



Policy Legacy FOI Team
Headquarters 38 (Irish) Brigade
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Reference: FOI: 2019/09592

Date: 11 October 2019

Dear [REDACTED]

REQUEST FOR INFORMATION – INFORMATION RELATING TO THE MURDER OF JOHN FREEBURN ON 28 JUNE 1976

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:

“I am requesting hard copies of documentation in relation to the murder of Murder of John Freeburn, on 28/06/1976.”

I can confirm that the MOD holds some information relating to the murder of John Freeburn on 28 June 1976. This information has been located in a range of documents. Some relevant extracts of these have been provided 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 a copy of the Director of Operations Brief: in this document all information that is redacted in the black box represents information that has been redacted under the FOI(A) exemption and the white boxes represent information that is outside the 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.

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 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 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. Copy of the Director of Operations Brief – dated 28 June 1976

Verbatim Extracts from Various Documents Relating to the Murder of John Freeburn on 28 June 1976

Commander Land Forces Operational Summary for the 2 Weeks Ending 30 June 1976

Diary of Events 16-29 June 1976

Date	Belfast	Londonderry	Rural and Border Areas
(a)	(b)	(c)	(d)
Sun 27 Jun			A Protestant was shot in a Catholic Pub in Lurgan.

Various Death Logs

1976 contd..									
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)
1166	28 Jun	MR	J	FREEBURN (sic)	RC	20	BELFAST	SHOT	N/K

SER	NAME	ADDRESS	KILLED	DATE	MIL	RUC	UDR	CIV	TERR	
									CAT	PROD
1561	John FREEBURN	[Redacted] Lurgan	Shot in Celtic Bar, Lurgan in Sect Attack.	27 Jun 76				1		

NAME DATE OF DEATH LOCATION
 FREEMAN, J (sic) 28.06.76 Lurgan

INTELLIGENCE REPORT

Report Number I310588

Information	280676. William John Freeburn was murdered on 280676 in The Celtic Supporters Club, Lurgan
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DIRECTOR OF OPERATIONS BRIEF

27/28 June 1976



NORTHERN IRELAND

1. Province Statistical Summary

[Redacted]
1 Civilian killed (Lurgan)
[Redacted]

2. Belfast

[Redacted]

3. Londonderry

[Redacted]

4. Rural Areas

[Redacted]

a. 3 Inf Bde

(1) A Protestant was shot dead in a bar by 2 masked gunmen in Lurgan.

[Redacted]

b. 8 Inf Bde

[Redacted]

c. 39 Inf Bde

[Redacted]

5. Deployment

[Redacted]

[Redacted]

Captain
Watchkeeper

8 INFANTRY BRIGADE

[REDACTED]

3 INFANTRY BRIGADE

[REDACTED]

2.

[REDACTED]

SHOOTING SFNI

Sectarian
Murder
Lurgan
Sodis →

3. 4 RTR (POLICE DIVISION J/HMP ^{Sectarian} MAZE/HILLSBOROUGH SALIENT) The SF were not involved in the only shooting incident reported when at 0015 hours the following was shot dead by 2 masked men who entered the CELTIC BAR, 67 EDWARD STREET, LURGAN, and fired 3 shots:
Catholic-owned Club

John FREEBURN (Prot 30) [REDACTED], LURGAN NT [REDACTED] (K)

The gunmen escaped and the RUC LURGAN are investigating.

4.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]