Seamus Simpson

Killed by the British Army, 11th August 1971

Report compiled for the Simpsom family by Relatives For Justice

RELATIVES FOR JUSTICE

The untold stories of Relatives, Victims and Survivors

The Killing of Seamus Simpson

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This report has been compiled by Relatives for Justice (RFJ) on behalf of the wider Simpson family. From its origins, rooted in the work of the Association for Legal Justice (ALJ), the mantra of RFJ and its 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 complaint investigative mechanism to address the legacy of the past RFJ are working alongside families to compile their own bespoke family reports into the deaths of their loved ones. We are acknowledging the impact of the failure to put in place legacy mechanisms is having on families and thus heeding the advices of Raymond and Clara to once again document the facts.

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

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

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

It is also hoped that once legacy mechanisms are finally implemented and operational 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 form a process.

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

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

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

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

Introduction


Seamus Simpson

Seamus Simpson died at the Royal Victoria Hospital on Wednesday, 11th August 1971 at 5.00 pm, having earlier been shot by soldiers from the British army's 3 Queens Regiment at Rossnareen Road in Andersonstown, west Belfast. Seamus was born on 24th July 1950 and was only 21 years old when he was killed. He lived at Malcolmson Street, Belfast, with his wife, Rosemary, at the time of his death. Seamus was described in death notices as a member of E company, 2nd battalion of the Belfast Brigade of the Irish Republican Army (IRA).[1]

Seamus was shot during civil unrest near a barricade that had been erected across Rossnareen Road some way up from its junction with Shaw's Road. In August 1971 many barricades had been erected in streets and roads across nationalist Belfast after the introduction of internment without trial. The barricade across Rosnareen Road was one of these, designed to prevent British military vehicles from accessing Catholic housing areas.

The circumstances in which the killing happened are disputed. Members of the British army claimed that he was about to throw an explosive device (variously described as a blast bomb or a nail bomb) and was shot before he threw it. Witnesses present denied he was in possession of any such explosive device. Nor was there any forensic evidence to suggest he had been in contact with explosives.

Seamus' family believes instead that he was deliberately shot to try and demoralize the rioters and, by extension, the community from which they came. Seamus was singled out because he was behaving with defiance and no little bravery, brandishing the Irish national flag in front of the British soldiers as if to emphasise to them that they were involved in an oppressive action aimed at denying his people their right to live in peace in their own country.

Many witnesses saw Seamus being dragged over rubble and glass by British soldiers after he was shot; his wounded body was not treated with any dignity. No medical attention was offered until Seamus reached the hospital some 45 minutes later, by which time it was too late to save his life. Subsequent investigations and inquiries involving several state bodies have proven to be deeply flawed, tortuous and inconsistent. The family are seeking, with the support of RFJ, a process that provides full disclosure of information in the hands of the state, information that will, finally, provide the truth as to what happened on the day that Seamus died.

Family Background

Seamus came from a family with strong republican antecedents. An uncle, Pat Simpson, was a Volunteer with the IRA Belfast Battalion's C Company. On Easter Sunday, April 5th 1942, he was involved in a diversionary attack on the Royal Ulster Constabulary (RUC) at the Kashmir Road in the lower Falls area of Belfast.[2] The attack was designed to draw attention away from Easter Rising commemorations taking place elsewhere in Belfast. These commemoration events had been banned by the northern state under the infamous Civil Authorities (Special Powers) Act (Northern Ireland) 1922.[3] The IRA unit planned to fire shots at an RUC patrol at the junction of Kashmir Road and Clonard Gardens. Five of the Volunteers, led by their Officer in Command, Tom Williams, were then to dispose of the weapons at a house in Cawnpore Street, passing the weapons to Pat Simpson. The arms were to have been concealed before being returned to IRA arms dumps by Cumann na mBan, the republican women's organisation.[4]

1 McKittrick D., Kelters S., Feeney B., Thornton C. and McVea D., *Lost Lives*, Mainstream Publishing, 2007, p 89.

2 For a full account of the incident and its consequences, see Jim McVeigh, *Executed: Tom Williams and the IRA*, Beyond the Pale, 1999.

3 https://johnburnslibrary.wordpress.com/2011/10/17/catalogues-corner-tom-williams/

4 Established as a response to the founding of the all-male Irish Volunteers in 1914, Cumann na mBan is an Irish Republican women's organization and is still proscribed at the time of writing. See also, 'So how many Cumainn na mBan are actually out there?' Reinisch, Dieter, published 23rd September 2016; accessed at https://me.eui.eu/dieter-reinisch/blog/cnamb/

Things, however, did not go according to plan. After the IRA unit fired shots over a passing RUC patrol, the volunteers were pursued by members of the RUC patrol. Constable Patrick Murphy was fatally wounded in a subsequent exchange of gunfire and volunteer Tom Williams was wounded. A stand-off ensued and the IRA unit eventually surrendered. After a trial, the six men were sentenced to death. The two members of Cumann na mBan, Madge Burns and the youngest of the unit, 16 year-old Margaret Nolan, had murder charges against them dropped.[5] The six condemned men were Tom Williams, Joe Cahill (later to become Chief of Staff of the IRA in 1972/73), Henry Cordner, William James Perry, John T. Oliver and Patrick Simpson (none was over 21 years old). After a petition calling for clemency raised over 250,000 signatures five of the men were reprieved. Tom Williams was, however, executed by hanging in Crumlin Road Prison shortly after 8.00am on Wednesday, 2nd September 1942.[6]

Seamus with his uncle Pat

Patrick Simpson discharge photos, courtesy Jim McVeigh

Seamus Senior

The first time the family were reunited since Seamus' death

The Simpson family's commitment to republican objectives didn't end with the release of Seamus' uncle Patrick. During the 1981 hunger strike the British Army raided Seamus' father's home discovering an RPG rocket launcher. Seamus Snr. managed to evade arrest and remained "on the

5 RFJ In conversation with Mary McConville, daughter of Madge McConville (née Burns). 12th June 2019.

6 48 years later, on 19th January 2000, Tom Williams' remains were disinterred from the unmarked grave in Crumlin Road gaol and re-interred in the republican plot in Milltown Cemetery. As the *Irish Times* reported, west Belfast came to a standstill as his hearse made its way along the Falls Road to his final resting place: https://www.irishtimes.com/news/last-ira-man-hanged-gets-cemetery-burial-1.235830

run" until his death in 1985. A lifelong republican, Seamus Snr was a Volunteer in the IRA during the '40's campaign – when his brother Patrick had faced the death penalty before his reprieve - and had also been part of the defence of Clonard Monastery and the surrounding district in the early days of the most recent conflict when Bombay Street was burned and other pogroms were threatened.

The next generation was also committed to - and suffered for - the struggle for Irish unity. Seamus' brothers, Sean (Seány) and Joseph (Joe) were imprisoned for six years and 15 years (in two separate stretches), respectively, during the conflict. And the sisters, targeted as a republican family as well as simply Catholics from west Belfast, experienced harassment, house raids and arrests by British army personnel and the paramilitary RUC. All this on top of losing their brother, Seamus, so early through the reckless actions of British soldiers.

Seamus - A Life.

Seamus was born on the 23rd July, 1950. The family lived in Cawnpore Street in the Clonard area of Belfast before moving to Glenshane Gardens in Andersonstown in 1954. There were eight children in the family as well as mum and dad. At the time the Simpson family moved in, Andersonstown was a new housing estate. Previously a rural farming area, it rapidly expanded during the 1950s and 1960s as hundreds of houses were built for people being rehoused during the re-development of the lower Falls district.[7]

Seamus' brother Joe recalls:

> *"Seamus was just like any of the rest of the children, getting involved in street activity, kick the tin, hide and go seek, rap the doors and pretty much any and everything; although he was restricted to a certain extent because he had asthma".*[8]

As there were no primary schools in the area at the time, Seamus started school in Casement Park, in one of the clubrooms of the Gaelic Athletic Association (GAA) stadium. Nor were there any secondary schools in the area – a consequence of the lack of planning at the time – which meant that Seamus went to St Augustine's School on the Ravenhill Road, in south Belfast.

A keen footballer, Seamus loved going over to watch Glasgow Celtic across the water in Scotland. He was a fanatical Celtic supporter and he wore his Celtic cravat everywhere he went. Joe remembers:

> *"My Ma had to fight with him to take it off when he was having his weekly bath".*[9]

Seamus also hurled and won a medal playing for Commedagh Drive in a street competition in the early 1960s.

When Seamus left secondary school, he went to Lisburn Technical College to train to become an engineer. His first job was in Mackies, an engineering works on the Springfield Road. As a Catholic, working in the overwhelmingly Protestant and unionist factory at the time, Seamus experienced the usual sectarian tensions in the workplace.[10]

7 Wikipedia. https://en.wikipedia.org/w/index.php?title=Andersonstown&oldid=855826981.
8 Statement from Joe Simpson received by RFJ on 7th February 2019.
9 Ibid.
10 Family members in conversation with RFJ.

Top: Trainee engineers at Mackies (Seamus 4th from right)
Above: Mealtime at Mackies (Seamus 5th from right)

There were lighter moments. "On Friday, coming home from work, he nearly always produced a bunch of flowers for mum", recalls Joe Simpson; "it turned out he wasn't buying them in a flower shop but picked them from someone's garden. Such a laugh we all got out of that news".[11]

Seamus married Rosemary McCoey early in 1971, the same year he was killed. They had moved to Malcolmson Street back down in the lower Falls after their wedding. As Joe notes: "they didn't even get a chance to settle into their life together." [12]

The impact of Seamus' death on his family

Seamus' mother recalled being told of his death:

> *"It was a terrible thing to have happened to our family. I remember as clear as day the priest coming to the door in Glenshane Gardens and he said to me, 'I'm sorry to have to tell you the bad news'. He told me Seamus was dead. The RUC and the British army never came to my home to tell me what had happened, they never came near us".*

11 Statement from Joe Simpson received by RFJ on 7th February 2019.
12 Ibid.

There is a memory of a man calling to the house after the shooting to tell Seamus's mother that Seamus was hurt but not to worry because "he was all right". Mary, one of the sisters, went to see him at the hospital.

Sometime later, during the evening, the children, who were playing out the back, were called into the house and told that Seamus was dead. The family recall the neighbours were very good and they all called in and helped out with practical arrangements.

Seamus' brother, Joe, was in Australia when his brother was killed. Because of communication difficulties at the time, Joe didn't find out about the murder until long after Seamus was buried. It was only when he received a letter from a family member through the post which also contained death notices that had been placed in the *Irish News* that Joe became aware of the terrible news. Joe recalls:

> *"This was a really hard time for me as I had no family to talk to about it, it was heartbreaking for me, I was 19 years old. Thinking back to that time I don't really know how I coped. I was on a two-year working visa and wasn't able to come home until August 1972, a whole year after his death".*

Margaret, a sister, met Seamus on the day he was killed. He was walking up Slieveban Drive, just round the corner from the family home, and asked where his mum was. Margaret told Seamus she was at a funeral (with her daughter Susie) and would be home presently. Seamus told Margaret he, too, would be home soon "for his chips". That was the last time Margaret saw Seamus alive.

Seanna Murdock, one of Seamus' nieces, was born fourteen years after her uncle was killed. In a statement provided to RFJ she illustrates precisely the trans-generational impact that conflict-related death can have. In doing so she also demonstrates the urgent requirement for truth and justice through the generations:

> *"I read a copy of the inquest papers and it has deeply affected me. I cannot help but picture that young man in his wrangler jacket in his last*

moments and those that followed being treated brutally. I think about his mum, my granny, the heartache and devastation when she was told that her son, so full of life with his future ahead of him, had been gunned down and dragged through the streets of Belfast. I think about my mum and about his sisters who had to adjust to life without their brother, thinking "what if he had stayed at home that day?"; the image of him leaving the house that morning. I think about his brothers - my uncles - losing not only a sibling but also a best mate.

"I wonder how different our family would be if Seamus hadn't died. Would I have had other cousins, an aunt, would he live near to us and come over on Christmas Day for a beer and a mince pie? It's a world full of 'what ifs' and 'whys' …. So, in short: 'I never met you. I wish I knew you. I love you always. My uncle Seamus'".

Seamus had recently married Rosemary and his wake was in their home in Malcolmson Street. His body was brought to nearby St Paul's chapel the night before his burial. During the funeral mass, Seamus' mother was so distraught she collapsed. For many of the family those few days were a blur.

Seamus was initially buried in the family grave plot of his wife, Rosemary. In 1979, he was reinterred in the Republican Plot in Milltown Cemetery. Joe and his daddy were present for this burial, where Seamus was honoured by the movement for which he volunteered in reaction to the assault by the British state on his community.

Seány Simpson, another of Seamus' brothers, has a very clear understanding as to why his brother was killed:

"Seamus was born into a rotten state, his parents were treated as second class citizens without hope or dignity. When war came to him, he said "No More".

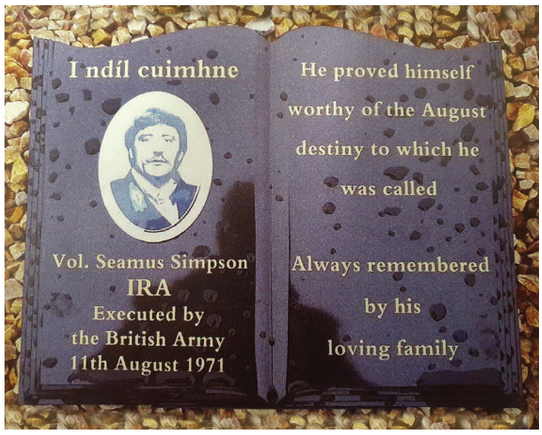
Seány was twelve years old at the time of Seamus' killing. He states:

"No child should see his mother collapse into a coma. No child should see his father cry out in grief and frustration. Parents are expected to protect their children".

In the longer term, the impact of Seamus's death continued to be felt. One of the sisters, Josephine, noted how their mother, Susan, was affected:

"Mum stopped being a mum that day. She lay on the sofa for about three months. She kept waiting for Seamus to come in, she kept sending us out to wait for him coming up the street, she bought things for him.

"Mum was never the same and she eventually went to live with her sister in England in 1979. She worked there as a nurse but found it difficult to cope. Susan came home to Belfast occasionally for visits, returning permanently in 1993. She cried every year on Seamus' birthday, every Christmas and on special family occasions. She never got over it."



Panel made by the Simpson family for RFJ remembering quilt

The consequences of Seamus' death were far-reaching, and lives were changed forever. Five children continued to live at home - Josephine, Susan, Seány, Margaret and Patricia. Joe, as mentioned earlier was in Australia and Mary was married. Circumstances forced Josephine, then aged seventeen, to take over the care of the younger children, then aged between 8 and 16. When Josephine got a job, next-eldest Susie had to leave technical college to manage the house and look after the children.

Patricia never got the chance to get to know Seamus properly, though she had been proud and delighted to be chosen as flower girl at Seamus' wedding.

Another sister, Margaret, has spoken about what could have been but never happened, how much Seamus missed, how he never had holidays and never had any children. "We really didn't get to know each other at all".[13]

Not only did Seamus' mother, father, brothers and sisters experience the deep pain of loss but of course Rosemary, Seamus's wife, was widowed only a few months after their wedding. She was robbed of the chance to have children and grow old with her husband. An additional and direct consequence of the conflict was to see Rosemary imprisoned in Armagh gaol.

Seamus' mum and dad, and his wife Rosemary, have all since passed away. They never got to see the truth properly established of what really happened to Seamus when British troops shot and killed him.

Context - Internment

The introduction of internment on the night of 9th/10th August 1971, is acknowledged by most commentators as a pivotal event of the British/Irish conflict in the late 20th century. The consequences of Operation Demetrius[14] (as internment was termed by the British army) were far-reaching; its out-workings were to have a devastating long-term impact on lives and communities. Initiated at the behest of the unionist government at Stormont led by Brian Faulkner, internment was detention without trial, an exceptional power only invoked when government has lost legitimacy and can only rule by draconian measures. At inception, it was targeted solely at the republican/Catholic community. It was not until over a year later that the first loyalists were to be interned; even then, the number of loyalists interned was relatively few - reinforcing the reality that British and unionist security policy was focused on republicans as the "real" enemy and was, by contrast, rather relaxed about loyalist violence. The notion that the British army ever acted as neutral arbiters between sectarian warring factions was well and truly demolished on 9th August 1971.

Images of internment August 1971

It is well documented - even by those responsible for its introduction - that, militarily and politically, internment was a disaster.[15] It was the British army who carried out the raids and detentions. It was RUC Special Branch who supplied the "intelligence" as to who should be detained. Key republican activists made themselves scarce when it became

13 Statement given to RFJ.

14 https://www.irishtimes.com/news/politics/internment-explained-when-was-it-introduced-and-why-1.3981598

15 https://www.thedetail.tv/articles/new-call-for-answers-over-the-scandal-of-northern-ireland-s-hooded-men

apparent internment was about to be introduced.

Lists drawn up by the RUC and MI5 were weighted towards the Marxist Official IRA as they were perceived to be the bigger threat viewed through the prism of cold war politics at the time. The reality was the greater threat was emanating from the Provisional movement after the split with the "Officials" in December 1969. Allied to this lack of awareness by British intelligence, was the fact that many on the lists were republicans who had been involved in previous campaigns during the forties and fifties but were now inactive. Others, such as Ivan Barr of the Northern Ireland Civil Rights Association (NICRA) and Michael Farrell of Peoples Democracy had never been in the IRA. As Tim Pat Coogan notes:

> *"The (British) army quite often simply picked up the wrong people, a son for a father, the wrong 'man with a beard living at no. 47' and so on. But by the time they were released, a number had suffered quite brutal treatment, as had those still detained…. Internees were beaten with batons, kicked and forced to run the gauntlet between lines of club-wielding soldiers".*[16]

In a case taken by the Irish government on behalf of the "hooded men" (who were some of the earliest interned) the European Commission on Human Rights ruled the UK government had engaged in torture. When the case finally came to the European Court of Human Rights, that body qualified the judgement saying, "the techniques amounted to 'inhuman and degrading treatment' but not torture".[17] While this downgrading is still contested it is clear that many of those interned experienced severe physical and psychological ill-treatment as well as the negative effects of separation from families and loved ones. News of ill-treatment had its effects on the streets:

> *"The fury with which stone- and petrol-bomb-throwing youths attacked the British army and RUC increased in the days that followed, as reports seeped from the detention centres of mistreatment and torture by British interrogators. Soon it became apparent that the interrogation methods employed were not merely rough handling by undisciplined soldiers but well-rehearsed techniques used by trained specialists."*[18]

The injustice of internment, the killings, the civilian displacement, the targeted harassment of the civilian population, the civil disobedience campaign in reaction to British army brutality were to influence events in the north of Ireland for years to come. It is the Simpson family's view, supported by RFJ, that Seamus' killing was part of the wider repression that was carried out by the then Stormont government, backed up by British rule in the north.

The consequences of the imposition of internment

Reacting to the assault on their communities by the British army, nationalist areas in the North erupted, not only in Belfast but also in Derry, Armagh, Newry and many other towns. Such was the violence precipitated by internment, that Seamus was the twenty-first person killed in the two days following the start of Operation Demetrius. It is not known how many more were injured; countless numbers were traumatized. Internment-related rioting on the streets was to continue for weeks after its introduction. Thousands of people had to relocate from their homes and thousands became involved in a rent and rates strike in protest against security policy. Internment was to last until December 1975, with Martin Meehan, the prominent Ardoyne republican, being the last detainee to be released from Long Kesh.[19]

In west Belfast the British Parachute Regiment went on what *The Guardian* has termed "a killing spree". Ten people were killed over a period of approximately thirty-six hours after internment was introduced. Another person died of a heart

16 Coogan, Tim Pat, *The Troubles: Ireland's ordeal 1966-1996 and the Search for Peace*, Hutchinson, 1995, p 126.
17 *'The Hooded Men: torture, lies and a Quest for Justice',* Amnesty International press release, 8th Oct 2018.
18 McKearney, T., *'Internment, August 1971: Seven Days that Changed the North', History Ireland*, Volume 19, Issue 6, November/December 2011.
19 McKittrick, et al, op cit, p 80.

attack after being subject to a mock execution.[20] This series of killings was to become known as the Ballymurphy Massacre. At the time of writing inquest proceedings into all these deaths have drawn to a close and findings are awaited. Because there was little media present when these shootings occurred and they were spread over two days, the killings did not attract the same level of attention as Bloody Sunday. Nevertheless, it is now suspected that some of the paratroopers involved in the Ballymurphy killings were also present during Bloody Sunday in Derry. The trauma inflicted on the Ballymurphy families and, indeed, the whole community was as devastating as that inflicted on Derry by Bloody Sunday.

It was widely known, however, that the Parachute Regiment was in west Belfast and that soldiers from that infamous unit had killed Dessie Healey and Francis McGuinness on the 9th August 1971. While all the facts and circumstances of what took place in the immediate chaotic aftermath of internment were not clearly understood, people in west Belfast knew that many people had been killed and injured by British soldiers. In these circumstances, Seamus' instinctive desire and commitment was to help in the defence of his community and oppose the armed repression being inflicted on his community.

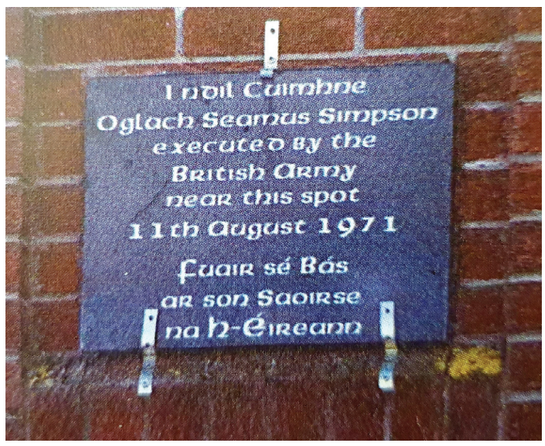
Civilian witnesses

There were many people in the vicinity who saw what happened when Seamus was killed. These witnesses were not involved in providing statements to the original "investigation" carried out by the British army's Royal Military Police (RMP). The RMP merely took statements from soldiers in the context of a self-serving pre-constructed narrative. The RUC did not investigate the death of Seamus Simpson and at no time were the family informed as to any investigation or its subsequent progress. While this is not surprising given the hostility that existed between the civilian population and the British army, the RUC and state institutions in general, it is against international human rights law, which requires that the family of anyone killed by the state is kept informed of inquiries and investigations into the death.

Notwithstanding the failures of the state investigation, RFJ is in possession of several witness statements that were made about the events of that day. The earliest was made in 1971 and the latest in February 2019. Most were made between 2012 and 2014 after a witness appeal had been put out by RFJ.[21]

All the witnesses refer to serious levels of rioting that day as a continued reaction against the introduction of internment two days previously. The only "ammunition" used by the rioters behind the barricade on Rossnareen Road were stones, bricks and golf balls. The British army, in contrast, were firing rubber bullets and live rounds; such was the quantity of rubber bullets fired that one witness recalls British army personnel using the golf balls thrown at them by rioters as ammunition when they ran out of their rubber bullets.

Some of the witnesses were uninvolved observers watching from their own homes or on the streets. Three other witnesses acknowledge that they were rioting at the time. All were aged 15 or 16 and were within yards of where the shooting took place.



Memorial at Rossnareen Ave

Many of the witnesses recall Seamus holding a tricolor on a pole and several of the witnesses take the view that this is what made him a target for the British soldiers; simply holding the national flag of Ireland in defiance provoked the soldiers who were

20 Ian Cobain, 'Ballymurphy shootings: 36 hours in Belfast that left 10 dead', *The Guardian*, 26th June 2014.

21 'Why did soldiers shoot Seamus?', *Andersonstown News*, 18th February 2012.

seen as - and behaved as - an occupying force. None of the witnesses saw Seamus either holding or about to throw a blast or nail bomb as claimed by the British military.

All the witnesses recall Seamus being dragged by British soldiers over ground that was covered with glass and rubble as well as the makeshift barricade. One witness summed up what many of the witnesses saw:

> *"I can categorically state that at no time did Seamy engage in any violent or antagonistic behaviour and it appeared to me he was shot because he ran at a group of armed soldiers with a flag".*

Press and Media coverage

Given the chaos of civil disturbance - essentially an uprising - in the immediate aftermath of internment, it is perhaps not so very surprising that Seamus' death received relatively little attention in the press. It was a feature of contemporary reportage that even very serious fatal events were simply noted in press coverage as having occurred. The consequent funerals might also have been barely reported.

There was little scope for analysis, checking facts and seeking out eyewitnesses. The press and media were stretched thin by the overwhelming pace and scale of events. The front pages of the *Irish News*, reporting on the events of the previous two days, are filled with an array of incidents and events ranging from the rise in numbers of fatalities (20 people had been killed from the introduction of internment to the time of Seamus' killing), attacks on people and homes on a massive scale (estimated at 3000 people), resulting in forced relocation, gun battles, British army brutality and general resistance to British army incursions.

The incident which resulted in Seamus' tragic death occasioned only a few lines in the *Irish News* during the unfolding chaos:

> *"A young man shot dead by the Army at Rossnareen Road, Upper Andersonstown, yesterday afternoon, was identified last night as Mr. Seamus Simpson (21) of Malcolmson Street, Springfield Road.*
>
> *"Although he had been described by the Army as a nail bomber, eyewitnesses disputed this and said he had been one of a group throwing stones at the military and a soldier shot him.*
> *"His body was removed in an Army vehicle."*[22]

From the earliest reports of Seamus' death, therefore, the contested nature of the circumstances of the death are clear. As is the way with so many incidents and analyses related to the conflict, the British army version is contradicted by that of the nationalist citizens in the north of Ireland whose lives were made miserable by their presence.

Seamus was buried in Milltown Cemetery with full republican honours, a volley of shots having been fired as the cortege was proceeding along Beechmount Avenue.[23]

Unsatisfactory investigations

As stated earlier, during the early years of the conflict, the RMP interviewed soldiers after army killings - including the perpetrators - merely as witnesses to an incident, not as suspects. There was no testing of the soldiers' testimony; their account was taken at face value. The interviews carried out by the RMP are dealt with in more detail below. Suffice to say the practice of investigating "one's own" - the RMP were, after all, members of the British army - with its inherent bias was never going to meet independent benchmark standards of justice. It was to be decades before this was acknowledged and indeed has yet to be accepted in many cases.

Inquest

In March 2012, RFJ obtained redacted copies of some of the inquest material. The reasons given for redactions being made include:

> *"The level of details provided would generate little public interest and would be more outweighed by the potential harm that it may cause to surviving family members or members of the public generally";*

22 *Irish News*, Thursday, 12th August 1971
23 McKittrick, et al, op cit, p 89.

and

"Material exempted … contains personal information. Therefore, the information cannot be released as it would breach the first Data Protection principle, that is, it would be unfair to the individuals identified, who would have no expectation that such information would be released into the public in this particular context."

An examination of the inquest papers shows that full disclosure of evidence did not occur during the hearing, as was the case in many other conflict related inquest proceedings. For the family it underscores the difficulties they experience when attempting to uncover the full truth as to what happened.

The inquest was held on 20th January 1972 in front of Mr. J.H.S. Elliot. The cause of death was summarised on the official verdict form, as follows:

"Bilateral hemorrhage and laceration of the spinal cord due to a bullet wound of the trunk".

After the British soldiers had handed over Seamus body to medical personnel in the RVH, P.F. Magill, Surgical Registrar, attempted to resuscitate Seamus at 4.45pm. This was unsuccessful and: "life was pronounced extinct at 5.10 that day". This testimony forms part of the inquest papers.

The autopsy report from the pathologist, Mr. Thomas Marshall, was available to the coroner and it detailed Seamus' injuries and the cause of death as follows:

"Death was due to a bullet wound to the trunk. A bullet had entered the left side of the chest … Hemorrhage into the chest cavities and the injury to the spinal cord caused his death.

"The character of the injuries is consistent with a bullet of high velocity …

"The other injuries on the body consisted of abrasions on the back of the trunk probably due to dragging the body across rough ground …. These injuries were not serious, and they played no part in his death.

"…. at the time of his death there was no alcohol in the body".

Otherwise:

"This young man was healthy. There was no natural disease to accelerate death."

It is important to note that the pathologist's findings confirm eye-witness account of the way soldiers treated Seamus' body after he was shot. This adds substance to the truthfulness of their accounts overall, including their disavowal of the soldiers' justification that Seamus was about to throw an explosive device when he was shot.

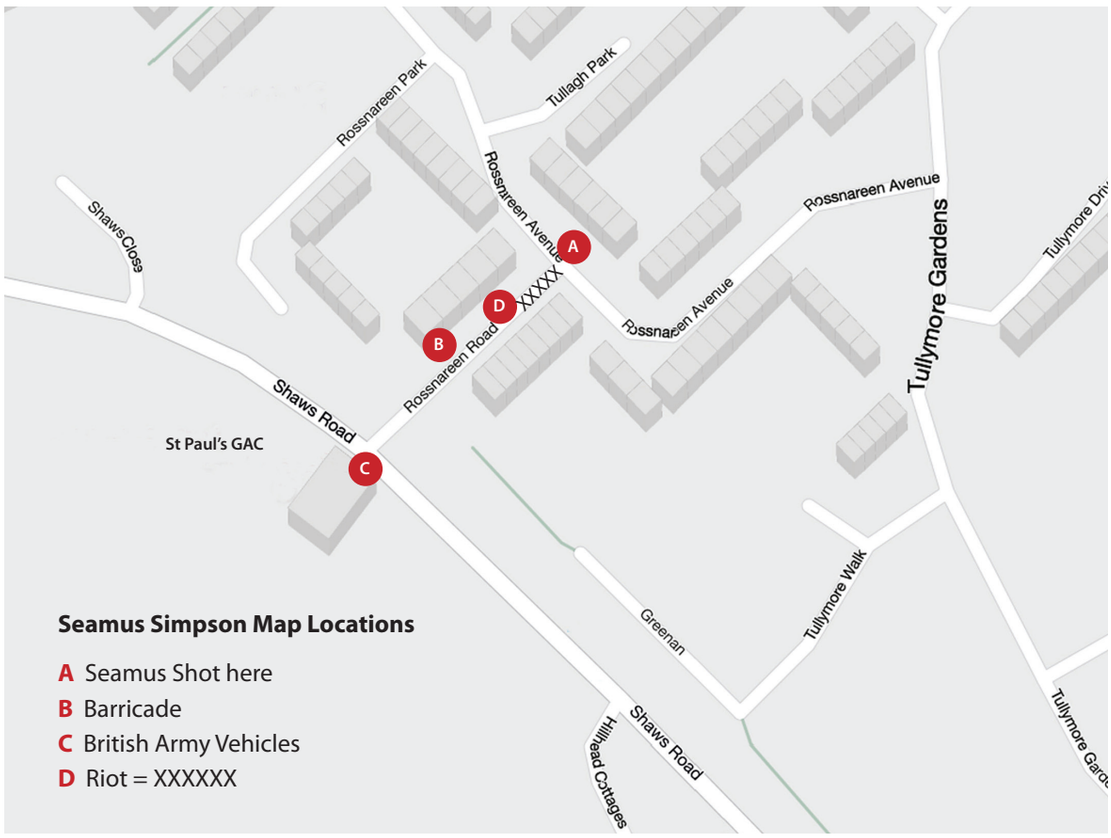
The coroner returned an open verdict, which was the practice at the time. This only recorded how a person had died - that is what happened – but did not investigate or come to a determination as to the wider circumstances of the death. Nor did an inquest address questions of civil or criminal liability.

Of course, in the absence of the civilian eyewitness accounts, the official record is incorrect.

The British soldiers' account

Depositions or statements made by British army personnel were submitted to the inquest. The name of the Regimental Sergeant Major of the Special Investigation Branch of the RMP was redacted. The soldiers' depositions are anonymized with the three soldiers involved in the Rosnareen incident identified only as Soldiers A, B and C of the British army's 3 Queens Regiment. The RMP investigator, according to his statement, went to the scene and interviewed the soldiers there. The actual names of Soldiers A, B and C were handed to the coroner in a sealed envelope.

There is some confusion in the depositions both in relation to which street the incident occurred on, and where on that street the barricade was placed. The military depositions all speak of Rosnareen Avenue and have the barricade at the junction but "in the mouth of" the Avenue, suggesting it was practically at the end of the street. In fact, eyewitnesses and logic suggest the military are incorrect on both counts. Firstly, Rossnareen Avenue does not intersect with Shaws Road. Secondly, the purpose of the barricade was to prevent vehicular access beyond it. It follows that it



would have been placed between the flats. If it had been any closer to Shaws Road, a military vehicle could simply have driven round it. It follows that the barricade must have been 30 to 40 yards along Rossnareen Road (see map).

Once again, eyewitnesses accounts are more accurate than those of the soldiers.

Soldier A claimed that, as British army personnel attempted to dismantle a barricade at the junction of Shaws Road and Rossnareen Avenue (sic), six shots were fired at the detachment from the other side of the makeshift barricade. The shooter was not identified. A crowd of about 100 people had gathered 50-60 metres from the barricade at the far end of Rossnareen Avenue (sic). Elements of this crowd tried unsuccessfully to crash an ice cream van into the barricade before overturning it. Baton rounds (rubber bullets) were fired at the crowd and CS gas was also used.

A man waving a tricolor ran up to the ice cream van. Soldier A claims he was told (by other British soldiers in the unit) that the man was *"…in possession of an unexploded CS grenade."* He is then

Rossnareen Avenue

said to have gone out of sight, round the corner of the flats. Soldier A claims he was told that when the man returned, he was: *"…then in possession of what appeared to be an explosive device".*

Soldier A subsequently gave a one-off order that, if the man was seen to *"throw the object at our position he was to be fired upon"*. A shot was then fired by one of the British army personnel and Soldier A then saw the man lying on the ground. Two soldiers *"went and recovered the man and I was*

the first to reach the man ... He appeared to be dead".

Soldier B stated he was *"one of forty"* soldiers on duty at the junction of Shaws Road and Rossnareen Avenue (sic). They had been there for almost two hours. The crowd were *"throwing stones, rocks, bits of paving stones and bottles". Soldier B claims, "when we first moved into the area, we were fired upon by someone who used an automatic weapon and fired 5/6 rounds in one burst."*

At approximately 15.15 hours, by Soldier B's account, CS gas grenades were fired at the crowd. One *"failed to fire and was recovered by a male civilian … he held the grenade up for us to see and threatened to throw it at us ... We watched the man, but he did not throw the object. I do not know what he did with the grenade."*

Soldier B, who was the shooter and, in the event, the killer, continued with his statement,

> *"About 16.15 hours on 11th August 1971, the man came around the corner again. He had a shining metallic object in his hand. It was not the CS grenade. The object was about 3"/4" high and about 4" in diameter. The man threw the object from hand to hand as he faced us. Someone in the crowd said, "You're going to get it now", and shouted this to us. 'A' of my unit told the riflemen that if the man appeared to be about to throw the object, we were to shoot him.*
> *"I observed the man. I saw him retain his hold on the object in his right hand and balance himself as if to throw the object towards us. He was just drawing his arm back when I fired one round from my 7.62 mm SLR at the man. He was about 50 yards away. He fell to the ground. The object he was holding fell to the ground by his side.*
> *"I gave cover to a number of soldiers from my unit who went to where the man was and brought his body back. I saw 'A' pick up the object that had dropped from the man's hand as he fell. I then travelled with the man to the RVH in an armoured vehicle. The man was dead when we got to the hospital. I had been given the explosive device by 'A' and I passed this to D/Constable Cooke RUC when I got to the hospital."*

Soldier 'C' stated, *"I was acting in support of the soldier who fired and when the man fell to the ground, I was amongst troops who scaled the barricade and recovered the man's body."* He went on to state:

> *"I saw he had a wound in the area of his solar plexus in the center of his body. There was blood about the area of the wound. At the side of the man's body was a piece of tubing about 3"/4" in diameter. I picked this up and later gave it to the soldier who fired. I went with other soldiers who recovered the body and travelled with it to the RVH. The body was left there. On the journey I saw that the man had a wound in his back in an area corresponding to the wound in his front."*

A member of the St John's Ambulance Brigade, west Belfast Division, was called to the scene.

> *"He [Seamus] was lying on the road on his back with his head towards Stewartstown Road. He was shot in the side. The military were present, and Seamus Simpson was still alive. He was put into an Army 'Pig' and taken to the Royal Victoria Hospital by a route close to the top end of Lenadoon Avenue. At 10pm on 11th August 1971, at the Mortuary, Royal Victoria Hospital I saw the body of Seamus Simpson. "*

A written deposition was submitted to the inquest signed by Detective Constable Robert David Cooke whose address was given as Springfield Road R.U.C. Station. D/C Cooke was on duty at the RVH when Seamus was admitted at 4.45pm. He was given a small quantity of gelignite and a detonator by Soldier B. Later at 8.45pm D/C Cooke asked Constable Eric Murray Scenes of Crime Officer to fingerprint and take swab tests from Seamus. He also handed over to the same officer clothing belonging to Seamus, as well as the gelignite and detonator.

Constable Murray made a statement to the effect that he:

> *"took swabs for gun residue from the right 'V' and right back and left 'V' and left back of his hands.*

I also fingerprinted the corpse. The palms of both hands were also swabbed…. I later handed the exhibits of swabs and the detonator and gelignite, along with Mr. 'Y's' (Seamus) clothing to Forensic for examination."

A forensic report, dated 20 January 1972, was submitted to the inquest and listed five items that had been tested.

1. Small packet of gelignite. This was 2 oz of an ammon gelignite explosive
2. One detonator with fuse attached. This was described as a plain No.6 aluminium detonator with 2 ½ inch of ailsa fuse
3. Clothes of deceased for examination for traces of gelignite - no trace of explosive residues
4. Explosive swabs of palm of left and right hands and fingers - cotton wool swabs not considered suitable for testing
5. Swabs of left V - left back. Right V and right back of hands - examined for presence of lead. None found

In short, the forensic examinations provided no evidence that Seamus had handled an explosive device.

A number of problems, inconsistencies and contradictions arise from the soldiers' accounts.

Firstly, there is no mention that Seamus was no longer carrying the flag when he was shot. Yet, Soldier B – the shooter – talks of Seamus tossing the canister back and forth between his hands. This would be a difficult thing to do while holding a pole with a flag on it. The soldiers are adamant that it was the same person holding the flag who also allegedly – and consecutively – held both the unexploded CS canister and the "shiny" tube. In the chaos of the riot, it is reasonable to believe that the flag was the common identifier which allowed them to identify Seamus even though he had been out of view. Seamus' family believe that he was holding the flag and therefore cannot have been tossing any object from hand to hand. The soldiers' account does not add up.

Secondly, the account is that the senior soldier, Soldier A, gave the order to shoot without having seen the supposed behaviour on which he based his order. He nowhere states that he saw Seamus carrying any type of device. Rather he says that he was informed of this by others. This suggests his testimony is being used to justify Soldier B having fired the shot after the fact. At the very least, it also suggests a failure of command, ordering fire when not being personally responsible.

Thirdly, if the soldiers really believed that Seamus was about to throw a device – which was therefore about to explode – they would hardly have been so quick to run and get his body and pick up the alleged device. They were clearly unafraid of anything exploding which casts considerable doubt on Seamus having held such a device.

Taken along with the civilian eyewitness testimony - which are more accurate than the soldiers' in respect of the way in which they treated Seamus after the shooting and the position of the barricade – along with the negative results of the forensic tests in respect of Seamus having been in contact with explosives, the soldiers' story does not fit the facts.

The Simpson family – supported by RFJ – take the view that the British army account of Seamus being shot whilst being in possession of a shiny cylindrical object was a complete fabrication. They also believe that, in an attempt to justify his murder, a small amount of explosive wrapped in a comic was passed directly from British army personnel to the RUC after Seamus had been handed over to the hospital. The RUC were then told that the explosives had been in Seamus' possession.

This account represents a conspiracy by the soldiers to exonerate the action of their comrade, Soldier B, who opened fire. The significant discrepancy in the two descriptions of the supposed blast/nail bomb supports this view as does the absence of any positive results from the swabs taken from Seamus' hands.

The crucial facts are that by displaying defiance and waving the Tricolor, the national flag of his community, Seamus was lifting the spirits of the rioters, as well as exhibiting considerable bravery, much to the annoyance of the British soldiers. They therefore decided to shoot him and concocted

their justification in the aftermath.

The credibility of such a scenario fits with other incidents where British soldiers behaved in the same way, manufacturing evidence after an unlawful shooting. For example, Gerald Donaghy who was shot dead the during Bloody Sunday assault on the Bogside in Derry in January 1972 was alleged by some paratroopers to have had nail bombs in his pocket. Other soldiers admitted no nail bombs had been found in his pocket and the allegation has been discredited.[24]

Another case demonstrating the capacity of British army personnel to perjure themselves and plant evidence related to 17-year-old Leo Norney, who was shot dead by Scottish soldiers from the Black Watch regiment in Ardmonagh Gardens, Turf Lodge in 1975. The soldiers claimed that Leo was one of two gunmen that opened fire on them. As reported at the time, and recorded in *Irish News* reports since, Leo's body was taken to Springfield Road barracks where his hands were shattered by soldiers allegedly trying to transfer gun residue onto his hands. There are files in existence, held at Kew in the British National Archives, that show that the British army/RUC hierarchy tried to suggest Leo had firearms residue on his hands to try and explain the shooting to the media and other concerned individuals. Two years later, a Corporal John Ross McKay was sentenced to five years imprisonment for planting ammunition in cars during stop and search operations. Lawyers for the Norney family received a letter from someone claiming to be a former colleague of this McKay and accused him of involvement in the shooting of Leo Norney and the attempted cover-up. [25]

Historical Enquiries Team (HET) Report

The next official review of Seamus' death took place over thirty years later. The HET was established in 2005 by the then Chief Constable of the PSNI, Hugh Orde, to review all conflict related deaths that occurred during the period 1968-1998. The HET was eventually completely discredited and closed in 2014. While no doubt initially established with a laudable intention to provide some information and - perhaps - a measure of comfort to relatives, it quickly became clear the unit was incapable of providing a properly independent and impartial investigation of what took place during the conflict. Staffed and managed mostly by former British police officers, the approach they took to British army killings in particular was not sufficiently sceptical and largely accepted the historical statements of soldiers who had killed people during the conflict. There was no testing of these accounts as should happen in any proper and thorough investigation of contested testimony.

Hugh Orde

David Cox, HET

The first HET report produced in relation to Seamus' killing came in 2007. It was relatively short and, as far as the family were concerned, totally unsatisfactory. There was no attempt to trace and interview the soldiers present at the scene. As there were no independent civilian witness statements in the RUC file, the HET investigators had no material to counteract the British army version. Naturally, the HET did not have the initiative to seek civilian

24 https://www.theguardian.com/uk/2010/jun/11/bloody-sunday-families-interviews

25 https://www.irishnews.com/news/northernirelandnews/2016/07/22/news/new-claims-about-british-soldier-suspected-of-shooting-west-belfast-teenager-617645/

witnesses themselves. Moreover - and hurtfully - the HET initially refused to speak to Seamus' mother and siblings or even allow them to have sight of the report. They chose to interpret "next of kin" as meaning Seamus' widow, Rosemary, and only Rosemary. This interpretation was overturned subsequently after adding further unnecessary stress to members of the Simpson family. However, this only occurred after Rosemary made the HET report available to the rest of the Simpson family.

The Simpson family, supported by RFJ, then traced witnesses through public appeals.

The HET began another report in 2012. This was never completed as the controversy surrounding the HET treatment of deaths caused by British soldiers (outlined in more detail below) eventually led to the closure of the HET. Subsequently, RFJ was able to obtain a draft report that the HET had been in the process of compiling when they were shut down. It is not substantially different from the first report.

The HET noted the circumstances around Seamus' death particularly around the period of internment albeit in a self-serving pro-British way. For example, on page 6 of the report there is no political or military analysis of why there was a military presence in the area. The manner in which the report is written has the British army acting in "peace-keeping" mode. The content is written in a style suggesting the British army as victims. The HET set the scene up in a way that implicitly proposed that Seamus was really responsible for his own death. Language is used such as, "crowds attacked the security forces". When barricades were erected in an attempt to stop the British army from entering areas, "security forces attempted to clear them" and, "gunfire was returned by the security forces and they also responded by firing baton rounds and CS gas". No account is taken of how internment was perceived by the local nationalist community, who saw the British troops as an occupying repressive force which was bound to provoke resistance.

From the beginning, Seamus was labelled as an individual who posed a threat to the British army, being described by them as a "terrorist". An RUC duty officer's report at 5.42pm on 11th August noted that, "a nail bomber was shot and killed by the Army at Rossnareen Avenue. His identity is Seamus Simpson, 20 years, Colligan Street".

CS gas canister (size: height 10cms/4 inches)

Apart from anything else, Colligan Street was not the correct address. Seamus lived in Malcolmson Street. As a matter of formality, Seamus had not been pronounced dead until 5.10pm at the RVH, 32 minutes after the RUC had been told he was dead.

According to the HET report Seamus was shot shortly after 4.15pm when he was allegedly about to throw a grenade or explosive device at a barricade at the Shaws Road/Rossnareen Road junction. They take the British soldiers' version of what took place at face value. They see the rioters as seeking to prevent the British troops from undertaking their lawful activity. There is no acknowledgement of the differential in weaponry and the danger the soldiers and their weapons posed to those resisting them. Though the rioters numbered around 100 and there were fewer soldiers (a detachment of 40), there was simply no equivalence in the equipment. There is no surprise that the HET account follows the soldiers' statements that Seamus picked up a CS grenade

that hadn't detonated and then appeared with an explosive device. As already explained, Seamus' family dispute this based on civilian eye-witness testimony, borne out by the absence of any residue on Seamus' hands, as disclosed by the forensic examination.

Section 14 Application

An application under the terms of s.14(1) of the Coroners Act (NI) 1959 was made to the Attorney General (AG) on 3rd December 2013 requesting that he order a new inquest, given the new material now available from the gathered eye-witness testimony. On the 7th April 2016 the family were notified that the AG had refused to order a new inquest, taking the view that having reviewed the initial application and subsequent submissions:

> *"these do not cause him to consider that a new inquest is advisable in this case."*[26]

The AG rejected the application supported by submissions on the following grounds:

- The test of whether, "there is a plausible, or credible allegation, piece of evidence or item of information relevant to the identification and eventual prosecution or punishment of the perpetrator of an unlawful killing… **is not satisfied**….
- Four witness statements were submitted as part of the process and the AG found "they were not only lacking in precision and detail, but they were also at variance with each other".
- The AG also took the view that as the HET had not traced the military witnesses, "there would be no value in holding an inquest from (some) new witnesses if other important evidence (from the soldiers) was not available to be tested.
- The AG also challenged the view that because no explosive residue was found on Seamus when his hands were swabbed this did not necessarily mean Seamus was not handling an explosive device as it was wrapped by the time Dr Alford had written his report.

26 Letter from Attorney General for NI, 7th April 2016.

This last point is remarkable. The fact that the explosive device was in a comic or other magazine after the soldiers claim Seamus was holding it can have no bearing on whether residue would be on his hands. We have already said that the fact the soldiers went to retrieve Seamus body so quickly shows there was no nail or blast bomb. Otherwise they would have been much more cautious. Rather, they targeted Seamus because he was defiant and lifting the spirits of the rioters opposing the British army presence. The explosive device was concocted, along with it being wrapped in a magazine, in order to justify and excuse the murder of Seamus.

On that more general point the Attorney General seemed to take exception that Seamus was "murdered" (the family's view) and suggested it might be more appropriate for the family to request the PSNI to, *"conduct a review of the case materials". The AG concluded that his decision is, "not final and the matter can be re-visited should relevant evidence come to light or further submissions be received."*

RFJ complaint to the Police Ombudsman

When the Simpson family received the HET report, they took issue with many of its processes and findings. When the HET first reviewed the police file in 2006, Seamus' widow, Rosemary, engaged with the HET. As already explained, Seamus' mother, brothers and sisters were never contacted by the HET and they were not aware of the HET's involvement until 2011 - nearly five years after the case was first opened for review. The HET was abolished in 2014 only two years after the family had been promised a new report. Moreover, as we outline below, a wider problem with the HET approach to British army killings meant that no further work on the Seamus Simpson case was possible by the HET.

With redress avenues closing, the family, supported by RFJ, submitted a complaint to the Police Ombudsman based on the following RUC failures:

- "The RUC failed to carry out a thorough and impartial investigation into Seamus' killing;

- "The investigation conducted into Seamus' death was not enough to comply with the obligations under Article 2 of the European Convention of Human Rights;
- "The RUC failed to keep the family informed of developments in the investigation."[27]

Marie Anderson, Police Ombudsman

At the time Seamus was killed, the practice was for the Royal Military Police (RMP) to investigate British army killings of civilians. There was a secret agreement between the RUC Chief Constable and the commander of British troops in the North of Ireland concerning the issue of fatalities caused by British soldiers. This agreement, which lasted from 1970 to at least 1973, gave the RMP primary responsibility for interviewing members of the British army who had killed people. The RUC's responsibility was confined to interviewing civilian witnesses. Therefore, the RUC did not conduct any interviews with soldiers who were involved in killings. Professor Patricia Lundy, who carried out research into the PSNI HET review of RMP investigations, the so-called "RMP cases", states the following in her research paper:

"The role of the RMP officer seems simply to record the facts as described by the soldier, rather than to probe or question with a view to ascertaining if the action had been justified or whether the soldier's actions had been lawful. The procedure appears to have been to question soldiers as witnesses, rather than to interrogate them as suspects, thereby dispensing with the need for formal cautions. The adequacy of RMP investigations was examined in the Saville Inquiry; the following evidence from a military witness captures the statement-taking process 'It was not a formal procedure. I always wore civilian clothing and the soldier was usually relaxed. We usually discussed the incident over sandwiches and tea'".

The RUC/RMP agreement was a significant usurpation of the police responsibility for the investigation of a crime when the suspects were soldiers. Even the then Lord Chief Justice, Lord Lowry, criticized the agreement when its existence was outlined during court proceedings in front of him. The practice, he said, curtailed the functions of the police investigation and undermined the workings of the criminal justice system:

'We learnt that from September 1970 an RUC Force Order was in operation whereby if an offence against the ordinary criminal law was alleged against the military personnel in Northern Ireland the interviewing of military witnesses and the alleged offender himself was conducted exclusively by the military investigation'[28]

More recently, further criticism of the policy was expressed in the High Court in Belfast in Thompson v Secretary of State, 2003. The case involved the shooting of an unarmed woman, Kathleen Thompson, in the rear garden of her home in Creggan, Derry, in November 1971 by a member of the Royal Green Jackets. Sir Brian Kerr, then Lord Chief Justice of the North of Ireland found as follows:

'…. The soldier who effectively discharged the shot which caused the death of Mrs. Thompson and those who were with him at the time were interviewed by a member of the Royal Military Police. I do not consider that this satisfied the duty imposed on the police at the time to properly investigate this fatal shooting. In my view, it

27 RFJ, *'The death of Seamus Simpson; Complaint to the Police Ombudsman on behalf of his family'*, p 3.

28 Extract from, *Assessment of the HET Review Processes and Procedures in Royal Military Police Investigation Cases* by Dr Patricia Lundy.

was not open to them to delegate this critical responsibility to another agency such as the Royal Military Police. Quite apart from that however, the fact that each of the interviews cannot have lasted more than half an hour; the fact that clear discrepancies appear in the statements made, discrepancies which have not been the subject of further challenge or investigation, are sufficient to demonstrate the inadequacy of the investigation into the death of the deceased… By any standard it is clear that the investigation into the death of Mrs. Thompson was not effective."[29]

When Seamus' death was "investigated" a Warrant Officer of the RMP took statements from the soldiers involved, who were referred to as Soldiers A, B and C. As the complaint to the Police Ombudsman notes:

"When their statements were tendered in evidence at Seamus' inquest on Thursday 20th January 1972, Soldier A was the commander of the soldiers on the day of the incident. He had given an order to his men that should the person attempt to throw the object at them he was to be shot. Soldier B claimed in his statement that he fired one round from his 7.62 Self Loading Rifle (SLR) at a man about to throw an object. The man fell to the ground and the object he was holding dropped to his side. Soldier C, said in his statement that he was acting in support of the soldier who fired and that he was one of the troops that recovered the body"[30]

The written depositions, or statements (some of which are handwritten and difficult to decipher) provided by the three soldiers and the RUC personnel at the RVH to the inquest had discrepancies between them, some of which were identified by the HET. These discrepancies, which the Attorney General did not refer to when refusing a new inquest, are worth quoting in full.

At the beginning of the incident Soldiers A and B are quoted as seeing Seamus being in possession of an unexploded CS gas grenade. Seamus disappears (during what seems to have been an intensive riot in a confined space) and shortly after returns with a "shining metallic object" (Soldier B). Soldier C's statement refers to, "A piece of tubing about 3"/4" in diameter".

- Soldier "A" states he was the first soldier to reach Seamus. He does not make any mention of retrieving the object laid at Seamus' side.
- Soldier "B" stated he saw Soldier "A" pick up the object at the side of Seamus and that Soldier "A" later handed him that object.
- Soldier "C" describes Seamus having a bullet wound in the solar plexus area of the body and that he noticed an object on the floor, at the side of Seamus. He described this as being a piece of tubing about three or four inches in diameter. Soldier "C" states he seized this object and handed it to Soldier "B".
- By the time Seamus is brought to the RVH a D/S Cooke from the RUC is handed "gelignite … wrapped in cellophane and the detonator was separate" by Soldier B.
- A Constable Eric Murray was "handed a small package of gelignite and a detonator with a fuse attached by D/Constable Cooke."
- The RUC Forensics report dated 20 January 1972 details 2 oz of ammon gelignite and a detonator with fuse attached. No traces of explosive residues were found.
- The HET report is very explicit when it describes the explosive device as, "The object recovered was a gelignite bomb wrapped in a comic and tape".

We therefore have a variety and differing range of descriptions as to what the explosive object was. The fact there was no opportunity to cross examine state witnesses on these and other matters supports the family's contention that a proper investigation is required with respect to Seamus' death.

The Police Ombudsman initially rejected the complaint on the grounds that, "This (i.e. the

29 Kerr. J, In the High Court of Justice in Northern Ireland, Queen's Bench Division (Judicial Review), In the matter of an Application by Mary Louise Thompson for Judicial Review, 2004, NIQB 62.

30 RFJ, *'The death of Seamus Simpson; Complaint to the Police Ombudsman on behalf of his family'*, p 4.

understanding between the army and the RUC) was a 'direction and control' matter for the Chief Constable of the time."[31] However, after further representations were made by RFJ on behalf of the family the complaint was accepted in August 2017.[32] Whilst the family welcomed this change of view, they are concerned that the Police Ombudsman can give no indication as to when Seamus' case was likely to be dealt with. PONI have couched this as a resource issue stating, in respect to another case,

> *"It is with regret that I am still unable to provide you with a definitive timescale within which I would anticipate commencing an investigation of your complaint. This is entirely due to competing priorities within the Police Ombudsman's historic/ legacy caseload of some 400 matters and the diminishing resources available to conduct these investigations".*[33]

At the time of writing, December 2019, the case of Seamus Simpson is, like so many others, in limbo. Its furtherance is dependent on the implementation of the Stormont House Agreement of August 2014 and the proposed Historical Investigations Unit.

Conclusion

Seamus Simpson was killed as a direct consequence of the political situation in the north of Ireland in 1971. The actions, policies, behaviour of its personnel and thus the very presence of the British state in Ireland were all under question, particularly on the streets where repression bit hardest.

By the time Seamus was killed it was clear how the British state was going to deal with a significant minority who questioned its role in Ireland. The introduction of internment and the subsequent intensification of political and military alignment between the British state and unionism meant the conflict was going to be fought on, primarily, one front and against one part of the community. Increased militarization and repression of the Catholic community that identified as Irish were to be the British approach to its war in Ireland.

The military learning acquired from previous British colonial conflicts such as in Aden, Cyprus and Kenya was beginning to be applied in the context of Ireland with the creation of Loyalist pseudo gangs armed and, in many cases, directed by the British state.[34] It is clear in the case of Seamus Simpson that the soldiers who were responsible for his death were given de facto if not actual immunity for their actions on that fateful day in August.

The issue of immunity and the view of the then Secretary of State for NI, Karen Bradley, came starkly into focus in March 2019 when she announced in the House of Commons that deaths caused by police and soldiers during the conflict were not crimes.[35]

> *"Over 90 per cent of the killings during the Troubles were at the hands of terrorists. Every single one of those was a crime. The fewer than 10 percent that were at the hands of the military and police were not crimes….they were people acting under orders and fulfilling their duties in a dignified and appropriate way."*

Despite a forced and unconvincing apology, this is the view of a significant number of the British establishment despite all the evidence to the contrary.

Karen Bradley was making her comments in the wider context of an orchestrated campaign by the British military, (active and retired), in tandem with a significant number of MP's in Westminster. Essentially this campaign is concerned with attaining immunity from prosecution for British state forces accused of wrongdoing during the conflict. The campaigners consider prosecutions to be "unfair".[36]

31 Letter sent to RFJ from Police Ombudsman, February 2017.
32 Letter sent to RFJ from Police Ombudsman, August 2017.
33 Letter sent to RFJ from Police Ombudsman with respect to another case June 2017.
34 Kitson, Frank. *Low Intensity Operations, Subversion, Insurgency and Peacekeeping*, Faber and Faber, 1971.
35 https://www.theguardian.com/politics/2019/mar/07/karen-bradley-northern-ireland-troubles-urged-apologise-richard-dannatt
36 Sir Robert Pascoe was addressing a rally commemorating loss

Sir Robert Pascoe, who was head of the British army in the north of Ireland from 1985-1988, addressed a rally in Lisburn in August 2019 on the issue. He stated:

> *"We all know that the current process is unfair, and we look to our politicians to sort it out without delay".*[37]

Politicians attending included Arlene Foster and Jeffrey Donaldson from the Democratic Unionist Party who were supporting the rally.

Banner supporting Soldier F

The specific totemic focus for these campaigners seeking immunity from prosecution, at the time of writing, is the case of Soldier F, a former member of the British army's Parachute Regiment, who has been charged with the murders of James Wray and William McKinney killed during Bloody Sunday on 30th January 1972. During the summer of 2019 support for Soldier F grew more vociferous within loyalism, unionism and the right-wing British establishment resulting in disgraceful banners and flags of support being erected on many main thoroughfares. It is clear this pro-British sentiment seeks different rules for one set of perpetrators (British soldiers) compared to others (anti-state and Irish).[38]

Seamus Simpson's family will continue their search for truth and justice based on full disclosure regarding what occurred on 11th August 1971. Their determination is driven by the fact that Seamus was caught up in the unique circumstances of the conflict in Ireland. The family recognize and support the need Seamus felt to defend his community against what turned out to be an escalating conflict that was to have detrimental impacts on family, friends, community and wider society. The family are also of course strongly motivated by the fact Seamus was a husband, brother and son. His tragically shortened life was full of unrealised promise and it is a further tragedy that Seamus' mother passed away before the truth about her son could be established. It is the earnest hope of the family that this report will go some way to providing a fuller picture of Seamus' life and times. The family are resolute in their pursuit of truth and justice. The search continues.

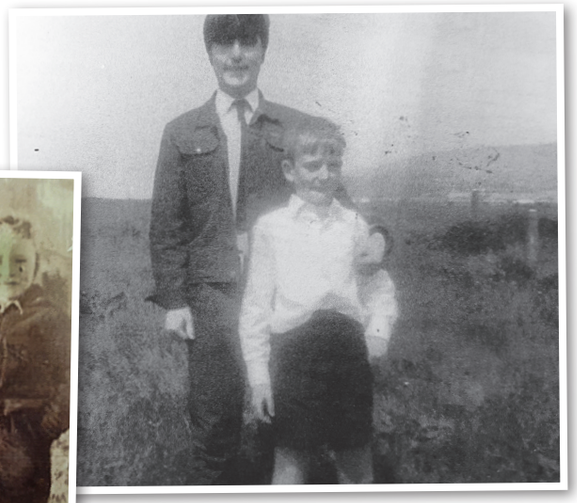
of life by the British army during Operation Banner, (the name for the British army's deployment in the North of Ireland from 1969 to 2005) in Lisburn on Saturday, 17th August 2019, as reported in the *Irish News*, p9, 19th August 2019.

37 Ibid.

38 For a clear exposition of these differences refer to O'Leary, B., *A Treatise on Northern Ireland*, Volumes 1,2 and 3, Oxford University Press, 2019.

Seamus and his sister Margaret share a joke

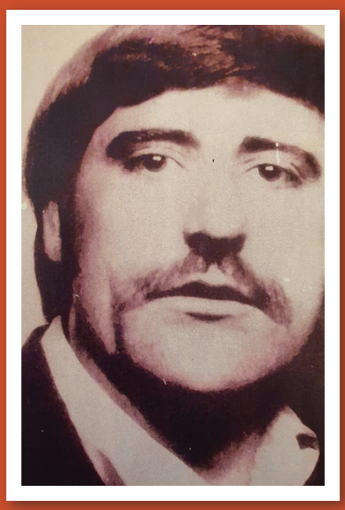
Seamus and Margaret on the occasion of their sister Patricia's first communion with Seány running towards them in the background



Seamus as a teenager with his brother Seány

From left: Teddy Walsh, Jim Burns, Jodie Collins, Geraldine Overend, Seany Overend, Seamus and Joe

Seamus' mother, Susan, surrounded from left, Seány, Margaret, Mary, Susan, Joe, Josephine, and Patricia in 1998, the first time the family were reunited since his death.



Seamus Simpson

It's a world full of 'what ifs' and 'whys' …. So, in short: 'I never met you. I wish I knew you. I love you always. My uncle Seamus'".

Seanna Murdock

"Seamus was born into a rotten state, his parents were treated as second class citizens without hope or dignity. When war came to him, he said "No More".

Seány Simpson

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