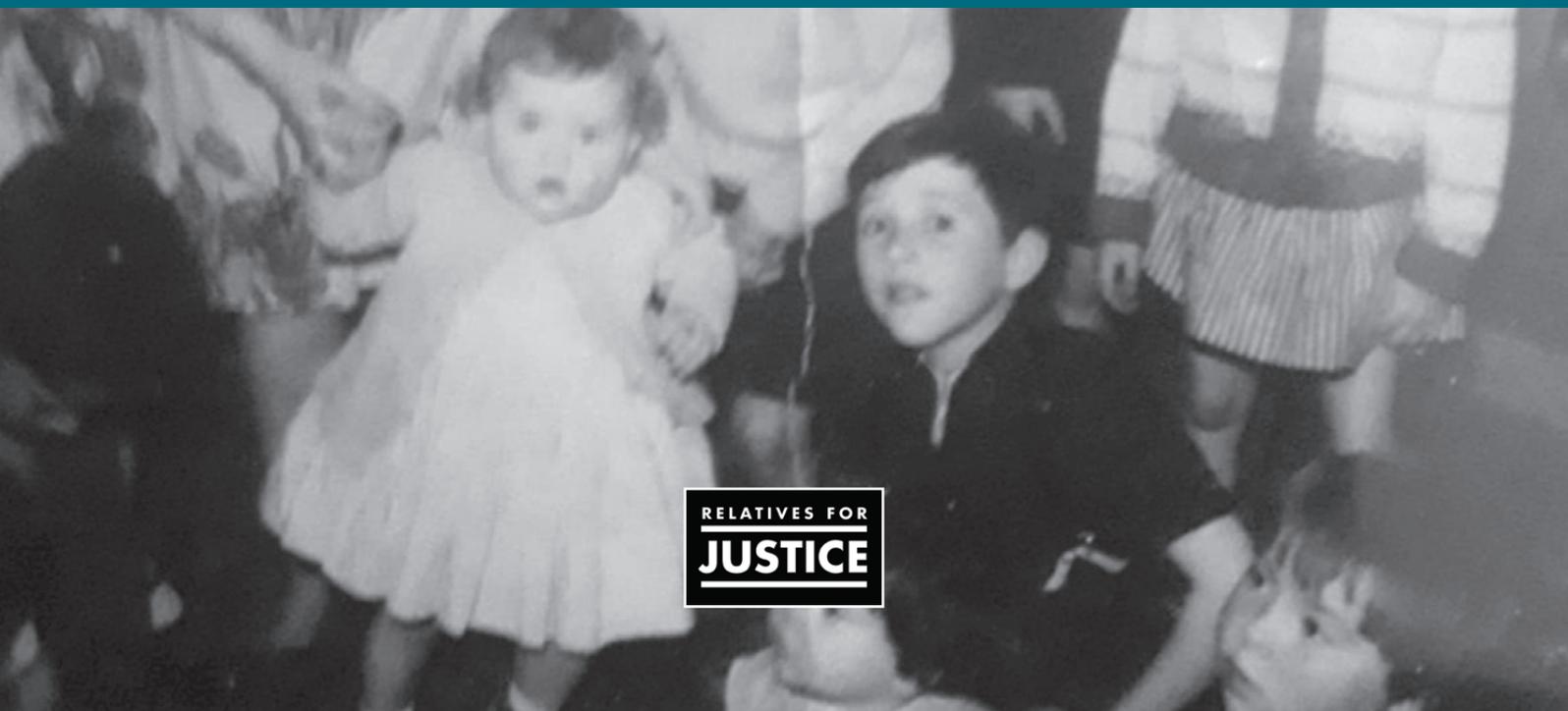




# GERARD GIBSON

Murdered by the British army, 11th July 1972

REPORT COMPILED FOR THE GIBSON FAMILY BY RELATIVES FOR JUSTICE



RELATIVES FOR  
**JUSTICE**



# THE DEATH OF GERARD GIBSON

MURDERED BY THE BRITISH ARMY, 11TH JULY 1972

## Introduction

Between 2.30 and 3.00pm on Tuesday 11th July 1972, Gerard Gibson, a 16-year-old boy, was shot and killed at Carrigart Avenue, Lenadoon, Belfast by the British Army. Several residents who were nearby heard gunfire and ran to offer assistance. They found Gerard lying on the ground and helped him. Gerard was placed in a motor vehicle, which was stopped and detained for a number of minutes on route to the Royal Victoria Hospital, where Gerard's life was pronounced extinct. The passenger and driver of the vehicle had formed the view that the soldiers who stopped them at Andersonstown Road RUC station were aware that they were transporting an injured person and were anticipating their arrival.

The case was originally investigated by the Royal Ulster Constabulary, who maintained that the deceased was not shot by the British Army but was killed by a misfire or explosion of the weapon he was alleged to have been holding and trying to use. The Gibson family have consistently challenged the state's version of events.

This report will show that the British Army and the Royal Ulster Constabulary (RUC) were aware that Gerard was shot by the British Army, but no proper investigation was conducted into the killing. A British soldier made a statement to the police at the time confirming a 'hit on target'. It was recorded within contemporaneous military documents that the British army had shot Gerard Gibson, and the statement from the soldier who fired the fatal shot was in the hands of the police. The RUC concealed the true circumstances of the case by not providing the soldier's statement, the forensic and ballistic evidence which would have shown Gerard was shot and unarmed, and civilian witness evidence to the coroner. The very existence of the information was kept from the Gibson family for decades and only emerged through the family's determined and persistent exchanges with the Historical Enquiries

Team (HET), a PSNI unit set up to examine legacy cases.<sup>1</sup>

An initial HET report was provided to the Gibson family having been overseen by a former RUC officer. It was only when the family took a legal challenge to the High Court that the PSNI eventually conceded and agreed to withdraw the deficient HET report and appoint a new HET team. The new team revealed that the PSNI, and the HET, held on file information the family were seeking all along.



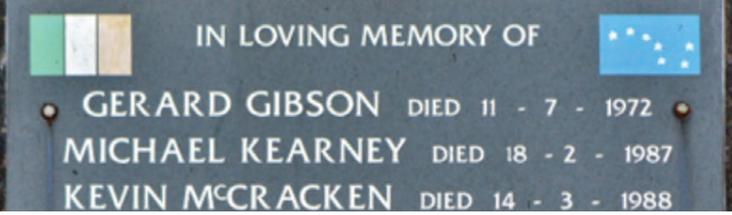
*Lily, Gerard and John Gibson*

The experiences of the Gibson family show the flawed investigations and procedures that they have been subjected to, and the steps they have had to take to reveal the true circumstances of how Gerard lost his life.

## About Gerard Gibson

Gerard Gibson was 16 years of age at the time of his death. He attended St Theresa's primary school, and then the Christian Brothers Secondary School, both on the Glen Road. He had just finished school shortly before he was shot by the British Army. Gerard's parents, John & Elisabeth Gibson, resided at the family home in Turf Lodge. In the seven months leading up to Gerard's death, he had been living in Lenadoon with his aunt Mrs Kathleen White. Mrs White and her

<sup>1</sup> The HET was established in 2005 by the then Chief Constable of the PSNI Hugh Orde to review all conflict related deaths from 1969 to 1998.

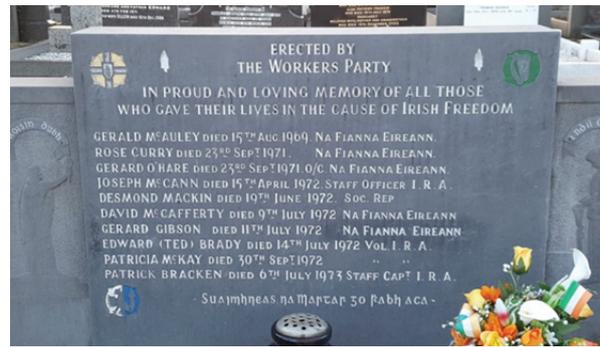


husband had originally lived on Cliftonpark Avenue, but had to leave the previous year, as they were intimidated out of the area. The couple and their young son, originally moved to Moyard, before having to move again to the Lenadon area. Patrick, Gerard's brother recalls Gerard's concern about his aunt, and how he helped her when she had to move.

Gerard's four younger siblings, Margaret, Kathleen, Pauline and Patrick describe Gerard as a happy person, and have fond memories of playing childhood street games with him when younger. Their grandmother lived off the Springfield Road, and they remember playing at "the Flush" with Gerard. They describe Gerard as artistic with a talent for drawing, and how he would often illustrate short telephone messages with small pictures and cartoon characters. Patrick recalls how, having just left school, Gerard showed him a large piece of work he had undertaken, which was a test drawing for a piece of stained glass, as he had an upcoming interview for a job with a stained-glass window manufacturer.

Taking his inspiration from those who had been interned and political events at the time, Gerard would often sketch pictures onto handkerchiefs, with songs and poems. The family have some of these framed as a means of remembering Gerard's artistic side. Margaret recalls that Gerard would listen to music, with his favourite band being T-Rex whilst he would draw. He admired Che Guevara, James Connolly and OIRA volunteer Joe McCann, who was shot by the RUC in April 1972. Gerard would draw pictures of the three men, but particularly Joe McCann, whose family also lived in the Turf Lodge area.

At the time of his death, Gerard was a member of the Official IRA's youth wing Fianna Eireann. The family are proud that Gerard, along with many other young men at the time, made the decision to join the Fianna and resist the oppression that was being inflicted upon his community. A military funeral was held, and Gerard is buried in the Official IRA plot in Milltown Cemetery. The HET report states there was no intelligence to indicate that Gerard was a member of any republican organisation at the time of his death.



*Official IRA burial plot*

*Headstone at Official IRA burial plot*

Gerard's father passed away 5 years after Gerard's death in 1977. Gerard's mother, Elizabeth or Lily as she was known, recently passed away on the 6th April 2018 having suffered from ill health and dementia in her final years. The death of Gerard had a deep and lasting impact upon his parents and siblings, who feel his father never really recovered from Gerard's death and lost any enthusiasm for life. Patrick recalls that his mother visited Gerard's grave every day, was always tearful and never at peace about the loss of her son. She had a powerful desire to discover the true circumstances that lead to the death of her son and was supportive of Gerard's siblings carrying forward the family campaign for accountability when her health began to deteriorate.

A small memorial plaque, remembering Gerard and two other people who lost their lives in the conflict can be found at the corner of Norglen Parade and Norglen Grove. Gerard Gibson is remembered alongside Michael Kearney, an INLA volunteer who was shot on the 18th February 1987 as part of the INLA feud, and Kevin McCracken, an IRA volunteer who was shot on the 14th March 1988 by the British Army close to the wake house of IRA volunteer



Sean Savage, who lost his life on active service in Gibraltar. The plaque was erected by local residents to remember the deaths of the three men, as the bereaved families were all neighbours in the same street.



Memorial plaque

## The Incident

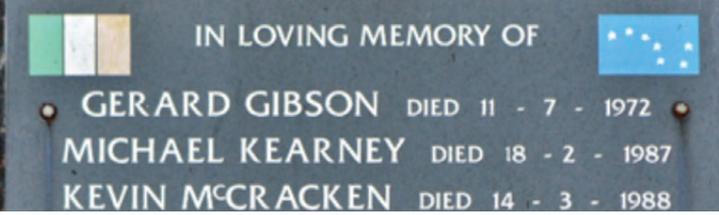
Towards the end of June 1972, the provisional IRA announced that it would call a ceasefire from midnight on the 26th June 1972 provided there was a "reciprocal response" from the British Army. The "bilateral truce" had been called by the Provisional IRA to facilitate secret talks between the Provisional leadership and the British Government including then Secretary of State William Whitelaw.

The truce broke down on the 9th July 1972 when the British Army prevented Catholic families who had been intimidated out of the Rathcoole area by Loyalists, moving into empty homes in Lenadoon Avenue. When the families tried to move through a British military cordon set up to prevent them reaching the houses, a confrontation began between soldiers and the residents. Gerard Gibson was present and took part in the protests on the 9th July 1972. The soldiers fired a number of rubber bullets at those present. As a result, the Provisional IRA opened fire upon the British Army and ended the ceasefire.

Gerard Gibson was shot between 2.30 and 3.00 pm on Tuesday the 11th July 1972, two days after the breakdown of the ceasefire. He had been manning some of the barricades erected by the residents the night before, and as a result had slept late the following day. His younger brother Patrick remembers Gerard waking up and leaving the house to meet up with friends.

Sergeant Graham Moore of the 2nd Field Regiment Royal Artillery, claimed at the time that he saw the shooting of Gerard from an observation post on the Black Mountain, as he was equipped with a high-powered telescope.





Moore states that he and other members of his unit commenced observation duties on the Black Mountain at 10.30am. At 2.00pm he saw a light green or blue Ford Anglia vehicle stop outside the end house in Glenties Drive, and that part of this house faced out to the Suffolk Road. Moore claims he saw two men dressed in green anoraks and dark trousers get out of the vehicle and described them as both 5'10" in height, with long hair. One man was said to be wearing horn rimmed glasses. Both were said to be carrying Springfield rifles, and took up position at the side of the house facing towards the Suffolk Road.<sup>2</sup>

Moore describes seeing a military Saracen coming from the direction of the Glen Road towards Suffolk Road, and watching the person without glasses point his rifle towards the Saracen. As the Saracen passed, Moore states he saw one of the gunmen fire one round from his rifle, reload and take aim again. The gunman then threw his hands to his face, dropped his rifle and fell forward. Moore alleges his view was so good he could see blood running between the fingers of the man before he fell to the ground. Moore formed the view that the rifle had exploded in the man's face and reported this to his control room.<sup>3</sup>

Moore goes on to say the second gunman took possession of the rifle and disappeared into a nearby house with both weapons. The Ford Anglia vehicle then returned to the scene and the injured person was placed in the rear of the vehicle, which Moore observed drive away. Sergeant Moore used his radio to contact his unit & was aware that other soldiers stopped the vehicle containing the injured man.<sup>4</sup> Three civilian witnesses gave statements to the RUC at the time, namely Noreen Smart, Daniel Pyper and Michael Brady.

A summary of Noreen Smart's deposition in the HET report describes hearing a single shot whilst in her sister's house close by. She ran out of the house to make sure her children were safe, but when she reached the bend in the road, she heard children shouting that someone had been shot. She went

2 Pages 7-8 of the HET report  
3 HET report page 8  
4 HET report page 8

over and saw a young man lying in the road on his left-hand side. At first, she could not see an injury, but then noticed a deep wound above his left eye. She assisted in putting the young man into the back of the vehicle, which she got into also. The vehicle travelled to the Royal Victoria Hospital, but was stopped at Andersonstown RUC station by the British Army for 5 minutes before being allowed to proceed.

The deposition from Michael Brady is also summarised in the HET report. He was working in the front garden at his home in Carrigart Avenue when he heard gunshots. He describes hearing girls shouting and going towards a crowd that was gathered about 20 yards from his house. He saw a young person lying on the road, and noticed he had a wound to his head above the left eye. Michael called out to Daniel Pyper to get his car, and they put the injured person in the car to take him to the hospital. Again, he describes being stopped outside Andersonstown RUC station and being held for a few minutes before being let through and continuing to the Hospital.<sup>5</sup>

Daniel Pyper, another resident of Carrigart Avenue was working on his car outside his home when he heard someone shouting to bring his car. He saw a crowd gathered further down Carrigart Avenue, and when he got there he saw a youth lying on the road. The young person had a wound to his head and was lying very still. He got the young person into his car and decided to drive him to the Royal Victoria Hospital. He was stopped outside Andersonstown RUC station for 4 to 5 minutes before being allowed to continue.<sup>6</sup>

## Contradictions in the evidence

The Gibson family are concerned by several contradictions within the information they have received. Much of what Sergeant Moore claims to have seen is contradicted by the civilian witnesses. Moore's description of two gunmen who were 5 feet 10 inches in height is directly contradicted by the evidence in the post mortem report which shows

5 HET report page 9  
6 HET report page 10



Gerard was 5 feet 4 and a half inches tall.<sup>7</sup> Moore states that he observed the men at Glenties Drive, whereas all other witnesses place the incident as taking place at the bend of Carrigart Avenue. The HET formed the opinion that the shooting took place at Carrigart Avenue.<sup>8</sup>

According to Moore, the gunmen arrived in a car which he describes as a light green or light blue Ford Anglia. He later states that the Ford Anglia was brought back to transport the injured Gerard to Hospital. It would be very unusual for two gunmen, as alleged by Moore to use a vehicle that had not been stolen or taken from another area. We know that the vehicle that was used to transport Gerard to Hospital belonged to Daniel Pyper, as it was stopped at a British Army checkpoint on route to the Hospital, and Daniel Pyper confirmed in his statement he owned the car. Moore also advises that he saw the second gunman take possession of the rifle and disappear into a nearby house. Yet no searches for the gunman or the weapon appear to have been carried out.<sup>9</sup>

Moore describes his view as so clear that he could see the blood running between the gunman's fingers before he fell to the ground. By contrast Noreen Smart advises that there was very little blood on Gerard's head and that she thought the bullet was still lodged in his head. Mrs Smart was indeed correct as the bullet was recovered during Post Mortem.<sup>10</sup> In a later interview with the HET, Mrs Smart comments that she saw "a wee boy against the gable wall".<sup>11</sup> She said that Gerard looked very young, and she thought he was about 12 or 13 years of age. She also goes on to say that the wound was "a wee hole in his head, it was as clean as a button".<sup>12</sup> She reiterates that there was very little blood present, which again differs from the account provided by Moore.

When she was shown her original deposition by the HET, Noreen Smart points out that she did

7 Post Mortem report dated 13th July 1972, page 2

8 HET report page 25

9 Het report page 8

10 Post Mortem report page 4

11 Record of Interview with Noreen Smart dated 10th June 2013, page 1

12 Ibid page 1

not say Gerard was in the middle of the road. Her recollection is that he was nearer to the gable wall than in the middle, with his head facing the road. Noreen was able to say that Gerard was 2 to 3 feet from the wall, about 6 feet from the corner.<sup>13</sup> When she was shown photographs of the scene later she advised that Gerard was lying very close to the surveyor's pole in the photograph.<sup>14</sup> These photographs are in black and white and were taken shortly after the shooting and have been retained by the family over the years. The family believe they were taken on their behalf by the solicitor's firm who assisted the family after Gerard's death. Noreen Smart also confirms that after hearing the shot it would have taken her about 1 minute to get to Gerard. Noreen confirms there was no gun, or a stick that could have been confused for a gun.<sup>15</sup>



*Gable wall where Gerard Gibson was shot*

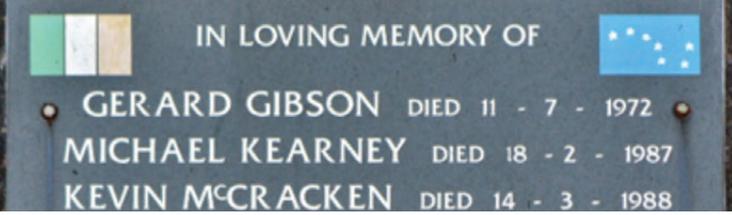
Daniel Pyper also spoke with the HET. He also contradicts the statement of Sergeant Moore and confirms Gerard was close to 50 Carrigart Avenue.<sup>16</sup> He notes that Michael Brady and Noreen Smart were carrying Gerard across the grass area between

13 Ibid page 5

14 Black & White photograph numbers 2 and 3

15 Record of Interview with Noreen Smart, page 4

16 Record of interview with Daniel Pyper pages 1 and 2



Picture of the gable wall and green where Gerard was shot



View of gable wall at corner of Carrigart Avenue



Gable wall from the Suffolk Road



View from the gable wall at Carrigart Avenue towards the Suffolk Road

Suffolk Road and Carrigart Avenue when he arrived. He did not see any guns when he drove his car to the spot. Daniel Pyper was asked by the HET to pinpoint where he had observed Gerard being carried from. He was able to say that it was from the grass, just past the gable wall, a distance of about 15 to 20 metres. Again, when asked to review the deposition by the HET, Daniel Pyper points out that he did not say Gerard was on the road.<sup>17</sup>

The third civilian witness, Michael Brady died a number of years ago so was not available to be interviewed by the HET.

The original signed statements are not available. It appears that a degree of editing and changing has been undertaken in preparing the depositions that were presented to the Coroner. It is clear from the later interviews with the witnesses that the depositions that were relied upon at the original inquest do not accurately reflect the witnesses' recollections. This editing must have been conducted by the RUC officer when they were "investigating".

17 Record of interview with Daniel Pyper page 2- 4

## Investigation and Inquest

An inquest into Gerard Gibson's death was held on the 7th November 1972 at Lisburn Court house before Mr Wylie. An open verdict was returned, meaning no blame or responsibility was apportioned in the case.<sup>18</sup>

The Coroner's register indicates that the Inquest took place on the 7th November 1974 and Mr Wylie acted as the Coroner. The coroner had no independent investigatory resources at the time of Gerard Gibson's death, and was dependent upon the RUC for evidential material to conduct the inquest.

In Gerard's case, little investigation took place. The RUC had conduct of this case rather than the Royal Military Police (RMP). The reasons for this are not clear. It may be because the incident was originally recorded as resulting from a misfiring weapon. We know that the RUC/RMP agreement was in force at

18 Copy of Coroner's Register Entry dated 11th July 197



the time of Gerard's death.<sup>19</sup>

The officer in charge of the original RUC investigation was Detective Inspector William Mooney. Mooney became notorious in the Catholic community due to his involvement in a number of high profile cases, later becoming the head of the Royal Ulster Constabulary (RUC) Crime Operations. He was well known for his role in investigating the Shankill Butchers,<sup>20</sup> the kidnap and killing of Thomas Niedermeyer<sup>21</sup> and the "Pitchfork Murders"<sup>22</sup> by members of the Argyll and Sutherland Highlanders.<sup>22</sup> Amongst the Catholic population he had a reputation for encouraging the torture of detainees at Castlereagh Holding Centre by more junior officers. This was confirmed more recently by former interrogation officers who had been subordinates to him within Castlereagh.<sup>23</sup>

The HET report confirmed for the family that the original investigation team did not attend the scene of Gerard's shooting. There is no record that a forensic examination of the scene took place and no record exists of the scene being photographed by a police photographer or surveyed by a mapper. The only forensic examination that took place was by an RUC Scenes of Crime Officer who swabbed Gerard's hands for traces of lead discharged from a firearm. Gerard's clothing was also tested for firearms residue. No residue was detected on Gerard's hands

or any of his clothing.<sup>24</sup> If Gerard had died because of a misfiring weapon, it is likely there would have been a high proportion of lead residue on his hands and clothing. The HET report concedes that greater injuries, and fragments of wood or metal would have been expected to be present on Gerard's clothing or face if the weapon had misfired or exploded.<sup>25</sup> The reality is that the RUC forensic personnel were only interested in linking Gerard to a weapon, rather than exposing the true circumstances of his shooting.

On Thursday 13th July 1972, a post mortem examination was carried out on Gerard's body by Doctor Derek Carson at the RVH. The cause of death was recorded as "Laceration of the brain associated with fractures of the skull due to a gunshot (7.62mm rifle) wound of head".<sup>26</sup> The ballistics examination established that Gerard was killed by a 7.62mm NATO copper jacketed lead bullet, and that it was fired from a 7.62mm calibre rifle. 7.62mm NATO ammunition was standard issue for the British Army at that time, along with the Self-Loading Rifle or SLR, an extremely powerful high velocity semi-automatic rifle of 7.62 calibre.<sup>27</sup>

The post mortem report states that the features of the entrance wound indicate that the bullet entered side on. The pathologist goes on to say that the shape of the entry wound might suggest the bullet was a ricochet, however as the bullet did not appear to be damaged, he believes it was "tumbling in flight" at the time it struck the deceased.<sup>28</sup> The descriptions by the pathologist of a bullet "tumbling in flight" and the summary of the ballistics report in the HET review summary report establish that the bullet was "fired".<sup>29</sup> These reports again contradict the version of events provided by Sergeant Moore, of an exploding weapon or ammunition.

The Gibson family and RFJ have advocated for the original inquest into Gerard's death to be reopened. Two of the civilian witnesses are still living and were

19 Between January 1970 and March 1972 an agreement existed between the RUC Chief Constable and the British Army General Officer Commanding that military witnesses would be dealt with by the RMP (Royal Military Police) and the RUC would be responsible for dealing with civilian witnesses when investigating incidents.

20 The Shankill Butchers were a UVF gang who kidnapped and murdered 23 people between 1975 and 1982. The attacks were vicious in nature with the victims being beaten and having their throats cut with a butcher's knife. The gang were motivated by sectarianism, with most of the victims being from a Catholic background. 8 Protestants were also murdered, two who the gang mistook for Catholics, and 6 over personal grudges.

21 Thomas Niedermeyer was the managing director of the Grundig factory in Belfast and honorary consul for West Germany. He was kidnapped and killed by the IRA in 1973.

22 Two Catholic farmers, Michael Naan and Andrew Murray were stabbed to death by members of the British Army in October 1972 as they lifted hay off a trailer in Fermanagh. These deaths became known as the "Pitchfork Murders".

23 See the Guardian Article 'Inside Castlereagh: We got confessions by torture' <https://www.theguardian.com/uk/2010/oct/11/inside-castlereagh-confessions-torture>

24 HET report page 17

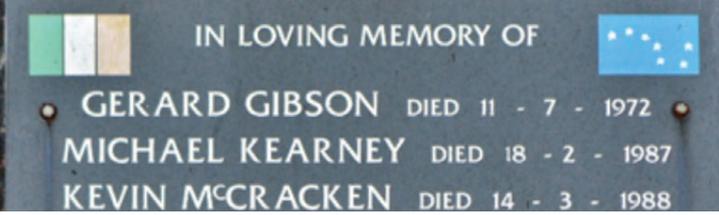
25 Ibid page 22

26 Post Mortem report page 1

27 HET report page 18

28 Post Mortem report, page 5

29 HET report page 18



Family photo. Gerard is the child kneeling in the dark shirt looking directly at the camera

willing to cooperate and be interviewed by the HET. We understand through information available online and in the public domain that he is known as Sergeant Graham “Moose” Moore is still alive, in good health, and remains actively involved in reunion activities for the 2nd Field Artillery, as he helps run the Old Comrades association. We can see no reason why he would be unavailable as a witness in this case. The Coroner at a fresh inquest would have the ability to compel any of the witnesses that he or she required.

Mrs Smart’s recollection is that there were three hearings related to Gerard’s death which she attended.<sup>30</sup> At an initial hearing at Crumlin Road court house she recalls that it was said that a soldier shot Gerard from the top of the Black Mountain. Mrs Smart remembers giving evidence at this hearing. The Gibson family and RFJ believe this was a preliminary hearing and not the full inquest. The full inquest appears to have taken place at the Assembly Rooms in Lisburn.<sup>31</sup> Mrs Smart could not remember if she gave evidence at this inquest. She thought that it was said that Gerard was shot from Kerrykeel (Carrickeel) Gardens at this inquest.<sup>32</sup>

30 Record of interview with Noreen Smart, page 2  
31 HET report page 12  
32 Record of interview with Noreen Smart, page 3

Noreen Smart acknowledged in her reinterview with the HET that the third hearing which took place at the High Court, may have been in relation to a civil claim, and she did not give evidence at this hearing.<sup>33</sup>

Daniel Pyper’s recollection is that he made his statement on the day of the inquest, and that no soldiers attended to give evidence.<sup>34</sup> It is highly unlikely that any military evidence other than the now discredited account given by Sergeant Moore formed part of the inquest.

These failings in police investigation and the absence of military witnesses show a lack of diligence and effort to catch those responsible for the murder of Gerard, but also indicate that the information presented to the coroner was far from complete. There was no effective investigation into the circumstances of Gerard’s death.

## Why no effective investigation took place?

Why was the investigation into the death of Gerard Gibson so minimal and ineffective? To understand this, we need to look at the thinking within the British Military and Government at the time of Gerard’s death and the wider political context.

The actions of British Army soldiers deployed in the North of Ireland were supposedly governed by the Rules of Engagement, frequently referred to as the yellow card. The yellow card was issued to every serving British soldier and contained instructions on when a soldier could open fire. Between 1969 and 1975 it was altered a number of times, including twice in 1972, in July and November. It instructed soldiers to never use more than the minimum force necessary to enable them to carry out their duties, and that they should always first try to handle the situation by other means without opening fire.<sup>35</sup>

British soldiers should only fire aimed shots and a warning was to be given before doing so, to say the

33 Ibid page 3  
34 Record of interview with Daniel Pyper, page 4-5  
35 Yellow Card rule 2 and 3



solider would open fire if the order wasn't obeyed.<sup>36</sup> There were two exceptions which allowed soldiers to fire without warning. One related to firing upon vehicles and is not relevant in this case. The other exception where a soldier could open fire without warning was when hostile firing was taking place in his area and a warning was impracticable, or when delay could lead to death or serious injury to people.

In these situations, a soldier could fire on a person using a firearm if they were firing on British crown forces or other people.<sup>37</sup> A soldier could also fire upon someone carrying a firearm if they believed they were about to use it for an offensive purpose.<sup>38</sup> Two documents recovered from the National Archives at Kew show that in the days leading up to the shooting of Gerard Gibson, the General Officer Commanding, Sir Harry Tuzo planned the attack he wished to undertake once the truce broke down and argued that a change to the yellow card rules were needed.

In a letter to William Whitelaw, dated the 9th July,<sup>39</sup> he states:

*"it is envisaged that two battalions would occupy Andersonstown/Suffolk until such time as the local IRA units are neutralised or dispersed."<sup>40</sup>*  
*"In these circumstances the soldier's means of retaliation must not be too restricted and without necessarily running counter to the principle of minimum force, the rules of engagement must be altered to meet the new situation. Recommendations are in paragraph 13 of Appendix 1 to Annex B."*

Later at paragraph 58, Tuzo refers again to Annexe B Appendix 1 and advises that:

*"The powers of the Security Forces will need to be increased and there must, in particular be some form of indemnity."<sup>41</sup>*

36 Yellow Card rule 3, 6 and 7

37 Yellow card rule 13

38 Yellow card rule 14

39 The Letter from Lieutenant General Sir Harry Tuzo to The Rt Hon William Whitelaw dated 9th July 1972 was recovered from the archives by Papertrail Legacy Archive Research

40 Ibid para 30 and 31

41 Ibid para 58

Appendix 1 to Annexe B points out that the current legal position would not permit an operation of the type outlined within Tuzo's letter and it is stated there is "a real prospect of individual soldiers facing charges of murder" if the position is not altered. At paragraph 3 within the Annexe, it states that:

*"There is accordingly, a requirement both for certain specific legal powers to be given to troops in a clear and unequivocal way and for the concept of minimum and reasonable force, as it is presently interpreted to be temporarily suspended."<sup>42</sup>*

At paragraph 14, Tuzo advocates that soldiers be allowed to shoot armed men on sight, use suppressive fire and use heavy weapons, before suggesting in the subsequent paragraph that an indemnity for security forces should be enacted so that soldiers are "under no criminal or civil liability whatsoever".

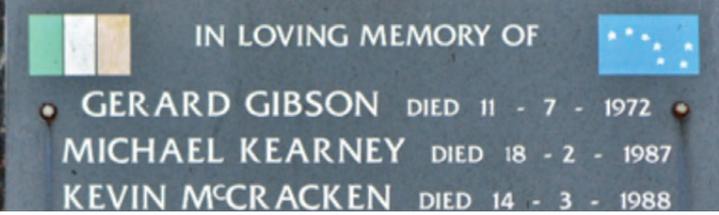
Tuzo continues to advocate for an amnesty for soldiers at a meeting at Stormont Castle on the 10th July 1972.<sup>43</sup> The record of the meeting, recovered by RFJ from the National Archives shows the discussion that took place between the Secretary of State for Northern Ireland William Whitelaw MP, Harry Tuzo the General Officer Commanding (GOC), Deputy Chief Constable of the RUC, Lord Windlesham the British government's representative in the House of Lords, British MP's, and senior civil servants from the NIO and London including Kenneth Bloomfield who, most inappropriately, would later become Victims Commissioner. They discussed the ending of the ceasefire and took a number of decisions which were recorded in the minutes of the meeting.

At point J, it is stated that "The Army should not be inhibited in its campaign by the threat of Court proceedings and should therefore be suitably indemnified."<sup>44</sup>

42 Ibid Annexe B, Appendix 1, para 3

43 The Conclusions of Morning Meeting held at Stormont Castle on Monday, 10th July 1972 at 11.30am was recovered from the archives by staff at Relatives for Justice

44 Ibid, page 3 point J



Funeral of Gerard Gibson

Seven people, including Gerard Gibson were shot by the British Army in West Belfast between the 9th and 11th July 1972.<sup>45</sup> Gerard was the first person to be killed following the decision to indemnify British security forces. The Gibson family believe these documents explain why no-one has ever been prosecuted in connection with his killing, and those of others shot by soldiers.

*"We were shocked when we saw this document," said his sister Margaret. "Basically, what we take from this document was that the British Army was told go and do what they wanted, without fear of prosecution and it seems my brother was an innocent party, and they just took his life. We would like to see a prosecution. We would like to see them held to account."<sup>46</sup>*

The collective impact of these deaths on the local community cannot be overestimated. It is the belief of many within the local community that British

45 Margaret Gargan, John Dougal, David McCafferty, Patrick Butler, and Father Noel Fitzpatrick, collectively referred to as the Springhill massacre, who were shot dead on the 9th July 1972, and Angelo Fionda, who was shot driving his car at the junction of Panton street and the Falls Road on the 9th July 1972

46 Interview given by Margaret Gibson to Vincent Kearney

soldiers were effectively given permission to kill in an indiscriminate fashion as a result of the 10th July meeting. In the 21 days immediately after this Stormont Castle meeting, July 10th until July 31st, the British army killed 14 people. No soldier has ever been prosecuted for any of these deaths.

## The "other" gunman - attempting to justify murder

Moore describes in his statement that a second gunman took possession of the rifle and disappeared into a nearby house with both weapons, as a means of explaining why no weapon was recovered at the scene. The allegation of the presence of another gunman is a deceptive device that RFJ have come across in a number of cases where the British Army have shot and killed unarmed people. This misleading narrative was often used by soldiers after a fatal shooting to explain why no weapon was recovered, despite their claims to have been fired upon. It is a way of attempting to justify the use of unreasonable force, effectively murder, and circumvents the yellow card rules. It has been considered in a number of recent inquiries and inquests and the courts have repeatedly rejected the credibility of such claims by soldiers.

Evidence from the Bloody Sunday Inquiry shows that many of the soldiers who were members of the Parachute Regiment and responsible for the killing of the civilians argued that they had been firing at someone who was armed and posing a threat, but accidentally hit a bystander, or that the existence of another person or casualty had been concealed. The final report prepared by Lord Saville of Newdigate<sup>47</sup> states clearly that:

*3.76 Despite the contrary evidence given by soldiers, we have concluded that none of them fired in response to attacks or threatened attacks by nail or petrol bombers. No-one threw or threatened to throw a nail or petrol bomb at the soldiers on Bloody Sunday....*

47 The Report of the Bloody Sunday Inquiry, Chapter 3, paragraph 3.76 – 3.79 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/279133/0029\\_i.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/279133/0029_i.pdf)



*3.78 In other words, all the soldiers (apart from Private T) who were in our view responsible for the casualties insisted that they had shot at gunmen or bombers, which they had not, and (with the possible exception of Lance Corporal F's belated admission with regard to Michael Kelly) did not accept that they had shot the known casualties, which they had. To our minds it inevitably followed that this materially undermined the credibility of the accounts given by the soldiers who fired.*

*3.79 As we have said, none of the casualties was posing a threat of causing death or serious injury, or indeed was doing anything else that could on any view justify their shooting...*

In another fatal shooting incident in Derry in May 1972, a young person named Manus Deery was shot whilst standing with friends. Soldiers from the Worcestershire and Sherwood Foresters Regiment alleged that they had witnessed a man with a rifle at the rear of the Bogside Inn, close to where Manus had been shot. A fresh inquest was conducted in April 2017, with the Coroner declaring "I am surprised that none of the soldiers can give an account of what actually happened to the alleged gunman"<sup>48</sup> before confirming in his findings that neither Manus or anyone close to him was acting in a manner that could reasonably have been perceived as posing a threat of death or injury, there was no gunman in the vicinity of the young people and the soldier was not justified in opening fire.

The coroners court also considered the use of force in the case of Joseph Parker, where a number of soldiers from the Queens Lancashire Regiment had alleged seeing a gunman exit from the back of the Parochial Hall where Mr Parker was shot, claiming that this justified his shooting on the evening. However, the Coroner in that case said:

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48 In the matter of an Inquest into the death of Manus Deery, Paragraph 135 <https://www.judiciary-ni.gov.uk/sites/judiciary/files/decisions/In%20the%20matter%20of%20an%20inquest%20into%20the%20death%20of%20Manus%20Deery.pdf>

*[96] Accordingly, I am satisfied that a soldier who had blonde or fair hair fired the shot which struck and killed Mr Parker. I am further satisfied that this shot was fired deliberately but that Mr Parker was not deliberately targeted, in other words, this soldier was acting recklessly when he fired shots at such a low level in a hall full of civilians. I have not been presented with any evidence which suggests that Mr Parker posed any threat, either direct or indirect, to the military patrol. I am satisfied, therefore, that the force used against Joseph Parker was not justified since he posed no threat to members of the patrol.<sup>49</sup>*

The Gibson family and RFJ say that the fact this deceptive device is repeated by so many different soldiers, in different regiments, involved in different incidents cannot be dismissed as coincidence but indicates a policy and practice.

## Engagement with the HET

Following the setting up of the Historical Enquiries team in 2005, the Gibson family were contacted by the HET staff and advised they intended to look at Gerard's case in 2009. Having lived with the mistruths and rumours about the circumstances of Gerard's death for decades, the family felt this was an opportunity to reveal some truth. The HET assured the family that Gerard's death would be subject to "thorough and exhaustive examination in a manner that satisfies the PSNI's obligation of an 'effective investigation'". The family were also advised the investigation would be carried out by ex-police officers from Britain, rather than members of the RUC or PSNI. It would be independent and impartial. It was at this point that they made the decision to engage with the HET.

The family became increasingly concerned about the effectiveness of the process each time they engaged with the HET.

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49 In the matter of an inquest touching upon the death of Mr Joseph Parker, Paragraph 96 <https://www.judiciary-ni.gov.uk/sites/judiciary/files/decisions/2017NICORONER8Final%20-%20Approved.pdf>



Margaret, sister of Gerard was interviewed by Vincent Kearney, BBC Home affairs correspondent and said:

*“We engaged with the HET in good faith regarding Gerard’s killing. In all of the HET literature they state about putting families at the heart of their process. We can honestly say that our family was never at the heart of the HET process, it was quite the opposite.*

*The HET refused to trace and interview key witnesses. Our family then traced these witnesses, spoke to them and asked them to cooperate with the HET. All witnesses had a clear recollection of Gerard’s killing and were willing to assist and still the HET refused to speak to them. They even refused to trace and interview the soldiers who shot Gerard. This is completely unacceptable.”<sup>50</sup>*

The family were advised that a small number of statements had originally been gathered in this case, but neither the handwritten signed copies or the typed copies were available for the family to view. The HET could not provide any explanation about what happened to them.<sup>51</sup> The Gibson family and the solicitor who represented them at the time asked if they could see the ballistics report in the case at an early meeting with the HET in 2010. The HET refused to share the report.<sup>52</sup> Within the HET report the family did receive was a section of the military Director of Operation’s Brief for 2nd Field Regiment Royal Artillery (Andersonstown).<sup>53</sup> It states:

*“There were 24 incidents of shooting at SF (Security Forces). Fire was returned 11 times and initiated by tps (troops) once.*

*One hit was claimed. This was when fire was returned at a gunman in CARRIGART AVE after he*

*had fired a shot at a ptl (patrol). He was Gerald Thomas GIBSON (17).”*

The Director of Operation’s brief makes clear that Gerard was not killed by an exploding or misfiring weapon but was shot by a member of the British Army, who accepted responsibility for the shooting at the time. This was of significance to the family, as it had been denied for years and confirmed what they had always believed.

Despite this information the HET staff dealing with the case said they were unaware of the identity of the soldier responsible for the fatal shooting, or even which regiments were based in the Lenadoon area at the time as there was no written record to indicate this. The family found this to be unbelievable. Margaret commented:

*“Personally we were treated with contempt during the HET process. It was only on conclusion of the HET report, and after pressing them, that it was then disclosed to us that the person tasked with examining Gerard’s killing was himself a former RUC officer. Had we known this from the outset we would have objected in the strongest possible way.”<sup>54</sup>*

It transpired that Charles Patterson, who signed off on the report was an ex RUC officer and former head of CID in Craigavon and Newry. He would have previously had contact with and been managed by DCI William Mooney, the original RUC officer who investigated the case and ultimately became head of the RUC CID. This was initially denied by the HET and was in clear contradiction to what had been agreed with the family. The bias is exacerbated by the fact that these links were not disclosed until after the HET reported.

The Gibson family made their displeasure with the initial report known to the HET, however their genuine concerns were dismissed by the HET leadership, when Dave Cox, the Head of the HET wrote back to the family stating “I think that the current team has done a good job to date”<sup>55</sup>

<sup>54</sup> Vincent Kearney interview

<sup>55</sup> Letter to the Gibson family and their legal representative dated 13 August 2012

<sup>50</sup> “Family launches legal challenge against HET”, Andersonstown News, 1st November 2012.

<sup>51</sup> HET report page 15

<sup>52</sup> See correspondence between the HET and Madden and Finucane solicitors dated 29/10/10, 11/06/10, 24/06/10, 24/08/10, 06/05/11 and the 11/05/11

<sup>53</sup> HET report page 15



RFJ assisted the family to lodge a complaint with the Police Ombudsman, however the Ombudsman advised they would look at the flaws within the original RUC investigation, but were unable to examine the HET, as the officers were not members of the PSNI but employed as civilian investigators. The Gibson family and RFJ disputed this on the basis the HET was overseen by the then Chief Constable Matt Baggott and Assistant Chief Constable Drew Harris, but the Ombudsman maintained their position.

The Gibson family felt they had no option but to initiate a legal challenge against the HET and the Chief Constable, asking for the original report to be quashed and forcing the state to conduct an effective investigation into the killing of Gerard. The case was due to be heard in the High Court in November 2012, however during two applications for leave before Judge Treacy, the lawyers for the HET and PSNI sought to end the case before it reached a substantive hearing, by agreeing to appoint a fresh team to review the case. Even at this stage the PSNI and HET knew such a hearing would cast further doubt on the HET's impartiality. Offering a re-examination avoided judicial and public scrutiny.

The Gibson family and RFJ met with the new HET team in May 2013, who provided considerable additional information relating to Gerard's case. The family were advised that three regiments had been in the area at the time Gerard was shot. The 2nd Field Royal Artillery, including Sergeant Moore, were on the Black Mountain. The Kings Own Regiment and the Royal Scots had both been in a nearby Bacon Factory (see black and white photographs) at the time of the shooting. The HET officer went on to say that he had not yet spoken to the MOD about who was present at the time but had identified three of the five soldiers who were in the Bacon Factory, as statements from those soldiers were already on the file. The HET investigator went on to say that one of the three soldiers who has been identified and made a statement at the time of Gerard's shooting claimed

a hit on a target at a grid reference close to where Gerard was standing.

In discussing the events that were happening in the area at the time Gerard was shot, the HET person also advised the family that he had access to the central log, which is believed to be a central military log. He commented to the family that it was clear that the soldiers were sent in that day because "they anticipated trouble".

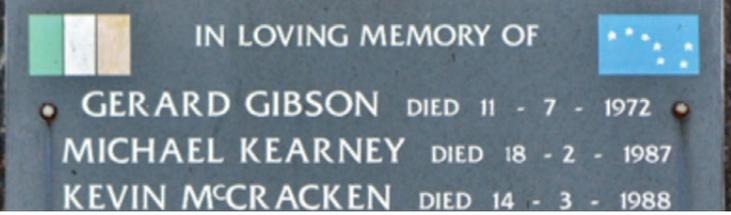
Up until this meeting in 2013, the family had never been made aware of the existence of these statements, or that the soldier who had been responsible for killing Gerard had been identified. They were unaware that PSNI and the HET held this information, so these new revelations caused significant distress. The family waited to see what actions the HET and PSNI would take, and to receive a fresh written report containing all the above information.

## Concerns re the HET

The British state has been a signatory to the European Convention on Human Rights (ECHR) since 1953. Individuals whose rights have been violated can take a case to the European Court on Human Rights (ECtHR), who will investigate and make a judgement in favour of the individual or the state. Responsibility for making sure judgements against states are complied with rests with the Committee of Ministers of the Council of Europe. In 2001, the families of Gervase McKerr, Pearse Jordan, Dermot McShane, Patrick Shanaghan, Patrick Kelly and Pat Finucane took their cases to the ECtHR,<sup>56</sup> alleging that the British state had violated Article 2 of the convention, the right to life. Article 2 protects individuals from being arbitrarily deprived of their life by the state and imposes a duty on the state to investigate where they bear responsibility for a death.

The ECtHR set out specific criteria that an investigation has to meet to comply with Article 2:

<sup>56</sup> See <http://hudoc.exec.coe.int/eng?i=004-2202>



Family birthday party. Gerard is the child at the front centre of the picture

- **The investigation must be initiated by the state**
- **it must be independent**
- **it must be effective, in that it is able to identify those responsible for the death with a view to prosecuting**
- **it must be sufficiently open to public scrutiny**
- **it must involve the next of kin so that their legitimate interest is safeguarded**
- **it must be carried out promptly and with reasonable expedition**

In the McKerr group of cases, the court ruled in favour of the families, forcing the British Government to respond to the Committee of Ministers with what they intended to do to give effect to the families' rights. The British Government argued that a "package of measures" which included the HET could be used to meet their Article 2 obligations.

By 2012 there was mounting concern amongst families, NGO's and others about the practises and polices within the HET. Following on from the research reports into the HET by Professor Patricia Lundy,<sup>57</sup> and the petitioning by families and their

57 Can the Past Be Policed? Lessons From the Historical Enquiries Team Northern Ireland <http://uir.ulster.ac.uk/2459/> and Research Brief: Assessment of the Historical Enquiries Team (HET) Review Processes and Procedures in Royal Military Police (RMP) Investigation Cases <http://uir.ulster.ac.uk/21809/>

advocates that the HET was a failing process, the Policing Board took the decision to have the HET inspected by Her Majesties Inspectorate of Constabulary (HMIC).<sup>58</sup> This inspection began in November 2012, and the HMIC report was released on the 3rd July 2013. The Gibson family, alongside several other families attended to hear the findings. The HMIC were clear in saying:

*"We consider the HET's approach to be entirely wrong in that:*

1. it is clear that the HET has adopted a different approach between cases that have state involvement and those that do not; and
2. the approach that the HET has adopted in state involvement cases is susceptible of challenge, as it appears to be based on a misunderstanding of the law."<sup>59</sup>

The HMIC found that the HET, as a matter of policy, treated deaths where there was British state involvement differently from those cases where there is no British state involvement.<sup>60</sup> The approach taken was illegal. A further concern highlighted within the HMIC report was how the HET had adopted what it called "the pragmatic approach" to cases where there had been direct state involvement in the killings. The "pragmatic approach" is described in the HET Operational guidance as follows:

*"This 'pragmatic approach' was adopted specifically to give the HET maximum opportunity to obtain as much information as possible for the benefit of [the family]. People who are interviewed under caution as 'suspects' are typically either extremely guarded or exercise their right not to say anything at all."<sup>61</sup>*

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

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

60 HMIC report page 17

61 HET Operational Guide, paragraphs 3.8 and 3.9 as quoted within the HMIC report page 18



Gerard (left) and his younger brother Patrick.

The difficulty with this approach is that families who had loved ones directly killed by British soldiers were denied the opportunity to have anyone involved in the death held to account for their actions, even if the person made admissions when speaking to the HET staff.

*“The ‘pragmatic approach’, in our judgment, could only be defensible if a decision had already been made that criminal proceedings could never be taken against the suspect. As a matter of law, there remains, in all cases, a remote chance that a prosecution could take place.”*

The HET, overseen by the Chief Constable and then Assistant Chief Constable Drew Harris had essentially decided that no prosecutions were to be taken against soldiers, usurping the powers of the Public Prosecution Service. RFJ had serious concerns that given how interviews were being conducted with soldiers, if a prosecution was to ever be initiated against a soldier, they would be able to mount a strong abuse of process argument against a prosecution. The PPS had raised this with the HET, but the situation continued until brought to light by the HMIC.

*“We are aware that, on 10 January 2011, there was a discussion between the HET and the Public Prosecution Service (PPS) about this issue. During the meeting, a senior lawyer: “asked the HET representatives to review their strategic decision not to caution and involve the police in relation to interviewees who made admissions to serious crime”<sup>62</sup>*

*“In effect, in cases of state involvement, the HET acts as investigator and prosecutorial decision-taker – a state of affairs that has not existed in England and Wales since 1986 and in Scotland for hundreds of years.”<sup>63</sup>*

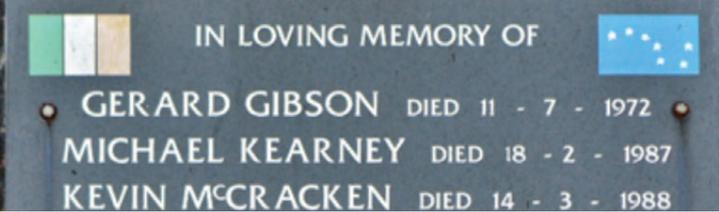
The HMIC confirmed this at the launch of their report, with HMI Steve Otter stating that the PPS had been making representations to the PSNI that the HET was not capable of delivering an Article 2 compliant investigation since 2010. The Gibson family could not believe that the Chief Constable and ACC Drew Harris were willing to let them go to court without disclosing that the PPS were supportive of the families’ position and knew the HET couldn’t deliver a successful outcome for families. Counsel for the PSNI had argued against the Gibson family that there were no grounds to challenge the assertion that HET could not undertake a fully independent review of the case. The Chief Constable’s failure to counter or otherwise prevent that submission is a matter of concern given his overarching supervisory role in relation to HET. The Gibson family were completely vindicated in taking their leave application before Judge Treacy.

The HMIC report caused a considerable impact, with a follow up inspection being commissioned, to ensure the issues raised by HMIC had been addressed and the necessary changes had been made.<sup>64</sup> This inspection began in September 2014. However, on the 18th September, the Chief Constable attended the Policing Board and advised that whilst all the changes had been made,

62 HMIC report page 82

63 HMIC report page 87

64 <https://www.nipolicingboard.org.uk/news-centre/hmic-follow-report-inspection-psni-historical-enquiries-team>



Drawings by Gerard Gibson

he was shutting down the HET and that all its work would be brought under Crime Operations Branch known as C2 controlled by ACC Drew Harris at the time.<sup>65</sup> For the Gibson family, and other families the creation of this Legacy Investigation Branch meant that there was even less independence in the investigation process and even less chance of finding out the truth and achieving accountability.

The HET was closed down prior to the verbal information the family had previously been provided with being confirmed in a fresh report. The case has been with the Legacy Investigation Bureau (LIB), within the PSNI since 2014. Despite the agreement reached at court, the case has not been reviewed and the latest correspondence we have received from PSNI, gives no indication as to when a review is likely to take place.<sup>66</sup>

The LIB cannot be viewed as the most appropriate body for investigating this case due to their inability to meet the requirements of Article 2. This has been confirmed in the courts recently within a

65 Page 23 of the Policing Board Historical Enquiries Team (HET) Working Group Position Paper <https://www.nipoliceboard.org.uk/sites/nipb/files/media-files/het-position-paper.pdf>

66 Letter from DSI Jason Murphy LIB to Mark Thompson, Director, Relatives for Justice dated 31st May 2017

number of cases such as that relating to the death of Mrs Jean Smyth,<sup>67</sup> the Hooded Men case<sup>68</sup> and the families affected by the actions of the Glenanne Gang.<sup>69</sup>

### Where next for the Gibson family?

Despite the numerous set backs they have experienced, the Gibson family, supported by RFJ, remain committed to achieving accountability in relation to Gerard's death. The case remains with the LIB, but it is unknown at this point when it will be re-examined. Similarly, the family have a complaint pending with the Police Ombudsman, though it is not in the current tranche of cases being investigated. Despite the difficulties they have encountered, the family have used the

67 In the matter of an application by Mrs Margaret McQuillan for Judicial Review [2017] NIQB 28 <https://www.judiciary-ni.gov.uk/judicial-decisions/2017-niqb-28>

68 In the matter of an application by Francis McGuigan and Mary McKenna for Judicial Review [2017] NIQB 96 <https://www.judiciary-ni.gov.uk/judicial-decisions/2017-niqb-96>

69 Barnard's (Edward) Application for Judicial Review of the Decision by Chief constable of the Police Service of Northern Ireland [2017] NIQB 82 <https://www.judiciary-ni.gov.uk/judicial-decisions/2017-niqb-82>



various processes and the law to extract valuable information about Gerard's killing, which was previously denied to them by the state.

Due to the limitations of these processes, the family have also lodged an application with the Attorney General for NI seeking a fresh inquest into Gerard's death under s14(1) of the Coroners Act (NI) 1959. The family and RFJ feel that the grounds for a new inquest are strong, and point to the following as support for this:

- Witness statements, that have since been gathered from civilian witnesses who were present immediately after the shooting, support the family's contention that Gerard was not in possession of a weapon and posed no risk to those who shot him. Their statements of evidence directly contradict that of Sergeant Graham Moore, 2nd Field Regiment, Royal Artillery who made a statement in relation to the case.
- Contemporaneous British army records that have since emerged, show that the British Army accepted responsibility for the fatal shooting of Gerard at the time. This information was not included in the RUC version of events and was not presented at the original inquest.
- Forensic & ballistic reports from the time were not provided to the Coroner, despite containing information which contradicts the version of events given by Sergeant Graham Moore, whose account was accepted by the RUC without question.
- The Historical Enquiries Team conducted a review of the case, however there were considerable failings identified in how the review was undertaken and within the report that was prepared. As a result, the HET agreed to conduct a further, fresh review of the case. The family were advised in a subsequent meeting on the 6th March 2013 by a member of the HET that several soldiers had been in the vicinity when Gerard was shot, and that statements exist

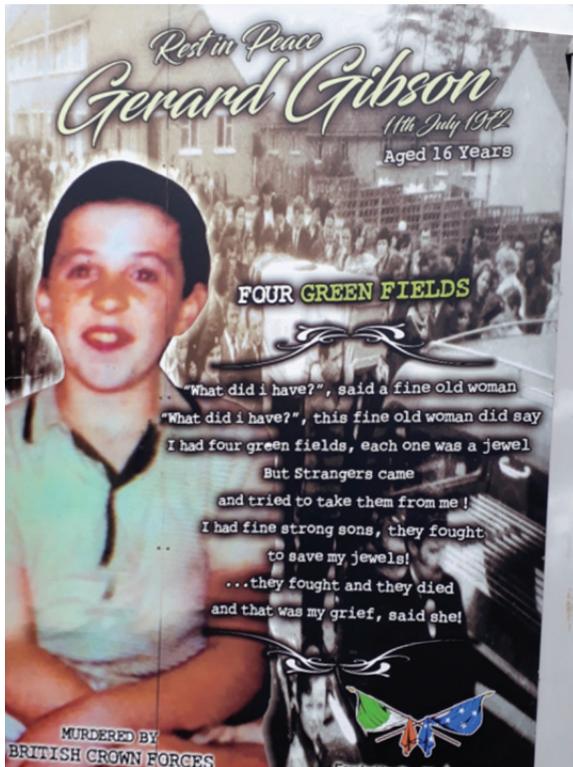
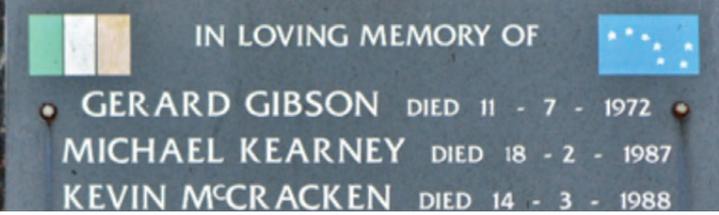
from some of these soldiers. The existence of these additional statements was never declared to the family until 2013. We believe that these statements were not provided at the original inquest and the witnesses did not attend at the inquest.

- In the same meeting with the HET, it was stated that 3 out of 5 soldiers who were present in a nearby Bacon Factory had been identified. One of the soldiers had claimed a hit on a target at a grid reference close to where Gerard was shot. It appears therefore that the soldier responsible for killing Gerard had been identified, however the HET was closed down prior to this being confirmed for the family in a fresh report.
- Since the closure of the HET, the case has been with the Legacy Investigation Bureau (LIB), within the PSNI. Despite the agreement reached at court, the case has not been reviewed and the latest correspondence we have received gives no indication as to when a review is likely to take place. In any event, the LIB can no longer be viewed as the most appropriate body for investigating this case, not only because of the lack of promptness they have exhibited, but also as a result of their inability to meet the requirements of Article 2, as outlined recently in numerous court cases.

### **Attorney General rejects request for new inquest**

As this publication was being completed, RFJ received a communication from the Attorney General rejecting the request that he open a new inquest in this case. This was a deeply disappointing decision for Gerard's family and for RFJ. The letter suggested that the new statements collected by Gerard's family all relate to the aftermath of his death and therefore do not provide evidence concerning the circumstances pertaining to the moments when he was killed.

The AG accepts that the testimony of Sgt Moore that Gerard was holding a weapon and that it



exploded in his hands is “fanciful”, the first time that an official document has dismissed this account; this is welcome insofar as it goes. The AG has seen statements by three soldiers in the Bacon Factory, one of whom appears to have shot Gerard. All of

these create a very different story to that that has informed the publicly available view up to now. Nevertheless, the AG has ruled out the holding of a new inquest.

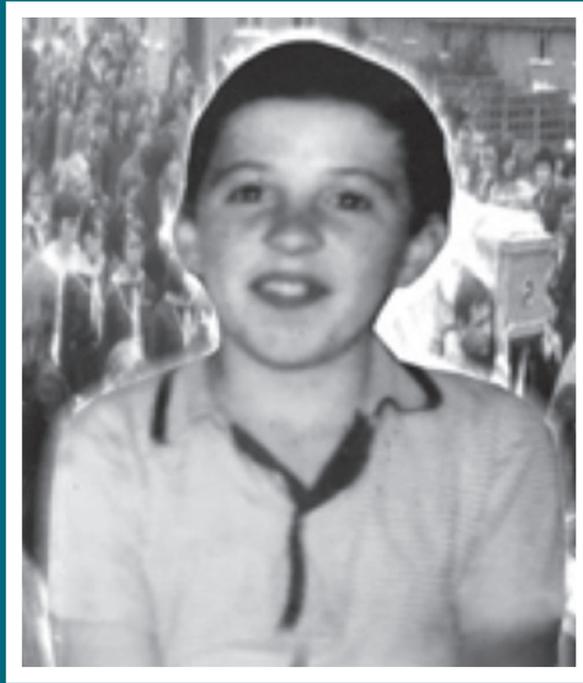
The AG’s decision means that the Gibson family’s legitimate expectation of a proper investigation into Gerard’s death remains unfulfilled. They will continue to struggle for one.

The requirement on the British government to carry out a properly independent investigation remains; the promise of a fresh HET report remains unfulfilled. The case remains on the unfinished caseload from the HET and will have to be resolved via the mechanisms established under the Stormont House Agreement if and when these are established.

Despite this further setback, the Gibson family and RFJ believe that Gerard Gibson was murdered by a British soldier. The British Army, the Ministry of Defence and the British state are criminally responsible.



The Gibson family



## GERARD GIBSON

“My husband died of a broken heart ...  
He never got over Gerard. And 36 years later I  
have never got over my first-born’s murder.”

Lily Gibson



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