

NATIONAL ARCHIVES

IRELAND



Reference Code:	2010/53/854
Creation Date(s):	[October 1980]
Extent and medium:	7 pages
Creator(s):	Department of the Taoiseach
Access Conditions:	Open
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Fatal Shootings by the British Army 1978-80

1. The "Yellow Card" instructions issued to British Army personnel supposedly regulate the occasions on which a British soldier may use his firearms. In general he may do so only after he has issued a warning, which is then ignored, to an individual likely to endanger either the soldier's life, or the life of some other person whom it is the soldier's duty to guard. The instructions further provide that a soldier may fire without warning when such warning would be "impracticable"; or else at a vehicle where the occupants are about to open fire or throw a bomb; or finally where there is "no other way to protect" the soldier or the person he is guarding.

2. In 1978 there were 10 cases of fatal shootings of civilians in Northern Ireland involving members of the British Army. Following the shooting of John Boyle (see attached list) in July 1978 the Minister for Foreign Affairs instructed the Embassy in London to express to the British authorities his concern at these developments both in terms of the deaths of innocent civilians and of the political repercussions. The FCO noted our concern and indicated that enquiries to determine whether there had been a departure from "Yellow Card" instructions were being carried out.

3. In recent months there has been a spate of joyriding incidents in Belfast. Young teenagers travelling in stolen cars have failed to stop at British Army checkpoints. The soldiers have opened fire on the cars causing two fatalities to date and severely wounding a number of others. Concern has been expressed by public representatives at the severity of this reaction. The soldiers would appear to be in contravention of the "Yellow Card" instructions which explicitly state:

"At a road block/check you will NOT fire on a vehicle simply because it refused to stop. If a vehicle does not halt at a road block/check note its description, make, registration number and direction of travel".

4. Concern has also been expressed at the shooting of Mrs. Mary Doherty at Lifford Bridge checkpoint in April. Mrs. Doherty was a completely innocent victim of an excited and inexperienced young soldier. The soldier has now been charged with her unlawful killing.

5. Attached are (i) "Yellow Card" instructions issued to all British Army personnel and (ii) a list of the more controversial shootings by the British Army since 1978.

Shootings by the British Army, 1978-80

July 1978

British soldiers shot John Boyle as he stood in a graveyard near his home at Dunloy, Co. Antrim. The previous day Mr. Boyle's father had informed the RUC that there was a suspicious package underneath one of the tombstones, Boyle had returned to the graveyard to see if the package had been removed. The Army claimed that Boyle had been shot when he aimed an Armalite rifle at the soldiers. This was denied by the RUC who confirmed that the Boyle family had no association with terrorists. Two members of the SAS were subsequently charged with Boyle's murder. In July 1979 they were acquitted when their plea that they had acted in legitimate self-defence was accepted.

October 1978

Mr. James Taylor, a Protestant civil servant, was shot dead while wildfowling with two relatives on the shores of Lough Neagh. Mr. Taylor was shot by plain-clothes soldiers after he had accused them of tampering with his car. After an examination of the papers the Director of Public Prosecutions decided not to press charges against the soldiers concerned.

January 1980

Doreen McGuinness (16) was shot dead in a joy-riding incident in Belfast. The Army opened fire on the stolen car in which she was a passenger when it failed to stop at a checkpoint. Her companion was seriously wounded.

March 1980

Paul Moan was shot dead in a joyriding incident in Belfast. The Army opened fire on the stolen car which he was driving when it failed to stop at a checkpoint.

April 1980

Mrs. Mary Doherty was shot dead as the car in which she was a passenger passed through a border checkpoint at Lifford Bridge, Co. Donegal. Mrs. Doherty and her husband were returning from Lifford to their home in Strabane. Private Robert Davidson (19) has been charged with the unlawful killing of Mrs. Doherty.

Seven teenagers were injured, two seriously, in two separate joyriding incidents in Belfast. The Army opened fire when the stolen cars failed to stop at checkpoints.

July 1980

Paul Logue (17) was seriously wounded in a joyriding incident. British soldiers opened fire as his car crashed through a checkpoint in Belfast.

August 1980

Mr. James Bell was shot dead by an Army footpatrol outside a restaurant in Cookestown. According to the police statement on the incident the Army claimed they saw two armed men in the grounds of the restaurant. The men refused to halt when requested to do so and the soldiers opened fire. Mr. Bell was killed instantly and the other man escaped. However no guns were found on or near the body. The SDLP representative for the area, Mr. Paddy Duffy, has criticized the killing of Mr. Bell saying it is another case of the Army opening fire when other less violent means of apprehension could have been used. The RUC is investigating the case.

British Army "Yellow Card" Instructions

Instructions by the Director of Operations for opening fire in Northern Ireland

General Rules

1. These instructions are for the guidance of Commanders and troops operating collectively or individually. When troops are operating collectively soldiers will only open fire when ordered to do so by the Commander on the spot.
2. Never use more force than the minimum necessary to enable you to carry out your duties.
3. Always first try to handle the situation by other means than opening fire. If you have to fire: a. Fire only aimed shots. b. Do not fire more rounds than are absolutely necessary to achieve your aim.
4. Your magazine/belt must always be loaded with live ammunition and be fitted to the weapon. Unless you are about to open fire no live round is to be carried in the breech and the working parts must be forward. Company Commanders and above may, when circumstances in their opinion warrant such action, order weapons to be cocked with a round in the breech where appropriate and the safety catch at safe.
5. Automatic fire may be used against identified targets in the same circumstances as single shots if, in the opinion of the Commander on spot, it is the minimum force required and no other weapon can be employed as effectively. Because automatic fire scatters, it is not to be used where persons not using firearms are in, or may be close to, the line of fire.

Warning before firing

6. Whenever possible a warning should be given before you open fire. The only circumstances in which you may open fire without giving warning are described in para. 13, 14 and 15 below.
7. A warning should be as loud as possible, preferably by loud-hailer. It must: a. Give clear orders to stop attacking or to halt, as appropriate. b. State that fire will be opened if the orders are not obeyed.

You may fire after due warning

8. Against a person carrying what you can positively identify as a firearm but only if you have reason to think that he is about to use it for offensive purposes and he refuses to halt when called upon to do so and there is no other way of stopping him.
9. Against a person throwing a petrol bomb if petrol bomb attacks continue in your area against troops and civilians or against property, if his action is likely to endanger life.
10. Against a person attacking or destroying property or stealing firearms or explosives, if his action is likely to endanger life.
11. Against a person who, though he is not at present attacking has:
 - a. in your sight killed or seriously injured a member of the security forces or a person whom it is your duty to protect and
 - b. not halted when called upon to do so and cannot be arrested by any other means.
12. If there is no other way to protect yourself or those whom it is your duty to protect from the danger of being killed or seriously injured.

You may fire without warning

13. When a hostile firing is taking place in your area, and a warning is impracticable:
 - a. against a person using a firearm against you or those whom it is your duty to protect or
 - b. against a person carrying what you can positively identify as a firearm if he is clearly about to use it for offensive purposes.
14. At a vehicle if the occupants open fire or throw a bomb at you or those whom it is your duty to protect or are clearly about to do so.
15. If there is no other way to protect yourself or those whom it is your duty to protect from the danger of being killed or seriously injured.

Action by guards and at road blocks/checks

16. Where warnings are called for they should be in the form of specific challenges, as set out in paragraphs 17 and 18.
17. If you have to challenge a person who is acting suspiciously you must do so in a firm, distinct voice saying 'Halt - Hands Up'.
 - a. If he halts you are to say 'Stand Still and Keep Your Hands Up.'
 - b. Ask him why he is there and if not satisfied call your Commander immediately and hand the person over to him.

18. If the person does not halt at once, you are to challenge again saying 'Halt - Hands Up' and if the person does not halt on your second challenge, you are to cock your weapon, apply the safety catch and shout: 'Stand Still I am Ready to Fire'.

19. The rule covering the circumstances for opening fire are described in paragraphs 8-14. If the circumstances do not justify opening fire, you will do all you can to stop and detain the person without opening fire.

20. At a road block/check you will NOT fire on a vehicle simply because it refused to stop. If a vehicle does not halt at a road block/check note its description, make, registration number and direction of travel.

21. In all circumstances where you have challenged and the response is not satisfactory you will summon your Commander at the first opportunity.