

UDR weapon used in murder destroyed by RUC — Family to present report to Taoiseach

Press Release issued on behalf of Robert and Herbert Cunningham, Carndonagh Co Donegal (June 18 2008)

On August 9 1973 gunmen opened fire from a bridge over the M2 motorway at a van carrying workmen back to Donegal from a building site near Glengormley. 16 year Henry Cunningham was sitting in the front of the Bedford van when he was shot. He died soon after. His older brother Herbert, who was injured in the attack, was driving and another brother, Robert, sat behind with three other work colleagues. The men had been travelling the same route for three months and it is thought the van was targeted by the UVF because it carried southern number plates and the killers had presumed that the workmen were Catholic. In fact those in the van were both Presbyterian and Catholic. Speaking today Herbert and Robert said,

"Today we are making public the main findings of the Historical Enquiries Team report into the murder of our 16 year old brother, Henry, in 1973. This has been a long and painful process for us and many questions remain unanswered. The HET review has however provided us with some answers and with shocking new information about the circumstances of Henry's death. According to the HET report:

Weapons:

- Two Sub machine guns were used in the attack, one was a homemade gun and another was a Sterling SMG, which was 'stolen' from the Territorial Army Volunteer Reserve Centre (TAVR)/UDR in Lurgan on 23 October 1972. The UVF were responsible for stealing the Sterling SMG from the TAVR/UDR base. According to declassified documents discovered at the National Archive by the Pat Finucane Centre, the British Army view was that there was 'strong' evidence of collusion in the raid on the Lurgan base. This UDR weapon was also used in the double murder of two Catholic workmen in 1974. The homemade SMG was used in an attempted murder in 1973. Both weapons were recovered by the RUC in separate incidents in 1974. The HET have revealed that, despite being linked to a number of unsolved serious crimes, both weapons were destroyed by the RUC in 1976 and 1978. It would appear that internal guidelines on ballistic testing of murder weapons were not followed.

Arrests:

- In May 1978 two men were arrested as a result of intelligence, but were later released. Both were believed to be members of the UVF. One of those arrested was a senior member of the UVF, now deceased.
- The homemade machine gun used in the murder of Henry was recovered over a year later and six arrests were made. The six were charged with offences under the Firearms Act but not in relation to the murder. The SIO's assessment was that the six were members of the UDA.

Inquest:

- Henry was murdered on 9 August 1973 and the inquest was held on 5 September 1973. Inquests should not be held until all investigative opportunities have been exhausted. No explanation is available as to why the inquest was held before the relevant information had been gathered.

Motorcycle:

- The family wishes to again renew its appeal to a Derry based motorcyclist who may be able to fill in a gap in the story in the days following the death. If this person wishes to make contact and remain anonymous this would be welcomed.

Collusion:

- HET found evidence of collusion in relation to the 'theft' of the weapon from the TAVR/UDR base – *see* declassified documents from the National Archives at Kew, London, recovered by the PFC.
- In addition, the HET noted that other declassified documents noted that, *“There were high level concerns regarding RUC elements ‘too close to the UVF’ and ‘too ready to hand over information’ and worries that loyalist extremists had heavily infiltrated the UDR.”*
- HET also commented: *“These papers and associated documents form part of continuing research and analysis. The acquisition of UDR weapons by loyalist paramilitaries is a common theme across many HET reviews.”*

HET conclusions:

“Based on the available intelligence, the ballistic linkages and all the known circumstances of this tragic murder the HET believe that Henry Cunningham, together with his family and work colleagues, were specifically targeted as a group by the UVF in a pre-planned attack on the 9th August 1973. It is not possible to say with certainty how they came to be targeted in the first instance although a number of scenarios can be inferred:

1. *They may have been observed following a regular pattern, travelling on the M2 motorway in a Bedford van bearing Republic of Ireland registration plates, which could have singled the occupants out as of catholic faith.*
2. *It could be due to the fact they were all incorrectly identified as Catholics working in the construction industry, which suffered a number of sectarian murders during this period as a result of which they would have been followed from work and the locus of the attack established. Originating from Donegal and travelling in a Bedford van bearing Republic of Ireland registration plates, may have contributed to the mistaken belief. The ballistic linkage of one of the murder weapons to the double murder of Catholic workmen gives credence to this scenario.”*

General issues:

The family was never told:

- that the RUC believed the UVF was responsible for the murder;
- was not informed of the arrests and recovery of weapons in 1974;
- was not informed that one of the weapons came from a UDR base and that the theft was thought to be an ‘inside job’;
- or that suspects were arrested in 1978;
- or that the weapons were subsequently destroyed.

Finally, it is with a mixture of anger and sadness that we note from the HET review that there is no evidence whatsoever that our own government in Dublin made any representations to the northern authorities in relation to the murder of Henry. Neither the Gardai nor the Departments of the Taoiseach, Justice or Foreign Affairs have been able to produce a single document pertaining to the murder of an Irish citizen. We would today appeal to the Taoiseach, who we accept is not responsible for these failings, to meet with us and allow us to present this document concerning the short life and premature death of Henry. We wish to thank the PFC staff for their ongoing efforts on our behalf.

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