

Mr Lyth
11/1/94 1304/1
Mr Lyth
402/1
17/94
ASST
SEC
25 JAN 1994
CENT MBW SEC
A: JAMES TURNER
Security Policy & Operations Division 2
25 January 1994

cc PS/Secretary of State (B&L) - B
PS/PUS (B&L) - B
PS/Mr Fell - B
Mr Thomas - B
Mr Bell - B
Mr Steele - B
Mr Williams - B
Mr Watkins - B
Mr Maccabe - B
Mrs Collins - B
Mr Leach - B
Mr Marsh - B
Mr Daniell - B
Mr Maitland - B
Mr McCaffrey - B
Mr Perry - B
Mr McCartney - B
Mr Kyle - B
Mr Lemon

Mr Lyth

1. Ms Johnston [AJ:25.1.94]
2. PS/Sir John Wheeler (B&L) - B

FATAL SHOOTING OF KEVIN MCGOVERN ON 29 SEPTEMBER 1991

A verdict is expected later this morning at the trial of Constable Timothy Hanley, charged with the murder of Kevin McGovern on 29 September 1991.

2. Initial reports were that Kevin McGovern and two others were running away from Greenvale Hotel, Cookstown. The RUC challenged the men and fired warning shots. Two persons stopped and McGovern is alleged to have turned round and been seen to throw something at the police. At this point he was shot and fatally wounded by one of the officers.

3. On 16 June 1992, Police Constable Timothy Hanley was charged with the murder of Kevin McGovern. He pleaded not guilty.

SPOBGEN2/1095/DW

Mr. [unclear] (11/1/68) 304/11

Attached are lines to take on the Court's verdict which is expected later today. The lines stress that the decision no matter what it is, is one for the Courts. If Constable Hanley is found guilty, he is likely to appeal and absolutely no comment therefore should be made.

(SIGNED)

JAMES TURNER
SHA Ext 27020

SPOBGEN2/1095/DW

11/1/2004 13:04:11
Munir Hussain

QUESTIONS TO TAKE

If found guilty

- It would be inappropriate to comment on the Court's verdict, reached after careful consideration of all the evidence before it. This is particularly so as there may be an appeal.
- [Will Constable Hanley appeal?] This is a matter for his legal representative.
- [If life sentence is given, when will the officer be released from prison?] Release will be considered in due course under the normal arrangements which apply to all life sentences.

If found not guilty

- [Whitewash] The Court has reached its decision after careful consideration of all the available evidence. [It is quite wrong to suggest that there was a whitewash].

General

- The public is entitled to expect the highest standards of behaviour from members of the security forces, and the Government and security force commanders have made it clear on a number of occasions that nothing which falls short of these standards will be condoned.
- [Should there be a lesser charge than murder available?] This is a highly complex and difficult area of the law. It is an area we keep constantly under review.
- The police and Army are expected to operate at all times within the law.

11/10/30411
17/94

Mr. Lusk

The Rules under which police officers and soldiers may open fire in Northern Ireland are fully consistent with the principles of reasonable force and the protection of life. Every incident in which a member of the public is killed or injured, involving a member of the security forces, is fully and professionally investigated.

SPOBGEN2/1095/DW