

PATRICK SHANAGHAN



INQUIRY

REPORT of the PUBLIC INQUIRY

**into the killing of
Patrick Shanaghan**

held in Aghyaran GAA Centre,
Castlederg, Co. Tyrone

on 17th, 18th and 19th September 1996

Published by the Castlederg/Aghyaran Justice Group

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Foreword

The nationalist community in Castlederg, Aghyaran and, indeed, further afield were shocked and saddened when, on the morning of 12 August 1991, they learnt of the death of Patrick Shanaghan. Most people in the area can recall where they were and what they were doing when the news came through and, as Patrick was so popular with the younger generation, even our children can recall their reaction to reports of his death.

This publication illustrates what Patrick had to endure for ten years before his death; daily harassment, house raids, interrogation centres, previous attempts on his life, and the deep-rooted sectarian hatred felt by all sections of the crown forces towards this gentle, inoffensive man who we all loved and who we believe they murdered.

The inquest into his death was held five years after the event. This proved to be a farce; instead of getting answers, many more questions came to light. The contempt shown by the RUC for the entire proceedings raised such anger in the community that we felt we had waited long enough and decided to hold our own inquiry into what happened. And so the Castlederg/Aghyaran Justice Group was born and, with the help of Patrick's family, his community and a wide circle of friends, we started our quest for the truth.

We have all been overwhelmed by the response of this community. As a result of the large number of people who came forward to give evidence to this inquiry and the great quantity of information they provided, we are unable to print in full the transcripts of their evidence. We have therefore drawn together the main points from their evidence and cross-examination by Judge Somers. All witnesses have ratified the edited version printed here.

This is the story of Pádraig O'Seanacháin.

Tina McGarvey
Chairperson Castlederg/Aghyaran Justice Group

Ireland



Introduction

Fr Joe McVeigh



This community feels it is important to establish as best it can the facts surrounding the death of Patrick Shanaghan on 12 August 1991. This community believes that the truth has not been told until now: it certainly was not told by the RUC at the farcical inquest held in Strabane between March and June 1996, five years after his murder. This community accepts that the Shanaghan family was quite right in its decision to withdraw from that inquest and it has decided to hold its own inquiry and to publish the facts as they become known. As friends of Patrick and as a community (a tightly knit community) who knew Patrick, we believe that this is the least that we can do to keep his memory alive, to support his family and to ensure that at some point justice will be done. In doing this, we are very grateful to Mr Andrew Somers for coming all the way from the Midwest United States to act as judge and also to Caitriona Ruane who is acting as chairperson.

It is important that we attempt to establish the real reason for the killing of Patrick Shanaghan by the UFF and indeed, the reason why so many Catholics have died at the hands of loyalist death squads who are still organised and still operating. It is sometimes claimed that these actions are 'retaliatory' or that they are part of an ongoing feud between Protestants and Catholics. These are myths. In establishing the real motives behind the killing of Patrick Shanaghan, we will expose the reasons behind the campaign of sectarian assassination, not just in the last twenty-five years but since the foundation of this statelet. By establishing all the facts about this case and similar deaths, we can contradict the British propaganda line and the misleading statements of some religious and political leaders.

The political context in which these killings have taken place is plain for all to see; a state ruled by Britain and run in the interests of unionists and Orangemen where there is no equality and no justice for the Catholic population. This is a state that is based on violence and force, not on democratic principles. It cannot guarantee security for all its citizens, it cannot give equality, nor can it ensure a fair trial. Citizens are harassed on the basis of their religious and/or political beliefs by the forces of the state. Our friends and neighbours are murdered and we have no expectation that the state will properly investigate their deaths. Indeed, in Patrick's case (as in so many others), the RUC has actively hindered the investigation.

This inquiry has been established to investigate the murder of Patrick Shanaghan, to examine subsequent events, including the conduct of the inquest, and to publish this in a booklet so that the truth might go out around the world to be heard by all those who are concerned about justice and human rights. Preparations for the inquiry began on 11 August 1996 at a meeting of concerned locals and further meetings were held almost every week since then. I have been amazed at the energy and the enthusiasm of this group which is now called the Castlederg/Aghyaran Justice Group. These two parishes have united to show their concern with the Shanaghan family at what happened and to express their determination to get at the truth of this whole matter. Friends of Patrick Shanaghan from the two parishes, along with the Shanaghan family, have worked closely together to put this inquiry together and to make sure that it is financed and that a report will be published in due course. We were delighted to hear that the American Irish Unity Conference had picked up the information out of the media and suggested that they could fund a solicitor or solicitors if Andrew Somers was willing and free to come over.

I can only say that I am very pleased that we have got this far and I feel privileged to be part of this group which has worked tirelessly in recent weeks and months. I am delighted to hear that so many people are prepared to make statements both publicly and in written submissions and that they have invited Judge Somers to hear their evidence. I think we have enough material and we are going to have a very constructive inquiry, one that should reveal to us a lot of facts that have not been revealed so far in this case. I am confident that this will expose the activities of the RUC in this area as well as the total inefficiency and lack of credibility of the inquest system and that it will highlight the culpability of the British government in the murders of our people because, make no mistake about it, the decision to kill Patrick and other Catholics is ultimately a decision taken by British Government people/ministers.

Profile

Pádraig Ó Seanacháin

Patrick Shanaghan was born in Aghnahoo on 11 August, 1958 and was murdered on the 12 August, 1991 less than two miles from his home and birthplace. Patrick was the only son of Philip and Mary Shanaghan and was the older brother of Mary and Anna. Patrick grew up on the family farm and attended Scraghey Primary School and St Eugene's Secondary School, Castlederg.

He lived with his mother and along with running the family farm, had a full time job with the Department of the Environment (DoE). What little spare time he had left, he devoted to his mother and to his love of traditional Irish music and dancing. Patrick's energy seemed endless because he loved life and lived it to the full. His love for Irish culture and traditional music and dancing was nurtured from childhood by his parents. His father Philip was a keen fiddle player who frequently filled the family home with the sound of his favourite reels. Patrick's interest in Irish music became more intense following the death of his father in 1984. He became an active member of Comhaltas Ceoltóirí Eireann and travelled to every corner of Ireland and abroad in his pursuit of traditional music and dancing.

Patrick was a well known and respected member of his community and had many friends from all walks of life. He was sincere and honest and had time to listen as well as to talk. Even people who met him briefly remembered him. Patrick was a religious man and was devoted to his family, in particular to his mother. He was very aware of the history of our country and while he had strong political beliefs he was not a man of violence.

And yet Patrick's life was far from peaceful. Because of his love for his country and its culture, he received an unprecedented amount of attention from the forces of the state. The extent of this attention is now a matter of public record and it is widely recognised that this harassment culminated in his murder. Patrick died the day after his 33rd birthday.



• Patrick and Ingeborg Schrewentiggess dancing - "The dancing man will dance forever and we will dance with him" *Andrew L. Somers, jr. 1996*



• Patrick, Anna and Mary



• Patrick, sister Mary and his father Philip



• Patrick and his sister Anna



• Patrick and sister Mary



• Patrick and his mother

Opening Submissions

Father Des Wilson



We have shared the grief of our people over many many years, not just over the last twenty-five years, but for as long as any of us can remember and for as long as our fathers and mothers can remember and for as long as our grandfathers and grandmothers can remember.

I recall part of the folklore of my own family. I was very fortunate as my family never had to suffer terrible tragedies and yet at the same time it was part of the folklore that my own father had to be hidden under the stairs from the death squads. That was in the 1920s. The death squads came out from the police barracks, one of the most notorious of which was Springfield Road.

The death squads came out and the people who were trying to earn a living were their targets. So all this goes back a long way. The question now for us is, how long is it going to continue - and there is no question in the minds of any of us that it must not be allowed to continue. Either it stops or it must be stopped. I do not suppose that there has been any time in the whole history of our people - and by our people I mean everybody who has suffered under extremely bad government - there never has been a time when their determination has been so clear. Now we are talking these days of cultivated anger. That is a very carefully chosen phrase because cultivated anger is not the anger that makes one go out and do terrible things. Cultivated anger is a careful, well prepared movement whereby people use all the resources of their whole community in order to right what is wrong and in order to create a better life for the people coming after us.

I and the people who I work with in Belfast look upon a public inquiry as one of those dignified and controlled actions when the whole community comes together, examines the facts and makes a judgement. I would like to recall for a moment the history of People's Public Inquiries. All through my lifetime we thought that governments were the only people who could do any such thing and the governments thought so as well. Right through the '70s terrible things were happening. People were being denied

employment. They were being denied even their life and their liberty and it was toward the end of the '70s that suddenly people said we must change all this. There had been one request after another to government for public inquiries into deaths, the police, the appalling behaviour of the British army, and so on. Every time, these were refused. At the end of the '70s people had the idea that we ought not to depend upon the government for our public inquiries. We ought not to be in a position of having to do without the truth just because government says so. And so for the first time in my experience and work, a public inquiry was set up by the people.

The important thing was that people had discovered that they had the power themselves, and the authority, to find out the truth, not the government. One of the people who came to our assistance at that time was Judge Somers and I would like here now to express the gratitude of a great many people to him for all he has done, much of which will never be talked about unless he writes his autobiography, which I hope he will do. He was instrumental, not only in helping the tribunals and inquiries to take place, but also in bringing to bear the interest of other people in the United States, particularly lawyers. We are beginning to find that we have an immensely rich network of lawyers, experts, organisers of all kinds, who can be called upon at any moment by the people of Aghyaran.

What does that mean? It means that you are no longer alone, that you can call on a network of people in different parts of the world and in different parts of your own country who will say, 'Yes, of course we will have our public inquiry'. That is the setting in which we will place this tribunal or public hearing today. I think it is a marvellous history. I think also that it has something to say about the future of this country, that people must gradually, bit by bit, take over control of all the things that concern them. I think that the existence of tribunals and the public inquiries shows not only that they must do it, but that they can do it.

So along with the good wishes of all the people that I work with, I would like to say that we would like to contribute to the good work that Mr Somers has done and Caitriona Ruane and Father Joe McVeigh and all the other people who have helped to bring this public inquiry together. Perhaps we cannot do much except express our sympathy.

But we also take a certain pride in the fact that you and the rest of us are partners in a trend and development in our affairs of which we have a right to be proud. We are watching people gather themselves together with determination and courage and anger, saying loudly and clearly, 'We know what happened, we will always know what happened and it will never be able to happen again'.

Thank you for allowing me to talk to you. I hope you will have every blessing and success with the great

work you are doing.

Paul Mageean

Legal Officer, Committee on the Administration of Justice (CAJ),



Human Rights Lawyer, Paul Mageean makes his submission to the public inquiry on opening day in Aghyaran. Pictured to his right is retired U.S. Judge Andrew Sommers who is presiding over the proceedings with Chairperson Catriona Ruane.

The Committee on the Administration of Justice (CAJ) is an independent civil liberties group which monitors the human rights situation in Northern Ireland. We take no position on the constitutional position of Northern Ireland and are opposed to the use of force for political ends. We believe that whoever controls this jurisdiction, needs to respect the rights of everyone living here. CAJ maintains its independence by referring to international law. We subject the actions of the government on the ground, to a critique on the basis of international agreements they have signed up to. If the actions of the government fall short of these standards, we ask them to live up to the standards they have helped set. It is important to remember that over 350 people have been killed by the security forces in the conflict. This figure does not include those killed by off-duty members of the security forces and it also does not include cases where there have been credible allegations of collusion between the security forces and the killers. Because there have been so few criminal prosecutions of the soldiers and police involved, the only mechanism that the families have had to uncover the truth about what happened to their loved ones is the inquest. Few of those families ever found that the inquest system actually helped them to uncover the truth. In this context we have been campaigning on the inquests issue for a number of years. We believe that the inquest system in its present form does not live up to international standards. The faults with the inquest system are numerous and do not extend to England and Wales. The problem is that families like the Shanaghans are often unaware of the difficulties with the inquest system until they actually have to engage with it. Then they become only too aware of

the faults.

i. Inquest juries are not allowed to reach verdicts as to the responsibility for a death. They can only arrive at a finding as to who the deceased was, where he/she died and how he/she came to his/her death. [Appendix A] In the vast majority of deaths, however, these details are already known prior to the opening of the inquest. In addition to the already narrow focus of the inquest, the High Court in Northern Ireland has reduced the scope of the inquiry even further by interpreting "how" as by what means as opposed to in what circumstances. This effectively means that the inquest can only examine whether, for instance, the deceased was killed by stabbing or shooting. The High Court has also been influential in restricting the scope of the inquiry in other ways. Even where individual coroners have taken decisions to admit important pieces of evidence - as was done in the Shanaghan case where the coroner ruled that evidence pointing to police collusion in the death could be brought - the High Court has overruled them. [Appendix B] This meant that a forensic report confirming that the police investigation into the death was inadequate could not be heard by the jury. [Appendix C] Additionally, a statement from a friend of Patrick's who was in Castlereagh at the same time as him and who could give evidence about police threatening him, could not be heard by the jury. [See Dave Cameron's submission]

ii. Legal aid is not available for representation for the families of the deceased. This means that the families have to rely on lawyers acting pro bono or have to be in a position to pay fees. This contrasts starkly with

the state funding for the representation of the police, army and the coroner. This inequality of arms is compounded by the fact that the lawyers for the families only get the statements of witnesses to the inquest just as those witnesses take the stand, while the lawyers for the police, army and coroner have access to the statements before the inquest opens. This clearly undermines the potential for effective cross-examination.

iii. It has already been remarked upon that the Shanaghan family had to wait five years until the inquest began. This is not an unusual delay in a controversial case. In the Loughgall case, it was eight years until the inquest took place. The inquests relating to the Stalker deaths are still not completed despite the fact that those killings took place in 1982.

iv. Even when the inquest opens, those responsible for the killing are not compellable witnesses. They can make statements to the police which are then read out at the inquest and lawyers for the families do not then get an opportunity to cross-examine the most important witnesses. Additionally, military witnesses are often screened from the court and are identified by letter or number.

v. The government has further attempted to restrict the scope of the inquest by use of Public Interest Immunity Certificates (PIICs). Perhaps the most well-known example of this was in the Gibraltar inquest, where the government issued these certificates to prevent attempts by the lawyer for the families of the deceased to uncover details of the planning of the operation.

CAJ, as I indicated earlier, looks to international standards and determines whether government actions on the ground fall short of them. International law is quite comprehensive about the type of investigation

that should be carried out into a killing where there are allegations of official involvement. The United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions call for a, 'thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions'. There was no such investigation in the Shanaghan case. It is simply unacceptable that the RUC investigate a murder in which they are accused of colluding.

The UN Principles also call for the adequate collection of all evidence. This did not happen in the Shanaghan case. Indeed there are grounds to suggest that the investigation was inadequate, yet the Northern Ireland High Court refused to allow the inquest jury to hear this evidence.

The Principles also state that the families of the deceased and their legal representatives must have access to 'all information relevant to the investigation, and shall be entitled to present other evidence'. The Shanaghan family, as we have seen, were not afforded these rights.

Finally, the UN Principles demand that a written report shall be made public which includes the scope of the inquiry, the methods used to evaluate evidence as well as conclusions and recommendations. This has not happened in the Shanaghan case and will not happen as a result of the inquest. However, it may happen as a result of this inquiry and that is why this inquiry is so important because until a family know and understand what has happened to their loved one, they have difficulty in coming to terms with the death and starting a grieving process. It is an indictment of the inquest system in Northern Ireland that this family and this community have had to begin their own inquiry in order to begin that process.



• Scene of the shooting near Killen



• Funeral scene at St. Patrick's Church, Aghyaran

Submissions

Subsequently Considered

Martin Finucane
Pat Finucane Centre

Collusion is one of the most crucial issues facing the nationalist community in the North of Ireland. This submission (which is by no means definitive) examines the extent to which the British government uses covert operations and 'counter gangs' to advance its political/military objectives in Ireland and explains why the nationalist community is exposed to attacks from pro-British loyalist death squads, manipulated and often directed by the British themselves. The administration distances itself from such activities, either by prosecuting the actual perpetrators of sectarian murders, or, where military personnel are more directly involved, by withholding information, insincere cosmetic investigations, no prosecutions and the curbing of inquests. The families and friends of the victims not only suffer the insult of cover-up and lies, they often become targets for harassment and abuse from the British Army and RUC. They seek redress in publicising the truth to the world and in bringing their grievances before governments and international human rights organisations.

Death squads are one of the main tools employed by regimes across the world which are faced with a subject people who aspire towards political change in their country. These gangs are drawn from the state's own forces or from organisations which (for their own sectional interests) support government policy. The use of such gangs has been exposed in several Central and South American countries, as well as in South Africa and in Far Eastern countries like the Philippines and East Timor. Television documentaries, newspaper articles and reports by internationally respected human rights bodies like Amnesty International have fearlessly revealed the operation of such methods of control and terror.

However, when it comes to the North of Ireland, where British-supported death squads have claimed the lives of over 700 people over the last twenty-five years, the same perception of collaboration between government and terror groups does not exist. This is because the British government has established a sophisticated system of indirect control through its military and intelligence services of those gangs which direct a war of attrition against the civilian population in nationalist areas. Thus, they have generally been able to keep a respectable distance from the people who do the killings and have washed their hands of involvement in specific atrocities, even where there is clear evidence that these were 'officially' sanctioned. Despite claims to the contrary, reports of collaboration between various British military agencies and the loyalist paramilitaries who wage a

sectarian campaign against northern Catholics are well founded.

Collusion is the word most commonly used to describe the relationship between the British security forces and loyalist gangs, but the term 'collusion' - as defined and accepted by many nationalists - focuses on contacts between loyalists and what are euphemistically termed 'bad apples' in the RUC and British army. Acceptance of the term, therefore, might imply that the British government and senior administrators have no responsibility or control over the killing of nationalists. The British government is happy to foster this limited notion of collusion and where members of the British army or RUC are caught red-handed in carrying on the work of sectarian murder gangs, they are invariably disowned by their political and military superiors as mavericks, acting without official sanction.

At various times over the last twenty-five years, loyalist attacks on Catholics (and on Protestants who associate too closely with Catholics) have fluctuated in accordance with the British government's political and military policy. One of the main architects of these policies was Brigadier Frank Kitson whose counter-insurgency exploits in Kenya, Oman, Malaya and Cyprus, later formed the basis of British military strategy here; sectarian murder would be carried out not only by the British themselves but by pseudo-gangs made up of the UDA, UVF and 'special' forces. The theory was simple; by using death squads (most of whom are innately sectarian anyway) to kill and even mutilate their victims, they would terrorise the entire Catholic community. In tandem with this sectarian campaign, they would pump out the propaganda line that if the IRA were not fighting then there would be no killings. It was and remains a strategy of state violence, a murderous policy that is designed to break the nerve and sap the morale of the nationalist population, weaken its power of resistance and draw off support for the IRA.

There are many examples in the 1970's of a direct input by the British military into the sectarian campaign against nationalists. Units such as the Military Reaction Force (MRF), operating out of a British army barracks and trained by the SAS, were responsible for several deaths. This unit was particularly active in Belfast in 1972 but was phased out following a number of killings and shooting incidents similar to those carried out by loyalist gangs, in which the role of MRF units was revealed in court cases. These revelations caused the British political and military authorities some embarrassment and a less direct approach was adopted with the infiltration by agents of loyalist paramilitary organisations at leadership level and

within the rank-and-file.

The expertise of these British agents added significantly to the operational capability of loyalist terror gangs. Many of these agents were former British soldiers, including Albert Ginger Baker who was active in Belfast in the early 1970's, commanding the gang responsible for the notorious 'romper room' murders where nationalists were beaten, tortured, then mutilated before being shot dead. Although Baker was sentenced to life imprisonment in 1973 for a number of those killings, other suspected members of his roving murder squad were acquitted in 1974. Admitting his role as an agent, Baker said the killings 'were designed to fit into a British intelligence plan to terrorise the nationalist community and push off support for the IRA'. Ginger Baker is now a free man, his victims a mere footnote in the history books, lost amongst the statistics of the dead and injured.

The killing of John Francis Green and the massacre of three members of the Miami Showband in the mid 1970s were part of a co-ordinated campaign involving (at operational level) the British army's SAS regiment and the UVF in Mid-Ulster. Green was assassinated in County Monaghan in the Irish Republic by loyalists controlled by SAS Captain Robert Nairac. In the case of the Miami Showband, three members of the British army's locally recruited regiment, the UDR, were implicated along with several other loyalists. The band was en route to an engagement when their van was stopped at what appeared to be a routine military checkpoint, but was in fact a stage-managed operation designed to portray 'southerners' in general and southern entertainers in particular as IRA sympathisers who were transporting bombs. The operation misfired, however, when Harris Boyle and Wesley Sommerville, both UVF men, were blown up by their own bomb while placing it in the band's van. In the panic that ensued the bandsmen made a run for it, but three of them were instantly shot dead.

The Dublin/Monaghan bombings, timed to push the government of the Republic into passing draconian legislation which would be directed against republicans, left thirty-three people dead and over 100 injured. These bombings were carried out by loyalists controlled by a sergeant in the RUC Special Branch. The names of those involved are known, but they have never been arrested or prosecuted, nor have their extradition's ever been requested by the Dublin government.

I have only mentioned a few examples from the 1970's, when the death squads were particularly active, particularly during the IRA cease-fire of 1975 when the British government entered into negotiations with republicans. This period saw an intensification of killings, simply because loyalists felt that their privileged position was being threatened.

Collusion between the British authorities and loyalist paramilitaries in the 1980's mirrored the pattern of the early 1970's. Following the assassination of John

Turnley in June 1980, four UDA men were charged with his murder, three of whom, brothers Eric and Robert McConnell and William McClelland were sentenced to life imprisonment. William McFettridge admitted manslaughter and was sentenced to twelve years, while Edward Brownlee, who hid the guns in question, was jailed for four years. What was revealed during their trial in 1982 was that these killers were operating at Britain's behest. In a statement from the dock, Robert McConnell, stated that he had been working for the SAS for two months before John Turnley's death. He said that the SAS had given him weapons, including two army-issue Sterling sub-machine guns, forty-eight magazines to fit them and around 3,000 rounds of ammunition. He was also given intelligence-gathering equipment, including a listening device which he once used to eavesdrop on Gerry Adams. He alleged that two SAS soldiers, Sergeant Tom Aiken, a Scot, and a Corporal McGow, worked with him.

It also revealed that following the murder of Turnley, the two brothers and McClelland were stopped at a UDR checkpoint and taken to an RUC station where they allegedly told detectives they had been out drinking. The RUC admitted at the trial that notes taken during an interview with Eric McConnell had been destroyed on the instructions of an RUC Chief Inspector, on the grounds that they contained 'sensitive information'.

Another feature of collusion has been the sudden appearance of crown force members at the scene of an incident immediately after shootings, as in the case of Bernadette McAliskey and Gerry Adams, where those who carried out the attacks were immediately arrested. The master-minds who instigated these two attacks, whether the actual gunmen knew it or not, come from within the British Military Intelligence Services. The gunmen's role was served as soon as they emptied their guns, their speedy arrest meant to deflect responsibility for the attack away from the British and the heavy prison sentence later given to the gunmen showing that to the British they are regarded as cannon fodder. Like the killers of John Turnley in 1980, who were aware that they were acting on the British military's behalf and revealed in court the names and location of British military personnel who trained and equipped them, no one took any notice of their claims.

Another case which exposes the myth that there are no links between loyalists killers and the crown forces is that of British soldier Corporal Cameron Hastie and UDR Private Joanne Garvin. Hastie, before finishing a 'tour of duty' in the North, passed on photographs and other information to loyalists that would be used to shoot Catholics. As a direct result of this passing of intelligence, several people were injured and one man, Terence McDaid, from the Newington area of Belfast, was shot dead in front of his wife and parents. Another, Pat Fitzpatrick, was very lucky to survive an attempted assassination in South Belfast when a loyalist gunman walked up and

shot him several times in the temple and right arm. He lost an eye in this attack. For this, and other attacks, Hastie and Garvin were arrested and pleaded guilty to passing on information likely to be of use to loyalist killer gangs. Both were given 18-month suspended sentences and, like the 'good soldier' that he was, Corporal Hastie was allowed to continue his military service. Garvin was discharged.

As most of you will know, my own family has lost a loved one. My brother Pat was brutally gunned down by UDA gunmen in front of his wife and three children on 12 February 1989 while the family were sitting down to their evening meal. When the front door of his home was smashed in, Pat immediately got up to investigate. He opened the kitchen door and saw the gunmen coming towards him. He was instantly fired upon and shot twice in the stomach. As he fell to the floor the gunmen smashed their way through the kitchen door. His children took cover under the kitchen table and looked on in horror. His wife stood powerless against the wall and as Pat lay helpless on the floor one of the gunmen stood over him and fired slowly and deliberately another twelve shots, some from a range of fifteen inches, into Pat's head and neck. His wife was also injured in the ankle by a ricochet bullet.

It was revealed at the inquest that one of the guns used to murder my brother was stolen in 1987 - along with twelve other weapons - by a UDR sergeant, from Palace barracks, a British army base. This loyal servant of the crown went into the barracks, took the keys to the armoury, loaded a van with the guns, signed the log book and drove out. He travelled across the city to a UDA drinking club and sold the weapons for £3,000.

The Stevens' investigation into collusion which followed my brother's death was undermined by an official conspiracy of silence. This ensured that the only people charged were those who received leaked intelligence material, despite the fact that the RUC themselves are the primary source for security documents. Stevens did, however, establish that loyalist paramilitaries have virtually unlimited access to British files and that the UDA's main intelligence officer, Brian Nelson, was a British agent.

It was subsequently revealed that Nelson was recruited by British Military Intelligence in January 1987, specifically to infiltrate the loyalist paramilitaries and to assume responsibility for collating and distributing vast quantities of intelligence files to them, as well as conducting his own surveillance on nationalists. When he appeared in court in January 1992,

Nelson was suspected of having played a vital role in ten murders and in targeting a further sixteen people who were later murdered or wounded. At his trial, his role in my brother's murder was not revealed, as he had succeeded in negotiating a 'behind the scenes' deal with the authorities; in return for his silence, Nelson was convicted of less serious offences and received a disgraceful and insulting ten year sentence.

Throughout his period of activity, British intelligence and the British government were kept fully informed of all Nelson's activities and it must not be forgotten that his deadly alliance with British Military Intelligence assisted loyalist death squads in acquiring a major arms shipment from South Africa. This weaponry has had an enormous impact on loyalist violence by enhancing the killing capacity of both the UDA and UVF. Before the arrival of such sophisticated weaponry, loyalist killers were more likely to have used home-made machine guns, sawn-off shotguns and old revolvers. The South African shipment (in exchange for military technology for the Apartheid regime) was delivered in January 1988 and consisted of 200 AK47 automatic rifles, 90 Browning 9mm pistols, around 500 fragmentation grenades, 30,000 rounds of ammunition, a dozen RPG7 rocket launchers and an unknown number of warheads.

Patrick Shanaghan is believed to have been murdered by a weapon from this South African shipment.

Brian Nelson is now a free man. He was released early this year (1996) from a British prison after serving six years.

Pat Finucane was a defender of human rights and worked very hard to protect the basic rights of every individual and to expose in the courts the systematic violations of those rights by the British government in the North of Ireland. He was seen as a threat to the British establishment and its corrupt method of rule and this, in turn, exposed him to the fatal process which he tried to uncover.

The loss and suffering of my family is no different to the suffering of other victims of sectarianism and collusion, and no matter who it is that pulls the trigger - whether in or out of an official British uniform - it is important to remember that they are acting to ensure the maintenance of a state which has survived by the threat and use of violence. As part of our response, we must ensure that they never succeed in extinguishing the desire of a people to be free from oppression.

Jane Winter
British Irish Rights Watch

British Irish RIGHTS WATCH has independently examined the tragic circumstances of Patrick Shanaghan's death and has concluded that they reveal a number of features that are suggestive of official collusion.

In the context of Northern Ireland, the term "collusion" has come to embrace a number of illegal activities on the part of the security forces (the police, the army and the intelligence services). These include:

- conspiring with paramilitaries to carry out assassinations;
- taking part in such assassinations;
- collecting information on those targeted by paramilitaries and passing it over to paramilitaries;
- passing legitimately collected official information to paramilitaries for illegitimate purposes;
- failing to prevent paramilitary assassinations;
- providing weapons to paramilitaries;
- assisting in the commission of such killings, for example, by lifting roadblocks;
- failing to investigate such killings rigorously.

Various organs of the state, such as the Director of Public Prosecutions, the Secretary of State for Northern Ireland, and so on, have also acted in ways that are regarded as collusion, although they have not necessarily acted illegally. Such actions have included:

- failing to prosecute those responsible for such killings;
- failing to prosecute or otherwise discipline those members of the security forces involved in collusion;
- using Public Interest Immunity Certificates and claims at trials and inquests to withhold information concerning alleged collusion;
- refusing to make public findings of the limited number of official investigations into collusion;
- allowing members of the security forces to carry out illegal acts, whether in conspiracy with paramilitaries or not, with impunity and hindering official investigation of those acts.

Most acts of collusion in Northern Ireland concern members of the security forces acting together with or in support of the aims of loyalist paramilitaries. This is because most members of the RUC and most locally-recruited soldiers come from the Protestant/unionist/loyalist community, and because both loyalists and the security forces see their role as maintaining the union between Britain and Northern Ireland.

The features of Patrick Shanaghan's murder that suggest collusion are as follows:

- he was constantly harassed by the security forces for years;
- a photograph of him used by the army for intelligence purposes was "lost" and he was warned that his life was in danger from loyalists;
- he was threatened with loyalist assassinations by RUC officers;
- the police investigation into his death was deficient;
- crucial information relevant to his death was suppressed from the inquest by the courts.

Collusion is often - but by no means always - employed by members of the security forces where they believe someone is involved in the IRA but they have no proof. Patrick Shanaghan was a member of Sinn Féin, a legitimate political party. There is no evidence that he had any connection with the IRA. Nonetheless, he suffered constant harassment by the security forces in the ten years prior to his death. He was also arrested on a number of occasions and held under the emergency laws, but was always released without charge. Despite the lack of any evidence the RUC claimed at his inquest that he was suspected of belonging to the IRA.

This suspicion, however unfounded, on the part of the security forces doubtless accounts for the fact that Patrick Shanaghan's photograph appeared in a photomontage used by them. It does not, though, account for the fact that they claimed to have lost the photomontage, and then warned him that his life was at risk from the loyalists. It was precisely this type of activity on the part of the security forces that led to the Stevens Inquiry, which resulted in a number of prosecutions of soldiers and loyalists. When information concerning someone goes missing in such circumstances, especially when they are later murdered by loyalists, it is a very strong indication of possible collusion. Warnings about personal safety in such cases look more like threats than any attempt to protect the victim.

When Patrick Shanaghan was under arrest, he and friends of his reported that death threats had been made against him by RUC officers. British Irish RIGHTS WATCH has made a detailed study of what goes on in Castlereagh and the other holding centres in Northern Ireland, and our research shows that such threats are commonplace. We have no doubt that these reports are true. In most cases, such threats

are made in order to intimidate detainees and to coerce them into making confessions. However, there is evidence that some people threatened in this way have indeed been murdered by loyalists shortly afterwards. Tragically, this was so in Patrick Shanaghan's case.

At the inquest, counsel for Patrick Shanaghan tried to introduce evidence to show that the police investigation into the murder was inadequate and that Patrick Shanaghan had been threatened with loyalist assassination by RUC officers in Castlereagh. Although the coroner was prepared to allow the jury to hear this evidence, the RUC sought judicial review and the courts suppressed the evidence on the grounds that it went beyond the narrow remit of the inquest.

One of the saddest aspects of this terrible case is that

the RUC prevented Patrick Shanaghan from receiving medical attention or the comfort of the presence of a priest during his dying moments. Such deprivation is inhumane. Of even greater concern, however, are the indications that suggest official collusion in his death. The family and friends of Patrick Shanaghan are to be congratulated for organising their own inquiry into the circumstances surrounding the murder. However, such an inquiry inevitably takes place without the co-operation of the state, and while it can effectively raise questions, it can never hope to obtain all the answers. There ought now to be an independent judicial inquiry, with full powers to subpoena witnesses and obtain discovery of documents, in order that the whole truth about Patrick Shanaghan's murder can be revealed.

Scenes of the Funeral



Family Submissions

Mary Shanaghan

Patrick's mother



On 12 August 1991, the day after Patrick's 33rd birthday I opened the gate for him as he drove his van to work and said good-bye to him for the last time. A short time later I heard some helicopters flying overhead but paid no attention as this was a common enough occurrence. Then some time after that I got a phone call from a friend asking me how things were and how was Patrick. I think this would have been around 9am. I said things were fine and Patrick was away at work. Then shortly after that, I got another phone call, again asking about Patrick and I knew then that something had happened to him. A short time later a car came up the lane with some of my friends in it and they told me that Patrick was shot and that he was dead. My worst nightmare had come true. Patrick was dead.

With tremendous support from family and friends, I managed to get through the wake and the funeral. I have continued to live by myself in my home in Aghnahoo - they could not force Patrick to leave except by killing him. Five years have now passed since Patrick was shot and I still think about him every day and miss him more than ever.

Patrick was a good son, gentle and kind. He never broke the law. All he was interested in was working hard at his job in the DoE, farming his sheep, and following his love for Irish music and dancing. Patrick was strong in his religious beliefs. He was not a man of violence. He did not agree with violence or terrorism of any sort, including that which he was subjected to by the State.

It is my belief that collusion between British security forces and loyalist paramilitaries was involved in the murder of my son Patrick and I feel confident that this will in time be proved. Patrick's death brought to an end a ten-year campaign of continuous harass-

ment against him. This included sixteen house searches, when our home was ransacked and damaged, ten periods of detention without charge, [Appendix I] death threats made by detectives at Castlereagh Holding Centre [Appendix G] and the leaking of his security file to loyalist paramilitaries. [Appendix F] His daily life was one of constant road blocks, searches, insults and threats from the British security forces.

The first time our house was raided was on 15 April, 1985 the first anniversary of the death of my husband. The RUC stormed into our home early in the morning and proceeded to ransack the house before arresting Patrick. He was released the next day without charge. Over the next six years Patrick was arrested nine more times spending a total of forty-two days in detention and was always released without any charge being brought against him.

The house searches were an ongoing element of the harassment Patrick had to endure. We were forced to stay in the kitchen for the duration of the searches. They always ransacked the house, lifting up floor boards, tossing out the contents of wardrobes and cupboards, making no attempt to clear up after themselves. It was obvious they were not looking for anything as some rooms would not be touched. Some times they went up to the attic and sometimes they did not bother.

On one occasion they broke into the house when we were not at home and left the shattered front door lying wide open when they left. On another occasion when arresting Patrick, two police men had their arms around his throat when they were taking him down the stairs. Then they said to him: "Say bye bye to your mammy. You won't see her again".

On 6 February 1989 the RUC conducted a house search and arrested Patrick holding him until the next day. Just eleven days later I was away staying with friends for a few days on 17 February. That night, as Patrick was leaving the house at about 8.15pm, someone shot at him, but he managed to escape into nearby fields. Patrick returned to the house after he saw a car drive away and contacted the police. They arrived about forty-five minutes later. No one was ever charged.

During the last house search on 4 July, just one month before Patrick was shot, the police and army came in the middle of the day to search the house and they took photographs of various rooms. I was worried about Patrick in case they lifted him and I collapsed due to the stress. The police called the doctor and sent someone to contact Patrick. However, when they told Patrick, he was so used to hearing them tell lies he did not believe them and he went to Castlederg to ring home and check first.

This was only one part of the campaign against Patrick. He was constantly harassed as he went about his daily work. Seldom a day passed that he was not stopped and searched by the British security forces, often two or three times a day he was stopped. They always stopped him, and despite knowing him only too well, went through the same procedure of asking him his name, his date of birth, and often asking him to take off his coat to be searched especially in bad weather. They seemed to delay him as long as possible even though they never found fault with his vehicle and he was always civil to them, despite extreme provocation.

I recall one incident when Patrick was taking Anna and me to a céilí in Rosstown. It was in Winter and it was snowing and there was a freezing wind. We were stopped at Pettigo by a UDR checkpoint. We were asked to get out of the van to allow it to be searched, which we did. When the front of the van was searched, Patrick told Anna and me to get in and we did, even though one of the UDR men said they were not finished in the back. They searched Patrick also and then asked him to take off his coat, which he refused. When they had finished searching the van they continued to block the van. Eventually the Kesh police came and asked Patrick why he was being stopped. He said he refused to take off his coat. The police man said to the UDR that he thought these people could go now, but a UDR man came over and talked to the police man. The police man came back and asked Patrick for his driving licence and insurance which he did not have with him. They asked him where he would produce it and he replied he would bring it to the usual place, Castlederg RUC station, as he was in there with them most weeks anyway. In all the time they held us at the checkpoint, between an hour and a half and two hours, they did not stop or check one other vehicle. We were eventually allowed to go, but when we got to Rosstown the céilí was over.

On another occasion Patrick was taking me to Omagh for a hospital appointment and we were stopped by the UDR about half a mile from the house. We were told to drive to Killen about half a mile away so that we could be searched. Patrick said they could search him where he was. The RUC soon arrived and told us we would have to go to Killen to be searched. Patrick did so and we drove up to Killen with a police car in front of us and a UDR landrover behind. When we got to the village they searched Patrick, a UDR woman searched me and they searched the van.

On another occasion Patrick, my sister Rosie and I were going to the bog to work with turf. We saw a vehicle coming towards us which turned out to be the police. They obviously recognised Patrick's van coming as they pulled up and stopped us. As usual they got us out of the van, they searched Patrick and the van and asked us where we were going. Patrick said we were going to the Blacktown. When they allowed us to proceed the police car turned around and fol-

lowed us. They followed us to the Blacktown where we did a U-turn and then headed towards the bog. They followed us to the Blacktown, also did a U-turn and continued to follow us for some distance before branching off, just before we came to the village of Killeter.

Even when Patrick was at home he got no peace. The police regularly drove up the quarter mile lane to the house in the middle of the night. Army and UDR constantly patrolled around the house on a daily basis and it was not unusual for them to lay about the farm for several hours. On occasions, they stayed around the house the whole day and even brought a stove with them for cooking. At times they established road blocks on the lane to the house, preventing Patrick from either returning home or leaving the house. On at least one occasion he was stopped and searched both at the bottom of the lane and then again at the top.

On another occasion Patrick was going out one night and he had stopped to open the gates at the bottom of the lane. When he got out of the van an army patrol that had been lying in wait set off some flares. Patrick told me about it when he got home and said that he knew that they were trying to scare him into running so that they could have shot him.

The Friday before Patrick was shot, a police car drove up the lane and parked, watching the men baling the hay.

On one occasion when a UDR patrol was camped at the farm and they were utilising the out houses, needlessly wasting electricity in the middle of the day, Patrick switched off the electricity supply. They responded by smashing all the lights in the out houses. On this occasion the authorities accepted liability and agreed to compensate me for the damage caused.

Frequently when Patrick was going to work in the morning, large stones and boulders had been rolled onto the lane. Also the gates into the farm were left open allowing his sheep to get out onto the road. These are just typical examples of the daily attention that Patrick received.

In later years the British forces intensified their campaign against Patrick by threatening that if he did not leave he would be killed. On more than one occasion after being released from Castlereagh, Patrick told me that while he was being detained the detectives had told him he was going to be shot. On at least two occasions Patrick told me that they had also offered him money for some information.

It is my opinion that there has been little if any effort made to find those responsible for his murder. No one has ever been charged with Patrick's murder and it is clear now following the recent inquest that no attempt was ever made to find the person who did it. The fact that the inquest took place five years after Patrick's murder is testament to this fact. Those who

murdered Patrick thought they would get away with it, but I believe the truth will come out. I want to put on record my total dissatisfaction with the police involvement both before my son's death and subsequent to it. They have done nothing to reassure me that those involved in threatening Patrick's life or leaking his files have even been investigated, let alone action taken against them. I believe that all those involved in this conspiracy against Patrick are as guilty of his murder as the man who pulled the trigger.

The inquest, which was a terrible ordeal for me, made no attempt to get to the truth of Patrick's murder, it exposed how inadequate the investigation into his murder was. It has confirmed my belief that collusion between the British forces and loyalist paramilitaries led to Patrick's murder. They themselves admitted leaking Patrick's security file to loyalists. They also admitted dispatching a police unit to the scene of the murder twenty minutes before Patrick was shot. [Appendix D]

However, what is most distressing for me is the blatant disregard for Patrick's life and the inexcusable refusal of the police to allow Dr Stewart to provide medical assistance to Patrick. Not the slightest effort was made to call an ambulance. Even Patrick's parish priest, Fr McGinn, was re-routed and delayed from reaching Patrick in his final moments. As in life, Patrick was in death, denied the most basic of human rights.

In view of the totally unsatisfactory way that the police have behaved I am very grateful to the Castlederg/Aghyaran Justice committee for organising this inquiry to attempt to publicise the facts surrounding Patrick's death. I am overwhelmed by the fact that five years after Patrick's death so many people from both the local community and from afar are still interested to see that justice is done and that the truth come out.

I would like to thank all those who contributed in any way to this inquiry. In particular I would like to thank all the members of the Castlederg/Aghyaran Justice Committee who have worked so hard in organising this inquiry in such a short space of time. My sincere thanks to all who have given up their time to make submissions to this inquiry. It is heart-warming for me to realise that, although five years have passed since Patrick's death, he has not been forgotten and the people of this community are still determined to find the truth about his murder.

In conclusion, I hope and pray that other families will not have to go through the suffering that Patrick and I had to endure before his death and the grief and suffering that my daughters and I and many friends have had to endure since. I believe that this inquiry will, by highlighting the injustice that Patrick suffered, play some part in preventing this from happening again.

Despite all that has happened I know that Patrick's memory is and always will live on among our family and his many friends and my only consolation is that Patrick is now at peace, a peace he rarely knew for the last years of his life.

Mary Bogues

Patrick's sister



Patrick spent his 33rd birthday on the family farm in Aghnahoo, baling hay. That evening he spent dancing and chatting with friends at a céilí in Ballybofey. The next morning he said good-bye to our mother for the last time and was shot dead as he drove to work less than two miles from his home.

Patrick had become another statistic. Gone was the gentle, kind and sincere person we had loved. Gone was the sound of his feet dancing in the kitchen to the beat of Irish music. No more would our mother worry when he left the house if he would come home safely. Our worst fears had become a reality.

Patrick was friendly, good humoured and genuinely interested in people, from young children to the elderly, people from other countries, people from all walks of life. He could strike up a conversation with anyone. If Patrick had arranged to be somewhere at a certain time he was almost always late, for he would always bump into someone and when he stopped for a chat, time was forgotten.

The same applied when on the phone, his infectious laughter could be heard as he chatted away at length, time and the phone bill forgotten. Patrick was a man of faith, a man of integrity. He was not a man of violence as was portrayed by those who killed him. In the words of his Parish Priest Fr McGinn. 'It is totally reprehensible to suggest that he was involved in any kind of violence towards his fellow man. We must nail that lie put about by evil people who are not content to kill but who also try to blacken the name of their unfortunate victims.'

Patrick was the victim of a ten-year campaign of terror waged against him by the British security forces. He was constantly stopped and searched. On one occasion he was stopped three times as he went through the small town of Castlederg. His home was searched and wrecked sixteen times, outhouses vandalised and fences broken. He was arrested and detained ten times, without ever being charged. And when this proved unsuccessful, his photograph and personal details were conveniently lost, ending up in the hands of loyalist paramilitaries who then went on to murder him.

For ten years this harassment had become a constant feature of Patrick's life. But despite this he remained courteous and calm in the face of extreme provocation. Indeed Patrick was apparently unaffected by the violence which he was subjected to. He retained a love for life that was perhaps more intense because he knew each day could be his last. He lived life to the full and followed his great passion for Irish music and dancing, to every corner of this country and abroad. He was an active member of Comhaltas Ceoltóirí Éireann and had a passionate love of his native tongue and all things Irish.

Despite this long reign of terror against Patrick by the RUC, which included many death threats, the leaking of his security file to loyalist paramilitaries, and an attempt by loyalist extremists to kill him in February 1989, Patrick had made a conscious decision that he was not going to be put out of his home, or forced to leave his family and friends. He was very aware of the history of our country, a history that had seen many Irish people driven from their homes.

I have often thought how Patrick must have felt every night going to bed, not knowing whether the RUC would be banging at the door to arrest him at 6 o'clock the next morning. Or how he must have felt leaving his isolated home going down a dark lane and along isolated roads, knowing that there was no one he could call for help and that he had no way of protecting himself. How was he able to tolerate the incessant checkpoints and searches, the constant threats that were made against him and still remain good humoured and polite?

I myself came to dread the distressed phone call from Mummy to say that Patrick had been taken to Castlereagh or where ever. I waited anxiously with Mummy until he was released, and I usually went to collect him and bring him home. His first concern was always to make sure Mummy was all right, his next thought was invariably about what céili was on and he was anxious to get home, to get something to eat and get cleaned up before heading out for the night. Indeed it is told that in between interrogations in Castlereagh, Patrick could be heard step dancing in his cell.

He seldom made specific reference as to what had happened when he was being detained. But on one occasion he said that the police had not even asked

him one single question the whole time he was detained, but instead spent the time hurling abuse at him and threatened that they were going to shoot him.

Patrick himself had been prepared for death. He knew only too well the danger he was in. He told a close friend that he knew another attempt would be made on his life, he only hoped that our mother would not be with him at the time. In that, at least, he got his wish. He took what limited steps he could to protect himself, but living as he did in an isolated farm with our mother, shows the extent of his strength and courage. Patrick was very careful to shelter us from the true horror of his daily life. He was particularly protective of our mother and rang her every day from work to reassure her that he was all right. He never came home without some small gift for her, even if it was just a bar of chocolate. Despite our awareness of death threats from the RUC and a previous attempt on his life, our sense of shock at his death was intense. It seemed inconceivable that Patrick should be murdered when he had done no wrong, and we felt that somehow such an injustice could not happen. We were wrong.

The exact circumstances of what happened on the morning of August 12th, 1991 remained unknown to us for the next five years. We wondered if anyone had been with him as he lay dying, we worried if he had suffered or if he had died quickly. We read the reports in the newspapers and in our ignorance awaited the inquest which we hoped would enlighten us. In the meantime we had the incredible support of our friends and relatives who talked to us about Patrick and who wept with us. We had letters from people far and wide who paid tribute to Patrick, some people who knew him well and others who had known him only briefly but had been touched by his friendliness and sincerity.

With regard to an investigation into Patrick's murder, we knew there would never be any results. But we still expected to be notified about the inquest, as the weeks and then months passed by, but we heard nothing. Then, three years after Patrick's murder a reporter rang our mother to see what her reaction was on hearing that Patrick's inquest had been cancelled. As we had not been told anything about the inquest she was understandably shocked and angry. Our family solicitor requested an explanation, but as usual we were told nothing.

Then earlier this year (1996), almost five years after Patrick's murder, we were informed that the inquest was to begin and a single day was set aside by the coroner. However, while the coroner and the police may have hoped that in the five years since Patrick's death, the circumstances leading up to and surrounding his murder had been forgotten about, they were very wrong. We stated at the time of Patrick's murder that we did not want any reprisals and did not want another family to suffer what we suffered and we still stand by that sentiment. But that does not mean we

want the suffering that Patrick endured to go unnoticed. We want people to know what Patrick had to endure in his daily life and the ultimate sacrifice he made because he refused to be driven from his home.

The inquest was a very traumatic event for us. We heard eye-witness accounts of Patrick's murder for the first time and descriptions of how his head and hand were still moving some minutes after he was shot. We heard accounts of how the police refused to allow a doctor and our parish priest attend to Patrick as he lay dying. We heard the police describe their so-called investigation, and we heard them adjust their statements while under oath in the witness box. Perhaps the most alarming result of this inquest is that the police don't care that we know they made little effort to investigate Patrick's murder, they don't care that he was unjustifiably harassed for ten years and they don't care if there was evidence of police collusion in his death. They are confident they will get away with it, as the system is there to support them. We know that those who knew Patrick will believe what we are saying. But we realise for those who did not know him there is the dilemma of what to believe. However, anyone who sat through the inquest with us could have no doubts. The evidence is there for anyone who wishes to see it.

Some people have said that the inquest was a waste of time and indeed as the inquest progressed it became more and more apparent that there was going to be no effort to get at the truth. But letting people know this is important in itself. Some people have also said, 'What is the point of holding an inquiry? Nothing that we do now is going to bring Patrick back. Nothing is going to undo the injustice that Patrick suffered.' However, while this is true, it is only right that we continue to try and make public the facts surrounding Patrick's murder and expect that those responsible are brought to justice.

The system has to date failed miserably. But that is why it is all the more important for us to keep on going and that is why I feel so encouraged by the support we have received for this inquiry. I am very grateful to the Castlederg/Aghyaran Justice Group for organising this inquiry, providing me and others who knew Patrick with an opportunity to give our side of the story, the side that the authorities would prefer was not heard. And we intend to continue our quest, to publicise the truth.

Patrick was unjustifiably harassed for ten years and regardless of who pulled the trigger this harassment undoubtedly contributed to his murder. Those responsible for setting up Patrick will have to live with their role in his death and the misguided man who pulled the trigger will have his own nightmares to contend with.

Patrick's only crime was that he loved his country, its people and its culture. It is such a tragedy that he should have had to die for this. Patrick is now at peace, a peace he rarely knew for the last ten years of

his life. But his memory will live on through the many lives he touched while on this earth.

Anna Pauling

Patrick's sister



Patrick was my big brother and protector, he would always look out for me. As a child we shared many dreams and hopes for the future. We talked about the movies and I often fantasised about the glamorous heroines wearing their rich jewels and furs. Patrick assured me that I too would have a fur coat one day, and true to his word, a beautiful fur coat was presented to me on my 13th birthday. You can imagine how proud that made me feel.

Patrick, was not afraid to show brotherly love, he would frequently collect me from school on his motorbike, even though this wouldn't have fitted in with the typical bikers image. He thought nothing of buying me my weekly *Bunty* comic, with lots of sweets. This generosity and kindness was integral to Patrick's character, and I'm sure those who knew him would agree with this.

His strength of character could be seen most vividly on the many occasions that Patrick was stopped at checkpoints and verbally abused. Patrick never retaliated. His first concern was always for his passengers i.e. mummy or myself, that we were all right and not humiliated, cold or wet. Patrick was a gentleman, calm and polite, he knew that if he retaliated he would reduce himself to the level of his aggressors and he had much more dignity than that.

We talked frequently about the problems in Ireland and we always agreed that good would overcome evil, and that one day justice and peace would prevail. It was this belief that gave Patrick the strength and courage to follow his many interests with vigour and enthusiasm.

The last time I saw Patrick he took mummy and myself to his beloved Donegal. We had lunch and drove through the countryside that he loved so much. I remember giving Patrick a big hug and telling him how proud I was of him for being part of an Irish team of dancers and musicians who had gone to Norway earlier that year. He was so touched and then replied with his usual smile, "perhaps next time I'll be wearing the Green Jacket in New York". Sadly this dream was never realised.

Philip Pauling

Patrick's brother-in-law



On the morning of the 12th of August 1991, Anna rang me to tell me that her brother Patrick had been shot. I left home at about 10am and went to Tunbridge Wells to meet Anna and then on to Heathrow Airport and to Ireland, to Anna's home. I discovered a week later from a neighbour that two detectives had arrived at my house looking for me on the 12th August, just half an hour after I had left for the airport.

During the week, while I was in Ireland, these two detectives visited my parents. My parents hoped they would find out more about what had happened and whether there were any implications in my having gone to Ireland. The detectives had little to say about what had happened but on the contrary only asked questions about Anna and myself. They wanted to know how long Anna had been in England, why she had left Ireland, how old she was and where she lived. When told that we had met at a club organised through the local church they asked whether it had any political connections. They also suggested that through my relationship with Anna, I might be blackmailed into hiding a terrorist or terrorist weapons in my home! Apparently they were very concerned for my safety and strongly advised my parents that I should not return to Ireland again the following week as had been previously planned.

When I arrived back at Heathrow on Friday 16th, I was met by my brother who informed me that the two detectives had wanted to meet me at the airport that evening. My father had had to agree to arrange that I would see them in the morning. When I got

home I called one of the detectives and he said that they just wanted to discuss the weeks events with me and that there was no need to be concerned.

At 10am the next morning two detectives arrived at my parents where we had agreed to meet. They said they were from the anti-terrorist division and explained that they needed to see me urgently because they wanted to make me aware of the dangers (and possible risk to my life) that I may have faced while in Ireland during the last week. They said I should not go back in the near future and certainly should not go back on the 24th August as was planned at the time. They also said that "I should consider seriously my future relationship with Anna and the implications that there might be should I continue to see her".

I was now very confused, a little scared and not at all sure what to do about going back to Ireland at the weekend or at a later date. My parents were adamant that they did not want me to go back on the 24th of August but Anna insisted that there was no truth in anything that the police had said, they were just trying to make things a lot worse. Later that weekend, by chance I met my neighbour who asked me whether the two policemen who were looking for me on the Monday morning that Patrick had been shot, had ever caught up with me. I am sure that if they had caught me before I left home they would have tried to stop me going to Northern Ireland with Anna for Patrick's funeral, so I decided to meet with the detectives again and arranged to see them at the police station in East Grinstead on Monday the 20th.

I wanted to know from whom I might be in danger and why they had arrived at my house on the previous Monday morning, about an hour and a half after Patrick had been shot. I listed every terrorist and political organisation that I could think of but he was unable to point out exactly what dangers there might be, but he said that considering the circumstances I should be very, very careful. My presence he said at the funeral was bound to have been noted, by whom exactly he could not say. Once again he asked me about Anna, how long had I known her and whether I felt that I knew her well. It seemed he was suggesting that there was something that I did not know about Anna or her family.

Finally, I asked the detectives about the morning of the 12th. They insisted that they were purely making routine enquiries as my car had been seen in the Castlederg area some 12-15 months previously and that he knew nothing of Patrick's death at this stage. I suggested that they knew exactly what had happened that morning and that they had set out to try and stop me from going to Ireland with Anna but had just missed me. They maintained that this was not the case at all, that it was purely a coincidence!

These meetings with the police not only frightened and alarmed my parents but gave them the impression that there was a lot more behind Patrick's death

and his family than was the case. They also believed that there might be good reason for me to think about my future with Anna. When I told Anna about the encounters with the police, and that for a time I was considering not coming back at the weekend at all, she was devastated. It put tremendous strain on my relationship with my family and particularly with Anna who desperately needed my support at this time. For a few days the strain between Anna and myself was so severe that our relationship was near breaking point and could have ended.

I do not believe that any of these encounters with the police were necessary or justified. They had no real reasons or evidence to support anything that they had implied about my safety or about Anna and her family. It just made what was already a sad and traumatic time very much worse.

Anna and I were married on 21st July, 1995.

Martin Bogues

Patrick's bother-in-law



On the morning of 13 August 1991 I attended a meeting in the parochial house at Aghyaran. Those present were Rev Fr McGinn, Rev Fr McGarrigle, a Chief Superintendent and Detective Inspector. The meeting was arranged at the request of the Chief Superintendent to discuss the funeral arrangements. I arrived late due to being detained, yet again, at one of the two 'permanent' checkpoints that had been established at either side of the lane leading to the family home.

At the outset of the meeting I stated that I believed the police were responsible for Patrick's death and informed the police officers that the credibility gap between them and my community was so vast it was immeasurable.

We discussed the funeral route. They stated that they would not permit any paramilitary trappings. I

replied that this was not an issue as Patrick was not a member of any paramilitary organisation. They asked if Patrick was to be buried in the 'nationalist plot' in the graveyard. I stated that he would be buried in the family grave and Fr McGinn stated that no such 'nationalist plot' existed at Aghyaran.

I asked the officers present to release a statement to the effect the Patrick was an innocent victim, that he was a law-abiding citizen and that he was not involved in any paramilitary organisation. They refused to do so. They said that they did not believe this to be the case and in any event, it was police policy not to pass comment on the victims of shooting incidents. Given their reply, I asked them why Patrick had not been charged with being a member of a proscribed organisation. They stated that there was insufficient evidence for such a charge to be brought.

I stated that it was my family's wish that there be no media presence and informed the officers that the land around the family home and the chapel was private property and that no media persons should trespass. Both Rev Fr McGinn and Rev Fr McGarrigle concurred. I also asked the officers to have the RUC press officer inform the media of my family's wishes. They said they would see what they could do.

I asked that both the aforementioned checkpoints be removed from either side of the lane leading from the family home. I stated that there was no justification for the checkpoints being there and that mourners were being harassed as they arrived and left the family home by the police officers manning the checkpoints.

After the meeting I went directly back to the house. Yet again I was stopped at one of the checkpoints. I was questioned as to where I had been and where I was going. My car was searched and my photograph was taken. I demanded to know why my photograph was taken. I received no reply. Not all the officers present could be identified by number. While I was still being detained, the officer who took my photograph was driven at speed from the checkpoint in a police car, camera in hand.

When I eventually arrived back at the house I telephoned Castlederg RUC station and asked to speak with the Chief Superintendent. I informed him of the incident that had just take place. He attributed the incident to over-zealousness of certain officers. He stated that he would arrange that my photograph be destroyed. He passed no comment on the fact that there were officers present that could not be identified by number.

Early the following morning shortly after 6.30am, I left the house. I was on my way to the grave which I had opened the day before. I wanted to check that all was in order. I had the back seat in my hatchback car folded flat. There was no rear parcel shelf. I had two short planks of wood in the back of the car. I intended to place the planks of wood on one side of the

grave for the priest to stand on. I was stopped at one of the checkpoints at the foot of the lane and my car was searched.

Having searched my car an officer asked me to remove the two planks of wood. This particular officer, along with several of the other officers, had no identification numbering on their uniforms. I asked him to state his number. He refused. He repeated his request that I should remove the planks of wood from my car. Again I asked him to state his number. Again he refused and again he repeated his request that I should remove the planks of wood.

At this point in time I stated that I would remove one of the planks of wood, but that I would not remove the second plank until he stated his number. I removed the first plank of wood. I then asked him his

number. Again he refused and again he repeated his request that I remove both planks of wood from the car. This stalemate continued for over half an hour.

Eventually I suggested to the officer that he should contact the Chief Superintendent to inform him that I was being detained and that, given the current stalemate situation, it was unlikely that Patrick's funeral could take place that day. Instantaneously the officer spurted out his number. I then removed the second plank of wood. The officer did not conduct a subsequent search of my car. He stated that I was free to proceed. On my return from the chapel at around 8.30am I was detained again.

When I eventually returned to the house I contacted the Chief Superintendent yet again to complain about the intolerable situation.

Coroner's Inquest into the death of Patrick Shanaghan

The inquest was held at Strabane Court House, County Tyrone, and was heard on seven days, between 26th March, 1996 and 20th June, 1996.

Patrick's inquest commenced on 26 March 1996 over four and a half years after his murder. No explanation was given to account for this delay. During this period we, Patrick's family, received no information from the police in relation to how Patrick died. We were not informed that an eye witness had seen Patrick being murdered and we were not informed about any murder investigation that may have been taking place. The family solicitor, Frank Collins, had written to the Coroner's office in the preceding years requesting all relevant papers, to help him and our family prepare for the inquest. The only items provided were the autopsy report and the list of witnesses who were to be called. The Coroner, Ronnie O'Doherty, initially set aside just one day for the inquest, but it eventually took seven days to hear: 26 March, 2 April, 23 April, 21 May, 4 June, 18 June (in High Court) and 20 June, 1996.

There are many aspects of the inquest which have caused concern for our family and many questions which have remained unanswered. These concerns centre around four main issues:-

Firstly, the behaviour of police officers who denied both a doctor and a priest immediate access to Patrick. This has caused our family great distress and we feel it is a breach of the most basic of human rights, the right to life.

Secondly, our family have always believed that police collusion was involved in the murder of Patrick. The inquest brought to light evidence to support this belief.

Thirdly, the standard of the police investigation which, judging from the information presented at the inquest, was incompetent.

And finally, the general inadequacies of the inquest system, which meant the inquest was heavily biased in favour of the RUC.

Doctor and Priest denied access

Our family have grave concerns regarding the conduct of police officers at the scene of the shooting who, on two occasions, refused to allow Dr Stewart to attend to Patrick. Dr Stewart arrived at the scene within minutes of the police requesting him, and yet

he was not allowed to give Patrick first aid, even though eyewitnesses had seen Patrick's head and hands moving. Also, the RUC at no time requested that an ambulance attend the scene. They have given no explanation for this.

As well as denying Patrick medical assistance, the police also delayed the parish priest in reaching Patrick. Fr McGinn approached the scene of the shooting but was not allowed through and had to make a detour of several miles before he was allowed to administer to Patrick.

Police Collusion

There is evidence to support the view that the police had prior knowledge that Patrick was to be murdered. In the deposition of Constable Dodds, who was attached to the mobile support unit in Strabane, he stated: "At 08:00 hours I was detailed by Inspector Crockard to attend an incident at the Learmore Road, Castlederg." [Appendix D] The incident which he was detailed to attend was the murder of Patrick. But Patrick was not shot until after 08:20.

Another incident which would indicate prior police knowledge also emerged. A road traffic accident had occurred at around 8am, three miles from where Patrick was shot. [See Map] As a security precaution, three RUC vehicles responded to the call even though they were aware that no one was injured. However, when the report of a shooting came in, only a single police car responded. Inspector Moore, who was the senior officer in this car, denied that the reason he went to the scene with only two constables and no back up vehicle was because he knew what he was going to find and he knew there was no danger to him or his colleagues. Instead, Inspector Moore claimed the reason he went without a backup was because he feared the shooting involved a police officer. If this was the case, it is difficult to comprehend why he did not immediately arrange for an ambulance to go to the scene and why he did not insist on a backup unit.

The RUC did not even contact the RUC patrol which was attending the road traffic accident three miles from the murder scene. Constable Norden, the duty officer at Castlederg RUC Station, claimed that the patrol was in a radio black spot. However, a subsequent test using a commercial taxi radio, from the same location found no such blackspot. [Appendix E] The Coroner did not allow this evidence to be presented at the inquest. Indeed the Coroner refused to

instruct the police officers who attended the road traffic accident to give evidence at the inquest. Even when it was pointed out to him that the most likely route taken by these police officers would have been past the scene of the murder minutes before the shooting took place, his response was: 'I don't see the relevance'.

There was also evidence of a police presence in the area. Mr Scott, a lorry driver, was travelling from Castlederg and stopped at the scene of Patrick murder just seconds after he was shot. He left to continue his journey before the first RUC officers arrived. When the RUC arrived at the scene, they instructed Constable Norden in Castlederg police station to contact the Kesh police. But the Kesh police had already set up a road block by the time the lorry driver reached Scraghey quarry only five miles further along the road.

The RUC admitted, while giving evidence at the inquest, that on two separate occasions they informed Patrick that his life was in danger. The first occasion was in December 1990 when the RUC alleged that information consisting of Patrick's photo montage and personal details, fell out of the back of an army truck and into the hands of loyalist paramilitaries. The results of an investigation into the incident was conveyed in the following two sentence letter from the RUC to Patrick's mother, dated 29 July 1994.

'The police investigation is concluded. The document was accidentally lost by the Army.' [Appendix F]

The second occasion was in April 1991. Patrick was informed by Sergeant Norden that his life was in danger from loyalist paramilitaries. Patrick was shot four months later.

It is also worth noting the following response made by Counsel for the Coroner to a question from Mr Collins asking, why Counsel was acting for the Coroner.

'It is customary for the evidence at an inquest to be presented to the Coroner's Court on behalf of the Coroner by a senior police officer. However, where members of the security forces are involved in the circumstances leading to the death of the deceased this facility is not available to the Coroner. In such circumstances it is normal practice if a Coroner so requests for the Northern Ireland Court Service to provide legal services including, if necessary, the retention of counsel.' This suggests that the Coroner felt that there was police collusion in Patrick's murder.

The Murder Investigation

The inquest also raised some serious concerns about the standard of the police investigation into Patrick's murder. Constable William Scott, the RUC photographer, stated when giving evidence that he had taken a series of photographs at the scene. When he pro-

duced the photograph albums at the inquest, it transpired that the set of photographs given to Mr Collins, solicitor for the family, was different to that given to the Coroner and jury in that no index was provided and that photographs of a tyre impression at the scene were not included.

Constable Scott claimed he had not developed these photographs because they were of poor quality. But a subsequent witness, Detective Superintendent McVicker, who was the senior investigating officer, stated that he had seen the photographs within days of the murder and had used them to make a comparison with the tyres of a car which had been found abandoned in a nearby wood.

Sergeant Cox, the Scenes of Crime Officer, testified that a plaster cast of the tyre mark was not taken because a photograph would be sufficient. However, Darryl Manners a Forensic Science Consultant who had worked for the Home Office for fourteen years disagreed. Mr Manners submitted a statement to the inquest stating: 'Having photographed the impression, it should then be cast in plaster so that there is a permanent record of the tyre impression...' [Appendix C]

Mr Manner's submission to the inquest was highly critical of the forensic aspect of the police investigation. As a result, the RUC took the Coroner to the High Court and were successful in overturning his decision to accept the evidence of this independent expert.

Another example of the standard of the RUC investigation involves Mr Holmes, the only eye witness to the shooting. He had just overtaken Patrick's van and witnessed the shooting in his rear view mirror. The witness was interviewed by Detective Inspector Reid later that morning, while still in a state of shock. The interview was conducted in a parked police car approximately half a mile from the scene. At no time was Mr Holmes invited to go to the scene to relay and pinpoint the exact sequence of events. Nor was he interviewed at a later date when he may have been in a better position to remember more details about what he had seen. His next contact with the police was when he was informed that he had to appear as a witness at the inquest, nearly five years later.

Detective Inspector Reid, who interviewed Mr Holmes, also had no more involvement in the case between the day of the shooting and the inquest. In giving evidence he stated that his only involvement in the case was on the day of the shooting.

Constable Simpson, the RUC mapper, drew a map of the scene. He stated that he did not make any additional notes while at the scene, other than the map. Constable Simpson could not remember the significance of markings "xxx" on the map. Neither had he included all the tyre marks at the scene. It later became apparent when the scene log was read out, that there had been no senior officer present to

instruct Constable Simpson.

Inquest Biased

The inquest was heavily weighted in favour of the RUC. The senior murder investigating officer refused to answer questions, under the pretext that there was still an ongoing investigation. The Coroner refused to accept several statements on behalf of the family, including several made by Patrick himself to his solicitor regarding threats made against him by the RUC. [Appendix G] And when the Coroner did allow a statement by Dave Cameron regarding threats made by the RUC against Dave and Patrick (see Dave Cameron's submission), the police sought refuge by challenging his decision in the High Court. The High Court ruled in favour of the RUC. [Appendix B]

Another example of how the inquest favoured the RUC can be seen by looking at the witnesses who were called by the coroner. The original list was not followed and other witnesses were called, by the police, at short notice. For example, on the fourth day of the inquest, Inspector Moore, who denied Dr Stewart access to Patrick, stated that he believed Patrick to be dead, as he had found no signs of life. Inspector Moore was subjected to detailed cross examination about his decision not to allow the doctor access but at no time did he mention that another officer had also checked Patrick and reported his findings to Inspector Moore. Yet on the fifth day of the Inquest a new witness, Constable Devine was called. He then claimed that he too had checked Patrick for signs of life and had informed Inspector Moore that he believed Patrick was dead.

The only wound that Inspector Moore noted when he was checking Patrick was a gaping wound in his leg. Like Inspector Moore, the only wound that Constable Devine made reference to was the gaping wound to Patrick's leg. However on the sixth day of the inquest another police witness, Constable Hicks, appeared. Remarkably, although he did not even check Patrick for signs of life he was the only police officer who apparently saw the fatal gunshot wound to Patrick's

chest. The other two officers who claimed they had checked Patrick for signs of life did not. Even the Coroner passed comment in his summing up about this: 'And then Constable Hicks had accompanied Inspector Moore to the scene. It did occur to me that he was the first police officer to refer to the wound in the chest which was not seen by the others. But there was no explanation for that'.

Confirmation of our belief that Constable Hicks was brought in at the last minute to try and justify Inspector Moore's decision in refusing Doctor Stewart access to attend to Patrick, can be seen by looking at the submission to the High Court by Mr Lynagh, solicitor for the RUC, on 4 June 1996, sixteen days before Constable Hicks gave evidence. In the submission to the High Court he states: 'At the date hereof all of the police witnesses have been called with the exception of Detective Superintendent McVicker, the officer in charge of the police investigation, their evidence has been completed.'

Following the Coroners decision to allow Constable Hicks to be called as a witness, Mr Collins requested that the Coroner instruct the RUC to hand over the entire murder investigation file to the Coroner so that he, the Coroner, could decide which witnesses should be called or not. The Coroner refused Mr Collins' request stating that it was the role of the Coroner to ask questions and not to be asked questions. It was at this stage that we, Patrick's family, withdrew from the inquest.

Conclusion

Even this brief overview of the inquest shows why we believe that police collusion was involved in Patrick's murder, and raises serious questions regarding the RUC's conduct at the scene of Patrick's death. It also raises some serious doubts about whether there was any real attempt to investigate Patrick's murder and clearly demonstrates the inadequacies of the inquest system. [Appendix H]

Scenes from the Inquiry



Evidence

Relating Directly to

12th August 1991

Fr McGinn
Parish Priest

The word that comes to mind to describe Patrick Shanaghan was that he was a gentleman. He stood out, he had a certain presence. There was a certain reserve in him as well. There is no doubt that he was a person with firm convictions of his own, but he was open minded and he was tolerant and he respected other people's opinion and he respected other people. He was religious and I can say that with conviction. I would have regarded Patrick Shanaghan as a person with genuine religious belief. And in his religion and in his life he was a genuine Christian and Catholic. He was a young man cut down in the prime of life and his death is a great loss to this whole community.

He did work for the parish like collecting for the annual bazaar and he took part in the social life of the parish. His main interest was ceili dancing and traditional Irish music.

A remarkable thing about Patrick was that even though he was arrested by the police and interrogated, sometimes for the full 7 days, he bore no resentment or bore no ill will towards those people who had interrogated him. I think that was a remarkable feature of him. I cannot imagine Patrick Shanaghan doing violence to any man. I was aware of a lot of the things he had to go through. I was aware every time he was arrested and taken for interrogation. I was aware of all the times his house was searched. But until I heard yesterday I wasn't aware of all the other hassle he went through. Patrick never talked politics, or to me, he never referred to what he was suffering.

I administered the Last Rites to Patrick at the scene. I never was quite sure of the time. An old lady who lived near the scene rang me. The message I got from her was that she feared Patrick Shanaghan was dead, that he had been shot and that his van was crashed into the ditch below Killen.

I went directly to the scene but the road was taped off below Killen by the police. They redirected me to the checkpoint which was at Forbes Mart. That would have taken me about another 10 minutes.

There were two policemen there [at the first checkpoint] and I told them who I was and what I was about. I'm not sure of the exact conversation, whether they said nobody was getting through or whether

they simply said you'll have to go to the checkpoint. Now I didn't argue the toss with them as I wanted to get there as quickly as possible and I took the detour.

Patrick was in his van in the driver's seat. The van was crashed into the ditch on the driver's side, he was slumped towards the passenger side. When I was there, there was nobody else there. One of the police men came down with me in my car but he didn't come to the scene with me. I administered the Last Rites to Patrick in my estimate between 9.30am and 9.45am. I saw no medical people or no-one else. I then returned home.

Dr James Garvey

*Attended inquiry in person. The following is his
Deposition to the Coroner's Inquest.*

I am known as James Garvey and I am a General Practitioner attached to Castlederg Health Centre. On 12 August 1991 at approximately 9.45am I was called to the scene of an alleged shooting incident at Learmore Road, Castlederg. There I examined the body of a man who was in the driver's seat of a yellow van. I auscultated chest for five minutes, but there were no signs of life and I pronounced life extinct.

Doctor W A Stewart's

Letter to the Inquiry, 17th September, 1996

I regret I am unable to attend in person but I hope you will accept this written submission.

I was the GP on duty on 12 August 1991 when I received a telephone call from the Police at approximately 8.45am to attend a shooting incident. I immediately responded.

However, when I arrived close to the crime scene the officer in charge informed me that the victim was dead and instructed me not to proceed as it was his duty to maintain the crime scene. I was advised to return shortly by which time CID. would have arrived, which I did.

I have endeavoured to serve the whole community to the best of my ability and continue to do so. It saddens me to see the loss of life. The wilful taking of another man's life is against Christ's teaching and it perpetuates grief, anger and division especially

among the Castlederg community so many of whom bear the scars of the troubles. I pray that the teaching of Christ would apply to all so that the grief of the Shanaghan family and all those others who have suffered need not be seen again in Castlederg.

Raymond Holmes

Eyewitness



I had been up on Sunday to Enniskillen to see my girlfriend. I stayed up overnight and I was coming home early Monday morning. As I left the village of Killen I saw the yellow Bedford van and he was travelling a little slower than I was, so I was thinking about overtaking it. I couldn't overtake it at the bridge or the corner but after the corner there was a straight and I was going to pass him and as I passed him I heard this noise. My first reaction was that the gear box in the car was gone as I had trouble with it about a week before, but I looked in the mirror and I noticed this man standing at the right hand side of the road with a gun and he was obviously shooting at the driver of the vehicle.

The van had stayed at its own side of the road for a short while but it ended up at the right hand side of the road on the ditch. I went further up the road to seek help, to phone for help. I called at one house first but they were not quick enough, so I went on down to a second house. The man had seen me coming. He had been going up the road in a tractor and he met

me just at the gate of the house. He realised there was something wrong and he ran across the fields to let me in to use the phone and I went up into his street and I phoned the police from his house.

Judge - *Did someone come up to see you?*

Raymond - Yes. After about 30 to 45 minutes, obviously time seems to go slow after what I had seen. I was quite shocked and I wouldn't remember how long.

Judge - *Did the gunman have a mask?*

Raymond - Yes he had.

Judge - *Could you give us an approximation of his height or weight?*

Raymond - Tallish, he would have been tallish and medium build.

Judge - *Now when you say tallish are we talking about six foot?*

Raymond - It is possible that if he was standing at a lower level his height could have been different.

Judge - *But you could see his arms?*

Raymond - He had the gun a waist level.

Judge - *What time did you pass the van?*

Raymond - Around about 8.25am.

Judge - *Have you anything else you would like to tell us?*

Raymond - I would like to sympathise with the family even though it is 5 years. At the time I probably was that shook up that I wanted to keep as big a distance as possible between myself and the scene of the crime for quite a while. Up to a year afterwards if I was going to Enniskillen I would have went by Omagh or by Ballyshannon. It just brings back bad memories.

Judge - *I understand. I don't think anyone in this area was untouched by what happened that day.*

Evidence given in Person to Inquiry

Eamonn McGarvey



I was a very close friend of Paddy Shanaghan, God rest him. I had known him for 10 years. I was with him on numerous occasions when he was stopped by the RUC and put out of the van and threatened and things like that. I was lifted a lot of times myself and interrogated in Castlereagh. Times too

when Paddy was there and they mentioned Paddy's name a lot. They made threats against me and made threats about what they were going to do to Paddy, that he hadn't long to live.

They told me they were going to take him out some day and made those threats to me as well.

The last time Paddy was lifted before he was murdered, I was lifted around the same time. After he got out I was speaking to Paddy about it. He told me they had only given him a couple of months to live, they were going to take him out. But there is one thing he said to me, while he hoped it would never happen, he says one thing he hoped that if it did happen his mother wouldn't be with him.

I was with Paddy a lot of times when he was threatened. He was stopped and put out. They said we'll do you some day and things like that. And that went on in Castlereagh.

Judge - I am going to refer you to a newspaper article in the *Ulster Herald Saturday*, February 24th 1990, and it says: 'Three accuse police after interrogation'. [Appendix J] Are you familiar with that article Sir?

Eamonn - Yes.

Judge - It's a statement by Patrick Shanaghan and he made repeated references to an incident with detectives who said, 'We won't miss next time'. Did Patrick tell you about that statement?

Eamonn - Yes. After we got out, after we were released.

Judge - Now they were referring then to something that happened to Patrick earlier, could that have been the shooting at his house?

Eamonn - Yes. That was the first shooting, it was in 1989. I was talking to Patrick a couple of days after that and he said there were shots fired at his house.

Judge - So there is no question in your mind that's what the special branch were referring to when they said, 'We won't miss next time.'

Eamonn - Yes, that would be right.

Kevin McMenamin



On a number of occasions I'd been down with Patrick. He was a farmer and I helped him build sheds. On one occasion the RUC and British army came along and stopped us building the shed and searched us. And they made a remark to Patrick that he might as well stop building the shed as him and the shed would be blown up.

On other occasions that we were in the car together, if the RUC were sitting at the side of the road, they would come after us and stop us and search us.

On one occasion we were going up to a vet with a lamb that Patrick had which was sick. We met the RUC and they turned and they came after us and took us out of the car and gave Patrick a pretty violent search. That was in April 1991. They told him to spread his arms and they weren't really searching him they were more sort of hammering him - what amounted to a routine search, by them anyway. I was searched as well.

Judge - Were you with him on any other occasions when he was stopped?

Kevin - Yes. It was a matter of routine. If we were going any where or doing anything and they saw us, we were stopped and searched, it was as simple as that.

Judge - Did you ever recognise some of these constables as being the same constables?

Kevin - Oh yes.

Judge - Did you ask them why they had to hear your name ten or fifteen times?

Kevin - Well they wouldn't really answer you. They used to have a favourite saying. If you made some reference to them about the law, that they should uphold the law, they would say, 'We don't uphold the law, we are the law'. They sort of had a free reign to do whatever they wanted.

One time before Patrick was murdered, I think it was the last time that Patrick was interrogated and I was interrogated at the same time. They told me that they had Patrick in and they told me that he would never see his next birthday and the van won't be going up to the big house on the hill too often. That was in May 1991. [Patrick was murdered three months later the day after his birthday!]

Hugh D'arcy



Well to start with I wouldn't be a neighbour of Patrick's because I live 27 miles from here. But like Patrick, God rest him, I spent most of my life involved in Irish Dancing, so I got to know him through that.

I went to a wake on the 5th October, 1990 in Omagh and I ended up sitting beside Patrick. And he started to talk about the harassment, as he would have been aware as a lot of people would that my own family were in a similar position and we had a lot in common. But he pointed out to me that he had to leave as he told his mother he would be back at half past ten and she would be worrying if he wasn't home.

Before he left he told me that the previous Tuesday a policeman in Castlederg had told him that they wouldn't be picking him up much more. So Patrick told me he said to them, well have you caught yourselves on or what, that you are not going to be arresting me anymore. Oh no he says not that, you are going to the graveyard on the hill. Patrick left then to go home.

Judge - What was his attitude towards this?

Hugh - Well I sort of knew his attitude. He had been shot at and he had been threatened and he knew his life was in danger.

Packie Kelly



In July of 1992 I was detained in Castlereagh for approximately 4 days. Over that period of time the detectives who were questioning me put heavy emphasis on particularly death threats to myself but

also put heavy emphasis on the Shanaghan killing saying that they had got him sorted out and that the same people were going to be put at myself. They said they got the UV's to sort him out.

Judge - Were you subject to any physical abuse while you were in Castlereagh?

Packie - Certainly. Yes. Basic things like being slapped about, slapped in the groin, stuff like that. Your hair pulled, general stuff.

Judge - While you describe that as basic most civilised people would count that as extraordinary and to be condemned. The sad thing is that this is considered a basic technique on the part of the police.

Judge - Were you subject to any verbal abuse?

Packie - There seemed to be specific emphasis at that time on death threats and psychological stuff and in particular on the Shanaghan killing.

I had been approached on two occasions to say my file had fallen into the hands of loyalist paramilitaries. An RUC Inspector told me, I think the first time would have been in December 1991, I'm not particularly sure of the second time. He said it fell out of the back of a landrover.

I didn't know Patrick Shanaghan at all, I only got to know of him after he died. In Castlereagh they placed great emphasis on Patrick Shanaghan's killing. Over the period of the 4 days they brought up the subject every day, at least 4 or 5 occasions each particular day.

Paddy O'Donnell

The first memories I have of Patrick are after Mass on a Sunday and he was on a motorbike and wearing a Celtic scarf talking to someone. No matter where you saw him, sitting on a motor bike or in a crowd in a hall or up dancing, anybody who saw him would say he always stood out in the crowd. A real gentleman and a man who was a terrible loss to be taken out of our society.



We met off and on and we'd run about here and there. But one night I was going to a ceili and I couldn't go on my own and I had nobody to take. So I asked Patrick would he go with me. I'd say that would have been maybe his first introduction to ceili dancing and I stand to be corrected on that. But he loved it and he lived for it. And probably that's why I'm here because the RUC mostly would have said to me about him being in the IRA. Well I said I'm in no position to know about that. But they said, you go

about with him. I said I do but we never talk about it, we never debate it, which we didn't. I says to them, if he's in the IRA I don't know when he gets time to do anything for them.

Judge - *The RUC told you he was in the IRA?*

Paddy - Oh yes.

Judge - *Would this have been to warn you off his friendship?*

Paddy - Yes, isolation would have been the reason.

I would say probably I was more about with him than anybody outside of his own family anybody who went about with him would have been at risk. Probably about five weeks before Patrick was murdered, the RUC said to me: 'You are going to end up being shot if you go about with him'. This was said on my own yard by about 5 uniformed RUC.

Judge - *What was the purpose of their visit?*

Paddy - Well the usual thing I'm sure any of the people here could tell the same story. If you were associated with Irishness you were going to be called with.

The other thing which I think is worth mentioning. At work Patrick got so much torture and was being set out to be isolated that all the men refused to work with him except one fellow and I just don't know how that man survived for so long. If he was ever working near me he would always come to my house for the two tea breaks, because he felt more secure.

There are so many incidents that I could refer to because as I say I went about with him all the time and we were stopped that often. After what happened in his own street any night I went up Patrick's lane with him I was always waiting on a head popping up or a gun popping up and the hair would have been standing on my head most of the nights. I never in my life felt anything like the fear I felt. But that Patrick, he could never get the definition of fear. He never ever ever panicked. I saw him standing whenever we were stopped and being searched and he would stand with his arms out and he seldom ever spoke to them. And he used to be standing smiling down at the boy searching, that's the way he took it.

David Cameron



I have a statement which I made three months before Patrick was murdered and I gave it to my solicitor at the time, who in turn sent it to the solicitor at Patrick's Inquest. The Coroner accepted it and was allowing it to be read. But the Crown Counsel stopped it

and took it to the High Court in Belfast and it was ruled inadmissible. This is my statement:

In January 1991 Patrick Shanaghan informed me that while he was being held in Castlereagh Interrogation Centre, he was informed by one of his interrogators that this was going to be the year of Shanaghan and Cameron. Then on 14/5/'91 I was arrested at my home and taken to Castlereagh Interrogation Centre and was told during one of the interview that Paddy Shanaghan and I was responsible for all the terrorist activities in the Castlederg area and we was going to be taken out. I was told our names were to be leaked to a — — who has connections with the UDA.

John Corry

I was arrested and taken to interrogation centres twice. In January 1991 to Strand Road in Derry - at that particular time Patrick was in along with me too - and again in May of 1992 to Castlereagh.



Judge - *How did the reference to Patrick Shanaghan come up?*

John - They knew I lived in the same parish, I was a close neighbour and they knew I would know him very well. Usually when anybody who was taken in, Patrick's name would have come up.

In the Strand Road Interrogation Centre they referred to Patrick Shanaghan being a member of the IRA and I denied it. The way they put it to me was, you know he's a member of the IRA. They were trying to put words into my mouth. They made the usual threats to me and offered me money to turn informer. I said that even if I did want to be an informer I couldn't, I knew nothing.

I was a part-time taxi man. In 1992 I was taken again out of the taxi one night and I was taken to Castlereagh. They left my car with keys and all in it lying on the road side. This is my statement;

On the 20 May 1992 I was arrested and taken to Castlereagh. I was detained until 22 May 1992. During that period I was interviewed numerous times. In the course of one interview being conducted by two police officers, a third officer burst in through the door and held up his fist in front of me. I had to sit back in the chair because I thought he was going to hit me. He shouted, "You know what happened to Patrick Shanaghan, the bastard, don't you? He didn't walk out in front of a car and was killed. Don't forget that at long last the Prods have got their act together around Castlederg."

The next day I got sick myself and had to go to hospital out of it. They took me to Dundonald hospital,

out of Castlereagh. I was never involved in anything in my life.

Declan Gormley



I knew Paddy Shanaghan most of my life, we went to primary school together. The last time I was talking to Paddy Shanaghan we were in Castlereagh together and we were left home together from the interrogation centre. While I was there they were saying

things about Paddy. They said Shanaghan this and Shanaghan that. They were not really specifying any details about things that he was supposed to have done. I don't think they really believed that he had done anything but they were just attacking him. This was about six years ago.

Me and Patrick would have lived in the same district and we would have travelled on the same road in Castlederg. We are from the same general area but I have no specific connections with Patrick Shanaghan. They would just bring up his name, they seemed to have a lot of hate towards Paddy.

Me and Paddy came home from Castlereagh that time and that was the last time I saw him. I have been arrested seven times and twice since Patrick Shanaghan was killed. When I was arrested that last time they had extreme hate for Paddy even though he was dead. They seemed to be worse than before. They were slapping me about the last time I was in and then they would start to roar that they killed Shanaghan!

Judge - *Who said this?*

Declan - The CID.

Judge - *Was that all they said.*

Declan - They said that the likes of Paddy Shanaghan and I were trying to turn this country more Irish. They were saying you boys are trying to turn this country into Diddle Dee music as they would refer to Irish music. They were trying to make little of the Irish. They made reference to Paddy the last time I was arrested and the detective told me that they killed him and it was a man with military experience who carried out the murder.

Judge - *A man with military experience?*

Declan - A crack shot.

Judge - *Why do you think they told you this?*

Declan - They could have many reasons for it. They said no man would ever be charged with Paddy's

murder. They said that if it ever did come that any man had to be arrested for it that they would make sure that if he was going to admit it that he would have to be advised against admitting it. They told me they would do all in their power not to have him charged.

Judge - *This seems an extraordinary thing to be saying to a person?*

Declan - At that particular time the detective said, I will personally hand over your details to have you killed.

Judge - *Did you ever have anybody come up and tell you your file had gone missing?*

Declan - Yes.

Judge - *When was that?*

Declan - The same time as Paddy. I think it was a chief inspector, he just came to the door and he warned me to take precautions that my details had gone missing.

After Paddy was murdered I never saw hate expressed towards a dead person as much. They have extreme venom for a man who was not involved in anything. I think they were just attacking this man because he was a man with a lot of dignity and was well liked by everybody and they wanted to destroy that. After they told me they had killed him they got up and started to dance around the floor.

Betty Carlin

Patrick and I were first cousins and he would call regularly to visit me in my home and on three occasions I watched him being harassed by the RUC. On one occasion in Ferguson Crescent at the top of Castlederg Town and the second time it was above



our post office and somebody informed me that the police had held him up and I immediately went to the scene. I stood on the footpath and watched Patrick standing with his arms and legs apart. There was four of them and they just kept punching him with the butt of their guns and when they noticed I had seen this they turned around and said, 'Have you got a problem?' I didn't speak. He turned the second time and said would you mind moving on and I said, 'No, I am doing no harm.' Patrick smiled at me twice and winked and I thought to myself, how could he take this because at that particular moment I was prepared to step forward myself. And he kept smiling and they kept butting the gun into his ribs and kept kicking him with their knees on the sides of the legs.

But Patrick never said a word.

Judge - *What date was that?*

Betty - I think it would have been back in 1989 or 1990.

Judge - *How tall was Patrick?*

Betty - He was fairly tall anyhow, I would say 6 foot.

Judge - *Would you have an approximate idea of his weight?*

Betty - His weight? I'd say around 12 stone. Very handsome and very striking.

Patrick regularly came up to visit me and we often went to the ceili dances together. But no matter when he came to the house you could have counted to ten before the RUC would have arrived up around the housing estate. I recall on another occasion when he came to my house and immediately the RUC arrived and checked his car out and drove on. Another occasion when he came and Paddy O'Donnell was with him on that occasion and as soon as they stopped the car the RUC were behind them. They called him back and asked them both where they were going and Patrick said 'to Timbuktu'. And they said 'I suppose you are going to Annagry'. At that time Patrick was going out with a girl from Annagry in Co. Donegal.

Patrick told me on one occasion when he was coming from Omagh, he was stopped by the RUC and he never ever talked about this because Patrick was a confidential person himself. But he told me that they gave him a terrible going over. Then they checked out his car, it was his uncle's car that he was driving and they quoted to him how many faults he had with his car tyres, defective brakes and so on. They asked him then if he would give them some information and they wouldn't book him. Patrick said he had nothing to present to them. 'Right' they said, 'we are going to book you,' and Patrick said 'well book me if you like because I have nothing for you.' After that he was continuously harassed and stopped.

I travelled with him to ceilis on a few occasions. Once I went with him and there wasn't a police man or any security forces to be seen in Castlederg, but we weren't out of the town until we heard the siren going and they stopped us. They jumped out and surrounded his van and opened the doors. At that time Patrick's gearbox had been hanging very loose and making a lot of noise. They left him at the back of the van after they got all the information and came to me and asked me why was I there and why was I going with him.

Michael Gribben

I was introduced to Patrick Shanaghan by Paddy O'Donnell and I used to actually work on his vehi-

cles, so I know all about his gearbox trouble. Any time that I serviced his vehicles shortly after that, after Patrick Shanaghan left, the police came in and interviewed me about what I was doing and asked me a lot of questions about Patrick Shanaghan.

Judge - *Did they give you any reason? That's unusual, you fix his car and they come to see you?*

Michael - I knew that Patrick was being coerced to a certain degree and I didn't feel that it was out of the way for the police to be coming in and asking me questions. I wasn't surprised at this. I was sort of ready for it.

Judge - *When you say it wasn't out of the way, do you mean that was the kind of thing they do?*

Michael - I had met Paddy on numerous occasions in the Blacktown, social dances and I knew Paddy was greatly involved in the traditional music end of things and I was heavily into Bon Jovi, but Patrick always maintained you couldn't step dance to that. He related to me on numerous occasions the harassment that he was generally getting from the police and I knew from other sources that this was correct.

I knew Patrick Shanaghan and I liked Patrick Shanaghan. We might have disagreed on different political avenues, he would have had different perceptions from me. But he was a very honourable man and I sympathise with the Shanaghan family here today. The Shanaghan family have already stated that they would not like to see this happen again. The purpose of this inquiry is not only to find out what happened to Patrick Shanaghan but what is happening generally in the area.

The situation is that the police and certain authorities, particularly the RUC do not like anything associated with an Irish identity. Therefore anybody who represents that, they are going to give them a hard time. Because the RUC are such a hard and political organisation and heavily financed they really can do whatever the hell they like and they can really intimidate the small person on the street.

We should gather again to look at the question of how we can eradicate this sort of problem in our society and I feel that a lot of people are not conversant enough with legislation. This situation is not going to go away with the death of Patrick Shanaghan, it's going to be here for a while to come and I feel that the people themselves should become a bit more educated. If we had a constitution the RUC could not override our rights. It's a pity that Patrick Shanaghan's death has to highlight this situation.

The RUC should be accountable to the people. They are public servants and they should be serving us, not serving themselves and harassing us. Other departments such as the DHSS and DOE, any department can be brought to a tribunal where ordinary members of the public can decide if they are right or wrong. It's

time there was a tribunal where the police authority do not investigate themselves. The police cannot investigate themselves in the eyes of the Nationalist people. They have no belief that the police will investigate their own kind.

Charlie McHugh



This is a short statement about what Patrick told me. The last time I saw Patrick was about 3 weeks before he died. He told me that he was concerned about a car he had seen on 3 occasions on a road at his home. He said the car always accelerated off in the direction of Killen. He said that the last time he was in Castlereagh

he was told he would be killed and then one week after he had been released he had been stopped by the RUC in Castlederg. When they had completed their usual search and questions, a police officer came forward and told him to improve his security, as he was in immediate danger from loyalists.

Patrick had been a friend and worked with me on election business. I had known him since 1978. He was a quiet, likeable fellow that you could put your full trust on in any matter. He told me several times about death threats.

Because of Patrick's job in the DOE road service and because my role as local councillor, I at times would have had access to the head people in that Department. And Patrick would have mentioned frequently about situations that happened when he was going about his job, when he was stopped and taken from his vehicle by security forces and searched, maybe three or four times on the one stretch of road. And then there were occasions when he told me about people who sat outside the DOE yard - it may not have been Castlederg. And on at least one occasion an individual was sitting in a car and he named me who that individual was and he believed firmly that the people were watching him for one purpose only, for to take down his movements.

One man I feel I have to mention was Dermott Hackett, a breadman. He suffered the same type of abuse as that which Patrick suffered. Dermott Hackett's own words before he was murdered were recorded in the local press. He sent a letter to the local press because he didn't want to involve himself with any political party in case that was used as another excuse to give him abuse. He sent a letter to the local press and in it he said that when he travelled the roads of Aghyaran and Castlederg he was stopped on all occasions and his bread delivery was taken out of the van and put on the road. The last line in his letter was, the one thing that he could not take was when he was going to Omagh in the mornings between 6

and 7 o'clock, the RUC would be following him and putting him through the same sort of thing. Dermott Hackett was shot dead on the road to Omagh in 1987.

Dermott Hackett's is a case where his own words are there showing very clearly what the security forces in this area do to people they decide to target. Dermott Hackett was a man who was involved in St Vincent de Paul and charity work. Our Bishop at that time Bishop Daly spoke out at his funeral and said who is doing the targeting in this area - it's no one but the security forces, and the same thing happened with Patrick.

Judge - *Have you been to funerals of people who were members of the IRA?*

Charlie - Yes.

Judge - *When a member of the IRA dies they make a ceremony out of the funeral. What would be different about that funeral?*

Charlie - There would be a colour party of IRA members or ex-members, there would be a tri-colour, beret and gloves on the coffin, maybe a piper and a volley of shots if they could.

Judge - *So there would be no mistaking that this was an honour bestowed upon one of their fallen comrades?*

Charlie - There would be no mistake. In fact in this area 1989 was the last funeral of an IRA volunteer.

Judge - *At Patrick Shanaghan's funeral was there any of this military ceremony?*

Charlie - No.

Elizabeth Rose Collins

I had known Patrick for a long time, many years and he went through so much harassment going to work, coming from work and even at work they were at him all the time. He was a very close friend.



Judge - *Did he ever mention to you that he had been threatened?*

Elizabeth - Yes, many times.

Judge - *Did he ever tell you who made those threats?*

Elizabeth - He told me they were made by the security forces.

Judge - *Is that the Royal Ulster Constabulary and the British army?*

Elizabeth - Yes.

Judge - *Were you aware that he had been shot at in his house in February 1989?*

Elizabeth - Yes.

Judge - *Were you aware that he had complaints about security forces camping out on his property?*

Elizabeth - All the time.

Judge - *It couldn't have been a very nice life for him?*

Elizabeth - No very, very miserable.

What I want to say is, when Patrick was going to work he was stopped and even different times he was stopped on the road at work. He even had his lunch disturbed and they made sure that he couldn't eat it. The flask that he had with him, they would screw the top off it so that he couldn't have a hot cup of tea. On one such same day he came to my home and he asked me to make him a meal which I did and he seemed to enjoy it. He told me he had no great comfort at work taking his meals, they even searched his sandwiches.

Malachy Murray



My name is Michael Malachy Murray. I knew Patrick Shanaghan from the first day he started primary school. I have always found Patrick to be a kind and friendly person who had nothing bad to say about anyone. In the last few years of his life he used to come quite often to visit myself and my wife and family. On these visits we hardly ever talked politics anything more than the latest news on television. We would talk more about farming as I often did work for him on his farm like I had been doing on that Sunday before Patrick was murdered.

On this occasion we were drawing in the hay which had been baled three days before. On that day, at around two or three o'clock, two police cars drove up the road very slowly and we saw that it was us they were watching. Patrick said something like they are just checking to see how we are getting on with the hay. Also, on that day we noticed we were being watched from the main Derry / Enniskillen road by what we thought at the time to be police using binoculars as we saw a double reflection of the sun shining on the lens. We also saw the reflection of a single lens which we understood to be a camera.

This happened again later that day. This second time we noticed two cars drive off in the direction of Enniskillen which we were sure were police cars. This

is only an example of how Patrick would be watched as he went on with his day to day work on his land.

When Patrick visited me at my home I saw him come under the same harassment as he did with most places he visited. He would be no more than 15 minutes at my home when the police would arrive on the road outside. It was as if they had someone to inform them of his arrival and they would often stay until Patrick would go to leave. Then they would put him through a rigorous search. One time he came back into my house and told me he had been threatened. I could never understand the reason for such treatment as I knew like so many people did that for him to hurt anyone would be just out of the question. Had the person who shot Patrick known him as so many of us did, there could have been no way they could have shot him. It has always been my thinking, had the RUC not threatened Patrick as they did, then Patrick would be alive today.

On the morning of Patrick's death I went over to Patrick's home to give his mother what little help and support I could. Some time later in the day someone informed us the police had set up a road block on the road leading to the Shanaghan home, where they remained for the duration of the wake and questioned and searched most people coming to and going from the wake.

On the morning Patrick was to be buried, his brother-in-law Martin and myself were going to the graveyard to check the grave was all right. When we got to the checkpoint at the bottom of the lane we too were stopped and searched and everything taken out of the car. I can't remember exactly how long we were held but it was very much longer than we should have been.

Later that year around the last days of November I had reason to call into Castlederg police station and while I was there I was told a senior officer wanted to see me. I was taken into an interview room where this officer was sitting. He said I want a word with you about Patrick Shanaghan and his killing. He first asked me what I thought of Patrick and I told him that to me Patrick was one of the best. To which he replied, I know he loved Irish Dancing and music and all that but do you think he was into anything else. I replied Patrick never hurt anyone. The officer said I think the same as you. Then he asked me had I any idea who might have shot him, I said no. Then he told me he had walked the road at that point where Patrick was shot many times and was unable to find anything which might help them catch his killers. He then told me that was all right, I could go.

Barry McElduff

A lot of reference has been made to the fact that Patrick was a Sinn Fein member. And on behalf of Sinn Fein I would just like to say that Sinn Fein is



very proud and very honoured that Patrick was associated with our political party.

I think this inquiry has been very valuable and very interesting and it has been valuable to all sorts of people in many different ways. It has been therapeutic for some, it has helped

the discovery of truth for others. So I think each of us has derived their individual value from the inquiry.

I read somewhere in the journalistic coverage of this, that this is a very empowering experience for people, not least in the Castlederg/Aghyaran area but elsewhere as well. So it's a people's initiative that has empowered people, taught them not to be dependent on the British State which doesn't provide answers when you most want them. And I think the commitment of the people who have organised the Inquiry should be recognised and the commitment of people

who support it should be recognised and I think that if this inquiry had run on for 5 or 7 or 10 days I think you still would have seen the same people coming back again. So three days wasn't imposing upon anyone.

And finally just on an individual note, I would like to suggest that somebody should take up the idea of an annual Patrick Shanaghan memorial lecture where some of these topics could be developed. The whole question of harassment of the nationalist population by British Crown forces - that could be one topic, people's legal rights could be another. It's just an idea the Castlederg/Aghyaran Justice Group may decide to develop.

And just to reiterate that we are very proud that Patrick was a supporter of ours and he was a fine Irish man in every respect. I think the legacy of harassment that was directed towards Patrick is here for everyone to hear and for everybody to see, it's an indictment of the State. And in contrast I think the strength of character of Patrick Shanaghan, the true Patrick Shanaghan that we all knew, shines through.



• Patrick's home near Killen



• View from Patrick's home



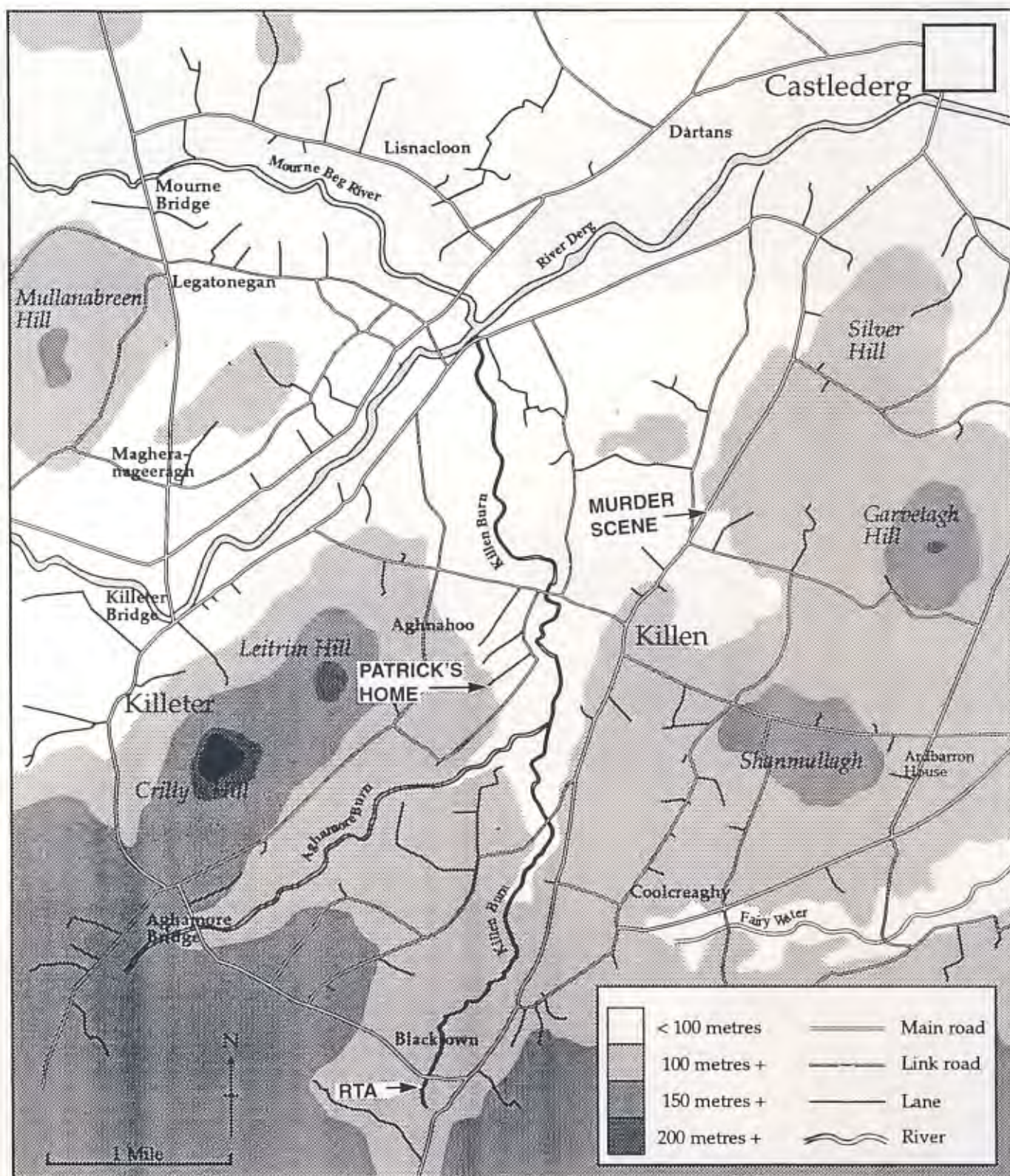
• Place where gunman was waiting



• View of roadway where shooting took place



• Spot where Patrick's van came to a halt



Evidence given in Writing to the Inquiry

Gerry Keenan

Patrick Shanaghan worked with me as a general operative for the last seven to eight years before his death. We were attached to the sub depot of the Department of the Environment (DoE) on the Castlegore Road, Castlederg. During that period, the RUC/British Army would have hassled him by stopping him, searching him, turning his lunch box inside out, spreading him against walls, whistling at him, cat-calling 'fenian bastard' and 'IRA scum/bastards'.

Nobody apart from myself was prepared to work alongside him, for fear of being shot. This was about two years before he was shot at in 1989. This decision was taken by his former workmates (Catholic/Protestant). For six months he was kept working in the yard (Castlegore Road) doing flags (very menial work), because nobody would go out to work with him. Anybody who would go with him would have witnessed cat-calls and harassment.

On one occasion they actually detained him on Henderson's corner, where he had to abandon the DoE van as he was taken to the RUC station. He was finally released at 1.30pm after being lifted at 10.20am. The foreman brought him back after his release.

During the time he was on the lorry with me, he was constantly harassed. On one particular occasion I was instructed to pick up Patrick at the yard at 8.30am for salting/screening the roads. I was told to go to the Fiddler's Elbow on the Castlederg-Castlefin Road following an accident. About a mile to a mile and a half from the town I was stopped in my lorry by the British army. The two of us were taken from the lorry and made spread eagle against a wall for searching. While the British army were searching me at the front of the lorry, Patrick began walking back towards the town. A soldier shouted: 'Stop! come back you bastard'. Paddy started to talk to car drivers/occupants already stopped. One Brit with a moustache then said, 'let him go, he will come back, we will catch him'.

Upon a message being received on my radio, the guy who had been searching me defied me to answer it. At this stage I contacted Head Office about my detention (at this stage some thirty minutes). I asked for instructions about what to do. The answer I got was, 'It's up to you. We can do nothing about it.' They let every car through apart from us. They gave him a very detailed search of his clothes. I was held for a total of about 40 minutes, before being allowed to proceed to the Fiddler's Elbow. Incidentally, the

British Army patrol told me that I would be stopped four to five times more that morning. This proved to be true. Patrick was asked to get out of the lorry on each occasion and was told then that he was going to be stopped again. At St Eugene's school junction with Killeter Road we were stopped again. They were able to name me. They then walked around the lorry, and said to Patrick Shanaghan: 'Get out' and then they searched him. I complained about the number of stops, but the British army promised we would be stopped again.

One mile up the road we were stopped by another army patrol. From I left the Fiddler's Elbow it took me at least an hour to cover a journey of no more than four miles, bearing in mind that I can drive my gritter at a speed of 28-30mph. On that morning I was stopped a total of five times. A DoE official said that 'it was my own funeral if anything happened to me'. I replied that Patrick Shanaghan had never done anything on me and that I was prepared to work alongside him. This conversation would have taken place some five to six months before he was killed.

I was returning to the yard with the tap tanker in the company of another DOE employee. An RUC patrol car came out of the yard and drove up beside Patrick's van. Two of them got out, checked the doors of the van, which were locked. One took the registration number of the van (Patrick's own personal van). They then got into their car again and drove away. I informed Patrick of this and he passed it off with a laugh. This was actually a week before his death.

Liam Gallen

On our regular journeys to and from céilís, myself and Patrick were not only stopped regularly but followed by RUC vehicles. Often they would wait until I left Patrick safely in his home and then on my way home, a journey of only two miles, the RUC would be waiting on me and I would be subjected to car searching, long delays and given extra attention. Patrick asked me about this and wondered if it did not worry me as he felt I was getting this treatment because of my friendship with him. I assured him that I was not concerned. After his death, I was informed during detention in Castlereagh Interrogation Centre that if I did not co-operate with their enquiries that I or my family (specific names mentioned) would receive the same fate as Patrick. They (the CID) told me that they had got him sorted and they accused him of being a leading Irish Republican Army activist. These remarks I denied, but they became resentful and just laughed it off. Patrick told me on numerous occasions

of threats made on his life by the RUC, particularly during his periods of detention in Castlereagh. He took these threats very seriously. I had the same threats made against me.

Sean McPeake

Paddy Shanaghan was a man whom I never knew or met, but after listening to the RUC for several days (during detention), I was left in no doubt that the RUC despised Paddy so much that they were involved in some way in his death. They kept on mocking and gloating over Paddy's death. The detectives told me that approximately a year earlier they had told Paddy in Castlereagh that they would never have him in here again. They said that Paddy was a fella not unlike myself, who came in there and did not speak to them. They said that the last time he was in there, he sat in the same room and in the same chair as I was sitting in now. They were telling me the same message. They said they were not going to bother to lift me again and that I was going to end up the same way as Paddy did.

One detective would engage in some story intending to scare me about the loyalists targeting Sinn Féin people, when suddenly, in the middle of it, he would scream out in my ears the sound of gunfire. He would say that this is what is going to happen to me while I am driving along the country lanes around my farm on my tractor. The same way, they added, that Paddy was shot in his 'wee forestry van'.

One of the most chilling comments made by the detective was when he stated that people down in my area blamed the RUC for the murder of Councillor John Davey from Gulladuff (who was shot by loyalists). He said that contrary to this widespread belief that they didn't in fact set John Davey up. He said that the only person to set John Davey up was John Davey himself, but he added, 'I can tell you that we did set up Paddy Shanaghan'. He added that they felt that it was futile arresting him and dragging him in here continuously, as he never would speak to them and that it was decided that they were now telling me the same as they told him and that within a short time I was going to end up in a body bag.

The way in which these threats and comments were continuously made to me about Paddy left me in no doubt whatsoever that in fact the RUC played an active part in the death of Paddy Shanaghan.

Eugene & Patricia Gallen

Eugene

I spoke with Patrick at his home for about one hour in May, 1991. It was a Sunday, and Patrick had just recently been released from Castlereagh Holding Centre. I asked him about how he had been treated while in custody and about his harassment by the security forces in general. Patrick told me that on this

occasion, the interrogators only spoke a few words to him. They were: 'You'll never be in here again'. They then sat and laughed at him. I said to him, 'Is that not good news'. Patrick said 'No'. He gave me the impression that he feared for his life and that he would not be alive, so he never would be inside Castlereagh again.

Patrick had been detained approximately ten times and had been told on one occasion, by his interrogators, that the coming night would be peaceful. In the middle of the night, however, the fire alarm went off. People ran past his cell, but no-one came to let him out. It turned out that there had not been a fire at all.

Patrick also told me stories of being harassed by the RUC and the UDR. On a few different occasions, large boulders were placed on the lane leading up to his house. Patrick, to get past in his van, would have to stop and remove them. He felt that at some time this would be how and where he would die. He suspected British security force involvement. Voices could be heard talking, whistling and laughing in the ditches. Patrick could also, on occasions, see figures and make out uniforms. Patrick told me of his dog having disappeared. The dog had always barked and alerted him to the fact that the British forces were in the vicinity. He told me that he had documented every incident or occurrence with Frank Collins, the solicitor in Castlederg. He told me that he wanted everything to be on record.

Patricia

I would make tea for Patrick most mornings, when he worked near our house. He spoke once about his situation. He said the one thing he hoped that when he would die, that his mother would not be in the van with him. I asked him why he didn't move out of the area. Patrick said that he had thought about it. He felt he had done nothing wrong and therefore decided that he would not move.

Removal of Remains

Patricia and I both attended the removal of Patrick's remains from Omagh hospital to his home. The hearse was escorted from Omagh by police landrovers, one immediately in front of and one directly behind the hearse, thus obstructing the view of the hearse and preventing the cars of family and friends from following Patrick's remains.

When we reached the village of Killen, there was a large police presence. Loyalist music was coming from the local Orange Hall, which is located on the corner, and which the cortege had to pass by. There were police cars parked in the car-park, beside the chip shop. Plain clothed officers were sitting in police cars with the doors open and were laughing loudly as the funeral passed. Other uniformed officers had the main Ederney-Castlederg road blocked. This is of significance in light of the next event.

As the funeral cars made their way down the road past the Orange Hall, we were obstructed by a flock

of sheep being driven into the procession by a local farmer. Another police roadblock was in place further down the road. Therefore the police must have permitted the farmer through the road block with the sheep.

At a third roadblock police officers stopped our car, wrote down our names, addresses, the registration number of the car and then proceeded to check the tyres and tax disc. But everything was in order. At a fourth roadblock our names, addresses, tyres and tax disc were all checked again. As I drove off, the car was struck. I got out to make sure that nothing had been placed under the car, but everything was OK.

Funeral

I [Eugene] attended the funeral at Aghyaran church. The cemetery was surrounded by the RUC. Photographs were being taken of all those who attended. A helicopter hovered overhead and British soldiers were in the near-by fields.

Kathleen Gallen

On numerous occasions I saw Patrick working on the roadside with the Department of the Environment. A police car would drive alongside, the windows were down and the policemen were laughing.

I said to Patrick at a later date about the incident and said, 'I see you had a police escort.' Patrick said, 'This is a regular occurrence, I have a police car either to work, at work or from work. The days I worry are the

days I don't see them.'

I would be going to work and would see Patrick and meet him in the van on the Castlegore road. I would meet him between the DOE depot and the secondary school at the Drumquin road junction between 8.15am and 8.30am. It was always a regular time and place.

I spoke with Patrick after the last time he had been arrested. It was in the Blacktown Arms and I said to him, 'You were on vacation again.' Patrick said he had been and that the interrogators had said to him, 'This will be your last time.' I said to Patrick, 'Are they going to give you a reprieve?' Patrick said 'No, they are going to do away with me.'

Damien Harper

On 2nd March 1995 I was being interviewed at Castlereagh Holding Centre. During the course of that interview one detective stated to me that "Patrick Shanaghan was threatened in that same chair and the same will happen to you when you leave here". On the 3rd March 1995 I was subjected to an interview. In the course of the interview one officer threatened that he would have me shot the same as Patrick Shanaghan. He stated he would get somebody to do it.

During a later interview on 3rd March 1995 the officer threatened that I would be the same as Patrick Shanaghan in a matter of days or weeks. He stated that I would be shot when I got out.

Scenes from the Inquiry



Evidence given in Private to Judge Somers

Witness A

About five years, Patrick got friendly with me. He had a great interest in the Irish music and dancing and my position here was I was married and I had a sick son and my wife was not able to go with me to the ceili dances. Patrick travelled with me to them and a lot of these ceilis were across the border so the detectives around here used to say that we were going training for the IRA.

Judge - *Who would say this?*

Witness - The RUC.

Judge - *Would they say this when they would stop you?*

Witness - No this was when I was arrested.

Judge - *When did they take you in?*

Witness - The first time was in 1986, just before Christmas. Patrick was taken out of this house first, on the Saturday and I was not arrested until the following Thursday. They took me to Strand Road in Derry.

Judge - *Did you answer their questions?*

Witness - I answered every question they asked me.

Judge - *This did not help you in any way.*

Witness - No.

Judge - *Did they make any threats towards you?*

Witness - They told me to give up my relationship with Patrick Shanaghan or I was putting my life in danger I could be shot. I had not the guts to tell Patrick myself, so my wife took him out to the kitchen one night and asked him not to visit our home as often. Patrick said that he wouldn't come at all if he was putting anybody in danger. So he stopped coming and the police still came here at night.

Patrick used to travel to the dances with friends and he would park his car outside my house and so when the police came they thought that Patrick was here. They even came to my home one night and asked my wife was he in and when she told them that he was not they did not believe her for a long time.

After this period, the only time I would have had any

contact with Patrick would have been at the céilí-dances. He was in my home when my son died which was February 1987, as I asked him in for dinner.

I was arrested for a second time, this was about 18 months after I stopped going around with Patrick which was May 1988. There was a UDR man shot in the Castlederg area and the day he was being buried my wife had to take our next door neighbour to the hospital in Belfast. She broke down and didn't get home until around 1.30am. The UDR man was buried that day. On the following Thursday I was arrested again and I asked 'What have I done wrong this time?' The officer told me 'Your car was seen acting suspiciously in Castlederg on Monday night'. I told him that that was impossible because I had not got the car. He said 'You are not telling me the truth and your car was seen'. This went on and on all day in Castlereagh and this was the second time I was arrested. They just held me for 24 hours and I was released again without charge.

One of the detectives said 'You lost your son since I saw you last and you mother took a stroke'. I answered: 'That is correct'. He continued to say 'It's a pity decent people have to suffer. I am sorry to hear that'. He then said 'Do you know why this happened to you?' I said 'No' and he added 'This happened because you are running around murdering people you bastard!'

They also came out to my wife while I was detained in Strand Road and when they were finished interviewing her, they were going to interview her mother, but her brother was home from England and he would not let that take place.

Judge - *After Patrick was killed did you hear anything from the RUC?*

Witness - No, nothing. Their aim was to put Patrick out of contact with any human being in this parish.

Witness B

Four years ago, in June I was arrested and brought to Castlereagh. I was along with somebody else and we were kept on the road for about two hours before we were arrested. They stopped us in the village of Ederney, it was 2.30 in the morning. They wanted to know where we were coming from and going to and they questioned the driver about me. An hour passed and then I got out of the car and asked them why we were being kept there at that late hour, but I didn't get a satisfactory answer. During this time there were

police cars coming and going and eventually they said they were getting a police woman to search me and she came in another police car and searched me. So then after about two hours they said the driver was going to Kesh RUC station. I went with the driver and we were left sitting outside the station for half an hour. Then they came along and told me I was being arrested and my friend as well and we were brought to Castlereagh.

During the interrogation they talked about Patrick Shanaghan. This was in June 1992 a year after Patrick was killed. They said that he had sat in the same chair that I was now sitting in. They knew that I knew him. They said that they had got rid of him and that I had taken his place. They said that they had put the dancing out of his head.

Judge - *Who said this?*

Witness - They didn't give their names

Judge - *Was it plain clothes?*

Witness - Yes, it would have been special branch.

We were kept a day and a half and then released without charge. During the time we were in Castlereagh they ransacked my house.

There was another time that I was along with Patrick and another fella. It was some time after the first attempt on his life and myself and Patrick and another guy had been at a ceili and the other guy was driving and we were leaving Patrick to his house. When we came along the road and drove up Patrick's lane I looked around and I could see a car coming up the road behind us. I could see the brake lights going on and I mentioned this. So we drove up and Patrick got out and the other fella said to Patrick, when you get into the house put on the outside light on and we'll know you've got safely into the house. So Patrick did that. I said to the other fella coming down the lane, I have a feeling that we are going to be stopped by somebody on the road. So we were stopped by Castlederg RUC. They wanted to know who we were, where we were coming from and who we had left off. And then, while we were there, another police car came along from the other direction. So they were determined to find out who was with Patrick and also put us off being friendly with him.

The incident that Patrick's mother mentioned earlier on, about when they were stopped going to a ceili in the snow. I witnessed that incident, I was in another car and we were going to the same ceili and we saw them stopped by the UDR. And they came into the ceili when it was all over. They must have been held an hour and a half or so, on the road. I kept watching the door all the time for them to come into the ceili but as I said it was over before they came in.

Then one other time I was with Patrick, he gave me a lift and we were stopped by the RUC going into

Castlederg. They asked the usual questions and searched the van and so on. Patrick left me in Castlederg because that was as far as he was going and then I was heading out the Derry road. I was standing hoping for a lift to come along and the police kept driving in and out the road past me, which again was a form of harassment.

Witness C

I was arrested and taken to Castlereagh three times. The first time I was held for three days. During the third morning they came in and told me they had some very bad news for me. They had found out my wife was expecting a baby. They said my wife was dangerously ill in hospital, that she had lost the baby and that she was crying out for me. The only way I could get out was to sign a statement, which I did not. When my solicitor came in he said it was a load of rubbish that he had just been talking to her.

The second time I was arrested was also for three days. And during two or maybe three of the interrogations Patrick Shanaghan's name was mentioned. They asked me did I know him and what sort of a character did I think he was. They said he was a top ranking member of the IRA, and was responsible for murders in the Castlederg area. I told them that I found that very hard to believe. I said I knew him since I was at school and he wasn't that type of man. He said, Oh he's deceiving everybody.

The last time I was arrested was about a year after Paddy was shot. They asked me what were my feelings about the shooting of Paddy Shanaghan. I said that just because of where he lived he was singled out and because he was interested in Irish music and culture. They said that wasn't the main reason why he was taken out. They said the main reason why Paddy was taken out was because he was in the IRA. I said I find that very difficult to believe. Why is it the IRA didn't claim him, they claim other people who are in their organisation if they are killed. I said there was no paramilitary funeral. They asked me if I was at the funeral and I said I was at the funeral. They went on to say there were reasons why they took him out. I said I didn't believe he was in the IRA, the IRA always claim their men. But there were no military trappings, that is normal procedure, can you explain that? And they said the IRA didn't claim him because they wanted the public and the world to see that the RUC had made a mistake.

Witness D

When I asked Patrick when he first realised that he was under surveillance, he answered that it was at a Garda roadblock in Sligo. One of the officers took him to one side and told him that he was a "marked man" in the North, and to be very careful. He impressed on him not to mention to anyone what he had told him. Patrick, when recounting this to me also asked me

not to mention it to anyone else.

He also told me about a later incident which happened when he was returning from a ceilí in Letterkenny, at a Garda permanent checkpoint in Kilclean. When stopped he was told to leave the van and the contents of the van were removed and set on the roadside. He was detained for about two hours.

He was then let go but only got as far as the other side of the border, a distance of about 300 yards where a patrol [RUC] was waiting to arrest him and take him to Castlereagh Holding Centre. Patrick was quite adamant that the authorities in the South were supplying to northern authorities information about his movements.

Closing Comments



Honourable Judge Andrew Somers:

The idea of this hearing is two-fold. One is to get at the truth and make it public. The second is to bring the people together to show that you can do something and you do have that power vested in yourselves.

Before we finish I wanted to read a statement which I thought was very interesting. It is a deposition of a witness [at the Coroner's Inquest into the killing of Patrick Shanaghan] and it's entitled Coroner's Act (Northern Ireland) 1959. It is a deposition of a witness taken on Tuesday 2nd April, 1996 at Inquest touching the death of Patrick Sean Shanaghan.

This is the deposition of Delia Margaret Hogg and she says in her sworn statement:

'On Monday 12th August 1991 at 7.55am I left our home to drive my daughter Wendy to meet Audrey Kerrigan at the junction of the Castlegore Road and the Drumquin Road... I drove down the Learmore Road and did not notice anything strange or unusual on the road, nor do I remember any vehicles on the road. I arrived at the Drumquin Road junction at 8.00am and we sat in the lay-by at the side of the road. Audrey arrived at 8.15am and Wendy then went on with her. I then returned up the Castlegore Road towards my home. From this junction onwards I was driving behind a large red tipper lorry. This lorry had the

name 'Londonderry' written on the side of it. I made a number of attempts to pass this lorry but could not. During one of the attempts, I saw a white van in front of the lorry. I think it was an ambulance as it had 'Ambulance' written in red on the back. I am not sure of the type of vehicle it was but I think it may have been a transit or similar type which is used for ferrying handicapped people. This white van stopped on the roadside along the route and as the lorry and I was passing it I saw the driver, a man in a blue shirt who was working at the back door on the inside of the van. I am not sure exactly where this was but it may have been convenient to Sammy Reid's house 'Home Sweet Home'. I continued on behind the lorry the whole way up the road past Forbes' Mart. I had just passed the lorry on a straight stretch of the Learmore Road when I saw a yellow DoE type van parked half up on the ditch facing me. This was approximately 70 yards from Lily Hemphill's home on the same side. I pulled over past some broken glass in the road as I didn't want to stop on it. I believed this was a road traffic accident. I got out of my car and I saw the red tipper lorry had also stopped and the driver was getting out. I walked with him to the side of the yellow van and looked in. I saw a man lying back across the front seat. He was unconscious but his head was moving slightly and so was his left hand. He did not say anything and I saw a small trickle of blood running down from his left eye. He also had a large injury on his right leg. At this time I still thought it was a road traffic accident but the lorry driver said 'no, he has been shot'. He pointed out some holes in the side of the van and he said they were bullet holes. We didn't know if we should have taken him out

of the van or not, and a minute or so passed when Jack Sproule who lives near the mart arrived on the scene. He said he had heard shots and would go and phone the police and ambulance. He was driving a beige Renault diesel car. He reversed back towards his house. A number of cars passed us at this time travelling towards Castlederg. We then tried to flag some cars down to get medical assistance. One girl stopped in a small red car but said she wasn't a nurse and drove on ahead. Another car stopped, driven by Karen Catterson who works in a bank in Omagh but I knew she wasn't a nurse and she went on. A number of other cars passed without stopping in both directions. We stayed with the injured man for approximately 10 or 15 minutes waiting on the police and ambulance. During that time Thompson Young, a school bus driver arrived on the scene. He was complaining about the distressed state of a man who had just stopped at his home who had come on the shooting. Another man in a small red car arrived and soon after a crowd started to gather. A number of cars stopped and people started to get out. I left then and went home. On arriving at this incident I did not hear any shooting and did not see anything around Lily Hemphill's house or laneway. The lorry driver told me when we stopped that he had heard shooting just as I had pulled out to pass him.'

This is a very interesting Deposition, what it shows to me is that Patrick was still living and to my layman's eyes he could perhaps have benefited from some medical attention and certainly he was in a state where he could have benefited from spiritual attention. I see in this case not only was there medical and spiritual attention available, but they were delayed, and I see in this case that not only were there police available, and in the area, but they seemed to take their time doing whatever they did. I see in this case that whatever police investigation was done, was formal and not substantial enough. They referred to it obviously as a serious crime, and there is no question it was a serious crime, and yet the people who worked on this crime did not take it seriously.

I will write my opinion, but I must say at this point, I will make some un-judge like comments. Judges are supposed to be impartial, they are supposed to be open, they are supposed to be calm, but what I have felt in the last three days is rage, and I have felt, and I have accepted your rage, and I think your rage is a good thing. I am returning your rage to you. I think rage should be an inspiration, for those of you who are kind and keep waiting for the British to do the right thing. I might say in the ten years I have been studying human rights violations, in the North of Ireland and directed against Irish people in England, I have found the English will give you as much law as they want to, and they will give you as much freedom as they want to, and they really can't be concerned with Human Rights violations in this little part of the country.

And this shouldn't be a Catholic/Protestant thing because anyone can be swept into the system, anyone regardless of his faith, his creed or national origin. If you have no law then you have chaos. If you have a formal set of laws that are not enforced, or if it is

enforced only in certain parts of the country, you have no accountability. I don't mean to be criticising you people, I am just trying to express my rage and say to you, this is not normal! You don't have to live this way, you can demand more. All of us should stand equal under the law, regardless of who we pray to, who we sing to, whether we dance, or how we vote. This is not an outrageous thing to demand and you people should shout it from the roof tops. You people should not be shy in any way.

Now, what can we do? All of us are afraid, all of us can be intimidated, but you have done it. Look at this room, you must be really making those bullies with badges very unhappy today. They don't like what you are doing. You are exercising your God given rights, you are not violent, you are not blowing up anything, you are not members of any military organisation, you are human beings and you deserve to be treated like human beings. I hope you keep meeting, I hope you keep bringing up other topics, it doesn't take a death to bring us together and there are people in other countries who want to help. They don't know how, but they want to help you and we can work together as partners, but you must keep the rage going.

We have a little group of women in New York City who for 10 or 12 years have been doing something. I spoke to them and they said, we don't know what to do, we can't write speeches, we have no money, so what we do twice a week, we get in a line and walk around the British Consulate in New York City with signs protesting about RUC brutality in Ireland. They are called The Long Green Line, a very simple thing from very simple people, but they do it. All of us can be caught up in our own survival, we can be caught up in our own affairs, we can forget about what life is really about. Life is not taking care of myself, life is not making sure that I have all the material objects I can find, life is the spirit given to us by God. The spirit must touch other spirits or the spirit has not done its job. Patrick's spirit touched everyone in this room.

When someone makes a statement, 'We don't enforce the Law, we are the Law', that is hooliganism, that is worse than gutter snipes with guns. These men, you cannot reason with them but you can stand up to them. You can have farms, you can get education out to people, you can tell people look we are not too shy, tell them they can do something, they can do it for Patrick Shanaghan. They killed him because of this life, they killed him because he was not intimidated, they killed him because of his positive virtues, they killed him because he was a good man.

So what can we do? We can remember Patrick, that will drive them to great annoyance, they don't want you to remember Patrick. We can strive to live like Patrick, and that will drive them to greater annoyance, because they don't want you to live like Patrick. Then we can all act as human beings, that can really annoy them because they don't look upon you as human beings and they don't want you to act as

human beings. Every time somebody gets killed or beaten or threatened, then once again Christ is crucified. Remember that, live with that in your minds, and God Bless everyone of you, you have given me

tremendous insights into your strength and the strength of the people of this part of Ireland.

Thank You

Caitríona Ruane

Chairperson



Over the last three days we have seen and heard about the terrible injustices in this little corner of Ireland. It has been a shocking and harrowing tale, the suffering of the Shanaghan family has touched us all. A young man in the prime of his life was shot dead and to this day no one has been held accountable. Indeed from the evidence presented to us it is obvious that there has been a cover up right up to the highest echelons of the RUC and the entire judicial system in the North of Ireland. That system has been on trial here in this village and there is no doubt about its innocence or guilt. It is obvious from listening to witness after witness that this judicial system has failed us all.

I have been honoured and proud to chair this Inquiry into the death of Patrick Shanaghan. The birth of the Castlederg/Aghyaran Justice Group has been a very important initiative and without it this Inquiry could not have happened. It is very impressive to see so many people working together to try and find justice in a state that refuses time and time again to abide by international law and treat all its citizens equally. It is sad that there is a need for groups like these and being here for the past three days brings back memories of The Cullyhanna Inquiry in South Armagh and the Paul Thompson Inquiry in West Belfast. I am constantly amazed at the ability, resilience and courage of people against all the odds.

This report will be circulated far and wide and will inform people all over the world about the gross violations of human rights in the North of Ireland. It will be this community's tribute to Patrick and his family.

I have been inspired by the honesty, courage and dignity of the witnesses, those that came forward publicly and privately. It takes courage to come forward and be counted. Everyone knows the consequences of speaking the truth. It has been a hard time for the Shanaghan family and I know that we have all been impressed by their dignity and suffering. At times during these past few days my heart was breaking watching Patrick's mother as she relived her son's death.

The patterns of harassment in this area are shocking, some of the worst I have ever experienced or documented in all my years as a human rights worker in the North of Ireland. The saddest thing of all was the matter of fact, understated way it was presented. This is the norm for people here and it should not be, because it is abnormal, it is inhuman and it is violating international laws.

It underlines the need for the disbandment of the RUC and the creation of a new police service. There will never be peace in Ireland as long as there is an RUC. They are a law unto themselves, they are accountable to no one, they can do what they like and they know they can. Evidence given about the inquest into Patrick's death shows that clearly. In El Salvador, South Africa, and Palestine, new police services have been created as part of a negotiated settlement. We need an accountable, representative, and responsive service, backed up by an effective and independent complaints system here in Ireland as well. We also need reform of the judicial system and an end to emergency legislation. If this does not hap-

pen our grandchildren will be organising inquiries like this in little towns and villages in the North of Ireland.

I came here not knowing Patrick or his family, I am leaving with a real sense of loss that I never knew him. Over the past few days I got a sense of the man, the fun loving, dancer, who was witty and good craic. Yet there was another side of Patrick that witness after witness spoke about, the Patrick that refused to let them get him down, that suffered the harassment

with dignity, that never let them run him out of his area. It is a stubborn streak that many of us have deep down, a streak that says there are certain indignities that we will not accept no matter what the consequences are. I feel sad that we have lost a brave young man who was loved by so many people, who inspired people. It is obvious from all that has happened over the past three days that a little of Patrick's spirit is with each of those who knew him and he gives them the courage to go on.

Inquiry Conclusion

Honourable Judge Andrew Somers

An Inquiry into the death of Patrick Shanaghan Conducted by the Castlederg-Aghyaran Justice Group, 17-19 September 1996 at the Aghyaran GAA Centre - Honourable Andrew L. Somers, Jr. Presiding.

Patrick Shanaghan was murdered on August 12, 1991 at a roadside spot less than two miles from his home. As he lay dying, the Royal Ulster Constabulary turned his parish priest away and denied his local doctor access to him. Patrick Shanaghan was 33 years old when he died. His family has asked for an inquiry to seek a public answer to the question: Why did Patrick die and who killed him? This report is an attempt to answer these questions in the face of secrecy and suppression of all relevant facts.

Official inquest

Very few of the violent deaths in the Northern Ireland province are thoroughly investigated and fewer killers are identified or prosecuted. This is a state with no police or public accountability and no government responsibility. Many deaths, then, go unexplained except for official leaks to the media, which generally portray the victim as an active terrorist or one assisting terrorists. An inquest, when conducted, may be the only official acknowledgement of the death of a loved one, neighbour or friend. The Shanaghan family made repeated requests to the government for a full inquiry into Patrick's death. The only response they received was to be notified many years later that an inquest was being postponed. Then, five years after Patrick's death, a coroner's inquest was convened on March 26, 1996.

The inquest was conducted by Mr. Ronald O'Doherty with the assistance of a lawyer, Mrs. Gemma Loughlin. The Royal Ulster Constabulary was represented by Mr. Stephen Ritchie and solicitor Vincent Lynagh. The inquest was interrupted when the Royal Ulster Constabulary successfully sought a High Court writ to prevent the coroner from considering evidence from an independent forensic science expert critical of the police investigation. Patrick's mother, Mrs. Mary Shanaghan, requested that her deposition be withdrawn from the hearing as it was heavily edited.

Generally a coroner's court is provided evidence by a police constable. When there is reason to believe that police conduct is questioned, legal assistance is provided by the Northern Ireland Office at government expense. Statements given by Patrick Shanaghan, to his solicitors, relating to his police treatment, were rejected as evidence by the coroner. [Appendix G] The coroner also refused evidence which directly refuted police statements about radio reception difficulties. [Appendix E]

The Coroner's inquest in Northern Ireland has limited powers to inquire into the circumstances of a civilian's death. The inquest system in Northern Ireland is distinct from the rest of the UK. Aside from the personal contempt that the government shows toward bereaved families, the laws are deliberately limited to maintain as much secrecy as possible and as little exposure of the government's activities as possible. This inquest took five years to convene. There was, of course, no official explanation as to why there was such a delay. The usual explanation government's give to delay is that there are considerations of evidence and a detailed investigation. Since there was little gathering of evidence and no adequate investigation, the government could not claim this as an excuse. In Northern Ireland generally, no excuse or reason is ever provided.

The inadequacies of the inquest system is, by now, apparent. I will not spend too much time on corrective suggestions. Every independent inquiry human rights reviewer, including the Committee on the Administration of Justice has pointed out the flaws to the English government. The government's silence and inaction indicates unequivocally that they are not interested in reform or accountability. They have the government and law in place which serves them well. It is difficult to hear the English proclaim the beauty of democracy when they seem to care little for the needs of their people.

We are thankful to Paul Mageean, legal officer, Committee on the Administration of Justice, for presenting the deficiencies of the 'special' laws relating to inquests in Northern Ireland. Northern Ireland inquests contradict in spirit and law the United Nations Principles, which call for thorough and comprehensive investigation of all killings where there are allegations of collusion, as well as detailed written public reports which would outline the scope of the inquiry, methods used to evaluate evidence, and conclusions and recommendations. This, of course, was not followed in this case or the many other cases where state involvement is alleged as perceived. Apparently the British work on the principle that as long as form is addressed, substance may be ignored.

To summarise Mr. Mageean's points:

- a) Northern Ireland juries are not allowed to reach verdicts relating to responsibility for death.
- b) No legal aid or assistance is available to the deceased's family
- c) No time set for hearings
- d) No method of compelling witnesses responsible for the death
- e) Public immunity certificates are used to smother inquiries

We could go on with much specific detail but we would not be pursuing a practical course. Mr. Mageean points out in his submission that the laws are different in Scotland, Wales, or England. The inquest in this case was a sham and the family was justified in walking out and calling their own hearing. The production took on all the aspects of a comic theatre of the absurd with police personnel acting like the keystone cops. The tragedy was that the production and the players were real.

The witnesses presented generally contradicted each other and only one witness, Constable Hicks, saw a wound in the chest. The crime scene testimony was so strange and professionally inadequate, it would be difficult to list all that was omitted or neglected. One of the most glaring deficiencies was the failure to make a permanent cast of the tyre imprint (shooter's vehicle). This was given greater emphasis when the coroner agreed to allow an independent forensic witness, Mr. Manners, to critique the police investigative technique. This testimony was stopped by the police when they gained High Court injunctive relief.

The dismal picture presented was that of an investigation without investigators, crime investigators failing to secure evidence, and a host of characters running around and doing nothing. When I realise that the police had the assistance of two lawyers to prepare a five year case, I feel ashamed of the legal profession presenting mediocrity such as this to the public. Reviewing the conduct of all the government offices and 'officers' I became overwhelmed at the thought of a people, not just ill served by such meagre representation, but left without even a pretence of the law's protection. It is only by being naive that one could see all the failures as negligence. When one sees through the curtain the reality thrusts ignorance and carelessness aside, and we see the truth in its brutality. Death is planned, produced, willed, and then hidden by the British according to their secret agenda. The British commit no unnecessary crimes, and in Northern Ireland they have their willing agents in constant attention.

The inquest, then, was an insult to Patrick Shanaghan and his family. The inadequate and meaningless testimony was not an exercise in the search for truth, but rather, a scheme designed to hide the true facts. The final verdict represented that i) Patrick Sean Shanaghan died on August 2, 1991 on Learmore Road, Castlederg, Co. Tyrone as a result of a bullet wound to the chest. Under the listing of how, the verdict stated according to the evidence, ii) it is believed that one gunman was seen, with an automatic weapon held at waist level, in the gateway of 44 Learmore Road, Castlederg, on the date in question. Death was due to a fatal wound to the chest and death occurred 12 August 1991 at approximately 8:30 a.m.

It was reasonable for the family to refuse this hearing and prepare for their own review. This was the reason for our hearing. We prepared for a full and through

review of all facts on Patrick Shanaghan's death. We wanted a complete and full understanding of Patrick's life and his death. We wanted to know why this man was killed.

Castlederg/Aghyaran Hearing

The Castlederg/Aghyaran hearing was conducted at the GAA Centre from September 17 to 19, 1996. For three days I heard stirring testimony from Patrick Shanaghan's mother, sisters, family, friends and neighbours. We also received advice from the Committee for the Administration of Justice, and Martin Finucane, for the Pat Finucane Centre in Derry. After three days I came to know Patrick Shanaghan, and then to love him. I wished then and now, that I could have personally known him and been his friend. This hearing began as a public presentation on the life and death of a private happy man. The hearing was transformed into a public monument to a strong, unbending, heroic spirit which continues to inspire, even after death, and perhaps as a result of this death, an entire community and hopefully others who may read this account. This story has inspired me and I will attempt to tell the story about a simple and brave man to all that will give me the moment.

Decision

In remembrance and review of the community's statements and all the submissions made to us, three points come to me that I feel are of equal importance and must be set forth. The first is a recognition of Patrick Shanaghan's spirit. Despite the numerous police stops and checks, the savage beatings, the death threats, and the constant surveillance, Patrick Shanaghan would not break. He remained in death what he was in life, a steadfast, joyful and loyal son. In the midst of the British punishment, he stayed with his love of the dance. The police tried to interest him in working as an informant. When he refused, they punished him over and over. He was a lawful man whose passive resistance was more hurting to the ruling authorities. He danced while they beat and shot at him. He danced amidst these threats. He danced even at the infamous Castlereagh, in between interrogations. They were fools to think that a spirit such as this could be stopped by bullets. No, this spirit still lives and dances in Castlederg/Aghyaran and we all hope and pray that the dancing figure will continually haunt the British.

My last thought is that I have never seen a case where all the evidence loudly points to one conclusion. Patrick Shanaghan was murdered by the British government and more specifically with the collusion of the police. I would not hesitate to indict members of the Royal Ulster Constabulary from top to bottom. The conspiracy in this little land is insidious and brutal. I believe that it would be almost impossible to find 'clean hands' in any part of this police force. When will the English people awake to the crimes committed for them? How long can they escape the guilt of murder committed for them? Perhaps they cloak themselves in ignorance because knowledge

would be so startling, so shattering, so destructive, that they could not stand the terrible truth.

Reasons for decisions

If someone reviews the testimony in this case, certain simple facts present themselves in support of my decision relating to the British hand in this disgraceful murder and I will set forth some of the most convincing facts.

1. Patrick Shanaghan was a farmer who managed a 85 acre farm of grazing land for his sheep. In spite of this difficult occupation, he also worked for the Department of the Environment. He lived at home with his family and had a good reputation in the community. His speciality was ceili dancing. Although he was arrested over 10 times, and had his home wrecked by police in 16 futile searches, he was never charged and never convicted of any crime.

2. Patrick Shanaghan loved to dance. This was his Irishness. He would always find time and companions to attend a ceili. This perhaps, was his downfall. The British have always detested anything Irish and suspect anyone who takes an interest in the Irish language, history, or dance. Patrick Shanaghan was a 'shiner' meaning he stood up and out of a crowd and therefore he became a target to be suppressed. There was so much 'Irishness' and so much life in Patrick, that the British reacted the way they always have. They thought they could take his Irishness when they took his life. That was their mistake, because his spirit stays to laugh them away to their colourless land.

3. Patrick Shanaghan was subjected to 10 years of surveillance, threats and brutality. He was told he was going to die, that his 'details' were lost. He was beaten at Castlereagh and told of his impending death so many times that it became commonplace. The terrifying aspect to the threats was that they came from the police. They are the attackers or they point the victim out to their silent colleagues whose mission is assassination. During his life, Patrick was detained about nine times in the last six years constituting 42 days behind bars without any criminal charges. He was stopped on the road two or three times a day by soldiers or police who pretended not to know him. In bad weather he was made to stand in the rain or snow without a jacket or shoes. He was constantly told he was going to die and that he should say 'bye bye to your Mammy, you won't see her again'. His friends were arrested and warned about their relationship with Patrick. At one time the police put a roadblock at the top of his driveway and also at the bottom of the same driveway. When the military or police came to his house, they often camped out,

leaving ashes from a camp stove and debris behind.

In spite of this constant surveillance and smothering attention by these security forces, on some occasions these 'protectors' disappeared. A few times Patrick would come down his driveway and find boulders in the road preventing his departure. On another occasion he was warned of intruders by his little dog who barked the alarm. It is not surprising that the little dog then disappeared, never to be seen again. All creatures, great and small gave way to the British protective services. On one occasion, Patrick was shot at when he left his home. He had to call the police to report the shooting, even though he believed that the police were the shooters. On the last day all security disappeared, allowing a gunman camped out on Learmore Road, to watch the Shanaghan house and then shoot Patrick dead. Meanwhile, all the police cars were responding to a damage only automobile accident. It is so strange that these police who are everywhere and who have the best of aerial and electronic surveillance equipment are always somewhere else doing minor work when violence occurs. It is so strange and it happens over and over and over, all throughout this little province.

The funeral harassment, the roadblocks set up after Patrick's death, and the mean spirited interview of Martin Bogue, all emphasise the hatred the police felt toward Patrick. The police were surprised when there was no military funeral or statement from the IRA that Patrick had been a member and their silence was the strongest evidence of Patrick's innocence.

After Patrick's death, the police in Castlereagh bragged about the murder and the detectives joked about his death. The police admitted killing Patrick and continued to threaten others with Patrick's name. The men of Castlereagh must live and die with their terrible deeds. There will be no monuments to them. Perhaps some day they will be called to a public inquiry to answer about Patrick's 'missing files' or why the police always disappear right before these killings. Perhaps then they can tell us what there was about the dancing man that they feared so much. Or was it only because he loved the wearing of the Green?

I write it out in a verse - MacDonagh and MacBride and Connolly and Pearse. Now and in time to be, whenever green is worn, are changed, changed utterly, a terrible beauty is born. (W. B. Yeats 25th September 1916)

The dancing man will dance forever and we will dance with him.

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The Murder of Patrick Shanaghan

Patrick Shanaghan was driving his van to his job at the Department of Environment (DOE) in Castlederg, County Tyrone, on August 12, 1991, at 8:20 a.m. when a lone masked gunman riddled the van with a hail of bullets from a semi-automatic weapon. According to police logs, Patrick Shanaghan was pronounced officially dead by a doctor at approximately 9:50 a.m. The UFF claimed responsibility for the murder. However, the sequence of events from the time of the shooting until the collapse of the inquest nearly five years later—coupled with a ten-year history of constant harassment of Patrick Shanaghan by UDR and RUC officers—indicate that allegations of security force participation in the murder have not been addressed adequately by the RUC or the government of the United Kingdom. Patrick Shanaghan's murder involved a number of signature characteristics associated with murders by collusion and provides a case study of how the criminal justice system in Northern Ireland is perceived to shield collaboration between illegal loyalist paramilitary groups and those responsible for the administration of justice.

RUC suspicions of IRA membership resulted in a long campaign of harassment directed at Patrick Shanaghan, his family and his friends. Patrick Shanaghan was a thirty-three-year-old Catholic and active member of Sinn Féin, a legally recognized political party, when he was killed. Despite RUC allegations that he was an IRA member, there was no evidence that Patrick Shanaghan had any connection with the IRA. Most notably, his funeral was absent the traditional IRA honor guard or any sign of IRA membership.

RUC records indicate that Patrick Shanaghan was arrested ten times between April 1985 and May 1991. Six of the ten arrests resulted in detentions for four or more days.³⁸⁰ Patrick Shanaghan was never charged with any crime. He gave several written statements to his solicitors alleging physical assaults by RUC detectives while in detention, including being punched in the back, punched under the chin with a clenched fist, stabbed in the throat with extended fingers (martial arts style), slapped in the face,³⁸¹ having his arms wrenched back and forth repeatedly,³⁸² forced to stand in a crouched position for hours, having his head struck against a wall, and being hit and kicked in the testicles.³⁸³ On several occasions, according to his sworn statements, RUC detectives conducting interrogations of Patrick Shanaghan verbally abused him and threatened him with death, for example, by telling him that "Loyalists in Castlederg know you now and they will get you."³⁸⁴

The Shanaghan family home, which Patrick shared with his mother, Mary, was searched sixteen times between 1985 and 1991. Nothing was ever found in the home. Mary Shanaghan told Human Rights Watch/Helsinki that sometimes the RUC would not even enter certain rooms indicating that the search was not a concerted effort to locate and seize illegal material but was used solely to harass the Shanaghan family.³⁸⁵ Patrick Shanaghan was stopped and questioned by RUC and UDR officers on a daily basis. He was often told to remove his jacket, especially in cold weather.³⁸⁶ A co-worker at the DOE stated that he was the only person who would work with Patrick because all the others feared that they would be shot.³⁸⁷

On February 17, 1989, an attempt was made on Patrick Shanaghan's life. As he was leaving his house at approximately 8:00 p.m. that evening, eight shots were fired at him.³⁸⁸ He managed to escape into nearby fields while being shot at. Returning to his house after a time, he noticed a car traveling slowly away from the house. Patrick Shanaghan phoned the RUC, which arrived forty-five minutes later. No charges have been brought against a suspect for the murder attempt. When Patrick Shanaghan was arrested in February 1990, he publicly stated that RUC officers repeatedly mentioned this murder attempt during interrogation and one detective claimed, "we won't miss next time."³⁸⁹

³⁸⁰Letter from RUC to Porter & McCanny, Patrick Shanaghan's solicitors, dated August 23, 1991.

³⁸¹Signed statement from Patrick Shanaghan to Porter & McCanny, August 3, 1988.

³⁸²Signed statement from Patrick Shanaghan to Porter & McCanny, May 16, 1990.

³⁸³Signed statement from Patrick Shanaghan to Porter & McCanny, March 3, 1988.

³⁸⁴Signed statement from Patrick Shanaghan to Porter & McCanny, dated August 3, 1988. See also, "Three Accuse Police After Interrogation," *The Ulster Herald*, February 24, 1990.

³⁸⁵Human Rights Watch/Helsinki interview, Limavady, November 21, 1996.

³⁸⁶*Ibid.*

³⁸⁷Written statement from Gerry Keenan to the Inquiry into the Killing of Patrick Shanaghan, September 17-19, 1996. This three day public inquiry was sponsored by the Castlederg Aghyaran Justice Group and included testimony from the official inquest, evidence suppressed at the inquest, and testimony from expert witnesses on topics such as collusion in Northern Ireland and the inquest system. The Hon. Andrew Somers, a retired U.S. judge, presided over the proceedings. See Caitriona Ruane, "Public Inquiry into the Death of Patrick Shanaghan," *Just News: Bulletin of the Committee on the Administration of Justice*, vol. 11, no. 10, October 1996, pp. 6-7.

³⁸⁸Handwritten and signed statement from Patrick Shanaghan to Porter & McCanny, re: events of February 17, 1989, undated.

³⁸⁹"Three Accuse Police after Interrogation," *The Ulster Herald*, February 24, 1990.

The RUC warned Patrick Shanaghan twice that he was under threat from loyalist paramilitary groups. In December 1990, RUC detectives informed him that security force documentation containing his personal information, including a photo montage, had fallen out the back of an army vehicle and into the hands of loyalist paramilitaries. A letter dated January 11, 1991, was sent to the RUC by Patrick Shanaghan's solicitors who requested, "as a matter of urgency" in order to assess the risk to Patrick Shanaghan and his family, information relating to the documentation including the type of information lost, dates the information was first recorded, the exact date and under what circumstances it went missing, copies of photographs and addresses included in the files, and information in relation to the social movement and employment of persons involved in handling the files.³⁹⁰ On July 29, 1994, nearly three years after Patrick Shanaghan's murder, the RUC responded to this letter by stating, "The police investigation is concluded. The document was accidentally lost by the Army."³⁹¹ The RUC warned Patrick Shanaghan again in April 1991, four months before he was killed, that he was under paramilitary threat. According to Martin Bogues, Patrick Shanaghan's brother-in-law, the RUC officer who informed Patrick of the threat refused to offer the grounds upon which the warning was based.³⁹²

British Irish Rights Watch maintains that RUC warnings about personal safety in circumstances where official security information has gone missing, often "look more like threats than any attempt to protect the victim."³⁹³ RUC Chief Constable Ronnie Flanagan dismissed this characterization of the warnings claiming:

Just because we give warnings doesn't mean there's been some lapse in the security system. We don't go into explanations because the information often comes from informers.³⁹⁴

This explanation avoids the question of how the files were leaked or lost in the first instance. In the absence of any claim or evidence that security procedures were breached, the allegation that a more deliberate scheme has been concocted by security force personnel to pass on classified information to loyalist paramilitaries assumes credibility.

The conduct of RUC officers at the scene of Patrick Shanaghan's murder further calls into question the role of the police in the killing. RUC officers prevented Patrick Shanaghan from receiving medical attention and prohibited a priest from immediate access to him because RUC officers had already pronounced Patrick Shanaghan dead. Dr. W.A. Stewart stated that he was called to the murder scene by the RUC at approximately 8:45 a.m. to attend to a shooting victim.³⁹⁵ According to Dr. Stewart, when he arrived, "the officer in charge informed me that the victim was dead and instructed me not to proceed as it was his duty to preserve the crime scene."³⁹⁶ The doctor was advised to return shortly but when he did, he was turned away again. Disturbingly, one witness to the crime scene testified at the inquest that she saw Patrick Shanaghan's head and hands moving after he had been shot.³⁹⁷ At the inquest, Frank Collins, solicitor for the Shanaghan family, asked the RUC inspector who pronounced Patrick Shanaghan dead if he could have missed a pulse. The inspector replied, "The only way I could have missed a pulse is if the pulse was so weak it wasn't detectable and a doctor could only detect it."³⁹⁸ Another physician was called to the murder scene by the RUC at 9:45 a.m. and he pronounced Patrick Shanaghan dead at approximately 9:50 a.m.³⁹⁹ Despite the fact that the RUC was informed initially that the crime involved a shooting, no ambulance was ever called to the crime scene.

³⁹⁰Letter from Porter & McCanny to the RUC, January 11, 1991.

³⁹¹Letter from the RUC to Porter & McCanny, July 29, 1994.

³⁹²Human Rights Watch/Helsinki interview, Limavady, November 21, 1996.

³⁹³British Irish Rights Watch written submission to the Inquiry into the Killing of Patrick Shanaghan, undated, p. 2. BIRW has also documented many cases in which the RUC warns an individual that his/her security files have been leaked to loyalist paramilitaries or have accidentally gone missing and the RUC advises the person under threat to take necessary security precautions. However, when these same threatened individuals seek home security grants from the Northern Ireland Office to enhance their private security, they are often denied. In addition, the RUC often denies gun permits to the very same individuals it has cautioned about paramilitary threat. See British Irish Rights Watch, *Alleged Collusion and the RUC*, p. 7.

³⁹⁴Human Rights Watch/Helsinki interview, Belfast, November 11, 1996.

³⁹⁵Written submission of Dr. W.A. Stewart to the Inquiry into the Killing of Patrick Shanaghan, September 1996.

³⁹⁶*Ibid.*

³⁹⁷Signed deposition of Delia Margaret Hogg, April 2, 1996.

³⁹⁸Human Rights Watch/Helsinki telephone conversation with Frank Collins, May 13, 1997.

³⁹⁹Written submission of Dr. James Garvey, general practitioner at the Castlederg Health Centre, to the Inquiry into the Killing of Patrick Shanaghan, September 1996.

According to Martin Bogues, Patrick Shanaghan's brother-in law, he called Dr. Stewart personally to ask if the doctor had been called to the murder scene. Dr. Stewart told Martin Bogues that he was advised by the RUC to say nothing and that he was also advised not to talk to Mary Shanaghan, Patrick's mother, about what went on that day.⁴⁰⁰

RUC Chief Constable Ronnie Flanagan told Human Rights Watch/Helsinki that he could not comment on the specific details of Patrick Shanaghan's case but it is RUC policy that "only medically qualified people can declare life extinct."⁴⁰¹ He added that there are circumstances where it is obvious that a person is dead and "if there wasn't the remotest prospect of life in existence, an officer's priority would have been preservation of the crime scene."⁴⁰² The fact that an eyewitness claimed having seen Patrick Shanaghan move after the shooting and that the RUC inspector admitted he was not qualified to detect a weak pulse, indicate there was a possibility that Patrick Shanaghan was not yet dead when Dr. Stewart arrived at the crime scene at approximately 8:45 a.m. Moreover, since little forensic evidence was gathered at the Shanaghan murder scene and no plaster cast was taken of a tire track found at the scene, it is unclear precisely what the RUC was attempting to preserve when it denied Dr. Stewart access to Patrick Shanaghan. (See section below on the investigation).⁴⁰³

Father McGinn, Patrick Shanaghan's parish priest, was also turned away when he arrived at the scene and was directed by two RUC officers to drive to a checkpoint first via an alternative route. Father McGinn estimated that this detour took an additional ten minutes. Patrick Shanaghan was dead when Father McGinn administered last rites at what he estimates was between 9:30 and 9:45 a.m. No explanation was ever given as to why he could not access the crime scene immediately upon his arrival.⁴⁰⁴

The investigation of Patrick Shanaghan's killing appeared to be compromised by RUC incompetency:

- At the time of the shooting, three RUC vehicles were responding to a motor vehicle accident which did not involve injuries. This left no police cars at the station to handle additional calls. When the call to respond to Patrick Shanaghan's shooting came in, only one RUC vehicle, without back up, left the accident scene to attend the murder scene. No ambulance was called to the scene.
- Little forensic evidence was gathered at the crime scene.
- Photographs of a tire track at the scene were taken but no plaster cast was made of the track. The RUC claimed that the photos were an adequate substitute for a plaster cast.⁴⁰⁵
- An eyewitness, who saw the shooting from the rearview mirror of his vehicle, was interviewed by an RUC officer only once, immediately after the incident, in an RUC vehicle one-half mile from the crime scene. He was not taken to the scene to describe events as they unfolded nor was he contacted by the RUC again until the inquest was scheduled nearly five years after the killing.⁴⁰⁶

⁴⁰⁰Human Rights Watch/Helsinki interview, Limavady, November 21, 1996.

⁴⁰¹Human Rights Watch/Helsinki interview, Belfast, November 24, 1996.

⁴⁰²Ibid.

⁴⁰³In July 1996, after she became aware at the inquest of the circumstances surrounding Patrick's death, Mary Shanaghan lodged a series of complaints with the RUC with respect to the conduct of the RUC officers who denied Dr. Stewart access to Patrick and failed to call an ambulance to the scene of the shooting. The complaints, alleging that the RUC's first duty is the preservation of life over the preservation of a crime scene, were forwarded to the Independent Commission for Police Complaints (ICPC). In early 1997, the ICPC informed Mary Shanaghan that the police investigation into her complaints had been completed and the report forwarded to an assistant chief constable who will make a determination as to whether or not disciplinary action or other steps will be taken against the officers involved. Human Rights Watch/Helsinki telephone interview with Martin Bogues, Limavady, May 2, 1997. Copies of the complaints are on file with Human Rights Watch/Helsinki.

⁴⁰⁴Written submission by Father McGinn to the Inquiry into the Killing of Patrick Shanaghan, September 1996.

⁴⁰⁵Ibid.

⁴⁰⁶This witness stated at the Inquiry into the Killing of Patrick Shanaghan that he was in a state of shock immediately after the incident. Testimony of Raymond Holmes, September 17, 1996.

- An RUC mapper made a map of the crime scene but did not take any additional notes. At the inquest, the mapper could not remember why he had marked "xxx" at 44 Learmore Road. It was from the doorway at 44 Learmore Road that the eyewitness claimed to have seen the gunman shoot at Patrick Shanaghan's van.
- The RUC officer who interviewed the eyewitness testified at the inquest that he had no further involvement in the case after the day of the killing until the inquest nearly five years later.

After the family of Patrick Shanaghan was made aware at the inquest of numerous and significant gaps in the murder investigation, it employed an independent forensic science expert to evaluate the quality of the police investigation. Darryl Paul Manners was employed by the Home Office Forensic Science Service for fourteen years, held a Master of Science degree, was a member of the Royal Society of Chemistry and a chartered chemist. Manners' final report concluded that a plaster cast should have been made of the tire print and that the photographs the RUC took were not an adequate substitute for a cast. Manners testified at Patrick Shanaghan's inquest that the photos were "totally unsuitable" for any comparison between the tire imprint and an actual tire to be carried out.⁴⁰⁷ He noted that RUC reliance upon photographs only—particularly photographs not taken "even remotely" to scale and in poor illumination—did not constitute good practice at a crime scene.⁴⁰⁸

The RUC sought judicial review of the coroner's decision to allow Manners' testimony into the inquest record. In the High Court decision, Justice Kerr admitted that he had not read Manners' report but asserted that "how" a person died is to be interpreted narrowly as "by what means" and is not meant "to expose fully those broad circumstances" within which the deceased met his death.⁴⁰⁹ Kerr ruled that Manners' report was "evidence in relation to the calibre of the police investigation and went well beyond the scope of the inquiry of the coroner."⁴¹⁰

The inquest system in Northern Ireland permits for an extremely narrow inquiry.⁴¹¹ Inquest juries cannot arrive at verdicts as to the responsibility for a death and may only make conclusions related to the identity of the deceased, and where and how the deceased died. As noted above, the High Court in Northern Ireland has chosen to interpret "how" the deceased died as "by what means," for example, "by gunshot wound," as opposed to under what circumstances. Given these limitations, most "conclusions" reached at inquests contain information that was already known prior to the opening of the inquest.

Patrick Shanaghan's inquest took seven days over three months. Martin Bogues, Patrick's brother-in-law, told Human

⁴⁰⁷Signed statement of Daryl Paul Manners, June 3, 1996.

⁴⁰⁸*Ibid.*

⁴⁰⁹The High Court of Justice in Northern Ireland, *An Application by the Chief Constable of the Royal Ulster Constabulary for Judicial Review in the Matter of Patrick Shanaghan*, KERK2136.T, p. 3.

⁴¹⁰*Ibid.*

⁴¹¹Coroners rules governing inquests in Northern Ireland are different from those governing inquests in Britain and Wales. The narrow remit and procedural deficits of inquests in Northern Ireland places in question their utility. Inquest juries cannot reach verdicts as to responsibility for a suspicious death. In England and Wales, juries can reach verdicts such as "unlawful killing by an unnamed person." In Northern Ireland, legal aid is not available to families of the deceased although the state funds representation for security force personnel (police and army) and the coroner. There are notoriously long delays in the scheduling of inquests, with some inquest proceedings taking place as much as eight years after a death. Security force personnel suspected of involvement in the death are not compellable witnesses in inquest proceedings and if they do testify their identities can be withheld from the families. The government often issues public interest immunity certificates at the request of the security forces in order to suppress evidence from admission into the record of inquest proceedings. See Helsinki Watch, *Human Rights in Northern Ireland*, pp. 81-84; Committee on the Administration of Justice, *Inquests and Disputed Killings in Northern Ireland* (Belfast: CAJ, January 1992); Tom Hadden, *The Law on Inquests in Northern Ireland: Proposals for Reform*, Paper for Standing Advisory Commission on Human Rights, March 1992. For recent developments in the jurisprudence of inquest procedures, see Jane Winter, "An Overview of the Inquest System," *Just News: Bulletin of the Committee on the Administration of Justice*, July/August 1996, p. 2; and *Inquests and Contentious Deaths: Record of the Proceedings of a Seminar Held in Belfast on February 1, 1997*, sponsored by British Irish Rights Watch, INQUEST, and the Centre for International and Comparative Human Rights Law at the Queen's University of Belfast.

Rights Watch/Helsinki that from the date of the killing until the inquest commenced, nearly five years later, Patrick's family received no information at all from the RUC. They did not know that an eyewitness had been identified and interviewed nor did they receive any information about an on-going investigation into Patrick's murder. Until the inquest began, they did not know that a tire track had been found at the scene and photographed. None of Patrick Shanaghan's family members were ever interviewed by the RUC. Although Frank Collins, the Shanaghan family's solicitor, requested all relevant papers from the coroner so the family could prepare for the inquest, he received only the autopsy report and a list of witnesses to be called to testify at the inquest.

The limitations of the inquest system and the successful steps the RUC took to exclude evidence from being entered into the record, led the Shanaghan family and its solicitor to withdraw from the inquest on June 20, 1996. Mary Shanaghan, Patrick's mother, told Human Rights Watch/Helsinki that she decided to withdraw from the inquest after a written statement she submitted to the police in February 1996 for use at the inquest, was edited heavily by the RUC.⁴¹² All references to collusion in Mary Shanaghan's original statement—including her strong belief that the police colluded with the paramilitaries who killed her son—had been excised in the deposition the RUC prepared for the coroner.⁴¹³

With one exception, the coroner refused to allow information related to RUC threats against Patrick's life, including Patrick's own signed statements to his solicitors detailing these threats, from being entered into evidence. Much of this information came from Patrick Shanaghan's friends and acquaintances who asserted that death threats against Patrick were passed on to them while they were being interrogated. In some instances, death threats were leveled against individuals after Patrick Shanaghan's murder with RUC detectives using the Shanaghan murder as an example of what could happen to others. The following examples are taken from the transcript of the inquiry:

- Eamonn McGarvey testified that he was interrogated numerous times at Castlereagh holding center: "They made threats against me and made threats about what they were going to do to Paddy, that he hadn't long to live."
- Hugh D'Arcy related a conversation he had with Patrick Shanaghan on October 5, 1990. Patrick said that an RUC officer told him that the police would not be picking him up anymore because Patrick would be "going to the graveyard on the hill."
- Paddy O'Donnell testified that about five weeks before Patrick Shanaghan's murder, five uniformed RUC officers came to his home and told O'Donnell that he would "end up being shot" if he continued to keep company with Patrick Shanaghan.
- Kevin McMenamin said that he and Patrick Shanaghan were both being interrogated at Castlereagh in May 1991 when an RUC officer told him that Patrick "would never see his next birthday and the van won't be going up to the big house on the hill too often."
- Packie Kelly told the Inquiry that when he was detained in Castlereagh in July 1992, the RUC "put heavy emphasis on the Shanaghan killing saying that they had got him sorted out and that the same people were going to be put at myself. They said they got the UV's [Ulster Volunteers] to sort him out."
- John Corry testified that he was detained at Castlereagh from May 20-22, 1992. During one interrogation, an RUC officer shouted at him, "You know what happened to Patrick Shanaghan, the bastard, don't you? He didn't walk out in front of a car and was killed. Don't forget that at long last the Prods have got their act together around Castlederg."⁴¹⁴

⁴¹²Human Rights Watch/Helsinki interview, Limavady, November 21, 1996.

⁴¹³The February 1996 statement read in part:

It is my belief that collusion between the security forces and paramilitaries was involved in the murder of Patrick. Patrick's death brought to an end a 10 year campaign of continuous harassment against him. This included 16 house searches when our home was ransacked and damaged, 10 periods of detention without charge, death threats made by detectives at Castlereagh Holding Centre and the leaking of his security file to loyalist paramilitaries. His daily life was one of constant road blocks, searches, insults and threats from the security forces.

None of this language appeared in the coroner's deposition. Copies of both the original statement and the edited deposition are on file with Human Rights Watch/Helsinki.

⁴¹⁴"Prods" is a derogatory term used to describe Protestants.

Damien Harper submitted a written statement to Patrick Shanaghan's solicitors, Porter and McCanny, which alleged that while being interrogated at Castlereagh in March 1995, an RUC detective told Harper that "Patrick Shanaghan was threatened in that same chair and the same will happen to you when you leave here." The detective told Harper that he would have Harper shot "the same as Patrick Shanaghan."

The coroner, however, decided to permit David Cameron, a friend of Patrick Shanaghan's, to give testimony at the inquest based on a statement Cameron originally gave to his solicitor which was then turned over to Frank Collins, the Shanaghan family's solicitor, for use at Patrick Shanaghan's inquest. The statement read:

In January 1991 Patrick Shanaghan informed me that while he was being held in Castlereagh...he was informed by one of his interrogators that this was going to be the year of Shanaghan and Cameron. Then on May 14, 1991, I was arrested at my home and taken to Castlereagh...and was told during one interview that Paddy Shanaghan and I was responsible for all the terrorist activities in the Castledearg area and we was going to be taken out. I was told our names would be leaked to [John Doe] who has connections with the UDA.⁴¹⁵

The RUC sought judicial review of the Coroner's decision to allow Cameron to testify. The High Court held in favor of the RUC and ruled that David Cameron would not be permitted to give evidence because it

is not germane to the question which the Coroner and the jury must decide and that is by what means the deceased met his death. Evidence has already been given without apparent challenge that the deceased was the target of loyalist terrorists before he was murdered. That evidence has not been disputed and is no way controversial and in those circumstances it appears to me that the only issue which Mr. Cameron's evidence could shed light upon is whether these threats were uttered by police officers. That, for the reasons I have already referred to, is not a matter for the Coroner's inquest to enquire into. . .⁴¹⁶

The same day the Shanaghan family withdrew from the inquest, a "Verdict on Inquest" was issued stating that Patrick Shanaghan died on August 12, 1991, on Learmore Road in Castledearg, County Tyrone, from a bullet wound to his chest.⁴¹⁷

As noted above, RUC Chief Constable Ronnie Flanagan, declined to comment on the details of the investigation into Patrick Shanaghan's case. When asked whether he considered the Shanaghan murder an "open" case, Flanagan told Human Rights Watch/Helsinki: "I consider open every case which has not culminated in a person going through the criminal process."⁴¹⁸

Human Rights Watch/Helsinki calls on the RUC to inform the Shanaghan family that the investigation of the murder of Patrick Shanaghan remains open and to provide the family and its solicitor with a detailed report on the progress of the investigation, taking into consideration confidential information that may compromise the eventual apprehension of a suspect. We urge that any ongoing investigation conform to the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions requiring a "thorough, prompt and impartial investigation" of all suspected cases of arbitrary execution.⁴¹⁹ In compliance with the U.N. Principles, we strongly urge the chief constable to investigate vigorously allegations that certain RUC officers made death threats against Patrick Shanaghan and threatened to, or actually did, leak his security information to loyalist paramilitaries. The U.N. Principles state:

⁴¹⁵Deposition of David Cameron, April 23, 1996. The name "John Doe" has been substituted for the name of the man with paramilitary connections to whom the RUC was threatening to turn over information about David Cameron and Patrick Shanaghan.

⁴¹⁶The High Court of Northern Ireland, *An Application by the Chief Constable of the Royal Ulster Constabulary for Judicial Review in the Matter of Patrick Shanaghan*, KERK2136.T, pp. 3-4.

⁴¹⁷Coroners Act (Northern Ireland) 1959, Verdict on Inquest Touching the Death of Patrick Sean (sic) Shanaghan, dated 20th June 1996. (Patrick Shanaghan's middle name is "John" but appeared as "Sean" on all court papers despite requests by the Shanaghan family solicitor for the insertion of the deceased's proper name in all official documents.)

⁴¹⁸Human Rights Watch/Helsinki interview, Belfast, November 24, 1996.

⁴¹⁹United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, E.S.C. res. 1989/65, annex, 1989 U.N. ESCOR Supp. (No. 1) at 52, U.N. Doc. E/1989/89 (1989). In resolution 1989/65, paragraph 1, ECOSOC recommended that these principles be taken into account and respected by governments within the framework of their national legislation and practices. See Appendix I.

3. Governments shall prohibit orders from superior officers or public authorities authorizing or inciting other persons to carry out any such extra-legal or summary executions.

4. Effective protection through judicial or other means shall be guaranteed to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats.

18. Governments shall ensure that persons identified by the investigation as having participated in extra-legal, arbitrary or summary executions in any territory under their jurisdiction are brought to justice.⁴²⁰

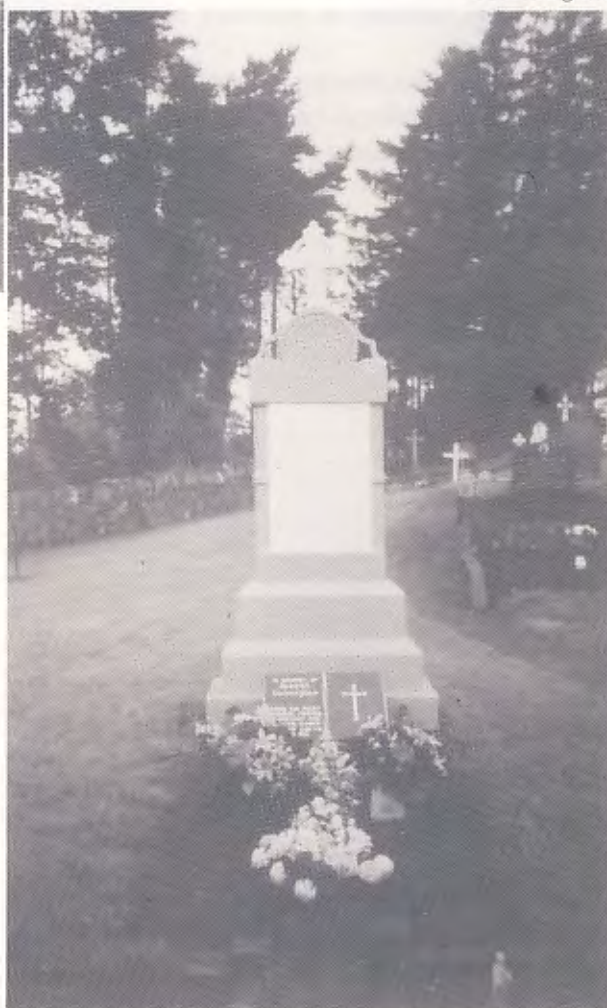
In addition, Human Rights Watch/Helsinki recommends in the strongest terms possible that the government of the United Kingdom take all necessary steps to halt the type of collusion well-documented in the Stevens Inquiry and strongly suggested by the murder of Patrick Shanaghan.

⁴²⁰Ibid.



• St. Patrick's Church, Aghyaran

• Patrick's grave



• Aghyaran G.A.A. Centre

Appendix

APPENDIX A Verdict of Coroner's Inquest

CORONERS ACT (NORTHERN IRELAND) 1959

VERDICT ON INQUEST

On an inquest taken for our Sovereign Lady the Queen, at
 Courthouse, Strabane in the County Court Division of Strabane
 on Tuesday the 26th of March 1996

(and by adjournment on the 2nd day of April 1996 and by
 adjournment 23rd April 1996 and by adjournment 21st May and by
 adjournment 4th June 1996 and by adjournment 20th June 1996)

before me Ronald H C O' Doherty Coroner for the
 district of Strabane

touching the death of Patrick Sean Shanaghan

to inquire how, when and where the said Patrick Sean Shanaghan

came to his death, the following matters were found:

1. Name and surname of deceased: Patrick Sean Shanaghan
2. Sex: Male
3. Date of Death: 12th August 1991
4. Place of Death: Learmore Road, Castlederg, Co. Tyrone
5. Usual address (if difference from place of death):
 9 Glen Road, Castlederg, Co. Tyrone
6. Marital status: Single
7. Date and place of birth: 11th August 1958 - CASTLE DERG
8. Occupation: General Labourer
9. Maiden surname:
10. Cause of death:
 - I. (a) Bullet Wound of Chest
 - (b)
 - (c)

II.

Findings: SEE OVERLEAF

20/06/96

Jury Investigation of Patrick Sean Shanaghan deceased

(1) How ?

*According to the evidence produced since the hearing began, it is believed that one Gunman was seen with an automatic weapon held at waist level; in the gateway of 44 Learmore Road, Castlederg, on the date in question.
Death was due to a Fatal wound to the chest*

(2) When ?

12th August 1991 at approximately 8.30 a.m.

(3) Where ?

On the Learmore Road, Castlederg adjacent to No. 44

Dated: 20th June 1996

Signed: ~~R.H.C. O'Doherty~~ R.H.C. O'Doherty

Coroner for Londonderry

JURORS

1. Nicholas Allen
2. BOYD HOBMES.
3. Alice E. Doonan
4. Margaret Noefeen Bradley
5. Eileen Doherty.
6. Catherine Doherty

7. Valerie Johnston
8. John Bradley
9. Linda Johnston
10. Robert Todd
11. Eamon O'Neill
- 12.

68 71

APPENDIX B

- High Court Ruling

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
QUEEN'S BENCH DIVISION (CROWN SIDE)

IN THE MATTER OF AN APPLICATION BY THE CHIEF CONSTABLE
OF THE ROYAL ULSTER CONSTABULARY FOR JUDICIAL REVIEW

KERR J

On 12 August 1991 a young man, Patrick Sean Shannaghan was cruelly and foully murdered, apparently by those who would describe themselves as loyalist terrorists, and on 26 March 1996 the Coroner, Mr Ronald O'Doherty, sat with a jury to conduct an inquest into the death of Mr Shannaghan. The original period set aside for the holding of the inquest was one day but within a short time it became clear that this would not be sufficient to accommodate all of the issues which the Coroner deemed it appropriate to investigate. The inquest was continued on 2 April, 23 April, 21 May and 4 June. It had been arranged that the inquest would continue on 18 and 20 June but it had been interrupted because of decisions taken by the Coroner which are now the subject of this application for judicial review by the Chief Constable. I do not think it is appropriate in the course of this short extempore judgment for me to at any length speculate on the background to the inquest and the decisions which are now under challenge. As stated in short summary the Chief Constable, who was represented by counsel at the inquest has taken objection to the decision of the Coroner to admit in evidence a statement of Darryl Paul Manners and to allow evidence to be given by David Cameron. Mr Manners describes himself as a Forensic Science Consultant. He is the holder of a Master's Degree in science and is apparently a

member of the Royal Society of Chemistry and a Chartered Chemist. He was employed by the Home Office Forensic Science Service for 14 years and the report which he has provided and which on the application of the Solicitors for the next-of-kin the Coroner decided to admit in evidence was clearly commissioned by Messrs McCanny & Keohane, who are the Solicitors for the next-of-kin. I need not read the report. Its gist it seems to me is clearly illustrated by the opinion section. In that section Mr Manners poses three questions. They are:

1. Are the tyre prints clear enough to enable useful plaster casts to be taken of them?
2. Are the photographs an adequate substitute for a plaster cast?
3. What would constitute good practice at a crime scene, eg should one always attempt a plaster cast, should one always take good photographs and a plaster cast?

The tyre prints which are referred to in the first of those three questions are tyre prints left by a car which police suspect was used by the murderers of Mr Shannighan and it has been accepted by Mr Coghlin QC on behalf of the Chief Constable that it is relevant and well within the ambit of the Coroner's inquiry to establish that the terrorists who did Mr Shannighan to death escaped in a car and used a car in the course of the murder. He was also disposed to accept that the opinion of the police that no forensic connection between the car and those suspected of the murder had been established. But he has argued that the Coroner's decision to admit this statement goes well beyond the proper scope of the inquiry because it touches not on how the deceased met his death, as that expression has been construed in a series of decisions both in this jurisdiction and in England, but is designed to investigate the calibre of the police conduct of investigations into the connection between the car and those who committed the murder. That, he says, is clearly outside the scope of an inquiry as to how the deceased met his death. Quite clearly it is relevant, indeed one may

say directly pertinent, to the broad circumstances in which the deceased met his death and one can understand and indeed sympathise with the desire of the next of kin to expose fully those broad circumstances but it is now well-settled in the jurisprudence on this topic that a Coroner's function is not, and one may say emphatically not, to conduct a wide-ranging inquiry into the broad circumstances in which a deceased has met his death. It is now clearly established by the decisions to which I have referred that the word "how" should receive the connotation "by what means" and it seems to me, having had the benefit of very full and comprehensive submissions from counsel and careful review of the evidence, that it cannot be the case that the evidence in relation to the calibre of the police investigation - the quality of the police investigation - touches upon the means by which Mr Shannighan was killed, rather it is directly relevant to the possible criticism of the standard of the police investigation and that on the authorities which have been cited, particularly R v The Coroner for Western District of East Sussex Ex parte Homberg and Others and the decision in our own Court of Appeal in the case of The Ministry of Defence, goes well beyond the scope of the inquiry of the Coroner. By the same token I consider that the evidence which it is purported to adduce from Mr David Camerson that he had been informed by the deceased that he, that is the deceased, had been told by interviewing detectives that he was going to be killed by loyalist terrorists and the fact that Mr Cameron was also told that is not germane to the question which the Coroner and the jury must decide and that is by what means the deceased met his death. Evidence has already been given without apparent challenge that the deceased was the target of loyalist terrorists before he was murdered. That evidence has not been disputed and is no way controversial and in those circumstances it appears to me that the only issue which Mr Cameron's evidence could shed light upon is whether these threats were uttered by police officers. That, for the reasons I have already referred to, is not a matter

for the Coroner's inquest to enquire into and I must therefore accede to the application which has been made on behalf of the Chief Constable to quash the decisions that he has made. In doing so, may I reiterate my understanding of the position of the next-of-kin that they should desire that these matters be thoroughly investigated and may I also say that one can understand the difficulty faced by a Coroner such as Mr O'Doherty who has to take ad hoc decisions in an area which is at best fraught with difficulty and at worst an extremely difficult and a changing and developing jurisprudence and therefore my decision that by application of the law his rulings must be quashed should not be construed as being in any way critical of him. In all the circumstances, however, I will accede to the application of the Chief Constable for an order of certiorari to quash the decision of the Coroner to admit the statement of Darryl Paul Manners in evidence. It appears to me that complementary to that order must be an order of mandamus requiring the Coroner to inform and direct the jury that they should disregard the evidence of Darryl Paul Manners which has already been read to them. I will make an order of certiorari to quash the decision that Mr Manners should attend the inquest to give oral evidence. It was quite properly conceded by Mrs Loughlin on behalf of the Coroner that if I were to accede to the first prayer of relief of the applicant that it would be appropriate to quash that decision, although it is, as she has said, somewhat incongruous that this decision of the Coroner should be the consequence of an application on behalf of the Chief Constable who now seeks to have it quashed.

I will also accede to the application that is made on behalf of the Chief Constable that an order of certiorari should issue to quash the decision that David Cameron be allowed to give evidence in accordance with the draft deposition of 23 April 1996.

...was examined by 35 cc and appears to have been ...
this examination, a 1/2 inch impression was found in the ...
photographed and copies of the photograph have been ...
with a request that I make comments in response to certain ...
questions

PHOTOGRAPHS

I was supplied with five black and white photographs ...
224 to 228, respectively. All of these photographs ...
Photograph 227 shows the side of a large ...
along the ground and a large area. Between the ...
with a ground area being - all of which is ...
Photograph 228 is a photograph of a ...
the impression made in the ground by a ...
the impression made in the ground by a ...
the impression made in the ground by a ...

APPENDIX C
- Forensic Science Report by Darryl Paul Manners

In my opinion the photograph clearly shows the ...
impression and some of the most distinct ...
clearly shows the left and right impressions and ...
towards the right side. The left side of the ...
some area compared with other areas and ...
being used as the base for the photograph and ...

In view of the fact that the left side of the ...
see no reason why a smaller cast could not ...
impression. It was a cast that had been ...
permanent record of the impression which ...
detail under laboratory conditions

In my opinion these photographs are of a ...
quality. This is because the photographs ...
photographed to such an extent that ...
poorly illuminated in the ...

scene was examined by police and scenes of crime officers and, during this examination, a tyre impression was found in soil. This was photographed and copies of the photograph have been supplied to me with a request that I make comments in response to certain specific questions.

PHOTOGRAPHS

I was supplied with five colour photographic prints numbered '217' and '224' to '227', respectively. All of these prints measured 9.4" x 7.0".

Photograph '217' showed the side of a single storey building with a sloping corrugated roof and a large bush. Between the building and the bush was a grassed area bearing what appeared to be vehicle tracks.

Photographs "224" to '227' all appeared to be identical prints showing a tyre impression made in soil surrounded by grass. The prints included a twelve inch ruler aligned alongside the tyre impression however, from this ruler, I noted that the photograph had not been reproduced 1:1.

OPINION

1) "Are the tyre prints clear enough to enable useful plaster casts to be taken of them?"

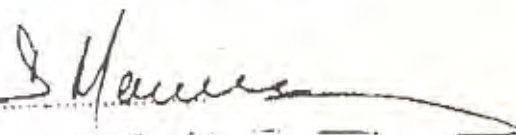
In my opinion the photograph clearly shows that the soil bears a tyre impression and some of the tread features of the tyre in question are clearly visible towards the left end of the impression, but less clear towards the right end. The fact that the tread features are less clear in some areas compared with others may well be due to poor illumination being used at the time the photograph was taken.

In view of the fact that the soil bears an unmistakable tyre impression I see no reason why a plaster cast could not have been taken of this impression. If such a cast had been taken there would have been a permanent record of the impression which could have been examined in detail under laboratory conditions.

2) "Are the photographs an adequate substitute for a plaster cast?"

In my opinion these photographs are not an adequate substitute for a plaster cast. This is because the tyre impression has not been photographed to scale, or even remotely close to being to scale, and was poorly illuminated at the time.

Signed



Page 2



STATEMENT OF WITNESS

(C.J. Act 1967, S.9; M.C.A. 1980, S.102; M.C. Rules 1981, R.70)

| | |
|------------------------------|-----------------------------|
| Statement of | Darryl Paul Manners |
| Age of Witness | Over 21 |
| Occupation of Witness | Forensic Science Consultant |
| Address and Telephone Number | |

Caxton House
67 Victoria Road
Mortimer
Reading
Berkshire, RG7 3SL

(01734) 332285

This statement, consisting of 3 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated 3rd June 1996

Signed

I am a Master of Science, a Member of the Royal Society of Chemistry and a Chartered Chemist. I was employed by the Home Office Forensic Science Service for fourteen years, between 1974 and 1988, and I have spent the past seven years in private practice as a consultant to the legal profession. During my career I have specialised in cases involving the transference of trace evidence, including having carried out many investigations involving the examination and comparison of tyre impressions left at scenes of crime. In the past twenty-one years I have attended a very large number of scenes of crime and I have attended court and given expert evidence on very many occasions.

INTRODUCTION

Following the receipt of instructions from Messrs. McCanny & Keohane, Solicitors, I have been asked to make certain comments regarding tyre impressions made at the scene of an alleged offence.

CIRCUMSTANCES

It is understood that Messrs McCanny & Keohane represent the family of a person who met his death in circumstances which are being investigated in an Inquest. Shortly after the death of this person the

Signed

If a plaster cast had been taken of this tyre impression this could have been used for accurate comparison with the tyres of any vehicle which was suspected to be involved in the alleged incident at the time. This comparison would have involved examining the tread pattern, the size of the tyre, the degree of wear and whether there were any points of uniquely identifying damage details in one of the tyres which matched corresponding points of damage apparent in the tyre impression in the plaster cast.

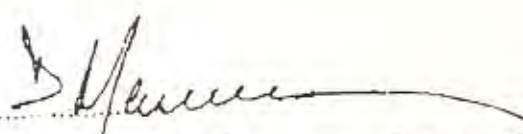
In my opinion the photographs supplied to me are totally unsuitable for any such comparison to be carried out.

3) "What would constitute good practice at a crime scene? for example should one always attempt a plaster cast? should one always take both photographs and a plaster cast?"

Good practice at a scene of a crime, where a tyre impression is present, would mean first gently clearing away any surrounding grass, or similar obstruction, followed by the impression being well-illuminated with shadows being reduced to a bare minimum, or being eliminated altogether. The tyre impression should then be photographed at 1:1 scale. Obviously where a tyre impression is long, involving the full circumference of the tyre, then several photographs need to be taken at all points along the length of the impression.

Having photographed the impression, it should then be cast in plaster so that there is a permanent record of the tyre impression which can be used under laboratory conditions, in conjunction with the photographs, to compare with any suspect tyre. In my opinion one should always photograph the tyre impression and then attempt to take a plaster cast.

Signed



APPENDIX D
- Sworn deposition of Constable
Nigel Christopher Dodds to Coroner's Inquest

CORONERS ACT (Northern Ireland), 1959

Deposition of Witness taken on the day
of 19, at inquest touching the death of
Patrick Sean SHANAGHAN, before me R H C O'Doherty
Coroner for the District of North Tyrone and
Londonderry
as follows to wit:—

The Deposition of NIGEL CHRISTOPHER DODDS

of
who being sworn upon his oath, saith (Address)

I am a Constable in the Royal Ulster Constabulary presently attached
to Strabane RUC in County Tyrone. On Monday 12th August 1991 I was on
mobile patrol with Constable Shiels. At 0800 hours I was detailed by
Inspector Crockard to attend an incident at the Learmore Road, Castlederg.
At 0900 hours I arrived at the Learmore Road where I observed a yellow
van which appeared to have crashed into a hedge which bordered the
road. This vehicle was pointing in the direction of Castlederg. As
I got closer to the vehicle, I noticed what appeared to be bullet holes
in the windscreen of the vehicle. At 9.27 am I took over as log keeper
from Constable Devine. During my time as log keeper I noted all details
of persons who entered the scene into the serious crime log sheet.
At 2.30 pm I was relieved of log keeper by Constable Sloan. I then left
the scene with Constable Shiels and Inspector Crockard.

APPENDIX E

- Evidence of radio transmission rejected by Coroner's Inquest

**Statement submitted by
John Corry to Coroner's Inquest:**

On Tuesday 2nd April 1996 at 19:15, I accompanied Martin Bogue to the location of the road traffic accident which took place at Carlin's Bridge on the Aughamore Road on 12th August 1991.

The car we were in was fitted with a commercial taxi radio. The receiving base was situated in an office in Castlederg town, approximately 100 yards from the Castlederg RUC station.

While at the location of the road traffic accident, I contacted the base station in Castlederg using the radio. The operator confirmed they could hear me. I repeated this test approximately 10 yards on either side of the location of the road traffic accident. Both times the operator at the base station replied.

Neither I or the operator at the base station experience any loss of reception or interference during transmission.

(10/25)

RECEIVED

Chief, Operations,
F.B.I.,
Washington,
D.C.
10/25/71

Dear Sir,

We act on behalf of Mr. Patrick Thompson, who has been instructed by a warrant to search for a security vehicle between Oakland and Berkeley.

We hereby request you to forward us as soon as possible a copy of the report of the search of the files of the Bureau and the files of the field offices in the area of the search.

APPENDIX F

- Correspondence with RUC regarding Patrick's "lost" file

Enclosed for you are two copies of a letterhead memorandum (LHM) dated 10/25/71, which contains details of the information received from the Bureau and the field offices in the area of the search.

We look forward to hearing from you in the near future.

Yours faithfully,

11th January, 1991

(06626)

DFC/QPF/C15

Chief Constable,
R.U.C.
Brooklyn,
Knock Road,
BELFAST.

Dear Sir,

We act on behalf of Mr. Patrick Shanaghan of 9 Glen Road, Killen, Castlederg, Co. Tyrone, who has been instructed by a member of the R.U.C. that security force documentation containing his personal details has gone missing from a security vehicle between Castlederg and Strabane.

We hereby require you to forward to us the necessary full and detailed information in relation to such documentation to enable our client to assess the risk to himself and his family and to take the necessary recommended precautions. In particular we require to know the nature of the documentation, whether it consists of photographs, etc., the date the documentation came into existence, the date the documentation is believed to have gone missing, copies of any relevant photographs, details of all addresses included in the documentation and details of any information in relation to social movement and employment of the persons involved.

We look forward to hearing from you, by return, as a matter of urgency.

Yours faithfully,

14th July, 1994

DFC/LMC/C15

Superintendent for Chief Constable,
R.U.C. Headquarters,
Knocknagoney House,
Knocknagoney Road,
BELFAST.
BT4 2PP

Patrick Shanaghan deceased
Late of 9 Glen Road, Killen, Castlederg, Co. Tyrone

Dear Sir,

We refer to your letter of 13th February, 1991.

We assume that your investigation has been concluded by now and we are surprised that you have not written to us upon completion of your enquiry.

Yours faithfully,



THE ROYAL ULSTER CONSTABULARY

HEADQUARTERS, KNOCKNAGONEY HOUSE,
KNOCKNAGONEY ROAD, BELFAST, NORTHERN IRELAND BT4 2PP

Telephone: (0232) 650222
Fax: (0232) 700840

Messrs Porter & McCanny & Co
Solicitors
77 Main Street
CASTLEDERG
Co Tyrone
BT81 7AN

Your reference:

Our reference: CM80/1/91

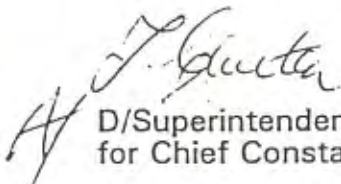
Date: 29 July 1994

Dear Sir

RE PATRICK SHANAGHAN - DECEASED - LATE OF 9 GLEN ROAD, KILLEN,
CASTLEDERG, CO TYRONE

Your letter dated 14 July 1994 refers.

The police investigation is concluded. The document was
accidentally lost by the Army.


D/Superintendent
for Chief Constable

APPENDIX G

- Patrick's own statements rejected by Coroner's Inquest

Statement 1 - Reference detention at RUC Castlereagh Holding Centre from 9th to 15th April 1986

Statement 2 - Reference incident at UDR checkpoint on 4th January, 1989

Statement 3 - Reference detention at RUC Strand Road Station on Tuesday 19th and Wednesday 20th July, 1988

Statement 4 - Reference shooting incident on 17th February, 1989.

Statement 5 - Reference detention at RUC Castlereagh Holding Centre from 11th December to 15th December, 1989.

SECTION 4

To be completed by the conducting solicitor.

If possible please type.

Give full details of the facts of the case, what claim is being made in the proceedings or, if defending, the nature and merits of the defence. Please refer to Check List. Continue overleaf if necessary.

I was detained at Castlereagh Police Office under Section 12 of the Prevention of Terrorism Act between 8.40am. on the 9th April, 1986 and 2.10pm. on the 15th April 1986. During this time I was interviewed at various times by plain clothed detectives. I was assaulted at various times during my detention by two specific individuals,

The assault always took place when these two men were in together. I think they interviewed me every day.

The assaults on me were as follows:-

Fingers were pushed into my neck in the hollow behind my ears. I was made to stand in a position where they forced me to bend my knees and stay in a crouched position for very long periods, sometimes hours on end.

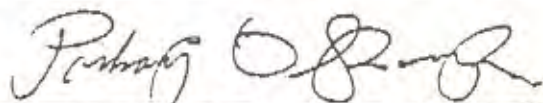
They threatened me that if I moved from the crouched position I would be beaten.

My fingers were bent back towards my wrists with special concentration on the little finger, sometimes one of the detectives did this and sometimes they both took a hand each and did it.

On occasions they each grasped my hair and pulled it striking my head on the wall behind me. On one occasion one of the detectives pulled the hairs on my chest at my throat. He pulled hairs out and then laughed.

I was made to stand in a sort of crucifix position with my arms outstretched and legs outstretched. When in this position they proceeded to kick my legs apart to the point where I could barely keep my balance. During this time one of the detectives sat directly in front of me and he would hit me on the privates with the palm of his hand and sometimes with his foot. Again I was threatened that if I moved I would be beaten. One of the detectives said "If you move you will get the balls kicked round the back of your neck". At times when I did get weak and moved forward the thin detective repeatedly slapped me on either side of the face. On occasions when I was in the crouched position both detectives drew their chairs up on either side of me reached out and pulled at my trouser legs which in effect put

Signed
Applicant



pressure on the lower part of my legs. As I have said this went on most days by the same two detectives.

I would also like to mention that on a few occasions when being taken back to the cell the two detectives, the same two would push and shove me while I was in a weak condition after having stood as described during interviews. There was uniform men present during this pushing and moving. I can't really describe them but they were the ones who looked after me in the cell.

The reason that I did not report these assaults was because I was afraid to mention it to the doctors or anyone else at Castlereagh in case I would get more punishment. I preferred not to mention it to anyone until I had some indication that I was about to leave. This is when I told the doctor. I am willing to attend at any hearing in relation to this matter.

Signed
Applicant

Padraig O'Brien

4.1.1989

Statement of Patrick Shanaghan.

I was stopped at U.D.R. checkpoint at Mitchel's Corner, Castlederg at about 10.20 pm Wednesday 4th January. They insisted in removing my jacket for the purpose of this search. I refused to do this, but I did not refuse to be searched. They still said I would have to remove my jacket. They radioed in the meantime to an R.U.C. mobile patrol, which came out.

An Officer I now know as _____ asked me to stop outside,

the D.O.E. crew-cab which I was driving for the D.O.E.

He then asked me to take off my jacket for about 30 seconds to facilitate the search.

I declined. I again stated I would not refuse the body search. He finally searched me, with my jacket on. A U.D.R. member then asked me my name and address. I mentioned

that I had stated my name and address earlier while stopped at the same checkpoint. I refused initially to state it again. I then asked _____ did he personally

not know my name. (He said he knew me, but wasn't sure about my surname and address.)

I said then that "since you don't know my name I will now give you my name and address.

My name is Padraig Sean O'Shanaghan, my address is Aughnaloo, Castlederg, Co. Tyrone."

He then announced that he was going to arrest me for obstruction and take me to

Castlederg Police Station. I was then arrested and taken to the Police Station, where I finally requested my Solicitor. I was taken into an interview room where I again stated

that I had given my name and address. I then said I would answer no further questions

and make no statement until I saw my Solicitor. He then read out a caution and

informed me that it was going to be proceeded with and then said I was free to go. I

was released from custody at about 12.15 pm.

N.B. Immediately before I stated my name and address to _____ asked me

what address comes on mail addressed to me. My reply was Padraig O'Shanaghan,

Aughnaloo, Castlederg, Co. Tyrone.

I was stopped at the checkpoint at approximately 10.15 am, Wednesday, January 4th while travelling towards Castlederg. The U.D.R. member who waved me down came over to the driver's window. I opened the door, as the window would not open. He greeted me with "Hello Patrick, how are you doing? I recognised you coming there in the distance, and I decided to wave you down." He then asked me the names of my passengers. He asked then, to stop the engine, and get out.

This U.D.R. member had an English accent, he has stopped me on a number of occasions previous.

At one stage another U.D.R. member, who I also recognised, came over to me. He asked me, "What's your address?" I replied, "Aughnaloo, Castlederg," He also asked, "Where are you coming from?" I said that "I was coming from the main Killeter Road travelling to Castlederg. This same U.D.R. member then insisted that I remove my coat for the purpose of a search, I refused saying "I don't refuse to being body searched, but I will not under any circumstances remove my coat," to which the same U.D.R. member said, "Would you like to bet on that?" I replied, "I wouldn't mind," he then walked away and radioed to the R.U.C. mobile patrol. It took about 15-20 minutes before the patrol turned up.

In the meantime the U.D.R. member with the English accent again came over to me. "Patrick I know a lot about you, I have known about you for a long time, I have been stationed in 'Northern Ireland' for a number of years," he then said, "Why do you make life hard for yourself. Why don't you leave this place and go and live in the South of Ireland." He then said - "I wouldn't live in this country. I would leave." He continued talking, but I turned and walked away. (At another stage this same U.D.R. member asked me for my address, where I was coming - going to. It was very cold this morning so I walked up and down the road. At one stage U.D.R. member "Vic.2" whom I mentioned earlier, and who the English soldier referred to as

, stepped in front of me effectively blocking my path. He came right up close to me and stared straight into my face, for about what seemed like 5 minutes, he then walked away; shortly after a two-man mobile R.U.C. patrol arrived. During this time the English U.D.R. member, made sexual remarks about me in the presence of the two Police R.U.C. members. The "English accent" member said "I think you are a homo-sexual, you're as stiff as a plank." He then laughed with the other U.D.R. members and - - - .

At one stage prior the R.U.C. arriving the U.D.R. member with the accent, said to me "Did you see Martin there. Do you know him, He was asking about you?"

The person called Martin that he was referring to, was also stopped at the checkpoint and searched. He is a local man, , who is also singled out for special attention.

At one stage the English U.D.R. member, said to me, He said, "I would like to play you a game of chess, I would beat you." He kept up this line of Banter for quite a while.

I do indeed play chess, though not as much now. How does this person know this information or is he just trying to get a reaction.

This may be of no relevance, or could it.

Statement: Concerning incident at my home on Feb 17th 89.

At approximately 8:00 pm on the night of February 17th, I prepared to go out for the night. I left the house through the front door at about 8:15 pm. I walked down the front pathway to the front gate, whereupon, I opened the gate and stepped outside, the vehicle I was moving towards was about 20 feet away from me, I moved towards it slowly because the dog was barking. I was aware then, that there was something or someone else there as well, so I stopped there and listened, then a couple of shots rang out, 2 shots to be exact causing a lump of stone to hit me on the chin. At this time, through the gun flashes, I could see the outline of my attacker, he/she was standing next to a gate pillar about 40/50 yards from where I was standing. I then dashed down an entry to my right which led directly to the rear of my house, the attacker still kept firing, about 8 shots in all were fired, I meanwhile escaped into nearby fields, where I stayed for a while, before making a very cautious return to the house, whereupon getting to as I was making my return to the house, I noticed a car

2[#] Travelling away out on the "country road" 4/
at slow speed, finally turning right at the
T-Junction, towards the village of Miller
exactly 1 mile away from my house.
I eventually got back into my house, where
I switched off the inside lights and switched
on the outside lights, and made my
position secure. The RUC arrived about
45 minutes later

P.G. Stanger.

SECTION 4

To be completed by the conducting solicitor.

If possible please type.

Give full details of the facts of the case, what claim is being made in the proceedings or, if defending, the nature and merits of the defence. Please refer to Check List. Continue overleaf if necessary.

The First Morning:

The first interview began at approximately 10.00 a.m. on Tuesday 19th July, 1988, it began much the same as any other such "interview", there were two detectives present, they talked at length about incidents in the Castlederg area, at certain times they would walk behind the chair where I was sitting, and punch me in the back, and shout very close to my ears.

As the interview went on countless threats were made towards me "an example" The Loyalists in Castlederg know you now and they will get you, " - or another version was, "There was an S.A.S. person looking at you through the peep-hole this morning." (The peep-hole being a shutter-like spy hole in the door of the interrogation room.) During the course of this "interview" one of the most serious assaults took place, an elderly detective punched me under the chin with his clenched fist and he proceeded to stab me in the throat, with extended fingers of his hand, (martial arts style) this caused me great pain, and a choking sensation came over me, the detective continued this type of assault at intervals throughout the 48 hours I was held in Strand Road.

The Second Morning: (The Medical Examination)

This morning I was taken by the warder to see the doctor. I at once made known to the G.P. the type and extent of the physical abuse that was noted out to me on the previous morning. I told the doctor about feeling pain in particular, in my teeth and gums, and my throat, which after an examination the doctor said, that there was inflammation on one side of my throat, he gave me a tablet for this. After the medical examination the warder took me back to the cell.

N.B. During the medical examination I questioned the doctor about his professional relationship with the R.U.C. He went at some length, to assure me that he was a local city of Derry G.P. and was completely independent of the R.U.C. He gave his name as a Doctor and said he carried out his practice not too far from Strand Road R.U.C. interrogation centre.

Also after the medical examination the doctor then immediately passed on my complaint to a uniformed inspector, to whom I made a brief statement of not more than a sentence long, stating that I was making a formal complaint. I was then asked to sign the statement. I declined.

Signed
Applicant

P. J. King

SECTION 4

(Continued) The Second Morning:

Today Wednesday 20th July, 1988

I was brought to the interrogation cell this morning at about 10.00 a.m. the two detectives who were to do the "interview" came in. One of these detectives I recognise (This detective was to later on in the "interview", assault me) I had seen this detective on a number of occasions, once while the R.U.C. were searching my home, he was in charge of the search Party, on another occasion he made himself known to me, in Castlereagh holding centre, he said "Paddy do you know me, I don't live that far away from you."

Towards the end of the "interview" the detective I have mentioned above, said to me, "Paddy we hear you have been making complaints against us is that right Paddy" nobody is going to listen to you Paddy", I think that since you made a complaint, then I'll make sure now, that you'll have something to complain about Paddy", this detective then moved round the chair where I was sitting, and he then slapped me hard on the cheek, moments later, he again slapped me on the other side of the face.

Shortly after this incident I was taken back to the holding cells.

The Second Day continued as the First day began with verbal and physical abuse. During one of the interviews the elderly detective and his colleague started pushing me about and the chair I was sitting on around the room, at different times the elderly detective, would push me hard with the open palm of his hand under my chin, forcing my head and upper part of my body over the chair back, almost to the point where the chair would completely tip over and fall to the ground. The other detective at the same time shouts personal abuse at myself and my mother, "You are both "tramps" low-life bastards "Why ever did she bring a low-life bastard like you into this world for". The (verbal detective) left the room for a while to get coffee and biscuits for his colleague, the elderly detective then looked over at me and told me to turn the chair round and look at him, I passively refused to co-operate, the detective then arose from his chair, walked over to me and threatened me. If I didn't turn round he would make me the hard way. He then violently tugged the chair around slapping me about the face as he did so. He then sat down again, making reference to the closed circuit T.V. cameras in the interrogation cell. He snarled and laughed at me saying that "they weren't even switched 'on' isn't that too bad", sometime after this the "interview" concluded.

Other relevant information: Second Day - After the last "interview", the uniformed warder told me I was going home. I did not get any final medical examination. I was however asked by a uniformed man if I had any complaints to make regarding my second day in detention, I indicated that I had, so the uniformed inspector was sent for. I gave another brief statement saying I was making a formal complaint, the inspector at one stage asked me if I could identify the persons concerned and if I would attend a Court to which I replied yes (I again did not sign the statement).

Signed
Applicant

PG Sh...
[Signature]

Date 5th June 1988

SECTION 4

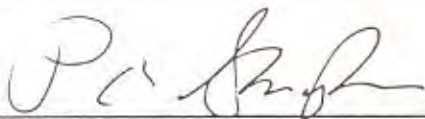
To be completed by the conducting solicitor.

If possible please type.

Give full details of the facts of the case, what claim is being made in the proceedings or, if defending, the nature and merits of the defence. Please refer to Check List. Continue overleaf if necessary.

I was detained at Castlereagh Holding Centre for 5 days from 11th December, 1989, to 15th December, 1989. On Tuesday 12th December, 1989, I was taken for interview. It was I think one of the afternoon sessions. The two detectives - one a lady detective whose name is the other a male detective by the name of Detective. The first incident took place early on in the interview. started to pull my chair around while I was sitting in it. I tried to keep placing my chair into its original position again although would pull it back again. The second incident took place after this. again came over to me and this time started to both pull and push on my face and head repeatedly causing pain and humiliation. He continued this for a period of about 10-15 minutes. This assault and humiliation was witnessed by who was during this time sitting behind the desk. She did not take act nor part in this at any time other than being present. The last incident which took place again involved On this occasion he said "turn round Paddy". He then proceeded to kick my chair with his feet. He also pushed at my chair with his feet. On Wednesday 13th December, 1989, I was taken for interview by two young male detectives. It was in the evening time. The two detectives - one was called The one who went on to assault me was called This latter detective always behaved in a very threatening/sinister way. He at no time made any secret of the fact that he despised anyone else's political viewpoint other than his own. At one point in the interview who was at this time sitting behind the desk looking through some intelligence files stood up and shouted aggressively at me "Have you got my tattoos on your arms". who was at this time standing by my left hand side raised slightly the left cuff of the sleeve of my coat. He then placed my left hand down again on my left knee where it had been resting previously. At this time who was still standing behind the desk leaned forward and snarled at me "I will mirror some of your hatred back on you". He then proceeded to wrench my right arm upwards off my knee where it was resting. He then rather violently pushed back

Signed
Applicant



Date

16th May, 1990.

my sleeve right up my arm until it became quite painful. He turned my arm around a few times then placed it down again.

Signed
Applicant

P. G. Shroff

Date

16th May, 1990.

APPENDIX H - Additional information based on notes taken during the inquest

Inquest dates : 26th March 1996, 2nd April 1996,
23rd April 1996, 21st May 1996,
4th June 1996, 20th June 1996.

Coroner : Mr Ronald O'Doherty
Counsel for Coroner : Mrs Gemma Loughran

Counsel for RUC : Mr Stephen Ritchie
Solicitor for RUC : Mr Vincent Lynagh

Solicitor for Family : Mr Frank Collins

Jurors :- Nicholas Allen
Boyd Holmes
Alice E Doonan
Margaret Bradley
Eileen Doherty
Catherine Doherty
Valerie Johnston
John Bradley
Linda Johnston
Robert Todd
Eamon O'Neill

Witnesses (in order of being called) :-

Constable Simpson : RUC Mapper.

Constable Simpson, only brought two sets of maps to the inquest. The jury of eleven shared one set while Mr Doherty, Mr Collins and Mr Ritchie shared the other. Mr Collins had to begin his cross examination on this basis. Constable Simpson stated that he did not make any notes at the scene, other than the map. He did not know the significance of xxx at No 44 Léarmóire Road, even though he drew the map. Not all tyre marks discovered at the scene were depicted on the maps. Constable Simpson stated that he could not remember who he spoke to at scene or which senior officer gave him instructions. He could not remember if the Scenes Of Crime Officer was present at the scene when he was there. On examination of the log scene it can be seen that there was no senior officer present to instruct Constable Simpson.

Constable Scott : RUC Photographer.

Constable Scott presented a set of photographs consisting of two albums. Only two copies of the photograph albums were provided for the jury of eleven. The family solicitor, Mr Collins, was given a different set of albums. Mr Collins' copy had no index. When this was discovered, the coroner asked Constable Scott to stand down and instructed him to furnish the inquest with identical sets of photographs. When Constable Scott returned it became transparent that not all the photographs he had taken at the scene were included in the albums presented to the Inquest. Constable Scott was again asked to stand down and return at a later date with the complete set of all photographs taken by him at the scene and proof that all photographs taken would be presented. Prior to being stood down for the second time, Constables Scott claimed that not all the negatives were of sufficient quality to develop into prints. On his return, Constable Scott presented the missing photographs. Contrary to his claim the prints were reasonably clear. It also later transpired that the senior murder investigating officer, Detective Superintendent McVicker had seen these

developed prints within a day or two of them being taken. No subsequent explanation was offered as to why these photographs had not been included. The omitted photographs were of the tyre prints believed to be from the car used by the murderer(s). This was the tyre track for which no cast moulding was taken.

Inspector Moore : RUC Inspector.

Inspector Moore gave evidence over several days. This is because he did not bring all relevant documents to the inquest on his first appearance and so had to be instructed by the coroner to return with them. Inspector Moore, along with Constable Devine and Constable Hicks, were the first police officers to arrive at the murder scene. Inspector Moore stated that he attended the shooting scene with no back up car because he thought the victim may have been an off duty police officer returning home from night duty. Inspector Moore stated that he could not open the passenger's door to gain access to the cab of Patrick's van. He also stated that after Constable Devine had made his checks, he then checked for a pulse at Patrick's neck and for signs of breathing. He described that he had made his checks by standing on the passenger's side front tyre and leaned in through the broken passenger's side window. From his observation, a gaping wound in Patrick's right leg and a number of bullet holes in Patrick's van and both his own and Constable Devine's checks for signs of life, Inspector Moore concluded that Patrick was dead. When asked if he could have missed a pulse Inspector Moore stated: 'The only way I could have missed a pulse is if the pulse was so weak it wasn't detectable and a doctor could only detect it'. Inspector Moore stated that when Dr Moore arrived at the scene some minutes later he advised Dr Stewart of the checks he had made and requested him not to approach the scene unless he considered it absolutely necessary.

Dr Press : Consultant Pathologist.

Dr Press had no copy of the autopsy report for the coroner.

Dr Garvey : Doctor Castlederg Health Centre.

Dr Garvey pronounced life extinct at the scene at 09:50am.

Mr Scott : Lorry driver.

Mr Scott arrived at the murder scene within seconds of the shooting. He was travelling in the opposite direction to Patrick. Mr Scott left the murder scene before the police arrived. He encountered an RUC check point approximately five miles away.

Mr Holmes : Only eye witness to the shooting.

Mr Holmes had just overtaken Patrick's van seconds before Patrick was shot. He witnessed the shooting while looking through his rear view mirror. Mr Holmes said he was still in a state of shock when he was interviewed later that morning. The interview took place in a car parked at the police cordon, approximately half a mile from the scene of the shooting. At no time was Mr Holmes invited to go to the scene to relay and pinpoint the exact sequence of events. This was the only time that Mr Holmes was interviewed by the police. His next contact with the police was when he was informed he had to appear as a witness at the inquest over four years later. The RUC officer who interviewed Mr Holmes had no more involvement in the murder investigation after the day of the shooting.

Mr Young : Mr Holmes (eye witness) phoned the police from Mr Young's house. Mr Young went to the murder scene after Mr Holmes phoned the police. When he arrived at the murder scene, Mr Young stated that he saw Patrick's head and hands move.

Mrs Hogg : *Car driver.*

Mrs Hogg arrived at the murder scene within seconds of the shooting. She was just in front of Mr Scott the lorry driver. They approached Patrick together. They decided it would be best to leave Patrick until medical help arrived. Mrs Hogg stated that she saw Patrick's head and hands move.

Mr Forbes : *Farmer.*

Mr Forbes saw Patrick's van veering across the road and crashing into the hedge, from a vantage point in his field. He stated that he heard gun fire and noticed sheep in a nearby field dispersing. He did not see the gunman. Mr Forbes phoned the Castlederg police directly. He overheard Mrs Sproule also reporting the shooting. He did not go to the murder scene.

Constable Norden : *Duty Officer at Castlederg RUC station on morning of shooting.*

Constable Norden received at least three phone calls reporting the shooting incident. He did not record Mrs Sproule's telephone call. He did not arrange for an ambulance to attend the scene of the shooting. On 2nd April, 1991, Constable Norden, (on instructions from Inspector Nicholson), called at Patrick's home to inform Patrick that his life was in danger. The next entry in Constable Norden's note book was in relation to the stopping and searching of Patrick, an hour later in Castlederg.

Constable Cox : *RUC Scenes of Crime Officer.*

Constable Cox did not take any cast moulding of the car tyre marks believed to have been made by the car used by the murderer(s). He was not at the murder scene to instruct the RUC mapper and he described his role at the murder scene as a, "Cursory examination at scene".

Mr Wallace : *Civilian, Northern Ireland Forensic Science Laboratory.*

Was unable to make a positive identification of the murder weapon. He stated that the forensic science laboratory received, 14 spent cases on 13th August, 1991 and a further 6 spent cartridge cases 7 days later on 20th August.

Detective Inspector Reid : *Only RUC officer to interview Mr Holmes (eye witness).*

Detective Inspector Reid stated his only involvement in the case was on the day of the shooting itself and that was limited to interviewing Mr Holmes, the only eye witness, and identifying Patrick to the pathologist. Detective Inspector Reid stated that he had never met Patrick, and that he did not know him. But he went on to describe that Inspector Moore had identified Patrick to him at the scene, to enable him to identify Patrick to the pathologist. At no time was any member of Patrick's family contacted and asked to identify Patrick.

Detective Inspector McVicker : *RUC Senior Murder Investigating Officer.*

Detective Inspector McVicker refused to answer questions in relation to the murder investigation, as he stated the case was still open. He did not know why 6 spent cases were not received by the forensic science laboratory until 20th August.

Dr Stewart : *Doctor Castlederg Health Centre.*

Dr Stewart stated he was instructed not to go to Patrick and that it was important to maintain the scene of the crime.

Mr Manners : *Independent Forensic Science Consultant.*

Mr Manners provided a statement regarding tyre impressions made at the scene of the murder. The coroner accepted Mr Manner's statement. The statement was read at the inquest. The RUC subsequently sought a judicial review in relation to Mr Manner's statement in the High Court. The High Court overruled the coroner's decision to accept the statement. The coroner had to subsequently direct the jury to disregard Mr Manner's statement.

Mr Cameron :

As Mr Cameron took the witness stand, counsel for the RUC requested an adjournment in order to seek a judicial review in relation to Mr Cameron's deposition. The High Court overruled the coroner's decision to accept Mr Cameron's deposition. Mr Cameron's deposition was not read at the Coroners Inquest.

Constable Devine : *Arrived at the scene with Inspector Moore and Constable Hicks.*

Constable Devine stated that when he arrived at the scene, he immediately ran over to Patrick's van and checked for signs of a pulse at Patrick's neck and wrist, and for signs of breathing by listening to Patrick's chest. He said he did this for several seconds. He went on to describe that he had made these checks while balancing on his waist, leaning through the broken passengers side window of Patrick's Bedford van, with his feet dangling in mid air. Having completed his checks he then informed the senior officer at the scene, Inspector Moore, that he believed Patrick was dead. Constable Devine was the first log keeper.

Constable Dodds : *RUC Mobile Support Unit.*

In his deposition to the Coroner's Inquest, Constable Dodds stated that he had been instructed to attend the scene of the shooting at 8.00am by Inspector Crockard. Patrick was not shot until 8.25. Constable Dodds was the second (and principal) log keeper.

Constable Slone : *RUC Mobile Support Unit.*
Constable Slone was the third log keeper.

Constable Hicks : *Arrived with Inspector Moore and Constable Devine.*

Constable Hicks was the only police officer to have noticed Patrick's chest wound. He was the last witness to be called.

Mrs Shanaghan : *Mother of Patrick.*

Mrs Shanaghan asked that her deposition be withdrawn given that it had been so extensively edited. The coroner agreed to the withdrawal.

Mr Shanaghan : *Patrick*

Patrick had made several statements to his family solicitor Mr Collins. These statements had been signed by Patrick and held by Mr Collins. The coroner refused to accept any of these statements in evidence.

Mr Corry :

Mr Corry submitted a statement to the Coroner's Inquest in relation to the radio blackspot experienced by the RUC at the scene of the road traffic accident. Mr Corry stated that he experienced no loss of radio reception between the location of the road traffic accident and an office in Castlederg, less than one hundred yards from the RUC station, using a commercial taxi radio. The Coroner refused to accept Mr Corry's statement in evidence.

SCENE LOG

| Arrival | Departure | |
|---------|-----------|-----------------------|
| 08:40 | 10:00 | Moore, Inspector |
| 08:40 | 10:00 | Devine, Constable |
| 08:40 | 10:00 | Hicks , Constable |
| 08:58 | 12:30 | Crockard, Inspector |
| 09:00 | 09:15 | Bennett, Constable |
| 09:05 | 09:08 | Stewart Dr |
| 09:05 | 11:00 | Homer, Major |
| 09:05 | 13:30 | Humphrey, Military |
| 09:08 | 11:05 | Hood, Chief Inspector |
| 09:08 | 11:05 | Sheridan, Inspector |
| 09:20 | 09:26 | Fr McGinn, Priest |
| 09:30 | 10:10 | McClure, Constable |
| 09:40 | 12:50 | Bennett, Constable |
| 09:42 | 12:30 | Eccles Constable |

| | | |
|-------|-------|---|
| 09:42 | 13:03 | McVicker, Superintendent |
| 09:42 | 11:30 | Paul, Sergeant |
| 09:42 | 13:03 | Reid, Inspector |
| 09:50 | 09:58 | Garvey Dr |
| 10:20 | 11:00 | Sproule, Colour Sergeant |
| 10:25 | 11:05 | Barton, Lance Corporal |
| 10:25 | 13:10 | Cox, Constable SOCO |
| 10:25 | 13:10 | Bailey, Constable |
| 10:32 | 10:55 | Comb, Chief Superintendent |
| 10:40 | 12:50 | Hammel, Inspector |
| 10:50 | 11:05 | Tosh, Superintendent |
| 11:15 | 12:50 | Scott, Constable Photographer |
| 11:25 | 14:26 | Ross, Inspector |
| 11:35 | 12:30 | Hayes, Constable |
| 11:55 | 12:05 | McGuigan, Undertaker |
| 11:58 | 13:12 | Tate, Sergeant Military |
| 11:58 | 13:12 | Maloney, Corporal |
| 11:58 | 13:12 | Burns, Corporal |
| 13:50 | 14:50 | Simpson, Constable Mapping |
| 13:50 | 14:50 | Edgar, Constable |
| 12:45 | 13:03 | Anderson, Detective Chief Superintendent |

This is the log scene as read by Constable Dodds, the principle log scene keeper.

- 1) Chief Superintendent Anderson's entry was out of sequence.
- 2) There is no indication of the time when Patrick's van was removed.
- 3) Dr Stewart's first arrival is not entered.



THE ROYAL ULSTER CONSTABULARY
HEADQUARTERS, BELMONT, DUBLIN
TELEGRAMS: "RICHTER" DUBLIN
TELEPHONE: 1011-1012

POSTAGE & RECEIPTS
Solicitors
77 Main Street
Castletown
New York
City

Dear Sir

APPENDIX I

- Letter for RUC regarding dates of
detention and house searches

Strand Road

Castletown

Castletown

Castletown

Strand Road

George Barracks

Castletown

Castletown

Castletown

Castletown

Yours faithfully

E. H. McIVER
District Superintendent



THE ROYAL ULSTER CONSTABULARY
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KNOCKNAGONEY ROAD, BELFAST NORTHERN IRELAND BT4 2NR

Telephone: (0232) 650222
Fax: (0232) 700836 Telex: (0232) 74482

Porter & McCanny
Solicitors
77 Main Street
Castlederg
BT81 7AN
Co Tyrone

Your reference: DFC/QPF/C15

Our reference: CM77/165/91

Date: 23 August 1991

Dear Sir

RE: PATRICK SHANAGHAN, 9 GLEN ROAD, KILLEN, CASTLEDERG.

I refer to your correspondence dated 13 June 1991 regarding the above named.

Please find enclosed a record of the dates which your client was detained.

| | | |
|----------------|----------|----------|
| Strand Road | 15.4.85 | 16.4.85 |
| Castlereagh PO | 9.4.86 | 15.4.86 |
| Castlereagh PO | 13.12.86 | 18.12.86 |
| Castlereagh PO | 30.7.87 | 31.7.87 |
| Strand Road | 19.7.88 | 20.7.88 |
| Gough Barracks | 6.2.89 | 7.2.89 |
| Castlereagh PO | 11.12.89 | 15.2.89 |
| Castlereagh PO | 5.2.90 | 9.2.90 |
| Castlereagh PO | 18.1.91 | 22.1.91 |
| Castlereagh PO | 14.5.91 | 19.5.91 |

I trust this is to your satisfaction.

Yours faithfully

D E H McIVOR
D/Chief Superintendent C2

Dates of Searches

Re: Mary Shanaghan.

15.4.1985
24.1.1986
9.4.1986
13.12.1986
30.7.1987
19.7.1988
6.2.1989
11.12.1989
5.2.1990
15.6.1990
28.11.1990
07.1.1991
18.1.1991
22.1.1991
13.4.1991
14.5.1991

Re: West Spoken

12.4.1985
24.1.1986
9.4.1986
13.12.1986
30.7.1987
19.7.1988
6.2.1989
11.12.1989
2.2.1990
12.6.1990
28.11.1990
01.1.1991
18.1.1991
22.1.1991
12.4.1991
14.2.1991

APPENDIX J

- Newspaper article regarding death threats made by RUC

Three accuse Police after interrogation

Three local men recently arrested and interrogated by Police have alleged "a clearly orchestrated campaign by the RUC" against them.

Two of the men come from the Castlereagh area, while the third lives in Omagh.

Each of the three men have complained of "being victims of RUC bribes, brutality and threats."

In the past fortnight, each of the three men have had their homes raided at early morning, and each alleges he was assaulted during interrogations in Castlereagh and Gough Barracks.

And each has also claimed to have received numerous threats to their lives, based, they allege, on their personal details "being leaked to Loyalist Death Squads."

They also accuse the Police of attempts to recruit them as "paid agents for the RUC."

The men, Padraig O Shanachain and Eamonn McGarvey, from Castlereagh, and Kevin McMenamin, from Omagh, were arrested on Monday, February 5th and on the Tuesday morning

(February, 6th).

During the raids on their homes, details of the layout of the house were taken and one of the men, Mr. O'Shanachain claims he was "stood on" by a Policeman, and was hit with a ladder which the Police were using for searching his loft.

In Castlereagh, Mr. McGarvey says he was interrogated over twenty times in four days, with sessions starting at 9 a.m. and ending at 11.30 a.m.

He alleges he was "slapped on numerous occasions" across the face, "had fingers forced up his nostrils" and that a second detective "viciously slapped the side of his head."

"They lifted me up and off my seat and knocked me to the floor. When I tried to turn away or hold onto my chair for protection, my hands were forced off and I was spun around to face the detectives."

Mr. McGarvey claims that on other occasions, he was pounded on the top of his head with a closed fist and had his head forced back with a fist under his chin. Sometimes while this was

being done, he was punched in the chest with the result that he nearly passed out, he says.

Mr. O'Shanachain claims that when he arrived at Castlereagh, detectives there seemed to spend their entire time threatening and intimidating him.

He had no option but to take these threats very seriously given that last February, he narrowly missed death when Loyalists tried to murder him at his isolated Castlereagh home, he added.

"Repeated references were made to the incident with detectives saying 'we won't miss next time.'"

During the two days that Mr. McMenamin was in Gough Barracks, he claims he was also punched and slapped on numerous occasions.

He was, he says, informed that they (the RUC) were watching his every move and that according to their records, he had been stopped and searched by them 65 times in 93 days.

Mr. McMenamin says that on several mornings every week, he is stopped as he leaves home for work."



(Photo: Oislin MacBride)

Eamonn McGarvey (left) and Padraig O Shanachain

"I drive away from the house going to work or leaving the children to school and get stopped and held for

a while. Some mornings they let me go, follow me for two or three miles and then stop me again," he claims.

A Police spokesman said regarding the allegations that any complaints made to them would be fully investigated.

APPENDIX K

- Glossary

| | |
|------|--|
| CAJ | Committee on the Administration of Justice |
| CID | Criminal Investigation Department |
| DOE | Department of the Environment |
| GAA | Gaelic Athletic Association |
| RTA | Road Traffic Accident |
| RUC | Royal Ulster Constabulary |
| SAS | Special Air Services |
| SOCO | Scenes of Crime Officer |
| UDA | Ulster Defence Association |
| UDR | Ulster Defence Regiment |
| UFF | Ulster Freedom Fighters |
| UVF | Ulster Volunteer Force |

APPENDIX K - Glossary -

Canadian Forces (army, navy, air force)
 Criminal Investigation Department
 Department of the Environment
 Gaelic Athletic Association
 Road Traffic Accident
 Royal Ulster Constabulary
 Special Air Services
 States of Jersey
 Ulster Defence Association
 Ulster Defence Regiment
 Ulster Defence Force
 Ulster Volunteer Force

CAF
 CID
 DOE
 GAA
 RTA
 RUC
 SAS
 SOCO
 UDA
 UDR
 UVF
 UVF

"I knew Patrick since I first arrived in the Parish. The word that comes to mind when you mention Patrick is that he stood out, he had a certain presence. He respected other people and he was a religious man. He was a young man cut down in the prime of life".

"A real gentleman and a man who was a terrible loss to be taken out of our society".

"Paddy Shanaghan was a man whom I never knew or met, but after listening to the RUC for several days (during detention), I was left in no doubt that the RUC despised Paddy so much that they were involved in some way in his death".



• Patrick - taken a few months before he was killed

The above words were submitted as part of an Independent Public Inquiry into the death of Patrick Shanaghan, which was held in Aghyaran, near Castlederg, West Tyrone on the 17-19th September 1996.

Patrick spent his 33rd birthday baling hay on the family farm, a few miles from Castlederg. That evening he went, as he usually did, to dance at a local ceili. The next morning he said good-bye to his mother, for what turned out to be the last time. He was shot dead on the 12th of August 1991, on his way to work, two miles from his home and birthplace.

This report outlines evidence submitted to the Inquiry into the death, and events leading up to the death of Patrick, organised by a local community who were hungry for the truth. During the three days Patrick's family, friends and the local community heard harrowing stories of the daily harassment, arrests, raids, and the attempt on his life, that Patrick faced for the ten years prior to his death. The report also details the 'farcical inquest' and its inadequacies, which was delayed without reason for five years and the interruption of the Inquest when High Court action was sought by the RUC to withhold the evidence of an independent forensic expert. Groups concerned with human rights in Ireland also added their support by making presentations based on their knowledge and experience of cases similar to this one.

The report concludes that in the death of Patrick Shanaghan all the evidence points loudly to collusion, at the hands of the British Government, and specifically the RUC.

At the heart of these pages lies a community's quest for truth and justice.

Price £2.50

For further information write to:
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