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## O'Loan might not probe shoot-to-kill controversy

(Barry McCaffrey, [Irish News](#))

Police Ombudsman Nuala O'Loan is expected to tell a Coroner's Court that she may not have the legal powers to investigate the controversial 'shoot-to-kill' murders, the *Irish News* has learned.

Tomorrow (Tuesday) Senior Coroner John Leckey will officially open the inquests of six men killed in the controversial 'shoot-to-kill' deaths 25 years ago.

IRA man Gervaise McKerr, Sean Burns and Eugene Toman were shot dead by an undercover RUC unit near Lurgan in November 1982.

Weeks later teenager Michael Tighe was shot dead at a farm shed near Lurgan.

The following month INLA men Seamus Grew and Roddy Carroll were shot dead in similar circumstances near Lurgan. All were unarmed when killed.

Three RUC men were later cleared of the INLA mens' murders but one officer admitted that he had been ordered to lie under oath.

Greater Manchester deputy chief constable John Stalker was asked to investigate the 'shoot-to-kill' allegations after a public outcry.

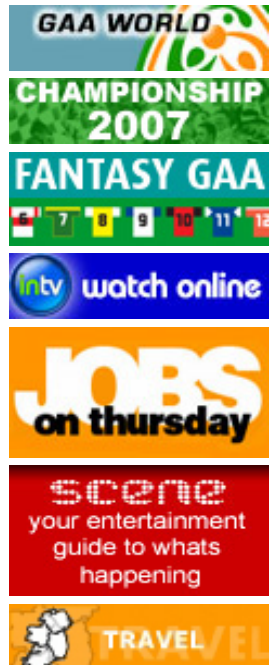
However Stalker was dramatically suspended from duty shortly before he was due to deliver a damning report into the deaths.

He was later cleared of all charges but never returned to Northern Ireland. West Yorkshire deputy chief constable Colin Sampson took over the 'shoot-to-kill' investigation, however neither man's reports was ever made public.

In 1994 Mr Leckey abandoned the original 'shoot-to-kill' inquests after he was refused access to the Stalker/Sampson reports.

In 2001 the European Court of Human Rights found that the British government had failed to properly investigate the McKerr, Burns and Toman killings and ordered it to re-open the cases.

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However the dead men's families took further legal action in 2004 to force a proper investigation.

In July Police Ombudsman Nuala O'Loan was asked to reinvestigate the killing after European Union ministers had raised concerns that the British government had failed to 'achieve concrete and visible progress' in the cases.

However when Mr Leckey opens the 'shoot-to-kill' inquests tomorrow police ombudsman lawyers are expected to tell the court that Mrs O'Loan may have no legal powers to investigate the murders.

Mrs O'Loan's lawyers are expected to tell the court that there may be a "jurisdictional issue as to whether the Police Ombudsman has statutory powers to investigate the deaths".

The ombudsman's legal representative is expected to tell Mr Leckey that Mrs O'Loan has no statutory powers to investigate the deaths because of the previous Stalker and Sampson reports. It has also now emerged that neither Mr Leckey or Mrs O'Loan have received copies of the full Stalker report.

Confirming that it is still unclear whether it has the legal grounds to investigate the 'shoot-to-kill' deaths, an ombudsman spokesman said: "Before any investigation can be undertaken by this office we would need to establish the legal grounds for it.

"Those grounds will depend on what has previously been investigated and any prior criminal or disciplinary action."

Relatives for Justice spokesman Mark Thompson, whose group supports the 'shoot-to-kill' families, welcomed new coroner's powers compelling witnesses to cooperate with inquests.

"The inquest will now have the power to compel witnesses, including for the first time members of the British army and RUC responsible for shooting people dead, to give evidence irrelevant of whether or not they have retired from the police or military, something that has been a consistent failing of the police ombudsman," he said.

"It is the intentions of the families to ensure that effective and transparent accountability with regard to the killings of their loved ones is achieved during these inquests."

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