



**THE KILLING OF FRANK QUINN**



**DIED: 9<sup>th</sup> AUGUST 1971**



**AUGUST 2011**







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### **FOREWORD**

Relatives for Justice (RFJ) is a Non-Governmental Organisation working with persons bereaved and injured as a result of the recent conflict in Ireland.

The purpose of Relatives for Justice (RFJ) is to provide appropriate therapeutic and developmental based support for the bereaved and injured of the conflict within a safe environment. To examine and develop transitional justice and truth recovery mechanisms assisting with individual healing, contributing to positive societal change, ensuring the effective promotion and protection of human rights, social justice, and reconciliation in the context of an emerging participative democracy post conflict.

This support brought me into contact with the relatives of 11 people killed during the 9<sup>th</sup>-11<sup>th</sup> August 1971. These families' experiences, like all victims of our conflict, are individual, unique and complex. But equally their reserves and talents are formidable and deep.

Now with so much accomplished, it feels like we all always knew of the events in Ballymurphy, West Belfast over those few days. Yet in 2007 when these families first met in RFJ the world nor indeed the local community had not yet had the privilege of hearing the testimony of these incredibly brave people.

Together RFJ and the families built a narrative of the events over those days, and just as importantly the years that followed. This was such an important part of the process. The long term effects of the killings and the subsequent impunity cannot be separated from the forensic details of how these brutal killings occurred.

I was privileged to meet the survivors, but was reminded often of those other victims who died as a result of the Ballymurphy Massacre. The parents who died of broken hearts, the partners who passed away in physical and mental anguish and the children who died from self-medication as a result of a life irrevocably altered.

What has been achieved since those 4 short years is remarkable. Undoubtedly had their story been told earlier theirs would have been a campaign considered as part of the negotiations from which our peace process evolved. That they

have achieved so much outside of those opportunities is a testament to the families and the incredibly grave nature of the issues to be addressed.

These two reports commissioned by two of the families, indicate the wide ranging and complex issues that need to be grappled regarding these killings.

What these families have demanded is modest. The British state which was responsible for the deaths, for their cover up, and for the contemptible treatment of the families in the years that followed must not easily dismiss these demands under the cover of the needs of the many.

We will all benefit from acknowledging with our past. The truth would indeed set us free in our present. It will definitely contribute to building a just and peaceful future.

“Truth will come to light; murder cannot be hid long..., but at the length truth will out.” – Merchant of Venice, William Shakespeare

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## 1. INTRODUCTION

- 1.1 British Irish RIGHTS WATCH (BIRW) is an independent non-governmental organisation that has been monitoring the human rights dimension of the conflict, and the peace process, in Northern Ireland since 1990. Our vision is of a Northern Ireland in which respect for human rights is integral to all its institutions and experienced by all who live there. Our mission is to secure respect for human rights in Northern Ireland and to disseminate the human rights lessons learned from the Northern Ireland conflict in order to promote peace, reconciliation and the prevention of conflict. BIRW's services are available, free of charge, to anyone whose human rights have been violated because of the conflict, regardless of religious, political or community affiliations. BIRW take no position on the eventual constitutional outcome of the conflict.
- 1.2 On the evening of 9<sup>th</sup> August 1971, Frank Quinn was killed by a British soldier in Belfast. Frank was just 19 years old. He had gone to assist a Catholic priest called Father Hugh Mullan who was attending an injured man called Robert (Bobby) Clarke. Father Mullan was also killed by a British soldier. The killing of Frank Quinn and Father Mullan started what has since become known as the Ballymurphy Internment Massacre, which lasted between 9<sup>th</sup> and 11<sup>th</sup> August 1971, resulting in the killing of 11 innocent civilians. The others who died were Noel Phillips, Joan Connolly, Daniel Teggart, Joseph Murphy, Eddie Doherty, John Laverty, Joseph Corr, Paddy McCarthy and John McKerr. The massacre took place six months before a similar event occurred on 30<sup>th</sup> January 1972 in Derry when British soldiers – including troops from the Parachute Regiment (the Paras), who were deployed in Ballymurphy – killed 13<sup>1</sup> innocent civilians on what became known as Bloody Sunday.
- 1.3 Unlike the events in Derry on Bloody Sunday, which led to an extensive second public inquiry followed by an apology by Prime Minister David Cameron<sup>2</sup>, what happened to Frank Quinn and the other ten people who were killed by British soldiers between 9<sup>th</sup> and 11<sup>th</sup> August 1971 has never received the anxious scrutiny it deserves. The Ballymurphy Internment Massacre, as it has become known, was with the benefit of hindsight the precursor of Bloody Sunday and cemented military impunity regarding the shooting of civilians in Northern Ireland. In addition to the killing of Frank Quinn and the other innocent victims, a number of Ballymurphy residents were injured and some were detained by the army and subjected to brutal interrogations, a significant factor contributing to the intensification of the conflict following years of Protestant discrimination against

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<sup>1</sup> Another man died four and a half months later of wounds attributed to being shot on the same day

<sup>2</sup> Prime Minister David Cameron's full statement of 15<sup>th</sup> June 2010 can be read at <http://www.bbc.co.uk/news/10322295>

Catholics in Northern Ireland and a shift in the local perception of the role of the British army. The Bloody Sunday Inquiry concluded that such behaviour was the norm when it came to the Paras:

“On the basis of the evidence we have considered, there were instances where soldiers used excessive force when arresting people in the Eden Place waste ground, as well as seriously assaulting them for no good reason while in their custody. We consider such conduct to be unjustifiable. It suggests to us, rather than that a few individuals overstepped the mark in isolated cases, that such behaviour was closer to the norm than the exception among soldiers of 1 PARA.”<sup>3</sup>

- 1.4 Frank's family were devastated by his death. Many of the relatives of the victims formed the Ballymurphy Massacre Committee (in association with the NGO Relatives for Justice) in 1998. The Committee campaigns to establish the truth about what happened between the 9<sup>th</sup> and 11<sup>th</sup> August 1971. Latterly, the Committee has found support in the USA and through engagement with the relatives of the Bloody Sunday victims. The Committee has secured many eyewitness accounts to the events in August 1971 in addition to undertaking valuable research. The Committee has secured meetings with Westminster politicians in London and Belfast and brought the massacre to much wider attention including before the US Congress in Washington and in the Houses of Parliament. The campaign also has the support of the Department of Foreign Affairs (DFA) in Dublin. The campaign of the Committee continues and this report, commissioned by the family of Frank Quinn, is a contribution to it.<sup>4</sup>
- 1.5 The Ballymurphy Massacre Committee, which includes the relatives of Frank Quinn, have the following demands. They want an independent international investigation examining the circumstances surrounding all of the deaths. They want the British government to issue a statement of innocence. They want the British government to issue a public apology.<sup>5</sup> These requirements are no more than any victims' families would be due when 11 innocent civilians have been killed by soldiers serving in the British army. So far the government has refused to accept that any wrong has been done, thus deepening the families' feelings of grief and injustice, as survivors of a forgotten tragedy.

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<sup>3</sup> Bloody Sunday Inquiry Report, June 2010, Chapter 44, paragraph 1 – see also Chapter 160, paragraphs 106, 107, and 169

<sup>4</sup> BIRW has also been commissioned to provide a similar style of report for the family of John Laverty who was killed on 11<sup>th</sup> August 1971. BIRW has worked with Relatives for Justice and the Committee on the Administration of Justice on the Ballymurphy Internment Massacre and their support is acknowledged.

<sup>5</sup> See the Ballymurphy Massacre Committee website at <http://www.ballymurphy massacre.com/campaign.htm>

- 1.6 This report sets out what we know about Frank Quinn's killing and the context in which it took place. Because the available information is in part fragmentary, the report will inevitably raise more questions than it answers. Nevertheless, we hope that it will contribute to the process that helps to establish the truth about Frank Quinn's tragic death and to his vindication. For despite the passage of time it remains important that Frank Quinn's death is understood through an investigation that reveals the truth. There can be no statute of limitation available to those responsible for Frank Quinn's death, nor any time limit placed on his family's quest for justice.

## 2. THE SHORT LIFE OF FRANK QUINN

- 2.1 Francis Joseph Quinn was born on the 21<sup>st</sup> April 1952<sup>6</sup> at 2 Coate Place in the Divis Street area of West Belfast. He was baptised into the Catholic Church at St Mary's Church, Chapel Lane, and went to the Christian Brothers' Primary School in Divis Street. When Frank Quinn's parents, Tommy and Grace, moved with their six children to Stranmillis, Frank went to St Augustine's School on Ravenhill Road. Frank's father worked as a caretaker and roofer. When Frank Quinn left school he started work as a window cleaner.<sup>7</sup>
- 2.2 Frank Quinn met his bride-to-be, Anne McMEnamin, when they were both still young. They married on the 15<sup>th</sup> November 1969 when they were both seventeen. Their first daughter Angela was born on 20<sup>th</sup> February 1970. Their second daughter Frances was born on 22<sup>nd</sup> February 1972, after the death of her father. Frank and Anne lived in a flat at 49c Moyard Crescent on the Ballymurphy Estate. They had moved in about seven weeks before Frank's death.<sup>8</sup> Pat Quinn (Frank's younger brother) said:  
"They were so happy" says his brother Patrick, 'they had just moved into a flat in Ballymurphy. It was their first proper home. I was 14 and living at home when Frank died. I remember a few days before he was killed, going over to see him, Ann and the baby. It was a beautiful sunny day and we headed to Falls Park. I can still see us there, laughing and fooling about. After Frank was murdered, Ann went to live with her mother. She didn't want to stay at the flat without Frank. She gave birth to a baby girl and called her Frances. Ann was only 19 when she was widowed but she never married again even though none of our family would have minded.' Frank's parents lived in the then mainly Protestant Stranmillis area of south Belfast where his father worked as a caretaker and roofer. 'The British said all those killed in Ballymurphy were IRA members and the media reported that unquestioningly' says Patrick. 'Neighbours who had known us for years suddenly

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6 Verdict on Inquest of Frank Quinn, 17<sup>th</sup> February 1972

7 Police Report Concerning the Death of Frank Quinn, 9<sup>th</sup> September 1971

8 Statement of Jane McMEnamin, (undated), mother-in-law of Frank Quinn



stopped talking to us. Some of my father's workmates blanked him. We were a completely non-political family but now we were branded just because my brother had been murdered By the British army. My father was worried that loyalists would kill me. He handed in his notice at work and we moved out of Stranmills and into a nationalist area. My father lost his son, his home and his job and he'd done nothing wrong.'"<sup>9</sup>

- 2.3 In a short statement written by members of his family, Frank Quinn's death is described in the following terms:

"But tragedy struck on the 9<sup>th</sup> August 1971. As Frank was helping Father Hugh Mullan attend to a wounded man, Frank and Father Mullan were shot dead by an unknown member of the parachute regiment. His family were devastated. His parents' lives were never the same. Their hearts were broken. Anne had to carry on without her husband. Their daughter Frances was born shortly after her father's death. Frank missed seeing his daughters grown up. He missed walking them down the aisle on their wedding days, he missed seeing his grandchildren. Frank's family will never forget him. There is not a day goes by that we don't think of him. Frank was a good son, a loving husband, father and a dear brother. Frank loved life and we loved him."<sup>10</sup>

- 2.4 Frank Quinn was 19 years old when he was killed.

### **3. BALLYMURPHY UP TO 1971**

- 3.1 Frank Quinn and his family lived in a small tightly-knit community of some 12,000 people spread over eight housing estates in one square mile of west Belfast. The whole area is collectively known as Ballymurphy, Greater Ballymurphy or the Upper Springfield. Its epicentre is the Ballymurphy Estate, often referred to colloquially as 'the 'Murph'.

- 3.2 According to Ciarán de Baróid in his book *Ballymurphy and the Irish War*, "In Ireland Ballymurphy is a name guaranteed to evoke strong reactions directly betraying the listeners' politics."<sup>11</sup>

- 3.3 The Ballymurphy story begins in May 1947 when the Estates Committee of Belfast Corporation acquired some 59 acres of land for house-building at the foot of Black Mountain which, along with Divis and Cavehill, forms the 1,200ft escarpment that curtails the city's westward expansion. Eventually 501 houses were built. The start was not auspicious:

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<sup>9</sup> Suzanne Breen, "Ghosts of a Forgotten Massacre", *The Sunday Tribune*, 1<sup>st</sup> August 2010

<sup>10</sup> Undated typed statement of the relatives of Frank Quinn

<sup>11</sup> Ciarán de Baróid *Ballymurphy and the Irish War* (1989: Pluto Press, London), page xiii

“The management of the estate reflected an appalling incompetence and lack of understanding of how human beings and the environment in which they live interact with one another. In the first place, most of the residents allocated to Ballymurphy in its infant days were young married couples, many of them ex-soldiers and their wives who had either, or were soon to have, large numbers of children, creating a population bulge that was to last a quarter of a century. This, coupled with a complete lack of recreational and play facilities, was to give rise to serious problems of vandalism. Further, to add to the difficulties of coping with streets full of bored youngsters, there were no shopping facilities, nor was there a church or primary school.”<sup>12</sup>

- 3.4 Poverty too was endemic in Ballymurphy with half of the families subsisting on state benefits. The estate rapidly became the home to many Catholic families. In the 1950s Northern Ireland was run by the unionist community for their own benefit, and their discriminatory policies on housing, which was one of the matters that led to the formation of the Northern Ireland Civil Rights Association (NICRA) in the 1970s<sup>13</sup>, meant that a poverty-stricken estate like Ballymurphy soon became consigned to members of the Catholic community, many of whom were nationalists.
- 3.5 By 1955 two acres of land, which had been reserved for a Protestant school, had been sold to the Catholic Church. By the late 1950s, Ballymurphy had become a transitory estate primarily for the Protestant community, from which the more ambitious Protestant families moved out as soon as possible, leaving behind impoverished Catholics and Protestants. This resulted in constant community instability in the area, which, because of its poverty and lack of facilities together with its reputation for vandalism, earned it a bad name.
- 3.6 A spark of hope was seen in the founding of the Ballymurphy Tenants' Association (BTA) in 1963. Through raising money the BTA self-financed projects including a community centre, a school bus and a children's playground. It put pressure on the Belfast Corporation to undertake major repairs and refurbishment programmes. There were signs of change in Ballymurphy.<sup>14</sup> The BTA and its work heralded some progress in Ballymurphy and the development of community cohesion which was then shattered by the internment killings.

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<sup>12</sup> Ibid. pages 9 -10

<sup>13</sup> NICRA did not challenge partition - probably in an attempt to draw as much cross-community support as possible - although the membership remained predominantly Catholic. See [http://www.bbc.co.uk/history/recent/troubles/the\\_troubles\\_article\\_03.shtml](http://www.bbc.co.uk/history/recent/troubles/the_troubles_article_03.shtml)

<sup>14</sup> As documented by Michael Farrell in *Northern Ireland: The Orange State* (1976: Pluto Press, London), pages 291-2

- 3.7 By 1969 "the Troubles", as the conflict is often described, had come to Ballymurphy. Contemporary photographs show that Ballymurphy and the Falls resembled a war zone, with many houses damaged by rioting and many buildings gutted by fire as people from both sides of the community had been burned out of their homes.
- 3.8 However, whatever the problems in Ballymurphy, things were worse in other parts of west Belfast and Ballymurphy became increasingly seen as a haven by many on the Falls Road and surrounding areas. Hundreds from the Falls Road and Ardoyne flocked into Ballymurphy for safety. A group of Ballymurphy residents met to organise relief for these families and also basic defence mechanisms. Barricades went up around the estates. The group realised that a few loyalist families in the area would need to be approached individually and assured of protection by the local people. Such was the nature of community cohesion on the estate at this time.<sup>15</sup>
- 3.9 Between 1969 and 1971 the situation in Northern Ireland began to deteriorate as the security situation grew worse and the IRA grew in influence over the Catholic community. Initially, many in the Catholic community had welcomed the presence of the British army as an impartial force of protection, but as time went on the tactics of the army to maintain civil order became more aggressive including the use of CS gas and rubber bullets.<sup>16</sup> There was increasing tension between the Catholic and Protestant communities. The police and the army were, at this point at least, in the thick of this.<sup>17</sup>
- 3.10 At this point the government commissioned Lord Hunt to examine the structure of policing in Northern Ireland.
- "On Tuesday, 26<sup>th</sup> August 1969, we were appointed by the Minister of Home Affairs of the Government of Northern Ireland to 'examine the recruitment, organisation, structure and composition of the Royal Ulster Constabulary and the Ulster Special Constabulary and their respective functions and to recommend as necessary what

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<sup>15</sup> *Ballymurphy and the Irish War*, page 51. See also David Barzilai *The British Army in Ulster: Volume 1* (1973: Century Books, Belfast), page 26

<sup>16</sup> Father (later Monsignor) Denis Faul and Father (later Monsignor) Raymond Murray *Plastic Bullets – Plastic Government* (1982: Denis Faul, Belfast). See also *The British Army in Ulster: Volume 1*

<sup>17</sup> Initially "They [British soldiers] were accepted as impartial guardians of a law and order that would redress the grievances which had developed under the repressive rule of the Ulster Protestants... It was widely assumed that the presence of the British Army would put an end to excesses of brutality and that the Labour Government might itself intervene directly to meet the modest demands of the civil rights movement." Russell Stetler, *Monthly Review*, November 1970

changes are required to provide for the efficient enforcement of law and order in Northern Ireland."<sup>18</sup>

- 3.11 Lord Hunt recommended that the Royal Ulster Constabulary (RUC) be disarmed<sup>19</sup> and the notoriously partisan 'B' Specials<sup>20</sup> be disbanded.<sup>21</sup> When some of these recommendations were implemented, Protestants rioted.
- 3.12 Things were changing. The Springfield Joint Committee, comprising representatives of Ballymurphy, Turf Lodge, Moyard, New Barnsley (all of which were mainly Catholic) and Highfield (which was mainly Protestant) had managed to keep the peace between both sides of the Springfield Road since the previous August. But now there was a programme of spiralling violence. Riots intensified with Protestants attacking Catholic enclaves, often accompanied by the burning of homes and sniper fire.
- 3.13 On 26<sup>th</sup> June 1970 violence came to Ballymurphy when the loyalist Orange Lodge No 9 District marched down the Springfield Road protected by the British army. As previously noted, until relatively recently the Catholic community had still believed that the British army was there to protect them.<sup>22</sup> Inevitably, the parade was attacked by the nationalist elements of the Catholic community who now felt threatened. The angry crowd then turned on the RUC barracks. At this point the area became swamped with hundreds of troops, Land Rovers and armoured vehicles. CS gas was used. Military historian and journalist David Barzilay describes the events from the British army's point of view:
- "The trouble started on the Springfield Road on the Saturday, June 28<sup>th</sup> [sic], only a short while before a large Orange parade was due to enter the road from Mayo Street. Catholic crowds began singing Republican songs and Protestant youths replied with cat-calls and the waving of Union Jacks. The trouble then started and for almost an hour the rival crowds fought running battles up and down the Springfield Road; eventually the Army was called in and the two factions separated. Ballymurphy, the scene of the riots in April, became another trouble spot and a crowd occupied the

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<sup>18</sup> *Report of the Advisory Committee on Police in Northern Ireland* Cmd. 535 (Belfast: HMSO, 1969)

<sup>19</sup> A recommendation which was never implemented

<sup>20</sup> The B-Specials were officially known as the Ulster Special Constabulary. Overwhelmingly drawn from the Protestant community, they were infamous for their brutality against Catholics.

<sup>21</sup> *Report of the Advisory Committee on Police in Northern Ireland*, paragraph 183(1) available at <http://cain.ulst.ac.uk/hms0/hunt.htm>

<sup>22</sup> See for example contemporary BBC news coverage:  
[http://news.bbc.co.uk/onthisday/hi/dates/stories/august/14/newsid\\_4075000/4075437.stm](http://news.bbc.co.uk/onthisday/hi/dates/stories/august/14/newsid_4075000/4075437.stm)

lower floor of an RUC station at New Barnsley. They were ejected after CS gas was used.”<sup>23</sup>

- 3.14 Over the next few days this became known as “the “Falls Curfew” which lasted from the 3<sup>rd</sup> to the 5<sup>th</sup> of July.<sup>24</sup> Homes were destroyed, four people were killed, a dozen were wounded by gunfire, and over 300 arrested.<sup>25</sup> The tensions in Ballymurphy lasted for seven months until January 1971. On 14<sup>th</sup> January 1971, 700 troops conducted house-to-house searches of the estate. On 6<sup>th</sup> February 1971 the then Prime Minister of Northern Ireland James Chichester-Clarke announced on television that “Northern Ireland is at war with the Irish Republican Army Provisionals.”<sup>26</sup>
- 3.15 At 4:30am on 9<sup>th</sup> August 1971, British troops, supported by heavy armour, swept into Catholic areas to arrest the first 342 internees.<sup>27</sup> In Ballymurphy two days later somebody went onto the Whiterock Road and daubed along the cemetery wall, “Is There Life Before Death?” By this time Frank Quinn, aged 19, and ten others were dead as the Ballymurphy Internment massacre had occurred.

#### 4. THE POLITICAL CONTEXT

- 4.1 In addition to the tragedy brought upon the family of Frank Quinn, the killings marked a new phase in the nature of the military intervention in Northern Ireland which would further lead to the fateful events in Derry on Bloody Sunday, 30<sup>th</sup> January 1972. Sadly this new chapter apparently started in Ballymurphy with the enforcement of internment and the indiscriminate taking of the life of Frank Quinn and others through lethal force. Before undertaking a detailed analysis of the events surrounding the brutal killing of Frank Quinn, this report addresses the political and military context prevailing in Northern Ireland prior to his death. This is important in that it provides a form of sad rationale for the circumstances of Frank Quinn’s life on the Ballymurphy Estate, how he became caught

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<sup>23</sup> *The British Army in Ulster: Volume 1*, pages 9 - 10

<sup>24</sup> “The Curfew That Sparked A War”, *The Anderstown News*, 5<sup>th</sup> July 2010. See also *The Falls Curfew*, *An Phoblacht* 5<sup>th</sup> July 2007 and <http://cain.ulst.ac.uk/othelem/chron/ch70.htm#Jul> which provides a useful chronology of events (the University of Ulster Conflict and Politics in Northern Ireland website)

<sup>25</sup> Another 60 civilians suffered gunshot wounds, as did 15 soldiers, 3 more of whom were wounded by stones or petrol bombs. A total of 337 people, including Official IRA leader Billy McMillen were also arrested. See Brian Hanley and Scott Miller *The Lost Revolution: The Story of the Official IRA and the Workers' Party* (2009: Penguin Ireland, Dublin), page 159.

<sup>26</sup> *Ballymurphy and the Irish War*, page 60 and in David McKittrick and David McVeigh *Making Sense of the Troubles* (2000: Blackstaff Press, Belfast) page 251

<sup>27</sup> *The British Army in Ulster: Volume 1*, page 26 and *Ballymurphy and the Irish War*, page 72

- up in something beyond his control, and how it came about that an innocent man like Frank came to be killed.
- 4.2 The descent into violence in Northern Ireland can be marked by what some have called the Battle of the Bogside<sup>28</sup> in Derry between the 12<sup>th</sup> and 14<sup>th</sup> August 1969. The Protestant Apprentice Boys of Derry were permitted to march in Derry sparking a full-scale uprising by the Catholic residents of the Bogside area near to the city centre. The RUC were denied entry to the Bogside. The RUC responded to petrol bombs and bricks by using CS gas. In effect the RUC lost control of a substantial part of Derry.
  - 4.3 This trouble now spread to Belfast where there was tension between the Catholic and Protestant communities particularly along the sectarian boundary which fell somewhere between the Catholic Falls Road and the Protestant Shankill Road. The RUC staged baton charges and eight people died four of them killed by the RUC and another by the 'B' Specials in Armagh.<sup>29</sup>
  - 4.4 Northern Ireland Prime Minister Chichester-Clarke now asked for the British army to be deployed. This altered the political balance between Belfast and London as the army was not under the control of Stormont but of Westminster. The British Home Secretary James Callaghan took a very hands-on approach to his Northern Ireland brief. Unionists objected to Callaghan's close involvement and to the fact that in their eyes he took the nationalist side. As previously noted the Labour government's reforms under Prime Minister Harold Wilson in the wake of the Hunt Report on Northern Ireland's policing system, which recommended the disbandment of the 'B' Specials, led to loyalist violence on the Shankill Road.<sup>30</sup>
  - 4.5 At this juncture a new player arrived on the political stage: the government of the Republic of Ireland. The Taoiseach, Jack Lynch, had not made much of a priority of Northern Ireland until the violence of August 1969. The Irish Republic was now confronted with the unfinished business of partition and the demands of Catholic nationalists from Northern Ireland. There was talk of deploying the Irish Army to Northern Ireland. Lynch announced the setting up of field hospitals close to the

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<sup>28</sup> On the Battle of the Bogside see the Museum of Free Derry website at <http://www.museumoffreederry.org/history-battle01.html>.

See also Russell Stetler *The Battle of the Bogside: The Politics of Violence in Northern Ireland* (London and Sydney: Sheed and Ward, 1970) chapter 3, also available on line at <http://cain.ulst.ac.uk/events/battlebogside/stetler/stetler70.htm#august>.

<sup>29</sup> Another Catholic was killed by loyalists and two Protestants were killed by republicans

<sup>30</sup> *Making Sense of the Troubles*, pages 55-56

border to treat the injured fleeing Northern Ireland. Whilst there was support for the nationalists in Northern Ireland, the first aim for the Republic of Ireland was to protect itself against becoming physically embroiled in the conflagration in Northern Ireland. However, weapons were sent up to the border between the two countries and £100,000 found by the Irish government for "the relief of distress".<sup>31</sup>

- 4.6 The Labour administration lost the 1970 general election in the UK. The violence continued in Northern Ireland unabated. The new Home Secretary Reginald Maudling is attributed as infamously remarking that IRA violence might be reduced to "an acceptable level" widely interpreted as a fatalistic acknowledgment that violence in Northern Ireland might never end.<sup>32</sup> He percipiently added that a lasting solution "cannot be achieved by military action alone."<sup>33</sup> As the unionist movement became more hard-line, Chichester-Clark warned that Stormont faced closure, meaning the imposition of direct rule from Westminster. Chichester-Clarke resigned as the violence intensified in 1971 and British Prime Minister Edward Heath refused further support save in the form of more troops. Chichester-Clark, a landowning member of the unionist gentry, was succeeded by professional unionist career politician, Brian Faulkner. It was Faulkner who saw internment without trial as:

"[A] panacea which would halt the violence and in time provide the atmosphere for political progress. Others saw internment as a means of circumventing the rule of law and abandoning legal procedures".<sup>34</sup>

- 4.7 In which ever way it was viewed the process of internment bought terror to Ballymurphy and the killing of Frank Quinn and other innocent civilians. To implement internment without trial required a precise military operation to which we now turn, starting with the military context, which lead to the Ballymurphy Internment massacre and the killing of Frank Quinn by the British army.

## 5. THE MILITARY CONTEXT

- 5.1 When violence erupted in Derry on 12<sup>th</sup> August 1969 following the Apprentice Boys March, it was two days before the first British troops were deployed on the streets following the failure of the RUC to control the

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<sup>31</sup> Ibid, pages 57-58 and W. J. McCormack and Patrick Gillan (eds.) *The Blackwell companion to modern Irish culture* (Oxford; Blackwell Publishers, 1999) entry by James Downie on the Arms Trial, 5<sup>th</sup> May 1970 at page 30

<sup>32</sup> *Making Sense of the Troubles*, page 62. See also *Time Magazine* at <http://www.time.com/time/magazine/article/0,9171,905596,00.html>

<sup>33</sup> *Time Magazine* ibid

<sup>34</sup> A view expressed by the authors of *Making Sense of the Troubles*, page 67

situation. The 1<sup>st</sup> Battalion of the Prince of Wales's Own Regiment of Yorkshire was deployed to separate what were now becoming identified less as Catholics and Protestants but more as nationalists and loyalists. Ten rifle companies were present that day. They were reinforced the following day by the Spearhead Battalion 3<sup>rd</sup> Battalion the Light Infantry.

According to the Ministry of Defence's (MoD) own retrospective analysis:

"The Army was deployed to interpose itself between protestant and catholic areas. Catholics viewed its arrival with a mixture of suspicion and relief. Most of them felt it was there to protect them, but the republican perception was that the British army was an army of occupation, which reflected myths and legends about the Easter Rising."<sup>35</sup>

- 5.2 Between 29<sup>th</sup> and 31<sup>st</sup> March 1970, following the violence sparked by the Easter Orange Order Marches, the Royal Engineers dismantled barricades which had been erected. There was further use of CS gas by the army.

As the MoD report notes:

"During the late summer of 1970 the situation gradually deteriorated. Soldiers expressed genuine sympathy for the population as a whole. Many were astonished at what they saw as the squalor and narrow-mindedness that was common to so many of the population in the urban areas in which they were deployed."<sup>36</sup>

- 5.3 The first British soldier to be killed in the conflict died on 6<sup>th</sup> February 1971. By the time of the Ballymurphy Internment Massacre, ten soldiers had been killed altogether. It is not unreasonable to speculate that these deaths would have significantly affected the attitude of those troops serving in Northern Ireland towards the local population, and particularly towards the nationalist community. It would also have affected the mindset of those troops about to be deployed to Northern Ireland.

- 5.4 In 1970 Brigadier Frank Kitson was deployed to Northern Ireland commanding 39 Airborne Brigade. In 1971 Kitson published *Low intensity operations: Subversion, Insurgency and Peacekeeping*.<sup>37</sup> It can be argued that Kitson's presence after serving in Kenya during the Mau Mau uprising and in Malaya during the emergency there points to a shift in military thinking toward viewing the violence in Northern Ireland as a counter-insurgency operation. Internment without trial became a weapon in the counter-insurgency tactics of the army, starting with Ballymurphy and the implementation of Operation Demetrius, the army's code name for internment.

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<sup>35</sup> Ministry of Defence *Operation Banner: An Analysis of Military Operations in Northern Ireland Army Code 71842* (2006), page 2-4

<sup>36</sup> Ibid. pages 2-6

<sup>37</sup> (London: Faber and Faber, 1971)



## 5.5 Internment: Operation Demetrius

5.5.1 Internment had been used several times before, most recently between 1957 and 1962, at the time of the IRA's Border Campaign.<sup>38</sup> In 1971 internment was introduced against military advice.<sup>39</sup> The army opposed it because of the outdated intelligence information available in relation to suspects, poor preparation of the British army and the RUC and the inadequacy of appropriate holding facilities.<sup>40</sup> In the event the army subjected a number of those interned to the notorious deep interrogation techniques which were later ruled to amount to inhuman and degrading treatment when the Irish Republic took the British government to the European Court of Human Rights (ECtHR) in the interstate case of *Ireland v UK*.<sup>41</sup> The so-called five (conditioning) techniques of interrogation<sup>42</sup>, which in fact amount to inhuman and degrading treatment (and possibly torture), were wall-standing, hooding, subjection to noise, deprivation of sleep, and deprivation of food and drink. They had been developed in counter-insurgency operations by the British army in Burma, Malaya, Kenya and Aden.<sup>43</sup> As McKittrick and McVea note:

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<sup>38</sup> The Border Campaign (12<sup>th</sup> December 1956 -26<sup>th</sup> February 1962) was a campaign of guerrilla warfare (codenamed Operation Harvest) carried out by the IRA against targets in Northern Ireland with the aim of overthrowing British rule and creating a united Ireland. See Richard English *Armed Struggle: The History of the IRA* (London: Pan, 2004)

<sup>39</sup> *Operation Banner: An Analysis of Military Operations in Northern Ireland* at pages 2-7 and 4-2

<sup>40</sup> In a secret memorandum to the Private Secretary of the Prime Minister, Edward Heath (P L Gregson) from a civil servant in at the Ministry of Defence in Whitehall it is noted that "The view of the GOC, with which the Defence Secretary entirely agrees, is that the arguments against resorting to internment remain very strong" PREM 15/4/78, London Public Record Office.

<sup>41</sup> [1978] 2 EHHR 25 (Application no. 5310/71)

<sup>42</sup> Which have re-emerged under the euphemism of "conditioning" in the wars in Iraq and Afghanistan

<sup>43</sup> In 2009 the Baha Mousa Inquiry commenced in London investigating claims that Iraqi civilian Baha Mousa died as a result of being subjected to interrogation by British forces stationed in Basra, southern Iraq. The Terms of Reference of the inquiry are as follows: "To investigate and report on the circumstances surrounding the death of Baha Mousa and the treatment of those detained with him, taking account of the investigations which have already taken place, in particular where responsibility lay for approving the practice of conditioning detainees by any members of the 1st Battalion, The Queen's Lancashire Regiment in Iraq in 2003, and to make recommendations." See <http://www.bahamousainquiry.org/>. The opening statement by the lead counsel to inquiry, Gerard Elias QC, frequently mentioned the use of these techniques in Northern Ireland. *The Report of the*

“The troops who were sent to make arrests often found themselves at the wrong house, or finding not an IRA suspect but his father or brother. Many of these were nonetheless taken in for ‘screening’. Allegations that soldiers had in the process often used brutal methods were denied by the authorities but often substantiated by later inquiries and court proceedings. Many of those held were released within hours or days, often traumatised, radicalised and infuriated by the experience. It later emerged that more than a dozen suspects had been given special experimental interrogation treatment. They were subject to sensory deprivation techniques which included the denial of sleep and food and being forced to stand spread eagled against a wall for long periods. Taped electronic ‘white noise’ sound was continuously played to complete the disorientation.”<sup>44</sup>

5.5.2 On 17<sup>th</sup> November 1991 *The Independent* newspaper reported “The late Reginald Maudling wrote later: ‘No one could be certain what would be the consequences, yet the question was simply this: what other measures could be taken?’” *The Independent* continued:

“Today with hindsight, it is clear how awful the consequences were. The experience of internment from 1971 to 1972 was by almost universal consent an unmitigated disaster which has left an indelible mark on the history of Northern Ireland. In 1971 it was opposed to in principle because it did not conform to international human rights standards; because many of the wrong people were picked up; and because it was accompanied by casual brutality during and after the arrests. It was also seen as an illegitimate weapon in that part of the reason for using it was to prop up an ailing Unionist government.”<sup>45</sup>

5.5.3 The legal basis for internment was the Civil Authorities (Special Powers) Act 1922. It remained in force until the British government assumed direct rule in 1972 and continued until 1975. The Act was emergency legislation, the sort of law to which Northern Ireland has always been and continues to be

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*Baha Mousa Inquiry* devotes 49 pages to these techniques at Volume II pages 411 – 460 HC 1452-II (2011). See [http://www.bahamousainquiry.org/f\\_report/vol%20ii/Part%20IV/Part%20IV.pdf](http://www.bahamousainquiry.org/f_report/vol%20ii/Part%20IV/Part%20IV.pdf)

<sup>44</sup> *Making Sense of the Troubles*, page 68. It is interesting to note the military perception of the five techniques: “The methods were inevitably frightening and psychologically disorientating, and intentionally so. But they did not involve physical force nor was any physical injury inflicted. Much later, Britain was put in the dock in the ECtHR which, in the rarified atmosphere of a courtroom, was bound to find against the practice. In practice the Army had used highly sophisticated and clinical, though admittedly, and intentionally, very frightening methods to get vital information from evil men.” Michael Dewar *The British Army in Northern Ireland* (London: Arms and Armour Press, 1996), page 55

<sup>45</sup> *The Independent*, 17<sup>th</sup> November 1991

subjected. The Act enabled indefinite detention without trial in addition to other draconian measures. The Act contained a catch-all provision in case any loophole could be found, at section 2(4):

“If any person does any act of such a nature as to be calculated to be prejudicial to the preservation of the peace or maintenance of order in Northern Ireland and not specifically provided for in the regulations, he shall be deemed to be guilty of an offence against the regulations.”<sup>46</sup>

5.5.4 The emergency provisions applying to Northern Ireland should be contrasted with provisions in England and Wales. Before 1967 the common law required “apparent necessity” before an “officer of justice” might use deadly force. Therefore, until the 1967 Criminal Law Act, English common law was not dissimilar to, although weaker than, the Article 2 right to life provision of the European Convention on Human Rights, which imposes a test of “absolute necessity” on the use of force.<sup>47</sup> “Absolute necessity” or “apparent necessity” was needed to justify any killing by the security forces. But the difference between “apparent” and “absolute” is vital in the distinction between common law and Strasbourg jurisprudence, as “absolute” cannot be derogated from or subject to discretion. However, the Criminal Law Act (Northern Ireland) 1967 at section 3(1) provided:

“A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.”

5.5.5 Thus, protection against the use of lethal force was moved even further from the Article 2 standard of “absolute necessity” and replaced by the far weaker test of “reasonable force”.

5.5.6 There was no statutory definition of the circumstances in which lethal force could be employed by the security forces or by any other persons. This led Professor Leonard Leigh of the London School of Economics to note: “It seems a pity that when the law was changed the legislation did not elucidate criteria governing the use of deadly force.”<sup>48</sup> It could only be concluded that the wording of section 3(1) was so vague and ambiguous that it did not provide a legitimate grounds for departing from the principles of international, European or even the common law.

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<sup>46</sup> The Act can be found at: <http://cain.ulst.ac.uk/hms0/spa1922.htm>

<sup>47</sup> This states that everyone’s right to life shall be protected by law. It goes on to state that deprivations of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary.

<sup>48</sup> Leonard Leigh, *Police Powers in England and Wales*, (London: Butterworths, 1975), page 46

5.5.7 Operation Demetrius, the introduction of internment, was in practice what the military establishment called an operational reverse in that it did not achieve what had been intended and served only to intensify violence.<sup>49</sup> 400 suspected IRA terrorists were interned between July and December 1971. In retrospect, given the negative reaction to the practice, the MoD considered internment a major mistake.<sup>50</sup> In his evidence to the Bloody Sunday Inquiry General Sir Robert Ford, who was the Commander Land Forces in Northern Ireland in 1972, commented on the policy of internment:

“This was a major decision and in my opinion the totally wrong one. I backed it at the time because I thought it was the right way. Now I know it was dead wrong.”<sup>51</sup>

5.5.8 In a note of a discussion about the Bloody Sunday Inquiry between Ford and the Chief of the General Staff on 5<sup>th</sup> June 1998, Ford was recorded as saying, “Internment starting point [for Bloody Sunday] and a disaster.”<sup>52</sup>

5.5.9 Internment became universally regarded as a misjudgement of historic proportions which inflicted tremendous damage both politically and in terms of fatalities. The fact that this was clearly a highly inefficient operation was demonstrated by the number of early releases and, most of all, by an eruption of violence on the streets. As McKittrick and McVea cite one author’s description (unattributed) regarding the situation in Belfast at the time:

“The city was in turmoil, with confusion, distress and fear on all sides. Local people were erecting improvised barricades to seal off entry to Catholic areas, which were becoming increasingly isolated and cut off. Public transport had broken down. There was ominous rattling of hundreds of bin-lids as communities sent out a call for arms and for defenders to man the ramparts. Buses were being hijacked on all sides, cars were dragged from burned-out showrooms, builders’ skips, rubble anything was being used to make barriers. Milk vans were being commandeered and the bottles used to make petrol bombs, pavements were being ripped up for missiles and to build barricades. Smoke, fire, disorder, noise and impending disaster were everywhere.”<sup>53</sup>

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<sup>49</sup> *Operation Banner: An Analysis of Military Operations in Northern Ireland*, at paragraph 22, page 2–7

<sup>50</sup> *Ibid*

<sup>51</sup> *At*

<http://webarchive.nationalarchives.gov.uk/20101103103930/http://report.bloody-sunday-inquiry.org/transcripts/Archive/Ts253.htm>  
(Day 253, 29th October 2002), page 10

<sup>52</sup> Bloody Sunday evidence classification 1209-108

<sup>53</sup> *Making Sense of the Troubles*, page 69. See also the extensive number of sworn statements made by those who were interrogated and given to the Association

5.5.10 The flashpoint in Operation Demetrius was the streets of west Belfast and specifically Ballymurphy. Frank Quinn and others were not interned; they were killed in what can be seen as indiscriminate acts of lethal violence by a section of the British army which had apparently been given a licence to kill by its superiors. Far from abiding by their own rules as set out in the Yellow Card (see further below at 5.7), the British army in Ballymurphy over three days shot on sight. Whilst the introduction of internment was still being considered Northern Ireland Prime Minister Faulkner stated on 25<sup>th</sup> May 1971 that "Any soldier seeing a person with a weapon or acting suspiciously may, depending on the circumstances, fire to warn or with effect without waiting for orders."<sup>54</sup>

5.5.11 Frank Quinn and the others killed during the Ballymurphy Internment massacre were their victims. The actions of the British army can be interpreted as viewing civilians as ceasing to be innocent civilian bystanders but becoming legitimate targets. Sadly, they had not been the first: in the two days before the Ballymurphy internment swoop, Harry Thornton was shot dead by a soldier when the vehicle he was driving backfired. We examine this sad event as a precursor to the killing of Frank Quinn a little while later.

## 5.6 Internment: The Reluctance to Intern Loyalists

5.6.1 In September 1971, the British Home Secretary stated the aim of the internment policy was "to hold in safety, where they can do no further harm, active members of the IRA, and secondly to obtain more information about their activities, their conspiracies and their organisation to help the security forces in their job of protecting the population as a whole".<sup>55</sup> Violence by both nationalist and loyalist paramilitaries was on the increase: 171 people died in the conflict in 1971, compared to 26 in 1970. Loyalists were responsible for 21 of those deaths, 15 of them occurring in the McGurk's Bar bombing.<sup>56</sup> Yet loyalists were, with two rare exceptions, not interned until 1973.

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For Legal Justice (ALJ). Amnesty International also took statements to the same effect available in *Report of an Amnesty International Mission to Northern Ireland* (28<sup>th</sup> November–6<sup>th</sup> December 1977) at <http://cain.ulst.ac.uk/issues/police/docs/amnesty78.htm>.

54 Tim Pat Coogan *The Troubles: Ireland's ordeal, 1966-1996, and the search for peace* (Basingstoke: MacMillan Palgrave, 2002), page 146. See also <http://www.tlmea.com/proni/essay6.asp>

55 Hansard HC (Series 5) volume 823 column 8, 22 September 1971

56 <http://cain.ulst.ac.uk/sutton/tables/Year.html>

- 5.6.2 It was not until late 1972 that interning loyalists came under consideration. On 6<sup>th</sup> November 1972, William Whitelaw MP, the Secretary of State for Northern Ireland (Direct Rule having been re-established following Bloody Sunday), wrote to the army's General Officer Commanding (GOC) in Northern Ireland, Sir Harry Tuzo, setting out his policy in relation to internment. In his letter, the Secretary of State said: "In view of recent developments, Protestant terrorists may fall to be dealt with under the new [internment] Order."<sup>57</sup>
- 5.6.3 On 29<sup>th</sup> November 1972, a Ministry of Defence memorandum recorded the fact that the GOC had been asked to "draft an arrest policy covering the UVF and other extreme loyalist elements, though not the UDA per se."<sup>58</sup>
- 5.6.4 In December 1972 a Ministry of Defence (MoD) memorandum marked "SECRET" and headed "ARREST POLICY" remarked:  
"The problem is to decide whether, and if so, in what form, our arrest policy should be adjusted in respect of Protestants!" It went on: "The policy does not therefore provide for the arrest of Protestant terrorists except with the object of bringing a criminal charge. Protestants are not, as the policy stands, arrested with a view to there being made subject to Interim Custody Orders (ICJs) [internment] and brought before the Commissioners."<sup>59</sup>
- 5.6.5 However, Ministers were not yet ready to intern loyalists. Not only was there no political will to intern loyalists, there was very little willingness to even acknowledge that loyalist violence existed.
- 5.6.6 In a further MoD memorandum, again marked "SECRET" and entitled "ARREST POLICY FOR PROTESTANTS", the author noted: "Ministers have judged that the time is not ripe for an extension of the arrest policy in respect of Protestants. The object of this note is however to suggest a form of words which can be incorporated in the Arrest Policy Instructions when the time comes for such an extension."<sup>60</sup>

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<sup>57</sup> DEFE 24/824, London Public Record Office  
[http://www.patfinucanecentre.org/images/defe\\_3.gif](http://www.patfinucanecentre.org/images/defe_3.gif)

<sup>58</sup> DEFE 24/824, London Public Record Office  
[http://www.patfinucanecentre.org/images/defe\\_7.gif](http://www.patfinucanecentre.org/images/defe_7.gif)

<sup>59</sup> DEFE 24/824, London Public Record Office  
[http://www.patfinucanecentre.org/declassified/defe\\_1.pdf](http://www.patfinucanecentre.org/declassified/defe_1.pdf)

<sup>60</sup> DEFE 24/824, London Public Record Office  
[http://www.patfinucanecentre.org/declassified/defe\\_2.pdf](http://www.patfinucanecentre.org/declassified/defe_2.pdf)

- 5.6.7 If the time was not ripe to intern loyalists in late 1972, then the seed had not even set in August 1971, when the Ballymurphy Internment Massacre took place.
- 5.6.8 On the 17<sup>th</sup> December 1971 a secret army Situation Report (SITREP) said:  
 "Unarmed vigilante groups in the Protestant housing areas, such as the Shankill, already receive a measure of ad hoc recognition from the security forces – in that they are given police and Army telephone numbers to which they should ring if they have anything to report. It seems doubtful whether it would be wise to formalise their existence very much more than this – as Mr. Faulkner now appears anxious to do."<sup>61</sup>
- 5.6.9 This suggests that the Stormont government was prepared to give some kind of formal recognition to loyalists.
- 5.6.10 In a note of an informal discussion that month between Secretary of State William Whitelaw and Sir Patrick Macrory<sup>62</sup>, it was reported that: "The Secretary of State said that assassinations by Protestants still seemed to be confined to the criminal element."<sup>63</sup>
- 5.6.11 We have noted that the Irish government took the UK government to the ECtHR over internment and the interrogation techniques used against those interned. During this process, Counsel for the UK asked a number of questions to enable him to prepare for the case. One of these questions was discussed by representatives of the Northern Ireland Office, the Attorney-General's Office, the Treasury Solicitor's Office, the Foreign and Commonwealth Office, the Home Office and the Ministry of Defence, at a meeting on 13<sup>th</sup> November 1974:  
 "Mr. de Winton said that another question from Counsel was why only Roman Catholics had been interned before 1973. Mr. Hall said that in [the] view of the security forces there was no serious Protestant threat in that period of a kind which led to death and serious injuries."<sup>64</sup> [Underlining as in the original]
- 5.6.12 There is compelling evidence that loyalists were tolerated within the ranks of the locally-recruited Ulster Defence Regiments in the early 1970s.<sup>65</sup>

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<sup>61</sup> DEFE 13/817, London Public Record Office

<sup>62</sup> It was Sir Patrick Macrory who chaired the Review Body on Local Government in Northern Ireland in 1970

<sup>63</sup> PREM15/10106, London Public Record Office

<sup>64</sup> see [http://www.patfinucanecentre.org/images/1974\\_09.jpg](http://www.patfinucanecentre.org/images/1974_09.jpg)

<sup>65</sup> *The Security Forces and the UDA* at <http://www.patfinucanecentre.org/>



5.6.13 Thus, when the residents of Ballymurphy protested in response to internment without trial, they were responding not only to the injustice inherent in such a practice, but also to the one-sidedness of it. They correctly perceived that the whole of the Catholic/nationalist community was being branded as being potential members of the IRA, even though many of those who were interned were not involved in paramilitary violence. They also correctly recognised that loyalist violence was not, at that time, an issue for the Stormont government, the RUC or even the army, which had originally been deployed to protect the Catholics from such violence.

## 5.7 **Warning before Firing: The Yellow Card and Shoot to Kill**

5.7.1 Despite the events at Ballymurphy in August 1971 when Frank Quinn was killed, and in Derry in January 1972 and other incidents of the abuse of lethal force, not a single soldier was prosecuted before 1974. As we will see the judicial attitude toward such killings (including the opinion of the Attorney-General for Northern Ireland)<sup>66</sup> and the rules of engagement legitimated the actions of soldiers in killing innocent civilians with total impunity. Taken together with the statements of politicians such as Faulkner and senior military officers such as Tuzo and Ford, a clear message was being sent to ground troops and their commanders that such actions would not lead to criminal responsibility. A key document here is the Yellow Card.

5.7.2 As identified by judges, lawyers and civil rights organisations, the wording of the Criminal Law Act (Northern Ireland) 1967 at section 3(1) was so vague and ambiguous that it could not provide legitimate grounds for departing from the principles of international and domestic common law. Nevertheless, its authority became central to the Yellow Card developed by the British army (and also applied to the RUC). The reference to the Yellow Card was to the (yellow) booklet headed "Instructions by the Director of Operations for Opening Fire in Northern Ireland." It was issued

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<sup>66</sup> A declassified document obtained by the Pat Finucane Centre of a meeting between officials from the MoD Office and the Attorney-General for Northern Ireland Basil Kelly QC MP on 1<sup>st</sup> December 1971 states "Mr Parkin discussed the legal position of soldiers in Northern Ireland and explained why it was important that Ministers should be given as much advance notice as possible of any prosecution of a member of the Armed Forces. He said that morale was delicate in Northern Ireland and would be seriously damaged if soldiers were prosecuted for actions committed on duty in good faith. The Attorney-General said he was aware of these considerations and that he took particular care when deciding to prosecute a soldier or policeman." J M Parkin was Head of C2 at HQNI (British Army HQ) (AG 1971 page 2 and AG 1971 page 3). Available at [http://www.patfinucanecentre.org/declassified/ag1971p2\\_3.pdf](http://www.patfinucanecentre.org/declassified/ag1971p2_3.pdf).



to every soldier serving in Northern Ireland and contained instructions as to when a soldier could use lethal force.

5.7.3 The Yellow Card was first issued in September 1969. It was periodically revised in light of the developing situation, so as to leave soldiers in no doubt as to the circumstances in which they might use firearms. The revised instructions continued to lay emphasis on using the minimum force necessary. Revisions in January 1971 authorised a soldier to fire at a person carrying a firearm and *thought* to be about to use it and refusing to halt; at a person throwing a petrol bomb; and in certain other circumstances. In each circumstance listed it was specified that a warning must be given before opening fire. Use of a firearm without issuing a warning was limited to situations where a person was himself firing at the soldier or if that person was thought to be about to use a firearm or throw a petrol bomb with intent to endanger life. The contents of the Yellow Card provided guidelines for soldiers but did not have legal force, in the sense that they “did not define the legal rights and obligations of the forces under statute or common law”.<sup>67</sup> This meant, among other things, that a soldier firing contrary to the Yellow Card would not necessarily be breaking the law.<sup>68</sup> However, Northern Ireland Lord Chief Justice Lowry in *R v McNaughton* also said that

“On reading the Yellow Card one may say that in some ways (the security forces) are intended... To be more tightly restricted by the instructions they are given than by the ordinary law.”<sup>69</sup>

5.7.4 Lord Justice MacDermott criticised the Yellow Card in *R v Jones* (1975) during a criminal trial in Belfast Crown Court: “For my part, I consider this card to be something which exists for some reason of policy and is intended to lay down guidelines to the forces but in my view it does not define the legal rights of the members of the security forces.”<sup>70</sup> This judgment came close to saying that the Yellow Card may well have been a useful document in theory but that, in practice, soldiers could not be expected to keep to it.

5.7.5 It was certainly clear from the evidence of Soldier A given to the Bloody Sunday Inquiry on 12<sup>th</sup> April 2000 that members of the Parachute Regiment had been trained to shoot to kill.<sup>71</sup> It was also clear that the most senior army officer in Northern Ireland regarded the Yellow Card as optional. A

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<sup>67</sup> *R v McNaughton* [1975] NI 203 at 206 per Sir Robert Lowry LCJ, cited in *Shoot to Kill? The International Lawyers' Inquiry into Lethal Use of Firearms in Northern Ireland* (1985: Mercier Press, Cork and Dublin), page 77 paragraph 101

<sup>68</sup> [http://report.bloody-sunday-inquiry.org/evidence/K/KH\\_0004.pdf#page=4](http://report.bloody-sunday-inquiry.org/evidence/K/KH_0004.pdf#page=4)

<sup>69</sup> *Shoot to Kill?*, page 77

<sup>70</sup> *Ibid.*

<sup>71</sup> See Kim Sengupta “‘I shot to kill’, para tells Bloody Sunday inquiry”, *The Independent*, 12<sup>th</sup> April 2000

month before Bloody Sunday General Harry Tuzo, General Officer Commanding (GOC) had stated to Cabinet that, "A choice had to be made between accepting that Creggan and Bogside were areas where the army was not able to go, or to mount a major operation which would involve, at some stage, shooting at unarmed civilians."<sup>72</sup>

5.7.6 The officer in day-to-day command of troops in Northern Ireland recommended to his superior that the army adopt a policy of shooting rioters three weeks before Bloody Sunday. The Commander Land Forces (CLF), Major General Robert Ford, recommended to General Harry Tuzo that:

"The minimum force necessary to achieve a restoration of law and order is to shoot selected ringleaders among the DYH [Derry Young Hooligans], after clear warnings have been given."<sup>73</sup>

5.5.7 In his evidence to the Bloody Sunday Inquiry, General Sir Robert Ford (as he had become) stated this again but he maintained that the policy was never sanctioned.

5.7.8 However, in examination Counsel to the Bloody Sunday Inquiry Christopher Clarke QC asked Ford, "It is right, is it not, that 21 soldiers are taught to 'shoot to kill'". General Ford replied, "Yes, with a 7.62 [bullet]."<sup>74</sup> (7.62mm calibre bullets were standard issue to troops in Ballymurphy and on Bloody Sunday.) Arthur Harvey QC drew out Ford further on this point later in his evidence, when they had the following exchange:

"Harvey: One of the questions in relation to soldiers is that soldiers are not policemen, they are soldiers; that is correct?"

Ford: That is absolutely correct, yes.

Harvey: They are trained to kill?"

Ford: They are.

Harvey: They are trained in terms that the enemy they will engage are likely to be in a warfare situation where there is no such thing as beyond maximum force, you are there to destroy, annihilate?"

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<sup>72</sup> Quoted by Eamon McCann "If innocent citizens were deliberately killed by servants of the state we all need to know", *The Scotsman*, 17<sup>th</sup> January 2002.

<sup>73</sup> See John Mullin "Shoot to Kill – army's general's plan before Bloody Sunday", *The Guardian*, 13<sup>th</sup> March 2000

<sup>74</sup> At <http://webarchive.nationalarchives.gov.uk/20101103103930/http://report.bloody-sunday-inquiry.org/transcripts/Archive/Ts253.htm> (Day 253, 29<sup>th</sup> October 2002), page 56

Ford: That is true."<sup>75</sup>

5.7.9 A further connection is that General Ford was involved in the secret preparations for the introduction of internment in August 1971.<sup>76</sup> The Bloody Sunday Inquiry Report criticised General Ford's decision to deploy 1 Para as an arrest force as they were known to have a reputation for using excessive physical violence.<sup>77</sup> Ford stated:

"I told the Permanent Secretary, because he was asking me about the reputation of the 1 Para, which was his personal concern, that I had seen them, (a) in action at internment and on other occasions, and (b) on the range when they gave me, apparently, a demonstration of snap shooting, that is to say advancing fast and snap shooting; and I told him how impressed I was by this battalion and that therefore he wants to take that into account when he heard these rumours which were circulating about the reputation of 1 Para."<sup>78</sup>

5.7.10 General Ford was also criticised for suggesting shooting selected ring leaders.<sup>79</sup>

5.7.11 The Bloody Sunday Inquiry Report said that:

"As to the actions of the soldiers themselves, it was submitted that those who fired did so because of a 'culture' that had grown up among soldiers at the time in Northern Ireland, to the effect that they could fire with impunity, secure in the knowledge that the arrangements then in force (arrangements later criticised by the Lord Chief Justice of Northern Ireland) meant that their actions would not be investigated by the RUC, but by the Royal Military Police (the Army's own police force), who would be sympathetic to the soldiers and who would not conduct a proper investigation. In support of these submissions it was alleged that before Bloody Sunday there were many previous unjustified shooting incidents by soldiers in Northern Ireland."<sup>80</sup>

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<sup>75</sup> Ibid. Day 254, page 42

<sup>76</sup> Staff and agencies "Bloody Sunday para 'did not shoot to kill'", *The Guardian*, 29<sup>th</sup> October 2002

<sup>77</sup> This view was taken at the time by some elements in the British Army as reported in by Simon Hoggart "Army call to bar paratroopers", *The Guardian*, 25<sup>th</sup> January 1972: "At least two British Army units in Belfast have made informal requests to brigade headquarters for the Parachute Regiment to be kept out of their areas."

<sup>78</sup> <http://webarchive.nationalarchives.gov.uk/20101103103930/http://report.bloody-sunday-inquiry.org/transcripts/Archive/Ts253.htm> (Day 260, 12<sup>th</sup> November 2002) page 43

<sup>79</sup> *Principal Conclusions and Overall Assessment of the Bloody Sunday Inquiry* 15<sup>th</sup> June, 2010 HC30, page 51

<sup>80</sup> Ibid page 50

5.7.12 The 1985 Report *Shoot to Kill? International Lawyers' Inquiry into the Lethal Use of Firearms by the Security Forces in Northern Ireland* concluded that the number of civilians shot dead by the security forces in Northern Ireland was unacceptable. The Inquiry considered that at least 155 of the 269 persons killed by the security forces since 1969 were civilians with no known connection to paramilitary organisations or activities. "The failure of the British government to curb these killings supports the view that a certain level of death, violence and public resentment if officially regarded as acceptable, on condition it is primarily confined to one section of the community in Northern Ireland."<sup>81</sup> The Inquiry further concluded that the attitude of some judges in Northern Ireland amounted to the endorsement of martial law.<sup>82</sup>

5.7.13 Of the victims of the Ballymurphy Internment Massacre Noel Phillips, Daniel Taggart, Joan Connolly, Father Hugh Mullan, Edward Doherty, John Laverty and Joseph Corr are recorded in Annex A of the Inquiry's report as Civilians Shot Dead in Disputed Circumstances by Members of the Security Forces in Northern Ireland.<sup>83</sup> Apart from John Laverty, whose death was classified as an accident by the MoD, the other listed victims were classified by the authorities as rioters.<sup>84</sup>

5.7.14 Frank Quinn is not listed here but this is an oversight given he was killed in exactly the same manner and in the same circumstances as Father Hugh Mullan. Frank Quinn's humanitarian act must be recognised and his name cleared of any smear of alleged wrongdoing made against him or any attempt to deny the truth of the facts behind his killing. This would be to go some way to ensuring that, albeit after the event, his human rights are recognised.

## 6. THE SHOOTING OF HARRY THORNTON

6.1 Before we analyse the events leading to the killing of Frank Quinn on 9<sup>th</sup> August 1971 it is relevant to look at the killing of Harry Thornton two days earlier. It is pertinent because this incident provides an insight into the heightened sense of tension on the part of the army which led to indiscriminate shooting.

6.2 Harry Thornton was temporarily resident in west Belfast when on the 7<sup>th</sup> August 1971 he was shot by a member of the Parachute Regiment. Harry

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<sup>81</sup> *Shoot to Kill?*, page 125

<sup>82</sup> *Ibid.* paragraph 225

<sup>83</sup> *Ibid.* pages 137-138

<sup>84</sup> *Ibid.* at Appendix A 'Civilians Shot Dead in Disputed Circumstances by Members of the Security Forces in Northern Ireland' compiled from information submitted to the inquiry by the Irish Information Partnership by Mr Steven C Greer and the Association for Legal Justice pages 135-150

Thornton was a 28-year-old Catholic man. He had a wife and six children. He was in his van at the junction of the Springfield Road and Falls Road. When his van backfired outside the Springfield Road RUC station, a soldier either came out of the building and opened fire, or he was shot by a soldier stationed on the roof of the RUC station. Harry was with a workmate and it was 7:30am on a Saturday morning. Louis McGuinness, a public works contractor and employer of Harry Thornton, said:

“He appeared to have been shot through the throat. It looked to me as if an army marksman had opened fire from a window above a shop on the left-hand side of the road between the traffic lights, but it happened very quickly.”<sup>85</sup>

6.3 Mr McGuinness went on to say:

“I saw the soldier coming down the footpath who had apparently fired the shots and told him not to shoot any more. The soldier said a bloke out of the van there had just shot one of our men. He added that if you don't get out of the way I will shoot you too.”<sup>86</sup>

6.4 By early afternoon local republicans were handing out leaflets headed “Murder, murder”. Brigadier Marston Tickell told a press conference, “In the army's view the soldiers concerned in the incident had good grounds for believing that their post had been fired at from a van, and acted correctly in accordance with their instructions.”<sup>87</sup>

6.5 Harry Thornton's companion in the van, Arthur Murphy, was arrested and taken to a police station.<sup>88</sup> An angry crowd gathered outside, demanding Arthur Murphy's release. When Arthur Murphy was finally released some hours later his face was swollen and bandaged. A police investigation into Arthur Murphy's beating ensued. Mr Murphy was suffering from multiple cuts and bruises. At the Mater Hospital it transpired that his jaw had been broken. The incident attracted media attention and public outrage with demands for an independent investigation into the actions of the army and the police.<sup>89</sup> The Central Citizens' Defence Committee (CCDC) had been established in Leeson Street in the Falls Road area as a co-ordinating body for nationalist districts in 1970. The CCDC issued a statement into the killing:

“The killing of an innocent person by a British soldier on the Springfield Road on Saturday marks the possibility of a new and more terrible phase in the Northern Ireland situation. There had

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<sup>85</sup> David McKittrick, Seamus Kelters, Brian Feeney, Chris Thornton and David McVea *Lost Lives: The Stories of the men and women who died as a result of the Northern Ireland troubles* (London and Edinburg: Mainstream Publishing, 2004), entry 81, page 78

<sup>86</sup> *Irish News*, 9<sup>th</sup> August 1971

<sup>87</sup> *Lost Lives*, entry 81, page 78

<sup>88</sup> *Irish News*, 9<sup>th</sup> August 1971

<sup>89</sup> *Ibid.*

been no riot, no crowds – there was an obvious ghastly mistake by a soldier who may or may not have panicked when apparently a car backfired. We have said so often that violence is wrong but killing is an indelible act of violence – the killing of a completely innocent father of six children who was peacefully going to work is a tragedy of the gravest nature and cannot fail to have far reaching repercussions.”<sup>90</sup>

- 6.6 The inquest into the death of Harry Thornton was held in October 1971. It was told that no weapon or anything of an offensive nature was found in the van. A paratrooper, referred to as Soldier C, told the inquest he had seen what he looked to be a weapon protruding from the driver's open window of the van as it passed the RUC station. Another soldier, described as Soldier A, said he was the NCO on desk duty when he heard the sound of two shots. He said he went into the street with his rifle and was told by the sentry that shots had come from a small grey van. Soldier A dropped on one knee and fired two shots at it. At no point was there any evidence of a warning being called out. The coroner told the inquest jury that an open verdict was the only possible one they could return since the law in Northern Ireland did not allow them to bring in other verdicts such as justifiable homicide.<sup>91</sup> He added: “It may be that the law should be amended in this respect,” although the circumstances clearly did not point to any justification for the shooting.
- 6.7 In June 1974 the MoD awarded Harry Thornton's wife £27,000 in compensation.<sup>92</sup> This was a clear admission of culpability.
- 6.8 Two days later this incident would be replicated on a larger scale, with virtually the same tragic conclusions and absence of acceptance of responsibility or apology. One of its victims would be Frank Quinn, killed as a result of both military and political impunity and labelled, in his death, as a criminal rioter.

## 7. THE INTERNMENT SWOOP ON BALLYMURPHY

- 7.1 Internment had been expected. So called ‘dummy raids’ had been practiced in the previous weeks.<sup>93</sup> On 9<sup>th</sup> July 1971 Northern Ireland's Prime Minister Brian Faulkner had telephoned Prime Minister Edward

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<sup>90</sup> Ibid .

<sup>91</sup> An open verdict meant that the jury were unable to determine the truth about the cause of death

<sup>92</sup> *Lost Lives*, entry 81, page 78

<sup>93</sup> Interview with eyewitness Hugh McAldran conducted by Paul McMahan on 23<sup>rd</sup> March 1999. See also Stephen Pittam “Behind the New Barnsley Barricades”, *Peace News*, 20<sup>th</sup> August 1971. As we note later in this report Stephen Pittam was a Quaker youth worker volunteering over the summer with the Nottingham University Peace Corps.

Heath. "I must be able to intern now" he demanded. Accordingly, with some reluctance, a 'dry run' was agreed upon. At dawn on 23<sup>rd</sup> July, 1,800 troops and RUC raided Republican houses throughout the province, searching for documents. They got enough to encourage them. The decision to intern was only a matter of time then, despite army objections.<sup>94</sup>

7.2 As we have noted despite the tight political timescale, it was clear that the government intended the process of internment to be a strategically planned operation so as to guarantee success. The number of troops arriving in Northern Ireland must surely have alerted elements of the Catholic/nationalist community of what was about to occur. However, the Provisional IRA had also received other more direct information 48 hours in advance of the military raid. Joe Cahill, Officer Commanding the Provisional IRA's Belfast Brigade stated "after Brian Faulkner had arrived back in London, we got a tip-off from a political contact on the unionist side."<sup>95</sup>

7.3 Military historian and journalist David Barzilay provides a useful account of the swoop (or what he describes the British Army as calling "The Lift") and usefully identifies the deployment of the army units involved.

"On the day of internment the houses tasked to 2 Para were divided into areas and made the responsibility of sub-units. Tactical HQ remained at Springfield Road RUC station. For the operation 54 Battery RA [Royal Artillery], B Squadron 15/19 Royal Hussars, two troops of the Parachute Squadron RAC [Royal Armoured Corps] and C Company 1 Para were placed under the command of 2 Para, Areas were allocated as follows:

A Coy [Company]: North Suffolk.  
B Coy: Ballymurphy and Turf Lodge.  
D Coy: Clonard and Cavendish.  
Sp [Support] Coy: Whiterock, Beechmount and St James.  
54 Bty. [Battery] RA [Royal Artillery]: Andersonstown.  
B Squadron 15/19 H[ussars]: Malone Road area.  
C Coy 1 Para: South Suffolk."<sup>96</sup>

7.4 Thus, the 2<sup>nd</sup> Battalion of the Parachute Regiment were in overall command of the operation, which included the infamous Support Company of 1 Para, who later caused the loss of life on Bloody Sunday.<sup>97</sup>

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<sup>94</sup> See John McGuffin *Internment* (Tralee: Anvil Books, 1973) chapter 7. Also available at <http://cain.ulst.ac.uk/events/intern/docs/jmcg73.htm#chap7>. See also BIRW Research Note *Internment in Northern Ireland: Incapacitation of the Enemy*, 30<sup>th</sup> September 2009.

<sup>95</sup> *Ballymurphy and the Irish War*, page 74

<sup>96</sup> *The British Army in Ulster: Volume 1*, pages 217-218

<sup>97</sup> *The Principal Conclusions and Overall Assessment of the Bloody Sunday Inquiry*,

- 7.5 Barzilay then notes:  
 “The arrest squads arrived by 4:30am 9<sup>th</sup> August 1971 and all detainees were on their way to the police holding centres within 45 minutes. Some houses required a forced entry and this was done by forcing the lock or breaking a window. All detainees were taken without the use of force, except for two minor incidents. It was not necessary to bind the hands or gag any of the detainees. The only incident worthy of note was that a crowd of about 40, mainly women, attempted to stop a truck leaving a pick-up point at the junction of the Donegall Road/M1 roundabout by lying in front of its wheels.”<sup>98</sup>
- 7.6 Barzilay describes the reaction to the internment swoop in the following terms, which set the tone for the military reaction to what occurred next:  
 “The reaction to internment built-up [sic] from bin-lid bashing and missile throwing across the sectarian interface, as happened almost immediately in Clonard, to street battles involving firearms between rival groups and wide scale sniping at the Security Forces. Both D and Sp. Companies were engaging snipers in the Kashmir Road/Bombay Street Areas. The snipers were armed with automatic weapons. Barricades went up along the Springfield Road and crowds gathered stoning and petrol bombing. Lowden and Partners, a paint factory, was set alight, as was Maguire and Patterson’s match factory. A group of youths attacked Mackie’s factory offices with nail bombs killing a night watchman.”<sup>99</sup>
- 7.7 The night watchman was William Atwell, a 40-year-old Protestant.<sup>100</sup>
- 7.8 From the way in which Barzilay presents it the internment swoop in Ballymurphy of 9<sup>th</sup> August 1971 became a battle between troops and armed republican rioters. As we shall see later in this report, the matter of armed republican rioters became central to the testimony given by the troops on the ground to the Royal Military Police (RMP). However, out of the 342 men arrested in Belfast on 9<sup>th</sup> August 1971 only 32 were members of the IRA. All others had heeded to the warning from local IRA leaders to find safety outside Ballymurphy. The other 310 men were either political and/or community activists or old-time republicans no longer active in the organisation.<sup>101</sup> The absence of significant numbers of army casualties

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<sup>98</sup> *The British Army in Ulster Volume 1*, page 218

<sup>99</sup> Ibid

<sup>100</sup> <http://cain.ulst.ac.uk/sutton/chron/1971.html>

See also *Lost Lives*, entry 91 pages 84 – 85

<sup>101</sup> *Ballymurphy and the Irish War*, page 75 citing Joe Cahill O/C of the Provisional Belfast Brigade. See also *Internment*, chapter 8, where John McGuffin states “The initial internment sweep on 9<sup>th</sup> August 1971 was, militarily, a complete failure. The



suggests that there were very few armed gunmen on the streets of Ballymurphy. By the evening of 9<sup>th</sup> August 1971, after a day of intense encounters between the people of Ballymurphy and the British army, the shooting started and the death toll began to rise, starting with the killings of Father Hugh Mullan and Frank Quinn.

- 7.9 In Ballymurphy, as in other Catholic areas throughout Northern Ireland, the first clear indication that internment had arrived came in the form of army raiding parties. Numerous eye-witness accounts attest to a frightening picture. Families in every street woke up to the sound of splintering wood and glass as their front doors were kicked in. Whole families were assaulted and clubbed as arrested men were dragged into the street. Outside, Ballymurphy was swamped with soldiers, all on foot so as not to arouse the community with the sound of invading military vehicles. For example see the statements taken by the Association for Legal Justice (ALJ) including that of Mrs M McHugh of 29 New Barnsley Drive Belfast 12 regarding the arrest of Robert Bryson of New Barnsley Drive two days later:<sup>102</sup>

“At approx. 6:30pm on 11<sup>th</sup> August 1971, I was standing at my front door. Nearly every one [sic] else in the street were at their own doors, as dustbins had been rattled and soldiers were shouting. They, the soldiers, were coming in the street from Springfield Road; and through the back gardens of the houses. They were yelling ‘Fenian bastards, get in, get in; close your doors or you’ll be shot.’ Bobby Bryson was turning to go into his house, but was not quick enough. Three soldiers grabbed him. I went up to the front bedroom, and was able to see everything that happened. By the time I reached the window, the soldiers had Bobby Bryson on the ground. He was curled up, trying to protect himself. The three soldiers were kicking him in the face, head, and body. One soldier pushed the gun into his necked [sic] and screamed at him.”

- 7.10 Mrs McHugh continued:

“The three soldiers lit cigarettes and started to rub them out on Bobby’s face. One soldier walked backwards and forwards over him about 5 times; he then got his rifle and placed the butt on his neck and pushed heavily.”<sup>103</sup>

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IRA had known of it for some time and as a result virtually every senior IRA man was billeted away from home.”

<sup>102</sup> The Association for Legal Justice (ALJ) was a Northern Irish group, founded by Father (later Monsignor) Denis Faul amongst others, in order to monitor the workings of the justice and security system in Northern Ireland, with particular reference to discrimination against Catholics. Source: *Daily Telegraph*, 22<sup>nd</sup> June 2006

<sup>103</sup> Association for Legal Justice (ALJ) statement of Mrs M McHugh of 27 New Barnsley Drive, Belfast 12, 15<sup>th</sup> August 1971

- 7.11 The ALJ statements of those interned confirm the brutality of the methods used by the British army. For example, the ALJ statement of Michael Joseph Donnelly describes his arrest in Derry on the 9<sup>th</sup> August 1971: "I was arrested at home. The military were the only people involved. I am not sure of the regiment. They burst into the house. I was in bed. The first I knew of their presence was about six soldiers in the bedroom. One of them was pointing an S.L.R (self-loading rifle) at my head as I lay in bed."<sup>104</sup> Similarly the ALJ statement of Patrick Kavanagh describes his arrest in Belfast on 10<sup>th</sup> August 1971 "The soldiers pushed us to the front of the vehicle as it was driven along St. Catherine Street and threatened to shoot us if anybody fired on them. We were taken to Hastings Street Barracks, where we were interrogated and made to do physical exercises for what seems hours. When we failed to do the exercises we were kicked and beaten with batons."<sup>105</sup>
- 7.12 Within minutes of the first arrests, the area was in uproar. Large numbers of people, mainly women, poured out of their homes, confused and frightened by the intensity of the operation. As we have noted from the accounts taken by the Association for Legal Justice those arrested were kicked and beaten through the streets toward the Henry Taggart Memorial Hall, now an army post following the departure of the Protestant community including the Presbyterian minister.<sup>106</sup> Ciarán de Baróid comments that in some cases men were dragged from their homes with sacks over their heads and cotton wool stuffed in their mouths.<sup>107</sup> Several lorries took the men from the Henry Taggart Memorial Hall to Girdwood Barracks next to Crumlin Road Gaol to be detained.

## 8. THE EVENTS LEADING TO THE KILLING OF FRANK QUINN

- 8.1 It is generally agreed by the numerous available sources (civilian and military) that the internment operation in Ballymurphy commenced at 4:30am on 9<sup>th</sup> August 1971.<sup>108</sup> The presence of the army in the district was announced by the traditional banging of bin lids.<sup>109</sup> Within a very short space of time 342 men had been rounded up and taken away in lorries. This was when the protest against the military action commenced and

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<sup>104</sup> ALJ statement of Michael Joseph Donnelly of 91 William Street, Derry, 20<sup>th</sup> August 1971

<sup>105</sup> ALJ statement of Patrick Kavanagh of 9 Henrietta Street, Belfast, 19<sup>th</sup> August 1971

<sup>106</sup> *Ballymurphy and the Irish War* in addition to *Making Sense of the Troubles*, pages 68-69 and Bobby Clarke *The Story of Bobby Clarke* (2010: The Wave Centre: Belfast), page 11. For a military account see for example the RMP Statement of Soldier C, dated, 15<sup>th</sup> August 1971.

<sup>107</sup> At page 75

<sup>108</sup> See also the statements taken by the ALJ *Brutality During Arrests*, 11<sup>th</sup> August 1971 describing events from 9<sup>th</sup> August 1971, particularly that of Michael Joseph Donnelly

<sup>109</sup> Interview with eyewitness Hugh McAldran conducted by Paul McMahan on 23<sup>rd</sup> February 1999

was the start of a series of events which would result in the death of Frank Quinn. Central to these events is the figure of Father Hugh Mullan and this report cannot fully examine the circumstances surrounding the death of Frank Quinn and the wounding of Robert (Bobby) Clarke without examining the death of Father Hugh Mullan, the first priest to die in the conflict. Frank Quinn died as a result of going to the assistance of Father Mullan and Bobby Clarke. Father Mullan died because he was clearly seeking to assist Bobby Clarke after calling for a cessation of hostilities, as he had been attempting to achieve all day.

8.2 Ciarán de Baróid describes it in these terms:

"It began mid-morning of 9<sup>th</sup> August when a crowd gathered on the ridge of Springmartin chanting 'Where's your daddy gone?'<sup>110</sup> Behind them were the low flats of the loyalist estate and a row of houses that swept down Springmartin Road terminating behind Glenravel Care School, a short distance from the entrance to Springhill."<sup>111</sup> It was at this point that the local Parish Priest, Father Hugh Mullan, tried to intervene. "Shortly, several groups of loyalists began hurling rocks from the flats down onto the houses in Springfield Park. Others had moved down toward Springhill. There was no retaliation from Springfield Park, Father Hugh Mullan, the 37 year old resident cleric saw to that. He also rang the RUC and the military."<sup>112</sup>

8.3 Based on the account presented by Ciarán de Baróid, the Ballymurphy Internment Massacre was sparked by the internment operation of the British army but then became the result of hostilities between communities on the interface to which the police and military were responding. "At around 4:00pm that afternoon Father Mullan climbed the ridge and attempted to reason with the loyalist Springmartin crowd. He was told to 'Fuck off you Fenian bastard.'<sup>113</sup> As the morning had moved to the afternoon the military presence which had arrived in the early hours were still in the vicinity. Around 5:00pm shots were fired up into the Moyard Estate and also into the back of the Moyard Estate and over toward Finlay's Factory. The shots came from 'high ground' and far off from Springmartin.<sup>114</sup> At this juncture with relations between the two

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<sup>110</sup> A reference to a contemporary chart hit by the group Middle of the Road 'Chirpy, chirpy, cheep, cheep', and a cruel reference by those taunting local residents whose fathers had been interned

<sup>111</sup> *Ballymurphy and the Irish War*, page 82

<sup>112</sup> Ibid

<sup>113</sup> Ibid and also Ciarán de Baróid *Right to Life* paper presented to the Northern Ireland Human Rights Assembly (undated and unpublished but on record with BIRW)

<sup>114</sup> Interview with eyewitness Hugh McAldran conducted by Paul McMahon on 23<sup>rd</sup> March 1999

communities stretched tight, the army used rubber bullets, tear gas and water cannon to disperse the gathering crowds.<sup>115</sup>

8.4 Bobby Clarke recalled:

“On Monday 9<sup>th</sup> August 1971 I was on my way back home from work to find that the upper end of Springfield Park had been under occasional attack during the day. Internment had started in the early hours and around 6 o'clock we could hear gunfire. When I returned to Springfield Park I saw two women with children in their arms – they were very frightened. I took a child of about nine months from one of the women and then two men who were in the back of the house appeared. I suggested to them to make for the safety of New Barnsley, but as we went down the street a door opened and I discovered another twenty to thirty people from the upper end of Springfield Park sheltering there.”<sup>116</sup>

8.5 At 7:00pm Father Mullan was officiating at mass at the Church of Corpus Christi on Springhill Drive. Elish Meehan, who had attended the service, started to return home when she heard a gunshot blast.<sup>117</sup> At about 7:45pm Bobby Clarke was starting to return to his own house across the Moyard.<sup>118</sup> He crossed the Moyard waste ground from the rear of 60 Springfield Park to the garages backing onto the waste ground facing Moyard Park.<sup>119</sup>

“On the way back I noticed two soldiers on the roof of a house training their rifles on me. They had to have seen me carry the child on the first run but were now tracking me with their guns. I started to zigzag (almost by instinct), and then there was a shot. I thought I had been shot from the Henry Taggart Army Post as I felt the blow in the middle of my back, but in actual fact I had been shot from the side and across my spine.”<sup>120</sup>

8.6 Bobby Clarke makes no mention of a warning being shouted to him by the soldiers. Gerald Clarke saw his brother Bobby on the Moyard Park field carrying a child. Bobby Clarke delivered the child to a house and then returned across the direction of the field toward Springfield Park.<sup>121</sup> A little

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<sup>115</sup> Interview with eyewitness Frankie Corr conducted by Paul McMahon on 20<sup>th</sup> April 1999. This was also attested to in the Inquest Deposition of RUC Constable John Jackson 26<sup>th</sup> October 1972, and in *The British Army in Ulster: Volume 1*, page 218.

<sup>116</sup> Bobby Clarke *The Story of Bobby Clarke* (Belfast: Wave Centre, 2006), page 11.

<sup>117</sup> Interview with eyewitness Elish Meehan conducted by Paul McMahon on 13<sup>th</sup> April 1999

<sup>118</sup> By which Bobby Clarke means the Moyard waste ground

<sup>119</sup> Malcolm Fletcher *A Technical Report on the Shooting of Father Hugh Mullan and Francis Quinn* (Durham: Keith Borer Consultants, 2008), page 7

<sup>120</sup> *The Story of Bobby Clarke*, page 13

<sup>121</sup> Statement of Gerard Clarke (undated) (possibly attached to his inquest deposition of 26<sup>th</sup> October 1972)

while later Frank Quinn would be shot similarly and fatally in trying to assist his neighbour, Father Mullan.

- 8.7 Father Mullan had officiated at mass at the Church of Corpus Christi<sup>122</sup> and was by 8:00pm making his way home with his colleague Father Felix McGuckin.<sup>123</sup> Ciarán de Baróid notes that,
- “Just after 8:00pm the first shots rang out. The consensus was that they came from the loyalist-held ridge. Soldiers also moved into the Springmartin area taking up position alongside loyalist gunmen, to fire into the Moyard and Ballymurphy. Once the shooting had started, the evacuation of families began from the upper end of Springfield Park.”<sup>124</sup>
- 8.8 Father Mullan had arrived home with Father McGuckin and, aware of the gunfire, he telephoned the army and told them that he intended to offer assistance.<sup>125</sup> Father Mullan asked Joe Millen, who lived at 52 Ballymurphy Road and was passing the house, to come in and explain what was happening. This was about 8:00pm.<sup>126</sup> Father Mullan then left his house at 45 Springfield Park, intent on helping if possible.<sup>127</sup> After Father Mullan had left the house, Father McGuckin telephoned the army to request that they should not fire at his colleague.<sup>128</sup>
- 8.9 According to Soldier C there was now a gun battle between gunmen and the members of 2 Para. 2 Para were stationed on Springmartin Road and according to Soldier C the gunmen were on the other side of the Moyard Estate.<sup>129</sup> Soldier D of 2 Para was stationed on Springfield Road and then ordered by the Commanding Officer of 2 Para to Blackmountain Park to the east of Springmartin Road.<sup>130</sup> Soldier E moved into Springfield Road. He saw a member of 2 Para arresting a civilian. He then engaged in gun fire with “a gunman at Moyard flats from the new flats on the west side of

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<sup>122</sup> For the location of the church see:

<http://weekdaymasses.org.uk/en/area/northern-ireland-belfast/churches>.

The address of Corpus Christi Church is 12 New Barnsley Green, Ballymurphy, Belfast, Antrim. BT12 7HS. New Barnsley Green is slightly north of the junction between Whiterock Road and Springfield Road.

<sup>123</sup> Inquest Deposition of Father Felix McGuckin, 26<sup>th</sup> October 1972

<sup>124</sup> *Ballymurphy and the Irish War* page 82 and *The Sunday Times*, 10<sup>th</sup> August 1971

<sup>125</sup> Inquest Deposition of Father Felix McGuckin, 26<sup>th</sup> October 1972. There is no army log available of these calls, for reasons that remain unexplained

<sup>126</sup> Interview with eyewitness Joe Millen conducted by Paul McMahan, 30<sup>th</sup> March 1999. However, in his Inquest Deposition of 26<sup>th</sup> October 1972 Joseph Millen stated that at about 8.45pm “Father Mullan arrived at the garages and we told him of this man who had been shot.”

<sup>127</sup> Inquest Deposition of Father Felix McGuckin, 26<sup>th</sup> October 1972

<sup>128</sup> Ibid. There is no record of these telephone calls being logged by the army.

<sup>129</sup> RMP Statement of Soldier C, dated, 25<sup>th</sup> February 1972

<sup>130</sup> RMP Statement of Soldier D, undated

Springmartin Road".<sup>131</sup> The military account of what occurred is very different and in stark contrast to the civilian accounts. For example, the Duty Officer's Report made by the RUC for the 24 hours ending at 8:00am Tuesday 10<sup>th</sup> August 1971 states:

"At 8:25pm reports received of a crowd from Moyard heading towards Springmartin. Some of the persons was [sic] believed to be armed. A short time later rioting occurred in this area and as a result three persons were injured by gun fire. At 9:15pm the army succeeded in separating the opposing factions."<sup>132</sup>

8.10 The numerous RMP Statements of the soldiers engaged in the operation all suggest a gun battle between the army and republican gunmen. One soldier described the situation as "All hell broke loose."<sup>133</sup> According to the RMP statement of Soldier U he saw "five or six men lying in the grass of the waste land north of Moyard Park armed with rifles and pistols" firing at his position. Soldier U fired 10 rounds from his 7.62mm SLR.<sup>134</sup> By 8:45pm Soldier P was positioned on the balcony in a flat on the top floor of the Springmartin flats with other soldiers allegedly being fired upon by gunmen in an empty block of flats "in the Moyard area".<sup>135</sup>

8.11 One of the most controversial accounts regarding the shootings of Father Mullan and Frank Quinn is contained in an unsigned and undated Historical Enquiries Team Internal Research Report titled *Killing Zone* on file with BIRW. It is unclear of the provenance of this report as it cites the author of being a member of the 2<sup>nd</sup> Battalion of the Parachute Regiment:

"The author states that the man who shot the Catholic priest told him that he had only shot the priest after he picked up a weapon from beside a wounded gun man. The author states that this was confirmed to him by at least two other people who had seen the shooting one of whom told him that the priest had made no effort to actually go to the wounded man and was actually killed when he tried to retrieve it."<sup>136</sup>

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<sup>131</sup> RMP Statement of Soldier E, undated

<sup>132</sup> RUC Duty Officer's Report for 24 hours ending 8:00 am Tuesday 10<sup>th</sup> August 1971. We know that Joseph Millen was injured before 9:15pm from his Inquest Deposition of 26<sup>th</sup> October 1972.

<sup>133</sup> RMP Statement of Soldier L, dated, 22<sup>nd</sup> February 1972

<sup>134</sup> RMP Statement of Soldier U, dated, 15<sup>th</sup> March 1972

<sup>135</sup> RMP Statement of Soldier P, dated, 12<sup>th</sup> March 1972. See also the RMP Statement of Soldier Q, who was similarly stationed, dated 12<sup>th</sup> March 1972.

<sup>136</sup> Historical Enquiries Team Internal Research Report *Killing Zone*, unsigned and undated. The report commences: "The author states that on 2<sup>nd</sup> January 1971 he joined the 2<sup>nd</sup> Battalion of the Parachute Regiment." He continues that when they learnt of the death of three Scottish soldiers by the IRA at Ligoneil "there was no outburst of anger, just silence. He states that he looked at the faces of the other soldiers around him and read the same thing on all of them, 'Just wait until we get across'" The HET commentator notes that this describes the mindset at the time. See also Witness Statement of Private Byron Lewis (incomplete), 17<sup>th</sup> November

There appears to be no truth whatsoever in this account.

- 8.12 The author may have been Soldier Q, who stated that he fired at a man with a rifle positioned near the waste ground. He hit the man and he noticed another man moving toward the body."<sup>137</sup> He may have been describing shooting Father Mullen and seeing Frank Quinn moving towards the priest.
- 8.13 Joe Millen confirmed hearing high velocity military gunfire down into Springmartin Road.<sup>138</sup> A single shot was fired and heard by Joe Millen who saw Bobby Clarke being shot on the waste ground.<sup>139</sup> Gerry McCaffrey saw shooting from the army located on the Springmartin flats: "This firing was directed at the women and children and anything that moved in the field [the Moyard Field]."<sup>140</sup> It was at this point that Frank Quinn fatefully enters the narrative:  
"Almost immediately, another young man, Frank Quinn from Moyard, came to the rescue. He too was shot dead by the British army."<sup>141</sup>
- 8.14 Soldier M in his RMP Statement said: "For any person to have ventured into this waste ground during the gun battle was an extremely brave thing to do or extremely foolish."<sup>142</sup> In Frank Quinn's case, his attempt to help Father Mullan and Bobby Clarke was an unselfish act of mercy which, had he been a soldier going to the rescue of a comrade, would have earned him a medal rather than a bullet in the back of the head.

## 9. THE KILLING OF FRANK QUINN

- 9.1 Bobby Clarke was shot but was not killed. He recalled:  
"I called out to two neighbours, telling them that I had been hit and they crawled to me along with some others. I remember one person putting a tee shirt over the wound and Father Hugh Mullan being there along with my brother Gerald. I told Father Mullan I wasn't going to die but he said he would anoint me. He then left me to phone for an ambulance, but as he was leaving there was

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1972 (in the case of *R v Rodney Todd Irvin*) and interview with Private Byron Lewis, 4<sup>th</sup> November 1972 on the same point. Byron Lewis was a Private in 1 Para.

<sup>137</sup> RMP Statement of Soldier Q, dated 12<sup>th</sup> March 1972

<sup>138</sup> Interview with eyewitness Joe Millen conducted by Paul McMahon on 30<sup>th</sup> March 1999

<sup>139</sup> Ibid

<sup>140</sup> Statement of Gerry McCaffrey, dated, 27<sup>th</sup> August 1971. This is confirmed in the undated statement of Jackie Burns.

<sup>141</sup> *Ballymurphy and the Irish War*, page 83

<sup>142</sup> RMP Statement of Soldier M, dated, 22<sup>nd</sup> February 1972

another burst of gunfire and I heard him cry out. Father Mullan was hit."<sup>143</sup>

9.2 Father Mullan had been giving the Last Rites to Bobby Clarke and according to Joe Millen had a purple missal.<sup>144</sup> According to Bobby Clarke this was now around 8:20pm. In his interview with Paul McMahon, Bobby Clarke noted that Frank Quinn came to assist him and Father Mullan and tried to stem the bleeding.<sup>145</sup> Bobby Clarke continued to describe events: "The boy who had put his tee shirt over my wound was also hit – he was lying beside me now with his head facing my shoulder – he jerked up and as I saw his face I knew right away he was dead."<sup>146</sup> Patrick Fennell saw Father Mullan come onto the field, so he crawled away with his two children.<sup>147</sup> Joe Millen ran onto the field with Mickey (Michael) Russell after he saw Bobby Clarke being shot. Joe Millen was also shot as he crossed the waste ground, by a soldier on a roof of the Springmartin flats.<sup>148</sup> Father Mullan was then shot again.<sup>149</sup> Joe Millen and

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<sup>143</sup> *The Story of Bobby Clarke*, page 14

<sup>144</sup> Interview with eyewitness Joe Millen conducted by Paul McMahon on 30<sup>th</sup> March 1999 – a missal is a book of liturgical texts, including the form of words used in administering the Last Rites

<sup>145</sup> Interview with eyewitness Bobby Clarke conducted by Paul McMahon on 23<sup>rd</sup> February 2009. The description of Frank Quinn trying to stem the bleeding of Bobby Clarke's wound is also mentioned in *Lost Lives*, entry 87, page 83.

<sup>146</sup> *The Story of Bobby Clarke*, page 14

<sup>147</sup> Report of Thomas J. Glyn, Edna Arthurs and Eugene G. Arthurs, unsourced and undated but released by the Catholic Church. It is possibly from the Citizens Central Defence Committee (CCDC), 17<sup>th</sup> August 1971. The CCDC took 16 statements in relation to the killings. Hereafter cited as the CCDC Report. Their Report states the shootings took place at 8:50pm. CCDC Report Statement of Patrick Ferrell (bus driver) of 50 Springfield Park, 21<sup>st</sup> August 1971. The Report is available in the London Public Record Office DEFE 24/1130.

<sup>148</sup> Interview with eyewitness Joe Millen conducted by Paul McMahon, 30<sup>th</sup> March 1999

<sup>149</sup> *The Story of Bobby Clarke*. All the civilian eyewitnesses confirm that Father Hugh Mullan could only have been identified as a priest. This is confirmed in the interviews and statements of Gerard McCafferty, Joe Millen, Father Felix McGuckin, Inquest Deposition of Terence McIlharvey 26<sup>th</sup> October 1972 and May Small Inquest Deposition of 26<sup>th</sup> October 1972. All the statements from the army deny seeing a priest. Many of the civilian eyewitnesses also confirm that Father Hugh Mullan was waving a white handkerchief or something similar. RUC Constable Alan McCrum later confirmed the body was that of priest because of a black clerical shirt and collar (Inquest Deposition of RUC Constable Alan McCrum of 26<sup>th</sup> October 1972). The Autopsy Report on Father Hugh Mullan notes his black clerical shirt and collar, Father Hugh Mullan, Report of Autopsy 10<sup>th</sup> August 1971. "They could clearly see he was a priest" (unidentified interview in the Irish Times 11<sup>th</sup> August 1971 - possibly with Bobby Clarke). This is in stark contrast to RMP statements from serving soldiers and the Inquest Deposition of RUC Constable Rex Thomson of 26<sup>th</sup> October 1972 who stated that, "At no time did I recognise any one of them as Priest. At no time did I see a white cloth being waved."



Micky (Michael) Russell were beside Father Mullan: "The priest let out unmerciful yell out of him and then he yelled again, I take it he was shot again."<sup>150</sup> Bobby Clarke says this happened at 8:30pm.<sup>151</sup> Times vary regarding the shooting of Father Hugh Mullan and Frank Quinn from between 8:30pm to 8:45pm. Eye witnesses Michael Hemsworth and Terence McIlharvey stated 8.45 pm.<sup>152</sup> Other eyewitnesses to the killings were a member of the Royal Navy and an ex Irish Guardsman.<sup>153</sup> It was unlikely to have happened as late as 9:15pm, as the Verdict on Inquest states.

9.3 Terry Harvey was a member of the Royal Signals. He had married his wife Lily in Belfast two years earlier and was now on home leave in west Belfast. He has recently said "The Army got away with murder. It was murder. The Army cannot be above the law." Terry Harvey was running to his sister-in-law and her children who lived on Springfield Park. Terry Harvey noted that the army were firing into the crowd and not particularly at anything then." He added "There was no one in that field that had a gun. The only guns were those the Army had. The young ones, there were about a dozen of them, were screaming. They ran out onto the field but if any person ran after them the Army just opened up. There were bullets flying around all the time. It was mainly women and children trapped in the field. There was only five or six men. Every time somebody moved they fired at them."<sup>154</sup> Terry Harvey lay motionless in a dip in the field and he watched helplessly as Father Mullan walked under the soldier's sights. He continued "Father Mullan came in and was slightly hunched over and had what looked like a pillowcase in his hand, waving it. He was looking at people and checking them with the other hand when he was shot. There was no way the Army could not see him – they were only 250 yards away from us."<sup>155</sup> Terry Harvey was later intimidated when he gave evidence at the inquest into the killing of Father Mullan.

9.4 Hugh McAldran lived at 34 Moyard Parade and confirmed that Frank Quinn's body was taken to his house.<sup>156</sup> Stephen Pittam, a Quaker community worker, wrote up his account of what he saw:

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<sup>150</sup> Interview with eyewitness Joe Millen, conducted by Paul McMahon 30<sup>th</sup> March 1999

<sup>151</sup> Quoted in *Ballymurphy and the Irish War*, page 83

<sup>152</sup> See statement of eyewitness Michael Hemsworth, dated, 21<sup>st</sup> August 1971 and his Inquest Deposition of 26<sup>th</sup> October 1972. Also Inquest Deposition of Terence McIlharvey, 26<sup>th</sup> October 1972.

<sup>153</sup> CCDC Report Statement of Patrick Farrell (bus driver) of 50 Springfield Park, 21<sup>st</sup> August 1971

<sup>154</sup> Victoria McMahan "My worst nightmare is the look on Fr Mullan's face when the first bullet hit him", *Daily Mirror*, 9<sup>th</sup> August 2011

<sup>155</sup> *ibid*

<sup>156</sup> Eyewitness Hugh McAldran interviewed by Paul McMahon on 23<sup>rd</sup> February 1999

“We heard that a man had been shot crossing the field about half a mile away, between the boundary area and our position. Soon after, news came through that a priest had been shot going to the aid of the first man and two local Red Cross men rushed down to the field. I've spoken to at least six men who were eye witnesses and who are all certain that it was the army firing from a house in Springmartin that shot and killed the priest, who was waving a white flag in broad daylight. Ten minutes later two men came rushing in telling of a shot man in urgent need of medical attention about a quarter of a mile away. Two of us went out, wearing Red Cross arm bands. For 50 yards we were in the cover of buildings but as soon as we entered an open space we came under a barrage of fire from all directions. We rushed to the cover of a low wall and for the ten most frightening minutes of my life, lay pinned to the ground. Then with the shots still ringing around us we crawled one by one back to the cover of the buildings”.<sup>157</sup>

- 9.5 Bobby Clarke, Father Hugh Mullan and Frank Quinn were shot by soldiers stationed in or on the roofs of the flats on Springmartin Road.<sup>158</sup> This was confirmed by eyewitness Hugh McAldran and others.<sup>159</sup> The trajectory of the bullet that hit Bobby Clarke also confirms this.<sup>160</sup> In the Citizens Central Defence Committee (CCDC) Report it is stated that,

“We feel that there is sufficient weight of evidence to indict the soldiers on the roof of the Springmartin flats. The evidence of the witnesses as to the position of Father Mullan and his direction of travel when shot, as well as the trajectory of the bullet all support this view.”<sup>161</sup>

- 9.6 Bobby Clarke noted that two soldiers were on the roof of a flat in Springfield Park.<sup>162</sup> Gerard McCaffrey stated, “I want to say that the two

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<sup>157</sup> Stephen Pittam *Behind the New Barnsley Barricades*, *Peace News*, 20<sup>th</sup> August 1971

<sup>158</sup> Ciarán de Baróid is probably wrong in saying the shooting came from the Henry Taggart Memorial Hall (*Ballymurphy and the Irish War* page 83). The Henry Taggart Memorial Hall was on Springfield Road and was where those being interned were first taken. In a press statement Major-General Robert Ford, British Commander of Land Forces, stated that the British Army was responsible for at least six of the day's deaths, including two men shot dead in what he described as an alleged attack on the Henry Taggart Memorial Hall. This is more likely to have been a civilian protest as opposed to an armed battle.

<sup>159</sup> Interview with eyewitness Hugh McAldran conducted by Paul McMahon on 23<sup>rd</sup> February 1999

<sup>160</sup> Malcolm Fletcher *A Technical Report on the Shooting of Father Hugh Mullan and Francis Quinn* (Durham, Keith Borer Consultants, 2008)

<sup>161</sup> CCDC Report

<sup>162</sup> Interview with eyewitness Bobby Clarke conducted by Paul McMahon on 23<sup>rd</sup> February 1999. See also *Lost Lives*, entry 87 page 83. Confirmed in the Inquest Deposition of Terence McIlharvey, dated, 26<sup>th</sup> October 1972.

men on the roof of the flats at Springmartin fired a considerable amount of ammunition into the field that the people were crossing with their children."<sup>163</sup> Eyewitness Robert Hutchings also saw two soldiers on the roof of the Springmartin Flats.<sup>164</sup> Eyewitness Kevin Moore also said that the ground was being sprayed with gun fire.<sup>165</sup> Eyewitness Alec Mitchell also saw two soldiers on the roof of the Springmartin Flats.<sup>166</sup> The troops were members of 2 Para. Frank Quinn was shot in the back of the head as he lay motionless on the waste ground.<sup>167</sup> The CCDC Report notes "The firing was so indiscriminate that one man (Frank Quinn) who was, by all accounts, lying almost motionless on the ground, was fatally shot in the head by one such burst."<sup>168</sup> There is conflicting forensic ballistic evidence regarding whether Frank Quinn was killed by a bullet that ricocheted. The report of forensic scientist Malcolm Fletcher of 26<sup>th</sup> November 2009 suggests that there could have been a ricochet accounting for the oval shape of the entry wound and a possible deflection of the bullet trajectory within the skull.<sup>169</sup> The ricochet would have been off grass or another relatively soft material. The report of forensic scientist Leo Rossi of 30<sup>th</sup> June 2009 does not suggest a ricochet.<sup>170</sup> The CCDC Report states:

"There can be no doubt but that there was returning fire from near the waste ground, but none from within 30 yards of where the fatalities occurred. Certainly fatalities did not occur in the cross-fire."<sup>171</sup>

9.7 Soldier Q claimed:

"Within ten minutes of my arrival in Springmartin Flats, we came under fire from gunmen positioned in various blocks of flats in the Moyard Estate. There gunmen numbering six or seven were firing both high and low velocity weapons. I also heard the distinctive sound of a Thompson sub machine gun being fired. This particular weapon fired one long burst of 20 rounds. As soon as these gunmen opened fire a gun battle took place between them and members of the Security Forces positioned along Springmartin Road. I personally fired 10 rounds of 7.62mm from my SLR at three different gunmen. I fired two shots at a man armed with a rifle who was positioned at the edge of a piece of waste ground near to a

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<sup>163</sup> Inquest Deposition of Gerard McCaffrey, dated, 26<sup>th</sup> October 1972

<sup>164</sup> CCDC Report Statement of Robert Hutchings of 57 Moyard Crescent, 21<sup>st</sup> August 1971

<sup>165</sup> Statement of Kevin Moore, dated 21<sup>st</sup> August 1971 and his Inquest Deposition of 26<sup>th</sup> October 1972

<sup>166</sup> CCDC Report Statement of (Paul) Alec (Alex) Mitchell, dated, 26<sup>th</sup> August 1971

<sup>167</sup> Undated typed statement of the relatives of Frank Quinn. This was confirmed by Bobby Clarke.

<sup>168</sup> CCDC Report

<sup>169</sup> *A Technical Report on the Shooting of father Hugh Mullan and Francis Quinn*

<sup>170</sup> Statement of Witness Leo Rossi, Forensic Scientist, 30<sup>th</sup> June 2008 (this report was commissioned by the Historical Enquiries Team)

<sup>171</sup> CCDC Report

block of flats. This man, who was dressed in a shirt – I cannot recall the colour – dropped to the ground hit when I fired my second shot. I noticed another man move towards the man I had shot. The man bent down towards the injured man and then went out of my view. I did not fire at this man because I could not see, nor could I see what happened to him. At that time, however, a fierce gun battle was taking place between the gunmen and the Security Forces. I then fired at another gunman positioned behind a small wall near to some steps between two blocks of flats to the south of Finlay's Works. This particular gunman would fire one round from a rifle and then move along the small wall. It was impossible for me to get a direct hit. I therefore fired a number of shots at the wall in an effort to ricochet at the gunman. Other soldiers were also firing at this gunman whom I think I hit in the leg when he attempted to run away."<sup>172</sup>

- 9.8 The Autopsy Report on Frank Quinn states the following:  
"Death was due to a single gun shot wound to the head. The bullet, of 7.62mm calibre, had entered the back of the head near its junction with the neck and about one inch to the right of the mid-line. It had then passed forwards and somewhat downwards and to the right side of the cerebellum, or hind brain, and had lodged beneath the lining of the right side of the upper jaw."<sup>173</sup>
- 9.9 7.62mm bullets were consistent with a self-loading military rifle (S.L.R).<sup>174</sup> As has been noted above, such bullets were standard army issue and General Ford told the Bloody Sunday Inquiry that soldiers were trained to kill when firing such bullets.<sup>175</sup>
- 9.10 Soldier H was a platoon commander with 2<sup>nd</sup> Queens Regiment<sup>176</sup> and clearly stated that he relieved 2 Para in the Springmartin flats and saw ten empty 7.62mm cartridges on the floor; Soldier J of the 2<sup>nd</sup> Queens stated that a corporal and five soldiers of 2 Para stated they had shot several people in a field immediately to their front.<sup>177</sup> No explanation has been given as to why many of the Royal Military Police (RMP) statements taken by member of the Special Investigations Branch (SIB) from those soldiers stationed in Ballymurphy at the time were taken so many months after the tragic events, when reports and statements should have been made and

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<sup>172</sup> RMP Statement of Soldier Q, dated 12<sup>th</sup> March 1972.

<sup>173</sup> Autopsy Report on Frank Quinn, 10<sup>th</sup> August 1971

<sup>174</sup> *The British Army in Ulster Volume 1*, page 83

<sup>175</sup> See paragraph 5.7.7

<sup>176</sup> The 2<sup>nd</sup> Queens Regiment were not initially deployed in Ballymurphy but were subsequently sent in as a relief unit

<sup>177</sup> RMP Statement of Soldier H, dated, 23<sup>rd</sup> February 1972, and RMP Statement of Soldier J, dated 23<sup>rd</sup> February 1972

taken as soon as possible after the tragic events. See further section 11 of this report.

- 9.11 Between 10:00pm and 11:00pm Joe Millen described an ex-soldier trying to assist by getting an ambulance.<sup>178</sup> At the Moyard Community Centre, Brian McLaughlin, a local community activist, Stephen Pittam, an English Quaker who had stayed in Ballymurphy after the summer play scheme, and Ali Keeli, a Jordanian (or possibly Palestinian) student doctor, were among those who watched in horror as Bobby Clarke, Father Hugh Mullan and Frank Quinn were shot. Brian McLaughlin described the scene in the following terms:

“The bodies lay there for hours. Every time anyone made a move towards them, they were shot at. Eventually Ali Keeli went out waving a white helmet. He got to the bodies and dragged them, one at a time, clear of the field. Once he got them to the paths the rest of us took over. Hugh Mullan’s body was brought into Eddie and Kate Spence’s house, Frank Quinn into McAldran’s in Moyard Parade, and other lad was treated in the community centre before being taken down to the First Aid Centre in St Bernadette’s school.”<sup>179</sup>

- 9.12 Soldier D recorded this was some time after 9:30pm. Soldier D gave an order to his troops to cease fire: “As I gave the order to cease fire, three men moved into the open ground to the east of Finlay’s Factory, from the area of 80-82 Moyard Park. Two wore white hats or head covering and carried a white box. I repeated my order to cease fire and emphasised that these men were not to be fired at.”<sup>180</sup> There might have been a lull in the firing to enable the bodies of Father Hugh Mullan and Frank Quinn to be moved, but other soldiers reported further gunfire until 11:23pm or 11:37pm.<sup>181</sup> The fact that shooting continued is a possible indication that despite orders to cease firing it continued. However, it may have been case that the soldiers were responding to incoming fire and therefore opened fire again, the order being cancelled by circumstances. Eyewitness Terence McIlharvey, who was wounded in the firing, noted that two first aiders came onto the field and there was a temporary ceasefire “At this stage the young child who was about six yards from

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<sup>178</sup> Interview with eyewitness Joe Millen conducted by Paul McMahon on 30<sup>th</sup> March 1999

<sup>179</sup> Brian McLaughlin, interviewed in 1986 by Ciarán de Baróid and quoted in *Ballymurphy and the Irish War*, page 83

<sup>180</sup> RMP Statement of Soldier D, undated. Joe Millen states the two bodies were still on the waste ground at 10.00pm and that was getting dark, interview with Joe Millen conducted by Paul McMahon on 30<sup>th</sup> March 1999. Elish Meehan said that Ali removed the bodies at around 10.30pm, statement of Elish Meehan, 13<sup>th</sup> April 1999

<sup>181</sup> RMP Statement of Soldier C, dated, 15<sup>th</sup> August 1971

Frank Quinn got up and ran. As he started to run the Army opened up again."<sup>182</sup> Father Mullan's death was reported to the RUC at 11:25pm.

- 9.13 A number of witnesses attest to the fact that on this summer's evening in early August 1971 it was still light, ensuring that there was good visibility for firing.<sup>183</sup> Father Fitzpatrick, a friend of Father Hugh Mullan, came to Hugh McAldran's house at 34 Moyard Parade to anoint Frank Quinn and to say prayers over his body. Frank Quinn's body was left at the house until an ambulance arrived at around 6:00am on the 10<sup>th</sup> August 1971.<sup>184</sup> Frank Quinn's death was apparently not reported until the following day.<sup>185</sup>

## 10. THE AFTERMATH OF THE KILLING OF FRANK QUINN

- 10.1 Frank Quinn's body was taken by ambulance from the house in Moyard Parade to the Royal Victoria Hospital and then to the Laganbank Mortuary.<sup>186</sup> Father Hugh Mullan's corpse was also in the same ambulance. Mr William Rutherford FRCS examined the corpse of Frank Quinn (identified at this point as Frank O'Neill). This was about 8:00am.<sup>187</sup> Frank Quinn's body was then moved to the mortuary. Frank's post-mortem was conducted by Deputy State Pathologist Dr J. L. Carson, who completed his work by 2:30pm on 10<sup>th</sup> August<sup>188</sup> A 7.62mm calibre bullet was recovered from the body.<sup>189</sup> RUC Constable Alan McCrum took swabs from the body of Frank Quinn and handed them, together with Frank's clothes, to the Department of Industrial and Forensic Science.<sup>190</sup> RUC Constable John F Johnston took photographs of Frank Quinn's body.<sup>191</sup> Frank Quinn's mother-in-law, Jane McMenamin, identified his

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<sup>182</sup> CCDC Report Statement of Terence McIlharvey, 21<sup>st</sup> August 1971.

<sup>183</sup> For example the statement of Gerald Clarke (undated) but possibly attached to his Inquest Deposition of 26<sup>th</sup> October 1972 and the Inquest Deposition of Terence McIlharvey, 26<sup>th</sup> October 1972. The weather forecast for the following evening stated that it was clear and dry, *News Letter*, 10<sup>th</sup> August 1971.

<sup>184</sup> Eyewitness Hugh McAldran interviewed by Paul McMahon on 23<sup>rd</sup> February 1999. Confirmed by RMP Statement of Soldier C, dated, 15<sup>th</sup> August 1971, and the inquest Deposition of Soldier P, dated 26<sup>th</sup> October 1972.

<sup>185</sup> RUC Duty Officers Report for 24 hours ending 8.00 am 10<sup>th</sup> August 1971. RUC Duty Officer's reports were résumés of the events of the previous 24 hours and were compiled from a variety of reports received from individual RUC officers. Bobby Clarke gave a statement to the RUC on Monday 16<sup>th</sup> August 1971. He was not contacted again by the authorities. "I gave my statement, which I was never again questioned about and left to go home.", *The Story of Bobby Clarke*, page 17 and Bobby Clarke interviewed by Paul McMahon on 23<sup>rd</sup> February 1999.

<sup>186</sup> Inquest Deposition of the ambulance driver George Dennison, dated, 17<sup>th</sup> August 1972

<sup>187</sup> Inquest Deposition of William Rutherford FRCS, undated

<sup>188</sup> Ibid

<sup>189</sup> Autopsy Report on Frank Quinn, 10<sup>th</sup> August 1971

<sup>190</sup> Inquest Deposition of RUC Constable Alan McCrum, dated, 17<sup>th</sup> February 1972

<sup>191</sup> Inquest Deposition of RUC Constable John F Johnston, undated

- body at 9:30am that morning.<sup>192</sup> Frank's father, Thomas Quinn, identified the body of his son at 12.30pm.<sup>193</sup> It is not clear why Frank's body needed to be identified twice. However, this might be related to the fact that he was initially misidentified as Frank O'Neill by William Rutherford.
- 10.2 At the same time as Frank Quinn's body was being identified and examined, a Sergeant from the army's Royal Military Police (RMP) Special Investigation Branch (SIB) was at Ballymurphy conducting an initial analysis of what had happened. SIB Sergeant John Harman confirmed that shots could not have been fired from the roof of the Vere Foster School because of a tree obstructing the view, thus confirming the possibility that Frank Quinn had been shot from the roof of a flat in Springmartin. He spoke to a military official who confirmed that "no military personnel had fired into the Moyard area of Springmartin Road", which, given the statement of some of the soldiers previously mentioned is patently a falsehood.<sup>194</sup>
- 10.3 A requiem mass for Frank Quinn took place at St Peter's Cathedral on the morning of the 12<sup>th</sup> August 1971.
- 10.4 On the 9<sup>th</sup> September 1971 a police report concerning the death of Frank Quinn was given by the RUC to the Coroner. The circumstances relating to Frank's death were described as, "Body was discovered from a flat in Moyard Estate, after a gun battle between Army and snipers at Taggart Memorial Hall, Springfield Road."<sup>195</sup>
- 10.5 The army and elements of the media immediately started to manipulate the truth about the internment operation in Ballymurphy and to portray the killings as an apparent military response to a republican-led riot, whereas in fact the internment swoop was a well planned political and military operation to which the local residents reacted and which some remaining members of the IRA engaged the British army with fire power. 54 residents were charged with riotous behaviour.<sup>196</sup> By Friday 13<sup>th</sup> August 1971 Brigadier Marston Tickell, Chief of Staff for Northern Ireland, stated at a press conference in Belfast that the British army had taken a great toll of 'gunmen', 20 or 30 or so of whom had been killed. As there were only 19 civilian deaths in Belfast over that week including that of Frank Quinn, the British army was clearly claiming responsibility for the full total.<sup>197</sup> Tickell proudly claimed that terrorists had been eliminated and that the army had inflicted a major defeat on the Provisional IRA. Northern

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<sup>192</sup> Written statement of Jane McMenamin, 17<sup>th</sup> February 1972, and her inquest deposition of the same date

<sup>193</sup> Inquest Deposition of RUC DS J D Wilson, dated, 17<sup>th</sup> February 1972

<sup>194</sup> Inquest Deposition of SIB Sergeant John Harman, dated, 17<sup>th</sup> February 1972

<sup>195</sup> Police Report Concerning the death of Frank Quinn, dated, 9<sup>th</sup> September 1971

<sup>196</sup> *Ballymurphy and the Irish War*, page 91

<sup>197</sup> *Ibid.* page 83

Ireland's Prime Minister Brian Faulkner claimed that internment was exposing the gunmen.<sup>198</sup> On Sunday 15<sup>th</sup> August 1971 the *Sunday Times* Insight Team reported ironically that Special Branch, the intelligence wing of the RUC, was investigating the denomination of the bullets that killed Father Mullan: were they Protestant, Catholic or perhaps even military?<sup>199</sup> The *Irish Times* reported on the 15<sup>th</sup> August 1971 that Harry Tuzo, General Officer Commanding in Northern Ireland, had issued a warning that "persons, who throw petrol bombs, nail bombs or grenades or 'who appear likely to do so' would be shot".<sup>200</sup> As we have noted the result of internment week unleashed the IRA offensive and between August 1971 and the end of the year events continued in similar vein.

- 10.6 The inquest into the death of Frank Quinn opened on 17<sup>th</sup> February 1972 before Mr J. S. Elliot, Coroner for the City of Belfast. The list of witnesses was as follows: RUC Constable Faulkner to prove the map of the area; Sergeant Wead of Royal Military Police (RMP) Special Investigation Branch (SIB) to prove statements of Soldiers A and E; ambulance driver George Dennison; Jane McMenamin; RUC DS Wilson; RUC Constable McCrum; and a member of the forensic science department. The inquest took 14 written inquest depositions. Soldiers D and E were the only military personnel to provide inquest depositions. The names of the two ciphered soldiers were handed to the coroner in a sealed envelope as was the practice at the time. Sergeant Wead stated:

"About 21.30 hours on Thursday 10<sup>th</sup> August 1971, I received information of a shooting incident which had occurred at Vere Foster School, New Barnsley, Belfast about 8.30pm on Monday 9<sup>th</sup> August 1971. I made enquiries amongst a number of soldiers and took detailed statements from two of them I shall refer to as A and E. I now hand to the Coroner a sealed envelope with the names of these men. I now produce copies of the statements in question."<sup>201</sup>

- 10.7 Interestingly Sergeant Wead's statement has been edited. Scored out is the fact that he actually took statements from six soldiers A, B, C, D, E and F. It is unclear why only those of Soldiers A and E were submitted to the coroner. Later in this report we analyse the nature of the investigatory process into the killing of Frank Quinn.
- 10.8 Soldier A was stationed on the roof of Vere Foster School. He was covering for soldiers on the ground from a sangar on the roof.<sup>202</sup> Soldier A

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<sup>198</sup> Ibid. page 91

<sup>199</sup> *The Sunday Times*, 15<sup>th</sup> August 1971

<sup>200</sup> *Irish Times*, 15<sup>th</sup> August 1971

<sup>201</sup> Inquest Deposition of Sergeant James Alfred Wead, dated 17<sup>th</sup> February 1972

<sup>202</sup> Sangar (or sanger) is a small temporary fortified position with a breastwork originally of stone (now built of sandbags and similar materials.) The term was originally used by the British Indian Army to describe small temporary fortified



reported that he came under fire from between 8:20pm to 8:30pm from three points – the area of Springfield, the Corpus Christi Church near the junction of Whiterock Road and Springfield Road and from a block of flats running in a north south direction adjacent to Moyard Parade. Soldier A reported that the majority of rounds came from the Moyard Park area and that they were fired from a .45mm Thompson machine gun. Soldier A fired at the flats in a return volley. He recalled that this was about 9:00pm.<sup>203</sup> Soldier E was taking orders from Soldier A from the roof of the Vere Foster School and engaged in an exchange of gunfire with an alleged gunman in the Moyard Flats.<sup>204</sup>

- 10.9 As in the case of Harry Thornton, two days earlier, an open verdict was recorded into the death of Frank Quinn.
- 10.10 Anne Quinn filed for compensation in September 1971 and was later awarded a sum by the Ministry of Defence indicating an admittance of liability into the unlawful killing of her husband.<sup>205</sup> Bobby Clarke noted that she was awarded £14,000.

## 11. THE ARMY INVESTIGATION INTO THE KILLING OF FRANK QUINN

- 11.1 The Royal Military Police (RMP) in the early 1970s took responsibility for investigating all shootings carried out by soldiers. Specifically, the Special Investigation Branch (SIB) of the RMP, whose officers were all of the rank of sergeant or above, took on this role. Their normal job was the enforcement of military law within the army and they saw themselves as the equivalent of the Criminal Investigation Department (CID) within the RUC. However, an RMP officer who joined the SIB received only 18 weeks' training.<sup>206</sup> Soldiers were not interviewed under caution and were treated only as eyewitnesses. According to INQ3, a former RMP officer who gave evidence at the Bloody Sunday Inquiry, "It was not a very formal procedure ... we usually discussed the incident over sandwiches and tea." Not surprisingly, therefore, soldiers were not prosecuted for the killing of civilians during this period. INQ3 states that the period in which this agreement applied was early 1970 until November 1972, during which time the British army was responsible for 123 deaths.

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positions on the North West Frontier and in Afghanistan, and is still frequently used by the British Army. Sangar means "barricade" in Kurdish Sorani and Persian.

<sup>203</sup> Inquest Deposition of Soldier A, dated, 17th February 1972. Soldier A is wrong to identify Corpus Christi Church as off Westrock Drive.

<sup>204</sup> Inquest Deposition of Soldier E, dated, 17th February 1972

<sup>205</sup> Letter received by Anne Quinn from the Royal Ulster Constabulary (RUC), 14th September 1971, and confirmed in a conversation with Pat Quinn and Christopher Stanley (BIRW) 16th July 2011. Interview with eyewitness Bobby Clarke conducted by Paul McMahon on 23rd February 1999.

<sup>206</sup> First statement of WO1 (Warrant Officer 1st Class) Wood to the Bloody Sunday Inquiry, 15 May 2000, paragraph 2

- 11.2 In 2003 the legality of the use of the RMP to investigate lethal force incidents was successfully challenged by the family of Kathleen Thompson, a mother of six children who was killed by the British Army in 1971. In the High Court in Northern Ireland, Mr Justice Kerr concluded that, judged by the standards that applied at the time, the interview by the RMP of the soldier who shot Mrs Thompson did not satisfy compliance with the procedural requirements of Article 2 of European Convention, which protects the right to life.<sup>207</sup> Clearly, the RMP Investigation into the death of Frank Quinn would have been woefully inadequate and would not have met the standard of an effective investigation implied by Article 2 and which the Supreme Court has recently ruled would have applied at the time of Frank Quinn's death.<sup>208</sup>
- 11.3 The nature of an investigation by the RMP, and particularly the work of its Special Investigation Branch (SIB), is described in great detail in both the oral and written evidence of Warrant Officer 1<sup>st</sup> Class John Wood (WO1 Wood) to the Bloody Sunday Inquiry on Day 382, 14<sup>th</sup> October 2003, and in his three accompanying statements made to the Inquiry.<sup>209</sup> WO1 Wood was a member of the 178 Provost Company and served in Northern Ireland between July 1970 and July 1972. His commanding officer was the Assistant Provost Marshall for Northern Ireland.<sup>210</sup> All SIB officers were of the rank of sergeant or above. As previously noted, WO1 Wood received only 18 weeks training (paragraph 2, 1<sup>st</sup> statement). At paragraph 5 of his first statement WO1 Wood states "Given the circumstances the SIB actions could not be said to constitute a full and exhaustive investigation." The Historical Enquiries Team in its report into the killing of Majella O'Hare by a British soldier in 1976 commented that such investigations "negated any possibility of independence and is questionable whether the Chief Constable had the legal authority to devolve his responsibilities in this manner".<sup>211</sup>
- 11.4 Initial, or "contact", statements taken by such SIB officers from a soldier who had killed someone were not taken under caution.<sup>212</sup> Although RMP

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<sup>207</sup> *In the matter of an application by Mary Louise Thompson for Judicial Review* [2003] NIQB 80: "I am satisfied that such procedural safeguards as were required to ensure that Article 2 was complied with were not fully implemented by the respondent in this case."

<sup>208</sup> *In the matter of an application by Brigid McCaughey and others for Judicial Review (Northern Ireland)* [2011] UKSC 20

<sup>209</sup> See the oral evidence of WO1 Wood and his statement at:  
[http://webarchive.nationalarchives.gov.uk/20101103103930/http://report.bloody-sunday-inquiry.org/evidence/CW/CW\\_0001.pdf](http://webarchive.nationalarchives.gov.uk/20101103103930/http://report.bloody-sunday-inquiry.org/evidence/CW/CW_0001.pdf)

<sup>210</sup> Second statement of WO1 Wood to the Bloody Sunday Inquiry, 15<sup>th</sup> May 2000, paragraph 4

<sup>211</sup> Historical Enquiries Team *Review Summary Report Concerning the Death of Majella O'Hare*, 2011, pages 30-31.

<sup>212</sup> First statement of WO1 Wood to the Bloody Sunday Inquiry, 15 May 2000,

Officers had to be of at least the rank of sergeant, statements were normally taken by one of a sub-unit of six junior NCOs, none of whom had received any training in law or investigative procedures.<sup>213</sup>

- 11.5 The SIB anonymised soldiers by the use of ciphers (Soldier 'A' etc) for external use (including by the RUC) and these ciphers were logged in what was called the Blue Book, whilst the names of actual serving soldiers were recorded by the army in what was called the Red Book, kept by the Assistant Provost Marshall (APM) at Head Quarters Northern Ireland (HQNI). Assuming that the same system was in operation six months before Bloody Sunday, in Ballymurphy, then the names of all the soldiers involved in giving contact report statements would have been similarly recorded in the Red Book. WO1 Wood having been stationed in Northern Ireland since July 1970, it is highly probable that the full names were so recorded. In a telling comment at paragraph 57, WO1 Wood describes:

"As a general rule, if the information that a witness gave us was contradictory, we would question him on it; we would not simply accept and write down what he told us. However, in relation to the events of that day [Bloody Sunday] we had to work under great pressure of time and confined ourselves to compiling the normal contact reports."

- 11.6 The same would appear to have been true at the time of internment.

- 11.7 On the publication of the Widgery Report in 1972, WO1 Wood was reported at paragraph 63 of his first statement as saying that:  
"The residual impression I had was the sense that the Paras had been given a large discretion – their training was so good that it was not believed necessary to tell them what do to – they were told to go and deal with things and exercise their soldierly skills."

- 11.8 This sentiment echoed a broadcast made by the Commander Land Forces in Northern Ireland, Major General Ford, in a broadcast he made in the immediate aftermath of Bloody Sunday, and in which he referred to the Paras' time in Belfast:

"1 Para was the reserve battalion for 39 Bde [Brigade] and the only battalion totally uncommitted. I agree that when I chose them - and I did choose them - I had in mind they were highly experienced. I had in mind the fact that their reputation in Belfast must have spread to Londonderry. And one platoon of 1 Para could do what one company of any other battalion could do in Belfast.

I can remember after internment being caught in a

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<sup>213</sup> paragraph 5  
Third statement of WO1 Wood to the Bloody Sunday Inquiry, 12<sup>th</sup> March 2003, Annex 2, *The military investigative resource*, paragraph 5.

street in cross-fire. There I was with my little tactical group and we were absolutely stuck. I thought 'My Gods This is going to take two companies to sort this out' They would have to go right through all the houses and get the terrorists. Not a bit of it. Round the corner came a platoon of 1 Para who tumbled out of their vehicles and went down the street and everything stopped. Everyone disappeared. The terrorists were frightened of 1Para. That was another factor... their reputation.

...

1 Para had been deliberately trained by Frank Kitson to develop this reputation - as a stabiliser - in his brigade area. So that when things went wrong they came and were tough."<sup>214</sup>

- 11.9 WO1 Wood was invited by the Bloody Sunday Inquiry to make a supplementary statement dated 12<sup>th</sup> March 2003 in response to the testimony of other witnesses to the Inquiry. WO1 Wood described the investigation into the shooting by a member of the army of a petrol bomber. At paragraph 4 WO1 Wood noted, "The inability of the Army to issue an immediate and fully comprehensive explanation of the incident was damaging to relations with the community."
- 11.10 WO1 Wood described the relationship between the army and the RUC. First, there was no formal Status Agreement prescribing how complaints against soldiers were to be investigated and where military offenders were to be prosecuted (paragraph 6). Second, the question of prosecution and venue was not discussed, "It was outside my remit" (paragraph 7). Third, the principal Belfast Coroner, Dr Elliott, agreed that soldiers would not need to give evidence at inquests into shooting incidents and that their statements would be read into the Inquest proceedings by the investigator who had interviewed them. All identifying detail would be omitted and a cipher allocated. Further, as to the relationship between the army and the RUC, WO1 Wood noted: "Liaison to be maintained with the RUC in the event that they required any additional information or wishes to interview military personnel in accordance with normal procedure – i.e. with the safeguards of the Judges' Rules. Any such interview to be carried out with the SIB or unit officers present" (paragraph 12).<sup>215</sup> WO1 Wood said at paragraph 14 of his supplementary statement that:

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<sup>214</sup> BBC interview with Major General Ford, broadcast on 30<sup>th</sup> January 1972 and considered in evidence by the Bloody Sunday Inquiry

<sup>215</sup> The Judges' Rules are a set of guidelines about police questioning and the acceptability of the resulting statements and confessions as evidence in court. Originally issued in 1912, the Rules became a Code of Practice codified as Code C made under the Police and Criminal Evidence Act 1984.

"I formed the opinion from personal experience and from comments made by me by my staff that the RUC were not very interested in following up statements given to them. Because of this we subsequently began to undertake our own investigations."

- 11.11 When undertaking investigations SIB officers worked in plain clothes, offered tea and cigarettes and sometimes sandwiches, and did their best to create a relaxed atmosphere (paragraph 57).
- 11.12 Appended to WO1 Wood's supplementary statement is a *Brief for Investigators Engaged on Inquiries into IS Matters in Northern Ireland* (IS standing for internal security) and signed by him and dated 14<sup>th</sup> July 1971.<sup>216</sup> This document describes the purpose of an SIB enquiry as twofold. First, to inform the higher military command of what happened and second, to make evidence available if required to settle any future claim or for a Coroner's Inquest. In other words, SIB enquiries were not orientated toward criminal investigations in any way. The Brief continued: "It is now accepted practice in Coroner's proceedings that any soldier who fires and who have may have caused the death of the subject of the inquest, does not appear in court. This also applies to anyone who authorized the soldier to open fire or who was in command at the scene of the shooting. Statements taken from these persons are produced at the Coroner's Inquest proceedings by the investigator who took them."
- 11.13 In his aide memoire to SIB investigators, WO1 Wood remarks, "Having soldiers seen by SIB avoids the need for them to be interviewed by RUC and ensures that the identity of a soldier who may have killed/injured someone is not divulged outside a very close military circle." Further he instructs that, "Assessment of criminal responsibility is not your task in these enquiries." On the Yellow Card, which was examined earlier in this report, WO1 Wood explains that, "They are for guidance only and do not amount to a death warrant" and that "In general, the 'Yellow Card' or 'Instructions by the Director of Operations for Opening Fire in Northern Ireland' should not be mentioned in statements taken from soldiers". Regarding the anonymity of those under question the aide memoire advises that, "When a soldier has fired upon and killed, or claims to have killed/injured, a civilian there must be maximum security cover given to prevent his name or identifying details becoming known."
- 11.14 SIB investigators were advised not to trace or interview any civilian witnesses. Therefore, in the absence of the RUC conducting any form of investigation which would involve civilian witnesses, the narrative of a fatal shooting by a member of the British army would be almost completely determined by the perspective of the SIB investigator, over tea, cigarettes

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<sup>216</sup> Second statement of WO1 Wood to the Bloody Sunday Inquiry, 2<sup>nd</sup> August 2000, paragraph 5

and sometimes sandwiches. It is apparent from these documents that the army's attitudes towards any soldier who shot someone were very defensive and protective.

- 11.15 In his oral evidence to the Bloody Sunday Inquiry, WO1 Wood said:  
"Service investigators received no instructions before an IS enquiry. After production of the Brief and the aide memoir, none were necessary. They were not told much beyond, say, that a patrol of X Company or Y regiment had opened fire on some civilians and claimed to have hit them."<sup>217</sup>
- 11.16 A Major known to the Bloody Sunday Inquiry only as Major INQ 3, provided the Inquiry with a copy of a lecture he gave to the Provost Marshall's Study Period in Chichester in November 1973 entitled *RMP and the legal consequences of the Army's involvement in Northern Ireland*. At paragraph 12 of his paper, he said:  
"Back in 1970 a decision was reached between the GOC [General Officer Commanding] and the Chief Constable whereby the RMP would tend to military witnesses and the RUC to civilian witnesses in the investigation of offences and incidents. With both RMP and RUC sympathetic towards the soldier, who was after all doing an incredibly difficult job, he was unlikely to make a statement incriminating himself, for the RMP investigator was out for information for managerial, not criminal purposes, and, using their powers of discretion, it was equally unlikely that the RUC would prefer charges against soldiers except in the most extreme circumstances."<sup>218</sup>
- 11.17 The Bloody Sunday Inquiry found several instances where soldiers had lied to the RMP and these lies had been passed on to the RUC. The lies concerned the identification of alleged rioters and the descriptions of their alleged activities.<sup>219</sup> Indeed, BIRW has been told by a member of the Paras who was on duty in Belfast in 1971 that army "snatch" squads would arrest people at random. The next day soldiers would give sworn testimony in court that they had seen people rioting when in fact the first time they had laid eyes on the accused was that morning in court.
- 11.18 Prior to Frank Quinn's death, the army had killed 14 people in Northern Ireland. As has been noted above, no soldier was prosecuted for shooting anyone until 1974.<sup>220</sup>

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<sup>217</sup> Third statement of WO1 Wood to the Bloody Sunday Inquiry, 12<sup>th</sup> March 2003, paragraph 34

<sup>218</sup> *Report of the Bloody Sunday Inquiry*, June 2010, Chapter 173, paragraph 22

<sup>219</sup> *Ibid.* Chapter 66, paragraphs 43 – 46

<sup>220</sup> *R v Jones* (1975) 2 NIJB

- 11.19 Indeed, there was extreme reluctance to prosecute any soldier for killing someone in the early 1970s. In 1971 it fell to Basil (later Sir Basil) Kelly, the Attorney-General and a unionist politician who later became a Diplock judge, to consider the issue in relation to the death of William McGreanery. William McGreanery was shot by a member of the 1<sup>st</sup> Battalion Grenadier Guards in Derry on 15<sup>th</sup> September 1971. He was unarmed and posing no threat. On 23<sup>rd</sup> December 1971 Basil Kelly was of the opinion that:
- "If soldier A was guilty of any crime in this case<sup>221</sup>, it would be manslaughter and not murder. Soldier A whether he acted wrongly or not, was at all times acting in the course of his duty and I cannot see how the malice, express or implied, necessary to constitute murder could be applied to his conduct."<sup>222</sup>
- 11.20 As we have previously noted at paragraph 5.6.1 footnote 60, earlier that month, on 6<sup>th</sup> December 1971, Mr M Parkin, described as Head of C2 (AD)<sup>223</sup>, reported on a meeting he had attended with Basil Kelly on 1<sup>st</sup> December which showed a deep reluctance to prosecute soldiers who fired while on duty:
- "I have no doubt the Attorney-General is doing all within his power to protect the security forces against criminal proceedings in respect of actions on duty."
- The memo continues:
- "I am however satisfied that there is no need to remind him of the dangers to morale inherent in prosecutions of soldiers or policemen."
- 11.21 The Attorney-General promised to advise the British Army in advance if soldiers were to be prosecuted.<sup>224</sup> In this climate it would have therefore

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<sup>221</sup> In fact, Soldier A was not prosecuted for any offence

<sup>222</sup> Quoted in Historical Enquiries Team Review *Summary Report Concerning the Death of William Francis McGreanery*, 2010. Full statement is at Appendix C of the Report. Available at <http://www.patfinucanecentre.org/>. On 13<sup>th</sup> September 2011 following the publication of the HET Review Summary, The Chief of the General Staff of the British Army, Sir Peter Wall, issued an official apology to the family of William McGreanery. Soldier A was never prosecuted on the advice of the Attorney-General, who said "whether he acted wrongly or not, the soldier was at all times acting in the course of his duty." An excerpt from the HET Review Summary said "An examination of the original case file reveals that there were clear doubts over the veracity of Soldier A's account yet nothing was done to challenge it or investigate further" at page 46 and *BBC News Northern Ireland*, "Billy McGreanery family – Army in official apology for shooting", 13<sup>th</sup> September 2011

<sup>223</sup> An administrative division of the Ministry of Defence which dealt with Northern Ireland

<sup>224</sup> Papers discovered in the London Public Record Office London by the Pat Finucane Centre (PFC) and displayed under the heading *Declassified documents* on their website [www.serve.com/pfc](http://www.serve.com/pfc)

been very doubtful whether those responsible for killing Frank Quinn would ever have been brought to justice.

## 12. **CONCLUSION: QUESTIONS REMAINING REGARDING THE KILLING OF FRANK QUINN**

- 12.1 Frank Quinn was shot dead as he attended Father Mullan who was assisting Bobby Clarke on a piece of waste ground Frank Quinn was shot dead on waste ground near Moyard Park estate as he went to assist Father Hugh Mullan who in turn had gone onto the waste ground to help Bobby Clarke. The time of the killing is between 8.30pm and 8.45pm on Monday 9<sup>th</sup> August 1971. Frank Quinn was shot dead by soldiers stationed on the roof of the Spingmartin Road flats. Frank Quinn was killed by a single rifle shot to the back of his head. The soldiers were from the 2<sup>nd</sup> battalion of the Parachute Regiment.
- 12.2 BIRW is of the firm belief that Frank Quinn was a totally innocent man, killed in the act of a mission of mercy in trying to assist Father Mullan tending to Bobby Clarke. Frank Quinn posed no threat to anyone and he was unarmed. He was not engaged in any form of illegal behaviour and had not gone in search of trouble. It is evident that the soldiers who shot him lied in their statements to both the RMP SIB investigators and in their inquest depositions to the Coroner's Court. It was impossible at that time in Northern Ireland for an effective investigation to be conducted into the killing of a civilian such as Frank Quinn given that such investigations were undertaken by the army in a manner skewed toward protecting the perpetrators of such acts of lethal force and positively endorsed by those in political power. With hindsight Frank Quinn's human rights and his absolute right to life were fatally violated by the acts of the British army on the evening of the 9<sup>th</sup> August 1971. That violation demanded an effective Article 2 compliant investigation into the circumstances of his death which has never been delivered. This report is a contribution to and endorsement of the demands of the family of Frank Quinn for answers to their questions as to why their loved one was killed in such a way.
- 12.3 As was noted at paragraph 1.5 at the start of this report into the killing of Frank Quinn, more questions arise than answers. BIRW and the family of Frank Quinn identified the following series of questions:
- 12.3.1 What briefings did the troops receive prior to going into Ballymurphy?
- 12.3.2 Who was the army officer in overall control of the Ballymurphy operation?
- 12.3.3 Who was the RUC officer in overall control of the Ballymurphy operation?
- 12.3.4 After the internment arrests, what orders were given to the soldiers on the ground in Ballymurphy?



- 12.3.5 Were the telephone calls made by Father Mullan and Father McGuckin at around 8.00pm on 9<sup>th</sup> August 1971 logged by the army, and if not why not?
- 12.3.6 All the civilian witnesses identified Father Mullan distinctly as a priest and that he was carrying a white piece of material to alert the troops to his neutrality. Why did not one soldier identify Father Mullan similarly?
- 12.3.7 The civilian witnesses all state that at the time of the killing of Father Mullan and Frank Quinn it was a clear August evening. Why do the soldiers seem confused about this and why did they not see that Father Mullan was a priest and that Frank Quinn was lying face down?
- 12.3.8 There is substantial evidence from the civilian witnesses that the shots fired in the waste ground of the Moyard came from soldiers stationed on the roof of the Springmartin flats. Who were these soldiers and under whose command were they?<sup>225</sup>
- 12.3.9 In the soldiers' statements given to the RMP why were some not taken until nearly a year after these events? If WO1 Wood's description of the SIB investigation is correct then contact reports should have been taken immediately. Why was this not done in some cases?
- 12.3.10 Why was there no RUC investigation of any kind?
- 12.3.11 Did something prompt a review of Frank Quinn's case a year after his death, and if so what was it?
- 12.3.12 Have the Red and Blue Books that would have recorded the actual and ciphered names of those questioned by SIB been preserved, and if so, where are they?
- 12.3.13 Why did soldiers open fire again after being ordered to cease firing at 9.30pm by Soldier D?
- 12.4 This report by BIRW is a contribution to the campaign of the family of Frank Quinn and of the Ballymurphy Massacre Committee generally. As we noted<sup>226</sup> the Committee have the following demands:

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<sup>225</sup> As we have noted Soldier H was a platoon commander with 2 Queens Regiment and clearly stated that he relieved 2 Para in the Springmartin flats and saw ten empty 7.62mm cartridges on the floor; Soldier J of the 2<sup>nd</sup> Queens stated that a corporal and five soldiers of 2 Para stated they had shot several people in a field immediately to their front; RMP Statement of Soldier H, 23<sup>rd</sup> February 1972, and RMP Statement of Soldier J, 23<sup>rd</sup> February 1972, and RMP Statement of Soldier Q, 12<sup>th</sup> March 1972.

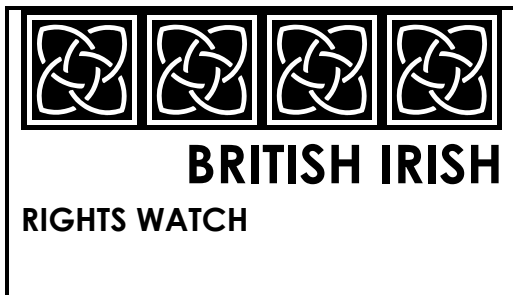
<sup>226</sup> See paragraph 1.5 above

- an independent international investigation examining the circumstances surrounding all of the deaths between 9<sup>th</sup> and 11<sup>th</sup> August 1971;
- that the British government issues a statement of innocence;
- that the British government issues a public apology.

12.5 In the fortieth anniversary year of the killing of Frank Quinn, BIRW endorses these demands.

**AUGUST 2011**

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