement and other needs that you may have. The outcome of these discussions will inform SEFF's future work programmes and priorities.

We are able to offer a minimum of 2 places per family (and in cases where there are multiple siblings this number may be increased up to 4 places).

The respite will be **free of charge** and includes:

#### **Dinner, Bed and Breakfast**

The initiative will provide the means for some social time and we will incorporate a tour/visit as part of the finalised itinerary. We would really appreciate your presence and input.

Please ring the office on 028677 23884 for more information and to express an interest in attending by 5pm on Friday 17th January 2020, spaces will then be allocated soon after.



## **Hyde Park Civil Case against John Downey**



**L-R Sarah-Jane Young, Mark Tipper, Judith Jenkins**



**Memorial in Hyde Park to the murdered soldiers**

On Friday morning, 18th December, Mrs Justice Yip, held that John Downey, was an "active participant" and was responsible along with others for the unlawful planned killing" of the soldiers in Hyde Park.

We commend the bereaved families and survivors for their dignity, fortitude and perseverance throughout this very testing time. We also applaud their legal support led by Matt Jury. In next month's Newsletter we will run a substantive piece on this case and what it means to all innocent victims and survivors.

**Ken**

The following are just some of the questions that remain to be answered: -

- Why did the PIRA did perform a U-turn and try to claim the document came from the RUC?
- Did anybody in the Irish Republic put them under pressure to issue this second contradictory statement?
- Who were the PIRA trying to protect?
- Which Donegal Garda stations were penetrated by the PIRA?
- Did any of these stations receive the Garda sighting document with Ian's details?
- Do the RUC know who leaked the document to the PIRA?
- Why did the RUC provide Ian's details, including a photograph, to the Garda, believing information was being leaked by them to the PIRA?
- Why did the Garda ask for Ian's details and how long before the murder did the Garda receive Ian's details?
- Were the Garda HQ aware of leaks to the PIRA in County Donegal? If so, why did they take no action?
- Did the RUC discipline any officer for providing Ian's details to the Garda?
- What intelligence did RUC Special branch hold about PIRA leaks from the Donegal Garda?
- Did they share this intelligence with RUC CID?
- Did they share it with Garda Headquarters?
- Did the RUC Special Branch withhold their intelligence on the identities of Garda officers colluding with the PIRA from the CID murder investigation team?
- Why did the PSNI and Garda withhold their reports from Judge Smithwick?
- What else have they not disclosed to the Sproule family?
- Have any of the suspects in Ian's murder received OTR letters from the Government?
- Why has no-one been brought to justice for the leak of information to the PIRA?
- Why has no-one been brought to justice for Ian's murder?



For 28 years, the Sproule family have been met with a wall of silence and obfuscation but if a new

Inquest is ordered, the family hope to obtain justice and answers to their many questions. If the Irish state is sincere in its oft stated desire to co-operate with legacy structures in NI, then its institutions, including the AGS, shall offer the fullest assistance to any new Inquest.

After six years of constant challenges to the Irish government, Simon Coveney recently afforded us a meeting when he made a number of 'promises', we await the result of those outcomes.

**Ken Funston**