



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



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

Reference: FOI: 2020/05723

Date: 10 November 2020

Dear [REDACTED]

REQUEST FOR INFORMATION – INFORMATION RELATING TO THE DEATH OF GERALD GARDINER ON 24 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 the following:

“Under the Freedom of Information Act 2000, I wish to request copies of any available hard copy documents in relation to the murder of Gerald Gardiner on 24 June 1976, in Craigavon, Co. Armagh. The following reports are specifically requested:

***Unit Incident Report (Increp) issued by Battalion HQ 2 UDR;
ATO request for the clearance of the vehicle in which Mr Gardiner was a passenger;
NI Report covering the period of his killing;
Weapons Intelligence Report collated by personnel from 3 Inf. Brigade Weapons Intelligence Section;
Serious Incident Report covering the whole incident from Initial Report to final clearance.”***

I can confirm that the MOD holds some information relating to the death of Gerald Gardiner. This information has been located in a range of documents and relevant extracts of these have been provided at Annex A. Also attached at Annex B is an IED Report. Please note that all information that is redacted using a black box represents information that has been redacted under a Freedom of Information exemption.

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 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).

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. 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.

I appreciate that this incident took place 44 years ago and the passage of time can be a factor in diminishing the applicability of exemptions to information. However, in this instance the overall balance is in favour of partial exemption.

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

Enc:

Annex A - Verbatim Extracts from Various Documents
Annex B - IED Report

Verbatim Extracts from Various Documents – Death of Gerald Gardiner on 24 June 1976

Director of Operations Brief Northern Ireland 24 – 25 June 1976

4 Rural Areas

a. 3 Inf Bde

2. Two Protestants were injured when they were ambushed by gunmen near Lurgan.

3 INFANTRY BRIGADE

3. 4 RTR (POLICE DIVISION J WEST/HMP MAZE/HILLSBOROUGH SALIENT).

Shots fired

a. The SF were not involved in the only shooting incident reported when at 0650 hours 14 x HV (Armalite) shots were fired by 2 gunmen at 2 men in the car park of the GOODYEAR TYRE FACTORY, LURGAN. The following were injured:

Lurgan

2 Civ Cas [Redacted]

LURGAN

[Redacted]

[Redacted]

Gerald GARDINER (PROT 27) [Redacted], LURGAN

(seriously ill with chest wounds) *Died of wounds 21.00.06.07.76*

1 Civ (K)

Protest march by workers

A green VW VARIANT was used [Redacted] belonging to [Redacted], who claims it was hijacked from him at 2320 hours 23 June by 2 armed men. He had been told not to report the incident for 24 hours. The VW had followed the 2 victims into the car park. A silent protest was mounted by the 700 workers in the factory which passed off without incident. The RUC LURGAN are investigating.

G Ops HQ NORIRELAND Log Sheet dated 24 Jun 76

Serial (a)	DTG (b)	To (c)	From (d)	Event (e)	Action (g)	Sign (h)
1	0733		3 Bde	0645 – shooting at Goodyear Tyre Factory, Wrean. Believed 1 cas. [Redacted]	PR, Int	
2	0755		3 Bde	2 devices in car – in a carpark of the factory (Ser 1). Gerald GARDNER(sic) [Redacted] (P) GSWs to chest, SI (Armalite). [Redacted], [Redacted] not SI. Automatic wpn used. [Redacted]	PR, Int	
3	0837		3 Bde	At 2320 hours, 23 Jun a green VW Variant [Redacted] (belonging to [Redacted]) was hijacked by 2 armed youths, told not to report it until 2359 hrs, 24 Jun. [Redacted]	Int, PR	
6	1044		3 Bde	Shooting – a protest march at 1100 hrs – starting Goodyear factory – Silverwood St – Francis – Edward St – meeting at church. 1 tp C Sqn 4 RTR in res at Kitchen Hill – Bde Res Coy HQ and 2 Pls 1 QLR Gp are at 1 hr.	PR, Int, ADC/CLF, NIO (Div 1b), G2, G3, G2 L	
7	1112		RUC	Sitrep – Armalite used at 0645 shooting. Gardner(sic) is SI with GSW to chest. [Redacted] not SI, [Redacted]	ADC/CLF, PR, G2 UDR	
16	1548		RUC	March – Lurgan, consisted of 700 workers from the factory to City Centre, no speeches, dispersed at(sic)	PR, Int, G1	
17	1558		3 Bde	Lurgan shooting. VW car fol [Redacted] car into car park – no empty cases found possible sectarian nature	Int	

G Ops HQ NORIRELAND Log Sheet dated 25 Jun 76

Serial (a)	DTG (b)	To (c)	From (d)	Event (e)	Action (g)	Sign (h)
5	1411		3 Bde	The VW Variant used in the shooting at the Goodyear factory has been found in Edwards St Lurgan and ATO tasked – area closed off.	PR, Int	
8	1434		3	Finished at Edmunds(sic) St Lurgan – car clean – 1 live rd found.	PR	
9	1458		3	The round found in VW was Armalite		

EOD Log dated 26 June 1976

EOD No	DTG Tasked	Bde & Unit	Type of Incident	Operator	Location	Grid Ref	Incident	EOD Action	Explosives
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(j)	(k)
130636	251058 JUN	3 Bde 4 RTR	FIND	[Redacted]	ARTHUR ST, LURGAN	5/078583	Green Volkswagon Variant hi-jacked 23 Jun was used in the shooting of 2 [Redacted] outside the Craigavon Goodyear Factory. This Car turned up at Arthur St Lurgan.	[Redacted]	1x5.56mm Ball rd

Date	Remarks
(l)	(m)
NIL	[Redacted]

Death Logs – 1012 Vol 2

NAME
 GARDINER, G

DATE OF DEATH
 06.07.76

LOCATION
 Craigavon

1012 Vol 3

SER	NAME	ADDRESS	KILLED	DATE	CIV
1573	GERALD GARDINER	[Redacted], LURGAN	Died of GSW received in shooting incident at Goodyear Tyre Factory	6 July 76	1

Death Logs Cont.

1012 Vol 7

1974 Continue...									
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)
1174	06 JUL (04 JUN)	MR	G	GARDINER	P	26	CRAIGAVON	SHOT	N/K

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RESTRICTED
 IED INCIDENT REPORT

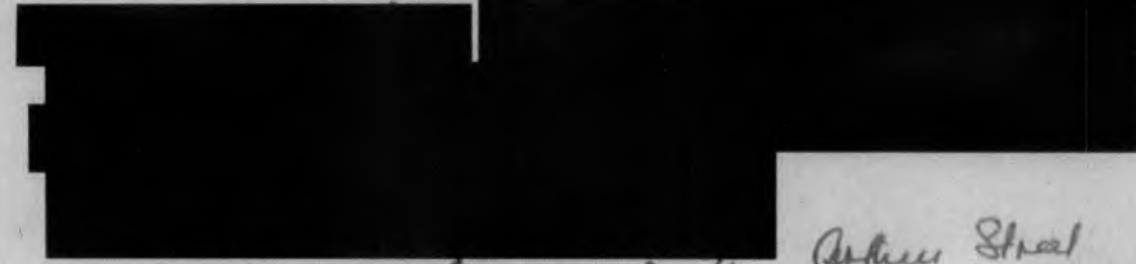
DOS F 709
 Rev 74

1. Formation 3 ADE		2. Report No 130836	
3. Contact [REDACTED] 8 th SQN 4 ETR		4. Type of Incident FIA	
5. Time Tasked [REDACTED]	6. Out [REDACTED]	7. Operator [REDACTED]	
8. Completed [REDACTED]	9. In [REDACTED]	10. Time IED Discovered 24/06/76 2310	11. Day 6
12. Date 25/06/76		13. Map Reference 005 078583	
14. Multi Task No		15. Miles [REDACTED]	
16. Location ARTHUR STREET LURGAN		17. Time of EOD Action/Explosion [REDACTED]	
18. Target NA		19. Position of Device NA	
20. Container NA	21. Fastening NA	22. Appearance GREEN VW VARIANT [REDACTED] PARKED HALF WAY ALONG ARTHUR ST. NEXT TO LEFT HAND CURB	
23. Device Type A/D	24. Delivery NA	25. Explosive Filling NA	
26. Booster A/A	27. Shrapnel NA	28. Multi-Charge YES/NO	29. Linked by NA
30. Initiation NA		31. Delay to Initiation NA	
32. Arming NA		33. Delay to Arming NA	
34. Power NA	35. Anti Handle Type NA	36. Effect Dead 00 Inj 00 Damage 0000	
37. Operator's Action [REDACTED]			
38. d. Green VW was hijacked in Shankill Lurgan 230676 and used by Guardian who shot 2x [REDACTED] at the Craigavon Brodygear tyre factory on 240676. The Guard was told not to report the (out)			
39. Reason Device Failed to Function			
40. Service Explosives Used [REDACTED]		41. FATO Comment This seems to be a complicated way of achieving clearance. Experience should have told you of other alternatives. - How you trying to preserve the car for evidence? Date 5 July 76 [REDACTED] Major	
42. Police Station [REDACTED]			
43. DRC Number [REDACTED]			
44. DIPS Number [REDACTED]			

EOD Trace 130886

Continued.

hojacking until 25 June 76



b. The car turned up in Arthur Street Lutgan which is about $\frac{1}{4}$ mile from Kitchen Hill Camp. Lutgan where a B¹ Sqn patrol used its presence at 2310hs 24 June 76.

c. The vehicle was under constant observation by either RUC and/or 4 RTR patrols since 1040hs. 25/June/76.

d. The car although driven away by the RUC for security whilst undergoing forensic testing, is Beyond Economical Repair because of EOD action.

e. During EOD action only 1 window (approx 40yds) was cracked.

F. Find was 1x 5.56mm Ammalite Rel.