

19 March 2019

Our Ref: JR/FJS

Michael Agnew  
Deputy Director  
Public Prosecution Service  
Belfast Chambers  
93 Chichester Street  
Belfast  
BT1 3JR

Dear Sir

## **BLOODY SUNDAY, 30 JANUARY 1972**

We refer to the above and to the decision to prosecute a former soldier, currently known as Lance Corporal F, of the Anti-Tank Platoon of Support Company, 1<sup>st</sup> Battalion, The Parachute Regiment for the murder of William McKinney and James Wray, and the attempted murder of Joe Mahon, Joe Friel, Patsy O'Donnell and Michael Quinn, all of whom were shot in the area of Glenfada Park North on Bloody Sunday.

The Public Prosecution Service is aware from previous correspondence that we represent the next of kin of William McKinney, and of Patsy O'Donnell who is now deceased. We also represent Joe Mahon, Joe Friel, and Michael Quinn.

We acknowledge that on 14 March 2019 when the prosecutorial decisions were communicated by you, that the PPS offered individual meetings to all families affected by the PPS decisions later that morning. However the PPS is aware that the Bloody Sunday families and wounded held a press conference shortly thereafter in the Derry Guildhall which attracted huge international media attention, and which resulted in most families affected by the decision being unable to attend follow up meetings.

We have since been contacted by a large number of family members who were unable to attend the follow up meetings, who have asked us to make further enquiries of the PPS.

Accordingly we should be grateful if you would confirm how the PPS intend to take the prosecution of the defendant, former soldier currently known as Lance Corporal F, forward.

In particular, please confirm if the defendant is required to attend at a police station to be formally charged with the murder of William McKinney (and James Wray) and the attempted murders of Patsy O'Donnell, Joe Mahon, Joe Friel and Michael Quinn, or if the PPS intend to proceed by way of an indictable summons. Should the PPS be inclined to adopt the latter approach, we should be grateful to receive reasons for your decision.

Please also confirm the date upon which the defendant shall first appear in court charged with two counts of murder and four counts of attempted murder.

We assume that this first appearance shall be at Derry Magistrates Court given that the offences with which the defendant is charged happened within 250 yards of Derry Courthouse. If we are incorrect to assume so, please set out the full and precise reasons for your decision requiring the defendant to appear at an alternative court.

We further assume that the defendant shall be charged and prosecuted for these most serious of offences without the benefit of anonymity, to ensure that this prosecution is conducted in a fair, open, transparent – and most importantly - public manner. As the PPS must surely be aware, a mere four soldiers have been successfully prosecuted for the offence of murder during the recent conflict, in circumstances where the British Army were responsible for the deaths of over 300 civilians, inclusive of more than 60 children. Those four soldiers were prosecuted without the benefit of anonymity, and at a time when the seriousness of the security situation in this jurisdiction was unparalleled. We cannot conceive of any legitimate basis upon which this defendant could expect to be tried in circumstances inconsistent with any other defendant charged with murder and attempted murder and we trust that the PPS decision in this regard shall not be affected by political interference in the independence of the role of the PPS.

We anticipate that the PPS is very much aware that the decisions communicated by it on 14 March to the families and wounded that we represent have caused profound disappointment and shock, not just to those directly affected, but also to much of the wider community in Derry and beyond. We need not remind you of the basic facts in this case: 108 high velocity rounds were fired by identified

individuals within 1 Para; 14 innocent civilians were murdered; a similar number were injured; yet only 1 defendant is to be prosecuted.

Accordingly, we consider that this correspondence raises fundamental issues of the utmost public importance, and in circumstances where we consider that the credibility of, and public confidence in, the Public Prosecution Service is firmly in issue, therefore we require an urgent response to the issues raised herein.

Finally, we are continuing to give close scrutiny to the decisions reached in cases not to prosecute other soldiers (including this defendant for at least three other murders and two attempted murders) and shall return to you with grounds for a review of such decisions in the coming days. You are no doubt aware from our initial response to the decisions communicated by your office on 14 March that we fully intend to challenge decisions not to prosecute other soldiers for murder and attempted murder by way of judicial review in the High Court.

We await hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ciaran Shiels', written in a cursive style.

Ciaran Shiels  
**Madden & Finucane**