



Policy Legacy FOI Team
Headquarters 38 (Irish) Brigade
British Forces Post Office 801

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Reference: FOI: 2018/05236

Date: 23 July 2018

Dear [REDACTED]

REQUEST FOR INFORMATION – INFORMATION RELATING TO THE ATTEMPTED MURDER OF RUC SGT [REDACTED]

I can confirm that your request has been considered under the provisions of the Freedom of Information Act 2000 (FOI(A)), and the process is now complete.

You asked for the following:

"Under the Freedom of Information Act 2000, could you inform me as to whether you hold any documentation that can be disclosed relating to the attempted murder of police Sgt. [REDACTED] in Benburb St, Belfast, on 24/08/1979. I request that search be made between the dates of 17/08/1979 and 31/08/1979."

I can confirm that the MOD holds some information relating to the incident in question; this information has been located in a range of documents, which I have provided relevant extracts at Annex A. These would have been highly redacted as the remaining information they include is outside the scope of your request. If you wish to receive the documents in the redacted format, we can provide on request. I have also attached at Annex A two pages extracted from the Daily Operations Brief. Also, attached at Annex B an intelligence report that makes reference to the incident in question.

Some of the information you have requested could be exempt under section 23(1) of the Freedom of Information Act, which relates to the bodies dealing with security matters, although it is also possible that the information relates to none of the bodies dealing with security matters. Sections 23(1) and 24(1) are being cited in the alternative as it is not appropriate, in the circumstances of the case, to say which of the two exemptions is actually engaged so as not to undermine national security or reveal the extent of any involvement, or not, of the bodies dealing with security matters. Section 23 is an absolute exemption and, if it were engaged in this material, the MOD would not be required to consider whether the public interest favours disclosure of this information.

Any information that is not exempt from disclosure under section 23(1) could be exempt under section 24(1) of the Freedom of Information Act, which exempts information from disclosure if its exemption is required for the purpose of safeguarding national security. We cannot say which of the two exemptions is actually engaged, but to the extent that S24(1) might be engaged. We acknowledge the public interest in openness and transparency, but we consider that there is a stronger public interest in protecting national security.

Some of the information contained within the disclosure constitutes personal information, such as names and addresses. Under FOI(A) this information is exempt under Section 40 (2) by reason of the first condition under Section 40 (3) (a) (i), as disclosure would contravene data protection principles under the Data Protection Act 1998 (DPA 98). This is an absolute exemption and does not require a public interest test to be conducted in order for this information to be exempt from disclosure. Therefore all personal information has been redacted.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the FOI(A). Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

38 Brigade FOI Team

Verbatim Extracts from Various Documents Relating to the Attempted Murder of RUC Sgt [Redacted]

HEADQUARTERS NORTHERN IRELAND OPERATIONAL SUMMARY
COVERING PERIOD 212359 – 282359 AUGUST 1979

GENERAL

1. A Police SGT was lucky to escape with a minor GSW to the head when a carefully planned 'come on' lured a RUC patrol to investigate an incident in a protestant area of Belfast.

6. Shooting Attack BELFAST 24 Aug. On the morning of 23 May a man claiming to be from the NI Housing Executive called at [Redacted] BENBURG ST in the Protestant Village area of BELFAST and inquired whether the owner needed any repairs done to the house. The man said he would return at 1000 hrs the next day to effect the repairs. At 1000 hrs on the 24 Aug a Housing Executive van was hijacked at the FALLS RD/BROADWAY junction. At 1020 hrs the van stopped outside [Redacted] BENBURG ST and 3 men entered the house. The men produced 2 rifles and a pistol and took over a front upstairs room. The van was driven off and waited nearby. The RUC at DONEGALL PASS received an anonymous call reporting a break in at [Redacted] BENBURG ST, the house opposite No. [Redacted]. At 1130 a RUC patrol arrived to investigate the break in. As the patrol was alighting from the vehicle 6-8 shots were fired through the closed windows of the upstairs room of No [Redacted]. A RUC SGT received a minor head wound (NSI). The gunmen escaped from the rear of the house and drove off in the van which was found in ODESSA ST at 1355 hrs. The attack was carefully planned and is similar in concept to the attack on 2 Aug in which Const [Redacted] was shot dead.

Log Sheet – 24 Aug 1979

Serial	Time	To	From	Event	Action
	1140		39 RUC	1130 hrs 1 RUC const shot in head outside [redacted] Benburb St (WINDSOR) 4 men seen escaping towards Falls in car	

G-2/Annex A
FOI 2018-05238
Dated 23 July 2018
Stats

RESTRICTED

236/79

24/25 AUGUST 1979

DAILY OPERATIONS BRIEF



NORTHERN IRELAND

3 Inf Bde

Information outside scope of your request.

8 Inf Bde

Information outside scope of your request

39 Inf Bde

1. An RUC Ptl was fired on in Benburg St, Windsor by 3 gunmen. An RUC ✓
Sgt received minor GSW and is MSI.

Information outside scope of your request

Captain
[Signature]

39 INFANTRY BRIGADE

SHOOTING

A/YZ

WINDSOR (10 ULR). On the morning of 23 Aug a man claiming to be from the NI Housing Executive called on:

[REDACTED]

[REDACTED] - [REDACTED] BENBURG ST - NT [Village area]

and asked if he required any repairs. [REDACTED] said he did and the man told him that workmen would call at 1000 hours 24 Aug.

At 1000 hours 24 Aug a Housing Executive van [REDACTED] driven by:

[REDACTED]

[REDACTED] - [REDACTED] - [REDACTED]
[REDACTED] was hijacked at the junction of BROADWAY/FALLS RD. [REDACTED] was held in an alleyway in the area WHITE ROCK RD/FALLS RD for 2 hours.

at 1020 hours the van stopped outside [REDACTED] BENBURG ST and 3 men went inside. They produced 2 rifles and a pistol and took over a front upstairs room. The van drove off and waited nearby.

From L/R Donegall Pass.

The RUC tasked a Hotspur LR in response to an anonymous call reporting a break-in at:

[REDACTED]

[REDACTED] BENBURG ST - opposite [REDACTED] Benburg St

Φ3

windows closed

At 1130 hours the RUC arrived and as they were alighting 6/8 shots were fired through the lace curtains of the front upstairs windows of [REDACTED] BENBURG ST. SHOTS AT SF

[REDACTED]

SGT [REDACTED] received a minor head wound and is NSI in RVD. Fire 1 RUC (W) was not returned. The gunmen escaped from the rear of the house and drove off in the van which was seen driving along BROADWAY. The vehicle was found in ODESSA ST at 1355 hours and was removed by SOCO. VAN FOUND (1960)

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POLICE SERVICE OF NORTHERN IRELAND
Intelligence Report

Date/Time of Report	24/08/1979 00:00 BST	Report URN	T037192
Intelligence Type	TEXT	CHIS PIN	

WARNING - BEFORE TAKING ANY ACTION OR DECISION IN RELATION TO THIS INFORMATION, THE ATTACHMENT MUST BE REVIEWED.

Grading User

Report	
Subject	SHOOTING COME ON
Date/Time of Information	[REDACTED]
Information	<p>[REDACTED]</p> <p>AT APPROX 1130 HRS ON 24 AUG 79, APPROX 6 X HV SHOTS WERE FIRED AT AN RUC PATROL DEBUSSING FROM A HOTSPUR VEHICLE TO INVESTIGATE A SUPPOSED BREAK-IN AT [REDACTED] BENBURB STREET. THE SHOTS WERE FIRED BY 3 X NK GUNMEN FROM AN UPSTAIRS FP AT [REDACTED] BENBURB STREET. THIS HOUSE WAS TAKEN OVER AT APPROX 1020 HRS BY 3 X NK GUNMEN, POSING AS HOUSING EXECUTIVE WORKERS. GUNMEN HAD VISITED THE [REDACTED] HOUSEOWNER THE PREVIOUS DAY, ASKING WHEN THEY COULD CALL BACK. THE GUNMEN, ALL AGED 23 - 34 YRS TOLD THE HOUSEOWNER THEY WERE "UVF MEN".</p>

**** CAUTION - DATA PROTECTION ACT 1998 ****

This personal Data is provided to [REDACTED] by [REDACTED] for the Agreed Specified purpose(s).
This Data must be kept secure and protected against loss or unauthorised access.

**** CAUTION - DATA PROTECTION ACT 1998 ****

02/04/18
09:41 BST

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THERE WAS 1 X RUC CASUALTY (NSI) AND 2 X HITS ON THE HOTSPUR. THE GUNMEN ESCAPED VIA AN ALLEYWAY AT THE REAR OF THE HOUSE, IN A WAITING VEHICLE, BROWN AND YELLOW HOUSING EXECUTIVE VAN, VRN NK. 2 X LV SHOTS WERE FIRED ON DEPARTURE. THE VEHICLE MADE OFF VIA BROADWAY TO FALLS. A FOURTH GUNMAN MAY HAVE BEEN WAITING IN THE VAN. AT 1315 HRS A YELLOW BEDFORD VAN, VRN [REDACTED] BELONGING TO THE HOUSING EXECUTIVE WAS FOUND ABANDONED OUTSIDE [REDACTED] ODESSA STREET. WEAPONS THOUGHT TO HAVE BEEN INVOLVED WERE: 1 X ARMALITE, 1 X GARAND, 1 X .45 PISTOL. RUC DONEGALL PASS ARE INVESTIGATING. THIS IS AN EXTERNAL REFERENCE: FACT

DSL	General Release
Readership	

Evaluation	
Source	[REDACTED]
Intelligence	[REDACTED]
Handling	
Operation Name/Number	
NIM Level	
Office Of Origin	DATA/CONV

Action	
Business Area	
Detailed Handling Conditions	
Dissemination	Historic DSL [REDACTED]

Statistical Information	
Activity	

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