

Rt Hon Nicola Sturgeon MSP
First Minister of Scotland



Scottish Government
Riaghaltas na h-Alba
gov.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
T: 0300 244 4000

8 February 2017

You have my deepest sympathies for the loss of your loved ones. Although some years have now passed, I am sure that the appalling circumstances of their deaths mean that the pain you feel will never go away. No family should ever have to experience what yours has - and there can never be any excuse or justification for the murder of your loved ones, nor for any act of terrorism.

Our armed forces serve with bravery and distinction. They take enormous risks on our behalf, and as First Minister of Scotland they have my deep and heartfelt personal gratitude.

I am therefore aware that recent comments made by John Mason MSP will have caused you and your family understandable offence and upset.

While Mr Mason has stated that his comments were in no way intended to be a reference to the murder of your loved ones, I have made clear to him that the constraints of social media are no excuse for comments that offend or cause hurt and upset.

Mr Mason has made clear that he regrets the offence and upset that has been caused by his comments, and that he is extremely sorry that this has happened.

I would like to offer my own personal apology to you for the upset that has been caused to you as a result of comments made by a member of my Party.

NICOLA STURGEON



Three Scottish Soldiers Campaign For Justice

Dear First Minister,

On the instruction of both the McCaig and McCaughey Families, I am writing to you on their behalf to thank you for your letter dated 08th February 2017.

The families are grateful to you for having taken the time to intervene personally in the unfortunate situation created by one of your MSP's, John Mason. The comments made by him caused a great deal of unnecessary upset and hurt. Your words have gone a long way to comfort them that Mr. Mason's views are not representative of your Party and that they have your and the Scottish government's support.

Following what has occurred, it would mean a great deal to the Families, after all these years, to understand what help the Scottish Government is willing and able to give to bring John, Joseph and Dougald's murderers to justice. The Families ask if you would agree to meet with them to discuss this. As well as needing the Scottish Government's assistance, they would consider it a great kindness if you would agree to do so.

Kindest regards,

Kris McGurk

Kris McGurk
Campaign Director
Three Scottish Soldiers Campaign For Justice

Email: kris.mcgurk@threescottishsoldiers.co.uk Phone: 07817703259 Website: www.threescottishsoldiers.org

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Kris McGurk
Campaign Director
Three Soldiers Campaign for Justice
Kris.mcgurk@threescottishsoldiers.co.uk

18 February 2017

Dear Kris

Thank you for your letter on behalf of the McCaig and McCaughey families. I appreciate the families' kind remarks and understanding of the situation.

I would be grateful if you could inform the families that I support their efforts to seek answers for the murders of their loved ones. Please be aware, however, that there are limitations on the Scottish Government's ability to offer support to campaign activity of this kind, as it would be inappropriate for Government Ministers to comment on proposed legal action, either criminal or civil. In the case of civil action, this is a matter for individuals and for the courts to consider. We do of course look to support veterans and their families as much as possible and I have asked Keith Brown MSP, who holds responsibility for the veterans portfolio within the Scottish Government, to meet with members of the families.



My officials will contact you shortly to confirm the families' views on a meeting with Mr Brown and to make any necessary arrangements.

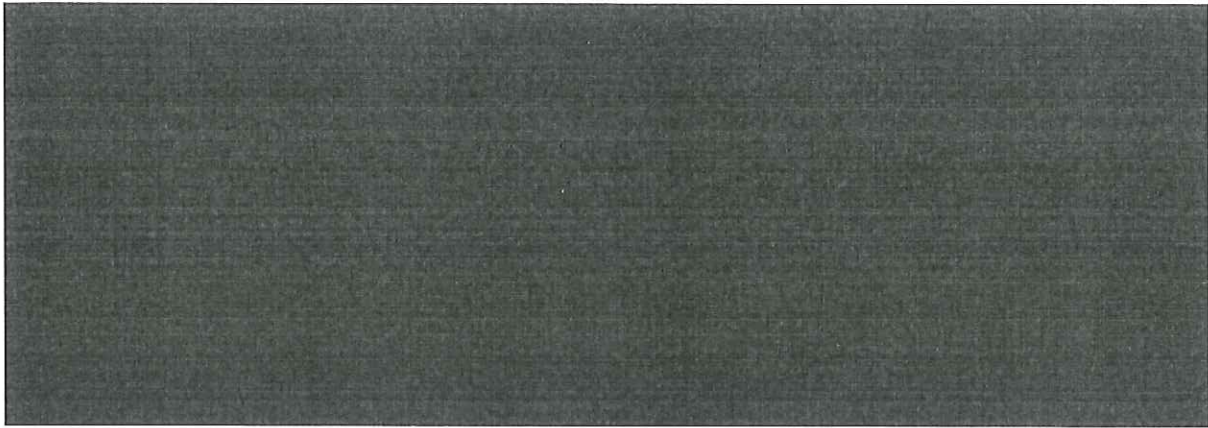
With best wishes

NICOLA STURGEON

Quick read-out of today's meeting.

23 MARCH 2017

- Matthew Jury (families' lawyer) explained the purpose of the families' justice campaign. The chief suspect in the murders had been identified in the PSNI's Historic Enquiries Team report – this named individual was identified as a resident of the Republic of Ireland. The authorities were aware of the identities of two other suspects but they were unidentified in the report.
- The families are considering a range of options to seek answers – civil action may be one of those routes, but at this stage they are in an exploratory stage, seeking further disclosure of information from the authorities.
- Mr Jury and Mr Gurk pressed hard for Scottish Government support for the campaign. Mr Jury proposed a public statement of support. He also suggested that SG write to (unspecified) authorities, offering support for the families' requests for information disclosure. Mr McGurk also proposed financial assistance.
- Mr Brown reiterated the points made in the FM's letter that it would be inappropriate for Ministers to intervene directly in the campaign, offering explicit support of this kind. Mr Jury referred to precedents of Ministerial statements of support, arguing that there were no impediments in statute and that this was a question of political judgment, not the law.
- Mr Brown stressed the importance he placed on the executive remaining separate from judicial processes 

- Mr Brown also emphasised this was a matter for Westminster and authorities in Northern Ireland to consider – not the Scottish Government. Mr McGurk pushed back that the soldiers were Scottish soldiers and that the Scottish Government should be prepared to give full support to their families to get justice for their murders.
- Mr Brown reiterated the SG's support for the families to seek answers, as stated in the FM's letter – he was keen to be open-minded and agreed that we would examine this further with our legal advisers to consider what support could reasonably be offered.
- It was agreed that SG would come back with a position on this via Mr McGurk within the next 4-6 weeks, and Mr Brown indicated he was prepared to meet them again to discuss the matter. He also agreed to share contact details for the Scottish Veterans Commissioner.



Cabinet Secretary for Economy, Jobs and Fair Work
Keith Brown MSP



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Kris McGurk
Campaign Director
Three Scottish Soldiers Campaign

Email: Kris.mcgurk@threescottishsoldiers.co.uk

4 May 2017

Dear Kris

Thank you for our meeting at the end of March. To restate my views, the murders of these three young soldiers were utterly deplorable and it is deeply saddening that no-one has been brought to justice for their killings. I was grateful to hear about the campaign's aims and options to seek answers for the families. You were keen to explore assistance the Scottish Government could offer to the campaign, and I undertook to examine this.

As we discussed, there are constraints on what formal assistance can be offered by Scottish Ministers, particularly as legal action is one of the primary routes that the campaign intend to pursue. Legal action – criminal or civil – is a matter for the courts to consider and, in the case of civil action, for individuals to determine. It would not be appropriate for me to comment on actual or possible legal action between individuals, in order to avoid prejudicing the outcome of any legal action and to uphold the principle of separation of powers between the executive and the judiciary. The separation of powers is an important principle that successive Scottish administrations have upheld and, although I have great sympathy for the campaign's aims, I must respect this long-standing convention.

However, I am happy to offer practical assistance through correspondence. It is not appropriate for a Scottish Minister to write directly to investigating authorities in these circumstances, including those in other jurisdictions; however I propose to write to the appropriate Minister within the UK Government and, once devolution in Northern Ireland is restored, to an incoming Justice Minister. This should help to raise awareness of the campaign and, in terms of content, I propose that officials contact you directly to discuss how correspondence could be aligned with the campaign's objectives.

My officials will be in touch with you directly to take this forward. I would be grateful if you could share this letter with the McCaig and McCaughey families.

KEITH BROWN

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From: kris.mcgurk@threescottishsoldiers.co.uk [mailto:kris.mcgurk@threescottishsoldiers.co.uk]

Sent: 12 June 2017 14:21

To: Cabinet Secretary for Economy, Jobs and Fair Work

Cc: 'Matthew Jury'

Subject: JUSTICE CAMPAIGN RESPONSE TO KEITH BROWN

Mr. Keith Brown MSP
Cabinet Secretary for Economy, Jobs and Fair Work
Scottish Government
St. Andrew's House
Regent Road
Edinburgh
EH1 3DG

12 June 2017

Dear Mr. Brown,

We write further to your letter of 4 May.

Following our meeting at the end of March, the families cannot pretend not to be disappointed.

In light of the fact that this campaign concerns the terrorist murders of three Scottish soldiers and citizens, we had hoped that the Scottish Government would commit to taking direct action.

At the meeting, we made clear that discussion of legal action, at this stage, is premature. Our primary focus is seeking voluntary discovery of materials from the relevant UK and Irish authorities so the families can learn the facts about their loved ones' murders. Facts which, to date and without explanation as to why, have been cruelly withheld from them. At this time, this is their only objective.

If and when these facts are disclosed to the families then they may consider any appropriate legal action but, for the moment, this is a secondary concern. As such, as was made clear at the meeting, we are not asking you to comment or intervene on any existing or possible legal action. We are merely asking the Scottish Government to assist us in gaining access to materials that will reveal the facts about Dougald, John and Joseph's murders and, more specifically, the names of those responsible.

As laid out at the meeting, we had hoped that the Scottish Government would agree to make a direct request for the relevant authorities to provide it with the sought after information, whether via the UK Government, Irish Government and/or Northern Ireland Executive or otherwise. This could then, in turn, be shared with the families. Such a request would not be inappropriate or barred by constitutional custom or convention.

Instead, your reply means we must continue to resort to making our own applications to said authorities. The cost of which the Campaign will have to bear and which will not carry the same force as if the applications had come from the Scottish Government.

Your letter says that you "propose to write to the appropriate Minister within the UK Government and, once devolution in Northern Ireland is restored, to an incoming Justice Minister ... to raise awareness of the campaign".

We understand that until a devolved Executive in Northern Ireland is restored, that a letter to any future Northern Ireland Justice Minister is delayed but a letter to the UK Government could be sent immediately.

May we suggest also that it would be an omission not to write to the Irish Minister for Justice and Equality as it is reasonable to expect that the Irish Government and, specifically, An Garda Siochana also hold materials in relation to the murders. We should be grateful, therefore, if you would send such correspondence also.

Your letter advised that Scottish Government officials would "*contact [us] directly to discuss how correspondence could be aligned with the campaign's objectives*". Your letter was sent over a month ago and we have had no contact from such officials. Please could this be arranged without further delay?

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As you know our confidence in the Scottish Government to assist us has been much diminished by one of its MSPs, John Mason's, offensive and hurtful comments regarding our campaign. Our confidence has yet to be restored. As such, we shall be meeting with the Scottish Conservatives this Thursday to discuss their position on our campaign and its view on whether the Scottish Government is doing enough to assist us.

We await your reply.

Sincerely,



Kris McGurk / Campaign Director
kris.mcgurk@threescottishsoldiers.co.uk / 07817703259

Three Scottish Soldiers Campaign For Justice
www.threescottishsoldiers.org



Cabinet Secretary for Economy, Jobs and Fair Work
Keith Brown MSP



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Kris McGurk
Campaign Director
Three Scottish Soldiers Campaign
Kris.mcgurk@threescottishsoldiers.co.uk

3 July 2017

Dear Kris,

I enclose copies of correspondence issued to the UK and Irish Governments, conveying the campaign's request for disclosure of information, taking account of discussions you have had at official level as well as the meeting we held earlier this year.

I remain of the view that it is inappropriate for a Government Minister to intervene or place pressure on independent investigating authorities to release the names of murder suspects – this clear separation of powers reflects the long-standing position of successive Scottish administrations. However, as I am unable to write to a Northern Ireland Justice Minister due to the suspension of the Northern Ireland Assembly and Executive, I have copied the letter addressed to the Secretary of State for Northern Ireland to the Chief Constable of the Police Service of Northern Ireland. This will ensure that he is properly sighted on the request and may offer assistance as requested through the Northern Ireland Office.

I have asked for the campaign to be updated directly. However if I receive any replies to me, I will ensure that these are circulated to the campaign. I would be grateful if you could share all correspondence with the McCaig and McCaughey families.

KEITH BROWN



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Rt Hon James Brokenshire MP
Secretary of State for Northern Ireland
Northern Ireland Office
1 Horse Guards Road
London SW1A 2HQ

3 July 2017

Dear James,

I have been approached by the campaign representing families of John and Joseph McCaig and Dougal McCaughey, serving with the Royal Highland Fusiliers, who were killed by the Provisional IRA in Belfast on 10 March 1971. Their murders were deplorable and marked a shift in tactics by republicans at the time, targeting off-duty soldiers in notorious circumstances. The loss of these very young men devastated their families and shocked the wider communities in Scotland and Northern Ireland. It continues to cause great hurt and distress that no-one has been brought to justice for their killings.

The campaign is seeking resolution for the families and they are exploring what information can be made available to them to assist their efforts. The families have received reports by the PSNI's Historical Enquiries Team but they are not satisfied with the amount of information supplied through that route. In particular, they are keen to establish if the PSNI can confirm the identities of murder suspects who they believe to be residing in the Republic of Ireland, as well as any other information that can be shared by the authorities.

On behalf of the Scottish Government, I am keen to see that families of all Scottish personnel who lost their lives during the Troubles are supported properly and given every possible assistance that can be offered to secure answers. I would like to request that you share any appropriate views on these cases with the families' representatives (contactable via Kris McGurk Kris.mcgurk@threescottishsoldiers.co.uk) and do your utmost to provide any assistance that you can to the families in their quest. I am writing in similar terms to the Irish Justice Minister, given the cross-border dimension to these cases.

I am copying this letter to the Rt Hon Tobias Ellwood MP (Parliamentary Under Secretary of State for Defence People and Veterans), the PSNI Chief Constable, Kris McGurk (Campaign Director, Three Scottish Soldiers Campaign) and Matthew Jury (McCue & Partners).

KEITH BROWN

Cabinet Secretary for Economy, Jobs and Fair Work
Keith Brown MSP



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Charles Flanagan TD
Minister for Justice and Equality
Department of Justice and Equality
Irish Government
51 St Stephen's Green
Dublin 2
Ireland

3 July 2017

Dear Charles,

I have been approached by the campaign representing families of John and Joseph McCaig and Dougald McCaughey, serving with the Royal Highland Fusiliers, who were killed by the Provisional IRA in Belfast on 10 March 1971. Their murders were deplorable and marked a shift in tactics by republicans at the time, targeting off-duty soldiers in notorious circumstances. The loss of these very young men devastated their families and shocked the wider communities in Scotland and Northern Ireland. It continues to cause great hurt and distress that no-one has been brought to justice for their killings.

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On behalf of the Scottish Government, I am keen to see that families of all Scottish personnel who lost their lives during the Troubles are supported properly and given every possible assistance to secure answers. I would like to request that you share any appropriate views on these cases with the families' representatives (contactable via Kris McGurk Kris.mcgurk@threescottishsoldiers.co.uk) and do your utmost to provide any assistance that you can to the families in their quest. I am writing in similar terms to the Secretary of State for Northern Ireland.

I am copying this letter to the Secretary of State for Northern Ireland, Kris McGurk (Campaign Director, Three Scottish Soldiers Campaign) and Matthew Jury (McCue & Partners).

KEITH BROWN