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The Murder of Gavin McShane

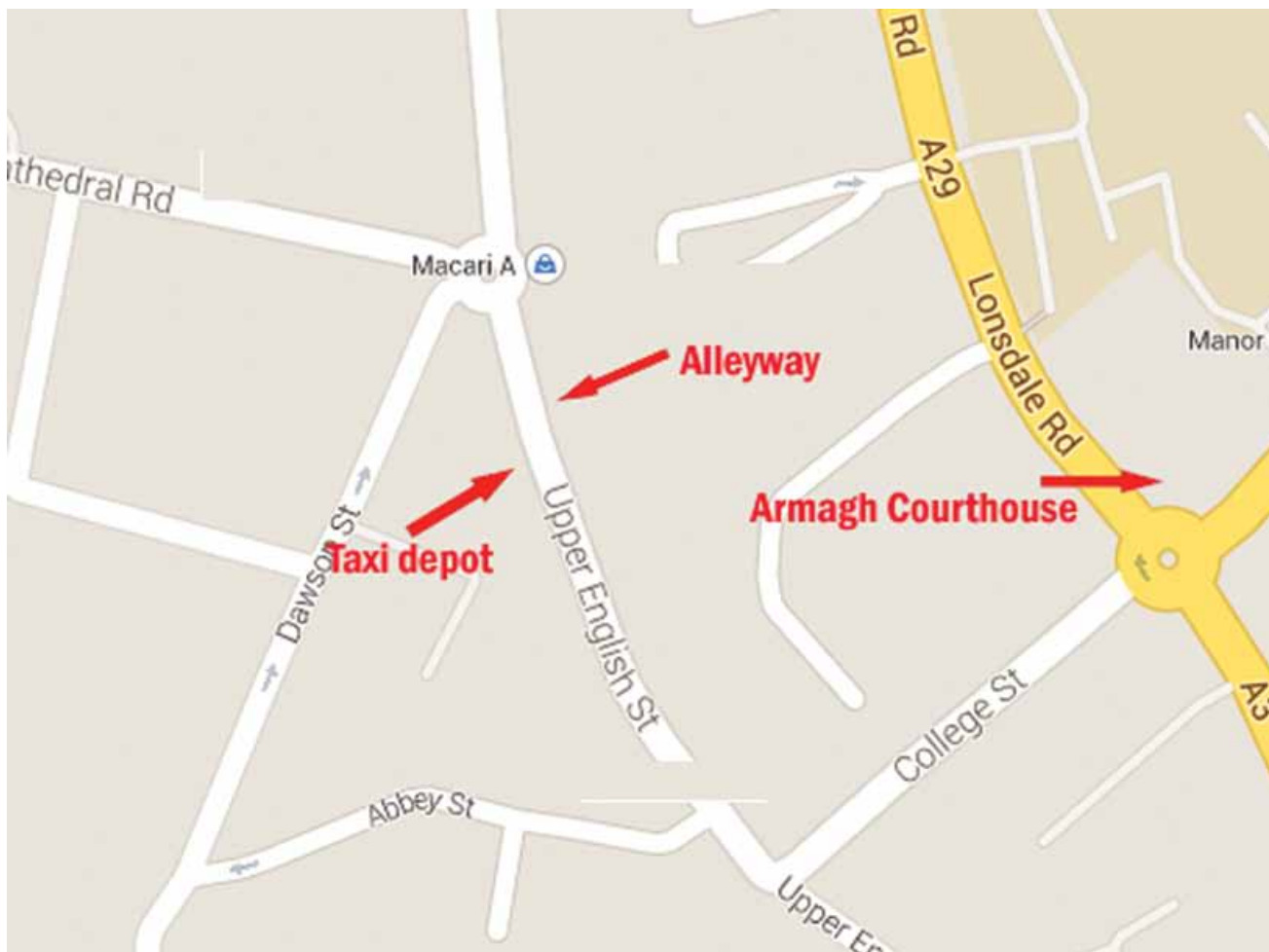


The untold stories of Relatives, Victims and Survivors



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The Murder of Gavin McShane (aged 17)



Euro Cabs, formerly A2B Taxi Depot, the scene of the murders



Coppersmiths Alleyway facing the taxi depot, where the gunman made his escape

Rationale for Family Reports

From Relatives for Justice (RFJ) origins, rooted in the work of the Association for Legal Justice (ALJ), the mantra of stalwarts Monsignor Raymond Murray and Clara Reilly in response to human rights violations was to document, document, & 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 and then 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 human rights compliant 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 the failure to put in place legacy mechanisms is having on families and thus, heeding the advice 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 that 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 achievement they provide - not least to ageing 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 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.



They're doing nothing other than just waiting on us all to die.



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Introduction

The following report by Relatives for Justice (RFJ) concerns the murder of 17 year-old Gavin McShane in Armagh City on May 18th 1994 by the loyalist paramilitary group the Mid-Ulster based Ulster Volunteer Force (UVF). Shane McArdle, also 17, was murdered in the same attack.

No one has ever been convicted for or in connection with these two murders or the attempted murders of those who survived the attack.

The report draws on key sources and eyewitness statements; inquest documents; court documents; correspondence between the family and the then police force, the Royal Ulster Constabulary (RUC), its replacement the Police Service NI (PSNI); other agencies involved in the aftermath of the murders; and on information contained within a report by the PSNI's Historical Enquiries Team (HET). The report also benefits from statements taken at the time of the killings by RFJ and our then Chairperson Monsignor Raymond Murray.

This report is at the request of the McShane family who have been receiving support from RFJ for a number of years.

In compiling this report into the murders of Gavin and Shane it is essential to also consider the wider activities of this UVF gang. Therefore the report examines the available evidence and general modus of the UVF gang responsible; their ability to roam across Mid-Ulster and east Tyrone uninhibited carrying out scores of sectarian murders; key parallels in other killings including a complete lack of accountability; the key suspect; and persistent questions about the relationships between this gang and state "security" and intelligence agencies that draw very obvious questions about systemic collusion and crucially in this case the issue of preventability.

Most striking in this case is the extensive level of investigative failings and destruction of evidence by the authorities.



Gavin pictured fishing in County Kerry, the last family holiday together.

Gavin McShane

Gavin McShane was the eldest of three children to Matt and Maria McShane.

An "...inspirational brother and a role model on and off the pitch..." is how his younger brother Caionn described Gavin. "I sometimes wonder what if; what if he wasn't murdered? What would he be doing now, today? Would he have a wee family? What would he be working as? Whatever, he'd have made a success of it... of that I've absolutely no doubt. We miss him. I miss him."



subjects was Art. He had painted a number of pictures and was preparing for exams at the time of his murder. A teacher, Kate Strain, said of Gavin; "He was a pleasure to teach and a great art student."

Gavin also worked part-time at McArnery's Supermarket, Armagh City. People liked Gavin and referred to him as friendly, helpful, diligent and hardworking.

Gavin enjoyed fishing and the family often talk of their holiday in county Kerry, their last together. Amongst a number of pictures that stand out within the McShane home is a striking picture of Gavin in Kerry, with a beaming smile, a fishing rod and a fish in hand. Like any other teenager there he stands on the cusp of life with everything to explore, experience, love and live for. And yet in that beauty is also a cruel reminder of how he had been robbed of life – so young - and a family of their beloved son and brother.

Alana, Gavin's sister, says, "When I reflect back Gavin was mature beyond his years. He was caring, enjoyed life, loved a prank... I can still hear his laugh, see his infectious smile and feel his protective arm. He loved the GAA and hurling. But above all he loved us and we loved him. We had the perfect childhood, the perfect family. Mammy and Daddy did everything with us and for us. We were the center of their world and vice-versa. His murder changed our lives utterly. We treasure our memories and there's never a day goes by where he isn't in our thoughts. He's always with us."

Gavin was a student at Armagh College when he was murdered. Gavin had attended St. Patrick's High School, Keady and during his last year he was appointed Deputy Head Boy, which was a very important and rewarding responsibility considering there were almost 1,000 pupils at the school. Gavin was a talented art student and one of his A Level

Gavin's main passion was hurling and he played for his local Gaelic Athletic Association (GAA) club Keady Lamh Dhearg along with Caionn. Hurling medals, cups, trophies, jerseys and other memorabilia celebrating this passion and the success of this young Armagh hurler adorn and rightly take pride of place in the McShane home.



Gavin and younger brother Caionn



Gavin, sister Alana and Caionn



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The morning of the murders

At 9.15am on Wednesday 18th May 1994 17 year-old Gavin McShane arrived at Armagh College where he was an A Level student.

On arrival Gavin met fellow student and friend Shane McArdle also 17 and as the pair had some free time before their first class at 11.30am they decided to make the short walk to the city centre.

Later on they noticed several other students playing a video golfing game situated in the waiting area of A2B Taxis and so they entered the taxi-depot. After a while the other students returned to college for classes resuming at 11am. Gavin and Shane remained on playing the game that had collected credits, as they didn't have to be back until 11.30am.

The taxi-depot was a small, confined room, off street shop frontage turned office approximately 12x12 ft. containing the golfing game machine. It was partitioned at the far end by the dispatch operator's desk for receiving calls and where on-duty drivers sometimes also waited and/or made tea.

Situated in Lower English Street A2B Taxis, and that general vicinity, would be easily identifiable as a part of town where Catholic business owners located and the majority of shoppers were also likely to be Catholics. It was where footfall from the busy city centre called by for taxis.

The attack

At around 10.50am, and minutes after other students had left, a lone adult male entered the arcade and produced a handgun firing at the dispatch operator, Malachy Donnelly, striking him on the right forearm. This caused Malachy to fall over knocking to the ground Bronagh Hughes, the wife of the taxi-depot owner, who had been beside Malachy going over the booking ledger.

The gunman then turned and shot both Gavin and Shane in the head at pointblank range. Gavin died instantly. In total three shots were fired. It was as clinical as it was brutal. Malachy Donnelly thankfully escaped with non-life threatening injuries.

Bronagh Hughes described looking up from the counter and seeing a man standing in front of her pulling a gun from under his right arm, pointing it and firing the shot that struck Malachy. She described him

as being "about six feet tall and average build with short mouse brown hair".¹

Bronagh's statement recalls; "...we were looking at the names in the book of those who got a taxi the night before. We were joking at the writing of the new girl... we never heard anybody coming in. It was a sunny day and the door was open. It was the shadow of the gunman on the book that made me look up at him. Both of us looked up. He had an arm tucked up under his other arm. He pulled out his hand. To me it seemed that he was using his left hand - he had a very small black gun in his hand. He sort of reached over the counter as close to Breezer's (Malachy Donnelly) head as he could get. At that stage I took my eye off him and looked at the gun and glanced at Breezer - his eyes were wide open looking straight at the gun and just at that it went off. Breezer had thrown his arm over his head as the gun went off and he reached out and pulled me down with him. I fell down between the wall and the counter, my back against the wall... I looked over at Breezer. I knew he wasn't dead. He looked as if he was playing dead. His eyes were closed. I closed my eyes to pretend I was dead, just praying to God. After that I didn't hear the shots of Gavin and Shane - my ears were deaf after the first shot and there was a lingering singing noise. But I heard the heavy noise of the bodies falling, Shane and Gavin. When I opened my eyes the stool, Gavin was sitting on it, the back of it had fallen and landed at my feet, his head was across my ankles, his legs were still in the stool, even though it was lying flat. The other wee fella (Shane) McArdle seemed to have fallen across Gavin and they seemed to have overlapped.

"I just sat there, still down on the floor, seemed ages before I got up. Looked over to see if I could see his (gunman) feet near the boys but I didn't see his feet. I got up and looked over the counter. Obviously he had gone. I shook Breezer and asked him if he was alright. He didn't answer me. I scrambled my way out over the top of the two boys and out on to the street..."²

Malachy Donnelly said that he looked up to see a man approaching the counter pulling a gun from the waistband of his trousers and pointing it directly at him, firing once and striking him on the forearm. Malachy says he then pushed Bronagh to the floor where they both took cover. Malachy says that he then heard a further two shots. He saw the gunman leave the depot and one of the boys lying on the floor bleeding heavily.

Malachy also describes the gunman as being "... about 25 years old and around six feet tall, slim build, with

1 Statement of Bronagh Hughes to RFJ 06 /11/ 1994

2 Ibid 1

*reddish brown hair and a long face, wearing jeans and a tee-shirt...*³

John McArdle worked in the next-door gaming arcade also in Lower English Street. On the morning of the shooting he had been in A2B Taxis chatting with Malachy and Bronagh and had noticed the two boys at the golfing game. This was approximately 10.45am.

John McArdle stated that he had just left A2B Taxis returning to his own business. He reports a few minutes later he heard three loud cracks and then saw a man running from A2B Taxis across the road and into Coppersmiths Alleyway. He too describes the person as being *"6 feet tall, of slim build with short sandy brown hair."*⁴

Mr. McArdle then went over to A2B Taxis and found Bronagh Hughes who came outside in a distressed state. He then entered the premises to find Malachy Donnelly lying injured on the ground and the two boys lying motionless. He immediately called the emergency services.

Mr. McArdle also places an RIR patrol at the scene of the shooting saying in his statement that, *"...I noticed a foot patrol, maybe four soldiers - RIR - going toward Lower English Street/Shambles. I was still standing at the window of the Arcade when I heard three cracks."*⁵

Another witness describes seeing the gunman leave A2B Taxis and head straight to Coppersmiths Alleyway that leads to Lonsdale carpark. She too describes the assailant as being tall, slim and with short sandy hair. She also said moments later Bronagh Hughes emerged in a distressed state.⁶

An ambulance and paramedic were directed to the scene at 10.55am arriving at 11.07am. The crew concentrated their efforts on Shane McArdle who was still showing some signs of life. Two off duty firemen, a nurse and a priest were already on the scene giving emergency first aid. The ambulance crew, assisted by the nurse, administered emergency treatment and at 11.16am brought Shane McArdle and Malachy Donnelly to Craigavon Hospital. Shane was then transferred to an intensive care unit in Belfast.⁷

The police, the RUC, arrived later despite being much closer to the scene than the ambulance crew.

3 Deposition of Malachy Donnelly to inquest of Gavin McShane (09/02/1995) Malachy Donnelly statement to Relatives for Justice (06/11/1994) Historical Enquiries Team report on the killing of Gavin McShane P8 &9

4 Statement by John Gerard McArdle to RFJ 30/10/1994

5 Ibid

6 HET Report page 9

7 Ibid page 10

The priest, Fr. Sean McEvoy, had administered the last rites to Gavin and Shane. Fr. McEvoy also lifted spent cartridge cases, which he later handed to RUC officer, Detective Inspector Patterson, once he arrived.⁸

Gavin was pronounced dead by Dr. Brian Cupples who attended the scene at 12.05pm.

The RUC searched Gavin's body and found his bus pass.

On being notified of the incident Gavin's grandfather, Con Duffy, attended the scene along with a Fr. Clarke and identified his grandson.

Gavin's body remained at the scene for a short period only. By 2pm the road was reopened; the forensics team having completed its tasks within roughly a couple of hours or just under, this probably achievable if they were nearby and readily available. Though the McShane family question if this was sufficient enough for a thorough examination.

The following day at 1pm in Belfast it was announced that Shane McArdle had died from the injuries sustained.

Witnesses

A witness who described the gunman also reported that on making his way from the taxi-depot he placed his hand on the boot of a parked car. He was not wearing gloves. This person was one of several who chose to give their statements to human rights cleric and former Chairperson of Relatives for Justice, Monsignor Raymond Murray, and not the RUC.⁹

Witnesses, in addition to John McArdle, also reported that approximately five minutes before the attack an RIR patrol passed the taxi-depot on foot.

In a statement to Monsignor Murray Witness 1¹⁰ says that he saw the patrol pass the depot on foot marching fast and that he was surprised that they

8 Ibid

9 It was common practice during the conflict for witnesses not to come forward to the RUC (police) as many people distrusted the RUC and feared that as witnesses they might be harassed or worse targeted as a consequence of coming forward. In similar type attacks witnesses who identified loyalists involved in turn had their details passed back to loyalists by police and/or military. A most notable case being that of Belfast mother of two Theresa Clinton gunned down in her Ormeau Road home on April 14th 1994. Four witnesses, all who identified one of Theresa's killers in a police line-up on April 24th 1994, then had their identities, including addresses, revealed by police to the person they had identified despite prior assurances this would not happen. Thousands of police and military intelligence files on Catholics and republicans had also been deliberately passed onto loyalist paramilitaries leading directly to people being targeted. Some were killed. So witnesses were understandably fearful.

10 Statement by Witness 1 06/11/1994 on file with RFJ



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did not stop and harass him, as was usually the case. Witness 2 also saw the gunman running from the taxi-depot after the attack and provided a similar description to the survivors and John McArdle.

Witness 1 believes he recognised the gunman and provided his name. He also said he knew his father who had also been a British soldier in the Ulster Defence Regiment (UDR) and his brother, who had been charged with possession of weapons for loyalist paramilitaries.¹¹

Loyalist gunman freely stalking Armagh City Centre

The killer was not masked and made no effort to conceal his identity. He wasn't even wearing clothing; i.e. hooded top, coat, glasses or hat; that might otherwise have been used to cover up and conceal him from recognition.¹² The weapon too would therefore not have been easily concealed.

Given that the attack took place within a clustered built-up area generally and with some businesses having closed circuit security monitors within proximity, including nearby 'security' cameras installed and monitored by the RUC and British army, this was risky to say the least. It was either some chance to take or the assailant was absolutely confident, assured that he would not be detected at all.

Several witnesses, including a worker at the Heel Bar in Russell Street, who'd been in English Street and a customer at the First Trust Bank both placed an RIR patrol in the vicinity and heading towards the Shambles area in and around the time of the shooting.¹³ One of the witnesses, Patrick Fields, also saw the foot patrol.¹⁴

There was also a permanent RUC/British Army Royal Irish Regiment (RIR) military checkpoint outside Armagh Courthouse. This was situated with a vantage point to all pedestrian and vehicle traffic emerging from Upper College Street, the Lower English and Russell St junction, and from Coppersmiths Alleyway back towards the courthouse area of the Mall, the direction in which the gunman fled after the attack. This permanent checkpoint had been in place as a result of an Irish Republican Army (IRA) bomb, which

had previously destroyed the courthouse. This is where the 'security' cameras were also located. These had sight lines of all emerging vehicles and pedestrian traffic.

It is still not clear whether or not these cameras were working on the day of the attack or if, like in so many similar types of attacks, the cameras were "switched off". There has been no explanation as to why the permanent checkpoint had been removed on the morning of the attack.¹⁵

As far as we can ascertain there was no police line of inquiry into footage that might have been recorded on 'security' or other cameras as part of the murder investigation. Even the Historical Enquiries Team (HET) report, which includes the list of all investigative actions carried out by the RUC, does not mention securing camera footage.

It is unlikely that the killer acted alone. More likely he was relying on accomplices within the immediate vicinity if not directly outside the taxi-depot assisting with disposal of the murder weapon, clothing and to transport him away using vehicles. Securing camera footage would therefore have been a major priority.

The initial police response



On arrival the RUC sealed off the scene and waited for the Scenes of Crimes Officers (SOCO). According to the HET they gathered three spent cartridge cases and one spent bullet – presumably the ones given by Fr. McEvoy. SOCO removed a carpeted mat and took eight fingerprint markings from the front entrance door to the taxi-depot. Four of these were found to be ineffective for comparison. And as standard practice in such situations the major incident room system was activated.¹⁶

The RUC claim to have deployed ten vehicle checkpoints at 11.10am four of which were undertaken by the RIR. These four in particular covered the main routes that would have most likely been taken by the killer and any accomplices assisting his getaway. These were located at Armagh Road Portadown; Loughgall Road; Moy Road; and Dungannon Road.¹⁷

¹¹ Ibid

¹² Malachy Donnelly statement & Bronagh Hughes statement page 2, paragraph 2

¹³ Summary of witness statements provided to RFJ June 1994 & November 1994

¹⁴ Ibid

¹⁵ Ibid

¹⁶ Historical Enquiries Team (HET) Review Summary Report Concerning the Death of Gavin Patrick McShane page 18

¹⁷ Het Report page 14

However, Gavin's father, Matt McShane, happened to be travelling from a business meeting in the Portadown area back to Armagh at approximately 11am and en-route had to pull in to allow an ambulance to pass that was going to an emergency. This was at Stonebridge, some distance from Armagh. During his journey he says that there was no roadblock or patrol in place or any sign of patrols travelling to establish a roadblock. Witnesses RFJ has spoken with and who were on the same road at roughly the same time have no recollection of vehicle checkpoints (VCP's). Little did Matt know at that point the emergency was in response to Gavin's shooting.¹⁸

Responsibility for attack

A group calling itself the Ulster Protestant Militia first claimed responsibility for the attack in a telephone call received by the Samaritans the following day, May 19th at 10.30am. However, no recognised code word was used. Then on May 22nd the BBC received a telephone call in which the UVF admitted responsibility. A recognised code word was given in this call.¹⁹

Background incidents of concern

On Sunday May 8th, the week before the attack, a female taxi-driver working for A2B Taxis was flagged down on the Mall area of Armagh City late at night by a man who asked to be taken to Belfast's loyalist Sandy Row area. On hearing the destination the driver made a quick excuse and made off to the depot reporting the incident to the depot manager and other drivers as being suspicious.²⁰ Ironically this too was the same evening that Tyrone pensioner Roseanne Mallon was murdered at her home on the outskirts of Dungannon by the same UVF gang responsible for Gavin and Shane's murders. It's now considered this may have been an attempt to lure the female driver from A2B as part of a murder bid.

Another witness - Witness 2 - a taxi-driver at A2B Taxis reported that he was being followed in the weeks leading up to the attack and had noted the make, colour and registration details of the car that had been following him. He passed these onto the RUC after the murders but the car was mysteriously never traced.²¹

On the day prior to the attack there were also reports by drivers at the depot of two males acting

suspiciously in Coppersmiths Alleyway who were believed to be watching A2B Taxis.

It was also on this day that a man travelling in a car had a minor collision with another car at a roundabout in Armagh City. When he exited his vehicle to apologise, the collision being his fault, and assess the damage he recognised the occupant as leading Portadown loyalist Billy Wright of the UVF. He said that he would call the police and report the accident. Wright said there was no need to report the accident and that everything was good and then drove off leaving the man standing there. We refer to this person as Witness 3.²²

Bronagh Hughes also recalled to RFJ an incident just a few weeks prior to the attack. One of the taxi-drivers sitting outside the depot in his car had radioed in asking her to take a look outside. When she did she saw an RIR patrol walking down the street.

"Accompanying the patrol was a man dressed in denim jeans and jacket, stocky build, a goatee beard, in the middle of the road laughing and in animated conversation and banter with the soldiers". At first she thought it was a joke of some kind and that a local person had been *"mixing it"* with the patrol. Then it was pointed out to her that the person was Billy "King Rat" Wright. Bronagh is very clear of the description and not long after this she further recognised him from media pictures and television footage. The statement is also corroborated by the taxi-driver.²³

RIR as suspects

Shortly before Gavin and Shane's murders Wright's gang had been responsible for a UVF attack that claimed the life of Francis Brown, a 37-year-old Catholic. Mr. Brown was killed outside his Obins Street home in Portadown on March 11th 1994 when a bomb deliberately placed beside his lorry exploded as he was going to work. Two RIR soldiers, one a Sergeant the other a Private, Thomas Irwin and Maurice Nicholl, whose addresses were given only as Drumadd Barracks, Armagh, where they were stationed, were subsequently charged in connection to the murder and other UVF attacks that seriously injured several people including a woman and children. They were also charged with an attack on Catholic workmen at a building site in Keady, Armagh, where Gavin happened to be from.

The pair were later sentenced. In summing up justice Pringle said that the pair were *"sucked into"* working for

¹⁸ Statement of Matt McShane to RFJ 30/10/1994

¹⁹ HET Report page 6

²⁰ Statement of Witness 5 on file with RFJ & HET Report page 7

²¹ Statement on file with RFJ June 10th 2014

²² Statement on file with RFJ June 11th 2014

²³ Statement of Bronagh Hughes October 20th 2012



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loyalists and that his job was not a pleasant one as the pair had up until this point “...served their country with great distinction”.²⁴

Such mitigating statements, odious as they are to victims’ families, sought to downplay their roles portraying them as naïve when in fact connections and cooperation between the UDR/RIR and loyalists were commonplace. The comments defied the evidence of widespread UDR/RIR collusion.²⁵

A friend of Gavin’s, then an apprentice at Powerscreen in Dungannon, told RFJ that he was travelling to work at approximately 7.30am on the morning of the murders and that he was stopped at three different checkpoints in Armagh, one of which was at the Shambles area, the scene of the murders. We refer to this person as Witness 4.²⁶ The checkpoints included both the RUC and RIR.²⁷

A number of men with links to serving RIR soldiers and loyalists were questioned at Gough Barracks, Armagh, about their possible involvement in the murders of Gavin and Shane whilst being detained for other “terrorist related offences”.²⁸

Of the total number of murder suspects four had “links to loyalist paramilitary groups and the RIR”.²⁹ However, a HET officer told the McShane family that the four were in fact serving RIR soldiers and later in the HET report they actually confirm this fact.³⁰

The RIR quickly became a line of enquiry by some detectives and an anonymous letter was also later received that read;

“Dear Sir,

*A UDR soldier involved in the killing at Shambles A2B. But got the wrong people. (You know what I mean U.D.R.4)”*³¹

This was a direct reference to the murder of Catholic man Adrian Carroll also in Armagh City on November 8th 1983 for which four members of the UDR were initially convicted after witnesses identified one of the killers and that he was assisted by an on-duty UDR patrol. Three were later acquitted but one conviction was upheld.

Adrian Carroll was murdered a few hundred yards from A2B Taxis in Abbey Street that runs southwards directly from the junction of English St.

The main witness in the conviction of the UDR 4 was the mother of Bronagh Hughes, the wife of the owner of A2B Taxis and the person who had survived the attack on the taxi depot. Her mother’s evidence also related to the one person who had failed to be acquitted. It certainly was motive enough; that is apart from being Catholic.

It was also rumoured that an attempt was made by a man to enter the Irish Language Shop, Gael Linn, which was facing A2B Taxis shortly before the attack. However, this has not been confirmed and it would appear that the key target was A2B Taxis.

Within days of the murders the names of those involved had been circulating from within media and indeed some RUC sources, though these weren’t reported on in the press. It wasn’t exactly hard to pinpoint the Mid-Ulster UVF crew, as Wright and Fulton were well known, as were several others including RIR associates.

From the descriptions provided by witnesses and by a journalist and author who knew most of Wright’s gang, and having spoken to several including Wright, a name for the gunman – the key suspect - entered the frame. Matt and Maria McShane brought this name to the investigating detectives.

Identification methods, alibi of key suspect & fingerprints

Some of the eyewitnesses that presented statements to the RUC were invited to view photo-albums containing the pictures of loyalists and to construct CD photo-fits. However, the pictures of those loyalists suspected, including the four serving RIR soldiers questioned, and the key suspect were not included in

24 Record of 1995 court appearances and sentencing on file with RFJ

25 The UDR was a regiment of the British Army recruited from within the North and heavily penetrated by loyalists. Noted for its sectarianism it was disbanded but in reality it merely merged with the existing and more mainstream British Army’s Royal Irish Regiment (RIR) in 1992. UDR by day loyalists by night became the mantra such was the scale of dual membership. Official documents uncovered in recent years show the British government were aware from the early 1970’s that the UDR was penetrated by loyalists and that collusion was significantly high including the provision of weapons and ammunition that was recorded as “stolen” in bogus raids on a number of barracks. This was particularly the case with those regiments within the Mid-Ulster area. However, the British government turned a blind eye and did nothing about this. <http://www.theguardian.com/uk/2006/may/04/northernireland.northernireland> & <http://www.patfinucanecentre.org/declassified/udr.pdf>

26 Statement on file with RFJ May 20th 2104

27 There are numerous instances of VCP’s and police/military activity being recorded as present in the vicinity of attacks only to be removed prior to the killers striking

28 HET report page 17

29 Ibid

30 HET Report page 23

31 HET Report page 16

these separate viewings. Photos of the four members of the so-called UDR 4 were also not included as this too would have naturally been a line of enquiry.³²

In intelligence reports, according to the HET, it was revealed that an informant source within loyalism had also identified from the CD photo-fits a person that was also the key suspect in the investigation.³³ However, this is not the person named by Witness 1 in his statement³⁴ and the key suspect was not a member of the RIR.



Though it is possible that the person named by Witness 1 may have assisted the killer calling into question the hasty RIR patrol minutes before the attack all of which should have been a major line of enquiry and that the killer most likely didn't act alone. And noting that two other witnesses saw two men acting suspiciously who they believed were watching A2B Taxis the day before the attack; the day Wright was also in Armagh and involved in the minor road accident.

Of the six photo-fits completed for witnesses four still exist. It is unclear if these relate to this key suspect or not. No explanation was ever provided as to why the other two photo-fits do not now exist.³⁵

A number of fingerprint markings taken from the door of the taxi-depot were never manually tested against the four RIR soldiers arrested, the key loyalist suspect, or other loyalists until 17 years after the murders despite the PSNI also receiving further intelligence about the attack in 2009.³⁶

The McShane family has since been told that this exercise has now been completed and that the fingerprints found at the scene are "*not identical*"³⁷ but understandably they do not feel assured. Exactly what

does "*not identical*" mean? is this distinct from 'not a match'? And why did it take 17 years?

They have also been told by the PSNI, and the HET, that there is now no evidential opportunity in relation to photos of suspects. This is a matter they most certainly and rightly refuse to accept.

Having brought the name of the key suspect believed to have carried out the murders to the RUC the McShane family were in turn told an alibi was provided by a Portadown employer placing the suspect at work on the day of the double murder. On enquiring further the McShane family were told by the RUC that a contractor employed the suspect on a building site. However, a decade after the killings sources that eventually responded to requests from the McShanes say he wasn't at this employer's site on the day of the killings and that he was never employed by him but rather he was a "*fellow loyalist associate*".³⁸ Sources also say that at the time of the murders a manufacturing company in Mid-Ulster employed him and he wasn't at work the day of the murders including for a period afterwards. We also understand that the suspect was married shortly after the murders.

As far as we can ascertain none of these matters were ever fully followed up after an alibi was presented and accepted at face value. The McShane family believes that this is a line of enquiry that any new investigative process must follow-up as this has yet to be properly exhausted. The employment status and whereabouts of the key suspect on the day of the murders must be fully established and the nature of the alibi should be revisited.

Suspect named and implicated in murders

Mid-Ulster Loyalist, John Thomas Harper, convicted for his involvement in the UVF attack that claimed the lives of three Catholics, two young teenage girls and a 28 year-old man in 1991, named an individual as being the gunman responsible for that triple murder. This is same key person suspected of murdering Gavin and Shane. During Harper's initial trial heard on March 29th 1995 by the then Lord Chief Justice (LCJ) Sir Brian Hutton, comments were made in court as to why the key suspect wasn't charged and before the court further fuelling speculation at the time of his relationship with the 'security' and intelligence agencies.³⁹

³² Het Report page 23

³³ HET Report page 20

³⁴ Supra 10

³⁵ HET Report page 22

³⁶ HET Report page 22 & 23

³⁷ Ibid

³⁸ Details provided to RFJ by Matt McShane

³⁹ Note of court attendance by Pat Frizzell brother of Brian Frizzell



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This main suspect⁴⁰ has also made an online video for the Elim Church, Portadown, in which he openly talks about his role in "*organised crime and political violence*"⁴¹ and yet has never been, as far as we can establish, charged or convicted of any conflict-related offence.

Now a professed born again Christian working in the Portadown area with young people he has, according to several sources and material seen by RFJ, acknowledged in general his role in UVF loyalist terrorism in the Mid-Ulster area. He also said that without a structured truth and reconciliation process free from any prospect of prosecution and recrimination he would not go into specifics about his role in the UVF. Referred to as Suspect 2 by the HET in the murders of Charlie and Teresa Fox, on Sunday September 6th 1992, he voluntarily met with the HET on Monday 22nd August 2011 where he informally chatted to them.⁴²

At a preliminary inquest hearing on June 15th 2015 into the murders Charlie and Tess Fox, murdered by the Mid-Ulster UVF in which the same person was involved, the court heard that former HET officers told of a "*cesspit of collusion*" in Mid-Ulster.⁴³

It would appear that the suspect, and others within the Mid-Ulster UVF, enjoys a level of immunity even when directly implicated by a fellow associate.⁴⁴

The McShane family echo the views expressed during the Harper trial of why the suspect was not before the court for the triple murder in 1991 having been named as the killer. Had due process prevailed then perhaps the attack that took the lives of Gavin and Shane might not have occurred.

They also enquire as to what have become known as satellite files between the prosecution service and 'security' and intelligence agencies and the courts relating to agents and informers who find themselves either named or before the courts. It is known satellite files were a way of circumventing culpability thus protecting agents and informers.

Inexplicable investigative approaches

Bizarrely detectives took four eyewitnesses to a court to view two loyalists standing trial for a separate murder. This breached all protocols and had a positive identification been made then there would have been no conviction, as the circumstances of identification would have been thrown out of court.⁴⁵

Why go to this trouble when the RUC could have easily arranged an identification line-up of these loyalists and in particular the key suspect? Something they never did.

Equally astonishingly Chief Superintendent McBurney, the highest-ranking officer involved in overseeing murder investigations in the region at the time, provided Matt McShane with a photograph of the key suspect whilst attending Gough Barracks. Matt had attended with his sister-in-law Paula McGuigan to enquire as to the progress of the murder investigation having told the police that a number of sources were implicating the Portadown loyalist in the double murder.

Initially McBurney went and got a black and white picture of the key suspect and showed it to Matt who replied that it was in poor condition and not that clear. McBurney said that he would get a clearer colour photo and for Matt to call and collect this the next morning. Matt was unable to call the next day and so arranged for his wife Maria, again accompanied by her sister Paula McGuigan, to collect the photo, which they did from McBurney.⁴⁶ Then on reflection Matt and Maria became very cautious believing that they were now possibly putting into jeopardy any potential future prosecution by way of this identification picture.

However, they were also worried that if anything happened the suspect then Matt might himself become a suspect in such circumstances.

The photo was put away in a safe place and no one had access to it until Matt again had opportunity to raise the matter with the police. When this was raised McBurney denied ever having given Matt the

40 <http://www.mirror.co.uk/news/uk-news/suspected-loyalist-serial-killer-link-3704523>

41 <http://www.youtube.com/watch?v=m08fGZWS1gc&sns=em>

42 Report Review Summary Report concerning the murders Charles Daniel Fox and Teresa Fox; references a discussion with the suspect pages 55/56

43 <http://www.tyrontimes.co.uk/news/tyrone-news/children-of-murdered-moy-couple-charlie-and-tess-fox-call-for-public-inquiry-1-6813684>

44 Supra 38

45 HET Report page 23

46 Statement by Matt & Maria McShane on file with RFJ including the photo provided by McBurney. This detail was also contained in the family statements made to the Police ombudsman investigation. McBurney, who had initially denied handing over the photo, has since died and therefore that investigation was unable to establish for certain. However, a senior investigating officer at the Police Ombudsman's office did say that had McBurney provided the photo then he would have had to deny doing so.

photo. McBurney was also interviewed by the Police Ombudsman about the incident and again denied it. He has since passed away. The photo is now in the possession of the Police Ombudsman as part of the family's overall complaint about the murders.

During the murder enquiry the senior investigating officer in the case took the unusual step of alerting two leading Portadown loyalists that they were under threat.⁴⁷ The pair had been named as potential suspects and also named in intelligence but were ruled out early into the investigation – one of those was Billy Wright. Wright was not the killer, though would have been involved in planning and directing the attack. This decision has caused further concern for the McShane family. Was the threat warning anything to do with Matt unofficially receiving the photo of the key suspect from McBurney?

The murder weapon

From the three spent cartridge cases and one bullet recovered from the murder scene it was established that the weapon used was a .32 self loading pistol and according to the ballistics report this weapon had no previous history in any other attacks or killings. There is no explanation as to how the two remaining bullets fired, at least one of which was a fatal shot, went missing.⁴⁸ The McShane family rightly feels this is an important matter that would be critical to the ballistics identification of the murder weapon. The pistol has never been recovered. McBurney told Matt that this was a Star pistol.



In the days after the attack the RUC told the McShane family that they had conducted a thorough search of the immediate area for anything, including a weapon, possibly discarded by the killer after the attack. They claimed to have also completed door-to-

door enquiries, and had even searched the gardens of homes adjoining onto Coppersmiths Alleyway. Nothing was found.⁴⁹

However, Monsignor Denis Faul along with members of the McShane family met near the murder scene around a fortnight after the shootings and conducted door-to-door enquiries only to realise that the RUC hadn't as they claimed carried out this task fully. Gavin's father Matt has provided RFJ with the details of homes he called to and that some of the immediate gardens of these homes were covered in large weeds and overgrown grass and had not been searched. Matt explained that once they completed their search the weeded and grass areas were trampled down as a result of the physical searches and that this would have also been the case had the RUC searched the area.⁵⁰

And it was during these family led enquiries and searches that the RUC arrived on the scene to enquire what the family were doing.⁵¹

The .32 pistol used was of a type supplied to members of state forces for personal protection.⁵² Therefore this was an obvious and immediate line of enquiry for the investigation, especially as four of the key suspects were serving members of the RIR. The spent bullet from the murder scene should have been compared against all legally held weapons belonging to these suspects.

However, it is still unclear as to whether or not there was an examination of all .32 pistols belonging to all serving members of the RIR in the immediate north Armagh and Mid-Ulster areas that were on record including from service records of all those who previously served and were likely to have been in possession of such a weapon. This too should have included all ammunition that was signed out being fully accounted for from armouries. The same exercise should have been conducted in respect of the RUC, RUC reserve and prison service staff. This was not completed due to the fact that there are "*incomplete records of legally held firearms*."⁵³

Responsibility for issuing personal protection certificates rests with the Northern Ireland Office (NIO) and the RUC.

This line of enquiry too should have examined .32 pistols as reported "*missing*" or "*stolen*".

49 Statement of Matt McShane May 2011

50 Ibid

51 Ibid

52 HET Report page 18

53 Ibid

47 HET Report page 20

48 HET report page 18



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The relevance of this can be seen during the September 2015 inquest into the loyalist murder of postal worker Daniel - Danny - McColgan, shot in January 2002 in north Belfast, when the lead RUC officer who investigated the shooting gave evidence. Under cross-examination, by counsel for the McColgan family, Detective Roy Suitters eventually conceded that one of the murder weapons used belonged to a member of one of the state's armed forces.⁵⁴ However, he refused to say which branch of state forces this person belonged to but counsel for the family stated that it was a member of the RIR. Suitters did not refute the claim.

The weapon, a Beretta pistol, was allegedly stolen from an office in a primary school where this part-time RIR member also worked. The other weapon used in the shooting was a 9mm Browning pistol. The weapons were connected to a number of shootings.⁵⁵

Suitters explained to the inquest that all weapons provided to members of state forces, or when weapons have been privately purchased, must first undergo a test fire where the bullet head and shell casing are then subjected to ballistics tests that are recorded and retained on a centralised database. This process he added is compulsory prior to a firearms certificate being issued.⁵⁶

As in the case of the shooting of young Danny McColgan, and replicated in the case of Gavin and Shane, a number of bullets recovered from the murder scene went "missing". These were "lost" in the post having been sent to England for specialist forensic testing.⁵⁷

The killers in the Danny McColgan case are well known yet once again despite the evidence no one was convicted. For the purposes of that inquest the PSNI obtained a Public Interest Immunity Certificate (PIIC) to prevent the disclosure of intelligence.⁵⁸

So whilst the list of those holding personal protection firearms is "incomplete" the separate centralised database we presume remains and could therefore provide details that would either eliminate or confirm if the gun used to murder Gavin and Shane was a legally held weapon. Importantly if this were the case it would identify the permit holder.

History of "missing" weapons & ballistics tampering

There has been a long history of legally held weapons provided to serving and former member of state forces being reported as "missing" or "stolen". This too has included ammunition. In numerous incidents these weapons have subsequently been used in the sectarian murders of Catholics; Pat Finucane⁵⁹, the attack in Castlerock⁶⁰ that claimed four lives, the Sean Graham's Bookmakers⁶¹ attack that claimed five lives, Aidan Wallace, and Terry Enright are just some of the many murders involving guns allegedly "stolen".

The McShane family now raises questions about the integrity of the ballistics report of the time and in light of revelations that emerged in November 2013 at the inquest into the UVF murder of Tyrone pensioner Roseanne Mallon. This also relates to the failure to complete a proper line of enquiry into .32 legally supplied personal protection weapons to state forces personnel.

As previously stated Ms. Mallon was murdered in an attack on May 8th 1994, ten days before Gavin and Shane's murders, at her home on the outskirts of Dungannon. It later emerged that threats had been made to a nephew of Ms. Mallon by RUC special branch and MI5⁶² and that at the time of the attack there had been a significant covert operation in place by specialist units of the British Army authorised at the highest level of the security and political frameworks as part of the joint military, intelligence and RUC Tasking & Coordinating Group (TCG).⁶³ This too included British Army surveillance cameras, one of which was accidentally uncovered after the murder by a farmer whose land overlooked the scene of the attack on the Mallon home. Statements from soldiers involved in the covert operation reveal that they were told to switch off the cameras and cease recording prior to the attack. They also state that when they reported the attack back to their command as it occurred they were ordered, "not to react".⁶⁴

59 https://madden-finucane.com/files/2016/01/2003-04-17_stevens_report.pdf

60 Two of the guns used in the Castlerock attack belonged to serving UDR/RIR soldiers which were reported as "stolen" in two separate incidents; one from a burglary the other from a car. Details on file with RFJ

61 http://relativesforjustice.com/wp-content/uploads/2014/03/S_Graham-Full-Report-Web.pdf

62 Details of death threats made during detention at Gough Barracks, Armagh, lodged with solicitor Martin Donaghy, Amnesty International & RFJ

63 <https://www.relativesforjustice.com/thoughts-from-the-roseanne-mallon-inquest/>

64 Statements discovered as part of civil proceedings from six British soldiers involved in part of the overall covert surveillance operation on the Mallon home and property (on file with family lawyer Martin Donaghy)

54 <http://relativesforjustice.com/daniel-mccolgan-inquest-continuing/>

55 Ibid

56 Ibid

57 Ibid

58 Ibid

At the inquest hearing the PSNI provided a ballistic report that stated the weapon used in Ms. Mallon's murder had no previous use.⁶⁵ This weapon, a Czechoslovakian manufactured 7.62 x 39 mm caliber, model VZ58P assault rifle⁶⁶, a replica of the AK47, was recovered nearby the murder scene under a sheet of tin following a "tip off".

When it was reported in the broadcast media that evening that the murder weapon had no previous use a former English police officer contacted the Court Service, the Coroners Office and the PSNI informing them that this was not the case and that the weapon had been used in multiple murders. The former officer had knowledge of a number of murders in the east Tyrone area as he had investigated these killings whilst working in the HET.⁶⁷

High Court Judge Reg Weir, sitting as coroner in the case, was informed the next day that the ballistic information was false. The former officer was able to reference a specific number of killings that linked the actual murder weapon, including another similar type weapon discovered on May 10th 1994 at Kilmore, Loughgall, Armagh, to 17 murders and four attempted murders. The weapon used to murder Ms. Mallon had been used in eleven murders in eight separate incidents.⁶⁸

What emerged in the Mallon inquest is that a largely unknown internal unit of the RUC, known as the Weapons Explosives & Research Centre (WERC), now known as the Centre for Information on Firearms and Explosives (CIFEx)⁶⁹, and which at the time was under the direct control of RUC special branch, conducted its own ballistics examination of weapons contrary to standard procedures that should have necessitated this being the primary function of the NI Forensic Science Laboratory, which is independent to the police.

Justice Weir described WERC as a "unit within a unit"⁷⁰ - a direct reference to the term used for special branch by critics who cited "a force within a force" - and questioned the authenticity of the report and the qualifications of those conducting these ballistic

examinations involving weapons used in murders. It transpired that none of the staff within WERC held relevant competent qualifications that would have permitted any interference with murder weapons. If anything this practice could potentially impact negatively on key chains of evidential items thus undermining the integrity necessary for prosecutions. Justice Weir demanded answers and those within WERC at the time responsible for the false report to be called to the inquest to explain. Despite resistance from the PSNI's legal representatives they eventually had to appear.⁷¹

For their part the PSNI sought to excuse their "oversight" by saying that the equipment they had at the time of the WERC examination, May 1994, was not up to date and that the "microscopes were of a poor quality".⁷² However, in an independent ballistic report, compiled for the Mallon family by a leading ballistic expert from Keith Borer Ballistics Consulting, it was stated that the "error" should not have occurred, a view also upheld by Mr. Jonathan Greer of the Forensic Science NI (FSNI), the body normally assigned for forensic examination. An "error", both added, made repeatedly in respect to all the other killings and attacks should have been obvious. It was deliberately misleading in that context.⁷³

The McShane family are now concerned that with the collective failings in the investigation into the murder of their son and Shane McArdle that this has now cast further doubt over the ballistic history of the .32 pistol and the "incomplete records".⁷⁴ They want to know if the same internal police agency - WERC - responsible for the ballistic report in the Mallon, and numerous other killings⁷⁵, was involved in the ballistics chain in respect of the .32 pistol, spent cartridges, and one bullet recovered from the scene of Gavin and Shane's murder at any stage. Further, they seek explanation for the two missing bullets.

65 25th November 2015

66 This weapon came from a much larger consignment of guns and munitions imported into the North in late 1987 from the then South African apartheid regime by loyalists. British army intelligence and their agent Brian Nelson assisted the importation; special branch and MI5 were aware and played roles through their respective agents too. A report on this shipment of weapons entitled Collusion was produced by RFJ in September 1995 and documents 229 killings, many of which are directly attributable to these weapons

67 Ballistic report re WERC failings to Roseanne Mallon inquest December 5th 2013 on file with RFJ

68 Ibid

69 Freedom of Information response to RFJ from PSNI - Request Number: F-2013-05848

70 Note of inquest held on file by RFJ

71 It also emerged at the same inquest that WERC played a key role in surveillance, monitoring and eavesdropping. Those employed at WERC at the time, including those who continued their role into CIFEx, sought Public Interest Immunity (PII) in giving evidence at the Mallon inquest. Justice Weir questioned as to why anonymity was requested given that for decades of conflict he had never heard of any such a request from forensic and ballistic staff. During evidence it was further revealed that the only experience of weapons that one so-called "expert" had was whilst serving in the British Army. Prior to this he was a crane driver at Harland & Wolf.

72 Supra 66

73 Independent ballistic report Keith Borer Ballistics Consulting (January 8th 2015) evidence of ballistic scientist Mr. J Greer to inquest (January 14th 2015)

74 Supra 52

75 And it is this that has rightly caught the attention of families whose loved ones were killed in highly questionable circumstances and where those responsible have not been held to account but rather, as many believe, remain protected by special branch interests within current policing structures and the state's intelligence services as they were at the time of the murders suspected state agents.



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The McShane family also has concerns, as the same investigating officers at the center of the Mallon murder inquiry were also the very same people responsible for Gavin and Shane's investigation - under the command of Chief Superintendent McBurney. Indeed they were responsible for investigating scores of murders carried out by the Mid-Ulster UVF.

Detective Inspector McFarland who directed the investigation into Ms. Mallon's murder told that inquest that despite conducting a murder inquiry he was not told anything about the covert operation and that he had only learned of this when it had been accidentally discovered and made public by the Mallon family. Asked whether or not knowledge of this at the outset would have assisted his inquiries he admitted yes and that you are only told on a "...need to know basis..."⁷⁶ and that this was frustrating especially when conducting a murder inquiry.

In a further development, and quite separately to these murders, it later emerged that WERC had handled two weapons belonging to the IRA. These had been removed from an IRA arms hide in Belfast and provided to an RUC special branch officer by an IRA agent he was handling. The weapons were brought to Raveret, Lisburn, a joint RUC and military base, where they were test fired before being returned to the IRA agent. However, and crucially according to the special branch agent-handler, the weapons were not deactivated before being returned to the arms hide undetected. In a statement by the former special branch officer and obtained by investigative journalist Chris Moore, and broadcast on the *BBC's Spotlight*⁷⁷ May 12th 2015, he claims that he was horrified when he learned that the two weapons were used to kill two RUC beat officers in Belfast in June 1990.⁷⁸

The Spotlight programme also revealed that the Police Ombudsman is currently examining up to 60 instances where people were killed in which WERC potentially were involved in a similar way.⁷⁹

So as DI McFarland admitted they were kept largely in the dark by special branch and only on a need to know basis.⁸⁰ Even Chief Supt. McBurney, despite his working relationship with special branch regional boss for the area, Frank Murray, would have also been kept largely in the dark. This could provide another theory as to why McBurney, possibly frustrated by special

branch and other intelligence agencies running agents involved in murders, provided the photo to the McShane family. It was something he could obviously not admit to hence his denials.

The McShane family has very obvious concerns about the weapon, its origins, the missing bullets, and the possible role of WERC. If WERC was involved then this certainly adds to suspicions about the suspect and could explain why he has not been charged (a) in relation to the triple murders in 1991 (b) Gavin and Shane's murders (c) his involvement in the murder of Roseanne Mallon and many more murders. There is certainly a correlation that emerges with the attempted covering of the ballistic evidential chain; perverting of the course of justice.

Forensics - missing Items- & destruction of clothing

Following the failures to compare fingerprint evidence taken from the door of the taxi-depot to suspects the only other item that was examined was the door entrance floor-mat that partly covered the floor into the middle of the taxi-depot. Witnesses say this was removed from the scene by the RUC.

According to the RUC, and the PSNI, there is no record of it ever being taken and some officers questioned its very existence with the McShane family. However, photographs of the scene clearly show that there is a carpeted strip. The Forensic Lab did not receive it. The McShane family now wonders if WERC received this item.⁸¹

It was also disclosed in 2000 that clothes belonging to Gavin and Shane were destroyed by incineration immediately after the autopsy was conducted. This was revealed when the family enquired about developments in DNA and the possibility that the killer, who was in such close range to both boys as he shot them, could possibly have transferred DNA to their clothing or the possibility that one of the boys could equally have brushed against or touched him during those moments. This was especially important as the killer wore a tee-shirt and hair follicle samples from his lower arms could easily have transferred to the boys' clothes from the force of firing. Also, as the killer was not wearing a balaclava, his head hair could have also possibly transferred.⁸²

76 Evidence provided to the inquest <https://www.relativesforjustice.com/its-the-collusion-question-in-mallon-inquest/>

77 <http://www.bbc.co.uk/news/uk-northern-ireland-32700914> & <http://www.bbc.co.uk/programmes/b05v2g1r>

78 <https://www.bbc.co.uk/news/uk-northern-ireland-32700914>

79 Ibid

80 Evidence from DI McFarland to the Mallon inquest and referenced in the findings Monday 7/1/2019

81 HET Report page 28 & 29 response to question 3 by the McShane family

82



The McShane family was informed by police that the hospital authorities had taken the decision to destroy the clothes and not police. However, when this was raised with the hospital they were adamant that the responsibility for this was with police and that all the clothes were properly bagged and sealed in the normal way for police. A Mr. Black of the Pathology Department confirmed this. Further Mr. Black told the McShane family that he personally handed over the sealed bag containing Gavin's clothes to the police. Eventually the police accepted responsibility and stated that the destruction was on the grounds of the clothes being a "health hazard" due to blood.⁸³ However Gavin's grandfather, Con Duffy, who identified his body at the scene said that the clothes were not soaked or covered in blood and that he had held Gavin.

The McShane family would like to see a health and safety certificate that warranted the destruction of the clothes and precisely who signed off on this at the time. They also view the destruction of the clothes as the burning of vital evidence.

RFJ can confirm that in numerous other cases clothes from the deceased, despite being heavily bloodstained, have been retained and not destroyed. A very public example of this is items from those killed on Bloody Sunday currently on display at the Bloody Sunday Museum, Derry. RFJ also presented

the HET with clothes from a person killed by the British Army that contained blood for the purposes of demonstrating that the person had been turning away from soldiers when shot contrary to claims by soldiers that they were confronted by a gunman. These clothes were handed back to the family once examined, having been originally returned in the days after the shooting.⁸⁴

Comparing and contrasting the approach by the authorities to killings involving the state, or where collusion is suspected in killings by non-state organisations, to those involving republicans it is more likely that the retention of forensic evidence in the latter takes place. Historic convictions have occurred including with the use of DNA from retained items. For example a cigarette end retained from the scene of an IRA killing of RUC member John Proctor in 1981 led to the conviction in November 2013 of south Derry republican Seamus Kearney.⁸⁵

It appears that every possible investigative opportunity from forensic, ballistic, CD photo-fit, photographic, fingerprint, to interview notes of suspects, has been thwarted due to deliberate destruction or items lost.

⁸³ Letter of apology from RUC Chief Inspector DJ Williamson to Maria McShane dated May 15th 2000 accepting responsibility for the destruction of Gavin's clothing

⁸⁴ Clothing belonging to the family of Johnny Copeland - RFJ Family Report, February 2019 entitled British army Murder of John Copeland October 1972

⁸⁵ <https://www.bbc.co.uk/news/uk-northern-ireland-25136281>



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Destruction of investigation files - interview notes

On May 20th 2003 RFJ alerted families that at Gough Barracks there was the widespread destruction of investigation files and interview notes of suspects detained and questioned about unsolved murders and attacks. This destruction was also allegedly ordered on the grounds of "health & safety" and that these paper files constituted a "health hazard" as they were stored in an outhouse building within the barracks site that had an asbestos roof.⁸⁶

This information was disclosed during a number of preliminary inquest hearings into four incidents that claimed ten lives. These included UVF murders that the main suspect in Gavin and Shane's murder is believed to have also been responsible for; Kevin and Jack McKearney, Charlie and Tess Fox, and Roseanne Mallon.



Coroner Roger McLarnon was highly critical of the destruction and questioned the validity of it when no secure process was put in place to make copies of originals prior to destruction. It was later stated that copying the material would have been too costly and time consuming;⁸⁷ a despicable and totally insensitive statement to have been made given that the destruction directly related to and impacted on scores of unsolved murders.

There has yet to be a report provided by an appropriate independent health and safety authority recommending the destruction – for example the Health & Safety Executive (HSE). That the destruction occurred in 1998 during the period of political agreement with the imminent changes to policing and transition casts a further shadow over this matter.

⁸⁶ <http://relativesforjustice.com/wp-content/uploads/2015/10/Murder-Lies-Cover-up-Impunity-pdf.pdf> (page 2 fact 2) & <https://relativesforjustice.com/ruc-pathetic-excuses-facilitate-continuing-impunity-pps-must-act/>

⁸⁷ RFJ attendance note of the preliminary inquest hearing on file

Relatives for Justice understands that all the interview notes from those detained and questioned at Gough barracks in relation to the murder of Gavin and Shane have been destroyed. RFJ also understands interview notes in other murders relating to the same key suspect have been destroyed.



The McShane family is pursuing this matter with the Police Ombudsman, who in the fresh Loughinisland Report of June 2016 commented on the contamination and destruction process⁸⁸. However, all those within the RUC at the time and who the Ombudsman spoke to could not, conveniently, recall very much.

As stated the McShane family are also concerned given at the time of the murders the RUC also failed to manually match outstanding fingerprints taken from the door of the taxi-depot to those suspects named in intelligence, a key loyalist leader, and four RIR soldiers. This failure too includes the PSNI who also received intelligence in 2009 and still there was a failure to check outstanding fingerprints against the person named in that intelligence.⁸⁹

Such is the volume of inertia and investigative failings surrounding these murders that the McShane family rightly feel that they must comb thoroughly every aspect of the murder investigation in order to satisfy themselves that no stones have been left unturned. Unfortunately they keep finding key aspects of the investigation that have half turned stones and others that have been missed, which they keep tripping over. There was also the failure to fingerprint the parked car that the killer placed his hand onto as he exited the murder scene and to follow up on the details of the suspicious car that followed one of the drivers of A2B Taxis in the days prior to the attack.

⁸⁸ <https://policeombudsman.org/PONI/files/e3/e3583bf2-a7fc-49a3-9b59-3acf8f042e29.pdf> - Appendix 5 pages 155-159

⁸⁹ Supra 37

Correspondences from the McShane family to the RUC, that also included other families on whose behalf they jointly wrote, asking questions, challenging inaction and posing potential evidential leads concerning suspects was quickly accelerated up the chain of command to the rank of Assistant Chief Constable, Deputy Chief Constable and to NIO ministers. It appears from correspondences that a concerted effort was made not to act on the requests but to assuage and manage concerns.⁹⁰ This tactic was more about politics, image and PR than policing and following leads. An approach that was all-revealing.

Intelligence

The HET claimed that there are no intelligence reports that could have alerted the authorities of an attack;⁹¹ this despite the levels of penetration of the Mid-Ulster UVF by special branch, British army intelligence and MI5. Both the key suspect and Wright had strong links with state forces and between them, including others within the Mid-Ulster UVF gang, are suspected to have been working across all three of these agencies.

As one of the main UVF leaders in the region Wright would undoubtedly have played a central role in organising the killings and the motive was most likely that the taxi-depot was Catholic owned and that the owner's wife was the daughter of a key witness in the UDR 4 case whose evidence initially secured convictions. Three of the convictions were later overturned on appeal and one was upheld. That was more than enough for the UVF to target the taxi-depot.

Ten days prior to the double murder Wright had also played a similar role in organising the murder of Roseanne Mallon and was detained along with two other men shortly after that killing in a car within the greater Dungannon area. Wright had also been seen on the morning of the Mallon murder in the vicinity by a regular police patrol that noted the sighting. It wasn't the only sighting as he had been in the general area in the days leading up to that attack as disclosures to the Mallon inquest reveal. All three were released from Gough Barracks; even before forensics results were returned from the forensics lab on clothing they were wearing.⁹² It would appear that a similar modus was at play in Armagh also, Wright being in Armagh and inadvertently being involved in a minor collision with another vehicle, belonging to Witness 4, the day

prior to the attack on Tuesday 17th May 1994.

The McShane family enquires as to whether or not the key suspect in Gavin and Shane's murders was one of those detained in the immediate aftermath of Ms. Mallon's murder. The family of Roseanne Mallon who has spoken to RFJ supports this line of enquiry, as do numerous other families, given that the same person is suspected to have been involved in multiple killings in the Mid-Ulster region in the late 1980's through to 1994.

Families in the Tyrone and Armagh area in which the same suspect is believed to have been responsible for the murders of their loved ones collectively would like to see a thematically linked investigative process.

The McShane family finds it incredible that there is no intelligence after the attack.

The only record of intelligence is that of an "*informant source*"⁹³ within loyalism that identified the photo-fit CD to that of the key suspect. However, he was ruled out of the investigation as his employer at the time provided him with an alibi, which we have addressed in this report. Additionally we also must remember that despite both Bronagh Hughes and Malachy Donnelly seeing the gunman they were never shown the picture of the key suspect in the photo-album of suspects - Why?

At the time of the murders one witness provided the RUC with the details of two men acting suspiciously in a car on the Moy to Portadown Road on the morning of the attack, but they were eliminated from enquiries by the HET when it was discovered that they were undercover British soldiers.⁹⁴ However, it was decided not to show this witness the CD photo-fits.⁹⁵

Given that in the murder of Roseanne Mallon undercover soldiers observing the Mallon house at the time of the attack heard the gunfire and were ordered "*not to react*" when they reported this, the McShane family seek intelligence reports about all covert military and police activity in the Armagh and greater Armagh area in the days leading up to the attack and the day of the attack to form a central part of any investigative inquiry. They understandably have concerns and in particular now seek details of the role of the two covert soldiers.

In doing so the McShane family also reference the killings of Sam Marshall, Lurgan, County Armagh,

90 Copies of the correspondence with the RUC from June 1995 to January 1996 (including notes of meetings with families in the Armagh area) on file with RFJ

91 HET Report page 20

92 Disclosures at the inquest into the murder of Roseanne Mallon on file with RFJ

93 Supra 34

94 HET Report page 15

95 Ibid



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when this too was witnessed by a significant number of undercover British soldiers who also failed to intervene⁹⁶. In these particular instances where the targets are nationalists and republicans it is as if the covert operation is to ensure that the attacks take place effectively and perversely to observe their handy-work. It's also likely that restriction orders prohibiting regular uniformed RUC and military patrols from immediate areas where attacks were imminent were also in place. These are often referred to as OBO's (out of bounds operations). Families view this as avoiding any happenstance of regular patrols being present in order to further aid safe passage for the killers; that is unless assisted by the RIR.

In the case of Gavin and Shane there may well have been an element of surveillance on Wright and his gang to which a blind eye was turned but to which the intelligence agencies were more than across.

RFJ are aware of several attacks that claimed lives and injured people where covert surveillance was in place at the time of the attacks yet no preventative actions were taken.

Patrol Logs

The McShane family also seeks access to all military and patrol records and operational logs in the immediate vicinity on the morning of the attack and within the greater Armagh City and boundary to form part of any future investigative inquiry. For example who took the decision to stand down the permanent checkpoint at the courthouse on the day of the attack?

They have serious concerns about the RIR foot-patrol that passed the taxi-depot, according to Witness 1's statement and those of John McArde and Patrick Fields, five minutes prior to the attack.

The family believes that the killer would have also seen the foot patrol and they have been troubled with the question; why didn't he abort his attack?

One plausible explanation that they keep arriving at, based on recurring features in numerous cases of collusion and which are also present in these murders, is that state force members may have assisted the killer in the attack. Only a thorough independent examination of all these matters will address the family and wider public concern, as it is of course also a public interest matter.

⁹⁶ <https://www.bbc.co.uk/news/uk-northern-ireland-17251032>
<https://www.theguardian.com/uk/2012/mar/05/british-army-loyalists-ira-report>

This plausible explanation is also made in the context of the 'security' cameras apparently not featuring in any line of enquiry as far as the family and RFJ are aware, and the permanent checkpoint not being in place that morning. "*Coincidence or collusion*" is how one of Gavin's relatives put the matter adding that there is "*Too much coincidence for it not to be collusion.*"

As referred to earlier the key suspect in the murder of Gavin and Shane was named in official court documents as the gunman responsible for other sectarian murders yet "*remained untouchable*"⁹⁷. As noted in the introduction of the report the preventability issue lies at the heart of Gavin's murder and therefore the family feel it extremely pertinent to place into this report the court transcript that they have had and agonised over for this past two decades.

NI Unreported Judgments R v Harper Court of Appeal (Criminal Division) / McDermott LJ/ 19 December 1995

On December 19th 1995 the Court of Appeal delivered judgment in the case of James Thomas Harper in respect of his conviction at Belfast Crown Court on March 29th 1995. Presiding was Sir Brian Hutton LCJ. Harper had been convicted of a series of offences including murder, conspiracy and intent. The appeal involved 30 counts related to Harper's overall convictions. Harper had been initially arrested in October 1992 following an attempt by the UVF to extort a significant amount of money from the Portadown food manufacturer Denny & Sons Limited by threatening to contaminate food supplies in shops. The business manufacturer contacted the RUC and a surveillance operation was put into place leading to Harper's arrest. Further convictions arose in relation to a series of burglaries, false imprisonment, blackmail, and extortion involving the Abbey National Building Society and the Northern Bank also by the Portadown UVF. It was during this arrest in October 1992 that Harper made further admissions related to his involvement in UVF murders.

Counts 1-5 related directly to the murders of two young girls Katrina Mairéad Rennie aged 16, Eileen Marie Duffy, aged 19, and of Brian Frizzell, aged 29 - all shot by the UVF on March 28th 1991 at a mobile shop in Drumbeg estate, Craigavon, county Armagh. Harper had been involved in the murders acting as the driver

⁹⁷ Statement of Maria and Matt McShane

for the killer. No one else has ever been convicted for the triple murder.

Described in the judgment as “...one of the most callous and brutal killings of recent times,” the shooting also bore the hallmarks of the attack that claimed the lives of Gavin and Shane.

Eileen worked at the shop and on the early evening of the murders her friend Katrina was keeping her company. Brian had been outside the shop at the time of the attack.

Through written statements and recordings made by Harper to the RUC the judgment contains very detailed accounts including identifying and naming all of those involved in planning the attack; those who oversaw and ordered it; where they met; what they discussed; what they wore; the vehicles involved including where the vehicle used for the attack was picked up from; the routes used; the scout car; the radio contact; the provision of the weapon; the burning of the vehicle and clothing used in the attack afterwards by Harper; the taxi company and driver who then picked Harper up as he and the killer went separate ways; to the disposal of the weapon after another sectarian attack the following November that claimed another three Catholic lives, those of Dessie Rodgers, John Lavery, and Fergus Magee at the Hyster Factory, Lurgan during a bogus UDR road-check.

In total four key people are named by Harper. Two of those named are now dead, Billy Wright and Mark Fulton. Two are still alive. One of those, the killer named by Harper and whom he drove to carry out the three murders, is also the same key suspect for the murders of Gavin and Shane. The attack on the mobile shop was also planned in the home of this killer. The fourth person drove the second car that acted as a scout car and getaway vehicle for the killer whilst Harper burnt the actual vehicle used in the killings along with the killers clothing, masks and gloves. This person is a suspect too in the murder of Roseanne Mallon. These same four are also the main suspects for the three murders at the Hyster Factory, including scores of other sectarian and political assassinations. Harper's admissions, in respect of the triple murder, are contained from page 33 onwards within the judgment. There is also a transcript from a recorded interview question and answer session with the RUC detectives who arrested him, which begins on page 34 covering some background that concludes at page 39. This is referred to in the judgment as interview 29 and follows previous interviews in which the same admissions are made.

It is also worth noting that Harper's junior barrister Mr. Jim Allister, now an MLA and leader of the TUV, argued his client should be acquitted as he had driven the killer Alan Oliver to murder another person altogether and not the two teenage girls or Mr. Frizzell.

For the purposes of this report we reproduce the transcript that was obtained circa 1996/7 by the McShane family.

Interview 29

“Question: Was the next job the Drumbeg shootings?”

Answer: Yea.

Question: Tell us again about it?

Answer: I was told to go to Alan's flat.

Question: What time was that?

Answer: I think about 6 O'clock.

Question: Who was there?

Answer: Alan, Billy, Tony McNeill and I think Swinger Fulton.

Question: What were you told to do?

Answer: That we were going to hit a Provo, [REDACTED]. He's from Lurgan. I know him. They told me they wanted me to drive on the job and I had to go to Lisburn and pick car up.

Question: How did you get to Lisburn?

Answer: Tony brought me down in his own car, I think it was his own.

Question: Do you know where Tony got the car?

Answer: Yes, Old Warren, I didn't know that at the time but I know now.

Question: What happened in Lisburn?

Answer: We drove into the estate, pulled up at the back of some houses, Tony went into a house. He came back about 5 minutes later. I just sat in the car. He gave the keys and told me to drive a van which was parked beside us. He told me to follow him.

Question: What was the van like?



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Answer: Blue Escort van, good shape. There was white plastic piping like plumbing piping.

Question: Where do you take the van?

Answer: Heading into Lurgan via Moira and the back roads. I just followed Tony.

Answer: I was told that the shoot would be in Drumbeg at a mobile shop. I'm from Lurgan so I know the roads.

Question: What happened in Lurgan?

Answer: Pulled into Greenhill Park. Told me to sit and wait. He went and came back with Alan.

Question: How long did you wait?

Answer: About 10-15 minutes. He came back with Alan in the car.

Question: What did Alan have?

Answer: Petrol, masks, gloves, gun and a hand radio.

Question: What was he wearing?

Answer: Just dark clothing.

Question: What happened then?

Answer: I was told that the shoot would be in Drumbeg at a mobile shop. I'm from Lurgan so I knew the roads.

Question: How did you get to Drumbeg?

Answer: Tony went first. He came back and told us the van (mobile shop) was there. He told us to follow him at a distance. The radio would only be used if there was any police on the road. We headed down the Tandragee Road towards Drumbeg.

Question: What happened in Drumbeg?

Answer: I drove to the bottom of the square, Alan knew the way. I turned the van I was in so that we were facing out. The shop was behind me. Alan got out of the van. He had the mask down over his face so had I. He grabbed some boy outside the shop and shouted IRA get on the ground. He went into the van and I heard the shooting. When he came out of the van the boy on the ground got up and ran. Alan fired at him. Alan chased him round the back of the van. I

heard the shots but couldn't see. Alan came back and jumped into the van.

Question: What then?

Answer: He said go so I drove out of the estate and headed towards Lurgan. Headed up the Newline, stopped at the top of Glenavon Lane. Alan had his clothes off, he took off all his clothes bar his knickers and threw them in the back of the van. He had petrol over them. He got out of the van. He took the gun and the radio. He got into the car along with Tony.

Question: What did you do?

Answer: I headed down Glenavon Lane to the car park facing the changing room. Set fire to the van. I took off the balaclava and gloves and left them in the van.

Question: What did you have on?

Answer: Just dark clothing, jeans, dark jacket. I went to the flats at the back of Greenhill Park. I had been told this in Alan's flat.

Question: What happened then?

Answer: I waited half an hour or so and was picked up by Alister Moore in his taxi. He owned Central Taxis.

Question: Did you pay him anything?

Answer: No, he dropped me in Portadown. He didn't ask any questions and I didn't tell him anything. He just asked me where I wanted to go and I told him to drop me in the town.

Question: Is there anything else about the job?

Answer: No that's it.

Question: Did you tackle Alan about it?

Answer: No, when Alan was leaving Drumbeg he radioed Tony and said "tatty bread (slang for dead), on our way".

Question: How did you feel about it when you heard the news?

Answer: Hard to describe."

INTERVIEW 29 ENDS

Findings of the Court of Appeal

In upholding the original conviction the Court of Appeal accepted fully the participation of Harper in the triple murder. The judgment states:

"It is clear that a number of men were involved in the preparation of the murder bid at the mobile shop, that Harper drove the gunman to the scene, waited while the shooting took place, drove the gunman away and later burnt the van.

"The Crown case on these admitted facts was that Harper was an active participant in a murderous attack at the mobile shop and so was guilty of murder of the three innocent victims. Mr. Allister (legal counsel for Harper), however, argued that that is not so. His point is this: the target was [REDACTED] and one of the group "Billy Wright" had directed that if anyone came near "you shoot in the air to scare them". Thus, Mr. Allister, claimed that Harper was only a participant in the plan to kill [REDACTED] and in killing the girls and Frizzell, the gunman Alan Oliver was acting outside the agreed plan and so Harper should be found not guilty on the three murder charges."

A further extract from the judgment states;

"I am therefore satisfied that Harper drove the gunman named Alan to the mobile shop in Drumbeg knowing that he was going to carry out a murder. Mr Donaldson (Senior legal counsel for Harper) submitted that Harper was not guilty of the murders of Miss Eileen Marie Duffy and Miss Katrina Mairead Rennie, who were shot inside the shop, and of Mr. Brian Frizzell who was shot outside the shop, because the plan was to murder a different person, [REDACTED], who was believed by the men who planned the attack, and by Harper, to be a member of the Provisional IRA and it was believed that he would be present inside the mobile shop. Therefore Mr Donaldson, submitted that Harper's intent was to assist in the killing of [REDACTED] and not in the murders of the three persons who were shot dead, and consequently he was not guilty of those three murders.

"I reject that submission. I am satisfied that Harper is guilty of the three murders charged..."

"Moreover the conduct of Harper after the shooting of the three victims at Drumbeg strongly supports the conclusion that the shootings were a joint enterprise in which he was involved, because it is clear after the shootings he never criticised the gunman or

disassociated himself from him on the ground that he should not have shot those three persons. In interview 29 the following questions and answers were recorded in relation to what Harper did after the Drumbeg murders:

Question: Did you tackle Alan about it?

Answer: No, when Alan was leaving Drumbeg he radioed Tony and said tatty bread, on our way.

Question: How did you feel about it when you heard the news?

Answer: Hard to describe."

"I am satisfied that Harper is guilty on Count 4 of conspiracy to murder [REDACTED] and is guilty on Count 5 of aiding and abetting possession of a 9 mm Browning pistol and a quantity of ammunition with intent."

"Mr Allister's proposition can be stated thus: when A and B, members of a proscribed terrorist group, go out together to kill X with A acting as a driver and B enters the supposed location of the victim X, who is not present, and kills three innocent persons who happened to be present A is not guilty of murder.

"As the law of homicide has developed over the years it would be foolish to assume that the crime of murder can in every case be easily explained or applied. The Law Commission's Consultation Paper No 131 "Assisting and Encouraging Crime" makes this all too clear. Nevertheless if Mr Allister's submission be correct the law has indeed descended into a morass of unreality.

"Our initial response to Mr Allister's submission is to say "Where A and B agree to commit murder and A drives B to the agreed location where B kills three people A is liable jointly for their murder even though none of them was the original target. This is so because they agreed that murder should be committed and A actively participated and assisted B who committed murder."

If Harper's admissions are sufficient to convict him and draw commentary from the Lord Chief Justice and the Court of Appeal referencing their accuracy, then why wasn't this evidence put before the court in respect of the other four involved, in particular the actual killer?

The four others, including Wright and Fulton, were also involved in planning and carrying out the murders of Gavin and Shane, Kevin and Jack McKearney, Charlie and Teresa Fox, Dessie Rodgers, John Lavery, Fergus Magee, Roseanne Mallon and many other Catholics,



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republicans and their uninvolved relatives, throughout Armagh and Tyrone. We have listed some of these murders in the report and a fuller list of all the murders by this Mid-Ulster UVF gang can be found in the appendices.

Wider activities of Mid-Ulster UVF would support the view that collusion was all-pervasive and key killers protected

Despite their notoriety this core UVF gang somehow managed to evade prosecution despite the massive resources deployed to the command of the RUC, the special branch, British Army and Intelligence Services. There was no deployment of covert operations or the SAS in terms of curbing the activities of the Mid-Ulster UVF; despite at times being responsible for more killings than republicans in the Mid-Ulster area. Rather the focus was clearly to deploy all covert and surveillance resources on republicans.

It would be fair comment to say that loyalists appeared only to be the subject of covert operations when they attacked republicans who were already under covert surveillance and yet sat back and observed these attacks; as already mentioned in Roseanne Mallon and in the case of Sam Marshall, killed in Lurgan as he and two friends left the local RUC station. Up to 9 covert soldiers, all situated in such a way as to have prevented the killing, simply observed. This tells its own narrative and is alarming to say the least. And such instances aren't isolated to these two incidents.

Set in the wider context of a policy objective framed with the importation of weapons arming loyalism by the intelligence services and their agents; the dissemination of thousands of intelligence documents on Catholics and republicans by the authorities; the lifting of regular patrols; switching off of 'security' cameras; the destruction of evidence; false ballistics; the death threats issued etc. and the all revealing picture is one of collusion on an industrial scale.

In many instances, involving almost fifty murders by the Mid-Ulster UVF during the 1990's including scores of attempted murders, prosecutions tended largely to focus on those who played a peripheral role; caught with a murder weapon in their possession after being given it to mind; had their car or home used; or like the conviction of Harper where the actual killer walked away despite the evidence. And this wasn't just limited

to this one group of loyalists. This too was wide spread and lends considerably to the widely held view that key killers within loyalism across the North were protected by special branch, British army intelligence and MI5 secret service. This was a necessary requirement of the policy objective that was collusion. Yet these prosecutions, like that of Harper and others, were heralded as huge successes at the time in media. Of course such media management by the authorities from the RUC, the NIO and government ministers somehow managed to release the pressure when the nationalist and republican community was asking questions about the ease with which loyalists were able to perpetrate attacks and the relative inactivity of state forces to prevent such attacks.

This same UVF gang also had a number of Ulster Defence Regiment (UDR)/Royal Irish Regiment (RIR) soldiers involved in assisting them in various ways from providing information, safe passage, weapons and ammunition, uniforms and radios, to also being active members of the UVF participating in attacks and murders.⁹⁸

Many of the families affected by the actions of the Mid-Ulster UVF believe that the RUC special branch, British military intelligence, secret service MI5, and ultimately the British government bear most culpability for these murders. The families believe that the key suspect, along with his commander and UVF leader Billy Wright, Mark Fulton and several others that formed the inner core of the Mid-Ulster Portadown UVF, were protected from prosecution by these agencies and indeed worked for them.

Of those republicans and their relatives targeted and killed by this gang many had received death threats from the RUC special branch including threats to kill their relatives. Reference was also made in several instances to having the "*Portadown gun club*", a euphemism for the UVF, and the "*boys for Portadown*" carryout the killings.⁹⁹

Both the key suspect and Wright had close connections to Robin Jackson¹⁰⁰ who in turn regularly

⁹⁸ Supra 25

⁹⁹ Statements made to RFJ and solicitors concerning threats made to people whilst in RUC interrogation centers during the 1990's

¹⁰⁰ "Everything people had whispered about Robin Jackson for years was perfectly true. He was a hired gun. A professional assassin. He was responsible for more deaths in the North [Northern Ireland] than any other person I knew. The Jackal killed people for a living. The State not only knew that he was doing it. Its servants encouraged him to kill its political opponents and protected him." Former British army intelligence officer Colin Wallace quoted in "Day of the 'Jackal' has finally drawn to a close" Irish Independent June 4th 1998 - & "Jackson had many allies still serving in the UDR and close links to special forces soldiers. These included Bunny Dearsley of military intelligence and Robert Nairac, Tony Ball and other soldiers attached to the undercover 14th Intelligence Unit. These

met with the then regional head of RUC special branch for the Mid-Ulster region, Frank Murray. Indeed Jackson, we're told, "blooded both men" and was their commander until Wright took over.

Powerless in the face of agents

In his role as the head of CID in the Mid-Ulster region McBurney had to work alongside special branch. Though the relationship weighed heavily in favour of special branch and Murray who ultimately determined whether or not McBurney's investigating officers could prosecute suspects if evidence were to become available. This protocol formed part of the Walker Guidelines¹⁰¹ governing the function of the RUC permitting primacy to special branch and intelligence over "ordinary" policing. MI5's former head for the North, Sir Patrick Walker, had drawn up these guidelines. This practice protected agents and further, facilitated the potential recruitment of others facing charges once their worth was evaluated and deemed useful. Walker would later head up MI5.

Status of Wright as an agent

The status of Billy Wright as an agent of the British state formed part of the inquest proceedings into the murder of Roseanne Mallon. The coroner, Mr. Justice Weir, agreed with a submission¹⁰² by the Mallon family in November 2013 that determining Wright's exact relationship to the RUC's special branch, military intelligence, and the security service MI5 was a matter absolutely relevant to the inquest.¹⁰³ The matter arose when two former members of special branch, known only as P3 and P5 and who were screened during evidence at the inquest to protect their identities, refused to answer questions as to the role of agents and informers involved in the murder;¹⁰⁴ in particular to Billy Wright.

officers met him at a bar in Moira and many suspect that he was involved in murders set up by military contacts at that time. In the late 1970s, he [Jackson] was a binge drinker and sometimes boasted to UVF associates of "someone looking after me". Some took this as a reference to God, or even the Devil, but the most likely explanation is that it referred to members of the Army's intelligence corps. Liam Clarke, Sunday Times March 7th 1999.

101 <http://www.theguardian.com/uk/2001/jun/14/northernireland.richardnortontaylor>

102 Submission to the court on file with RFJ & <http://relativesforjustice.com/leaving-court-with-their-two-arms-the-one-length-blog-by-mike-ritchie/>

103 Submission to the court on file with RFJ & <http://relativesforjustice.com/leaving-court-with-their-two-arms-the-one-length-blog-by-mike-ritchie/>

104 P3 & P5 told the court they had destroyed their own files and police journals citing that this was a "security precaution" in case they "fell into the wrong hands" if their homes, where they kept the material contrary to police rules, was burgled. They each claimed to have burned the material in their back gardens

The PSNI argued on behalf of P3 and P5 that this matter should not be addressed instead resorting to a policy of neither confirm nor deny (NCND).¹⁰⁵ The coroner, at the time, viewed this policy position of the PSNI as unacceptable. Indeed during discussion on the subject and when counsel for the PSNI raised Article 2, the Right to Life, Justice Weir cautioned against relying upon such an argument stating that Mr. Wright was dead and therefore Article 2 was not in this instance applicable - nor was it engaged. He further added that as coroner he wanted to know.

Of course this is a matter of crucial significance beyond the Mallon family and directly relevant to scores of families whose loved ones were killed by Wright and his UVF, and then the Loyalist Volunteer Force (LVF), gangs; not least the McShane family. It is also a matter that we believe falls within the category of being in the wider public interest.

However, Martin Donaghy, lawyer for the Mallon family, received a letter from the coroner, Justice Weir, in March 2015¹⁰⁶ in which he stated that: "*having examined the material with those considerations in mind (the status of Wright), the Coroner has concluded that none of the material produced to him by the PSNI is relevant or potentially relevant to the issues to be determined in the inquest into the death of Miss Mallon.*"¹⁰⁷

It is clear that despite there being three separate intelligence agencies Justice Weir sought only to engage the PSNI, which is not acceptable. From our sources, media and former 'security force' personnel, the picture we have would have necessitated engagement with British military intelligence and secret service MI5. Our assessment of that letter, despite being somewhat vague and in parts unintelligible, is that security service MI5 and British army intelligence were not asked if Wright was working for them. It appears that despite initially being keen to establish the status of Wright the matter withered and died on the vine; hence the delay of three and a half years in finally delivering a verdict on January 7th 2019 that shockingly failed to find collusion.¹⁰⁸

105 <https://unredacted.com/2014/02/11/neither-confirm-nor-deny-the-history-of-the-glomar-response-and-the-glomar-explorer/> & <https://abcnews.go.com/US/cias-secret-history-phrase-confirm-deny/story?id=24033629>

106 Letter on file with RFJ dated March 25th 2015 from LCJ Weir acting as Coroner in the inquest into the murder of Roseanne Mallon

107 Ibid

108 Ref: WEI10818 - 18 page ruling by LJ Weir Mallon family/RFJ statement <https://www.relativesforjustice.com/mallon-inquest-verdict-fails-family-and-society/> <https://www.relativesforjustice.com/unsatisfactory-verdict-in-the-roseanne-mallon-inquest/>



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Furthermore recent developments in which the PSNI withheld sensitive intelligence from the Police Ombudsman calls into question precisely what material was provided to Justice Weir and whether or not material intelligence was withheld.¹⁰⁹ The question for families is can the PSNI really be trusted when it comes to these matters of disclosure, as it is evident that they instead seek to shield the wrongdoing of the RUC and other intelligence agencies involved in collusion?

Like many families the McShane family want a proper investigative process to examine fully the circumstances surrounding the horrific murder of their son and brother. They want to know the status and relationship of Wright, and the others involved in Gavin's murder, with the state.

Deliberately targeting, terrorising & murdering uninvolved nationalists & republicans including children

An apolitical family the McShane's find themselves caught up in an unimaginable web of deceit, agents, murder and cover-up as part of a wider agenda controlled by those in powerful positions that has prevented them from receiving justice.

Ultimately like hundreds of bereaved families, including those injured, they are victims of a governmental counter insurgency 'security' policy that enabled the brutal murders in the first instance. They are victims of collusion and the necessary cover-up of that policy - an appalling vista.

Trauma exacerbated

They have had to endure the awful loss and trauma that comes with the violent bereavement of their child and brother; and the added aggravated trauma of realising that those they would normally rely upon to investigate and deliver justice are themselves (at a hierarchical level) part of the policy framework and that even those within that system, ordinary detectives and police officers, intent on holding to account state agents involved in murder are equally powerless.¹¹⁰

109 Statement of Police Ombudsman Michael Maguire Thursday 14th February 2019 <https://www.policeombudsman.org/Media-Releases/Police-did-not-disclose-sensitive-information> & RFJ response <https://www.relativesforjustice.com/relatives-for-justice-responds-to-statement-by-police-ombudsman-re-psni-intelligence-failings/>

110 UTV's Insight programme Policing the Police first broadcast May 1st 2001 in which senior RUC officers involved in murder

What is so shocking is that the British authorities were instrumental in hundreds of murders through the use of pseudo murder gangs. This is a story yet to be fully explored and where calls for inquiry are met with absolute resistance with ongoing inquests and investigative work being deliberately hampered, frustrated and ultimately delayed.

UN Convention on the Rights to the Child (UNCRC)

The targeting of children, as part of this policy constitutes one of the gravest egregious human rights violations as laid down in the UN Convention on the Rights to the Child (UNCRC) in addition to the European Convention on Human Rights (ECHR) Article 2, the Right to Life and Article 3 that prohibits torture. Gavin and Shane were children as were the two girls, Katrina Rennie and Eileen Duffy, also killed by this person, as was the unborn child carried by Kathleen O'Hagan also murdered while pregnant by this same gang. There were other children killed too in attacks on family homes and children were injured and survived attacks across the North. Attacks on family homes are violations of safety, security, home and family life and constitute torture; as were attacks on parents and especially mothers.¹¹¹ RFJ has consistently raised the issue of gender harms in this context.¹¹²



Defining the harms of the conflict and those consequently affected remains one of the most contentious issues. Contentious as universal concepts such as human rights, truth, justice, accountability and equality of treatment are bizarrely viewed as dangerous and threatening.

Therefore criticisms of state forces, allegations of wrongdoing, even irrefutable and prima-facie evidence of violations of the most serious kind, provoke unionist outrage rather than investigation, understanding, compassion, truth and reconciliation not to mention learning and change.

investigations recount how special branch (SB) & MI5 controlled the RUC, protected agents and informers involved in criminality and murder, and that they were powerless fearing SB more than the IRA; effectively saying that SB would have had them killed through agents if they went against them

111 RFJ paper focusing on attacks on women and families delivered on April 14th 2014 by Andrée Murphy as part of events celebrating and remembering the life of mother of two Theresa Clinton murdered April 14th 1994

112 <http://relativesforjustice.com/wp-content/uploads/2015/02/Dealing-with-the-Past-Where-Are-the-Women.pdf>

Conclusion

The murder triangle, the geographical location where young Gavin McShane and Shane McArdle were murdered, suffered an unimaginable cost as part of the collusion policy. RFJ travelled the area throughout the period meeting and supporting the families bereaved and those who survived attacks. The fear was palpable.

This report is about supporting the McShane family, and other families affected by this same killer and an inner core of UVF killers, in piecing together the evidential jigsaw, in campaigning for justice and accountability, and recording their narrative for wider public scrutiny.

It is about setting Gavin's murder within the wider frame of the policy that was collusion and that continues through successive cover-ups. It is also a narrative about the running of state agents involved in Gavin's murder and preventability lies at the very heart of this murder in that the person responsible should have been held to account and prosecuted in

respect to murdering three other people in 1991 and yet wasn't. Had this have been the case then Gavin and many others may not have been murdered. In short the McShane family have no choice other than to place Gavin's murder within this context – it is the stark reality of what occurred.

Independent investigative inquiry are three words - a short sentence - that scream out in response to the lack of investigative action and accountability for scores of murders by this gang. It is truly an appalling vista for which no excuse is acceptable and where the light of truth must be shone.

Importantly it is the McShane family also bearing witness to the loss of Gavin and remembering his short yet wonderful life that undoubtedly left a positive legacy on many others, not least those who loved him.

Gavin McShane - one of the many hundreds of victims of collusion.



Time for | *Truth* |

The Murder of Gavin McShane (aged 17)

Miracle Baby

Gavin McShane was the eldest of three children to Matt and Maria McShane. Maria was from Keady on the outskirts of Armagh City and Matt from Crossmaglen, south Armagh.

Maria Duffy, to use her maiden name, became pregnant when Matt and her were still dating. Maria first confided in her close friend Annemarie Dornan. Recalling the evening she eventually decided to tell her father Maria recollects a lovely summer's evening in August 1976. En-route and accompanied by Annemarie she decided to first pop into the Step Inn Bar, Keady, County Armagh. Maria said; *"I needed a seat - a moment to compose myself - and wanted to steady my nerves before speaking to daddy."*

Before entering the bar the pair noticed a suspicious metallic blue Ford Granada car parked with two men in it. Maria recognised one of its occupants. They had no sooner sat down when a bomb exploded causing huge damage and killing the wife of the bar owner, Betty McDonald, aged 38 years and local man Gerald McGleenan aged 22 years.



Aftermath of the bomb at the Step Inn bar, Keady

Over 20 people were injured including Maria and Annemarie who had to be dug out of the rubble. Maria sustained serious head and other injuries including losing an eye. Maria was concerned for her unborn baby. Thankfully a healthy baby was delivered on January 25th 1977, whom they named Gavin. Maria referred to Gavin as her miracle baby. Maria's father, Con, would later identify Gavin's body on the floor of the taxi-depot.

Maria's grandfather was a police officer stationed in Keady and her father, Con Duffy, was a firefighter. Following the bomb Maria was harassed by the RUC as she was a witness to the two men in the parked blue Ford car, one of whom she also identified as a serving

RUC officer whom she knew. It was these two who had planted the bomb. Maria had also known the car make and model, as at the time Matt also owned a Ford Granada.



Maria with the boys and baby Alana

The Step Inn bombing has for decades been linked to a gang comprised of loyalists and state forces responsible for scores of sectarian murders and bombings across Mid-Ulster and into the Irish Republic throughout the 1970's. Monsignors Murray and Faul documented many of these atrocities and the collusion between the police, military and loyalists. More recently the Pat Finucane Center (PFC) documented these activities, by the Glenanne Gang, in which between 120/140 people were killed. The PFC's Anne Cadwallader subsequently wrote the book *Lethal Allies*, a chilling account of these horrific collusive events and murderous campaign. And the film *Unquiet Graves* also documents this gang's activities.

Maria still has fragments of metal lodged in her body and says that: *"Every time I look in the mirror I'm reminded of that bomb, how Gavin and I survived it and how because of that I was able to focus on him and rebuild my life and our wee family. But to tell you the truth I'd gladly give both arms and legs to have my Gavin back again."*

Maria also explained: *"I suppose given that he survived it, there was always something very special about him and yet this fear that something awful might happen again."*

Maria & Matt's Search for Truth & Justice

After Gavin's murder and like many families dissatisfied with the RUC's approach, Gavin's parents began doing their own research into the killings; meeting other families; sharing and comparing experiences of investigations; meeting journalists and gathering information from a range of sources.

They continued to try and work with the investigation always hoping that someone within the police would do the right thing, after all this was the murder of two schoolboys. The more they tried the more the door was shut. This was also their experience with the PSNI and they felt strongly that they were being strung along with visits and false promises every time they found fault and were considering speaking out. Maria says: *"There was more of an emphasis on keeping us silent than on actually conducting the investigation."*

The family also felt they were being cynically used with the introduction of a childhood school friend of Maria's who had left Armagh many decades ago becoming a senior police officer in England. On a visit home he called to see Maria and soon got around to shielding the PSNI and the HET from criticisms concerning the case.

Another common feature was that oftentimes when the family met with RUC detectives they would first make mention of IRA attacks and unsolved killings of policemen. In a witness statement to RFJ, from an employee of A2B Taxis concerning their evidence of suspicious activity prior to the attack, RUC detectives made specific comments about an IRA abduction and killing of an RIR soldier. The witness says the RUC appeared more concerned about which taxi-drivers were working on the night of this killing than about the murders of Gavin and Shane.



*To Maria McShane
Best Wishes, Bill Clinton*



I welcomed the peace and told them that the victims required truth and justice in the rebuilding of a new society free from violence.

Maria McShane's message to Bill Clinton



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The Murder of Gavin McShane (aged 17)

Maria and Matt worked closely with families from across the community and showed great compassion and empathy with all victims. Religion was never an issue and sectarianism and bigotry were always shunned. Matt, a businessman, would always say: *"Treat everyone with respect and courtesy."*

Maria spoke publicly at events about her experiences and loss and has helped others on their journey of recovery. She spoke publicly in the media too and worked closely with groups such as PFC, Wave and Relatives for Justice.

In 1996 Maria was part of a delegation of bereaved relatives that visited the US and met President Bill Clinton and the First Lady Hilary Clinton.

Maria's message was simple - she said: *"I welcomed the peace and told them that the victims required truth*

and justice in the rebuilding of a new society free from violence."

Maria has also addressed MLA's, dignitaries and victims of the conflict at Stormont and highlighted the plight of many families seeking justice. Maria also addressed the EU Human Rights Commissioner, Nils Muižnieks, on his visit to Belfast in November 2104 outlining the circumstances of Gavin's murder and the failure to fully investigate.

This short report is part of that continuing process of securing accountability for Gavin's murder and Relatives for Justice are pleased to assist the family in this work.

It is also about celebrating Gavin's life, keeping his memory alive, and highlighting the grave injustice that remains. We also remember Shane McArdle.





Marking the 20th Anniversary of the Murders

To mark the 20th anniversary of Gavin's murder Belfast's St Endas, Naomh Éanna, hurlers travelled to Keady Lamh Dhearg to play a commemorative hurling match. Keady fielded many of the team that Gavin was a part of during his short sporting and hurling career for his club.

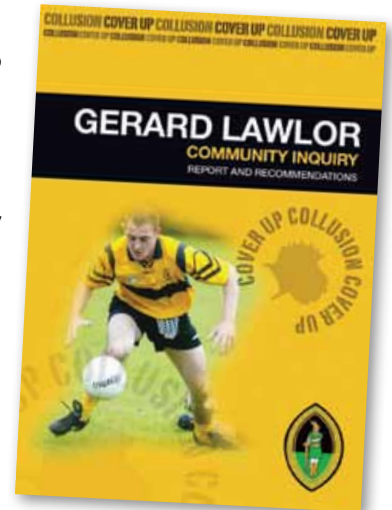


The Belfast based Gaelic Athletic Association (GAA) club Naomh Éanna too have lost several club members to attacks by loyalist paramilitaries, some acting in collusion with state forces. Senior football manager Gerard Devlin was murdered in 1997 and club President Sean Fox, a 72 year-old stalwart of the club, was murdered in his home in 1993. 19 year-old Liam Canning was murder by a UDR soldier in 1981, and 16 year-old club member, Colin Lundy, was killed with his mother Kathleen in a petrol bomb attack on their home by loyalists in 1991. Sean Fox had previously survived

two attacks and like Maria he too lost an eye in a loyalist pub bombing in the 1970's.

On July 22nd 2002 19 year-old Gerard Lawlor was murdered by loyalists as he made his way home after being out with team mates after a match. The PSNI investigation into Gerard's murder has been catalogued by a series of investigative failings and cover-up and along with KRW Law, St Endas GAC, British Irish Rights Watch, the Committee on the Administration of Justice (CAJ), Professor Bill Rolston from the University of Ulster's Transitional Justice Institute (TJI), and RFJ, a community inquiry was held and a substantial report produced into Gerard's murder.¹¹³

It is in this spirit of understanding and bonding that the GAA family reached out to the McShane family and extended their support and solidarity to mark the 20th anniversary and again when they also marked the 22nd. In particular the McShane family would like to thank Niall Murphy from St Endas GAC.



¹¹³ <https://relativesforjustice.com/15th-anniversary-of-the-murder-of-gerard-lawlor/>



Members of St Enda's GAC and Keady GAC pictured at the Gavin McShane Memorial match on Saturday 17 May 2014



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The Murder of Gavin McShane (aged 17)

Summary of some key points

- Taxi driver followed by suspicious car containing men week prior to attack. Details provided to RUC after attack. Car not traced;
- Two men seen acting suspiciously watching the taxi-depot day prior to attack – witnesses gave descriptions;
- At least three checkpoints in Armagh on the morning prior to attack, including one in the immediate vicinity of the attack;
- RIR patrol passes scene moments prior to attack;
- Key witnesses who saw gunman shoot not asked to make a photo-fit;
- Loyalist informant provides identity of gunman from composite photo-fit;
- Intelligence also links this person to the murders;
- Photo-fits go missing;
- Key suspect provided with an alibi that warrants further scrutiny given that he also fits the description of most witnesses yet this was not carried out;
- RUC warn two leading loyalists that they were being named as suspects and told to take precautions despite intelligence also linking them to the murders - one of whom is Billy Wright;
- Billy Wright involved in minor car collision in Armagh City day before attack, which is reported after the attack once the significance is realised;
- Key suspect involved in up to a dozen murders in the Mid-Ulster/north Armagh areas;
- Fingerprint markings not manually matched against those named in intelligence, or key loyalists including four RIR soldiers questioned;
- Weapon never recovered;
- Weapon is the same as those normally provided to members of the UDR/RIR/RUC/Prison Officers and others for personal protection;
- This was not matched against members of state forces in possession of such weapons and ammunition, as records of every member who has these weapons are “incomplete”;
- Two bullets from the scene inexplicably are not accounted for;
- Carpeted strip from murder scene missing – no opportunity for forensics;
- Clothes belonging to the two boys are destroyed by the RUC within hours of the murders and this destruction is deliberately and falsely blamed on medical staff - no opportunity for forensics;
- Was the timeframe long enough for the forensic team to have conducted a thorough examination of the murder scene?
- Did WERC play any role in ballistics, forensics, or photo-fits?
- Interview notes of the key suspect and others detained and questioned destroyed by RUC;
- Permanent security checkpoint on the morning of the murders is reported as being conspicuously absent;
- No evidence that investigation examined security cameras in the immediate vicinity and surrounding boundary of area;
- RIR used to establish four key roadblocks after attack yet witnesses have no knowledge of RIR roadblocks on main Armagh to Portadown Rd in period after attack;
- A witness identifies two men acting suspiciously on the morning of the attack on the outskirts of Armagh, who turn out to be two undercover British soldiers;
- Reference is made to the UDR Four as a possible motive given the relationship between the taxi-depot owner and a prosecution witness in that trial;
- No one has ever been prosecuted for the two murders.

Notwithstanding the broader role of the person suspected to have murdered Gavin and Shane, and noting that in this and other attacks children were deliberately targeted and killed, the McShane family now request a proper independent Article 2 compliant investigation that they can have full confidence in.

List of murders by Mid-Ulster UVF gang

This Mid-Ulster UVF gang was largely based in Portadown and Lurgan. We have not included all UVF murders within the bordering regions of counties Down, Antrim, or south Derry that surrounded Lough Neagh where this gang also roamed or the greater Belfast area in which they were also involved. The only exceptions being the murders of Sheena Campbell from Lurgan who was murdered in Belfast by the UVF, Eugene Martin at his home in Ballyronan, and John Davey at his home in Gulladuff. We believe the same UDR/UVF gang from the Cookstown area involved in the latter two murders also murdered Phelim McNally, Liam Ryan and Michael Devlin, Tommy Casey, Sean Anderson, Malachy McIvor, and Frank Hughes and were under the command of Wright. They were most likely responsible for the Cappagh murders. It is also important to note that shortly before John Davey's murder the DUP's Rev Willie McCrea MP used parliamentary privilege to name him making unfounded allegations that effectively signed his death warrant. This practice was also used subsequently by Tory MP and junior minister Douglas Hogg when he referred to lawyers being "...*unduly sympathetic to the cause of the IRA*." Weeks later Pat Finucane was murdered. John Davey was murdered two day after Pat Finucane.

We have however included all the Loyalist Volunteer Force (LVF) murders organised and carried out by Wright, Fulton and other significant Mid-Ulster UVF figures (including former URD/RIR personnel) after they formed the LVF. We have not included the hundreds of attacks in which people were shot and injured, including by bomb explosions, also carried out by this same Mid-Ulster UVF, and later LVF, gang. The person who eventually took control of the LVF following Wright's killing, and Fulton's alleged suicide, was a former close and loyal friend of Wright within the UVF and ironically was himself born and reared a Catholic.

Mid-Ulster UVF gang murders

November 24th, 1988, Moortown, Co Tyrone - Phelim McNally (28)

February 14th, 1989, Gulladuff, Co Derry John Davey (58)

November 30th, 1989, Ardboe, Co Tyrone - Liam Ryan (39) Michael Devlin (33)

January 7th, 1990, Lurgan, Co Armagh - Martin Byrne (28)

March 7th, 1990, Lurgan, Co Armagh - Sam Marshall (31)

June 3rd, 1990, Annaghmore, Co Armagh - Patrick Boyle (60)

October 6th, 1990, Lurgan, Co Armagh - Denis Carville (19)

October 23rd, 1990, Dungannon, Co Tyrone - Frank Hughes (61)

October 26th, 1990, Cookstown, Tyrone - Thomas Casey (57)

November 8th, 1990, Stewartstown, Co Tyrone - Malachy McIvor (43)

January 5th, 1991, Magheralin, Co Armagh - Gervais Lynch (26)

March 3rd, 1991, attack on Boyles Bar Cappagh, Co Tyrone - John Quinn (23), Dwayne O'Donnell (17), Malcolm Nugent (20), Thomas Armstrong (52)

March 28th, 1991, mobile shop Drumbeg estate, Craigavon, Co Armagh - Eileen Duffy (19), Katrina Rennie (16), Brian Frizzell (29)

October 25th, 1991, Pomeroy, Co Tyrone - Sean Anderson

November 14th, 1991, Hyster factory Lurgan, Co Armagh - Desmond Rogers (43), Fergus Magee (28), John Lavery (27),

January 3rd, 1992, Moy, Co Tyrone - Kevin McKearney (32), Jack McKearney (69)

March 4th, 1992, Portadown, Co Armagh - James Gray (39)

March 28th, 1992, Portadown, Co Armagh - Terry McConville (43)

April 1st, 1992, Portadown, Co Armagh - Peter McClements (43)

September 6th,, 1992, Moy, Co Tyrone - Charlie Fox (63), Tess Fox (53)

October 29th, 1992, Belfast, Co Antrim - Sheena Campbell (29) - several murder attempts were made against Sheena and her partner at their home in Lurgan by the Mid-Ulster UVF.

January 3rd, 1993, Dungannon, Co Tyrone - Father and son, Patrick Shields, Dairmuid Shields (20)



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The Murder of Gavin McShane (aged 17)

January 28th, 1993, Cookstown, Co Tyrone - Martin McNamee (25)

February 2nd, 1993, Ballyronan, Co Derry, - Eugene Martin (28)

February 12th, 1993, Argory, Co Armagh - Tommy Molloy (32)

May 19th, 1993, Craigavon, Co Armagh - Denis Headley (38)

October 28th, 1993, Bleary, Co Armagh - Brothers, Rory Cairns (18), Gerard Cairns (22)

March 11th, 1994, Portadown, Co Armagh - Francis Brown (37)

April 8th, 1994, Lurgan, Co Armagh - Gavin Malcolm (15) - mistaken for a Catholic Gavin was abducted, beaten and then dropped from the top floor of a flat. Those involved were members of the UDR/RIR and associates of Mid-Ulster UVF.

May 8, 1994, Dungannon Co Tyrone - Roseanne Mallon (76)

May 18, 1994, Armagh City, Co Armagh - Gavin McShane (17), Shane McArdle (17)

August 7th, 1994, Greencastle, Co Tyrone - Kathleen O'Hagan - Kathleen was seven months pregnant.

August 11th, 1994, Lurgan Town Centre, Martin L'Strange (36)

February 19th, 2000, Tandragee, Co Armagh - David McIlwaine (18), Andrew Robb (18) - both boys had been brutally murdered following the LVF killing of Richard Jameson, who at the time was the Mid-Ulster commander of the UVF.

LVF murders, many directed by Wright & involving Fulton

July 7th, 1997, Aghagallan, Co Armagh - Michael McGoldrick (31) - *This murder was carried out at the height of the Drumcree protest whilst Wright was still a member of the UVF. Using a gun from an arms dump on the Shankill Road, Belfast, the murder was also designed to cause maximum embarrassment to the UVF leadership who were on ceasefire and supporting the peace process. It led to Wright's expulsion from the UVF in which the UVF also issued an ultimatum to Wright to leave the North or face the consequences. Instead Wright held a rally in defiance of the Belfast based UVF leadership at which DUP MP the Rev. Willie McCrea shared a platform with Wright and Fulton speaking in defence of Wright. An*

announcement that the LVF was formed followed shortly after that rally.

May 12th, 1997, Bellaghy, Co Derry - Sean Brown (61)

July 15th 1997, Aghalee, Co Down - Bernadette Martin (18)

July 24th 1997, Newcastle, Co Down - James Morgan (16)

December 5th 1997, Glengormley, Co Antrim - Gerry Devlin (36)

December 27, 1997, Co Tyrone - Seamus Dillon (45) - Billy "King Rat" Wright had been killed earlier that morning in Long Kesh prison by the INLA.

January 10th, 1998, Belfast, Co Antrim - Terry Enright (28)

January 18th, 1998, Maghera, Co Derry - Fergal McCusker (28)

January 19th, 1998, Belfast, Co Antrim - Larry Brennan (52) N.b. whilst claimed by LVF the UDA were responsible.

January 23rd, 1998, Belfast, Co Antrim - Liam Conway (39)

January 24th, 1998, Belfast, Co Antrim - John McColgan (33)

March 3rd, 1998, Poyntzpass, Co Down - Damien Trainor (26), Philip Allen (34)

March 15th, 1998, Long Kesh, Co Down - David Keys (26) - *murdered in Long Kesh gaol by fellow LVF associates. Keys, also a former member of the RIR, was charged along with three others for the Poyntzpass murders. All those charged were former members of the UDR/RIR. Keys, it was reported, was a special branch agent (<http://www.anphoblacht.com/contents/1804>).*

April 21st, 1998, Portadown, Co Armagh - Adrian Lamph (29)

April 25th, 1998, Crumlin, Co Down - Ciaran Heffron (22)

March 15th, 1999, Lurgan, Co Armagh - Rosemary Nelson (40) - *using the cover of the Red Hand Defenders the group included a mix of loyalists who were long suspected as being agents of MI5, British army intelligence and RUC special branch. During the public inquiry into Rosemary Nelson's murder senior special branch officer Chris Albiston claimed that Rosemary Nelson "... fabricated IRA alibis, worked to a paramilitary agenda, and used her position to gather evidence about*

RUC officers." At the same inquiry the NIO's director of policing & security, David Watkins, said that the RUC chief constable, Ronnie Flanagan, had described Mrs. Nelson as an "immoral woman". It also emerged that at the time of the murder RUC special branch had bugged Rosemary Nelson's house and that Mo Mowlam had sanctioned the request. This followed what was described as an existing "...escalation in surveillance by both the RUC and MI5..." on Rosemary; (Report by Beatrice Campbell for Guardian Sat July 4th 2009).

June 5th, 1999, Portadown, Co Armagh - Elizabeth O'Neill (59);

September 28th, 2001, Lurgan, Co Armagh - Martin O'Hagan (51)

LVF UVF feud killings

January 10th, 2000, Portadown, Co Armagh - Mid-Ulster UVF commander Richardson Jameson (46) who had replaced Wright - *Jameson was one of the Directors of the family run construction company, The Jameson Group, that carried out contract work for the "security forces". Jameson also held a personal protection weapon issued by the RUC and NIO. Jameson was a former member of the RUC.*

May 26th, 2000, Belfast, Co Antrim - Martin Taylor, UVF, (35)

April 11th, 2000, Tandragee, Co Armagh - Graham Marks, UVF & Orange Order, (37)

In June 10th 2001, Long Kesh, Co Down - Mark "Swinger" - Fulton was found dead in prison cell. It is believed he committed suicide.

September 13th, 2002, Belfast - Stephen Warnock, LVF (35)

May 18th, 2004, Belfast - Brian Stewart, LVF (34)

September 30th, 2005 - Stephen Paul, LVF (28)

July 1st, 2005 - Jameson Lockhart, LVF (25)

July 11th, 2005 - Craig McCausland, LVF, (20)

August 15th, 2005 - Michael Green, LVF (42)



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The Murder of Gavin McShane (aged 17)

Acknowledgements

The McShane family is legally represented by solicitor John Finucane of Finucane & Toner Law Firm, 76-78 Castle Street, Belfast BT1 1HD.

The McShane family would like to thank St Enda's GAC and in particular Niall Murphy for his support in organising the commemorative hurling match.

They would also like to thank everyone at Keady GAC, in particular KP and everyone in the wider Keady community who have supported them.

Finally the McShane family would like to thank Relatives for Justice.



A new mural at the Gavin McShane Memorial Hurling/Sports Wall, Lamh Dhearg An Céide GAC, representing how Gavin might look today, 25 years on from his murder.

Gavin McShane Memorial Wall

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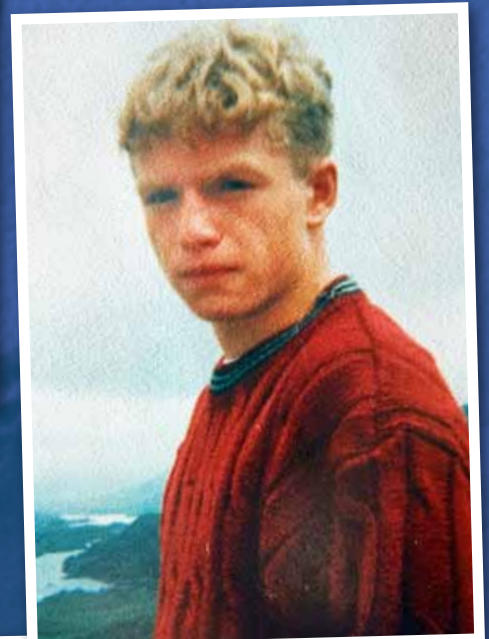
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