



Policy Legacy FOI Team
Headquarters 38 (Irish) Brigade
British Forces Post Office 825

E-Mail: 38X-PolicyLegacy-FOI-Mailbox@mod.gov.uk



Reference: FOI: 2019/04748

Date: 1 July 2019

Dear [REDACTED]

REQUEST FOR INFORMATION – INFORMATION RELATING TO THE DEATH OF WILLIAM CLARKE ON 2 APRIL 1977

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:

“we are requesting the information above (Murder of William Clarke, on 02/04/1977), as recommended in your proposed schedule for requested information.”

I can confirm that the MOD holds some information relating to the murder of William Clarke on 2 April 1977. 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. Also attached at Annex B is an IED Incident Report No: 119337.

Please note all information redacted using a black box is due to the information being redacted under a Freedom of Information exemption. Information redacted using a white box is because the information is outside scope of your request.

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 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 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 located falls within the scope of Section 26 (Defence) of the FOI(A), as its release would or would be likely to prejudice the capability, effectiveness or security of any relevant forces. Section 26 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 test have determined that whilst disclosure would demonstrate openness and transparency, this is outweighed by the detrimental effect disclosure would have in revealing the capabilities of military operational planning by compromising the methodologies and practices employed in the gathering and analysis of information. I have therefore concluded that the public interest supports withholding some information under Section 26.

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 Section 31 of the FOI(A).

I appreciate that this incident took place 42 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 could have on those mentioned in the documents, or their family members and friends. I have concluded that whilst disclosure may be of historical interest, the health and safety of individuals must be taken into account especially where release would be likely to endanger the physical or mental health of any individual. Some information has therefore been redacted under Section 38 of the FOI(A).

Additionally, 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 2018 (DPA 2018). 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.gov.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 (Irish) Brigade FOI Team

Annexes:

- A. Verbatim Extracts from Various Documents
- B. IED Incident Report

Verbatim Extracts from Various Documents Relating to the Murder of William Clarke on 2 April 1977

Commander Land Forces Operation Summary dated 6 April 1977

COMMANDER LAND FORCES OPERATIONAL SUMMARY
FOR THE 2 WEEKS ENDING 6 APRIL 1977

TERRORIST INCIDENTS - SHOOTINGS

4. Shootings not involving the SF.

On the 2 Apr a Protestant worker was abducted from a construction site near Forkhill and shot dead by 3 masked men. The motive for this cold-blooded murder is believed to be sectarian [Redacted].

ANNEX A TO 1024/7 G
DATED 6 APRIL 1977

DIARY OF EVENTS FOR THE PERIOD 23 MARCH 1977 TO 6 APRIL 1977

Date	Belfast	Londonderry	Rural Areas
(a)	(b)	(c)	(d)
Sat 2 Apr	[Redacted]	[Redacted]	A man was abducted and shot dead near Forkill(<i>sic</i>).

G OPS HQNI Log Sheet dated 2 Apr 77

Serial	DTG	To	From	Event	Action	Sign
7	1649		3	DOE workman missing. Later body found in car at Grid 979211 shot dead. Identified as Mr CLARKE employee of DOE.	PR, Int, CLF, G2	
10	1840		3	Clarke working for man called [Redacted] on drainage scheme 7 Kms NW of FORKHILL. 3 armed and masked men approached in combat kit carrying weapons resembling military ones. Asked [Redacted] where Clarke was. After threatening him discovered in mechanical digger. Clarke shot dead. [Redacted] Dead man is William Clarke of [Redacted], NEWTONHAMILTON(sic).	PR, Int, RUC, UDR	

DMO OPSUM NOV 76 – OCT 77

SHOOTING INCIDENTS

16. 2 Apr near Forkill(sic). At 1600 hours a Protestant workman was abducted from his work on a drainage scheme 5 km north west of Forkill(sic) by 3 armed men. They took him away in his car and then shot him dead, abandoning the car with the body beside it. Earlier, the 3 men, each armed with a rifle, approached the drainage scheme [Redacted] and asked for their victim by name. The [Redacted] initially(sic) refused to tell them, but decided to do so after they had threatened to kill him. The Protestant was some distance away driving a mechanical digger in a field. [Redacted]. The Irish National Liberation Army later claimed responsibility for the attack.

DEATHS BY VIOLENCE 1012 VOL 3

Ser	Name	Address	Details	Date	Civ
1727	Hugh William CLARKE (P) (Sect)	[Redacted] N'HAMILTON	Taken from his place work in Augnaduff near FORKILL(sic) and shot	2 APR 77	1

LIST OF DEATHS G3 1012 VOL 7

1977										
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
1293	02 APR	MR	HW	CLARKE	P	31	FORKHILL	SHOT	N/K	1977092008

LIST OF DEATHS G3 1012 VOL 2

NAME	DATE OF DEATH	LOCATION
CLARKE, H	02.04.77	Forkhill

EOD LOG SHEET

EOD No	Date Tasked	Unit	Type of Incident	Operator	Location	Grid Ref	Incident	EOD Action	Explosives	Dets	Remarks
119337	02[Redacted] APR	3 BDE 1 RHF	FALSE	[Redacted]	CROSSROADS TULLYMACRIVE	[Redacted]	Body and car found Reg No [Redacted]	[Redacted] Boot CLEAR	N/A	N/A	The man was kidnapped at work and driven off in his own car by 3 masked armed men. An hour later the car and his body was found. The CID and SOCO cleared the car except for the boot, which was cleared by the ATO. Nothing else was found except 3 x M1 fired cases lying on the road.

INTELLIGENCE SUMMARY

Report Number 1301145 MURDER SHOOTING THEFT VEHICLES

Hugh William Clark was abducted from his place of work near Forkhill and shot four times my three gunmen.

~~RESTRICTED~~

DIRECTOR OF OPERATIONS BRIEF

2/3 April 1977



NORTHERN IRELAND

1. Province Statistical Summary

1 Civilian killed (Forkill)

4. Rural Areas. The SF were not involved in the one shooting incident and

a. 3 Inf Bde

(1) A man was shot dead near Forkill.

(2)

Stats
093/77

63/BF/77/0004

3 INFANTRY BRIGADE

ANNEX C TO D OF OPS BRIG

DATED 3 April 1977

1. 1 RIF (POLICE DIVISION H WEST) The SF were not involved in the one shooting incident reported when at 1600 hours a workman was abducted from his work on a drainage scheme at AUCHNADUFF, CR 976216, 5 kms North West of FORHILL, and shot dead. Earlier 2 masked men, each armed with a rifle, approached the [REDACTED] a [REDACTED] and asked to see the workman. NO connection with SF.

Hugh William CLARK (PROT 11-08-46) [REDACTED] NEWTOWNHAMILTON

Initially [REDACTED] refused to tell the gunmen of CLARK's whereabouts but decided to do so after being threatened with death. CLARK, who is self-employed, was some distance away driving a mechanical digger in a field. The 3 men took him off in his own car, a Ford Cortina ([REDACTED]) and shot him. At 1750 hours his body was found lying next to his car on the road at CR 979211. He had been shot once in the head and 3 times in the chest. Four Armalite empty cases were beside the body.

At 1515 hours a red Escort Van ([REDACTED]) was hijacked in GLASDRUMMAN, CR 945145, 4 kms East of CROSSMAGLEN, by 3 armed and masked men. The van was found at the same location at 1805 hours. It is thought that this van may have been used in the incident because [REDACTED] reports that the gunmen arrived in a red van, and that one of them drove it away.

SHOOTING SNAZ

ICV (K)

MA

Murder
FORKILL

08

Hijacked
Van 09

RESTRICTED IED INCIDENT REPORT				DGAS F 777 (Rev 2/77)	
1. Location and Unit 3 Bde IRHF			2. Report No 119337		
3. Contact. Rank and Name [REDACTED] B Coy IRHF			4. Type of Incident [REDACTED] TRUE/FALSE/UNK		
5. Operational Name and Code [REDACTED]	6. DTG Tasked [REDACTED]	7. DTG Out [REDACTED]	8. DTG of EOD Action (Arrival at RV) [REDACTED]	9. DTG Completed [REDACTED]	
10. DTG In [REDACTED]	11. Exp Reference [REDACTED]	12. Location REDMANS CROSSROADS TULLYMACEEVE	13. Multi Task (other report No's) 119337	14. Miles 5.616	
15. DTG Recd/Found [REDACTED]	16. Day [REDACTED]	17. Position of Device PARKED ON GRASS VERGE AT SIDE OF ROAD.	18. How Delivered DRIVEN		
19. Container, Size and appearance N/A			20. Fastening N/A		
21. Operator's Action [REDACTED] BOOT CLEAR					
22. Operator's Comments CAR WAS OWNED BY HUGH WILLIAM CLARK WHO WAS KIDNAPPED AND DRIVEN OFF IN IT BY 3 ARMED & HOODED MEN. AN HOUR LATER THE CAR WAS FOUND ABANDONED WITH THE BODY OF ITS OWNER LYING IN FRONT OF IT ON THE GRASS VERGE. CID & SOCO CLEARED THE INSIDE OF THE CAR AND REQUESTED ATO TO CLEAR THE BOOT. NOTHING WAS FOUND EXCEPT FOR 3x M1 FIRED CASES LYING ON ROAD.			23. For Vehicles, Make, Colour, Road No, Steered/Hijacked FORD CORTINA GREY [REDACTED] YES/NO		
24. Target N/A		25. DTG of Explosion N/A		26. Tasked before or after explosion N/A	
27. Explosive Filling (Type and Wt) N/A		28. Booster (Type and Wt) N/A		29. Initiation N/A	
30. Delay to Initiation N/A		31. Arming N/A		32. Delay to Arming N/A	
33. Power Source N/A	34. Multi Charge N/A	35. Multi Charge Linked by N/A		36. Shrapnel (Type and Wt) N/A	
37. Device Type N/A	38. If Anti-Handling/Booby Trap - Device Details N/A				
39. Reason Device Failed to Function N/A		40. Effect of Explosion/Incendiarities N/A			
41. Police Station NEWRY		42. DIPS DIRECT/DIRO' CATO/THRO' SOCO N/A			
43. SATO's Comments [REDACTED]		44. CATO's Comments [REDACTED]			
Date 50 April 77		Major [REDACTED]		Date [REDACTED] Lt Col [REDACTED]	

RESTRICTED