



**REPORT ON THE INVESTIGATION  
OF MATTERS RELATING TO  
THE OMAGH BOMBING  
OF 15 AUGUST 1998**

*The persons responsible for the Omagh Bombing  
are the terrorists who planned and executed the  
atrocities. Nothing contained in this report should  
detract from that clear and unequivocal fact.*

12 DECEMBER 2001

PRESENTED TO THE SECRETARY OF STATE FOR NORTHERN IRELAND  
BY THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

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## **SECTION ONE**

### **1. INTRODUCTION**

- 1.1 Under the provisions of the Police (Northern Ireland) Act 1998 (the Police Act), Section 55(6)(b), the Police Ombudsman for Northern Ireland (the Police Ombudsman) may, without a complaint, formally investigate a matter in accordance with Section 56 of the Act if it is desirable in the public interest.
- 1.2 This Report is presented to the Secretary of State, the Northern Ireland Policing Board and the Chief Constable of the Police Service of Northern Ireland (PSNI) under Regulation 20 of the Royal Ulster Constabulary (Complaints etc.) Regulations 2000.
- 1.3 The public interest relates to material issues preceding and following the Omagh Bomb on 15 August 1998.

### **2. THE OMAGH BOMB**

- 2.1 On Saturday 15 August 1998 at approximately 3.05 p.m. a terrorist bomb (the Omagh Bomb) exploded in the small county town of Omagh, County Tyrone, Northern Ireland. Three telephone calls were made, the first of which was at 2.29 p.m. warning that a bomb was going to detonate in the town. Police were clearing the streets when the bomb exploded. Twenty-nine people and two unborn children died in the explosion. Some two hundred and fifty people were injured, some of them seriously. There was very extensive damage to property. It was the single worst terrorist incident since the start of "The Troubles" in 1969.
- 2.2 The Royal Ulster Constabulary (RUC) immediately established an Omagh Bomb Investigation Team, led by a Detective Chief Superintendent. The Chief

Constable of the RUC, Sir Ronnie Flanagan (the Chief Constable) gave a strong commitment to see "that those responsible would be brought to justice", with every assurance that all necessary resources would be dedicated to the investigation, and that "no stone would be left unturned until we bring these people to justice".

- 2.3 The investigation has continued since the 15 August 1998 but no criminal charges have been brought, by the RUC / PSNI, against any person in relation to the Omagh Bomb.
- 2.4 Responsibility for the Omagh Bomb was claimed by the Real Irish Republican Army (RIRA). The Omagh Bomb was the eighth explosion during 1998. Previous explosions had occurred as follows:

- 24 January 1998      Explosion at Enniskillen
- 20 February 1998    Explosion at Moira
- 30 April 1998        Explosion at Lisburn
- 9 May 1998           Explosion at Belleek
- 13 July 1998         Explosion at Newry
- 21 July 1998         Attempted mortar attack at Newry
- 1 August 1998        Explosion at Banbridge

### **3. THE SUNDAY PEOPLE NEWSPAPER ARTICLE OF 29 JULY 2001**

- 3.1 On 29 July 2001, the Sunday People newspaper carried as its lead story revelations and allegations from a man described as a former British security force agent, given the name of Kevin Fulton.
- 3.2 The Sunday People newspaper article, leading with the headline "**I told cops about Omagh**", suggested that the Omagh Bomb could have been prevented had the police acted on the information which Kevin Fulton had provided. The

article also included other serious allegations concerning the management of Fulton as an informant which were potentially very damaging to the RUC.

- 3.3 These claims were previously made to the Mail on Sunday newspaper, which spent a lot of money accommodating Fulton and eliciting his story. The Mail on Sunday did not publish the allegations. However, Fulton spent time with the newspaper telling his story, which involved allegations of mis-management of him as an agent by the security forces, and the details of information he passed to the RUC prior to the Omagh Bomb. During that period, to give credence to the story which he was telling, he had telephoned his RUC handler (a handler is a police officer who has responsibility for the management of a person who is an informant supplying information to the police). Fulton had a conversation, which was tape recorded by the newspaper, in relation to the information which he claimed to have given the RUC handler on 12 August 1998. The claims were, as stated above, then obtained and published by the Sunday People newspaper on 29 July 2001.
- 3.4 The Police Ombudsman's Investigators have a copy of the tape and a transcript of the alleged conversation which confirms that some intelligence was passed to police by Fulton prior to the Omagh Bomb explosion.
- 3.5 The Chief Constable issued an immediate and robust denial to the allegations, and a letter was sent on his behalf in those terms to the newspaper. The letter stated, regarding Fulton, "Retrospective 'information' he gave to the RUC about Omagh was checked and found to be without any foundation whatsoever".

#### **4. MATTER OF PUBLIC INTEREST**

- 4.1 The Police Ombudsman exists to deal with complaints about the conduct of police officers. The Police Ombudsman will exercise her powers to investigate, without receipt of a complaint, under Section 55(6) of the Police Act only if her

concern is of a serious nature and relates to matters of a potentially criminal or disciplinary nature.

4.2 The Police Ombudsman was concerned about the content of the article, and public interest considerations had to be weighed:

- the allegations in the article, if proven, would amount to serious misconduct. If true, they had massive potential to damage the integrity of the RUC in relation to the handling of events surrounding the Omagh Bomb;
- the article referred to what is arguably the most grave and exceptional crime in the history of Northern Ireland;
- the allegations could only cause continuing distress and pain to victims and families of those killed in the Omagh Bomb;
- the allegations had attracted substantial interest in the public domain and were being given considerable national and international media coverage.

4.3 The Police Ombudsman concluded, on balance, that it was in the public interest, to investigate the allegations being made by Kevin Fulton and any other surrounding and relevant issues in relation to this matter.

## **5. INITIATION AND SCOPE OF INVESTIGATION**

5.1 On 2 August 2001 the Police Ombudsman informed the Chief Constable, by telephone, that she was making some tentative enquiries into the reports in the Sunday People newspaper in relation to the Omagh bombing. The Chief Constable promised full co-operation.

- 5.2 On 14 August 2001, having carried out initial enquiries, the Police Ombudsman informed the Chief Constable that she had decided to carry out a formal investigation as to whether any information of relevance to the bombing was available to the RUC prior to the Omagh Bomb, and if such information did exist, whether it had been responded to appropriately by the RUC.
- 5.3 A letter, dated 17 August 2001, was received in reply from the Chief Constable, welcoming the investigation and again assuring full co-operation.
- 5.4 Interviewed on local television, the Chief Constable was asked:

*"It's a murky world of agents and handlers and the police are traditionally very reluctant to give anyone access to that, can you reassure not just the Ombudsman but everyone else that you will give her everything she requires to carry out this investigation".*

*He replied, "I can give that absolute assurance, people who come forward to give us information save lives in doing that, and therefore they do have to be protected. That's a reality of the way we have to work in certain circumstances. **The Ombudsman will have access to absolutely everything.** The relatives deserve no less, they have been through far too much already, and I think it's a disgrace that they are subjected to this continuing trauma needlessly, and that's why I'm delighted the Ombudsman is examining the issue".*

- 5.5 As the Police Ombudsman's Investigation progressed a significant amount of information became available. The Police Ombudsman discovered, among other things, that a review of the Omagh Bomb Investigation had been carried out by the RUC, and that a report (The Omagh Bomb Review Report) had been made to the Chief Constable in November 2000. In the period following 3 August 2001 the Police Ombudsman's Investigators had established the existence of a quantity of intelligence relevant to the investigation of the Omagh Bomb. It was important to establish whether the Senior Investigating Officer of the Omagh Bomb Investigation Team had been informed of this intelligence to

enable him to consider any appropriate action. The Omagh Bomb Review Report had also made many recommendations for further investigative action, a number of which appeared not to have been acted upon. This was cause for concern.

5.6 The Police Ombudsman, therefore, decided, on 19 September 2001, to extend the scope of the investigation to examine:

- whether intelligence held by the RUC was correctly revealed to and exploited by the Omagh Bomb Investigation Team;
- whether the evidential opportunities contained within the murder review document have been investigated (this is the document referred to above as the Omagh Bomb Review Report).

5.7 The Police Ombudsman's Investigation did **not** enquire into the conduct or operational response of the local Omagh police, and those officers from outside Omagh, who assisted them on the day of the bomb.

5.8 The jurisdiction of the Police Ombudsman extends only to the activities of police officers who serve as police officers in Northern Ireland. A parallel investigation of the Omagh Bomb has been carried out by An Garda Síochána in the Republic of Ireland. Where there is an audit trail of exchange of information in respect of the Omagh Bomb between An Garda Síochána and the RUC, this information has been examined.

5.9 The issues which led to the Police Ombudsman's decisions on 2 August 2001, 14 August 2001 and 19 September 2001 were of significance and, therefore, the Police Ombudsman advised the Secretary of State for Northern Ireland of her decision on each occasion.

5.10 This report sets out the information, findings, conclusions and recommendations in relation to the investigation carried out by the Director of Investigations, Mr David Wood and his staff from 2 August 2001 to 12 December 2001.

## SECTION TWO

### 6. KEVIN FULTON AND HIS INFORMATION

6.1 On 3 August 2001 the Police Ombudsman's Investigator wrote to the Head of RUC Force Intelligence Bureau (FIB) seeking information as a consequence of the article contained in the Sunday People newspaper on 29 July 2001 (see Appendix A). He asked:

- can you identify the man named as Kevin Fulton mentioned in the newspaper article, and if so, has he ever been a Special Branch informant?
- can you establish if a particular RUC Chief Superintendent (named in the article) ever visited the farm where the bomb was said to have been made, and if so, who accompanied him?
- what intelligence did RUC Special Branch (Special Branch) receive up to one week prior to 15 August 1998 relating to the possible planting of bombs?
- has there ever been a review conducted into the intelligence available relating to the Omagh bombing or other device that could have been planted at that time?

The Police Ombudsman sought to establish a full intelligence picture for the period leading up to the bombing.

6.2 On the 21 August 2001 a letter of response was received from the Head of Special Branch with a reply to each of the questions, stating that other material would be made available for study and notetaking at RUC Headquarters.

6.3 There then followed a series of meetings with a Special Branch officer appointed to liaise with the Police Ombudsman's Investigators. That officer gathered information together, and told the Police Ombudsman's Investigators that he had included all terrorist related intelligence covering the two weeks before the Omagh Bomb explosion.

6.4 In the course of these initial meetings, and subsequent meetings, findings emerged in relation to:

- Fulton;
- Fulton's handler;
- the intelligence which Fulton provided;
- Fulton's reliability as a source;
- the existence of anonymous information provided to the police in Omagh on 4 August 1998;
- other relevant intelligence;
- the existence of a Report of a Review Team commissioned by the Assistant Chief Constable (ACC) Crime to review the investigation of the Omagh Bomb by the RUC.

6.5 Each of these matters is examined in this Report.

## 7. THE HISTORY OF KEVIN FULTON AS AN INFORMANT

- 7.1 Special Branch is responsible for the management of intelligence relating to national security.
- 7.2 Fulton was initially described by the RUC as a source (informant) to Special Branch and other security agencies between 1992 and 1995. It was said that he was no longer registered as an informant. It was further said that he was a source to the Criminal Intelligence Department (CID) from 1996 onwards.
- 7.3 The initial verbal briefing given to the Police Ombudsman's Investigator by Special Branch provided specific information that Fulton had supplied intelligence that "had resulted in one or two successful operations and that he had subsequently become a maverick who could not distinguish between truth and fiction".
- 7.4 Examination of information which Fulton provided to Special Branch has established that during 1993 and 1994 he provided a significant amount of information to the RUC. In the latter part of that period he supplied some information which was inaccurate. He was de-registered and thus was no longer a registered informant to Special Branch after 1994.
- 7.5 He was re-registered as a source to the RUC on 18 June 1996 and became a CID informant. In this capacity he provided criminal intelligence initially, and later some intelligence in respect of subversive activities.
- 7.6 Fulton provided high grade intelligence on a number of occasions which led to successful police and other agency operations.
- 7.7 Fulton's intelligence was graded as [REDACTED] by CID. [REDACTED]  
[REDACTED]. Intelligence which related to subversive activities was passed to Special Branch. At this stage Special

Branch re-graded the intelligence. Special Branch gave Fulton's information a grading of [REDACTED]

[REDACTED] Both gradings infer a significant level of reliability.

- 7.8 Fulton had been granted "participating informant" status by ACC Crime in July 1997, and by another investigative agency in 1999. This means that he was authorised to take part in a crime in order to enable the police to prevent a serious crime, or if it were to take place, to arrest the principal offenders. The granting of "participating informant" status reflects a high level of confidence and trust in an individual.
- 7.9 Throughout his involvement with the RUC, Fulton received substantial financial rewards from the RUC and from other organisations.
- 7.10 In July 1997 Fulton's CID handler's senior officer was told by Special Branch that Fulton was **"an intelligence nuisance"**. No reason was given for this description and, after discussion with his senior officer, the CID handler was told to continue to use Fulton as an informant. This information coincided with the granting by ACC Crime of "participating informant" status and with the provision by Fulton to CID of high-grade criminal intelligence for which he received large rewards.
- 7.11 Between 6 June 1998 and 12 August 1998 Fulton met his CID handler on five occasions, and provided intelligence about subversive activities.
- 7.12 **Fulton stated to the Police Ombudsman's Investigator that at no time, in any information which he supplied, did he make any reference to "Omagh".** The examination of the intelligence by the Police Ombudsman's Investigation confirmed this statement.
- 7.13 Fulton stated that on the day of the Omagh Bomb he telephoned his CID handler to make sure that the information which he had provided on 12 August 1998 had been recorded because he linked, in his mind, the information which he had

previously provided with the bomb explosion on 15 August 1998 in which twenty-nine people and two unborn children died.

- 7.14 Fulton was met by his CID handler in August 1998, after the Omagh Bomb explosion, and was told that he was not to go near a particular individual whom he had named in his information (later referred to as 'A'), or his associates, and was not to visit the locality in which this man lived (paragraphs 13.16-13.17 refer).
- 7.15 On 16 April 2000 articles began to appear in newspapers which referred to an "RUC Mole". Fulton was the obvious subject of these articles and it was thought by Special Branch that he had inspired them.
- 7.16 As a result, on 10 May 2000, Fulton was declared "dangerous" as a CID source, and he was documented as being "unreliable".
- 7.17 After further consideration of Fulton's status the FIB directed the CID handler, on 28 June 2000, not to meet Fulton again. However, he continued to have telephone contact with him.
- 7.18 On 16 February 2001 the Detective Sergeant in charge of the Information Management Unit noted that "the CHIS (Covert Human Intelligence Source) Fulton is dangerous and the risks to the police far outweigh any potential gain".

## **8. POLICE VIEWS OF FULTON AS AN INFORMANT**

- 8.1 Fulton was described by the Chief Constable to the Police Ombudsman as "a Walter Mitty type".
- 8.2 Fulton was initially described by police to the Police Ombudsman's Senior Investigating Officer as "totally unreliable".

- 8.3 Fulton was subsequently described by Special Branch as having "provided one or two successful operations" and then said to have become "unreliable, dangerous and an individual who could not distinguish between truth and fiction".
- 8.4 A former Special Branch Superintendent stated, in relation to Fulton's intelligence, that "amongst an assortment of lies there would be a veneer of truth".
- 8.5 On 21 August 2001 he was described by the Head of Special Branch to the Police Ombudsman's Senior Investigating Officer as **"an intelligence nuisance"**.
- 8.6 The Police Ombudsman was informed by senior Special Branch officers that on one occasion Fulton provided information which led to the prevention of a very serious terrorist attack, and "he undoubtedly saved lives".
- 8.7 As stated in paragraph 7.7 of this Report, Fulton and the information which he provided to CID was consistently graded as being "reliable".
- 8.8 The Police Ombudsman's Investigators have examined documentation, particularly within Special Branch, and also asked the specific question whether there was any documentation which gave details as to why Fulton was no longer regarded as reliable. No formal written record could be found indicating that he was anything other than reliable prior to August 1998.
- 8.9 The Police Ombudsman was advised that the RUC relied on "corporate memory" in relation to their assessment and management of Fulton rather than written records. It is, therefore, the contention of Special Branch that, in the period up to 1998, they would not have had a written record relating to their concerns regarding Fulton, relying instead on individuals' memories of occurrences.

**9. KEVIN FULTON'S VIEWS OF HIMSELF AS AN INFORMANT**

- 9.1 Fulton accepts that on occasions between 1993 and 1994, he supplied misleading information. He states that he did so because he felt at risk of exposure as a police informant (paragraph 11.2 refers).
- 9.2 From 1996 onwards Fulton claimed that he provided successful information on a number of occasions to his RUC handler in relation to criminal and subversive matters.
- 9.3 Fulton has been in contact with the media for a period of time and several minor stories have appeared in the press because he feels he has been treated badly by the "security forces". He says that he seeks to earn as much money as possible from such contacts because he believes his role as an informant has been compromised, which has placed his life in serious danger and consequently he has had to move house. He claims the ongoing threat to him prevents him from seeking work or from claiming unemployment benefit.

**10. KEVIN FULTON'S INTELLIGENCE DURING THE PERIOD FROM 6 JUNE 1998 TO 12 AUGUST 1998**

- 10.1 It has been established that Fulton provided the following information to the RUC regarding a significant Republican terrorist 'A' who lives in the Republic of Ireland.
- 10.2 In meetings with Fulton on 6 and 8 June 1998, the following intelligence was obtained by the handler:
- 'A' was involved with RIRA;
  - 'A' wanted to secure cash illegally for terrorist causes;

- 'A' wanted to purchase weapons;
- 'A' was looking for coffee grinders (sometimes used for bomb making).

10.3 On 23 July 1998 Fulton supplied information that:

- 'A' was arranging for packages to be removed (believed to be firearms);
- 'A' was responsible for organising a recent bomb attack at Newry;
- **at one time** 'A' smelt of fertilizer when Fulton met him (the suggestion being that he had been making bombs);
- 'A' has been supplied with body armour.

10.4 On 4 August 1998 Fulton stated that:

- RIRA were planning a show of strength.

10.5 On 12 August 1998 Fulton stated that:

- he had met 'A' the day before;
- 'A' supplied Fulton with a list of weapons he was looking for;
- RIRA were about **"to move something North over the next few days"**;
- he named another person, 'B', who was assisting 'A'.

## 11. THE POLICE OMBUDSMAN'S INTERVIEW WITH FULTON ON 8 AUGUST 2001

11.1 The Police Ombudsman's Investigator interviewed Fulton in the presence of his solicitor on 8 August 2001. He stated that:

- he had had various meetings with his CID handler in the period leading up to the Omagh Bomb;
- he had given information which roughly correlated to the information which the Police Ombudsman's Investigators have now identified through RUC records (i.e. informant contact sheets completed by his CID handler) with the exception that he stated he had smelt fertilizer on 'A' on the 11 August 1998 rather than the 23 July 1998;
- he had telephoned his handler from Tenerife on 15 August 1998 (i.e. the day of the bombing) as he associated his information with the bombing and wished to ensure that his information had been "put into the system";
- he had subsequently telephoned his handler, asking him if he remembered the conversation of 12 August 1998. He stated that his handler had confirmed that he did remember the conversation of that date. He tape recorded this second conversation with his RUC handler;
- he knew that his handler took notes of all their meetings;
- he accepted that sometime after the Omagh Bomb he had shown RUC officers where bombs had previously been made, but said that he had never said that the Omagh Bomb was made at that location;

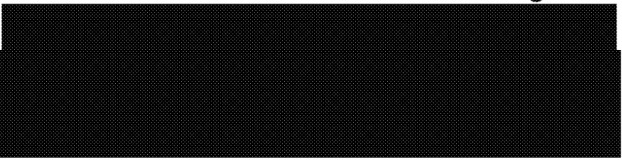
- he had never claimed to his handler that a bomb was destined for Omagh.

11.2 Paragraph 9.1 of this Report refers to the supply by Fulton of misleading information to Special Branch. It has been established that Fulton had been interviewed on 1 March 2001 by the John Stevens Enquiry into matters relating to the death of Patrick Finucane, and had told the Stevens Enquiry Team that he had supplied misleading information to Special Branch in 1993-94 as he felt that some of those in the Republican movement may have suspected that he was an informant. He also told the Stevens Enquiry Team that he believed that he had been compromised as an informant by Special Branch. He has also stated this to the Police Ombudsman's Investigators.

## **12. RUC HANDLER'S CORROBORATION OF FULTON'S INFORMATION**

- 12.1 The Police Ombudsman's Investigators met Fulton's CID handler on 11 September 2001.
- 12.2 Fulton's Handler is a Detective Sergeant (referred to hereafter as DS 'Z') in RUC CID. He has served 18 years in the RUC. He appeared professional in his handling of informants.
- 12.3 The Police Ombudsman's Investigators have examined the records which were kept by DS 'Z' in his notebook of his meetings and contacts with Fulton, which are relevant to this investigation.
- 12.4 DS 'Z' also stated that he completed "contact sheets" recording the information which he had received from Fulton. The Police Ombudsman's Investigators have examined these contact sheets.
- 12.5 DS 'Z' then passed these contact sheets to the FIB within the RUC.

- 12.6 The contact sheets broadly confirm Fulton's recollection of the information which he supplied as shown at paragraph 11.1. There are details on the contact sheets which Fulton did not describe to the Police Ombudsman's Investigator. However, they generally support Fulton's account with one exception, DS 'Z' states that on 23 July 1998 (two days after the Newry attempted mortar attack) and not on 11 August 1998 as claimed by Fulton (when interviewed by the Police Ombudsman's Investigator on 8 August 2001) Fulton told him that he smelt fertilizer on 'A' "at one time".
- 12.7 DS 'Z' states that he graded the intelligence received on the five dates from 6 June 1998 to 12 August 1998 as [REDACTED]  
[REDACTED] Fulton [REDACTED]  
[REDACTED]
- 12.8 Any intelligence of a subversive nature which is obtained from a source handled by a CID officer must be passed to Special Branch via FIB. When Fulton provided information in respect of 'A' in 1998, the transfer of the subversive information to Special Branch was undertaken by FIB. Sensitive intelligence at that time was always transferred to Special Branch by hand.
- 12.9 DS 'Z' states that he additionally contacted a Special Branch Detective Inspector whom he knew, providing details of the intelligence received on 23 July 1998 and 12 August 1998. He was instructed by that officer to submit these contact sheets in the usual way. He did so by taking them to the Intelligence Management Unit within FIB.
- 12.10 FIB sheets state that the intelligence of 12 August 1998 was endorsed "Inform Source Unit South".
- 12.11 Special Branch records show that contact sheets relating to three of the five meetings were received and recorded on their intelligence computer. However, there is no record of the receipt of the contact sheets containing the information of 23 July 1998 or 12 August 1998.

- 12.12 Special Branch officers state that they did not receive the contact sheets of 23 July 1998 and 12 August 1998, although Special Branch officers do have some recollections of verbal briefings of the intelligence of those dates. In his letter of 18 September 2001 ACC Crime stated that no action would be taken on a verbal briefing.
- 12.13 **Special Branch officers state that, therefore, no action was taken or considered in relation to the critical information contained on these two contact sheets.**
- 12.14 Special Branch officers also state that the other three contact sheets were graded by Special Branch as "B2". 
- 12.15 DS 'Z' confirmed that he had received a telephone call from Fulton, who said that he was in Tenerife on the day after the Omagh Bomb.
- 12.16 DS 'Z' stated that after the article in the Sunday People newspaper on 29 July 2001 an internal review of the allegations contained in the article was initiated by the RUC. He had prepared a report, for the Reviewing Officer responsible for the Omagh Bomb Review, articulating his relationship with Fulton and dealing with the intelligence which Fulton had provided to him prior to 15 August 1998.
- 12.17 DS 'Z' was asked by Police Ombudsman Investigators to provide a statement about his relationship with Fulton. He was co-operative and participated willingly in a lengthy interview on 13 September 2001. Following this interview a draft statement was prepared and a further meeting was arranged for 26 September 2001.
- 12.18 When DS 'Z' came to the second meeting he advised Police Ombudsman Investigators that, following consultation with his Detective Superintendent, he

had decided that he was no longer prepared to sign the statement. He stated that he agreed with the contents of the draft statement with the exception of the matter referred to in paragraph 12.19, but would not sign it in a statement format. He indicated he would make a short statement adopting the contents of the draft statement as a report.

12.19 After consultation with his Detective Superintendent, he stated that he no longer wished to refer to Fulton's "**intelligence**", preferring rather to refer to it as "**information**". The effect of this change of terminology diminishes the significance of the material referred to.

12.20 It is accepted that material received is "information". It is then assessed and evaluated according to an established intelligence grading system used by the police. The "information" then becomes "intelligence". The Fulton information went through this assessment and evaluation process.

12.21 DS 'Z' and his senior officer treated the Fulton intelligence as being "**reliable**" and recognised him as a good source.

### 13. INFORMATION HELD BY SPECIAL BRANCH ON FULTON

13.1 Special Branch had used Fulton as an informant between 1992 and 1994. He was, as stated previously, de-registered by Special Branch in 1994. The reason for his de-registration is stated as being that he had provided information which led to one or two successful operations but he had become "**unreliable and dangerous**".

13.2 DS 'Z' stated that he provided contact sheets relating to the meetings with Fulton to FIB. The Police Ombudsman's Investigators have seen all the contact sheets, and the Police Ombudsman is satisfied that they were dispatched from FIB to Special Branch in accordance with procedures in operation at the time. However, a Special Branch Officer, hereafter referred to as DC 'V' describes the processes as "ad hoc" within the Intelligence Management Unit at

that time and added that the office was in a "transitional period at this time with no clear direction".

- 13.3 DC 'V' was interviewed by the Police Ombudsman's Investigators on 19 November 2001. He stated that in the relevant period from June 1998 to August 1998 he was based as a Special Branch officer in FIB. His role was to identify information relating to subversive activity and to take that intelligence by hand from FIB to Special Branch.
- 13.4 DC 'V' states that he would have graded material "as to whether it was actionable". He states that "if I thought use should be made of it immediately or in the near future, that would be taken straight across" to Special Branch. DC 'V' stated that the content of intelligence received would influence the urgency of the transfer.
- 13.5 DC 'V' was shown the contact sheets of 23 July 1998 relating to subversive activity within South Region (of Northern Ireland). He noted that the sheets were annotated "information passed direct to Special Branch South Region". Therefore, he is unable to state whether he subsequently took these sheets by hand or relied on the fact that the intelligence had been passed directly.
- 13.6 As regards the intelligence of 12 August 1998 DC 'V' states "the note at the bottom of the report states 'Inform source unit south', I take this as an instruction".
- 13.7 DC 'V' states further "I have no explanation as to why this was not received at SUC (Source Unit, Castlereagh). I would definitely have assessed this as terrorist material and taken it by hand to SUC". This was the information which stated that RIRA were about to "move something North over the next few days".
- 13.8 Special Branch have copies of the contact sheets on their computers, relating to the conversations between Fulton and DS 'Z' on 6 June 1998, 8 June 1998 and

4 August 1998. [REDACTED]  
[REDACTED]

- 13.9 Special Branch have no copies of the contact sheets relating to 23 July 1998 and 12 August 1998. They deny receiving these sheets.
- 13.10 The Special Branch Detective Inspector, hereafter referred to as DI 'X', to whom DS 'Z' said he spoke, was seen by the Police Ombudsman's Investigators on 24 September 2001.
- 13.11 DI 'X' produced a signed statement, but refused to answer any questions about the matter, or to expand on his statement, saying that all he knew was in the statement.
- 13.12 DI 'X' confirmed, in his statement, that DS 'Z' had contacted him a number of times by telephone in July 1998 with information which he believed to be relevant to the Newry area. His statement did not include any details of the information he received from DS 'Z' or the dates.
- 13.13 DI 'X' stated that he had passed the information which he received in July to his line manager who has now retired. He told DS 'Z' to forward a written contact sheet in the usual way. ACC Crime has confirmed that no action would have been taken in respect of a telephone call, and that a written contact sheet would have been required.
- 13.14 The statement produced by DI 'X' left a glaring gap in relation to the intelligence of 12 August 1998. He was subsequently re-contacted and asked if he would make a further statement dealing specifically with that issue. As a result, DI 'X' was seen on 28 November 1998 when he again produced a prepared statement confirming he was contacted by DS 'Z' in August 1998. He does not provide the dates or any detail of the contact. He again states he informed his line manager. DI 'X' refused to expand further on the statement.

13.15 DS 'Z' had also stated that he was asked by his senior manager, on 18 August 1998, to meet a Special Branch Detective Chief Superintendent who would telephone him to arrange a meeting. DS 'Z' stated that he was met by the Special Branch Detective Chief Superintendent, hereafter referred to as DCS 'T', on 20 August 1998, five days after the Omagh Bomb.

13.16 DS 'Z' stated that he was told that Fulton was an "**intelligence nuisance**" by DCS 'T' "in that he tells lies and tapes you". DS 'Z' also states that DCS 'T' told him that Fulton should not go near 'A' or his associates or to the area where he lives. He told DCS 'T' of the "**good results**" achieved on the information which had been supplied by Fulton over the previous two years.

13.17 DCS 'T' has since retired. He was interviewed on 20 November 2001. He declined to make a statement but gave acceptable reasons to the Police Ombudsman's Investigators as to why he was not prepared to do so. He stated that he did meet DS 'Z' on 20 August 1998 and that he told DS 'Z' the following:

- Fulton should not go near dissident groups;
- Fulton was an intelligence nuisance;
- DS 'Z' needed to be careful when dealing with Fulton;
- Fulton would tape record police officers when using the telephone.

13.18 DCS 'T' cannot recall telling DS 'Z' that Fulton should not meet 'A' specifically. The Police Ombudsman's Investigator has been provided, in confidence, with the reason for the timing of the meeting with DS 'Z' on 20 August 1998.

**14. THE INTELLIGENCE PICTURE WHICH WAS AVAILABLE TO SPECIAL BRANCH BEFORE THE OMAGH BOMB IN RELATION TO FULTON'S INFORMATION**

14.1 The Police Ombudsman's Investigators have established that the Fulton information was only passed to the Omagh Bomb Investigation Team as a result of the internal review carried out by the RUC following the Sunday People newspaper article on 29 July 2001.

14.2 The Police Ombudsman's Investigators have uncovered the following intelligence in relation to the individual 'A' who was identified in the Fulton information. This intelligence was available within Special Branch at the time when Kevin Fulton made his contacts with DS 'Z':

- 'A' was strongly linked by intelligence to individuals with dissident Republican links who became acknowledged "firm" suspects in the Omagh Bomb Investigation;
- 'A' associated with these "firm" suspects during the period leading up to the bombing;
- 'A' was linked by intelligence to some of these same "firm" suspects in relation to possible involvement in potentially linked terrorist incidents;
- the intelligence available would also suggest that 'B', to whom Fulton referred in his information of 12 August 1998, is a significant Republican paramilitary dissident with similar links;
- there is further intelligence which confirms some of the detail provided by Fulton.

## 15. CONCLUSIONS ON THE FULTON INTELLIGENCE

- 15.1 In reaching a conclusion about the relevance of the "Fulton intelligence" the Police Ombudsman has had regard to the fact that pieces of intelligence are like "pieces of a jigsaw". One piece rarely provides a complete picture. It must be considered with other pieces in order to create a fuller and more accurate picture.
- 15.2 Having investigated the issue, it is the conclusion of the Police Ombudsman, given the gradings which both Special Branch and CID attributed to Fulton's intelligence and the other available intelligence in relation to 'A', that the information which Fulton supplied on 23 July 1998 and 12 August 1998, should have been assessed in the context of other available intelligence with a view to determining appropriate action, if any.
- 15.3 Special Branch officers (other than DC 'V' who worked on behalf of Special Branch in FIB) state that the contact sheets of 23 July 1998 and 12 August 1998 were never received, and therefore, never assessed. As they were not assessed no action could have been considered. Any opportunity for action provided to the RUC by the intelligence of 23 July 1998 and 12 August 1998 was therefore lost.
- 15.4 Other intelligence held by the RUC at the time confirms:
- the role held by 'A' in RIRA;
  - the fact that 'A' is suspected of having been involved in terrorist murders in the past;
  - the fact that 'A' was at the time associating with Republican dissidents.
- 15.5 The Police Ombudsman is satisfied that the intelligence indicates that 'A' was an active terrorist at that time.

15.6 It is clear that the following action could have been considered by the RUC in relation to the Fulton information:

- Fulton could have been instructed by his RUC handler to find out more information if possible;
- enquiries could have been made of An Garda Síochána to establish whether they had any relevant information;
- border surveillance units could have been alerted to take note of the movements of 'A' and 'B' and their vehicles;
- some covert policing activity may have been possible.

15.7 It is quite inexplicable that the information produced by DC 'Z' of the meetings with Fulton on 23 July 1998 and 12 August 1998 could not be found in Special Branch records. The information had been passed by the FIB, to Special Branch through the Special Branch Liaison Officer who was attached to FIB. The responsibility for the management of subversive intelligence firmly resides with Special Branch. Whenever and wherever information on subversive issues is received in the RUC it must to be passed to Special Branch.

15.8 It is very clearly the case that once information has been passed by any other part of the RUC to Special Branch, the only section of the RUC with any authority in respect of that information is Special Branch.

15.9 If the "Fulton intelligence" had been considered in the context of all intelligence available at the time relating to 'A' and had been properly assessed and documented before deciding on no action, then the action of Special Branch might have been defensible. Regrettably the intelligence was **not** assessed or considered.

- 15.10 All of the intelligence available at the time relating to 'A' was not passed to the Omagh Bomb Investigation Team. As a result **'A' has not been investigated as a "firm" suspect in that enquiry.**
- 15.11 The Fulton intelligence is, and was, strongly supported by other intelligence. 'A' should have been investigated as a suspect for any bombing incident which might have been carried out by dissident terrorists at that time.
- 15.12 The intelligence relating to 'B' should also have led to consideration of the possibility of whether 'B' might have been involved in any bombing in which 'A' might have played a part.
- 15.13 The murders of the twenty-nine victims and the two unborn children remain unsolved, with the perpetrators still at large. The Omagh Bomb Investigation Team was deprived of significant lines of enquiry, which could have emerged from a consideration of the intelligence provided by Fulton, and other intelligence held by Special Branch.
- 15.14 The failure to deal correctly with the Fulton information is unjustifiable. It cannot be established who was responsible for this failure. It appears to demonstrate a dysfunction in the management of this intelligence by the RUC. No evidence of misconduct can therefore be adduced against any individual member of the RUC.
- 15.15 The letter sent on behalf of the Chief Constable to the Sunday People newspaper was factually wrong, in that its conclusion was that Fulton's "information" was **"retrospective" and "found to be without any foundation whatsoever".** It was not retrospective and **has** been found to have substance.
- 15.16 **It is considered unlikely that the information provided by Fulton alone could have prevented the Omagh Bomb. The information itself was not specific enough to have generated action in any particular town.**

## SECTION THREE

### 16. ANONYMOUS INFORMATION RECEIVED BY THE RUC ON 4 AUGUST 1998

16.1 As a consequence of investigation the Police Ombudsman became aware of the existence of a relevant anonymous telephone call.

16.2 This anonymous telephone call was received by an experienced Detective Constable, hereafter referred to as DC 'W', at Omagh Police Station at 10.00 am on 4 August 1998. DC 'W' made notes of the telephone call. During the telephone conversation:

- the caller named two people ('C' and 'D');
- he provided an address for one of the individuals, and the area in which the other resided;
- he said they were to bring in AK47 rifles and two rocket launchers on a given date for the Continuity Irish Republican Army (CIRA);
- he gave a "nickname" for a third individual ('E') who was intending to bring the weapons across the border;
- he stated the address to which the weapons would be taken;
- he named a further party 'F' who resided at this stated address;
- he said that the weapons would then be moved to an unknown address two to three miles from Omagh;

- the caller stated that the weapons would be used in an attack on police in Omagh on 15 August 1998.

- 16.3 DC 'W' spoke to the caller for at least ten minutes, discussing the information. DC 'W' was convinced, by the caller's tone and his willingness to answer questions and enter into dialogue, that the call was genuine and that the caller had real fear for what was going to happen on 15 August 1998. The caller had stated that he was intending to meet 'C' and 'D' that night and DC 'W' persuaded him to agree to call back the following evening.
- 16.4 DC 'W' was so concerned about this information that he drove from Omagh Sub-Divisional Headquarters to the Divisional Headquarters at Enniskillen to see the CID Detective Chief Inspector on duty, who then accompanied him to the Special Branch office in Enniskillen.
- 16.5 DC 'W' expressed his views to the Special Branch officers and explained what the anonymous caller had said.
- 16.6 DC 'W' states that he "sat in Special Branch and completed an A4 document giving all the information and had 'passed' that to Special Branch so that it could be put on the system". The Special Branch officers listened to DC 'W' and then told him that 'C' and 'D' were only smugglers and that there was nothing to the information. The Special Branch officers had apparently not left the room to make any checks elsewhere to support their assessment. Despite the fact that Special Branch were saying the individuals were only smugglers, they nevertheless made arrangements to be present the next day in the event of a further call in order that they could speak to the caller. No call was received the next day.
- 16.7 The Police Ombudsman asked the RUC Liaison Officer for the original copy of the document produced by DC 'W'. The only document available was a [REDACTED] completed by a Special Branch Detective Inspector. This is not the original document completed by DC 'W'. It has been described by DC 'W' to

the Police Ombudsman's Investigators as "almost a direct lift from his information".

16.8 DC 'W's next contact with Special Branch officers in relation to this matter after 5 August 1998, was on 15 August 1998.

16.9 The Special Branch officer who received the anonymous intelligence from DC 'W' subsequently recorded that:

- efforts were made to trace the source of the 4 August 1998 anonymous telephone call;
- some preparations for an observation position were considered;
- no further intelligence was gleaned on the matter;
- the two named persons were engaged in smuggling;
- **no warning of the threat contained in the anonymous information was issued to the Sub-Divisional Commander of Omagh Sub-Division (SDC Omagh).**

16.10 A Force Order issued 5 November 1991 (as amended in 1993) states **"on receipt of a general threat message the Sub-Divisional Commander, his deputy, or in their absence the duty inspector must be immediately informed of its contents in order that the appropriate action can be initiated"**.

16.11 The Force Order instruction is clear and was not complied with. A Special Branch officer interviewed in connection with other aspects of this enquiry confirmed that the actions required by the Force Order should always be complied with.

**17. INFORMATION AVAILABLE TO THE RUC, BEFORE THE  
OMAGH BOMBING, IN RELATION TO THE PERSONS  
NAMED IN THE ANONYMOUS TELEPHONE CALL OF  
4 AUGUST 1998**

- 17.1 Four individuals were referred to in the anonymous telephone call of 4 August 1998, 'C', 'D', 'E' and 'F'.
- 17.2 The Police Ombudsman's Investigators have reviewed Special Branch records on 'C' and 'F'. They disclose no subversive links.
- 17.3 However, 'D' has been shown as associating with known Republican terrorists in the year prior to the Omagh Bomb.
- 17.4 The intelligence did not indicate that 'C', 'D' and 'F' were known associates of the "firm" suspects for the Omagh Bomb. They have not been investigated as suspects in the Omagh Bomb Investigation.
- 17.5 'E' was identified by the anonymous caller as the person bringing the weapons into Northern Ireland. A person with an identical nickname had also been identified as purchasing the vehicle used in the Banbridge Bomb on 1 August 1998, which is an incident with strong links to the Omagh Bomb. Whilst there may be more than one person identified by such a name, 'E' should have been subject to investigation and taken into consideration in the assessment of the anonymous intelligence and with a previous bombing probably connected with Omagh.
- 17.6 Intelligence records also give strong indications for a possible identity of 'E' as a person who had significant subversive involvement with Republican terrorist activity. Whilst this individual may or may not be 'E', the details established provide sufficient grounds for more detailed enquiries to have been made rather than the immediate rejection which occurred.

18. **CONCLUSION IN RELATION TO THE RUC RESPONSE  
PRIOR TO 15 AUGUST 1998 TO THE RECEIPT OF THE  
ANONYMOUS INFORMATION OF 4 AUGUST 1998**

- 18.1 The anonymous telephone call of 4 August 1998 was a lengthy call, **lasting at least ten minutes**, during which very detailed information was provided by the caller to DC 'W'.
- 18.2 It is very clear that DC 'W' was persuaded by the seriousness of the information which he had received. He took the appropriate action in informing Special Branch immediately about what he had heard.
- 18.3 The immediate response of Enniskillen Special Branch, in asserting that the information was of no significance, is surprising. It has been established during the course of this investigation that terrorists often engage in smuggling and smugglers have been known to engage in terrorism. Whilst all smugglers are clearly not terrorists, it is inappropriate to suggest that just because someone is a smuggler they are unlikely to be involved in terrorism.
- 18.4 It is accepted that the Special Branch officers would have a knowledge of local criminality and subversive activity. DC 'W's recollection is that they had not left the room. If that is the case it can only be concluded that they had not at that stage compared this information with any other known intelligence.
- 18.5 It will never be known what might have been the impact of other action, between 4 August 1998 and 15 August 1998, beyond that referred to in paragraph 16.9, in relation to the content of the anonymous information.
- 18.6 The threat message which was specific as to date and location should have been reported to the SDC Omagh, so that he could consider what action might constitute an appropriate response. This was not done and, accordingly, the SDC Omagh had no opportunity to consider a response to the information.

- 18.7 If 'C', 'D', 'E' and 'F' did have a prominent role in the planning or execution of the outrage, other action by Special Branch may have made a difference. **Prior to 3 September 2001 no consideration had been given to any role 'C', 'D', 'E' and 'F' may have had.** The Police Ombudsman is firmly of the view that this significant information was not correctly handled by the Special Branch officers.
- 18.8 The issue of misconduct has been considered by the Police Ombudsman. The issue as to whether the failure to send a threat message may have amounted to misconduct, cannot be considered as the officers involved have since retired.
- 18.9 As it is not known whether the individuals 'C', 'D', 'E' and 'F' were involved in the Omagh Bomb, the Police Ombudsman is unable to conclude whether other action in respect of this information could have prevented the Omagh Bomb.

## SECTION FOUR

### 19 THE BOMB EXPLOSION

- 19.1 On 15 August 1998 the Omagh Bomb exploded.
- 19.2 DC 'W' was off-duty in Omagh when the bomb went off. He connected it with the intelligence he had received on 4 August 1998 and went to the scene of the bomb. He told the senior detective on duty that he had informed Special Branch officers about a potential attack on police in Omagh on 15 August 1998 and had named those suspected of being involved. He was told to go and speak to Omagh Special Branch.
- 19.3 DC 'W' went to Omagh Special Branch office. The Special Branch officer on duty in Omagh on 15 August 1998 had physical possession of the information received on 4 August 1998, but told DC 'W' again that it was not relevant to the bombing, as the people whom he named were only smugglers.
- 19.4 DC 'W' returned to the bomb scene and told the senior detective on duty, who is now the Senior Investigating Officer for the Omagh Bomb Investigation, that the information had been judged not to be relevant. The intelligence sheet was subsequently marked "Intelligence does not refer to Omagh". The consequence of this was that any possible role of 'C', 'D', 'E' and 'F' was not considered.
- 19.5 The Omagh Bomb Investigation Team was immediately established.

### 20. ACTION FOLLOWING THE BOMB EXPLOSION

- 20.1 Information was received by the Omagh Bomb Investigation Major Incident Room in relation to 'A':

- two anonymous messages were received by the Major Incident Room on 20 August 1998 stating that 'A' was behind the Omagh Bomb. These messages may have come from the same person;
- other information was received by the Major Incident Room on 14 January 1999 naming 'A' as one of the main men behind the Omagh Bomb, and giving a detailed description of the place where the bomb was made;
- 'A's mobile telephone was in contact with one of the bomb telephones (mobile telephones which are thought to have been used by the bomb planters), at about the time that the bomb was placed in Omagh;
- 'A' is a clear suspect in the terrorist incident at Newry Police Station on 21 July 1998. This bomb is linked by intelligence and evidence to the Omagh Bomb;
- there is other intelligence which connects 'A' to what may be described as the linked series of bombings (i.e. those other terrorist incidents during 1998 which may be linked evidentially or through intelligence to the Omagh Bomb);
- 'A' is also a known terrorist associate of identified "firm" suspects of the Omagh Bomb.

20.2 Despite all the above 'A' is not, and has never been, seriously considered as a suspect for the Omagh Bomb. The Chief Constable told the Police Ombudsman on 11 September 2001 that 'A' "is not suspected as having any part in the Omagh Bomb".

20.3 The Omagh Bomb Investigation Team has sixteen "firm" suspects, who have been subjected to investigation. There are also one hundred and twenty nine

people who are listed as "suspects". Although 'A' is among the one hundred and twenty nine people who are listed as "suspects", he is not shown as a "suspect" on the Omagh Bomb HOLMES (Home Office Large Murder Enquiry System) Database. He has never been treated as a suspect and therefore no enquiries have been made into his possible involvement.

- 20.4 The intelligence uncovered by the Police Ombudsman in relation to 'A' and 'B' has never been given by Special Branch to the Omagh Bomb Investigation Team.
- 20.5 On 21 November 2001, the Senior Investigating Officer and the Deputy Senior Investigating Officer of the Omagh Bomb Investigation were seen by the Police Ombudsman's Investigators. The Senior Investigating Officer was unable to provide clear criteria by which an individual would be promoted to the status of "firm" suspect which would initiate full investigation of the individual's potential involvement in the bombing. He described how an assessment sheet was completed on each suspect. The list identified categories of information which would be relevant.
- 20.6 The categories were:
- source intelligence (intelligence from an informant);
  - information (not from an informant);
  - telephone enquiries;
  - RIRA suspect;
  - dissident trace (information about association with other Republican dissident groups);
  - other trace (information about criminal activity).
- 20.7 The Senior Investigating Officer stated that if the answers to three of the categories were "Yes" a suspect would be "getting near the status of 'firm' suspect", particularly if "source intelligence" was available in respect of the suspect. Source intelligence was seen as the most crucial factor.

- 20.8 The Police Ombudsman's Investigator asked to see the assessment sheet in respect of 'A'. The sheet was produced which indicated a "No" answer to five categories. A "Yes" answer appeared in relation to the "telephone enquiries" category. In the "overall assessment" it was noted "Contact with bomb phone 15.8.98 at 14.19 hrs". No arrest was indicated.
- 20.9 As the Senior Investigating Officer of the Omagh Bomb Investigation Team handed the assessment sheet in respect of 'A' to the Police Ombudsman's Investigator **he remarked that it was wrong**. The Deputy Senior Investigating Officer of the Omagh Bomb Investigation Team then changed the form to indicate "Yes" in respect of "RIRA suspect" and "Dissident trace". The Police Ombudsman's Investigator asked the Deputy Senior Investigating Officer of the Omagh Bomb Investigation Team to date those alterations. This was done.
- 20.10 "No" still remained in three categories.
- 20.11 In respect of "Information" the Omagh Bomb Investigation Team has several items of information relating to 'A' referred to in paragraph 20.1.
- 20.12 'A' is a well-known criminal which clearly should have been reflected with a "Yes" in the "Other Trace" category.
- 20.13 In respect of the remaining category "Source Intelligence", whilst the Senior Investigating Officer would not originally have been aware of Fulton's information, he is now well aware of it. "Yes" should be shown for "Source Intelligence".
- 20.14 If this form had been properly completed all six categories would have been positively identified in relation to 'A'.
- 20.15 This form was, therefore, incorrectly completed.
- 20.16 Despite all these factors, particularly the fact that a 58 second telephone call was made by 'A' to a telephone used by one of the bombers at the very time

that the bomb was being manoeuvred into position, the Senior Investigating Officer and Chief Constable remain of the view that 'A' is not a "firm" suspect and enquiries into his possible role in the Omagh Bomb have still not commenced.

- 20.17 As the Senior Investigating Officer in the Omagh Bomb Investigation Team has not been provided with all intelligence held by Special Branch on 'A' and he had not been provided with the Fulton information until recently, he has been deprived of real and significant lines of enquiry throughout the investigation.

## **SECTION FIVE**

### **21. THE POLICE OMBUDSMAN'S INVESTIGATION IN RELATION TO THE ANONYMOUS INFORMATION RECEIVED BY THE RUC ON 4 AUGUST 1998**

- 21.1 The Police Ombudsman received the intelligence chapter of the Omagh Bomb Review Report on 7 September 2001 from the Chief Constable.
- 21.2 After reading the intelligence chapter the Police Ombudsman discovered the existence of the anonymous information of 4 August 1998.
- 21.3 On 10 September 2001 the Police Ombudsman's Director of Investigations wrote to ACC Crime expressing his astonishment at the discovery of the Omagh Bomb Review Report and of the anonymous intelligence of 4 August 1998. It was of particular concern that this had not been disclosed in response to the request made by the Police Ombudsman on 3 August 2001 for intelligence "relating to the possible planting of bombs" or "any review conducted into the intelligence relating to the Omagh Bomb".
- 21.4 Responding in a letter dated 18 September 2001 to the letter from the Director of Investigations, ACC Crime pointed out that the Police Ombudsman's Investigator's letter of 3 August 2001 had asked about intelligence up to one week prior to the 15 August 1998, relating to the planting of bombs, and for details of any review conducted into the intelligence available.
- 21.5 The original request for any intelligence review had been made on 3 August 2001. Other intelligence requested had been supplied by the RUC. However, in response to the request for any review of intelligence in relation to the Omagh Bomb, neither the Omagh Bomb Review Report, nor the intelligence chapter of that Report, was disclosed.

- 21.6 ACC Crime explained in his letter that 4 August 1998 was more than one week before the 15 August 1998 and the information received on 4 August 1998 did not relate to bombs or bombing. In respect of the intelligence chapter in the Review Report, he stated that the Liaison Officer appointed to assist the Police Ombudsman's Office had not had sight or possession of it, and that his understanding was that the Police Ombudsman was only investigating Fulton's allegations.
- 21.7 Whilst the written request did ask for intelligence for one week prior to 15 August 1998, the Special Branch Liaison Officer verbally agreed to provide all intelligence relating to **all** terrorist offences (not just bombs) from 1 August 1998 and had, in fact, been providing the Police Ombudsman's Investigators with some such information.
- 21.8 Special Branch had received and dealt with the 4 August 1998 intelligence, and had corresponded about it to the Omagh Bomb Review Team between 1 August 2000 and 15 September 2000 and thus must have known about its existence.
- 21.9 The Omagh Bomb Reviewing Officer (Reviewing Officer) found that details of the 4 August 1998 intelligence were not recorded on the HOLMES database for the management of the Omagh Bomb Investigation, and that no lines of enquiry had been undertaken relating to the information. The Reviewing Officer made the following recommendations:
- Recommendation 182 – "The appointment of an officer of appropriate rank to investigate the full circumstances of the action taken in respect of the anonymous information received on 4 August 1998 and report findings to the Chief Constable";

- Recommendation 183 – "... those referred to by the anonymous caller on 4 August 1998 should be thoroughly researched with a view to assessing their implication in the Omagh Bomb atrocity".

- 21.10 Having established the existence of Recommendations 182 and 183 of the Omagh Bomb Review Report, the Police Ombudsman made enquiries about what action, if any, had been taken by ACC Crime (the Commissioning Officer) in response to these two Recommendations.
- 21.11 In his letter of 10 September 2001 the Director of Investigations had also asked ACC Crime to inform him of the action taken by the ACC since the receipt of the Omagh Bomb Review Report in respect of Recommendations 182 and 183.
- 21.12 In a meeting on 11 September 2001 between the Police Ombudsman and her staff, the Chief Constable, ACC Crime and a Detective Inspector (the Liaison Officer) from Special Branch, ACC Crime stated he had implemented Recommendation 182 through the appointment of a Detective Chief Superintendent. He was asked whether the appointment was made prior to the receipt by the Chief Constable of the Omagh Bomb Review Report, or whether it was made **in response to the Recommendation**. He confirmed that the appointment was made in response to the Recommendation in the Omagh Bomb Review Report.
- 21.13 In his letter of 18 September 2001, ACC Crime stated that "no active subversive traces" had been found by Special Branch officers on 4/5 August 1998 in relation to the individuals named in the anonymous information of 4 August 1998.
- 21.14 The Police Ombudsman's enquiries have established that possible subversive links were apparent.
- 21.15 ACC Crime also stated that "the credibility of the 4 August 1998 information was further diminished by lack of a second call". He points to the fact that the

Special Branch assessment of the anonymous call on 4 August 1998, "is validated by the fact that no rocket or gun attack took place on 15 August 1998".

- 21.16 In respect of Recommendation 182, ACC Crime explained that he relied on the report "under the signature of the Detective Chief Superintendent" mentioned above.
- 21.17 In his letter, ACC Crime, stated that the 4 August 1998 information could not be classified as "**intelligence**" as it was anonymous.
- 21.18 In a later page of the same letter ACC Crime stated, "The intelligence was assessed as 'F4'" (this is the Special Branch intelligence classification for "**reliability of source – unknown**" and "**information doubtful**"). ACC Crime explained that the information was assessed, attempts were made to secure an observation point and a Special Branch Officer was made available in the event of a further telephone call the next day.
- 21.19 It is clear that Special Branch had given the information an "intelligence grading", and had recorded the matter in their systems as "intelligence". Furthermore, the [REDACTED] sheet located by the Review Team was marked "**intelligence does not refer to Omagh**".
- 21.20 The report on which ACC Crime relied, and which is referred to in paragraph 21.16 above, was not an investigation of the full circumstances called for, but an explanation from the officer who made the original decision of his reasons for excluding the information. There is no indication that any further enquiries were made, or that either of the two Special Branch officers who originally received the anonymous information from DC 'W', or in fact DC 'W' himself, were interviewed. The Detective Chief Superintendent's memorandum on which ACC Crime now relies, amounted in total to three lines and pre-dates the formulation of Recommendation 182.
- 21.21 The two Special Branch officers have since retired. On 20 September 2001 Special Branch was asked to contact them to establish if they were prepared to

be seen by Police Ombudsman Investigators. Special Branch informed the Police Ombudsman on 28 September 2001 that the officers had requested details in writing in respect of the purpose of the interview.

- 21.22 Letters providing such details were sent on 17 October 2001 inviting a response by telephone. A reply was received from the first ex-officer by post on 21 November 2001 asking for further details in respect of the purpose of the interview. A reply to that letter was sent on 23 November 2001. A telephone response was received on 29 November 2001, the day after the draft report was issued to the Chief Constable. It was decided not to see him since the draft report had been issued.
- 21.23 A reply was received from the second ex-officer on 20 November 2001, again seeking further clarification. A further letter was sent to that ex-officer on 26 November 2001. He telephoned the Police Ombudsman's Investigator on 3 December 2001. It was decided not to see him at that stage.
- 21.24 The Police Ombudsman's Investigators have seen DC 'W', who received the anonymous information. He had not been spoken to concerning the anonymous information received on 4 August 1998 from the date of the Omagh Bomb, on 15 August 1998, until he was seen by the Reviewing Officer on 3 August 2000. He had not been seen by anyone else in relation to this matter from that date until 11 September 2001 when he met the Police Ombudsman's Investigators.
- 21.25 The events of 15 August 1998 have had a profound effect on DC 'W'. He acted correctly and did all he could. **He was, and remains, blameless.**
- 21.26 DC 'W' confirmed that the tone and manner of the caller convinced him that something was going to happen on 15 August 1998. He confirmed that the word "**unspecified**" was his term, as the caller did not know the form the attack was going to take. These facts were all relayed to the Special Branch officers on 4 August 1998 by DC 'W'.

- 21.27 The Detective Chief Inspector based at Enniskillen, to whom DC 'W' gave the information was initially spoken to by Police Ombudsman's Investigators on 18 September 2001. He stated that he wanted to consider the issues before making a statement, but volunteered the fact that he knew of 'C', who was referred to in the anonymous information of 4 August 1998. He outlined his knowledge of 'C's business interests and suggested that 'C's business premises were a "front" for terrorism.
- 21.28 The Detective Chief Inspector was seen again the following day. He was unable to confirm 'C's subversive links and would only make a limited statement refusing to expand on areas as requested.
- 21.29 The Reviewing Officer was seen by the Police Ombudsman's Investigators. He is an experienced and long serving Detective Chief Superintendent of the RUC. He had an experienced team of eleven officers who together produced the Omagh Bomb Review Report. The Review Report concluded unequivocally that:
- action should have been taken on the anonymous intelligence;
  - the SDC Omagh should have been informed of the threat pursuant to the Force Order, issued on 5 November 1991, on general threat messages;
  - the contents of the intelligence should have formed lines of enquiry for the Senior Investigating Officer.
- 21.30 The Reviewing Officer saw the SDC Omagh (of Superintendent rank) on 15 August 2000 during the course of his Review, in accordance with the directions of ACC Crime, who was continually updated on the progress of the Review. On that date the Reviewing Officer showed the anonymous intelligence report to the SDC, who stated that he had not seen it before and was shocked by its contents. He went on to say, on two occasions, that he would have put in place Vehicle Check Points had he received this information. **This has major implications in**

**respect of possible prevention.** The Reviewing Officer was accompanied by his Staff Officer who recorded relevant notes of the conversation contemporaneously.

21.31 Police Ombudsman Investigator asked to see the SDC Omagh and the meeting took place on 14 September 2001. The SDC, who was accompanied by his solicitor, denied he had ever been shown the anonymous intelligence, and stated that he had only been verbally told by the Reviewing Officer that a call had been received, indicating there was going to be a terrorist attack on Omagh on the 15 August 1998. He had assumed this was to be a bomb attack, and he said that, in such a context, he would not have set up Vehicle Check Points. He was shown the typed record of the contemporaneous notes of the meeting with the Reviewing Officer, which he said was not accurate.

21.32 He stated to the Police Ombudsman's Investigators that, had he received the specific intelligence, the action he would have considered would have been as follows:

- briefing all personnel;
- increasing security at the RUC stations;
- seeking further information from Special Branch in case searches could have been implemented for weapons;
- use of a military helicopter to conduct observation, particularly in respect of vehicles approaching the area;
- reducing routine patrol by officers;
- directing assessment of every request for police assistance by the Duty Inspector prior to any police response;

- the use of armoured vehicles and the withdrawal of all liveried vehicles.

21.33 The SDC Omagh stated that with this type of information he would not have implemented Vehicle Check Points.

21.34 Any threat to police or other security forces is passed to Special Branch who issue a "threat message" to the appropriate SDC who then enters it into a Threat Book. The Omagh Sub-Divisional Threat Book in respect of August 1998 was sought to confirm that no entry was made with respect to the anonymous intelligence, and in view of the controversy between the conflicting accounts of the Reviewing Officer and the SDC, to establish what action had been taken in similar situations.

21.35 The Police Ombudsman's Investigators were initially told by the SDC Omagh that the Omagh Bomb Review Team, or the Omagh Bomb Investigation Team had the Threat Book. Enquiries with these two teams proved unsuccessful. The Police Ombudsman's Investigator was then told that it was missing. It has, therefore, not been inspected.

## 22. THE RESPONSE OF THE CHIEF CONSTABLE TO THE ANONYMOUS INFORMATION

22.1 In a meeting with the Police Ombudsman on 11 September 2001 the Chief Constable classed the anonymous information as a "general threat", and questioned the need to inform the SDC. He explained that even if the SDC were informed, as the intelligence indicated an attack on the police, the police would probably have been removed from the street as a precaution. This would not have prevented the bombing. The Chief Constable confirmed that he considered all appropriate action on the anonymous information had been taken.

- 22.2 He stated that the weapons described were not used in the Omagh Bombing and that he has never known of weapons such as AK47s and rocket launchers being used in scout cars (vehicle(s) that support the car carrying the bomb) if it were, being suggested that the weapons were to be used in support of the bombing.
- 22.3 The Chief Constable continues to be satisfied that the intelligence is irrelevant to the Omagh Bomb Investigation. The Chief Constable did point out that the intelligence of 4 August 1998 was in relation to CIRA, when in fact RIRA claimed responsibility for the bombing (paragraph 23.13 refers).
- 22.4 He stated that the Special Branch officers involved in the initial evaluation were highly experienced with good local knowledge. The Chief Constable pointed out that there were no known links between 'C' and 'D' and the main suspects for the Omagh Bomb.
- 22.5 He stated that the information was considered at a tasking meeting and there was a feasibility study with regard to a possible observation point in respect of one of the addresses. He went on to say that had a further call been received the following day enquiries would have been in hand to secure an observation point. Early indications had suggested that it was not possible to secure an observation point. When a further call was not received no further action was taken by the RUC.

### **23. CONCLUSION OF THE POLICE OMBUDSMAN'S INVESTIGATION IN RESPECT OF SECTIONS 4 AND 5 OF THIS REPORT**

- 23.1 The written request for information made on 3 August 2001 by the Police Ombudsman included a request for "any review which had been conducted into the intelligence relating to the Omagh bombing". The Omagh Bomb Review Report should have been disclosed and supplied to the Police Ombudsman in response to the request made on 3 August 2001. This did not happen.

- 23.2 ACC Crime stated that the Special Branch Liaison Officer did not provide the Omagh Bomb Review Report because he had not had "sight or possession of it". The fact that the Liaison Officer had not had sight or possession of it is irrelevant. **It is hard to avoid the conclusion that this was an attempt to withhold this critical information from the Police Ombudsman.**
- 23.3 The details of the anonymous call of 4 August 1998, and any resultant action, was of substantial and obvious importance in this investigation. It is of considerable concern that this information was not provided in the disclosures that were made to the Police Ombudsman's Investigators. **It is equally difficult to avoid the conclusion that this was also an attempt to withhold this significant information.**
- 23.4 The Fulton information should have been made available to the Reviewing Officer. It was not and the Reviewing Officer did not become aware of the Fulton information.
- 23.5 The Reviewing Officer discovered the existence of the anonymous telephone call of 4 August 1998 on 14 July 2000, while examining documentation held by the Omagh Bomb Investigation Team. It was not, at any stage, brought to his attention by Special Branch.
- 23.6 Whatever had been done, or not done, and whatever conclusion was reached on the original information received on 4 August 1998, the fact that a significant terrorist act did occur on the date and within the area indicated should have ensured that the information formed an immediate and important line of enquiry for the Senior Investigating Officer. Instead it was marked as "intelligence does not refer to Omagh". The Police Ombudsman concludes that this was a significant error. There is no date identifiable to this annotation. This information should have been acted upon by the Omagh Bomb Investigation Team. Significant lines of enquiry were not exposed to the Senior Investigating Officer at a crucial time in the investigation.

- 23.7 It is clear that no threat warning was given to the SDC Omagh. The Chief Constable has stated that this was acceptable.
- 23.8 The views of the Chief Constable are not accepted. According to his own Force instruction the SDC Omagh should have been informed.
- 23.9 The action that may have been taken beyond such notification at the time would have been a matter for the SDC Omagh's judgement and prioritisation.
- 23.10 If the SDC Omagh had taken the action reported to the Reviewing Officer of the Omagh Bomb Review Report (establishing Vehicle Check Points), there would have been a real possibility of deterring the bombers before they reached their destination. If he had taken the action which he described to the Police Ombudsman's Investigators on 14 September 2001 it is unlikely that the bomb would have been prevented.
- 23.11 The Police Ombudsman has considered at length the different courses of action which the SDC Omagh suggested that he would have taken, to the Reviewing Officer and to the Police Ombudsman's Investigators. The Reviewing Officer's findings were reported to ACC Crime. The Police Ombudsman can identify absolutely no reason for the Reviewing Officer and his Staff Officer to fabricate a conversation. There is no doubt in the Police Ombudsman's Investigators' minds that these officers are telling the truth and that they have supporting records of the meeting of 15 August 2000. The recollection of the SDC Omagh is not accepted. It is, however, possible that the SDC Omagh was in an emotional frame of mind on 15 August 2000 when he was shown the information. He had by that stage been involved in the aftermath of the Omagh bomb explosion for two years. This could have clouded his judgement or memory.
- 23.12 ACC Crime also suggested that there was no requirement for a threat warning to be given stating that after "conscious consideration" by Special Branch the information was not passed to the SDC Omagh. This is not accepted. The Force Order is quite clear on the action which should have been taken, whatever

"conscious consideration" was given to the subject. During the course of this investigation other general threats were identified, which were received by the RUC in the two weeks prior to the Omagh Bomb in August 1998, which were notified to the SDC by the Omagh Special Branch. One of these simply stated that "dissidents were planning an operation".

- 23.13 The Chief Constable referred to the fact that the anonymous intelligence related to CIRA. This is not regarded as being significant. Special Branch officers have advised, with reference to Republican dissidents, that whichever organisation claimed responsibility they were all part of the RIRA. This is supported by the intelligence findings of this investigation.
- 23.14 DC 'W', who received the anonymous telephone call on 4 August 1998, attributed great seriousness to the call and the details provided. The Special Branch officers dismissed it after very cursory action. The judgement of the Special Branch officers involved should not have gone unquestioned by their senior officers.
- 23.15 The information was of an "unspecified" attack on police in Omagh, which could have included a bombing. Rocket launchers could, presumably, have been used in a mortar attack, and there have been incidents where weaponry has been used in support of terrorist activities. It is accepted that such weapons would not normally be used in scout cars for planned bomb attacks.
- 23.16 Whilst the Deputy Senior Investigating Officer of the Omagh Bomb Investigation Team was made aware of the intelligence by DC 'W' on 15 August 1998, the fact that Special Branch had concluded it was irrelevant to the Omagh Bomb effectively precluded any further consideration of it. Any elimination of suspects should have been a matter for the Senior Investigating Officer of the Omagh Bomb Investigation Team, through proper elimination criteria and investigation, not by Special Branch who were not responsible for the investigation.

- 23.17 'C', 'D', 'E' and 'F' have never been treated as suspects in the Omagh Bomb Investigation. As enquiries have not been made regarding any role they might have had, and no full investigation has taken place, **despite the recommendation of the Reviewing Officer** of the Omagh Bomb Review Report, no conclusion can be reached in this matter.
- 23.18 Evidential opportunities may well have been missed with regard to 'A', 'B', 'C', 'D', 'E' and 'F'. Given the high profile nature of this investigation, the clear commitment of the Chief Constable to the Investigation and the gravity of the Omagh Bomb itself, this is extremely unfortunate.
- 23.19 One of the reasons given by both the Chief Constable and ACC Crime for the failure to take action in relation to the anonymous telephone call was that it was "information" (in respect of which Special Branch do not act) rather than "intelligence" (which is more concrete and on which Special Branch do act). The Police Ombudsman is not convinced that this is an accurate statement of the RUC position in relation to anonymous information.
- 23.20 It is accepted that the RUC would have received hundreds (or more) anonymous telephone calls each year. However, this was not a brief telephone call with limited information. The caller provided considerable detail and was engaged in conversation for at least ten minutes. Anonymous information has a considerable part to play in solving crime. Enquiries by the Police Ombudsman's Investigators have established that the RUC made five arrests for murder and two for attempted murder based on anonymous information during the year 2000.
- 23.21 The Police Ombudsman is firmly of the view that this significant information was not correctly handled. **It will never be known what impact other action between 4 and 15 August 1998 could have had.**

## SECTION SIX

### 24. THE OMAGH BOMB MURDER REVIEW

- 24.1 In order to establish the impact which Fulton's intelligence and the anonymous information of 4 August 1998 should have had on the Omagh Bomb Investigation, the Omagh Bomb Review Report was considered.
- 24.2 It is Association of Chief Police Officers (ACPO) policy that reviews are conducted on unsolved murder investigations. The first such review should take place twenty-eight days into the enquiry. Reviews conducted after twenty-eight days often identify errors or missed opportunities. As only a short time has passed such errors are easily rectified and reviews are generally viewed by senior investigators as supportive of their investigation, and are welcomed. In Great Britain the results of such reviews are now commonly shared with the family of the deceased.
- 24.3 The Review of the progress of the Omagh Bomb Investigation was commissioned by ACC Crime and commenced on 24 March 2000. It took five months to complete and a further two months to write and print. The RUC's own Reviewing Officer led a team of eleven experienced officers and used other expertise. He sought advice from the Metropolitan Police Service. This was to be the first formal murder review conducted by the RUC. The families of the deceased were informed that the review was taking place.
- 24.4 The Reviewing Officer is a highly experienced and long serving Detective Chief Superintendent. He had significant expertise within his Review Team. As this was the first such Review conducted in Northern Ireland, Her Majesty's Inspector of Constabulary was asked to quality assure the process utilised for undertaking the Review. The process and mechanisms used for undertaking the Review received the endorsement of Her Majesty's Inspector of Constabulary.

24.5 In view of some emerging negative findings of the Omagh Bomb Review Report, the Reviewing Officer briefed the Chief Constable and ACC Crime on 15 May 2000 on weaknesses found in the Omagh Bomb Investigation. ACC Crime was regularly updated on the progress of the Review. The final bound Review document was presented to ACC Crime on 17 November 2000.

24.6 The Omagh Bomb Review found:

- significant and fundamental errors in the investigation;
- that other terrorist incidents, which had occurred prior to the Omagh Bomb including incidents at Moira, Lisburn, Belleek, Newry and Banbridge, should have been linked for investigative purposes, or at least, that such linkage should have been considered;
- errors in the management of the HOLMES database;
- that many important evidential opportunities were missed;
- many failures in the management and leadership of the Omagh Bomb Investigation which were compounded by the lack of review or senior intervention;
- that the Senior Investigating Officer was refused access to Army and Special Branch videos from South Armagh which hampered lines of enquiry;
- that the "bomb car" was deposited in a car park with a tarpaulin over it and that it had rusted when discovered by the Omagh Bomb Review Team.

24.7 One hundred and thirty four of the recommendations provided evidential opportunities (i.e. could produce further evidence).

- 24.8 The Omagh Bomb Review Report also highlighted areas of good practice for promulgation to the wider force.
- 24.9 The Reviewing Officer made a total of two hundred and seventy four recommendations dealing with:
- case related enquiries;
  - issues related to the RUC generally;
  - the HOLMES database;
  - the chain of command;
  - liaison with An Garda Síochána;
  - proposals for linked investigations.
- 24.10 The Reviewing Officer had highlighted new lines of enquiry and those existing enquiries which should be subject to further action. **There were specific areas he recommended for prioritisation by the Senior Investigating Officer of the Omagh Bomb Investigation Team which were not adopted.**
- 24.11 The Omagh Bomb Review Report raised concerns relating to the resourcing and leadership of the investigation. On 9 October 1998, within two months after the bombing, staffing was reduced by 42%. Whilst major murder enquiries will be "pump primed" with additional staff at the early stage of investigation to cope with the volume of information and the large number of statements which have to be taken, this staff reduction took place at a time when the Major Incident Room would still have been overloaded.
- 24.12 Further cuts in staff were to follow and from very soon after the bombing, neither the Senior Investigating Officer nor Deputy Senior Investigating Officer were on the enquiry full-time, both having been removed for lengthy periods to oversee other investigations or to undertake other duties. This apparent lack of priority was despite the fact that the Omagh Bomb claimed the lives of twenty-nine people and two unborn children.

- 24.13 As of 30 November 1998 there was no officer above the rank of Sergeant on the enquiry team which formed part of the Omagh Bomb Investigation Team (those officers who conduct all external enquiries, taking statements, interviewing suspects etc.). The Reviewing Officer also firmly stated that the investigation should be bolstered by an injection of staff and resources, to **enhance the prospects of a successful outcome**. He was of the firm view that these issues needed to be **addressed without delay** but this was not to happen until September 2001.
- 24.14 Murder enquiries necessitate regular conferences to enable all members of the investigation team to share the enquiries they have made and contribute to emerging themes and issues. These conferences influence the direction of the enquiry. At an active stage of the investigation they are held daily, and would normally be chaired by the Senior Investigating Officer for obvious reasons.
- 24.15 On the Omagh Bomb Investigation the chairing of the regular conferences was delegated to a Detective Inspector or Detective Chief Inspector, who was neither the Senior Investigating Officer nor the Deputy Senior Investigating Officer.
- 24.16 On 20 August 1999, over a year before the Omagh Bomb Review Report, but perhaps even more importantly only one year after the bombing the Senior Investigating Officer of the Omagh Bomb Investigation wrote to Special Branch and CID requesting any further intelligence they held, as he was contemplating closing the enquiry. Given the subsequent findings of the Reviewing Officer, serious consideration of closure at that stage was precipitous.
- 24.17 Statements taken in a major enquiry are read with a view to identifying further action. It may be that a statement from a person who was in Omagh at the time of the bombing could make reference to potential witnesses. An action would then be raised to seek any evidence from such witnesses. The Reviewing Officer identified delays of up to a year or more before follow up actions were initiated. This does not represent good practice as memories of potential

witnesses fade in time. Moreover, the reduced staffing on the Omagh Bomb Investigation Team also precluded effective follow up enquiries.

- 24.18 Investigation by the Police Ombudsman's Investigators has shown that from November 2000 until January 2001 the Review Report was considered by the Senior Investigating Officer on the Omagh Bomb Investigation, reporting to ACC Crime.
- 24.19 The recommendations relating to the administration of the HOLMES database were also implemented. The Omagh Bomb Investigation Team had been reduced to minimal HOLMES operator staff. In December 2000, as a result of the Omagh Bomb Review Report, some additional computer operators were allocated to make the recommended changes to the HOLMES database.
- 24.20 In February 2001 it was decided that the forensic re-examination should take priority, and work on those recommendations soon commenced. A co-ordinator was employed to lead on the "Forensic" Review findings and other scientists were involved in conducting the necessary further forensic examinations.
- 24.21 On 14 February 2001 the Senior Investigating Officer had a meeting with the Forensic Science Northern Ireland (FSNI) regarding the forensic recommendations. The minutes of that meeting reflect that the Senior Investigating Officer told the meeting that:
- "all lines of non-scientific enquiry are virtually exhausted. The HMIC (Her Majesty's Inspector of Constabulary) review did not suggest any new lines of enquiry other than possible scientific examinations".*
- 24.22 The Senior Investigating Officer of the Omagh Bomb Investigation Team is defensive regarding the Omagh Bomb Review Report. He told the Police Ombudsman's Investigator on 21 November 2001 that the Review could have been written in two words, "revisit everything".

- 24.23 Insufficient staff were allocated to deal with the substantive investigative Review Recommendations and consequently the implementation of those Recommendations were delayed. Many of these Recommendations involved important evidential opportunities, the priority and urgency of which was identified by the Omagh Bomb Review Report.
- 24.24 The Omagh Bomb Investigation Team reported unusually to ACC Crime due to the magnitude of the atrocity (ACC Crime would normally be responsible for Crime Policy). He would have been expected to have considerable interest in the enquiry and to exercise the necessary leadership. The ACC should have been aware of the daily workloads and pressures of the Omagh Bomb Investigation Team, and would have been responsible for ensuring adequate resources were allocated.
- 24.25 On 7 June 2001 a meeting took place between ACC Crime, the Assistant Chief Constable in charge of the policing area including Omagh, the Senior Investigating Officer of the Omagh Bomb Investigation Team and the Reviewing Officer. It was agreed that additional staffing would be allocated to the Omagh Bomb Investigation Team from 3 September 2001 (after the Marching Season) in order that an enquiry team could be formed to take forward the Recommendations outlined in the Omagh Bomb Review Report.
- 24.26 The Recommendations of the Omagh Bomb Review Report are now being considered. Many of the additional personnel provided for the investigation on 3 September 2001 lack the investigative experience to conduct such enquiries. The overall impression is not that of a team assembled to pursue positive outstanding lines of enquiry tenaciously and with the investigative skill and "know how" required.
- 24.27 The enquiry team was effectively disbanded by May 2000. In the current Senior Investigating Officer's own words:

*"in truth during this period of the review which occupied most of last year, the investigation effectively stood still".*

- 24.28 The Reviewing Officer had also recommended that an Officer In Overall Command (OIOC) be appointed, with appropriate support, in accordance with ACPO Policy, to ensure coordination and strategic direction of the linked enquiries.
- 24.29 In submitting his report on the Inspection of the Omagh Bomb Review Report, Her Majesty's Inspector of Constabulary said in a letter to the Chief Constable:
- "My understanding is that the RUC Review may have provided links with other terrorist activity, and if this is the case, I shall be obliged if you could keep me 'briefed' as to intended action to follow the links through".*
- Her Majesty's Inspector of Constabulary has not been kept briefed or informed of any such action.
- 24.30 The Commander of the RUC Task Force had been given responsibility in August 1998 for liaison with the media and with An Garda Síochána in the Omagh Bomb Investigation. Minutes of a meeting of 18 December 2000, headed by the Task Force Commander, reflect that it was agreed that an OIOC should be appointed.
- 24.31 The recommendation for the establishment of linked investigations (paragraph 24.28 refers) and the decision of 18 December 2000 (paragraph 24.30 refers) have not been implemented.
- 24.32 Following the delivery of the Omagh Bomb Review Report, the Reviewing Officer was told by the Chief Constable in January 2001, that he (the Reviewing Officer) would lead an investigation into the Omagh Bomb implementing his review. The investigation would consider the linking of other terrorist incidents which had occurred at Moira on 20 February 1998, Lisburn on 30 April 1998, Belleek on 9 May 1998, Newry on 13 July 1998, Newry on 21 July 1998, and Banbridge on 1 August 1998.

- 24.33 He asked for Terms of Reference for his role, a commencement date and questioned the resources that would be available to him. These questions were not answered.
- 24.34 The Reviewing Officer was introduced to the victims' families as the new Senior Investigating Officer for the Omagh Bomb Investigation Team at a meeting on 11 May 2001. At the meeting, members of the bereaved families asked the Chief Constable to provide details of staffing levels on the investigation from the day of the bombing until the day of the meeting. The Chief Constable was unable to provide those details but undertook to do so within a few days. To date those details have not been provided.
- 24.35 The Reviewing Officer was then told that the Marching Season would not allow for the allocation of resources to undertake his investigation until later in the year. He went on holiday in August 2001, and returned to find that he was not to lead the investigation. The Reviewing Officer went to see ACC Crime who confirmed in August 2001 that it had been decided that he was not to undertake the task.
- 24.36 The Omagh Bomb Review Report was **commissioned by the RUC**, conducted by eleven officers with **relevant experience** and specialism and **quality assured** by Her Majesty's Inspector of Constabulary. The Report is a substantial, well documented and evidenced analysis of the Omagh Bomb Investigation. It is clear in its conclusions and recommendations. The Omagh Bomb Review Report was the collective view of the Omagh Bomb Review Team.
- 24.37 During a meeting between the Chief Constable, ACC Crime and the Police Ombudsman and her staff on 11 September 2001 among his other contributions ACC Crime described the Omagh Bomb Review Report at one stage as "**the views of one person**".

- 24.38 In commenting on the Omagh Bomb Review Report, Her Majesty's Inspector of Constabulary alluded to the fact that he found no evidence of internal support for the Omagh Bomb Review Team. Such reviews can be a lonely experience, particularly when undertaken in a defensive atmosphere. In such an important enquiry, with eighteen months having passed and the Omagh Bomb Review being the first formal murder review conducted in the RUC, defensiveness from the investigative team was inevitable and hostility possible.
- 24.39 In sending his Report on the Omagh Bomb Review to the Chief Constable, Her Majesty's Inspector of Constabulary stated:
- "Without doubt this major incident provided the Force with exceptional pressures and challenges and would have tested any Force (of whatever size) to the limit. It is axiomatic, in my view, that any operation of this size will produce a 'lesson to be learnt' agenda – and this amounts to a healthy reflective view of the operations of this type".*
- 24.40 It would, of course, be a matter for the RUC (at a senior level), on the basis of reasoned criteria, to accept or reject any of the Recommendations made in the Omagh Bomb Review Report but no documentation has been seen, or any suggestion made, indicating that the Omagh Bomb Review Report or any of its contents have been rejected.
- 24.41 The Chief Constable has described the Omagh Bomb Review Report to the Police Ombudsman as a **'live' document which he is still considering.**

## **25. CONCLUSION ON THE OMAGH BOMB REVIEW**

- 25.1 The Police Ombudsman recognises and acknowledges the pressures, burdens and personal risks faced by members of the RUC in dealing with acts of terrorism and atrocities of the scale of the Omagh bombing.

- 25.2 When a murder review is conducted eighteen months or more after the murder, the review becomes a massive undertaking and early errors may be found to have been compounded to the extent that they are, on occasions, irretrievable.
- 25.3 The original failure to support the Reviewing Officer, which was identified by Her Majesty's Inspector of Constabulary, has been compounded by the delay and obfuscation over the past year.
- 25.4 The findings of the Police Ombudsman's Investigation demonstrate a serious lack of willingness to learn from the Omagh Bomb Review Report, and a lack of positive and comprehensive determination to implement the Recommendations of the Review.
- 25.5 The Omagh Bomb Review Report points to serious deficiencies in the Omagh Bomb Investigation, deficiencies identified by the RUC's own Omagh Bomb Review Team, and the Police Ombudsman's Investigation has demonstrated senior management inaction thereafter.
- 25.6 The Reviewing Officer has pointed out that:
- from early on in the investigation there was no full-time Senior Investigating Officer or Deputy Senior Investigating Officer;
  - substantial resources were removed from the investigation within two months after the incident and there was a continued reduction thereafter;
  - appropriate leadership was not provided to the investigation;
  - there were major failures in the investigation.

The Police Ombudsman agrees with those findings.

- 25.7 A major atrocity, which resulted in twenty-nine deaths, and the deaths of two unborn children, required the RUC, at all levels, and in its entirety, to ensure that every line of enquiry was rigorously explored and that, as the Chief Constable rightly promised, **no stone would be left unturned, with no effort spared, to bring the culprits to justice.** The Omagh Bomb Review Report and this present Report indicate that this did not happen, and the Police Ombudsman concludes that this amounts to a failure of management.
- 25.8 The Chief Constable had repeatedly stated publicly that the Omagh Bomb Investigation was a priority for the RUC. The Investigation Team reported to ACC Crime. The findings of the Omagh Bomb Review Report, as summarised within this chapter, indicate that the resourcing of the Investigation Team ceased to be a priority within two months after the bombing.
- 25.9 By 20 August 1999 there was still a significant number of enquiries left outstanding, but the closing down of the enquiry was seriously considered. In May 2000 ACC Crime instructed that no fresh actions should be issued pending the outcome of the Omagh Bomb Review Report. The effect of this was that the investigation stood still until January 2001.
- 25.10 The Chief Constable took a prominent role in providing assurances to the victims and the public through the media. By May 2000, the Chief Constable and ACC Crime were being briefed on the emerging findings of the Omagh Bomb Review, and the full report was available to them some months later.
- 25.11 The Omagh Bomb Review Report and its two hundred and seventy-four recommendations were considered for two months (between November 2000 and January 2001) by the Senior Investigating Officer. Insufficient action was taken in respect of the Omagh Bomb Review Report until September 2001 (more than twelve months after the key findings of the Omagh Bomb Review Report were known). Even at that stage, relatively inexperienced officers were placed on the investigation. The leadership necessary to ensure the positive implementation of the Omagh Bomb Review Report has not been present.

25.12 At the time of the preparation of this Report the Chief Constable's position is that the Omagh Bomb Review Report is "live" and he is considering it. This is a totally inadequate response to the compelling Recommendations of the Omagh Bomb Review Report submitted to him over a year ago.

25.13 Notwithstanding the findings of the Omagh Bomb Review Report, it presented a strategic opportunity to refocus the investigation, learn lessons, allocate the necessary resources under competent leadership and command and, using best practice guidance, to progress the investigation. That opportunity was squandered and the public and victims and their families continued to be told that everything possible was being done.

## SECTION SEVEN

### 26. SPECIAL BRANCH

- 26.1 There have been references throughout this Report to Special Branch. The role and involvement of Special Branch lay at the core of this investigation. For this reason, although it may involve duplication of material, it is necessary to consider separately the role and structure of Special Branch within the RUC, and the effect which the practices relating to Special Branch have had on the ability of the RUC to carry out the Omagh Bomb Investigation.
- 26.2 During the course of this investigation the Police Ombudsman's Investigators have found Special Branch officers referring to their Uniform and CID colleagues as "other agencies", thus grouping them with non-police organisations such as the Department of Health and Social Services.
- 26.3 Paragraph 12.10 of the Patten Report "A New Beginning" Policing In Northern Ireland states that:

"several respondents have described it (Special Branch) to us as a 'force within a force' and RUC officers, serving and retired have made similar comments".

Similar comments have been made to the Police Ombudsman's Investigators in this and other enquiries. The Patten Report goes on to say:

"we do not think it healthy to have in either reality or perception a force within a force".

- 26.4 The Police Ombudsman's Investigators wrote to the RUC on 3 August 2001 asking, inter alia, whether a review had been conducted into the intelligence

available relating to the Omagh bombing or other device that could have been planted at that time (paragraph 6.1 refers).

- 26.5 The Police Ombudsman Investigator established that the Omagh Bomb Review had been carried out by the RUC and that the Omagh Bomb Review Report contained a chapter on intelligence.
- 26.6 Neither the Omagh Bomb Review Report, nor the intelligence chapter of that Report, was initially disclosed.
- 26.7 A specific request for the Omagh Bomb Review Report was made on 5 September 2001, and it was finally delivered by the Chief Constable himself to the Police Ombudsman on 11 September 2001.
- 26.8 A suggestion which had been made to the Police Ombudsman, that the Omagh Bomb Review Report contained anonymous information which had been received by the RUC on 4 August 1998, was confirmed by that Report.
- 26.9 The existence of the anonymous information of 4 August 1998 was not disclosed by the RUC to the Police Ombudsman.
- 26.10 When questioned about the failure to provide the Omagh Bomb Review Report ACC Crime replied that the Liaison Officer had not had sight or possession of it.
- 26.11 There was a failure to reveal intelligence, which led to a request on 21 September 2001 for direct access to the intelligence systems, in order that the Police Ombudsman could have confidence that all relevant material was made available to the Police Ombudsman's Investigators. A hiatus in the investigation then occurred whilst the Chief Constable considered the request. The Chief Constable did not agree to the request until 9 October 2001 and access was not achieved until 17 October 2001, when computers were made available for Police Ombudsman's Investigators. Four weeks had thus passed waiting for access to be made available.

- 26.12 When agreement was reached for "direct" access, the Police Ombudsman's Senior Investigator was briefed as to the Special Branch intelligence system. That briefing failed to mention a particular separate system where sensitive intelligence, of potential importance to this investigation, was held. The existence of this separate system was discovered by the Police Ombudsman's Investigators whilst examining the intelligence to which they were given access.
- 26.13 When access to the separate system was secured, intelligence of critical and obvious importance to the Police Ombudsman's Investigation was found. More importantly this intelligence still has the potential to be of significant relevance to the Omagh Bomb Investigation Team.
- 26.14 Special Branch demonstrated considerable reluctance in granting the Police Ombudsman's Investigators access to intelligence during the course of this investigation. The investigators were acting under a statutory power seeking facts on which to conduct an investigation. The Police Ombudsman recognises the risks involved in the handling of sensitive intelligence.
- 26.15 The issue of access to sensitive intelligence had been discussed at length with the Chief Constable since the establishment of the Office of the Police Ombudsman. Procedures for access had been agreed.
- 26.16 Secure systems have been put in place within the Office of the Police Ombudsman. Only specified staff are authorised to handle such information. These procedures have been put in place to ensure sensitive material is properly handled. It is important also that the police have confidence in the arrangement. The Chief Constable is fully aware of these measures.
- 26.17 **This enquiry has found substantial and important intelligence within Special Branch which has not been shared with the Senior Investigating Officer of the Omagh Bomb Investigation Team.**
- 26.18 The Police Ombudsman's Investigators have analysed intelligence which has presented a compelling picture from which the Senior Investigating Officer of

the Omagh Bomb Investigation could have made informed judgements of the possible involvement of individuals and directed investigative resources accordingly.

26.19 Within two days of the Omagh Bomb, Special Branch provided the Senior Investigating Officer with limited intelligence on five "suspects" which resulted in their arrests. Those individuals were eliminated as suspects for the Omagh bombing at an early stage.

26.20 Objective assessment of **all** available intelligence would, however, have produced other details by 17 August 1998 of "firm" suspects, when maximum forensic opportunities were available. The individuals identified could then have been subject to prompt and proper investigation. This intelligence in an incomplete form was not passed to the Senior Investigating Officer until 9 September 1998.

26.21 The Stephen Lawrence Enquiry identified similar failings in the investigation into Stephen Lawrence's death and stated:

*"The question of early arrest of the suspects is, as we see it, central to the whole of this Enquiry".*

26.22 In the Omagh Bomb Investigation, as in the Stephen Lawrence investigation, opportunities for relatively early arrests were lost. This was clearly due in part to the failure of Special Branch to disseminate intelligence to the Omagh Bomb Investigation Team. The intelligence which Special Branch gave to the Omagh Bomb Investigation Team soon after the bomb was flawed, limited and inaccurate.

26.23 In order to consider matters of misconduct, an officer's action has to be measured against relevant Force policy. The RUC have been unable to provide the Police Ombudsman with any policy governing the relationship between Special Branch and the rest of the Force in relation to the process of the

dissemination of intelligence. This makes consideration of misconduct issues in relation to Special Branch very difficult.

## 27. CONCLUSION ON SPECIAL BRANCH

- 27.1 Intelligence is received by Special Branch on a daily basis. In this investigation the Police Ombudsman's Investigators found that the intelligence received from Fulton and the anonymous information of 4 August 1998 were not subject to rigorous analysis in the context of other relevant intelligence which was held at that time within Special Branch systems.
- 27.2 The evaluation and assessment of intelligence by the RUC, which has been identified by the Police Ombudsman's Investigators in this investigation, failed to produce the available "bigger picture" and failed to identify patterns of activity and evidential opportunities for the Omagh Bomb Investigation Team. Early exploitation of evidential opportunities can be critical.
- 27.3 There can of course, be occasions when the dissemination of intelligence may put the life of the source of the intelligence at risk. However, in the vast majority of cases, the intelligence can be anonymised so that its source is protected.
- 27.4 Intelligence is not **evidence**, and thus cannot normally be used in any legal process to establish guilt. However, the intelligence, particularly if provided at the time, can influence the direction of an enquiry, provide opportunities to gather evidence and serve to concentrate and prioritise investigative resources.
- 27.5 Given the priority of this particular investigation, consideration should have been given by Special Branch, in consultation with the Senior Investigating Officer, to ensuring that all available intelligence resources within Special Branch and the CID were directed to assist the Senior Investigating Officer to solve this terrible crime at the earliest opportunity. This did not happen.

- 27.6 In the course of this investigation the Police Ombudsman's Investigators discovered that Special Branch officers decide what intelligence Senior Investigating Officers need to know to conduct their investigations. As Special Branch are not the investigators of the crime, they are ill placed to know the relevance of all material held and it must be for the Senior Investigating Officer to decide whether intelligence can assist their investigation.
- 27.7 In the Omagh Bomb Investigation the Police Ombudsman Investigator has identified three hundred and sixty intelligence documents within Special Branch which may have been of varying degrees of relevance to the Omagh Bomb Investigation. These specific intelligence documents, which relate to 1998, were recovered from only a sample of the intelligence examined. A wider analysis could identify more. Even when taking into account the particular sensitivities attached to this intelligence there is a body of material which could have been passed to the Senior Investigating Officer of the Omagh Bomb Investigation Team in a sanitised form. That which could, and should have, been passed was capable of making a difference.
- 27.8 Similar conclusions were reached by Sir John Stevens, Metropolitan Police Commissioner (previously Chief Constable Northumbria Constabulary) in his major investigation into collusion between the security forces and the loyalist paramilitaries **ten years ago**. He commented in his final report:

*"The control and supervision of the intelligence system, where it impinges upon security matters, clearly rests with 'E' Department (Special Branch). I am however, concerned that CID officers investigating criminal and terrorist offences are not given valuable information, which can be safely used without compromising sources. It is a difficult and sometimes subjective test, which has to be applied by those charged with maintaining the security of the country. However, there are many signs that in their understandable desire to protect vital sources, those responsible for the dissemination of intelligence err far too often on the side of caution. This*

*leaves significant information in the intelligence system which could be applied to the arrest and eventual conviction of a terrorist".*

27.9 Among the final Recommendations in the 1991 "Stevens Report" are:

*"The dissemination of intelligence matters from 'E' Department should be re-examined, with a view to improving the downward flow of information to investigating officers".*

*A dedicated Anti-Terrorist Branch should be constituted, to improve the investigative ability of the RUC, in dealing with terrorism generally".*

- 27.10 Although the Stevens Recommendations were accepted at the time by the Chief Constable, it is clear from both the Patten Report and the experience of the Police Ombudsman's Investigators in this investigation that neither Recommendation has been implemented.
- 27.11 Central to the commencement of this investigation was the question of the credibility of the informant, Fulton. There was no documentary record evidencing Fulton's unreliability, or the **management** of Fulton as an informant.
- 27.12 It is accepted that the Regulation of Investigatory Powers Act 2000 now regulates covert policing activities and requires the documentation of decisions and approvals.
- 27.13 The Police Ombudsman recognises that there are particular difficulties in policing Northern Ireland which may require some different arrangements. In particular the RUC (now Police Service of Northern Ireland) has responsibility for all intelligence relating to subversive activity which other United Kingdom Forces do not. Nevertheless, new arrangements should be made to ensure that access to such intelligence relating to the subversive activity is made available to Senior Investigating Officers to enable them to decide on "relevance" and particularly the evidential opportunities which may derive from that intelligence.

27.14 This investigation has demonstrated to the Police Ombudsman's Investigators, that, whilst it is acknowledged that Special Branch have made very significant contributions to policing Northern Ireland, there is nevertheless a deficiency in the information flow from Special Branch to the rest of the Police Service.

## SECTION EIGHT

### 28. POLICE SERVICE OF NORTHERN IRELAND RESPONSE TO DRAFT REGULATION 20 REPORT BY THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

- 28.1 On 22 November 2001 the Police Ombudsman contacted the Chief Constable and informed him that he would receive the draft report on 28 November 2001 and would have seven days in which to make any factual comments he wished to make.
- 28.2 On 28 November 2001 the draft report was delivered by hand to the Chief Constable.
- 28.3 On 29 November 2001 a letter was received from the Chief Constable stating that seven days was insufficient time in which to respond and requested two weeks (i.e. an extra week).
- 28.4 The Police Ombudsman had referred in her letter of 28 November 2001 to the facts that:
- the Chief Constable and ACC Crime had provided a verbal account on 11 September 2001 in relation to the Fulton Information and the 4 August 1998 anonymous information;
  - ACC Crime had researched these areas and provided a nine page (plus attachments) response to questions raised relating to those issues;
  - the Chief Constable and ACC Crime had had possession of the Omagh Bomb Review Report for over a year and were thus well acquainted with its contents;

- the Chief Constable had personally been advised of each aspect of the Police Ombudsman enquiry;
- the facts contained in the draft report related to police documents and interviews with police officers;
- in view of the above, there was a reasonable anticipation that the Chief Constable would be acquainted with the facts contained in the draft report.

- 28.5 The Police Ombudsman was also aware of the likely impact of this Report's findings on the victims and relatives of the deceased. Detailed planning had taken place with the Omagh Trauma Management Group. For various reasons the Police Ombudsman had been strongly advised that every effort should be made to present the findings in the week commencing 10 December 2001 when the impact could be best managed.
- 28.6 In view of all these facts the Police Ombudsman was unwilling to grant the Chief Constable the additional time he requested but did extend the time limit by two days, thus requiring any factual response by Friday 7 December 2001.
- 28.7 On 5 December 2001 a letter was received from the PSNI Legal Advisor seeking an extension until 19 December 2001 for the Chief Constable to respond. The letter pointed out that some consideration of the report had taken place and they are "gravely concerned that the draft report suffers from significant factual inaccuracies, unwarranted assumptions, misunderstandings and material omissions".
- 28.8 There has been press speculation on the contents of the report and the relatives of the deceased and victims had been informed that the presentation of the findings would take place on 12 December 2001. There had also been press speculation on the contents of this Report which was likely to have impacted on

that group. The Police Ombudsman wrote to the Chief Constable on 6 December 2001 confirming that any response he wished to make should be received by Friday 7 December 2001.

- 28.9 On 6 December 2001 the PSNI issued a Press Release, which stated that the draft report contained "significant factual inaccuracies, unwarranted assumptions, misunderstanding and material omissions".
- 28.10 At 12.30 p.m. on 7 December 2001 a further letter was received from the Legal Advisor stating that the Chief Constable intended responding to the draft report but that the response would not be complete until "around 19 December 2001".
- 28.11 The Police Ombudsman sent a facsimile reply to that letter at 1.00 p.m. on 7 December 2001 stating "in order to enable me to consider your request I would be grateful if you would provide me with the significant factual inaccuracies which have been identified to date, by 5.00 p.m. this evening. This will enable me to consider the letter which I have today received from (your legal advisor)".
- 28.12 A facsimile message was received from the Chief Constable at 5.00 p.m. on 7 December 2001 stating he did not to intend respond.
- 28.13 On 7 December 2001 the Chief Constable was interviewed by the BBC. In that interview:
- he confirmed that the 4 August 1998 anonymous information was received and stated it was properly assessed;
  - he said that there was no such attack involving guns and rocket launchers on officers on 15 August 1998;
  - he stated that it was not necessary to inform the SDC Omagh of the threat;

- he asserted that if the SDC Omagh had been informed, he would have reduced the officer patrols, maintaining only absolutely necessary patrols and would certainly not have implemented Vehicle Check Points;
- he said that the assessment of the information was made by two very experienced Special Branch officers. They knew two of the people named and "these were people not having any subversive trace", and that the third person was not found to have any subversive trace. It was consequently decided that no further action was merited;
- he stated that the promised call the next night was not made to police;
- he said that "the whole purpose of the instruction to inform the SDC is so that they can be properly assessed by Special Branch".

28.14 Although not required by law, the Police Ombudsman believes it was right to issue the draft report to the Chief Constable and Secretary of State for comment on factual accuracy. With so much of the draft findings hinging on the Omagh Bomb Review Report which the Chief Constable has had for over one year, there was ample time provided for a response on matters of accuracy.

28.15 It is a matter of profound disappointment that less than forty-eight hours after the draft report was sent to the Chief Constable and Secretary of State, the Chief Constable:

- issued a press release and engaged with the media in discussing and challenging specific matters in relation to the alleged contents of the report;
- attacked the competence and integrity of the Report and yet has not been able to respond to the Police Ombudsman;

28.16 This is most irregular.

## SECTION NINE

### 29. CONCLUSIONS

In an investigation such as this, there is always a risk that hindsight can play too great a part. The bombing was a very significant atrocity. The Police Ombudsman has had the benefit of the knowledge of what happened in Omagh on 15 August 1998. The officers who handled the intelligence relevant to this investigation were, at the time, obviously not to know of the tragic events which were to unfold, and were dealing with the intelligence in the context of a busy period, at a time of significant terrorist threat, and with several bombings having recently taken place.

### 30. THE FULTON INFORMATION

30.1 The Police Ombudsman is satisfied that:

- Fulton did pass information relating to alleged dissident terrorist activities to his CID handler on five occasions between June and August 1998;
- the contact sheets in respect of each of these meetings were delivered to Special Branch;
- the contact sheets in respect of the two most important meetings on 23 July 1998 and 12 August 1998 cannot be found in Special Branch records;

- in the period up to August 1998 there is no formal written RUC record of Fulton being unreliable. In all his contacts with the RUC at this time he is graded by them as a "reliable" source;
- notwithstanding his earlier period of acknowledged unreliability, Fulton had been granted [REDACTED] status in July 1997 by ACC Crime and in 1999 by another agency. Fulton received large rewards from the RUC during his involvement with them.
- the information contained in these contact sheets should have been seriously considered and assessed by Special Branch in the context of all other available and relevant information;
- other intelligence available at the time would have added credence to Fulton's claim that 'A' was an active dissident Republican terrorist;
- further action as a consequence of the receipt of the information should have been considered;
- Fulton never claimed that a bomb was destined for Omagh;
- Fulton did not say that he took the RUC to the location in which the Omagh Bomb was made as reported in the newspaper article. He did take RUC officers, in December 1998, to a location which he said had been used in the past for bomb making;
- 'A' should have been, and should now be, treated as a "firm" suspect by the Omagh Bomb Investigation Team and any potential role he may have had should have been investigated;
- the Omagh Bomb Review Team was unaware of Fulton's information throughout the period of the Review;

- the Omagh Bomb Investigation Team only received the Fulton intelligence after allegations appeared in the Sunday People newspaper on 29 July 2001;

30.2 However, taking into account all the information provided by Kevin Fulton, which has become available during the course of this investigation, the objective conclusion of the Police Ombudsman is that, even if reasonable action had been taken in respect of that intelligence alone it is unlikely that the Omagh Bomb could have been prevented.

### **31. ANONYMOUS INFORMATION OF 4 AUGUST 1998**

31.1 The Police Ombudsman is satisfied that:

- an anonymous call was made to police on 4 August 1998 which stated that an "unspecified attack would be made on police in Omagh on 15 August 1998";
- three individuals, 'C', 'D' and 'F' were named during the telephone call, and a fourth 'E' was referred to by a nickname. Two addresses were given;
- the caller stated that weapons (AK47s and rocket launchers) were to be brought in on a given date;
- the caller stated that the weapons would be moved from a given address to an unknown address 2-3 miles from Omagh;
- the caller stated that they would be used in an attack on police in Omagh on 15 August 1998;

- the anonymous caller was **encouraged** to telephone again the next day. He did not do so;
- the police officer who received the telephone call informed Special Branch as rapidly as possible, indicating that this was a serious threat;
- some assessment and very limited action was taken on the anonymous information in the days immediately after its receipt by the RUC;
- Special Branch dismissed the call as a "fall out between smugglers". They did, however, arrange to be present should the caller telephone the following day. No second telephone call was received;
- Special Branch did not identify available intelligence held in respect of 'D' which indicated a link with dissident Republicans. They did not identify a possible identity for 'E' which could have shown strong connections and involvement with Republican paramilitaries;
- the SDC Omagh was not informed about the telephone call of 4 August 1998 until 15 August 2000;
- Force Order 99/91 requires that the SDC must be informed when a general threat is received so that appropriate action can be taken. This was not done;
- a warning should have been given to the SDC Omagh in relation to the anonymous telephone call of 4 August 1998. Any action thereafter should have been determined by that officer in the light of intelligence advice from Special Branch;
- the intelligence sheet in respect of the information received on 4 August 1998 was, at some point, marked "intelligence does not refer to Omagh";

- no consideration had been given to any role which 'C', 'D', 'E', or 'F' may have had in relation to the Omagh Bomb prior to 3 September 2001. **They have not been investigated;**
- 'C', 'D', 'E' and 'F', and all the information provided during the anonymous telephone call, should have been investigated by the Omagh Bomb Investigation Team;
- there has been no investigation in relation to the handling by Special Branch of the anonymous call as recommended by the Reviewing Officer in the Omagh Bomb Review Report;
- although the telephone call of 4 August 1998 was anonymous, it was not a brief telephone call with limited information. The caller provided considerable detail and was engaged in conversation for at least ten minutes. The Police Ombudsman is firmly of the view that this significant information was not handled correctly. It is not possible to say what impact other action between 4 August 1998 and 15 August 1998 would have had, or whether action other than that taken by Special Branch could have prevented the Omagh Bomb.

## 32. THE OMAGH BOMB INVESTIGATION AND THE OMAGH BOMB REVIEW REPORT

- 32.1 The Omagh Bomb Review was commissioned by ACC Crime and commenced by the RUC in March 2000. It was inevitable, given the fact that eighteen months had elapsed since the Omagh Bomb, that errors would be found in the investigation.
- 32.2 The Reviewing Officer reported his emerging findings on 15 May 2000 to the Chief Constable and ACC Crime, and his final Report was delivered to ACC Crime in November 2000.

- 32.3 In the words of the Senior Investigating Officer of the Omagh Bomb Investigation Team, "in truth during this period of the Review which occupied most of last year, the investigation effectively stood still".
- 32.4 The Omagh Bomb Review Team was led by an experienced RUC Detective Chief Superintendent who commanded a team of eleven officers.
- 32.5 The Review Team was advised by officers of the Metropolitan Police Service and the review process and procedures were quality assured by Her Majesty's Inspector of Constabulary.
- 32.6 The Omagh Bomb Review Report identified:
- significant and fundamental errors in the Investigation;
  - that other terrorists incidents which had occurred prior to the Omagh Bomb, including incidents at Moira, Lisburn, Belleek, Newry and Banbridge, should have been linked for investigative purposes, or at least such linkage should have been considered;
  - errors in the management of the HOLMES database;
  - that many important evidential opportunities were missed;
  - many failures in the management and leadership of the Omagh Bomb Investigation which were compounded by the lack of review or senior officer intervention;
  - that the "bomb car" was deposited in a car park with a tarpaulin over it and that it had rusted when discovered by the Omagh Bomb Review Team;

- that the Senior Investigating Officer was refused access to Army and Special Branch videos from South Armagh which hampered lines of enquiry.
- 32.7 The Omagh Bomb Review Report contained two hundred and seventy four recommendations for action. One hundred and thirty four of these provided evidential opportunities.
- 32.8 The Omagh Bomb Review Report was considered by the Omagh Bomb Senior Investigating Officer between November 2000 and January 2001.
- 32.9 Additional staff were then allocated to the Omagh Bomb Investigation Team to implement Recommendations relating to the HOLMES database which was being used for the investigation. A Forensic Co-ordinator was appointed in February 2001 to lead the implementation of the Recommendations relating to forensic science.
- 32.10 On 7 June 2001 the RUC decided that additional staffing would be allocated to the Omagh Bomb Investigation Team in September 2001 "after the Marching Season".
- 32.11 On 3 September 2001 additional resources were allocated to the Omagh Bomb Investigation.
- 32.12 In September 2001 the Chief Constable stated that the Omagh Bomb Review Report was a "live" document.
- 32.13 All the intelligence held by the RUC which may have been relevant to the investigation of the Omagh Bomb has not been revealed to the Omagh Bomb Investigation Team. Evidential opportunities, which the intelligence and the findings of the Omagh Bomb Review Report offered, have not been exploited.
- 32.14 The statements made by the Chief Constable to the families that "no stone would be left unturned" have not been given effect by the subsequent

investigation, because of the resourcing and leadership of the investigation and the failure to act expeditiously on many of the Recommendations of the Omagh Bomb Review Report.

- 32.15 There is no doubt that the possibility of a successful investigation could have been enhanced even after the Omagh Bomb Review Report was received in November 2000, had all the Recommendations of that Report been expeditiously implemented. The delay in implementing the Omagh Bomb Review Report is likely to have reduced the possibilities of bringing those responsible to justice.

### **33. SPECIAL BRANCH AND POLICE SERVICE REACTION TO POLICE OMBUDSMAN ENQUIRY**

- 33.1 The Police Ombudsman is satisfied that:

- significant intelligence was held by Special Branch which was not shared with the Omagh Bomb Senior Investigating Officer or the Omagh Bomb Reviewing Officer;
- some of that intelligence, which has been analysed by the Police Ombudsman's Analysts, presents a compelling picture from which the Senior Investigating Officer of the Omagh Bomb Investigation could have made informed judgements as to the possible involvement of individuals and which would have allowed for the better direction of resources. This would have had the potential to make a difference to the outcome of the investigation of the Omagh Bomb;
- Special Branch failed to disclose the 4 August 1998 anonymous information or the Omagh Bomb Review Report to the Police Ombudsman;

- Special Branch did not pass relevant intelligence to the Omagh Bomb Investigation Team until 9 September 1998. Evidential opportunities would have been lost as a consequence of the delay in passing such intelligence;
- opportunities for early arrests were also lost;
- Special Branch and the Chief Constable were reluctant to grant access to their material to the Police Ombudsman's Investigators, and failed to inform those Investigators of a computer system where intelligence, vital to the investigation, was held;
- Special Branch does not have detailed written Force policies and procedures for the management and dissemination of intelligence to the rest of the Force;
- the deficiencies of current Special Branch arrangements for the management and dissemination of information have been the subject of extensive criticism over many years. Notably both Sir John Stevens in 1991 and the Patten Report in 1997 have called for significant change in Special Branch procedures.
- in the absence of written policies, individual Special Branch officers make decisions about when information should be made available to other officers;
- it would not be possible or right to initiate any misconduct action against officers for failure to disseminate intelligence appropriately in the absence of written instructions as to how intelligence should be managed and disseminated.

## 34. GENERAL OBSERVATIONS

- 34.1 The proposed plans for the implementation of the Patten Report in respect of Special Branch require further consideration. Mere structural change, departmental re-design and presentation will not be sufficient, unless there is other organisational and cultural change which offers better integration, more cohesive working and a positive strategic approach to the whole process of gathering, managing and disseminating information.
- 34.2 During the course of this most important investigation, whilst a number of police officers have responded magnificently, it remains the case that some police witnesses have inexplicably varied their accounts to the Police Ombudsman's Investigators involved in this investigation. Others have sought to avoid talking to the investigators or declined to make statements, or have made limited statements and have refused to expand upon them. There is evidence to show that discussions have taken place which have impacted on the responses. These incidents have generally involved officers who have nothing to hide. At senior management level the response to this enquiry has been defensive and at times uncooperative.
- 34.3 The Police Ombudsman for Northern Ireland must be able to have confidence that the Police Service of Northern Ireland, and its leaders, have integrity and will honestly, openly and willingly deal with requests made of the organisation by the Police Ombudsman in the exercise of her statutory powers.
- 34.4 The Police Ombudsman has concluded, with great sadness that the judgement and leadership of the Chief Constable and ACC Crime have been seriously flawed. As a result of that, the chances of detaining and convicting the Omagh Bombers have been significantly reduced. The victims, their families, the people of Omagh and officers of the RUC have been let down by defective leadership, poor judgement and a lack of urgency. This should not have been the response to an incident which resulted in the death of twenty-nine people and two unborn children.

34.5 If these matters and the Recommendations in this Report are dealt with in a very positive way, then the new Police Service of Northern Ireland will be healthier, more professional and more effective as a result. What is outlined here will take no little courage and self-examination, but positive consideration of it will be a good investment. This report presents windows of opportunity, it is not designed to be destructively critical and it is not directed at the foundations and most of the superstructure of the RUC. Leadership failure is identified but the recommendations are designed to recover, as far as is possible, lost ground.

## SECTION TEN

### 35. RECOMMENDATIONS

- 35.1 The Police Ombudsman for Northern Ireland makes the following Recommendations:

#### Recommendation 1

That an Investigation Team led by a Senior Investigating Officer, independent of the Police Service of Northern Ireland, should be asked to conduct the Omagh Bomb Investigation.

#### Recommendation 2

That an Officer in Overall Command from an outside Police Force be appointed to carry out the investigation of the potentially linked terrorist incidents identified in the Omagh Bomb Review Report.

#### Recommendation 3

That Senior Investigating Officers in the Omagh Bomb Investigation, and all other investigations, must be given appropriate access to **all** relevant intelligence. (The "relevance" test being that of the Senior Investigating Officer).

#### Recommendation 4

That Her Majesty's Inspector of Constabulary be invited to carry out a review of terrorist linked murder enquiries with a view to reporting on structure, resources, strategies, policies, practices and processes. This should include lines of communication and sharing of intelligence between Special Branch and CID generally and also with the Senior Investigating Officer in charge of any murder enquiry.

**Recommendation 5**

That a review takes place into the role and function of Special Branch with a view to ensuring that, in future, there are clear structures and procedures for the management and dissemination of intelligence between Special Branch and other parts of the Police Service of Northern Ireland and that Special Branch will be fully and professionally integrated into the Police Service of Northern Ireland.

**Recommendation 6**

That the Police Service of Northern Ireland adopts the policy of the Association of Chief Police Officers with regard to murder reviews.