



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

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



Reference: FOI: 2021/01823

Date: 30 June 2021

Dear [REDACTED]

REQUEST FOR INFORMATION – INFORMATION RELATING TO THE DEATHS OF MR JOHN MCCAIG, MR JOSEPH MCCAIG AND MR DOUGALD MCCAUGHEY ON 10 MARCH 1971

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:

“Please could I request any copies of documents relating to the murders of John McCaig, Joseph McCaig, and Dougald McCaughey (three Royal Highland Fusiliers) on 10 March, 1971, at White Brae, Belfast.”

I can confirm that the MOD holds some information relating to the deaths of John McCaig, Joseph McCaig and Dougald McCaughey. This information has been located in a range of documents and relevant extracts of these have been provided at Annex A.

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).

Section 38 (Health and Safety) 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 50 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 deaths and 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

Enclosures:

Annex A - Extracts from Various Documents

Verbatim Extracts from Various Documents – Deaths of John McCaig, Joseph McCaig and Dougal McCaughey on 10 March 1971

RMP GAZETTE

	CLASSIFICATION	UNIT AND PERSON INVOLVED	OCCURRED	CCRIO
27	MURDER	3 X RHF	100371	1415

3 Para Log Sheets – 10 Mar 71

Serial	DTG	To	From	Event	Action	Sign
(a) 10	(b) 2330	(c) Tac	(d) Bde	(e) Description of man seen drinking with 3 RHF soldiers [Redacted]	(f) Passed to A, B, C, SP and I Bty	(g)

Death Logs

SER	DATE OF DEATH	RANK	INTS	NAME	UNIT	LOCATION	INCIDENT	ON/OFF DUTY
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(J)
4	10 MAR 71	FUS	JB	MCCAIG	1 RHF	BELFAST	SHOT	OFF
5	10 MAR 71	FUS	J	MCCAIG	1 RHF	BELFAST	SHOT	OFF
6	10 MAR 71	FUS	DP	MCCAUGHEY	1 RHF	BELFAST	SHOT	OFF

Intelligence Reports

Dated 10/03/1971

Information	100371 AT 2015 HOURS, THE BODIES OF FUSILIER J.B MCCAIG, FUSILIER J MCCAIG AND FUSILIER MCCAUGHEY WERE FOUND IN THE AREA OF THE SQUIRESHILL TAVERN GR 297782. ALL THREE WERE IN PLAIN CLOTHES AND HAD BEEN SHOT IN THE HEAD. THEY WERE MEMBERS OF 1RHF AND WERE OFFICIALLY OFF DUTY ON A REST DAY.
-------------	---

Dated: 10/03/1971

Information	THE BODIES OF FUS JB MCCAIG, FUS JMCCAIG AND FUS MCCAUGHEY WERE FOUND IN THE SQUIRESHILL TAVERN AREA. THEY HAD BEEN SHOT IN THE HEAD.
-------------	---

Dated: 10/03/1971

Information	THREE MEMBERS OF THE SF WERE FOUND AT GRID J297782 ALL THREE HAD BEEN SHOT IN THE HEAD.
-------------	--

Dated: 10/03/1971

Information	100371 AT 2015 HOURS, THREE MEMBERS OF THE SF WERE FOUND DEAD IN THE AREA OF SQUIRESHILL TAVERN, LIGONIEL GR J297782. ALL THREE HAD BEEN SHOT IN THE HEAD. THEY WERE IDENTIFIED AS 24203504 FUSILIER J B MCCAIG 24140643 FUSILIER J MCCAIG AND 24211347 FUSILIER MCCAUGHEY. THEY WERE IN CIVILIAN CLOTHES AND OFFICIALLY OFF DUTY ON A REST DAY
-------------	---