



KIERAN MURRAY

Killed by the IRA, 23rd August 1985

REPORT COMPILED FOR THE MURRAY FAMILY BY RELATIVES FOR JUSTICE



The untold stories of Relatives, Victims and Survivors



THE DEATH OF KIERAN MURRAY

KILLED BY THE IRA, 23 AUGUST 1985

Introduction

On the night of August 23rd, 1985 Kieran Murray was the passenger in a Vauxhall Cavalier car being driven by his friend Patrick Molloy. Both were on their way to a Friday night dance in Cookstown having been out together in a local bar in Pomeroy earlier in the evening. As the car was travelling along the Slate Quarry Road from Pomeroy two or three loud bangs were heard. Patrick became aware of flashes around him and realised that the car was being attacked. He heard Kieran sigh and slump forward. Patrick drove on for another mile and a half and stopped at a house on the Tullyreavy Road where the lights were turned on, to seek help. A doctor was summoned who examined Kieran in the car and pronounced him dead at the scene.

Two days later the Provisional IRA claimed responsibility for Kieran's death and subsequently issued an apology claiming that their volunteers had mistaken the car as belonging to a member of the

Ulster Defence Regiment; thus the intended target was a member of the crown forces and Kieran's death had been a tragic mistake.

The Purpose of this report

From Relatives for Justice (RFJ) origins, rooted in the work of the Association for Legal Justice1 (ALJ), the mantra of founding stalwarts Monsignor Raymond Murray and Clara Reilly in response to human rights violations was to document, document, and document.

In more recent times families have first faced denial about deliberate state killings and collusion. Then, once that dam bursts, they face continuous delay. With the passage of time many of the bereaved have simply died decades after waiting on truth, justice and accountability. It is quite common to hear families say in reference to the state 'they're doing nothing other than just waiting on us all to die'.

In the absence of an effective, independent and

PAGE 4 THE MID-ULSTER MAIL, THURSDAY, AUGUST 29, 1985

Victim of I.R.A. shooting had been S.F. election worker



The Pomeroy man shot dead by the IRA in mistake for a member of the Security Forces had been a Sinn Féin election worker.

Kieran Murray (28), farm worker, of Park View, was on his way to a dance in Cookstown last Friday night when gunmen opened fire from the grounds of St. John's Roman Catholic Church at Slatequarry, about three miles from his home.

Mr. Murray was a passenger in a red Cavalier car being driven by 22-year-old Patrick Molloy who escaped uninjured.

The IRA said in a statement that they deeply regretted killing Mr. Murray as he had worked for Sinn Féin during the last elections.

The intended target was a car being driven by a member of the "crown forces" which left Pomeroy barracks every night and travelled to Cookstown, they said.

The statement went on: "The movements of this vehicle had been observed on at least four occasions during the last week. On the night in question an Active Service Unit moved into position near St. John's chapel, where they also placed a 100lb. anti-personnel mine in a disused strip.

"At the same time an intelligence unit took up position at 11.30 p.m. the intended target, a similar type of car to the one in which Kieran Murray and his friend were travelling, left the barracks as usual.

"The volunteers observed the car entering Slatequarry Road and taking its normal route towards Cookstown. As the intended target travelled along the road the intelligence unit lost sight of it for at least 30 seconds. They picked up the trail of what they assumed to be the enemy vehicle heading along its normal route and into the ambush area.

"The armed ASU at the scene of the ambush watched this car approach and upon a signal opened fire, tragically killing young Kieran Murray.

"The ASU withdrew from the area, believing that the operation had been successful only to find later that Kieran Murray, a lad who had worked with Sinn Féin during the last elections, had been mistakenly killed."

"The IRA extend deepest sympathy to the family and friends of Kieran Murray and ask them to accept our condolences on their loss, and indeed our loss," said the IRA statement.

FUNERAL

Several hundred attended Mr. Murray's funeral from his home to the nearby Church of the Assumption for Requiem Mass on Monday.

The Rev. Brendan O'Neill, P.P., told mourners that the dead man was someone who brought joy and pleasure to all who knew him.

Fr. O'Neill did not make any reference to the circumstances of Mr. Murray's death but recalled that a young girl who called to sympathise with the family had said to one of the dead man's brothers "maybe Kieran is well out of this mess."

The parish priest added: "I don't think it would take long for us to agree that we are in a mess.

"There is only one way this mess can be cleared up and that is by ourselves. We must make this world better for those who come after us. If we neglect that then we create a bigger mess."

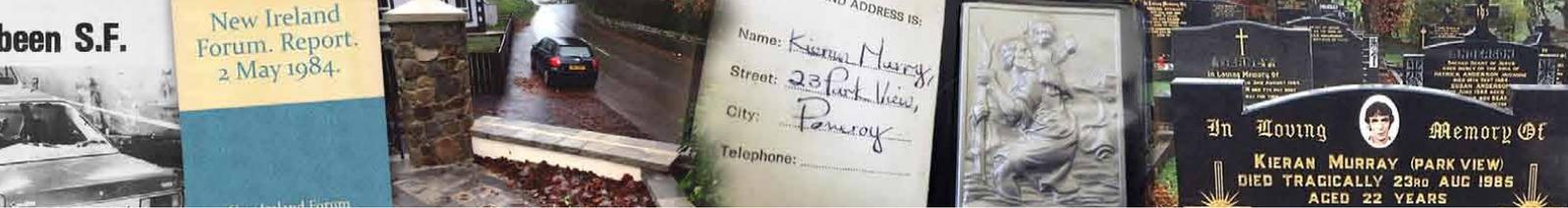
Fr. O'Neill offered his sympathy to the family and friends of the dead man. "And all who suffered his loss. I hope by your presence you will help them bear this cross," he said.

The funeral procession was halted for a time when Mr. Murray's father, Dan, collapsed as the coffin was taken from the family home.

Members of the local Plunkett Gaelic Football Club formed a guard of honour and Mr. Murray's football shirt was placed on the coffin.

Meanwhile a post mortem examination revealed a link between his shooting and an earlier attack. The bullet came from a Kalashnikov rifle, the same weapon used in the attempted murder of police patrolman at Agherainey, Donaghmore, in March last.

1 The Association of Legal Justice (ALJ) was a human rights organization formed in 1970 to catalogue abuses inflicted on residents by British forces and RUC during the armed conflict. ALJ took over 4,000 statements from victims of abuse or witnesses. Many of these are now held in Monsignor Raymond Murrays Collection in the Tomas O'Faich Library at Saint Patrick's Cathedral, Armagh. RFJ also holds these statements.



human rights complaint investigative mechanism to address the legacy of the past RFJ are working alongside families to compile their own bespoke family reports into the deaths of their loved ones. We are acknowledging the impact of the failure to put in place legacy mechanisms is having on families and thus heeding the advices of Raymond and Clara to once again document the facts.

Family reports form part of our overall holistic approach to supporting and empowering families and crucially providing a voice. Family reports seek to remember, capture and convey the unique human essence and individuality of the loved one killed, the special place they held in family, with close friends and community, the distinct and very much loved person they were and remain so for those left behind and the aching gap their absence continues to cause in addition to the grave injustice of their killings.

Reports aim to document in so far as possible the circumstances of killings examining and providing an analysis of the available forensic, ballistic and eyewitness evidence including linked cases and thematic patterns. Reports also examine what the official response was, or in many instances was not, by applying and measuring these against legal obligations and human rights standards. For families, reports provide a narrative account presenting their concerns and posing their questions, which require official response. They also raise wider public interest concerns.

For RFJ and families this work is about historical clarification and the recovery of historical memory. It is about challenging the oftentimes self-serving official version by the state when clearly irrefutable evidence that was deliberately ignored contests such accounts. It is hoped that this work and these reports will indeed stand the test of time enhancing the local and wider community understanding of what actually took place.

It is also hoped that once legacy mechanisms are finally implemented and operational, the reports will assist families in preparing for effective engagement. Family reports also provide a necessary confidence to articulate the circumstances of bereavement, and injury, and of each bereaved relatives' own particular needs from a process.

Family reports are probably most important in the

sense of satisfaction achievement they provide - not least to aging relatives and families - who for the first time are able to hold in one place - a family report - all the questions, concerns, thoughts, feelings, fears and views concerning the most unimaginable traumatic experiences of violent bereavement of a loved one.

Breaking a silence and giving voice to what were once unspeakable truths has in its own way also been cathartic within families and this has been an equally important journey.

Too many relatives have passed away waiting on a process, and so this area of our work is so crucially important not least for an aging population of bereaved parents, spouses and siblings.

Most of all it is about providing a form of justice - doing justice to those killed - seeking to right wrong, correcting the historical narrative and remembering.

Kieran brought joy and pleasure to all who knew him



Born on 7th July 1963, Kieran Murray was aged 22 when he died. He was born in Omagh in the townland of Brackey, before the family moved to Limehill in Pomeroy a year later. When he was about four years old the

family moved to the Parkview estate, still in Pomeroy.

Kieran's father, Dan, was a council worker and his mother Nora was a full-time parent. Kieran was the youngest of the family's seven children, his siblings being Thomas, Noreen, James, Francie, Martin and Charlie. Martin, Charlie and Kieran were known in the family as "the three wee boys" due to the age gap between them and their four older siblings.

His family remember Kieran as a happy, out-going child. So sociable was he that he had developed his own circle of friends from an early age. He loved playing with his toy lorries and as one member of his family recalls Kieran would never have been involved in fights; he was a peaceable youngster and "would always have walked away". The priest at Kieran's

Victim of I.R.A. shooting had election worker

The Pomeroy man shot dead by the IRA in mistake for a member of the Security Forces had been a Sinn Féin election worker.

Kieran Murray (21), farm worker at Park View, was on his way to school at 7.15 on last Friday night when gunmen opened fire from the groynes at target, a similar type of car to the one in which Kieran Murray and his friend were travelling, hit the barrels as usual.

"The volunteers observed the car entering Boleary Road and taking the normal route towards Cookstown. As the bus stopped, they travelled along the road, the car stopped and the light of the car was in seconds. They picked up the road it was they assumed to be who knew him.

By 7.15pm the car had not returned to the circumstances of Mr. Murray's death had resulted that a young girl who could be sympathetic with the family had said to one of the dead man's brothers, "Kieran is not out of this town. The search party asked, "I am sure a search party will be in to agree that we are in a mess."



Kieran's brother, Jim's wedding, just 6 days before Kieran died. Kieran - front row, second from right.



Kieran and his friend Peadar



Kieran with Anna Mary Kennedy



Martin Murray & Pat Molloy outside St Marys PS

funeral correctly described him as someone who brought joy and pleasure to all who knew him.

Kieran was a member of Pomeroy Plunket's Gaelic Athletic Club and played for the football team. The club formed a guard of honour at Kieran's funeral and his football shirt was placed on the coffin as a mark of respect from his fellow players and club.²

From 1968 to 1975, Kieran went to St Mary's Primary School in Pomeroy and subsequently attended Dean Maguirc College in Carrickmore which he left at the age of 16. Kieran was interested in car mechanics and farming and whilst at school would have brought home woodwork and metal

² Belfast Telegraph report, "Victim of terrorist blunder is buried" 26th August 1985, by Kevin Devlin and Graham Bardgett

work projects to show to the family. Kieran was also capable of getting casual work repairing cars, doing joinery jobs and farm work for spending money. He showed himself to be trustworthy and reliable to those he worked for.

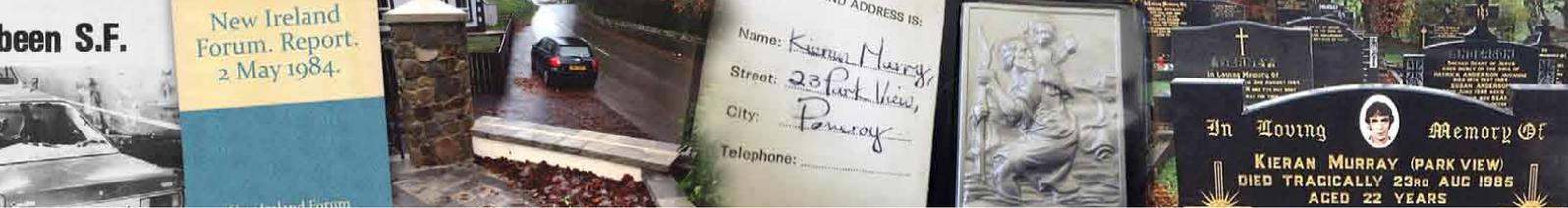
Kieran developed a keen interest in politics and would have volunteered his time to put up posters on behalf of Sinn Féin around election time. In fact, Kieran was putting up posters for an election just three months before he was killed, for the May 1985 local government elections.

While he was not an excessively religious person, he certainly held some faith; Kieran made three annual pilgrimages to Lough Derg after his mother died and in honour of her.

A sociable, chatty, outgoing person, Kieran loved going to dances and indeed he was on his way to a dance in Cookstown the night he was killed. Described by members of his family as a "home bird", Kieran was very content with how his life was developing.

Political context

1985, the year of Kieran's death, saw significant political activity and the lowest number of conflict-related deaths since 1970. This section seeks to provide the immediate and broader context that Kieran would have, in part, experienced or been



John Hume, Garrett Fitzgerald, Charles Haughey, and Dick Spring pictured at the launch of the New Ireland Forum report

aware of. Earlier in the year (30th January) Douglas Hurd, then Secretary of State for Northern Ireland, “dismissed demands for the disbandment of the Ulster Defence Regiment (UDR)”³. The UDR came into being in 1970 to replace the discredited “B” Specials - a unionist militia that acted in support of the RUC. The UDR became equally discredited in the eyes of the broad nationalist population when it became apparent that there was loyalist infiltration of the organisation from its inception. As a result of its de-legitimisation in the eyes of nationalists, the UDR was eventually abolished through an amalgamation with the Royal Irish Rangers to form the Royal Irish Regiment in 1992.⁴

Meanwhile, the East Tyrone Brigade of the IRA was stepping up its attacks on British Army (of which the UDR was a part) and RUC personnel. The East Tyrone Brigade was to intensify its activities up until the killing of eight IRA men at Loughgall in 1987 by the SAS. In 1985 the IRA carried out a number of high-profile attacks against the RUC, including a mortar attack on Newry RUC station,⁵ as well as other attacks in Armagh, Down, Fermanagh and Tyrone.⁶

3 Cain: *Chronology of the Conflict 1985*.

4 Ulster Defence Regiment. Wikipedia

5 9 RUC officers died as a result of the attack. They were Alexander Donaldson, Rosemary McGookin, Geoffrey Campbell, Denis Price, Paul McFerran, Sean McHenry, David Topping, John Dowd and Ivy Kelly.

6 13 other RUC officers were killed in 1985 in 8 attacks.

In the week that Kieran Murray was killed, two other individuals lost their lives. Seamus McAvoy, a British Army/RUC contractor who had been involved in the building of Carrickmore RUC Barracks in Tyrone was shot at his flat in Dublin by the IRA.⁷ On the 22nd August, Daniel Mallon, a 65 year old shop keeper was shot dead in the Railway bar in Strabane, having been mistaken for another British Army contractor who was a friend of his. These killings marked the intensification of an IRA campaign against those who provided goods and services to British Army/RUC installations and personnel in the Tyrone area.

On a broader political front, the final report of the New Ireland Forum, a group made up of political parties in the south of Ireland and the Social Democratic Labour Party (SDLP), had been published the previous year on the 2nd May 1984. The forum served a dual purpose. It attempted to safeguard the SDLP’s dominant position in northern politics against the increasing electoral success Sinn Féin had enjoyed since the 1981 Hunger Strikes. Kieran, of course, had played his part in that successful electoral strategy through his work as a Sinn Féin election worker. The New Ireland Forum offered three proposals for political

7 Note from the National Archives Ireland re murder of Seamus McEvoy https://cain.ulster.ac.uk/nai/1985/nai_DFA-2015-51-1385_1985-08-21.pdf



Pat Molloy at the Bridge where he believes the alert shot was fired with Kieran's brother Martin in the background



Slate Quarry road at bridge



Location of first shot fired at car



Main ambush firing point

development across the island of Ireland. The three alternatives put forward were: a unitary state; a federal/confederal Ireland; and joint authority operated together by the British and Irish governments.⁸ In a stinging snub to the Irish government, all three proposals were dismissed summarily by then British Prime Minister, Margaret Thatcher, in the following terms:

"A united Ireland was one solution. That is out. A second solution was confederation of the two states. That is out. A third solution was joint authority. That is out."⁹

Despite this, negotiations between the British and Irish governments were ongoing throughout 1984 and into 1985, eventually leading to the signing of the Anglo-Irish Agreement in November

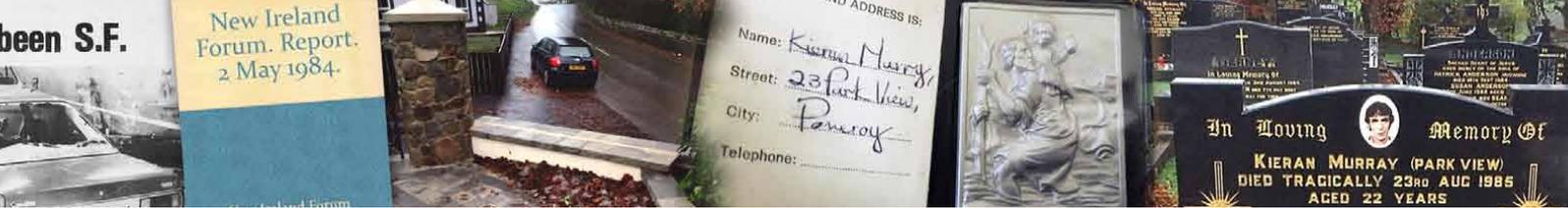
1985. The agreement saw the establishment of a joint British and Irish secretariat at Maryfield and made provision for the Irish Government to have a consultative role in the affairs of the North of Ireland.¹⁰

A joint Ulster Unionist Party (UUP) and Democratic Unionist Party (DUP) working party was convened in opposition to the Agreement. Within Loyalism, plans were being made for the importation of weapons from South Africa by UDA/ British military agent Brian Nelson and others. Nelson reached a provisional agreement with Armsco for the supply of £100,000 worth of assault rifles, 9mm calibre pistols and other firearms and munitions, but the deal fell through when the UDA were unable to raise the necessary funds. With the advent of Ulster Resistance, the importation was successful in 1987, leading to a dramatic increase in fatal attacks by loyalists in the following years.¹¹

8 The New Ireland Forum report, 2nd May 1984 <https://cain.ulster.ac.uk/issues/politics/nifr.htm>

9 RTE Archives, "Thatcher rules out a Unified Ireland" 1984 <https://www.rte.ie/archives/2014/1118/660538-out-out-out/>

10 The Anglo-Irish Agreement, Article 2(b) <https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/northernireland/Anglo-Irish-Agreement-1985.pdf>



Aerial map showing route of car and firing point (see page 19 for more detail)

The incident in which Kieran lost his life

The last member of the family to see Kieran alive was his brother Martin at the family home. According to Martin, Kieran turned to his father to tell him he was going out. This was unusual: both Martin and Kieran tended to avoid discussing their social plans with their father as this might lead to disagreements! Thereafter, Martin and Kieran parted company. Poignantly, in view of what was to occur, Martin recalls Kieran saying to him: "You look after yourself".

Kieran met up with his friend Pat Molloy in the Hillside Bar in Pomeroy prior to going to a dance in nearby Cookstown. Pat and Kieran were old friends, having known each other since they were at school. After meeting with other friends in the bar, Pat and Kieran decided to head on to the dance. Pat provided RFJ with a statement¹² explaining that they left the bar at around 11.30pm, and got into Pat's car, a red Vauxhall Cavalier. Pat was driving and they took the Tandragee Road out of Pomeroy, passing the barracks on the right-hand side. As he reached the bridge on the Slate Quarry Road, heading towards the Edendoit junction, he heard what he thought was a car backfiring. In hindsight



McKernan House where Pat Molloy stopped to seek help

he believes this was a signal shot to the armed active service unit (ASU) waiting further up the hill. As the car neared St John's chapel, Pat remembers:

"The firing became more intense from an area beside the chapel gates. It was this last round of gunfire that, in my opinion, killed Kieran. Kieran sighed and slumped back in the front passenger side seat. It was at this point I realised we were under attack and accelerated up the hill and onto the main road."

Pat drove onto the Tullyreavy Road and sought help at the home of Mickey and Rose McKernan. Both Mickey and Rose are now deceased, but the report the Murray family received from the

11 The Report of the Patrick Finucane Review, HC 802 Session 2012-2013. Chapter 2, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/246867/0802.pdf

12 Statement from Pat Molloy on file with RFJ



Historical Enquiries Team (HET)¹³ gives an edited account of Rose's original statement. Rose stated that she had been at home with her husband and daughter when they heard knocking and shouting at their back door. When Micky opened the door, Pat asked him to get a priest and the police as Kieran had been shot. Rose went out to the car whilst Mickey phoned for an ambulance, a priest and the police. Rose went to the passenger seat of the car where Kieran was slumped over and prayed over him, though she believed him to be dead.¹⁴

Somebody phoned Nugent's Bar in Pomeroy and word seems to have disseminated from there around the area. This accounts for the fact that some members of the family heard initially that Kieran had been in an accident.¹⁵ Kieran's father Dan was told of Kieran's death by an RUC man. Martin recalls the policeman on one knee beside Dan as his father was told the bad news at his home in 23 Parkview in Pomeroy.

The Aftermath

The RUC received two reports of the incident and dispatched a mobile patrol to Rose McKernan's house. The duty sergeant attended at 12.30am to preserve the scene around the vehicle so that forensics could be gathered. A physician named Doctor Wray examined Kieran in the vehicle and confirmed his death at around 1.05am.¹⁶

The Vauxhall Cavalier was removed to Cookstown barracks at 4.35am and Kieran's body was taken to the mortuary in Magherafelt hospital by a local undertaker.¹⁷

Kieran's sister Noreen recalls being summoned by her next-door neighbour to take a phone call from a family friend on the night Kieran died. She was told that Kieran had been in a very bad accident. The family friend asked her to contact Thomas,



Photos illustrating the damage by gunfire, the make and colour of the car

the eldest brother in the family, not to go to the hospital but to go to her father's house instead. A family friend picked Noreen up and brought her to her father's home. It was then that Noreen found out that Kieran had been shot and was not in a car accident.

When the rest of the family had gathered, Kieran's brother Thomas, who is now deceased, told all the remaining family members of Kieran's death.

Noreen believes that Thomas went to the scene of the incident in the early hours of the morning. She recalls being told by Thomas that local priest, Fr McGirr was present and did not want the family to see Kieran's body. Thomas tried to get to the scene but was prevented from doing so because the scene was cordoned off.

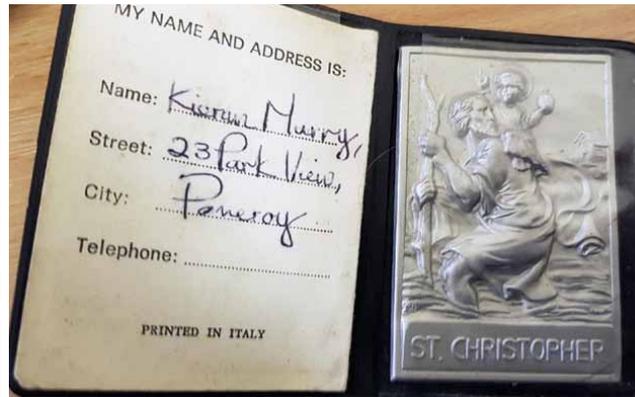
Thomas and his wife went to Magherafelt hospital to identify the body sometime between 12 noon and 3pm on the 24th August.

Some of the family have different memories as to events around the immediate aftermath of the killing. One family member heard that a member of

13 The Historical Enquiries Team, commonly referred to as the HET was established in 2005 by the then Chief Constable of the PSNI Hugh Orde to review all conflict related deaths from 1969 to 1998. Concerns regarding how the HET operated were raised by families, NGOs and academics, leading to an inspection by Her Majesties Inspectorate of Constabulary (HMIC) in 2013. Following the HMIC report, the Chief Constable made the decision to close the HET.
 14 Draft Historical Enquiries Team Report, page 5
 15 In conversation with members of the family.
 16 Draft Historical Enquiries Team Report, page 8
 17 Information provided by Noreen Brennan, sister of Kieran



Kieran's gravestone



Kieran's St Christopher image

despite UDR searches of the surrounding area and house to house enquiries being conducted.

Claim of responsibility and Kieran's funeral

In the aftermath of Kieran's death, the East Tyrone Brigade of the IRA admitted responsibility for the attack. One of the members of the family clearly recalls that an individual or individuals purporting to represent the IRA spoke with Thomas directly whilst Kieran was being waked. Thomas was given an apology on behalf of the organisation and was told there would be a statement to that effect published later that day. This was duly done when a statement via Downtown Radio announced that:

*"The East Tyrone Brigade of the PIRA admit responsibility for the incident at the Slate Quarry Road. They extend sympathy to the relatives involved and have commenced an investigation into the incident. A further statement will be issued on its conclusion."*²¹

This further statement was issued to the *Irish News* on 27th August 1985²² providing more detail of the operation. The statement referred to the "tragic killing of Kieran Murray" and stated that the intended target was a car driven by "a member of the crown forces" which left Pomeroy barracks every night and travelled to Cookstown.

21 Statement to Downtown Radio, 10.50pm, 25th August 1985 HET report page 9
22 The Irish News "Provo victim had been SF party worker. IRA say sorry for wrong killing", 27th August 1985

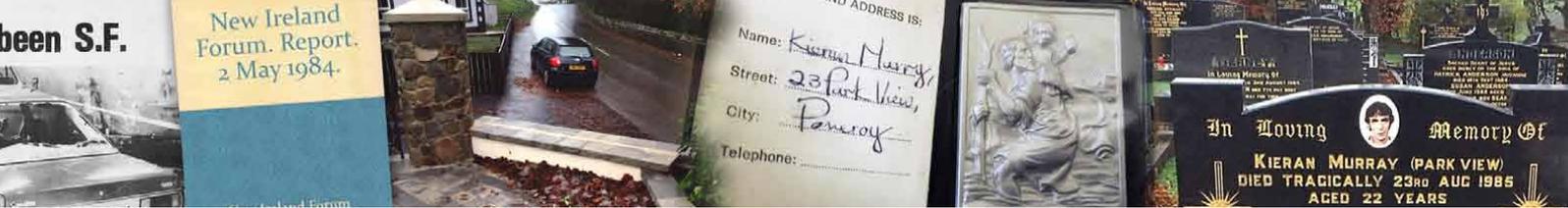
The statement continued that:

"The movements of this vehicle had been observed on at least four occasions during the last week.

"On the night in question, an armed ASU (Active Service Unit) moved into position near St John's chapel, where they also placed a 100lb anti-personnel mine in a disused shop, designed to catch any enemy backup in the area after the intended attack.

"At the same time an intelligence unit took up position at the Pomeroy Barracks. At around 11.25pm the intended target, a similar type of car to the one in which Kieran Murray and his friend were travelling left the barracks as usual. "The volunteers observed the car entering the Slate Quarry Road and taking its normal route towards Cookstown. As the intended target travelled along the road the intelligence unit lost sight of it for at least 30 seconds. They picked up the trail of what they assumed to be the enemy vehicle heading along the normal route and into the ambush area.

"The armed ASU at the scene of the ambush watched this car approach and upon a signal opened fire, tragically killing young Kieran Murray. "The ASU withdrew from the area, believing the operation had been successful only to find out later that Kieran Murray, a lad who had worked with Sinn Féin during the election, had been mistakenly killed.



"The IRA extend deepest sympathy to the family and friends of Kieran Murray and ask them to accept our condolences on their loss, and indeed our loss."

Kieran was buried on Monday the 26th August from the Church of the Assumption in Pomeroy. The funeral was delayed for a few days to allow Kieran's brother James and his wife time to travel back from the Isle of Man, where they had been on honeymoon. They had been married shortly before the shooting took place and returned to Pomeroy after the police put out an appeal on the local Manx radio. One newspaper reported that Kieran's father Dan had collapsed as the coffin was taken from the family home to the chapel, and the cortege was halted to provide him time to recover.²³ The *Irish News* reported that hundreds attended the funeral, and that Father Brendan O'Neill gave the requiem mass, outlining the loss that was felt by Kieran's family and friends. Pomeroy Plunket's formed a guard of honour as the remains left the Church.

Kieran's death was reported in print media in the *Newsletter*, *Belfast Telegraph*, *Irish News* and *Strabane Chronicle*, but the reportage was overshadowed by the other deaths which occurred that week of Seamus McEvoy and Daniel Mallon.

Weak RUC investigation

Much of the RUC investigative action taken after Kieran's death focused on the bomb located within the derelict shop, as well as identifying the member of the British state forces who was the original target of the attack.²⁴ The family and RFJ are of the view that the initial investigation was conducted in a half-hearted, light touch manner and attribute this to the fact that Kieran was a Sinn Féin election worker.

The device that was found by the British Army Technical Officer (ATO), was estimated to be around 100 pounds of home-made explosives concealed inside a creamery can. The bomb had partially detonated causing the can to split and blow apart the timer unit. The ATO was of the opinion that

this occurred due to the lid not being properly sealed on the container and noted that there was no detonator or detonating cord present.²⁵ Items were recovered for further forensic examination, including the remains of the timer unit and an empty cigarette packet. The HET advised that these case exhibits were no longer available. Whilst a fingerprint file still exists, there is nothing to indicate which exhibits the fingerprint file relates to.²⁶

Fourteen empty bullet cases and a misfired round were recovered from around the area where the firing had taken place. These and the fatal bullet taken from Kieran's body were found to be of 7.62mm calibre ammunition for use in a high velocity rifle. The forensic examination showed that the bullets were fired from three weapons, with three cases being recovered from one rifle, 2 from the second rifle and 8 from the third rifle. The *Irish News* reported on the 27th August 1985 that the weapon used in the attack was an AK47 and that the weapon that killed Kieran had previously been used in an attack on an RUC patrol at Donaghmore on 16th March 1985.²⁷

The RUC enquiry team was nominal, headed up by Detective Chief Inspector (DCI) McBurney, who was the Deputy Head of the Criminal Investigation Department (CID) at the time of Kieran's death. An incident room was set up in Cookstown RUC Station from which an investigation was run, however it was shut down within less than a week, the last case meeting recorded as having taken place on the 30th August 1985, a mere six days after Kieran's death. From that point on the investigation was run with a skeleton staff.²⁸

As a result of the statements issued by the IRA, the RUC attempted to find out who the intended target of the attack was. Details of vehicles attached to the station were gathered up and RUC members, full time and part-time UDR members were all interviewed. Despite this, they claimed they were unable to discover who the intended target was.

23 Belfast Telegraph report, 26th August 1985, by Kevin Devlin and Graham Bardgett

24 Draft Historical Enquiries Team report, page 12

25 Draft Historical Enquiries Team report, page 11

26 Draft Historical Enquiries Team report, page 11

27 The *Irish News* "Provo victim had been SF party worker. IRA say sorry for wrong killing" 27th August 1985

28 Draft Historical Enquiries Team report, page 9



Victim of I.R.A. shooting had election worker

The Pomeroy man shot dead by the IRA in mistake for a member of the Security Forces had been a Sinn Féin election worker.



Over the next eight months, 5 individuals were arrested ostensibly in relation to this case. RUC Special Branch provided DCI McBurney with the identities of a number of people in the Pomeroy area who were suspected of being IRA members. DCI McBurney then made the decision to arrest and interview two of the individuals on the 28th August 1985. The HET report advises that:

*"There is nothing in the case papers/intelligence to indicate why they were considered suspects."*²⁹

One person was arrested on the 1st September 1985, the other the following day. Both were brought to Gough Barracks and held for a period of three days. Both denied involvement in the attack, according to the HET report.

A further person was arrested on the 16th December 1985. He was held at Gough for four days and refused to speak whilst he was there. It appears that this person was seen talking to three people on the Slate Quarry Road on the Friday evening, which prompted the arrest.

Two further arrests took place on the 29th April 1986. Both of those arrested refused to speak and were released from Gough within 2 to 3 days.

The Murray family were only ever made aware of two arrests and that was from the HET report. It is questionable as to whether the arrests were motivated by a true desire to catch those responsible for the attack or served as an opportunity for the RUC to detain local republicans in the area. The HET advised that they were unable to locate the notes or transcripts of interviews with those arrested.³⁰

The Inquest

The deputy state pathologist, Dr Carson carried out the post mortem examination in anticipation of the inquest. He noted that:

"a bullet or major part of a bullet had struck Kieran on the back of his mid chest, just to the right of his spine. The entry wound was large and irregular, suggesting that the bullet had struck

*something such as a window, before hitting Kieran. On its path the bullet had perforated the main artery (aorta) of the heart. The catastrophic bleeding caused by this last injury would have caused Kieran's death."*³¹

The inquest into the death of Kieran was conducted in Cookstown Courthouse in front of a coroner by the name of Shearer on the 11th June 1986.

The formal findings of the coroner at Kieran's inquest were recorded in the HET report as follows:

*"The Deceased was a front seat passenger in a motor car registration GJI 9238 proceeding from Pomeroy to Cookstown when he was killed by a person or persons unknown at Slate Quarry Chapel on the night of 23/24th August 1985."*³²

The Murray family have applied to the Public Records Office for a copy of the Inquest papers in this case, including the photographs of the scene, the Cavalier car, and the post mortem report. This would provide them with copies of the depositions or statements that were taken at the time, details of Kieran's injuries, as well as other information from the RUC relating to the case. This would be a valuable source of information to the family and assist greatly in their understanding of how Kieran died and what occurred after his death.

Like many other families affected by the conflict, they have been unable to access these records due to delays and obstructions by the Public Records Office (PRONI), the Department of Communities, the Department of Justice (DoJ) and the Northern Ireland Office (NIO). Whilst the Public Records Office hold the records, they do not own them and are obliged to consult with whoever originally sent the records to them prior to a minister authorising release.³³ For records related to the conflict, they

29 Draft Historical Enquiries Team report, page 12 and 13
30 Draft Historical Enquiries Team report, page 12

31 Draft Historical Enquiries Team report, page 6
32 Ibid page 6
33 Anyone can apply for access to public records under the Freedom of Information Act 2000. In 20? The then Minister for Culture, Arts and Leisure Caral Ni Chullain introduced a pilot scheme to allow quicker access for victims and survivors to the records. This was new scheme was then codified in a set of statutory rules in. All schemes oblige PRONI to consult with other bodies, and all schemes require the Minister to authorise release.



must consult with NIO and the DoJ. PRONI will go through the file and redact or censor information which they do not feel should be released under the legislation. The file will then be sent to the other bodies electronically for them to advise if they agree or disagree with the proposal.

In RFJ's experience, there is often huge delay on the part of the NIO and DoJ in responding to PRONI. When responses are received, the NIO and DoJ push to withhold more information, in some cases the whole file rather than release it to families, solicitors and groups like RFJ. On one occasion RFJ was served with an ex parte injunction to prevent them providing the files they had received from PRONI to three families. When paperwork is received, it is often heavily redacted, with large parts of the information removed, in RFJs opinion inappropriately.

As a result of these problems, three victims' families have taken Judicial Review challenges against PRONI, the Department of Communities and the Department of Justice collectively. The outcome of the judicial reviews is awaited at the time of writing.³⁴ RFJ also assisted three families to complain to the Information Commissioner (ICO) about the level of redactions imposed on their files. The ICO agreed with RFJ that PRONI had misapplied the legislation, but advised that in the absence of a Minister at Stormont capable of authorising release, families will not receive any paperwork until the Executive is back up and running.³⁵ There is a backlog of cases at various stages of this consultation process, including the Murray family's case.

Contact with the HET

The Historical Enquiries Team, commonly referred to as the HET, was established in 2005 by the then Chief Constable of the PSNI Hugh Orde to review all conflict related deaths from 1969 to 1998. This was in response to a number of families taking their cases to the European Court of Human Rights, arguing that the British state had failed adequately

³⁴ In the matter of an application by William Holden for leave to apply for Judicial Review, [2017] NIQB 7, 17/01/2017

³⁵ Decisions by the Information Commissioner, 16th October 2018 <https://ico.org.uk/media/action-weve-taken/decision-notices/2018/2260036/fs50696780.pdf>

to investigate the death of their loved ones.³⁶

This, it was argued, was a breach of Article 2 of the European Convention of Human Rights, the right to life. The court ruled in favour of the families and the British state was forced to respond and outline how it intended to give effect to the families' rights. The British Government argued that a "package of measures" which included the HET could be used to meet their Article 2 obligations. Concerns regarding how the HET operated were raised by families, NGOs and academics over a number of years. By 2013, the Policing Board had called in the Inspectorate of Constabulary (HMIC) to assess the HET.³⁷ This inspection began in November 2012.



The Murray family were contacted by staff from the HET in early 2013 and advised that they intended to relook at Kieran's case. Having deliberated over the circumstances of Kieran's death for years, the family felt this was an opportunity to have some of their outstanding questions answered. They were clear that they were more interested in finding out the truth of what had occurred than seeking justice. The HET had an initial meeting with the family and advised that the investigation would be carried out by ex-police officers from Britain, rather than former

³⁶ In 2001, the families of Gervaise McKerr, Pearse Jordan, Dermot McShane, Patrick Shanaghan, Patrick Kelly and Pat Finucane took their cases to the ECtHR, alleging that the British state had violated Article 2 of the convention, the right to life. Article 2 protects individuals from being arbitrarily deprived of their life by the state and imposes a duty on the state to investigate where they bear responsibility for a death.

³⁷ Her Majesty's Inspectorate of Constabulary (HMIC) describe their work as the independent assessment and reporting on the efficiency and effectiveness of police forces and policing, in the public interest



members of the RUC or PSNI. On the basis of this promise that the review would be independent and impartial, the family decided to engage with the HET.

The HMIC report was released on the 3rd July 2013. The HMIC findings were divided into two parts, those relating to all cases, and those relating to state violence cases specifically. Overall, the HET was found to be failing, with HMIC concluding that:

“Our findings indicate an unacceptably large range of areas where the HET’s approach does not conform to current policing standards and practices.”³⁸

It was also made clear that ex-RUC personnel were involved in all HET cases as a result of their control of the intelligence unit within the HET.

“The HET’s ability to demonstrate independence in the intelligence process is undermined by the involvement of the former RUC and PSNI officers working for the HET in managing the information from the C3 intelligence branch.”³⁹

The family were contacted again by the HET in 2013, who advised them that they had a report almost ready. At a meeting with the HET staff, the family asked about the HMIC report, and whether they would be able to get a report given the ongoing controversy surrounding the HET. They were told that they would.

A follow up inspection began in September 2014. However, on the 18th September, the Chief Constable attended the Policing Board and informed it that, whilst all the changes had been made, he was shutting down the HET and that all its work would be brought under Crime Operations Branch known as C2 controlled by ACC Drew Harris at the time.

The HMIC was damning in its findings.

38 HMIC report p27 <https://www.justiceinspectorates.gov.uk/hmicfrs/media/inspection-of-the-police-service-of-northern-ireland-historical-enquiries-team-20130703.pdf>

39 HMIC report p14://www.justiceinspectorates.gov.uk/hmicfrs/publications/hmic-inspection-of-the-historical-enquiries-team/

“We consider the HET’s approach to be entirely wrong in that:

1. *It is clear that the HET has adopted a different approach between cases that have state involvement and those that do not; and*
2. *The approach that the HET has adopted in state involvement cases is susceptible of challenge, as it appears to be based on a misunderstanding of the law”⁴⁰*

The Murray family and a number of others were left knowing that the PSNI held information, and that there is a report on the death of their loved one that had not been provided to them. Rather than an open and engaging process as promised by the HET staff, they were left with no resolution. WAVE⁴¹ assisted the family to obtain a copy of the draft HET report which was received in February 2017. Like many HET reports, it raised more questions than it answered.

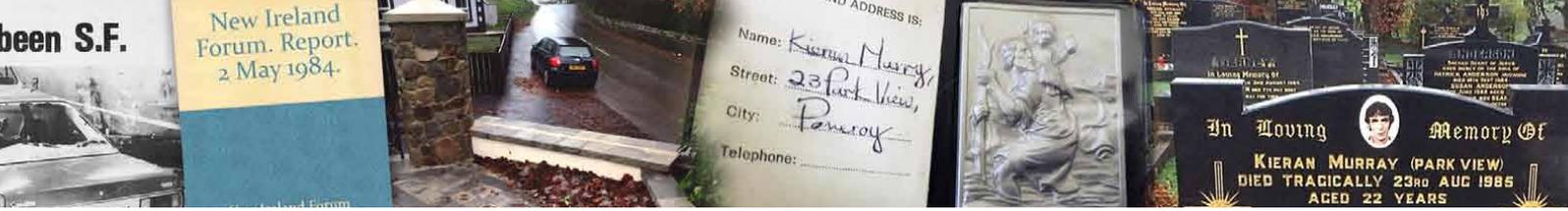
Outstanding issues

The list of inaccuracies in the HET report is substantial. For example, it mistakenly says that Pat Molloy (the driver) heard the first shots. According to Pat himself, however, it was Kieran who heard the initial shots thinking it was the car back-firing. The driver, Pat Molloy believed Kieran had been knocked unconscious, not the other way around as referenced in the report. The car was a red Vauxhall Cavalier not orange as stated in the report. At one point in the report it states that 24 witness statements were taken; elsewhere 43 witnesses are alluded to. There is also variance in the numbers of empty or spent bullet casings found after the attack. The scenes of crime officer (SOCA) recovered “14 empty cases one live round and a further empty case”. Elsewhere thirteen spent cases and a separate misfired round are itemised. The exhibits are no longer available for further examination.⁴² The family want to know why.

40 HMIC report p17 and 18 <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/hmic-inspection-of-the-historical-enquiries-team/>

41 A victims’ organisation

42 Draft Historical Enquiries Team report, page 11



The draft HET report does not mention if any of the weapons were used in any other attacks. Why were the family only informed that two men were arrested but not the three who were arrested and questioned months later? The report states that the case papers were “reasonably complete” but then states that “sometimes records were misplaced, lost or destroyed.” In this case, the records of interviews with suspects, information relating to forensics, and unidentified exhibits have all disappeared.

Holding the republican movement to account

The family hold the IRA responsible for Kieran’s death - the evidence for this is indisputable and supported by that organisation’s acknowledgement of responsibility and apology. However, the family are deeply unhappy with the accuracy, analysis and determination of the HET report.

At the very least the intelligence the IRA had was inaccurate resulting in the death of Kieran. The operation involved three elements: the tailing of a mobile target in a car; an IRA team at the scene of the ambush; and a milk churn bomb left in a disused building targeting soldiers/police involved in a follow-up search. This would have required a high degree of coordination and precision for it to have been successful.

The IRA statement claimed the intelligence unit had the correct target car when it left Pomeroy barracks. They lost sight of it for thirty seconds after which they followed what they thought was the intended target. On a pre-arranged signal the gun team attacked the car Kieran and Pat Molloy were in. The three-man unit⁴³ then made off on foot leaving a bomb which failed to fully detonate.

Some family members view this version of events as unlikely. They do not believe it was possible for the IRA members trailing the target car to have lost sight of it as they believe that there was nowhere for Kieran’s car to have joined the Slate Quarry Road and slotted in behind the car which was the actual target. The family are aware that some local republicans spoke with their eldest

43 This assumption is based on the fact that three weapons were fired

brother Thomas after Kieran’s death. Thomas did not share the contents of those conversations with any other family members and has since died. Any information that he received has therefore been lost. The family are seeking a more accurate account of what happened on that night and some would wish to know who was involved in Kieran’s death.

During negotiations at Stormont House in December 2104 both the Irish and British governments and the five main political parties in the devolved assembly agreed a range of mechanisms to address the outstanding legacy of the conflict.

Known as the Stormont House Agreement (SHA) this had four key elements; an Historic Investigative Unit (HIU) with full police powers independent of the PSNI, an Independent Commission for Information Retrieval (ICIR) which would liaise with all groups and agencies involved in the conflict seeking information about deaths, an Oral History Archive which would record stories and an Implementation and Reconciliation Group (IRG) that would examine and report on overarching themes of the conflict including those emerging from the other three mechanisms.

In terms of the killing of Kieran and the needs expressed by his family the ICIR could potentially provide the best way forward in obtaining answers from the IRA. The agreed ICIR process would aim to provide a limited form of prosecutorial immunity in that the information obtained through this process only, including those interlocutors who it engaged, would not be subject to prosecution. This would not equate to an amnesty in that if other, say a completely unrelated investigative mechanism such as the proposed HIU were to uncover evidence separately and unrelated in any way to the ICIR process then this could be subject to prosecution. This would be much in the same way the current PSNI’s Legacy Investigation Branch and the current Operation Kenova has been working.

The ICIR would work on exactly the same basis as the Independent Commission on the Location of Victims Remains (ICLVR) that has liaised with groups seeking information on recovering the remains of the disappeared.



Victim of I.R.A. shooting had election worker

The Pomeroy man shot dead by the IRA in mistake for a member of the Security Forces had been a Sinn Féin election worker.



Such a process, if implemented, might well provide the necessary safeguards enabling and encouraging former IRA members involved and/or those with knowledge of the operation that led to Kieran's death to engage an ICIR body providing vital information in response to questions from the Murray family.

An added incentive to this for republicans would almost certainly be that Kieran was a republican and Sinn Féin election worker.

Sinn Féin has subscribed fully to the SHA mechanisms and is currently and rightfully arguing, along with other parties and the Irish government, for full implementation in the face of British government failure to implement despite the latter signing up to that agreement.

The proposed ICIR fits the needs of the Murray family, and no doubt many other families' needs, in their right to know - their right to truth – in securing vital information necessary for them to understand fully what happened, to try as best as possible to come to terms with their painful loss, and to enable them to try to move on in the knowledge that they did all they possibly could in addressing Kieran's death - a tragic wrong.

In compiling this report on behalf of the Murray family Relatives for Justice spoke to a wide range of people including republican activists. This helped to build a broader sense of the high regard Kieran was held in and the impact his death had more widely.

We learned, though we'd no doubt, that Kieran Murray was a valued and highly respected member of the community in Pomeroy and East Tyrone.

Kieran was a republican who was visible in his support and election work at a time during the conflict when making such choices weren't so straightforward and which inevitably singled you out for harassment by British crown forces. But such threats did not deter Kieran and he was determined to help politically to improve the circumstances of his community and bring about Irish unification.

Therefore the tragic events of Kieran's death, which republicans were responsible for, were, and are, felt more acutely within the republican

community of East Tyrone and beyond. This was also mentioned in the IRA's statement of the time when they expressed deepest sympathy and condolences to the family for their loss also being "our loss".

Some former republican combatants we spoke to acknowledged the unimaginable pain and heartache of loss endured by Kieran's family over the years. And some republicans, uninvolved in the actual incident, expressed to us their deep sorrow at what had tragically happened. Some recalled the events saying that they too remembered Kieran fondly. "His death was a tragedy for us all", was how one person put it.

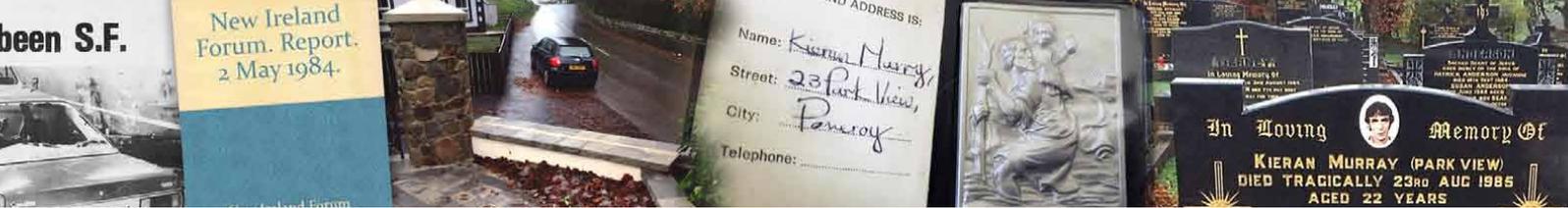
Another republican commented that Kieran lived through the Hunger Strikes and in part this provided the basis for his republicanism, adding: no better way in summing up of Kieran's role than the words of Bobby Sands, ***"Everyone, Republican or otherwise, has their own particular part to play. No part is too great or too small, no one is too old or too young to do something."***

Another said that Kieran rested with the patriot dead of Ireland.

I Measc Laochra na nGael go raibh sé.

As we've stated in this report the Independent Commission on Information Retrieval (ICIR), which will be legislated for shortly as part of the recent political agreement New Decade New Approach on December 2019, would - if properly legislated for including being operationally independent - provide the basis for the Murray family finding out more about the events that led to Kieran's death.

In that context Relatives for Justice would encourage anyone with information to engage with the ICIR.



Impact of Kieran's Death on the Murray family

Kieran Murray's death was a tragedy that occurred as a direct result of the conflict in Ireland. His was a life cut short and its impact was truly shocking. Kieran's death affected the members of the family in different way. Some of the family have noted that nobody talked about Kieran's death in depth.

At the funeral most attendees would have said, "Sorry for your troubles". But beyond this, neighbours rarely referred to Kieran's death down through the subsequent years. It is not a case that fits the usual narrative of the conflict; it was not a loss that could be rationalised, explained or understood.

Everyone carries their own thoughts and memories and the loss is felt to this day. Kieran's mother had died in 1982 from natural causes and this was difficult in itself for the family. The impact of Kieran's death, on Kieran's father Dan, was profound. He lost interest in things he had been engaged with such as playing accordion and cutting turf. The family

feel that he died of a broken heart seven years after Kieran's death.

Jim, another sibling had married just a few days prior to Kieran's death and there was an unspoken expectation that Kieran, as youngest child, would have stayed with his father at the family home and supported him in his old age. Kieran is very much a missed part of the family. It has left a huge void within the Murray family – the shock of the loss of a loved one as well as the promise of what could have been are ever present to this day.

Nothing can replace the loss of Kieran and even a full explanation will not be able to alleviate the pain that the family have been carrying for over thirty years. However, the family are seeking answers to the questions posed in this report. They want and need a proper investigation with the co-operation of all the parties involved. They deserve to have their questions addressed and answered and are hoping for a process which will enable them to get the full truth of what happened.



Kieran's brothers and sisters: (left to right) Martin, Jim, Roisín (Tommy's widow) and Noreen, January 2020. Inset: Teresa, Noreen's daughter

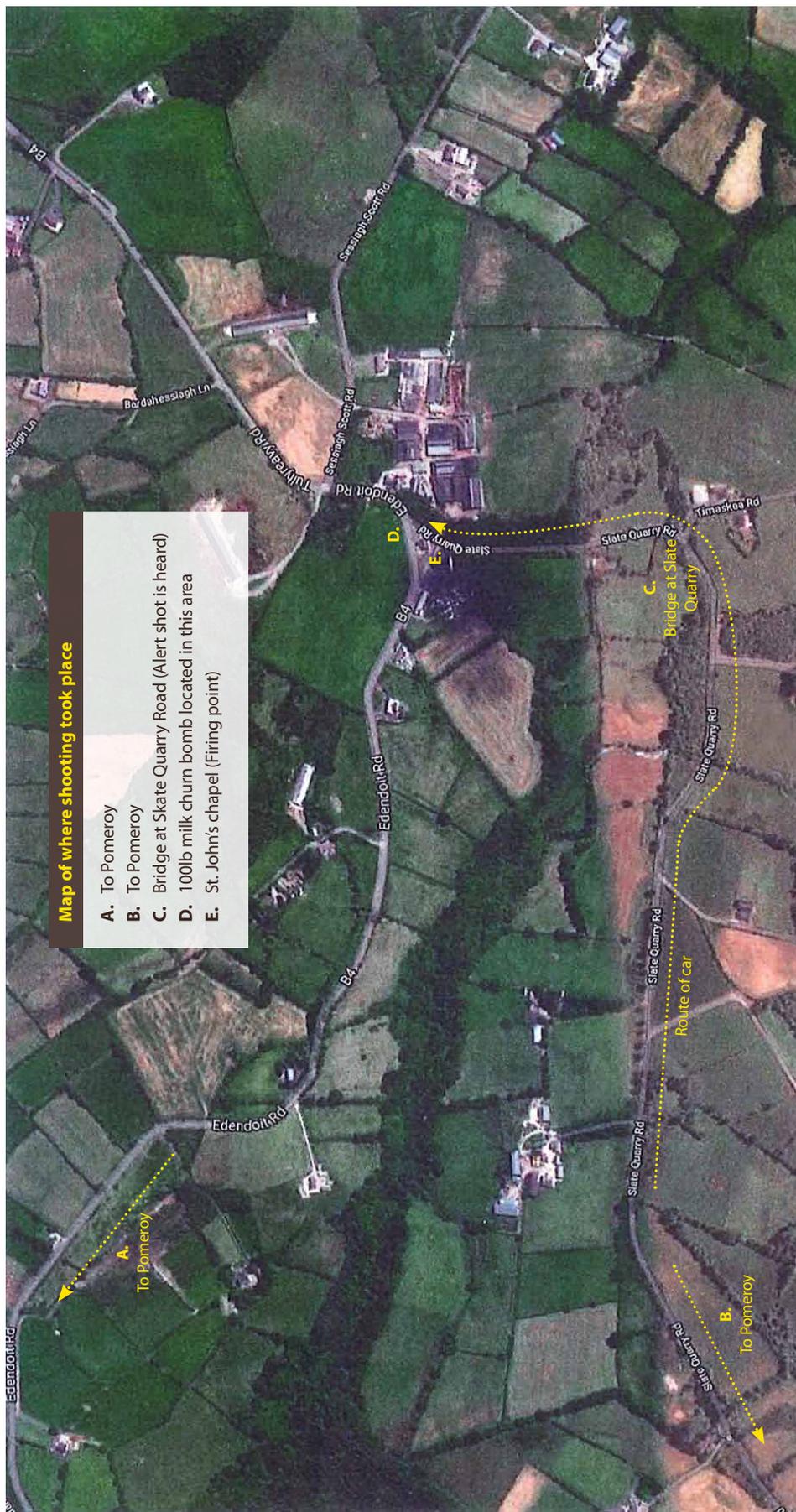


Victim of I.R.A. shooting had election worker

The Pomeroy man shot dead by the IRA in mistake for a member of the Security Forces had been a Sinn Féin election worker.

who knew him.

Map of where shooting took place



- Map of where shooting took place**
- A. To Pomeroy
 - B. To Pomeroy
 - C. Bridge at Skate Quarry Road (Alert shot is heard)
 - D. 100lb milk churn bomb located in this area
 - E. St. John's chapel (Firing point)



New Ireland Forum. Report. 2 May 1984.



AND ADDRESS IS:
Name: *Kieran Murray*
Street: *23 Park View, Pomeroy*
City: *Pomeroy*
Telephone:



Young Kieran Murray



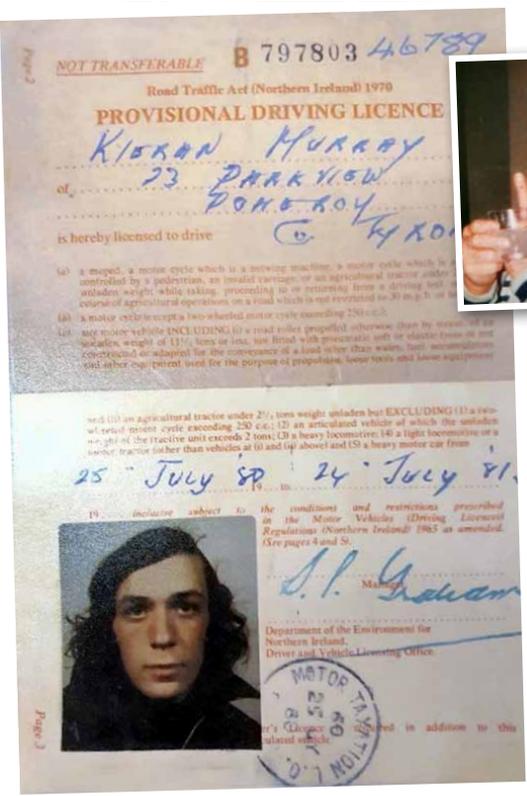
Kieran with his parents and grandmother



Kieran holds his nephew on the day of his christening



Kieran with Jacqueline Conlon



Kieran with Pearse Kennedy



Left to right: Peter Corr, Kieran, Pat Rafferty and Pearse Rafferty at a dinner dance in Pomeroy.



Left: Kieran's mother Nora sitting on her mother Minnie's lap with Kieran's aunt Kathleen.



KIERAN MURRAY

“We deserve to have our questions addressed and answered and are hoping for a process which will enable us to get the full truth of what happened.”

(Kieran's sister Noreen)

RELATIVES FOR
JUSTICE

Relatives for Justice
39 Glen Road
Belfast
Co Antrim
BT11 8BB

Tel: 028 9062 7171
Fax: 028 9062 7173

Email: info@relativesforjustice.com
www.relativesforjustice.com

Relatives for Justice
42/44 Irish Street
Dungannon
Co. Tyrone
BT70 1DQ

Tel: 028 8775 1697
Email: dungannon@relativesforjustice.com



Donate to RFJ using this code
Thank You

ISBN: 978-1-913194-03-1

PUBLISHED JULY 2020

RELATIVES FOR JUSTICE IS FUNDED BY THE VICTIMS AND SURVIVORS SERVICE

