

c/o CAIN Project,
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3 August 2011.

Dear Jeff,

Martin Melaugh from the CAIN Project recently sent me a copy of your Email dated 21 June 2011 about the deaths of William King, Thomas Niedermayer and James Ferris, and their status in the Index of Deaths from the conflict in Ireland.

With regards to the death of William King, who died during street disturbances in Derry on 24 September 1969. According to the inquest into his death, which was held on 20 November 1969, he died of natural causes, ie a heart failure. He had suffered some abrasions to his body, while being assaulted, but these were not severe and would not have proved fatal. To describe William King having been "beaten to death" would not be accurate.

With regards to the death of James Ferris, a prison officer, who died during an escape of IRA prisoners from Long Kesh/Maze prison on 25 September 1983. He also died of natural causes, ie heart failure. According to Derek Carson, State Pathologist for Northern Ireland, who conducted the post-mortem on James Ferris, he stated that he had suffered a stab wound to his upper abdomen, but this had not caused a serious injury, and would not have proved fatal to a healthy person. The pathologist further stated that James Ferris had not been in good health, he had suffered previous heart problems, and his condition was such that he could have collapsed and died of heart failure at any time. Several of the IRA escapees were charged with the murder of James Ferris, and the post-mortem findings came into the public domain during their trial, which was held several years later. All of the IRA escapees charged in connection with the death of James Ferris were acquitted.

In contrast, Samuel Devenny received severe injuries when he was assaulted in his home on 19 April 1969. According to the inquest into his death which was held on 15 December 1969, he sustained a fractured skull, broken cheekbone, teeth knocked out, concussion, severe lacerations and internal injuries to his body. He was admitted to the intensive care unit of the local hospital. These severe injuries most likely led to his death on 17 July 1969.

With regards to Thomas Niedermayer, this has been a most difficult death to record. I have thought from time to time that he should be included, and at other times not to include him. But the circumstances of his death, even if due to heart failure, that his body was secretly buried, and not recovered for over six years, would probably have made the cause of his death, unless he suffered considerable physical injury, difficult to ascertain. But I tend to agree with you that his death should be included in the Index of Deaths. The entry will read:-

27 December 1973 Thomas Niedermayer (45) nFNI
Status: Civilian (Civ), Killed by: not known (nk)

German Manager of Grundig factory. Died in unclear circumstances shortly after being abducted, by the IRA, from his home, Glengoland Gardens, Suffolk, Belfast. His remains eventually found, during excavation work with a mechanical digger, buried in an embankment by Collin River, off Glen Road, Collin, near Belfast, Co. Antrim, on 11 March 1980.

Generally if a person suffered some minor physical injury, during an incident during the conflict, which normally would not have led to their demise, death being caused by a pre-existing heart problem, I placed them in the separate category of death due to a heart problem. Reluctantly, I know I am making a subjective decision, but I have to draw the line somewhere. You, or other people might have a different interpretation of the cause of death of some of these individuals. But I have tried to maintain a consistent approach.

A couple of years ago, you wrote to me about the deaths of four individuals, Samuel McCleave, Frederick Davis, and Francis Benson, who were killed in 1973, and Anthony McCleave who was killed in 1979. You mentioned that you had contacted the police, possibly the Historical Enquiries Team (HET), about any further information available about these four deaths. Did you gain any more knowledge about who might have killed them? Are their deaths linked? Are they all casualties of the conflict, or was there another motive for all or any of these deaths. Any further information about these four deaths would be appreciated.

Many thanks for your Email, again you have raised some interesting issues.

Yours faithfully,

M. Sutton