



Head Policy and Legacy
Headquarters 38 (Irish) Brigade
British Forces Post Office 825

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Reference: FOI 2019/11703

Date: 9 December 2019

Dear [REDACTED]

REQUEST FOR INFORMATION – INFORMATION RELATING TO THE DEATH OF CHARLES WATSON ON THE 22 MAY 1987

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:

[REDACTED] – “copies of all intelligence reports in relation to the murder of Mr Charles Watson on 22 May 1987”

I can confirm that the MOD holds some information relating to the murder of Charles Watson. Please find attached at Annex A an extract from an intelligence report dated 27 May 1987.

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 32 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.

By way of further advice (a principle outlined in Section 16 of the FOI(A)) I can advise that The National Archives (TNA) may hold information that could be of relevance to your request. To submit a FOI request to TNA you should send a request to their Enquiry team;

By post – Enquiry Service, The National Archives, Kew, Richmond, Surrey, TW9 4DU.

By e-mail – <https://www.nationalarchives.gov.uk/content/contactform.asp?id=10>

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

INTELLIGENCE REPORT

Report Number D403105

Dated 27/05/1987

<p>Information</p>	<p>The Shooting of Charles Watson at his home on 22 May 87</p> <ol style="list-style-type: none">1. At 2352hrs on 22 May 87 an unknown number of gunmen, wearing masks, broke down the backdoor at the home of Charles WATSON, 20 Downpatrick Road, Clough, Down. The gunmen chased Watson upstairs and shot him, in his bathroom, with what is thought to be a 9mm pistol. <p>Watson was a prominent member of the Orange Order and the Apprentice Boys in the area. It was reported that Watson had just returned from a band practise when the gunmen attacked.</p>
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