



Patsy Duffy killing regarded at first shoot-to-kill operation in the North

The killing of unarmed IRA member Patrick Duffy in Derry 41 years ago is regarded as the first shoot-to-kill operation carried out in the North by suspected undercover elements of the British military.

An inquest into Mr Duffy's death held in 1980 revealed that he was shot up to 14 times.

Patsy Duffy died instantly after being struck by a hail of bullets fired by members of the British Army on 24 November 1978. He was 50-years-old and a father of six children.

It was after 9.00pm at night when the IRA member entered a house in Maureen Avenue just off Abercorn Road.

It has always been alleged that Mr Duffy had gone into the house to check on a cache of IRA weapons that was being held in a wardrobe. One of his daughters, Marguerite, was sitting outside in a car with a six-month-old nephew.

At the original inquest into the killing held between 9-10 December 1980, pathology evidence showed Mr Duffy had been shot at least 11 times, but possibly up to 14 times.

The same batch of evidence showed that rounds were fired from his left-hand side or from behind him and that at least two of the shots were discharged at close range into the left side of his chest.

At the 1980 inquest, two members of the British Army, referred to only as Soldiers B and C, submitted written statements admitting that they were responsible for the killing.

Their evidence was gathered by the RUC and the soldiers were accom-

panied by a major attached to Army Legal Services. However, neither of the shooters spoke at the inquest and were, therefore, not subjected to cross-examination. The soldier's statements revealed that they had been ordered to enter the house at Maureen Avenue and were placed in an upstairs room on the day before the killing.

Another soldier, referred to as Soldier A, was situated in the attic of the house - but he did not give evidence at the inquest.

The commander of the British Army unit, known as Soldier E also provided only a written statement in 1980. In it, he confirmed that he was responsible for deploying Soldiers B and C at the house in Maureen Avenue at 1.00am on 23 November 1978.

He also stated that he instructed B and C to enter the property in plain clothes then change into their uniforms.

Crucially, Soldiers B and C claimed that they searched the house, found no illegal weapons and hid themselves in the attic.

Documents from the 1980 inquest confirm that at 2.24am on 23 November 1978 no weapons, ammunition or explosives were found in the house. The papers also state that on the same day, two men entered the property but that no attempt was made to arrest and detain them.

However, a search of the property by the army at 1.17am on 24 November led to weapons and ammunition being discovered in a wardrobe in the front upstairs bedroom.



Maureen Avenue where Patsy Duffy (left) was shot dead by undercover British soldiers.

Following the alleged discovery of the weapons, another three men entered the house. One of these stayed for an hour between 2.00am-3.00am and another two, believed to be workmen, entered the property at 10.53am on 24 November. But again, none of the men who went into the house before Patsy Duffy were challenged or arrested by the military.

The British Army version of the events given in 1980 alleged that Mr Duffy entered the house and the up-

stairs bedroom at 9.20pm on the night he was killed. Soldier B claimed that he fired at Mr Duffy in self-defence. Both Soldier B and C claimed that they fired their weapons in automatic mode into the bedroom from outside it - with Soldier C claiming he came behind Soldier B.

The pathological evidence confirmed that the vast majority of the bullets that struck Mr Duffy entered his back and side and that the other rounds entered the left portion of his chest at close range.

A pathologist also concluded that

the wounds sustained were caused by 9mm calibre ammunition. One of the rounds recovered from the remains during autopsy was given to the RUC who were present at the examination.

Also at the 1980 inquest, a senior police detective who gave evidence said that the wardrobe which held the weapons was locked. No key to the wardrobe was found on Mr Duffy on the Maureen Avenue property.

The remaining members of the Duffy family made an application for a new inquiry into their father's death almost four years ago.

Direction for a fresh inquest made by Attorney General

In ordering a fresh inquest into the killing of Patsy Duffy, the Attorney General for Northern Ireland said he received no contact from the Ministry of Defence for almost 18 months.

The original inquest into the killing of Mr Duffy 38 years ago recorded an open verdict. This, in effect, means the jury or coroner confirms that the death is suspicious but is unable to reach any other verdicts open to them.

This verdict has been prevalent in cases of state killings in Northern Ireland where military witnesses have submitted written statements excluding the opportunity for cross-examination.

Patsy Duffy's family, including his now deceased wife, Moira, have campaigned for decades for a fresh inquest to examine the circumstances of his shooting.

After the inquest in 1980, Mrs Duffy wrote to her lawyer setting out the extensive concerns about the procedures that were followed and how the coroner advised the jury.

A copy of Mrs Duffy's letter was submitted to the Attorney Gen-

eral as part of an application for a fresh inquest.

An application for a new inquest was made by the Duffy family's solicitor, Patricia Coyle, on 2 November 2015.

Part of this application by Harte, Coyle Collins Solicitors was the search for civilian witnesses in Derry. The legal firm have confirmed that four witnesses who did not give evidence in December 1980 have now come forward and their submissions were also given to the Attorney General John Larkin.

The application also included material on the overall theme of shoot-to-kill policies by the security forces in Northern Ireland in the 1970s.

John Larkin issued a direction for a new inquest into the killing on 22 March last, issuing the directive on the basis that the shooting was unjustified and that no reason had been given by the Ministry of Defence (MoD) as to why Soldiers B and C could not be called to give evidence at a fresh inquiry.

Mr Larkin said: "At its core,



Attorney General John Larkin.

there is in this case the death by shooting of an unarmed man by, it seems, two soldiers dressed as civilians.

"In common with the practice at the time neither of the soldiers gave evidence at the inquest. There does not, on the materials available to me, appear to be any objective justification for shooting Mr Duffy.

"The MoD has not made any further contact with my Office regarding this case since November 2017 and, with the exception of Soldier E who appears unlikely to be available, I consider that there is at present the potential for military evidence to be considered now that was not previously available."

'Soldiers who killed Patsy Duffy can now be compelled to give evidence'-Patricia Coyle

Solicitor Patricia Coyle has alluded to the possibility that Patsy Duffy was killed by an undercover unit of the British military.

Speaking about the decision to hold a fresh inquest into the 1978 shooting, she said: "Patrick Duffy was gunned down while alone and unarmed, peppered with between 11 and 14 bullets and shot at close range at least twice.

"There was no attempt to stop, question or arrest him. The killing, possibly by a plain clothes military unit, was unjustified and it is considered that Mr Duffy's killing is one of the earliest examples of the use of lethal force by the British Army in Northern Ireland when an arrest was possible and such force was unnecessary.

"During the course of the autopsy which took place on 25 November 1978, a deformed copper jacketed bullet was removed by the pathologist and handed directly to police present at the autopsy.

"There is no reason why this bullet cannot be made available for up to date ballistic analysis to trace it to the weapon and possibly to the soldier responsible.

"The legal restriction on the 1980 inquest which did not permit compelling suspects and armed forces personnel to attend and to give evidence and be cross-examined rendered that inquest.

"Persons suspected of involvement in

Mr Duffy's killing are now compellable witnesses. My clients welcome the Attorney General's decision to direct a fresh inquest into the killing of their father and look forward to representation before the inquisitorial process.

"Their priority is to access all information and materials to establish the truth about their father's death, whether it was pre-planned, which element of the British military was responsible."



Solicitor for the Duffy family, Patricia Coyle.