



Policy Legacy FOI Team
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British Forces Post Office 801

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Reference: FOI: 2018/12629

Date: 29 Nov 2018

Dear [REDACTED]

**REQUEST FOR INFORMATION – INFORMATION RELATING TO THE MURDER OF JA FRAZER
on 30 AUGUST 1975**

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:

“information relating to the murder of James Albert Frazer on 30th August 1975.”

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.

Some of the information you have requested could be exempt under Section 23(1) of the FOI(A), 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 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 FOI(A), 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 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.

All Police Service of Northern Ireland (PSNI) cases remain open and if new evidence comes forward the PSNI will reinvestigate. Release of these documents must be carefully considered under Section 31 (Law Enforcement) of the FOI(A). I have completed this consideration through a public interest test including consultation with the PSNI who have advised that release of some of the information could adversely impact on any investigative process, and may jeopardise any future prosecutorial process. On this basis, I am withholding some of the information under S31 of the FOI(A).

I appreciate that this incident took place 43 years ago and the passage of time can be a factor in diminishing the applicability of exemptions to information. However, in this instance the passage of time is less relevant as the PSNI continue to investigate Troubles-related murders and the overall balance is in favour of partial exemption.

In addition, some of the information falls within the scope of Section 38 (Health and Safety) of the FOI(A), as its release could endanger the physical or mental health of any individual or endanger the safety of any individual.

Section 38 is a qualified exemption and we have conducted a public interest test to determine whether the information should be released or withheld. The factors for this public interest have determined that whilst disclosure would demonstrate openness and transparency this is outweighed by the detrimental effect disclosure would have on family members, friends or relatives.

I concluded that whilst disclosure may be of historical interest, the health and safety of individuals must be considered especially where release would be likely to endanger, the physical or mental health of any individuals. Some information has therefore been redacted under Section 38 of the FOI(A)

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 S40 (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 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

38X Brigade FOI Team

Enc: Annex A Verbatim Extracts from Various Documents Relating to the Murder of JA Frazer dated 28 November 2018

Verbatim Extracts from Various Documents Relating to the Murder of JA Frazer – 30 Aug 1975

FOI 2018/12629

DIRECTOR OF OPERATIONS BRIEF – 30/31 August 1975

4. Rural Areas
 - a. 3 Inf Bde
 - (1) An off duty UDR soldier received a GSW to the head when ambushed 5 miles North East of Newtownhamilton. He died later in Newry hospital.

3 Infantry Brigade

4. 3 RRF (Police Division H West)

SHOTS AT SF
1 UDR (K)

- a. The SF were involved in the only shooting incident reported when at approximately 2010 hours the following received fatal GSW to his head when ambushed at GR 985314, 5 miles NE of NEWTOWNHAMILTON:

Cpl James Albert FRASER(*sic*) [Redacted] Castle Blaney Hill, Newtownhamilton. **30 Aug 75**

2 UDR

He was driving on to the road outside a friend's house when one of 2 men, armed with a rifle, fired at him. He was taken out of his car and left on the side of the road. The men then drove the car, a [Redacted] Hillman Hunter [Redacted] away in a southerly direction. FRASER(*sic*) was taken to the DAISEY(*sic*) HILL Hospital NEWRY where he died at approximately 2200 hours. The RUC Newtownhamilton are investigating.

- b. At 2210 hours in the follow up to the murder of Cpl FRASER(*sic*) an army patrol arrested the following at the [Redacted], BESSBROOK: [Redacted], [Redacted], BESSBROOK

*This arrest was a result of information received. He was handed to the RUC NEWRY who are investigating.

c. At 2230 hours in the follow up to the murder of Cpl FRASER(*sic*) an army VCP at GR 969259, 4 miles SE of NEWTOWNHAMILTON, arrested the following:

[Redacted], [Redacted], BELLEEK

He was driving a car very fast with a flat tyre. He was handed to the RUC NEWRY who are investigating.

Commander Land Forces Operational Summary

For the 2 weeks ending 10 September 1975

TERRORIST INCIDENTS

4. A day later at Whitecross, near Newtownhamilton, Cpl Fraser(*sic*) of 2 UDR was dragged from his car and shot in the head by 2 masked gunmen, one armed with a rifle.

ANNEX A
DATED 10 SEPTEMBER 1975

Diary of Events - 27 August -9 September 1975

Date	Belfast	Londonderry	Rural and Border Areas
(a)	(b)	(c)	(d)
Sat 30 Aug			CPL Fraser, an off duty member of 2 UDR, was dragged from his car and murdered near Whitecross.

1 QLR Log Sheets – 30 Aug 75

Serial	DTG	To	From	Event	Action	Sign
(a)	(b)	(c)	(d)	(e)	(f)	(g)
61	2030	1QLR	3 Bde	A soldier of 2 UDR has been shot in area of WHITEROCK(sic) (approx. GR 989312). He is serious and was dumped at side of road. 4 Gunmen escaped in waiting cars – [Redacted] Avenger – Reg no either [Redacted] or [Redacted] – we are to look -out for this car and apprehend if seen.	46 info'd	

HQNI OPS Log Sheets – 30 Aug 75

Serial	DTG	To	From	Event	Action	Sign
(a)	(b)	(c)	(d)	(e)	(f)	(g)
27	2043		39 Bde	UDR poss shot – cond not known. Whitecross 9831. VCP shot at him – took car off. 0825 [Redacted] 0835 Report men shot. 4 men seen to leave area. Men taken to NEWRY Hosp. Car seen moving E by hel towards N HAMILTON. Robert(sic) FRAZER, 2 UDR, [Redacted] DUNGORMELY EST. NEWTOWNHAMILTON – USI		
31	2234		3 Bde	CPL James Albert FRAZER 24199416 (Prot), [Redacted] children 2 UDR, [Redacted] CASTLEBLANEY HILL, NEWTOWNARDS, shot at 2010		
35			Press	RUC statement: 50 year old married man, [Redacted] children. Leaving neighbours farm at 8 pm Whitecross. Shot as Drove away in H Avenger by a hooded man with a rifle. The man + accomplice dragged the man from the car and dumped him at the side of the road. Both attackers drove towards NEWTOWNHAMILTON. Taken to hosp since died from a head wound		

37	2255	3 Bde	At 2010 at GR 985314 Cpl James Albert FRAZER was backing out of a friends farm when he was ambushed by about 4 armed men who shot him, lefthim (sic) on the side of the road and made off in a S direction in his car. At 2020 3 RRF heard about the incident from RUC and alerted VCPs in the area. Infod 3 Bde and 2 RTR who had hel airborne in the area. Man arrested at BESSBROOK idle talk, by Army. Initially but working in daylight. Night sum then tasked.		
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Various Death Logs

ARMY/UDR FATALITIES
 (UDR underlined in green)

1012 Vol 1

Ser	Date	Rank	Name	Unit	Details of Incident
286	30 Aug 75	Cpl	FRAZER (sic)	2UDR	Shot whilst leaving a friends house in NEWTOWNHAMILTON

1012 Vol 2

Name
 FRAZER, R(**sic**)
 Date of Death
 30.08.75

Location
 Newtownhamilton

1012 Vol 3

SER	NAME	ADDRESS	KILLED	DATE	Mill	RUC	UDR	SF	CIV	TERR	COM
1295	James FRASER (sic)	[Redacted] CASTLEBLANEY HILL NEWTOWNHAMILTON	SHOT whilst leaving friends home	30 Aug 75			1				

1012 Vol 7

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
286	30 Aug 75	Cpl	R J	<u>1975</u> FRAZER	PT 2 UDR	N'HAMILTON	SHOT	OFF

Ulster Defence Regiment
Killed due to Terrorism
1969 to date (as at Mar 2000)
Cont...

1975

NAME	UNIT	DATE OF DEATH	LOCATION
CPL R J FRAZER	2 UDR	30 AUG	BALLYMORNER