THE INQUIRY RESUMED ON MONDAY, 9TH NOVEMBER 2026 AS FOLLOWS:

CHAIRMAN: Good morning, Mr. Greaney.

MR. GREANEY: Good morning, Sir. 10:07

INTRODUCTORY REMARKS BY MR. GREANEY:

MR. GREANEY: This is the fifth and final week of Chapter 3 evidence. In our opening statement on 21st 10:07 September we made plain that we would provide a short introduction to this week's evidence before we started to call it and this is that introduction.

What at this stage our remarks will address are the 10:07 following four topics; first, we'll explain what evidence is to be called this week and we'll identify the days on which we intend to call it.

Second, we'll deal with what is currently known about 10:07 the anonymous call to Finner Army Camp on 14th August 1998. Finner Army Camp only known as "Finner Camp" was and is an Irish military establishment in County Donegal not far from Bundoran. A very limited amount of evidence was introduced about this anonymous call in 10:08 the fourth week of evidence in Chapter 3.

Notwithstanding how little was said by witnesses about it, the issue assumed considerable importance in the

media in the following days. We, as the Inquiry Legal Team, have obligation to weigh public understanding and so we'll explain what is currently known about these events and what further work is under way in order better to understand them. 10:08

Third, we will refer to the evidence that retired Chief Superintendent Baxter is expected to give later this week about certain events on 14th August 1998. That evidence gives rise to the need for additional 10:09 inquiries and we'll explain what those inquiries are.

And fourth, and finally, we'll deal with certain material emanating from the Police Ombudsman that has recently been disclosed to Core Participants. 10:09

So, first, a brief introduction to the evidence that we'll hear this week.

Sir, once we've finished these brief opening remarks, 10:09 Sir Ronnie Flanagan will be called to give evidence. Everyone needs to work hard to ensure that his evidence concludes today.

His evidence marks the final piece of Part 7 of 10:09 Chapter 3. Part 7 as everyone will recall, we hope, is focused on the police investigation into the Omagh bombing and subsequent processes.

Tomorrow, we'll move to Part 8 of Chapter 3. Evidence will be introduced to summarise the legal processes that followed the Omagh bombing whether criminal, such as the prosecution of Sean Hoey, or civil, such as the proceedings brought by Mark Breslin and others. And this, Sir, will be done through a presentation to which various members of the Counsel to the Inquiry Team will speak. 10:10

The same day, so Tuesday, we'll hear evidence from Elizabeth Wright, a National Security Deputy Director at the Home Office. She will address the legislative framework for managing the terrorist threat in Northern Ireland at the date of the Omagh bombing and during the preceding period. And she will deal with legislative changes made after 15th August 1998 and that, Sir, will be Part 9. 10:10 10:10

Part 10 concerns key suspects. This part will commence with further evidence from the Inquiry's analyst, Mr. Safranauskas. He will speak to a further presentation that he has prepared. We're aiming to hear his evidence on Tuesday after the evidence of Elizabeth Wright. 10:11

On Wednesday, we will continue to hear evidence about key suspects. The final part of the recorded evidence session with Detective Chief Superintendent Casserly of the AGS will be played. 10:11

Just pausing for one moment. During that session, so the session that was recorded in Dublin, the witness, Detective Chief Superintendent Casserly referred to a number of suspects by name. However, he referred, as we'll all hear, to one individual as "Person 3." That person was not named expressly by Detective Chief Superintendent Casserly for good reason connected with the law of the Republic of Ireland. But, Sir, we are able to confirm from materials available to us that do not emanate from the Republic of Ireland that Person 3 is Derek 'Shanty' Brady. So, in other words, when we watch that footage on Wednesday we can all read "Person 3" as Derek 'Shanty' Brady. 10:11 10:12

On Wednesday, we'll also hear from Detective Chief Inspector Billingsley of PSNI on the topic of suspects. 10:12

Finally, in Chapter 3, retired Detective Chief Superintendent Norman Baxter who was the Senior Investigating Officer for the investigation into the Omagh bombing from May of 2002 until his retirement in November 2008, will give evidence. 10:12

We will aim at least to start his evidence on Wednesday afternoon and our plan is to complete it, if possible, on Thursday. 10:12

And, Sir, at the conclusion of the evidence on Chapter 3 we hope on Thursday, but possibly on Friday,

Counsel to the Inquiry will make some short final remarks.

Sir, that then is what is in store for the next four, possibly five days. 10:13

Next, the anonymous call to Finner Camp. In his evidence on 12th October of this year, at the beginning as I recall it of Week 4, the journalist, John Ware, spoke of information that he had received in the course 10:13
of his work as a journalist, that on 14th August 1998 the AGS had warned the RUC of a likely attack. So, he was talking about information to that effect that he had received about information that the RUC was said to have received from the AGS. 10:14

John Ware then referred to documents within the materials that he had been provided with by the Inquiry in which there was information about an anonymous call that had been made to Finner Camp on 14th August 1998. 10:14
In other words the same date. Sir, that evidence of John Ware is at page 78 of the transcript for 12th October.

John Ware, in his evidence, went on to join dots that 10:14
were apparent to him between the AGS information that he had been told about and the anonymous call and he concluded that the two things were likely linked.

Sir, for our part we understand why it was that John Ware engaged in that line of reasoning. However, our provisional view, for reasons that we'll explain, is that the connection he made between the Finner Army Camp anonymous call and the information that he had received about 14th August 1998, our provisional view is that that connection made by him in the moment in the witness box is not a connection that in fact exists. 10:14 10:15

So, we hope that makes sense and certainly we hope that by the end of these introductory remarks it does so.

Now, later in Week 4, on 15th October, both Mr. McGuckin and Mr. Kane asked Baroness O'Loan about the call to Finner Camp. And their questioning is at respectively pages 10 and 14 of the transcript for that date, 15th October. Mr. Kane showed Baroness O'Loan on the screen a handwritten note that had been disclosed to the Inquiry by the Government of Ireland. That note is dated 27th August and it deals with the anonymous call to Finner Camp. Baroness O'Loan was shown the top half of the first page which summarised the message that had been received at the Army camp. She said she had not seen it previously and agreed that if it had been possible to put it together with other intelligence it might have been, as she put it, particularly relevant. So, that is to say she was acknowledging, in her evidence, that the anonymous call 10:15 10:15 10:16

to the Army camp may have been particularly relevant, together with other information.

This evidence, that we've just summarised, attracted as surely everyone will know, substantial media attention at the end of Week 4 and in the following days and did so on both sides of the Border. Against that background, we assess that it's important that we should set out what the material currently available to the Inquiry indicates along with what further lines of investigation it gives rise to. 10:16 10:16

So, Sir, we're going to show a number of documents or parts of documents on the screen now.

The Government of Ireland has disclosed to the Inquiry an intelligence incident report which they refer to as an "Int Rep" and I'm going to ask that that document be placed on screen, INQ 043879, and the final page which is page 3, please. It's quite difficult to read on the screen but I have a better copy. Let me tell everyone the following about this document: It is dated in the top right-hand corner 17th August 1998 and as I indicated it is headed "Intelligence Incident Report" and it is described as "confidential." 10:17 10:17 10:18

It records a message that had been received at Finner Camp on the night of 14th August 1998, so at the risk of stating the obvious the night before the Omagh

bombing. And the time of that message or its receipt is given at 2230 hrs, so half past ten at night. The message was, it's recorded from a male who "sounded reasonable, not drunk." And was noted to have been in these terms:

"Pay attention to the back roads around Kinlough, BC191/198. Put patrols in the area. Inform the GS," presumably the guards, "and NISF." Which we currently assess to stand for Northern Ireland Security Forces.

"Inform the GS and NISF that road leads to Enniskillen, Irvinestown, Clogher. Forget Clogher, Omagh, Omagh, Omagh."

Three times. And, Sir, we can see and if we can't see I can indicate, that the apparent conclusion that was reached by the author of someone involved in compiling this report was:

"No significance attached to this call, not a warning on Omagh bombing."

So, one can understand that this has attracted importance given the reference in the message to "Omagh, Omagh, Omagh," and the conclusion that there was no significance attached to it, the assessment being it was not a warning on the Omagh bombing.

The handwritten note that Mr. Kane showed to Baroness O'Loan is dated ten days later, so 27th August 1998. And it's the same INQ reference but page 1 please. Again, it's not easy to read because of the contrast perhaps on the screen but everyone will take it from me if I summarise the following aspects of it because I have a good quality hard copy.

It's marked "confidential" and is described as a:

10:21

"Report on anonymous phone call to BDS Finner Camp, 14 August 1998."

It again records that the call had been made at 2230 hrs on 14th August by a man who "sounded reasonable and did not appear to be drunk." And it sets out the terms of the message in, Sir, materially identical terms to the terms in which it was set out in the Int Rep, the intelligence report. This report, the confidential report as we'll call it, records that they - and in context "they" appears to be a reference to the local AGS - were "attaching no significance to the call and that they felt that the call was not a warning on the Omagh bomb." And so far the confidential report adds little, if anything, to the content of the Int Rep. However, the report then goes on to record that the AGS had traced the anonymous call The Chasing Bull Bar on Main Street in Bundoran, and elsewhere that is referred to as The Chasin' Bull

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10:22

Bar, so in other words without the G.

Those premises, The Chasin' Bull Bar, are less than two miles from Finner Camp. So, in other words, it was being reported in this document that the AGS had discovered that the anonymous call that contained a reference to Omagh had been made from that bar and, more specifically, from the public phone in what is described as the foyer of the bar. So, again we hope this is making sense, there was an anonymous call, the timing of it had been given in two documents so far as being half past ten in the evening and the report here was being made that the AGS had managed to trace the location from which that call had been made and it was made from a public phone at a bar two miles from the camp, the bar being called The Chasin' Bull Bar. 10:22 10:23 10:23

The report goes on to record that they surmise that the caller had been in a nearby Republican bar where the phone was "U/S" and so had gone The Chasin' Bull Bar to make the call. So, the maker of the call had been in one bar nearby, the phone was "U/S," whatever that means but apparently it indicates it was not capable of sensible to use, so the maker had left the one bar and gone to The Chasin' Bull. And the report goes on to State that the AGS officers investigating the Omagh bombing had interviewed witnesses at the camp but "were not told by the local GS that the call had been traced." So, in the note a distinction was being drawn 10:23 10:24

between the local AGS, who it seems had traced the call, and the AGS officers who were investigating the bombing, had interviewed witnesses at the camp about the call but hadn't been told that the call had been traced. 10:24

If we go on to the second page, perhaps I've gone to the second page a little earlier but not to worry. So, again, not easy to read but there is a gap in the text and the heading under which there are a series of 10:25
bulleted points is, "comment" underlined twice in red. And there are four particular comments there listed and I will read them out verbatim pausing after the third just to add some context.

10:25

So bullet point one:

"All intelligence received indicates that the Omagh bomb was carried out in Monaghan car theft and South Armagh bomb preparation." 10:25

Bullet point 2:

"It is most unlikely that terrorists would travel via Kinlough, Enniskillen, Irvinestown, Omagh." 10:26

Bullet 3:

"The mention of Omagh three times in the phone warning

supports the view that the caller knew Omagh was being targeted."

So, I'll read that again:

10:26

"The mention of Omagh three times in the phone warning supports the view that the caller knew Omagh was being targeted."

And I pause, as I indicated I would; that appears to be or at least may be intention with Int Rep, which as I've indicated, records a conclusion that the call was not a warning about the Omagh bombing. So, we are not saying that certainly it is but on the face of it, there is some tension between that third bullet point and the conclusion "no significance," et cetera reached in the Int Rep.

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10:26

The fourth bullet reads:

10:27

"If the BDS Finner Camp had reported the warning and GS and NISF had acted upon it, it is unlikely that it would have prevented the Omagh atrocity."

So, I'll read that again.

10:27

"If the BDS Finner Camp had reported the warning and GS and NISF had acted upon it, it is unlikely that it would have prevented the Omagh atrocity."

Now, the use of the phrase "if the BDS Finner Camp had reported the warning," appears to the Inquiry Legal Team to carry the implication that the information was not passed to UK State authorities on the night of 14th August 1998, or at any stage prior to the Omagh bombing. 10:27

The Government of Ireland has also disclosed a bundle of statements and documents that appear to represent an AGS investigation file into this issue. The INQ reference for the file is INQ 039162 but we don't need it on the screen yet. Sir, that file has been the subject of careful analysis by the Inquiry Legal Team and the principal features of it, so it seems to us are as follows: 10:28 10:28

First, witness statements of the private who initially took the anonymous call, the statements were obtained on 17th and 26th August, and witness statements of the sergeant within the Intelligence Section to whom the call was put through, and those statements were obtained on 17th and 25th August. Sir, those statements were obtained by the AGS. So, the call was received by private soldier and he then put the call through to a sergeant within the Intelligence Section and that sergeant then had the conversation with the anonymous caller. 10:28 10:29

In his first statement - and I'll give the reference

but it doesn't need to go on the screen - 039162, page 35, the sergeant explained that at about 2315 hrs to midnight, so later than the other documents indicated, the sergeant explained that a private had put a call through to him and the sergeant said, and I quote:

"The person calling had a male voice, a local southern accent. He said, 'are you in charge?' I said, 'I am.' He then said, 'you know the road leading from Melvin,' at this stage his voice either went low as if he pulled the phone away from his mouth or muffled it. I asked him to repeat as the line was poor. He again mentioned the road leading from Lough Melvin into the North. 'You should keep an eye on that road, the security forces in the North.' Then he said either 'do know or should know about it as this road leads to Enniskillen, Irvinestown, then Clogher.' I said, 'did you say Clogher?' He said, 'sorry, it was Omagh, Omagh.' At that I was going to question him further, the phone line went dead."

The sergeant, as he explained in the witness statement, "put it down at the time as a prank call."

In the sergeant's second statement, which is page 38 of the same INQ reference, he described the private making contact with him at 11:30 p.m. or thereabouts, and he said ten minutes either way. And he said this, and

again I quote:

"I went to the phone in the Duty Room and said: 'Hello, Duty Room, Finner Camp.' A male voice said, 'are you in charge?' And I replied, 'yes, if you say that.' He went (sic) said, 'well, you are now.' He went on to say, 'do you know the road leading from Lough Melvin to Northern Ireland?' And at this stage the voice went very faint. In my opinion he either moved the phone away from his mouth or muffled the phone. I asked him to repeat what he said as the line was gone very bad. He replied, 'the road leading from Lough Melvin to Northern Ireland. This is the main route that brings you to Enniskillen.' He then said, 'the Northern Ireland Security Forces should or do know about this route.' I'm not sure whether he said 'knows or 'should know' in this sentence. He then said, 'this is a main route to Enniskillen, Irvinestown and Clogher.' I interrupted him then and said, is he -- 'sorry, did you say Clogher?' And he said, 'no, Omagh, Omagh.' I interrupted him when he mentioned Clogher and my mental picture of the route did not include Clogher. The phone then went dead as if the call phone was disconnected, but not in the normal way as if being hung up." 10:31 10:31 10:31 10:32 10:32

Sir, this account of the sergeant in the second statement admits the caller indicating a need for the authorities to keep an eye on the road identified. But

the inclusion of that aspect in the first statement, and indeed in the Int Rep seems to the Inquiry Team, at least on a provisional basis, to make it likely that this was said.

10:33

The sergeant in his second statement went on to explain that after the Omagh bombing, the call "came to me," so, in other words, it came into his head and he wondered whether it might be important. And as a result he decided to report it to his superior in the 10:33 is Intelligence Section who, in turn, reported it to the AGS.

Pausing once more for a moment. The chronology described by the sergeant again tends to indicate that 10:33 the information about the anonymous call was not passed to UK State authorities prior to the bombing. And furthermore, in the time available since this issue became focused upon, PSNI has been unable to locate no evidence within its own materials to suggest that it 10:33 was made aware of the anonymous call before the bombing, and HMG is in the same position. Accordingly, the current working hypothesis of the Inquiry Legal Team is that no information about the anonymous call was passed to UK State authorities before the Omagh 10:34 bombing.

So, I said there were a number of features of that investigation file, that was a rather long one but that

was the first.

The second feature is that having regard to the two soldiers' accounts overall, both put the call at or after 2315 hrs and even as late as midnight, and that may be important because the call that the AGS has identified from The Chasin' Bull Bar was timed at 2257 hrs. Sir, it may be, may well be, that the incoming data for the number at Finner Camp shows that the only call the anonymous call can possibly have been, was that 2257 hrs call from the bar and the explanation for the time discrepancy may simply be the not uncommon difficulty of witnesses trying to think back, even if only a few days, to identify an accurate time. But, nonetheless, it's important for the Inquiry to understand the basis upon which it was confidently concluded by the AGS, as it seems to have been, that the anonymous call was made from The Chasin' Bull Bar at 2257 hrs. 10:34 10:35 10:35

Feature 3, this is the final feature: The material within the AGS file contains telecommunications evidence that had been sought and obtained by the investigators. That includes data showing outgoing calls made from the public phone at The Chasin' Bull Bar. So, everyone will understand from evidence that Mr. de la Poer adduced from the cell site expert, Mr. Tart, that it's pretty much always possible to obtain data about outgoing calls from a number and 10:36

sometimes the time possible to obtain details of incoming calls to another number. I'm here speaking about data showing outgoing calls, so calls made from the public phone at The Chasin' Bull Bar.

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If the anonymous call was indeed the 2257 hrs from the phone at that location, so if the anonymous call was certainly made at 22:57 from the bar, then the data that has been disclosed by the Government of Ireland gives rise to other questions. And to illustrate what 10:37
I mean by that I'm going to ask that there be placed on the screen a page from the outgoing data, this is INQ 039162, page 24 first of all please. If you would give me a moment to find that page in my hard copy. Yes, there we are. 10:37

Is that page 24? Yes. So, the number for the Finner Camp ended 488, and I've seen the original so I can confirm what I'm about to say is accurate, and I know the full number of the Finner Camp, but it ends 488. 10:38
So, we can see on this page that additional calls were made to Finner Camp from The Chasin' Bull Bar on 14th August 1998. So, we've mentioned already a call that is said to be an anonymous call at 2257 hrs, here we can see that calls were made from that same public 10:38
phone earlier that same day. So, those calls were made at 12:09, shortly after midday, that was a call lasting for 11 seconds. Again at 12:09, so there a call lasting as long as two minutes and 21 seconds. A third

call at 1214 hrs lasting for one minute and 22 seconds, and then if we go over the page to page 25, thank you, there is another call from The Chasin' Bull Bar public phone at 2111 hrs lasting for 39 seconds, and then further down the page we can see the call that has been identified as the anonymous call at 22:57, lasting for one minute eight seconds. And so we are currently unclear whether those four calls made before the 22:57 call, at least two of which were of a length strongly suggestive of conversation, all from that public phone during the day and then night of 14th August, we are currently unclear whether those calls are of any significance. 10:39 10:40

Sir, we hope that this aids and adds to public understanding and will assist in accurate reporting, even if we do not yet have a full picture. It's important, we suggest, to recognise that the Inquiry's ability to explore this issue at all and the ability of Core Participants to ask questions about it in Week 4, is the consequence of disclosure by the Government of Ireland of material to the Inquiry including material marked as "intelligence" and as "confidential" and that, it seems to us, needs to be acknowledged. 10:40 10:40 10:41

Drawing the strands together, the current evidential position appears to be this; there was an anonymous call to Finner Camp on the night of 14th August. This referred to a need for security forces, including in

Northern Ireland, to pay attention to the road that was the main route from Lough Melvin to Enniskillen, Irvinestown and Omagh. The sergeant who spoke to the caller did not take the content seriously at the time and made no report upwards at any stage prior to the Omagh bombing. Accordingly, the content of the call did not come to the attention of UK State authorities prior to the Omagh bombing. 10:41

The assessment of the AGS after the bombing, at least locally, was that this call had not been a warning about the Omagh bombing. The author of the confidential report thought that if reported to the UK State authorities prior to 15th August and acted upon it was unlikely to have prevented the bombing. But that same assessment included a comment that: 10:42 10:42

"The mention of Omagh three times in the phone warning supports the view that the caller knew Omagh was being targeted." 10:42

And in terms of those strands, the AGS concluded that the anonymous call had been made from The Chasin' Bull Bar at 2257 hrs on 14th August by a person who had not been identified. And as we've just suggested, if the location of the call has been correctly identified, the relevance of four other calls from the same location to Finner Camp during the day and night of 14th August is currently unclear and, of course, may have no 10:42

relevance.

Sir, the Inquiry Legal Team has posed a series of questions of the AGS, or rather of the Government of Ireland, in writing designed to achieve greater clarity around this issue and, in particular, around the apparent tension between the various conclusions reached by the AGS, about the significance or otherwise of the call, about whether any information about the call was passed, contrary to indications to the contrary, to the UK State authorities and if so, when. Around the basis upon which it was concluded that the call had been made from The Chasin' Bull Bar, and around if the call was made from that location, what steps were taken to identify the maker and what significance the earlier calls have. 10:43 10:43 10:43

It is, in the view of the Inquiry Legal Team, unsurprising that the Government of Ireland has, in the time available, not been able to answer the questions posed in our document. We are confident that they will do so and, Sir, it may well be, depending on the answers, necessary to return to this issue in a later chapter. 10:44 10:44

Sir, we hope that is a helpful summary.

Next, the evidence of retired Detective Chief Superintendent Norman Baxter as to the events of 14th

August 1998.

In his witness statement - and I'll give the INQ reference but it does not need to go on the screen - INQ 044317, at paragraphs 35 and following, Mr. Baxter describes attending a meeting with the Deputy Assistant Chief Constable of the RUC, Chief Superintendent McCreesh at a police station on 14th August. He recounts how while there, the Regional Head of Special, Branch, South, so an officer known in the Inquiry as Officer 1, attended stating that he had an urgent issue to discuss. Officer 1 then explained, on the account of Mr. Baxter, that the AGS believed that a car bomb was coming north the following day which would be the 15th August, although he, Officer 1, had no details of the vehicle and did not know where the target was. However, in the subsequent discussion between the Deputy Assistant Chief Constable and Officer 1, Lisburn, Portadown and Banbridge were identified as potential targets. 10:44 10:45 10:45 10:45

A planned proactive operation involving military and police personnel setting up static vehicle checkpoints in the Newry area to protect the Banbridge corridor was agreed to be activated and Mr. Baxter then left the meeting. 10:46

Sir, Counsel to the Inquiry anticipate leading that evidence from Mr. Baxter later this week. However,

it's important that we should recognise, at this outset, that this topic gives rise to questions that cannot be answered in Chapter 3. And those questions include, and, Sir, this is not intended to be an exhaustive list; what does Officer 1 say about these events? What do Detective Chief Superintendent Jones and Detective Chief Inspector Evans of Merseyside Police, who were leading members of the Tonge Review, what do they say about this given that Mr. Baxter describes briefing them about it subsequently? What does Assistant Chief Constable Kincaid for whom Mr. Baxter describes speaking about this issue say, and does the written statement which Mr. Baxter says he was asked by the ACC to provide, still exist? And what records are there of the activation of what Mr. Baxter described as the planned proactive operation? 10:46 10:47 10:47

Sir, The Inquiry Legal Team wishes to assure Core Participants these issues are ones that we understand the importance of and are ones that under investigation and we will, undoubtedly, need to return to them later in the work of the Inquiry. But what does though appear to be clear, to return to what we've said about Mr. Ware and the connection that he made, what does appear to be clear, even at this stage, is that the information that Norman Baxter is describing would appear to have nothing to do with the anonymous call to Finner Camp notwithstanding the coincidence of date, given that the anonymous call was not escalated, even 10:47 10:47

within the Republic of Ireland, until, as we currently understand it, after the Omagh bombing.

Sir, finally, in just a moment or two, Sir Ronnie Flanagan will start to give his evidence. He will be asked to help with certain documents that have come to him and to Core Participants very recently indeed. And can we say that we are grateful to Sir Ronnie for indicating that he will do his best to be in a position to help with them in his evidence today. 10:48

The documents to which we've just made reference are documents that have been disclosed to the Inquiry by the Police Ombudsman. They deal with conversations between Baroness O'Loan or members of her staff and key individuals within the RUC and/or PSNI and the Northern Ireland Office between August and December 2001. Sir, everyone will regret that they have entered the process when they have, given that they would have been relevant to explore with Baroness O'Loan, and in the case of at least one document, retired Deputy Chief Constable Tonge. However, the Inquiry Legal Team can assure the Core Participants that we are working as hard as we can with the Police Ombudsman to ensure that their disclosure process works efficiently. We know from discussions with the Police Ombudsman's team that they have a strong desire to support your process, Sir, and to support all Core Participants and that they, the Police Ombudsman's team, are working hard to assist us. 10:49 10:49

And, Sir, in our assessment, nothing more needs to be said about this disclosure issue now.

So, that is all we intend to say and what we did say would be brief introductory remarks. They've taken a little longer than I anticipated but I will now ask if Sir Ronnie Flanagan would please enter the witness box. 10:50

CHAIRMAN: Just before we do that, can we just take note of the time, Mr. Greaney, and can you give me an indication of when it would be appropriate to take a morning break? 10:50

MR. GREANEY: I was going to perhaps do 25 minutes or half an hour, so make a start on Sir Ronnie's evidence and then suggest a break bit I'm in your hands.

CHAIRMAN: Around 11:30? 10:50

MR. GREANEY: Between twenty past and half past 11, if that's acceptable. I think it is. Is that acceptable to you, Sir?

CHAIRMAN: Yes, of course.

MR. GREANEY: Sir Ronnie, would you enter the witness box, please. 10:51

CHAIRMAN: Good morning, Sir Ronnie, can I invite you to take the oath?

SIR RONNIE FLANAGAN, HAVING BEEN SWORN WAS QUESTIONED BY MR. GREANEY AS FOLLOWS: 10:51

1 Q. MR. GREANEY: Would you begin by telling us your full name please?

A. Ronald Flanagan.

2 Q. And, Sir Ronnie, before we actually embark upon my questioning, it's important to remind everyone of just a couple of things. First of all, as you yourself recognise in your witness statement, this is not the only occasion upon which you'll be giving evidence to the Inquiry, because it will inevitably be necessary for you to give evidence on a further occasion or indeed occasions and it's important to record that you have expressed your commitment to provide the Inquiry with any support it seeks at whatever stage it seeks it? 10:51 10:52

A. Absolutely.

3 Q. And, secondly, people will have many questions for you, Sir Ronnie, but the purpose of your evidence today is to assist the Chairman with Part 7 of Chapter 3. And Part 7, as I said just a short time ago, is focused on the police investigation and subsequent processes. And the police investigation that we need your assistance with today, is the investigation into the Omagh bombing. And the subsequent processes that we need your help with are, first of all, the review of the Omagh bombing investigation by Detective Chief Superintendent Brian McVicker, that was delivered to you in November 2000; and then the Ombudsman's investigation into 29th July 2001 Sunday People article that resulted in the PONI Report of 12th December. So, those are the limits for my questioning and we would ask everyone to respect those limits in the questions 10:52 10:52 10:53

that they ask after me today.

Now, Sir Ronnie, before we get to any of that I'm going to ask you to help us with your background. And so I'm at paragraphs 6 and following of your witness statement. I should perhaps give the INQ reference for your witness statement; it's INQ 046713. Sir Ronnie, were you born in Belfast, in 1949?

A. I was, Sir.

4 Q. So that you are now 77 years of age? 10:54

A. That's correct.

5 Q. And when was it that you joined what will then have been the Royal Ulster Constabulary?

A. That was on 11th May 1970.

6 Q. And, so, you'll then have been either 20 or 21? 10:54

A. That's correct.

7 Q. Which was it?

A. I was born '49, I was 21.

8 Q. What you tell us in the witness statement is that hard though it may be to believe, at the time at which you 10:54 joined the police, was there a feeling that The Troubles, having started, were over?

A. There was indeed, Sir, and as a result of the report commissioned by the British Government, the RUC that I joined was a completely unarmed organisation. 10:55

9 Q. So, the review that you've just mentioned was called the Hunt Review?

A. Lord Hunt, that's correct, Sir.

10 Q. One of the consequences, a number of consequences of

that report -- the rank structure was brought into line with Home Office forces but an important consequence was that you joined an unarmed organisation?

A. That's correct.

11 Q. But, as everyone here will know better than I do, The Troubles thereafter worsened, to say the least, significantly and terrorist attacks increased in number? 10:55

A. Absolutely.

12 Q. And as a result, did that result in the RUC being rearmed? 10:55

A. Rearmed in, I think, 1972, originally for the purposes of protecting themselves, because attacks were being carried out on officers on and off duty.

13 Q. So, you recall '72, some indication that in materials it started in late '71, but within a couple of years of you joining the RUC, the unarmed organisation that you had joined had been rearmed? 10:56

A. Changed, that's correct.

14 Q. Where did you spend the first years of your service? 10:56

A. In Queen Street RUC Station in Belfast City Centre.

15 Q. After three years, so in 1973, were you promoted from the rank of constable to the rank of sergeant?

A. That's correct and transferred to Castlereagh in East Belfast. 10:56

16 Q. And three years after that were you promoted to the rank of inspector?

A. That's correct, and transferred to Derry.

17 Q. And then in due course after one further transfer were

you transferred back to Belfast?

A. That's correct.

18 Q. In 1982 were you made a Detective Inspector?

A. I was.

19 Q. And at that stage, having been so appointed, where were you posted? 10:57

A. I was posted to North Queen Street in North Belfast.

20 Q. And into which part of the RUC were you posted?

A. Special Branch.

21 Q. And that was to be, was it the first of a number of occasions on which you were posted in Special Branch? 10:57

A. That's correct.

22 Q. In 1983 were you promoted to the rank of Chief Inspector?

A. Yes. 10:57

23 Q. What posting did you assume at that stage?

A. I assumed command of the relatively recently-formed Headquarters Mobile Support Unit.

24 Q. And what activities were the Headquarters Mobile Support Unit or HMSU involved in? 10:58

A. They were providing uniformed support to anti-terrorist operations.

25 Q. In the early part of 1987, so just under 17 years after you had joined the force, were you promoted to the rank of Detective Superintendent? 10:58

A. I was.

26 Q. Were you promoted to work in what was called the Tasking and Coordination Group (TCG) South at Gough Barracks?

A. That's correct, Sir.

27 Q. And what was the work of the TCG?

A. The TCG coordinated anti-terrorist operations for the region.

28 Q. And was it the South Region that -- 10:58

A. That was South Region.

29 Q. In the result, did you spend just a very short period in that role, namely, a few months before being sent to the United States of America?

A. That's correct. 10:59

30 Q. And what were the circumstances in which you went to the United States?

A. It was to attend as an invited British police officer. The FBI's National Academy Course. It's really a copy of the basic FBI agent training course, and each year 10:59 the police college at Bramshill in England would invite a senior FBI officer to the Senior Command Course at Bramshill and the quid pro quo was that for each of the National Academy FBI courses a British officer would be selected and sent as a guest on that training course. 11:00

31 Q. So, there was a reciprocal arrangement?

A. A reciprocal arrangement, indeed.

32 Q. A British officer would go and attend the FBI course in the United States and an FBI officer would be selected to attend the Senior Command Course at Bramshill? 11:00

A. At Bramshill.

33 Q. And you were the officer that was selected from Britain?

A. In 1987.

34 Q. And how long was it that you spent in the United States on that course?
A. Just over three months, it's a residential course at the FBI Academy in Virginia.
35 Q. Later in 1987 did you return to Northern Ireland? 11:00
A. Yes, in late 1987.
36 Q. So, for those following the statement, I'm now at paragraph 13. On your return, to which part of the RUC were you assigned?
A. I was assigned as Detective Superintendent E4 within 11:00 Special Branch.
37 Q. What was E4 responsible for?
A. They were responsible for anti-terrorist operations based on intelligence.
38 Q. And how long did you spend as the Superintendent 11:01 responsible for E4?
A. I think until about 1990 when I went to Bramshill to attend the Intermediate Command Course as it was known.
39 Q. Does it follow that this was the second period that you had spent within Special Branch and during the second 11:01 period you were there for somewhere between two and three years?
A. That's correct.
40 Q. Now, you've said already that you left there in 1990 in order to attend the Intermediate Command Course at 11:01 Police Staff College in Bramshill; what was the purpose of that course?
A. The purpose of the Intermediate Command Course was to prepare superintendents for promotion to the rank of

Chief Superintendent.

41 Q. Having completed the course, did you return to Northern Ireland and resume your role as a senior officer within E4?

A. That's correct. 11:02

42 Q. Were you then invited to apply for a particular role?

A. I was invited to apply to become a member of staff at Police National College at Bramshill.

43 Q. And did you apply for that role?

A. I did Sir. 11:02

44 Q. Were you appointed?

A. I was.

45 Q. And did the RUC promote you into the role of Chief Superintendent for those purposes?

A. Yes, indeed. 11:02

46 Q. So, you became the Director of the Intermediate Command Course?

A. Yes.

47 Q. When back at Bramshill as the Director of the ICC, did you take a further course yourself? 11:02

A. I completed the Senior Command Course, which was a six-month residential course and which in those days was a legal requirement for any officer rising to the ACPO rank, the Association of Chief Police Officers. In other words, Assistant Chief Constable or above, or 11:03 in the Met's case commander or above.

48 Q. So, this was a course that had to be undertaken and passed by a Chief Superintendent if they were to apply for a role as an Assistant Chief Constable, a Deputy

Chief Constable or a Chief Constable or commander rank or higher?

A. Absolutely, Sir.

49 Q. Did you pass that course?

A. Yes, indeed. 11:03

50 Q. Having passed that course, did you stay on in a different or connected role?

A. I stayed on for one further year to help redesign the Senior Command Course.

51 Q. As a result, were you at Bramshill in those various roles for a period of about two and a half years? 11:04

A. That's correct.

52 Q. In 1992 were you appointed to the position of Assistant Chief Constable in the RUC?

A. Back in the RUC, that's correct. 11:04

53 Q. And just so that anyone who isn't entirely familiar with the rank structure can understand; Constable, Sergeant, Inspector, Chief Inspector, Superintendent, Chief Superintendent, Assistant Chief Constable, Deputy Chief Constable and Chief Constable? 11:04

A. That's correct.

54 Q. So, by 1992 you had been through all of those roles, some of them in a detective capacity, up to and now including Assistant Chief Constable?

A. That's correct. 11:04

55 Q. And having returned from Bramshill into the rank of Assistant Chief Constable, what particular duties were you responsible for?

A. I was first appointed as the Assistant Chief Constable

in charge of operations at Police Headquarters. When I say in charge of operations, the job was to make sure that operational requirements out on the ground were fully resourced and fully met. It wasn't an operational role to take charge of running the operations. I held that post for just a couple of months and then was appointed as the Assistant Chief Constable in charge of what in those days was called Complaints and Discipline Branch, looking at the professional conduct of officers and how complaints by members of the public were dealt with. 11:05 11:05

56 Q. So, these days we might describe that as conduct or misconduct issues, back in those days it was known as discipline?

A. Yeah. 11:06

57 Q. So, you you had a period in charge of the complaints and discipline department, how long did you spend there?

A. Again, just a few months until 1st April '93.

58 Q. And during that period from 1992, who was the Chief Constable for whom you were working? 11:06

A. Sir Hugh Annesley.

59 Q. In April 1993, the first day of that month, having the complaints and discipline department, did you take on a new role? 11:06

A. Yes. I was appointed as what we call ACC Belfast. And Belfast in those terms in our regional terms was very much Greater Belfast stretching in one direction to Carrickfergus. So, it wasn't just Belfast City, it was

Greater Belfast. So, I was the Operational Commander as ACC Belfast.

60 Q. And then the next year in 1994 were you appointed to a different role?

A. I was appointed in the immediate aftermath of the Chinook disaster as Assistant Chief Constable, Special Branch because the ACC in charged had perished in the Chinook disaster. 11:07

61 Q. So, what you're referring to is the fact that on 2nd June 1994 an RAF Chinook crashed on Mull of Kintyre? 11:07

A. That is correct Sir.

62 Q. Killing all onboard, which included the then Head of Special Branch and indeed several of your senior colleagues?

A. Ten senior Special Branch officers. Twenty-nine people perished in all, including four crew members. 11:07

63 Q. And as you explain in your statement, you yourself had been invited to attend that event that they were travelling to but other work commitments intervened to mean that you were not on that journey? 11:08

A. That's right.

64 Q. As you've said, the Head of Special Branch was killed in the crash and you were appointed to fill the role. Did you have a specific brief?

A. I had a specific brief from Sir Hugh Annesley, the Chief Constable who informed me that he was appointing me in order to make sure that appropriate replacements were found from across the force for the ten senior Special Branch officers who had perished. 11:08

65 Q. And you tell us in your statement - I'm at paragraph 18 - the crash had a huge impact on the operational effectiveness of Special Branch and the morale of the unit and that you recognised the importance of placing the best persons from across the entire RUC into these roles?

A. That's correct.

66 Q. Now, pausing for one moment, this is now the third period that you have spent in Special Branch, including there being two occasions upon which you've had a senior and then the most senior role within Special Branch, Head of E4 and then Head of Special Branch itself. Would it be fair to say - and I'm not going to ask you about any specifics - that by this stage you were very familiar with the handling of material classified as secret and top secret?

A. Yes, indeed.

67 Q. That you would have had a clear understanding of the line between open and closed material?

A. Yes, indeed.

68 Q. You will have been most familiar with the principle of neither confirm nor deny, NCND?

A. I would have been.

69 Q. Including the application of that principle as to whether someone was or was not a source?

A. That's correct.

70 Q. There would be no secret about why I'm asking you to confirm that because towards the end of my questions I'm going to be asking you about what you said about a

man called known as "Kevin Fulton" during the course of an interview on 13th December 2001. But long before we get to that stage, let's pick up on your career history and I'm now at paragraph 19.

11:10

In 1995, were you appointed to what was described as a role of Acting Deputy Chief Constable?

A. That's correct, yeah. The reason the position was in an acting capacity is there was some tribunal in progress and those ACPO appointments were made by the Police Authority, now the Policing Board, and they had decided that until the ongoing tribunal was settled they wouldn't make substantive ACPO appointments.

11:10

71 Q. So, the tribunal case was nothing at all to do with you?

11:11

A. No.

72 Q. But the consequence was that you couldn't be appointed substantive Deputy Chief Constable --

A. At that time.

73 Q. -- at that time, until it was resolved.

11:11

Having taken that role, were you asked by the Chief Constable to undertake a fundamental review of policing by the RUC?

A. Yes, that's correct.

11:11

74 Q. Which was to be a root and branch review of all aspects of policing?

A. That's correct.

75 Q. And we're just going to deal with this in headline

form, it may be necessary for you to give more detailed evidence about it in due course. But the review, which has been made available to Core Participants, did you assess the issue of change against three distinct scenarios? 11:12

A. That's correct. I conducted the review. What had happened was that the so-called ceasefires had come into position and, Sir Hugh's detailing of me to conduct this review was to look at what effect on policing if these ceasefires or cessations of military 11:12 operations, that the terrorist organisations called them, if they were to prove lasting and reliable what differences would that make to the policing structures, processes and roles. So, having conducted the research I grouped, some, I think 179 recommendations and I 11:12 grouped them against three possible security scenarios.

76 Q. Indeed.

A. Scenario 1 being the outright violence that we'd faced for more than 25 years. So, by the time the review work was almost completed, we had had the IRA abandon 11:13 their cessation through the attack in Canary Wharf.

77 Q. Let's just take this in stages so I can make certain I've understood. So, there were three scenarios against which you were making your assessments. Scenario 1 was outright violence that had been faced by 11:13 the RUC and the community for many, many years?

A. More than 25 years, yes.

78 Q. Scenario 2 was the, as it was then, status quo in which there was a ceasefire but in the context of ongoing

threat and terrorist capability?

A. Yes, indeed.

79 Q. And Scenario 3 was that there was a meaningful move away from terrorism to a more settled political situation? 11:14

A. Yes.

80 Q. And what you've told us is that you'd reached a point at which the report was completed in draft?

A. Yes.

81 Q. But then you were overtaken by events because in 1996 the ceasefire of the Provisional IRA ended with the London attack at Canary Wharf? 11:14

A. And a resumption of their terrorist activity.

82 Q. So, you found yourself in the first scenario?

A. Yeah. 11:14

83 Q. And as a result, although prepared in draft, was it the position that you didn't publish or the Force didn't publish or act upon your report but in due course was presented to Chris Patten?

A. That's correct. 11:14

84 Q. And as everyone will know, it was his work that, in due course, led to the creation of the Police Service of Northern Ireland?

A. Yes, indeed.

85 Q. In 1996, did you become the substantive Deputy Chief Constable of the RUC? 11:15

A. Yes.

86 Q. And later that year, on 4th November 1996, were you appointed the Chief Constable succeeding Sir Hugh

Annesley on his retirement?

A. Yes, indeed.

87 Q. I'm now at paragraph 24. Did you then continue as Chief Constable of the RUC until the RUC itself came to an end following the Patten Reforms? 11:15

A. That's correct.

88 Q. Following the creation of the Police Service of Northern Ireland, were you its first Chief Constable from 4th November 2001?

A. Yes, indeed. 11:15

89 Q. Serving in that role until April 2002 when you retired?

A. Retired from PSNI --

90 Q. Yes.

A. -- and took up a post of one of Her Majesty's Inspectors of Constabulary. 11:16

91 Q. I'll come to that in one moment. Following your retirement, as you rightly pointed out to me, from that role, Colin Cramphorn, later the Chief Constable of North Yorkshire Police, who had been your Deputy, acted up as Chief Constable for a number of months? 11:16

A. That's correct.

92 Q. Until he was formally succeeded by Hugh Orde?

A. Hugh Orde.

93 Q. In fact, Colin Cramphorn --

A. Hugh was still doing some work on Pat Finucane's murder and other loyalist activity. So, Colin stood in to let Hugh complete that work and I think Hugh took over either in September or early October. 11:16

94 Q. And as you told us a moment ago, having retired from

the role of Chief Constable, you have undertaken a number of different roles; first of all, you were one of Her Majesty's, as it was then, Inspectorate of Constabulary, HMIC from April 2002?

A. Yes.

95 Q. So, immediately following your retirement as Chief Constable. And you were then appointed Her Majesty's Chief Inspector of Constabulary in February 2005?

A. Yes.

96 Q. Retiring from that role in December 2008? 11:17

A. Yes, indeed.

97 Q. Subsequently, for a period of 12 years were you the Strategic Advisor to the Abu Dhabi Police Force?

A. Yes, specifically to the Sheikh who was Chief of Abu Dhabi Police, also Minister of Interior and also Deputy Prime Minister, I was his personal adviser on policing and security matters. 11:18

98 Q. And alongside that role in the Gulf were you Chairman of the International Cricket Council's Anti-Corruption and Security Unit? 11:18

A. Yes, indeed.

99 Q. Throughout that period have you undertaken other what might be described as bespoke security roles?

A. Yes, indeed.

100 Q. In 2024 did you retire, as you put it, fully? 11:18

A. Yes, indeed.

101 Q. Now, what you tell us in your witness statement - and we will take a break shortly, I'll check that we're fine to carry on for a short while longer - but

throughout your career, and no doubt, in particular, your career in Northern Ireland, you have been exposed on a firsthand basis or a direct basis to the death and devastation caused by terrorists?

A. Absolutely, Sir. 11:19

102 Q. Sometimes witnessing the immediate aftermath of bombings and murders?

A. Yes.

103 Q. Including as a young Constable attending the aftermath of what is known as 'Bloody Friday,' so a bombing, 11:19 series of bombing attacks by the Provisional IRA in Belfast on 21st July 1972?

A. Yes, Sir.

104 Q. And you say at paragraph 31 of your witness statement: 11:19

"I would not wish to list the many atrocities that formed The Troubles in some notional order of importance or seriousness. They were all awful for their own reasons." 11:20

And you then say:

"However, the Omagh bomb and its aftermath were especially shocking." 11:20

A. Absolutely.

105 Q. I'll ask you to deal with paragraph 32 and then suggest we take a break. I will turn to your own actions on the day of the bombing shortly after the break, but

from the first moment that you learned of the attack in Omagh on 15th August 1998, did you have a determination and, if so, what was that determination?

A. That the people responsible, in whatever capacity, be brought to justice. 11:20

106 Q. And that has not happened?

A. It has not happened and it is a source of the most deep regret to me.

107 Q. And you tell us at paragraph 34: 11:21

"I was Chief Constable at the time of the Omagh bomb and I am, therefore, responsible for the police's action and inactions. I will do all I can in this Inquiry to help." 11:21

A. Yes, Sir, absolutely.

108 Q. As you will appreciate, I am going to be asking you about the investigation --

A. Yes.

109 Q. -- by the RUC and then PSNI later on this morning. 11:21

A. Yes.

MR. GREANEY: So, Sir, it's 11:22, that would be a convenient point at which to break.

CHAIRMAN: When would you suggest we should resume Mr. Greaney? 11:21

MR. GREANEY: At about 20 to midday please, Sir.

CHAIRMAN: All right, thank you.

THE INQUIRY ADJOURNED BRIEFLY

THE INQUIRY RESUMED AS FOLLOWS:

CHAIRMAN: Mr. Greaney.

MR. GREANEY: Sir, thank you.

SIR RONNIE FLANAGAN CONTINUED TO BE QUESTIONED BY MR. GREANEY AS FOLLOWS:

110 Q. MR. GREANEY: Sir Ronnie, I'm going to take you now to paragraph 35 of your witness statement, page 6. As you know, Chapter 5 of the Inquiry's proposed approach will involve us looking at what we've termed "security normalisation." And no doubt you will have a significant contribution to make to that chapter, but you touch upon that issue in your witness statement and there's something I want to ask you to think about for when you come back in Chapter 5. And at paragraph 35 you say: 11:44 11:44 11:44

"I know that one concern held by many of the victims and their families is that the security forces lightened the efforts against republican terrorists in the period before the Omagh bomb for political reasons and this may have facilitated the bombing or failed to prevent it." 11:45 11:45

And you then say this:

"I want to make very clear that I refute any suggestion

that I took steps to decrease policing or to somehow ignore terrorist activity because of a wider political motivation to negotiate the end of The Troubles. I did not do that. No person ever tried to persuade me to do that. Had they done so, I would have refused. I knew full well what terrorists were capable of. At the time of the Omagh bomb the terrorists were still very active, they were still very active up to the eventual signing of the Belfast Good Friday Agreement and, crucially, thereafter." 11:45 11:46

So, that's what you say.

And I want to draw your attention to something that Dr. Mo Mowlam, the Secretary of State for Northern Ireland, from May 1997 said, and she said this on 28th November 1997 - and this is something we drew attention to during some opening remarks that we made at the beginning of the commemorative hearings in January of 2024, and I know that, I believe you were in attendance during that day and I can see you are nodding your head. 11:46 11:46

I'm going to draw this to your attention so that you can say anything that you want to about it now, and if you want to reflect, that will be fine but we will seek your assistance about whether there is any tension later. 11:46

What Dr. Mowlam said on 28th November 1997 was this:

"Since 20th July 1997, the Chief Constable and the General Officer Commanding have been able, on the basis of their ongoing assessment of the threat, to take a considerable number of incremental steps to reduce the impact of security measures on everyday life in Northern Ireland.

Last Tuesday..."

11:47

which would have been 25th November 1997,

"...for example, the Chief Constable was able to announce the ending of all military foot patrols in support of the RUC during daylight hours in West Belfast. These measures, which respond to the diminution in the threat as the ceasefires have continued have been widely welcomed. They have helped to restore a more normal atmosphere throughout Northern Ireland and to build a degree of confidence in the Peace Process."

11:47

11:48

And on that date when Dr. Mowlam made that speech and spoke of actions taken by GOC and also by the Chief Constable, you, of course, would have been the Chief Constable on that date?

11:48

A. That's correct, Sir.

111 Q. And she was describing, on the face of it, steps of security normalisation that had been taken in the

period since the summer of 1997?

A. Yes, indeed.

112 Q. So, as I've said, if there is anything you would like to say now about whether there is any tension between paragraph 35 of your witness statement and that speech, that's fine, otherwise please bear in mind there is an issue that will need to be explored? 11:48

A. Yeah. I think the only thing I would like to stress today is that all actions taken by the GOC and by me were threat based. So, the ability to not require the Army to accompany police patrolling may have represented a risk to my own officers but not to the general public. But I will address the issue in full detail when Chapter 7 comes around. 11:49

113 Q. And I would welcome that. But let me make certain that I've understood your position so that there's no mistake when we go into it. What I understand you're saying is that there had indeed been a process of security normalisation but only to the extent that the assessment was that that did not generate a threat to the general public? 11:49 11:49

A. It had to be threat based. Any action we took had to be threat based and proportionate to the existing threat.

114 Q. But we should not read paragraph 35 as indicating that there had been no process of security normalisation, there had been but as a response to a threat assessment? 11:49

A. Indeed.

115 Q. I'm pleased and I've understood. In your statement from paragraph 36, page 7, you deal with your own actions on the day of the bombing and I'm going to deal with this at a fairly high level. Where were you, Sir Ronnie, when you first heard about the explosion in Omagh? 11:50

A. I was in Police Headquarters in my office.

116 Q. And were you told what had happened in a telephone call?

A. A telephone call from my Communications Branch just informing me that a bomb had detonated and indicating the fatalities. 11:50

117 Q. And was it the normal practice for you to be given information about such important terrible events?

A. Yes, absolutely. 11:50

118 Q. What did you do in response?

A. I made arrangements to travel to Omagh as quickly as possible.

119 Q. And no doubt you were driven in a police vehicle receiving information on the way to Omagh? 11:51

A. That's correct.

120 Q. And do you have a memory of over the course that of journey being told of an increasing number of deaths that had been caused?

A. Indeed, very sadly so, Sir. 11:51

121 Q. At the scene, did you speak to a number of your officers?

A. Yes, indeed.

122 Q. Some senior and some junior?

A. Yes. The local Superintendent in charge was there and I spoke to him and spoke to other officers tending and securing the scene and tending to the injured, and dealing with the bodies of the deceased.

123 Q. And in your discussions, no doubt, you recognised the efforts that they were make nothing that dreadful situation? 11:52

A. Absolutely, and the great trauma it was causing, most of all, of course, to the relatives and the victims.

124 Q. And from the scene of the bombing in Omagh Town itself, did you then go to the hospital? 11:52

A. I did.

125 Q. And did you speak to the doctor who was there in charge of the Accident & Emergency Department?

A. Yes, indeed. 11:52

126 Q. And as it happened, was he someone that you knew?

A. Yes.

127 Q. And we certainly don't need to go into the details of it, but what you tell us in your statement at paragraph 44 is that the scene at the hospital was very distressing, with many relatives desperately seeking out information about missing loved ones? 11:52

A. Yes.

128 Q. Including - and we won't mention a name - but including one of your own officers? 11:53

A. One of my own officers searching for his young daughter.

129 Q. And what was your purpose or what were your purposes in going to Omagh that day?

A. My purpose in going was to attend the scene and make sure that all resources that would be necessary would be provided to enable the investigation to begin effectively and to show, just how much these things mattered. Nothing was more important. 11:53

130 Q. And as part of that, you've mentioned the investigation and we'll look at the appointments in a short time, but, as you look back would it have been the position that the investigated had started very quickly indeed?

A. Well, the investigation would have started, if you describe preserving the scene. 11:54

131 Q. Yes.

A. Creating a temporary mortuary for the deceased, identifying bodies, et cetera. If you consider that to be part of the investigation, yes, that started immediately. 11:54

132 Q. And there will have been people that understandably wanted to find out what had happened and speak to you?

A. Yes.

133 Q. And so did you speak to the Prime Minister? 11:54

A. Later that evening. The Prime Minister, I think, was on holiday abroad, the Duty Minister for the weekend was McFall who became Lord McFall, the recently retired speaker in the Upper House. And it was his first weekend, as I recall, in Northern Ireland. So, I spoke directly to Mr. McFall at the scene and I think we both -- we each engaged in some media interview. 11:55

134 Q. And did you also speak, by telephone, to the Secretary of State?

A. To the Secretary of State, to Chris Patten and to the Prime Minister.

135 Q. And did you also engage in telephone calls with your officers, including the ACC in charge of CID?

A. Yes, indeed. He was on leave abroad as well and immediately offered to come home straight away. And I told him I was confident in his deputy's ability to look after things that he should finish his holiday and get home. 11:55

136 Q. And was that Raymond White? 11:56

A. That was Mr. Raymond White. And I kept in touch with him. He was the Assistant Chief Constable in charge of Crime Department, so I kept in touch with him even though he was out of the country.

137 Q. Was there a sense in which you were seeking to remove some of the pressure from those directing the investigation by personally involving yourself in these calls? 11:56

A. A crime of this order would be investigated by the Regional Head of CID, so that person would almost automatically become the Senior Investigating Officer. And I wanted to make absolutely sure that that person, (a) had all the resources he needed, and (b) could have some burdens of responsibility eased on him to allow him to concentrate specifically and exclusively on the investigation. 11:56 11:57

138 Q. Did you, the day after or the day after that, so the Sunday or Monday, make contact with the Commissioner of Metropolitan Police?

A. I did.

139 Q. And at that stage was that a man called Sir Paul Condon?

A. Yes.

140 Q. What was your purpose in making contact with the Commissioner? 11:57

A. My purpose was to ask the Commissioner's permission for his post-blast investigative team to be sent to us to help with this, examining of all the rubble that was created in the bomb, to go through it for evidence and, 11:57 indeed, in some cases for personal effects of those killed and injured.

141 Q. And did the Commissioner agree to make that resource available to the RUC?

A. Absolutely, readily so, yes. 11:58

142 Q. If it were to be suggested that the reason you were making contact with the Commissioner was because there was lack of expertise in the RUC, what would your response be?

A. No, no question of a lack of expertise in the RUC, it 11:58 was just additional helpful resources for an investigation of such magnitude.

143 Q. To the best of your memory, this relationship between the RUC and the Metropolitan Police in relation to that aspect of the investigation, was it ever formalised in 11:58 writing or was it something that just existed as an agreement between you and the Commissioner, or don't you know?

A. I can't recall at the moment, but I'm sure there would

have been a formality in writing. We acquired part of an army barracks in Belfast for the rubble to be taken and for it to be minutely examined.

144 Q. I'm going to turn away from your background and away from the events of 15th August to the police investigation into the bombing. And, as I pointed out already, in your witness statement, paragraph 32, you state the determination that you had from the moment you learned of the bombing to bring those responsible to justice swiftly. And, furthermore, it has been reported that you stated either on 15th August or shortly afterwards, that no stone would be left unturned until we bring these people, so the attackers, to justice. And did you use that phrase that "no stone would be left unturned"? 11:59 11:59 12:00

A. I don't specifically remember it, but I would have used such a phrase and I would have been determined that that would be brought to life through police activity.

145 Q. So that you don't have a recollection sitting interest many years later of the moment that you used that phrase? 12:00

A. No.

146 Q. But it reflects very much what you were thinking at the time?

A. Yes, it would have been an assurance I was giving to the families and the victims. 12:00

147 Q. Let me ask you just a very open question before we drill into some of the detail. Is it your view that the subsequent investigation, while you were the Chief

Constable, kept faith with your promise that no stone would be left unturned?

A. I had open lines of communication to the SIO and I had made it clear to him that if there was anything he needed, anything whatsoever, and if he felt he wasn't getting it, he should make direct contact with me. So, no such request for additional resources or help or assistance was ever forwarded to me in those lines.

148 Q. If you don't mind me saying so, that may be an answer to a connected question but not the actual question that I asked you. So, the question is, sitting there now with the knowledge of all that you know, and whatever the commitment that you made to the investigation, do you consider that the investigation, while you were Chief Constable, kept faith with the promise to leave no stone unturned? 12:01

A. That's my feeling Sir, yes.

149 Q. Now, at paragraph 72, so page 13 of the statement, you explain your relationship with those who were conducting the investigation and we will identify those people in a moment. And you say: 12:02

"To be clear, whilst I, as Chief Constable, was ultimately responsible for the actions and investigations of the RUC, it is not the role of any Chief Constable to start trying to conduct or direct investigations at arm's length. However, I did take a direct interest in the investigation, I offered assistance and ideas as and when I could. Ultimately, 12:02

it was for those directly responsible for the investigation to make the decisions over the conduct of the investigation."

So, let me make certain, Sir Ronnie, I've understood that. One, you did not conduct the investigation into the bombing on a day-by-day basis? 12:03

A. No.

150 Q. Nor would it have been appropriate for you to do so?

A. No. 12:03

151 Q. But you were ultimately, as Chief Constable, responsible for the investigation?

A. Yes.

152 Q. And as a result, you took a direct and keen interest in the investigation? 12:03

A. Yes.

153 Q. And where you thought it was helpful, you provided advice and assistance?

A. That's correct.

154 Q. Now, in terms of the structure of the investigation, can we go back please to paragraph 54, page 10 of the statement. At the time of the bombing in Omagh, did the RUC comprise of several different departments, including C Department, which was the Criminal Investigation Department or CID? 12:03 12:04

A. Yes.

155 Q. And was that overall department sub-divided in some way?

A. It was divided into the three operational regions;

Greater Belfast as I described earlier, and the rest of the province named by us as South Region or North Region. So, each would have had a Regional Head of CID of Detective Chief Superintendent rank.

156 Q. And where an event, a terrorist event occurred, what was the expectation as to who would be appointed to investigate? 12:04

A. Well, a terrorist incident of this magnitude, you would expect that the Regional Head of CID, the Detective Chief Superintendent would be the SIO. And each of those regions had a number of divisions, each headed by a Detective Superintendent. 12:05

157 Q. And in August 1998, was the usual structure for a serious investigation one that involved, at the head of the investigation, the Senior Investigating Officer or SIO? 12:05

A. Yes.

158 Q. Beneath that person, the Deputy SIO?

A. Yes.

159 Q. And other roles under their command and management? 12:05

A. Yes.

160 Q. Which would have been very much the structure across policing more generally --

A. Yes.

161 Q. -- in the United Kingdom. Was it the position that those officers undertaking the role of Senior Investigating Officer would first have had to have undertaken training to ensure their competence to conduct heavy investigations? 12:05

A. That's correct.
162 Q. Was Omagh in the CID North Region?
A. Yes.
163 Q. And naturally, therefore, would it have been officers from within that region who became responsible for the Omagh bombing investigation? 12:06
A. Yes, but with an investigation of this magnitude with a lot of assistance from perhaps other regions.
164 Q. So that north officers would have had the principal responsibility? 12:06
A. Yes.
165 Q. And able to draw upon officers from Greater Belfast and from the south?
A. Absolutely.
166 Q. And no doubt able to draw upon assistance from Headquarters' officers such as you or ACC White? 12:06
A. Yes.
167 Q. ACC White was the overarching Assistant Chief Constable in charge of C Department for Northern Ireland, is that correct? 12:07
A. That's correct.
168 Q. And was his deputy a Detective Chief Superintendent called Eric Anderson?
A. That's correct.
169 Q. And, again, was he the deputy to the ACC Crime for the whole of Northern Ireland? 12:07
A. Yes.
170 Q. Was the ACC in charge of the North Region at the time a man called Darryl Beaney?

A. Yes, indeed.

171 Q. And was he succeeded shortly afterwards by Mr. McQuillan?

A. Yes.

172 Q. What was the relationship between the roles that were being fulfilled by Mr. McQuillan, ACC McQuillan and the role that was fulfilled by ACC White? 12:07

A. The relationship would have been a very cordial, professional relationship. What I felt after discussions with Mr. White, was that the SIO in this case, because of the magnitude of the investigation, needed someone at hand who had the ability to move resources from elsewhere and, perhaps, give an initial surge to the investigation with those additionally required resources and anything else the SIO needed. And, also, as we mentioned earlier, to remove some of the operational burdens placed on an SIO, specifically, for example, dealing with the media and the public-facing aspect of the investigation. And in this case as well, liaising with colleagues in An Garda Síochána, which would be massively important. 12:08 12:08 12:09

173 Q. So, just in terms of the actual personalities who fulfilled the roles you've told us about. The Senior Investigating Officer became Detective Chief Superintendent Hamilton Houston in the first instance? 12:09

A. That's correct.

174 Q. Who was the Regional Head of CID for the North Region?

A. North Region.

175 Q. Was an officer named McArthur appointed as the Deputy

Senior Investigating Officer?

A. Yes, indeed.

176 Q. And I may have used the term "appointments" earlier, but is it accurate to say that these people were appointed to those roles as a result of some process of selection, or did they assume those roles because of the roles they had --

A. That would be the natural state of affairs.

177 Q. Now, I'm going to ask that we have on the screen a policy log and in a short time we will get on to what a policy log is. I'm going to ask for a particular page that appears to detail your involvement in appointments, to use that term in a general sense. So, could we have INQ 034746, page 6 on the screen please. 034746, page 6? And so, Decision 7, date of decision, 15th August 1998, are you following, Sir Ronnie, towards the bottom of the page there's a heading "Decision 7," I don't know if we can just highlight please. Thank you very, much indeed.

12:10

12:10

12:10

12:11

12:11

Decision 7
Date of decision: 15th August 1998
Time of decision: 9:00 p.m.
Officers making the decision: The Chief Constable in liaison with Detective Chief Superintendent Anderson."

Who would have been, what, the direct line manager of Detective Chief Superintendent Houston. And you're nodding your head. So, the Chief Constable in liaison

with Detective Chief Superintendent Anderson and Detective Chief Superintendent Houston?

A. Yes.

178 Q. The decision is then listed:

12:12

"The following appointments are agreed with the Chief Constable re..."

Then if we can go over the page please: "Re investigation management." And if we can just highlight, just a little bit further down, that will be fine. So, these appointments, it's said, approved by you:

12:12

"Task Force Commander: Detective Chief Superintendent Anderson;

12:12

Senior Investigating Officer: Detective Chief Superintendent Houston; and

12:12

Deputy Senior Investigating Officer: Detective Superintendent McArthur.

It was further agreed that Detective Chief Superintendent Anderson will front the investigation with the others and in his role of Deputy ACC Crime, arrange any outside resources required.

12:13

Reason:

The appointment of Detective Chief Superintendent Anderson as Press Media Liaison Officer adopted in order to relieve the SIO of their responsibility."

Can we leave that on the screen. Did you know personally those officers, Mr. Anderson, Mr. Houston and Mr. McArthur? 12:13

A. Yes, indeed.

179 Q. Had you known them for a considerable period?

A. Yes, I had. 12:13

180 Q. And were you confident in their abilities?

A. Yes, I was.

181 Q. The structure of it was going to be that Detective Chief Superintendent Anderson, as Task Force Commander, would front the investigation? 12:13

A. Public facing, yes.

182 Q. And that in terms of the ordinary structure of an investigation, the SIO, Hamilton Houston and the Deputy SIO, Brian McArthur?

A. Yeah. 12:14

183 Q. Was that role of Task Force Commander one which commonly existed within investigations?

A. No, it was not but was this crime a commonly-committed crime? Absolutely not.

184 Q. So, was this the first time or nearly the first time that someone had had the role of Task Force Commander? 12:14

A. I think so.

185 Q. The first time or nearly the first time?

A. I think first time. And the reasons are there: (a)

the SIO would have been relieved of the media facing, all those aspects dealing with it. And Anderson was in an ideal position as Deputy Assistant Chief Constable Crime, to quickly make available whatever resources were needed. You know, I'm the person listed as making the decision but you'll note that it says, "in liaison with" Hamilton, Houston and Eric Anderson, and indeed McArthur, so they all knew. 12:15

186 Q. Do you recall now whose idea it was to come up with this role of Task Force Commander? 12:15

A. I don't want to speculate because --

187 Q. No.

A. -- I'd be depending on a recollection. But I think it came out of my discussions with ACC White, even though they were telephone discussions, that this would help Hamilton Houston not having all those burdens in dealing with an investigation of such a massive scale. 12:15

188 Q. The job of Senior the Investigating Officer is to make the critical decisions as to the direction of the investigation? 12:16

A. Yes.

189 Q. And do you think there was any risk that by bringing in his line manager into a central role in the investigation, that there would be confusion about who ought to be making decisions and who had primacy? 12:16

A. No, and it's why I specifically spoke to Hamilton Houston; (a) to reassure him that nothing was being done because of any feeling he wasn't up to, that wasn't in any sense the case. What was being done was

to relieve him of certain burdens and to make sure whatever resources he needed would be provided. And Anderson was ideally placed to know how to quickly get those additional resources.

190 Q. We're going to look at it in due course but I know that you've seen this, it's a record of a meeting between ACC Kincaid and a David Wood who was the Chief Investigator for the Police Ombudsman. We don't need it on the screen at the moment but it's INQ 050653. And ACC Kincaid is recorded as saying on 20th November 2001: 12:17 12:17

"The role of Anderson was questionable. Sam did not rate him as a good detective. He was a self-publicist. His role was very unclear." 12:17

Do you think there is anything in the suggestion apparently made by ACC Kincaid, first that the role of Anderson was questionable?

A. No. 12:18

191 Q. Do you think there is anything in the apparent suggestion that he was not to be rated as a good detective?

A. Absolutely not.

192 Q. Do you think there is anything in the suggestion that he, Mr. Anderson, was a self-publicist? 12:18

A. No.

193 Q. Or in the suggestion that his role was very unclear?

A. No. Hamilton Houston, if he had any concerns, had a

direct line to me and is the sort of person who would have raised those concerns with me, but did not do so.

194 Q. We heard from Detective Chief Inspector Billingsley on behalf of PSNI, that the roles of, I think I've got this right, that the roles of Task Force Commander, Senior Investigating Officer and Deputy Senior Investigating Officer, were all part-time on the Omagh bombing investigation. Can I ask you, first of all, whether it's your recollection from the time that those roles were part-time as opposed to full-time on the Omagh bombing investigation? 12:19 12:19

A. I would have assumed they were full-time, although as Regional Head there would have been other issues to be maintained in the region.

195 Q. So, they may have had other responsibilities because of their senior positions? 12:19

A. Yes.

196 Q. But your expectation would have been that subject to that they would have been full-time dedicated to the Omagh bombing investigation? 12:19

A. I made it absolutely clear that nothing would or should stand in the way of the Omagh investigation.

197 Q. Because on the face of it, it would be unsatisfactory to have people assuming such important roles in such an important investigation who were not working on it full-time. And you're nodding your head in agreement. 12:20

Now, just before we turn to drill in a bit more detail into the issue of resourcing, we've just seen and in

fact it's still on the screen, a policy book. Is a policy book something that a Senior Investigating Officer or his Deputy would be expected to maintain in order to record the principal decisions they were making in an investigation? 12:20

A. Yes.

198 Q. So, that subsequently there could be, essentially, an audit trail of what had been done and not been done?

A. Yes.

199 Q. Moreover, the making of a policy decision would be of importance in terms of the operation of the Home Office Large Major Enquiry System? 12:20

A. Yes.

200 Q. So, in other words, the Senior Investigating Officer makes a decision that is recorded and an action or actions for other officers to perform then flow out of that policy? 12:21

A. Yes.

201 Q. In 1997/98, would it have been your expectation as Chief Constable that any senior investigating officer into any terrorist attack or attempted attack would have maintained a policy book? 12:21

A. Yes.

202 Q. Let's turn to more directly the issue of resourcing. An officer who very helpfully has given evidence to the Inquiry on behalf of PSNI is Detective Chief Inspector Gault. He told the Inquiry, told the Chairman and I quote, and he was talking for PSNI on corporate level, so, not just expressing a personal view, expressing a 12:21

corporate view; does that make sense to you?

A. Yes.

203 Q. He said:

"The PSNI would agree that in general terms CID was underresourced in 1997/1998. This is something that policing shared with many public services." 12:22

And from your perspective as the Chief Constable in 1997/1998, does that statement accord with your views? 12:22

A. No, it doesn't. If he's referring to resources being made available from Central Government for the purposes of policing.

204 Q. I think he is, yes?

A. That doesn't accord with my experience. Anything I wanted would have been provided. 12:22

205 Q. So, your recollection is that contrary to DCI Gault's apparent position, you consider that, in general terms, CID was appropriately resourced in '97/'98?

A. The resources were there. If there was a difficulty in recruitment, when I say recruitment, I mean transfer existing officers into CID, there may have been shortages like that experienced, but not a suggestion that we weren't given enough money to get on with the job. 12:23 12:23

206 Q. Were there ever occasions upon which you had to go to Central Government and seek additional resources?

A. I can recall some cases in going to the Secretary of State, various Secretaries of State, I think there were

four during my mind.

207 Q. Secretary of State for Northern Ireland?

A. Yes.

208 Q. On the occasion or occasions that you went to the Secretary of State and sought additional resources, is it your recollection that you received a favourable response? 12:24

A. Yes.

209 Q. Now, before we look at some specific decisions that were made in the first months of the investigation, I want to look with you at something else that Assistant Chief Constable Kincaid is recorded as having said. Out of fairness to you, we will put this on the screen. Later in my questions we'll go through this document in more detail so that we can see if you do or don't agree with parts of it. Could we have on the screen INQ 050653. Page 1 of that document, please. So, this is the same meeting I was asking you about earlier. It's on 20th November 2001, that's the one. It's between Mr. Wood of the Ombudsman's Office and I should ask you to confirm Sam Kincaid, by 2001 he was an ACC. You were still Chief Constable at that point in time. Was he an officer that you knew? 12:24 12:24 12:25

A. Yes, I knew him.

210 Q. An officer that you had confidence in? 12:25

A. Yes.

211 Q. If you -- you can see that there is a gap in the text beneath which there are the words, "the Senior Investigating Officer," do you see that?

A. I'm not sure -- where in the text?
212 Q. There we are?
A. Yes, I see it now.
213 Q. I'm in fact going to ask you about the two sentences under the heading under "investigation." This is ACC Kincaid speaking, let me be clear, in November 2001: 12:26

"Agreed resources has been appalling given the public commitment by the Chief Constable. He described it as indefensible." 12:26

May I seek your reaction in the sense of do you agree or disagree with that?
A. I very much disagree with that. 12:26
214 Q. It's not for to you speak about what was in his mind when he said that, assuming it has been accurately recorded. But are you able to understand why at all he held that view if he did?
A. No, not able to understand at all. The next paragraph, have you any question about the bottom paragraph? 12:27
215 Q. I wasn't going to ask you, at this stage, about the bottom paragraph but if there's anything, Sir Ronnie, that you want to say, you absolutely must say it. We will get to that later, if you want. 12:27
A. It's just the suggestion that I personally took upon myself the role of family liaison.
216 Q. Yes.
A. I think PSNI did not introduce the concept of family

liaison officers until 2000. I mean the whole concept came out of the Macpherson Report in London.

217 Q. Yes.

A. And then was spread to other forces over a period of time. 12:27

218 Q. So, the Macpherson Report into the murder of Stephen Lawrence?

A. Yes.

219 Q. You've drawn attention to it, and I understand why, it reads: 12:28

"There has been no family liaison. The Chief Constable has taken it upon himself to do that role. No documentation in the MIR." 12:28

Would that be the Major Incident Room?

A. Yeah.

220 Q. "Nobody knows what the Chief Constable has said or not said to the families, this has caused problems." 12:28

And I think from what you're saying, that you would agree that you had liaison with the families of those killed in the Omagh bombing but from your point of view that did not cause problems?

A. No. 12:28

221 Q. As I've indicated, I'm, at the moment, dealing with the issue of resourcing, although I don't at all wish to shut you out from saying anything you want to, but you disagree, and it would seem quite strongly, with the

apparent view of the ACC that resourcing had been appalling, given the public commitment?

A. Yes.

222 Q. And was indefensible. Now, next, on this same general topic -- 12:28

A. Sorry, if I thought that, given the public commitment that I'd made, I would have been raising it very forcibly with the Secretary, through the Secretary of State to Central Government.

223 Q. And did you ever do so? 12:29

A. No.

224 Q. Next on this same general topic of resourcing, I want to see if you can help us with two particular decisions that were made in the first months of the investigation. And, of course, I will bear in mind 12:29 what you've said already, namely that you were not managing this investigation --

A. No.

225 Q. -- on anything like a day-by-day basis, but if you can help will you please do so. So, we're going to look 12:29 next at SIO Policy Book 4, we've looked at SIO Policy Book 1, we're now going to look at Book 4. And page 9, first of all, please. These entries I am going to be looking at with you are something that Mr. McVicker when he gave evidence in Week 4 helped us with, and I 12:30 know that you have taken the opportunity to either watch or at least acquaint yourself with much of the evidence that Brian McVicker gave.

A. Yes.

226 Q. You're nodding your head. So, INQ 050653. Do bear with me, Sir, whilst I check the reference. Sorry, that's the incorrect reference given by me, forgive me. It is 034749, page 9. I was reading the wrong part of my notes. And we'll need pages 9 and 10. Sir Ronnie, these are documents which were within the pack that you were provided with, so I'm sure you've had a chance to read these. The bottom quarter of the page please, from there is fine, yes. And all of these decisions are numbered sequentially one through to whatever number is reached. We looked at Decision 7 a short time ago, this is now Decision 70. The date of the decision is 28th September 1998, so just to orientate ourselves, this is six weeks and two days after the bombing. 12:31 12:32 12:32

"Time of decision: 2:00 p.m.

Officer making the decision: Detective Chief Superintendent Houston." 12:32

So, the Senior Investigating Officer?

A. Yes.

227 Q. And I'm right so far?

A. Yeah. 12:32

228 Q. Can we go to the next page please. If it's possible just to increase the size of that just a little bit, whilst keeping it all on a single page. If it's not, we'll do the first half and then the second half. This

is decision of the Senior Investigating Officer on 28th September:

"Following a review of the investigation status as at 28th September 1998, the following decisions have been taking regarding management of the Inquiry: 12:33

With immediate effect, the incident room hours will be 9:00 a.m. to 5:00 p.m. It will close at weekends. A system will operate in changing local communication room re receipt actions outside of these hours." 12:33

So, point 1 would seem to be that the hours of operation of the incident room were being reduced from what had hitherto been the position. 12:34

2:

"The Inquiry team will cease to work at weekends." 12:34

So, it would appear that they had been working weekends but that was to stop.

"6 x P Division uniformed constables and 5 from O Division will return to their stations with effect from Monday, 5th October." 12:34

So, some uniformed officers who had been on the

investigation returning to go their home stations.

And 4:

"C12 staff will leave the Inquiry with effect from Friday, 9th October 1998. 12:34

Incident room uniformed staff Constables..."

And two names are given, 12:34

"...will return to their duties with effect from Monday 5th October. The PET Team will be disbanded with effect from Monday, 5th. We'll have two Inquiry teams of 10 members each working on early/late duty systems." 12:35

And then 7:

"HOLMES staff will resume weekend rest days with immediate effect." 12:35

And the reason for that decision is given by Detective Chief Superintendent Houston:

"It is considered that the measures represent an appropriate and cost effective response to progress made in the investigation to date." 12:35

And I have just a few open questions for you. First of

all, the reduction in both the hours of operation of the incident room and the number of staff, did that reduction six weeks and two days into the investigation occur with your knowledge, Sir Ronnie?

A. No, it did not. 12:35

229 Q. And if the prospect of those reductions had been raised with you, what do you think you would have said?

A. I would have sought assurance from the SIO that he was content that the incident room could be managed effectively by these new measures. 12:36

230 Q. Were you surprised when, on receiving your pack, you saw that there had been a reduction in aspects of the investigation at quite an early stage?

A. I'm not sure that this was shown to me or that I picked this one up. 12:36

231 Q. The last thing I want to do is to take you by surprise. If you later have a reflection of that list --

A. Yes, indeed.

232 Q. -- you must let us know through your lawyers. But just to finish off this particular point and before we look at another entry. Brian McVicker, whose review we'll come to in a moment, many people, including witnesses such as Michael Tonge have spoken highly of Mr. McVicker and his work on the review, and would you add your support to that and did you consider him to be a good officer? 12:36 12:37

A. Absolutely. I've known Brian for many, many years and admired and respected him throughout that whole period.

233 Q. And he was a first rate Detective?

A. First rate, very professional.

234 Q. And one of the things that he concluded in his review was that resources were reduced too quickly and he said this:

"One could accept reductions maybe in a year's time or so as the Inquiry got older, but not in the initial months."

And if you're able to express a view either in agreement or disagreement now, please do, but if you would like time to reflect, of course -- 12:37

A. I'd like time to reflect and look at the material in the background.

235 Q. Of course. As I've said already, you will have to return to give evidence. 12:38

A. Yes.

236 Q. And there will be a further opportunity to explore these issues. Now, there's one further entry along the same lines that I'll draw to your attention, if you can help now please do so, if you need time to reflect I'm sure the Chairman will regard that as in order. 12:38

We're now going to look at SIO Policy Book 5 and INQ reference 034750. And it's pages 11 and 12 that we're going to be looking at. So, this is Decision 98. We'll do as we did before by increasing the size so we can scroll through it. Thank you very much. 12:38

This is Decision 98. The date of the decision is 30th

November 1998. So, again, just to orientate ourselves in time, this is 15 weeks and two days after the bombing. And the decision-maker, again is the Senior Investigating Officer, Detective Chief Superintendent Houston. 12:39

"Having reviewed the current situation with the Inquiry, 306 actions outstanding, 70 to be allocated, follow-up decisions made re staffing levels; two Belfast sergeants..." 12:40

And they are named,

"...to return to Belfast with effect from 2nd December 1998. 12:40

2. A police Constable to leave the Inquiry with immediate effect.

3. Another Constable to return to Strabane from 4th December. All others to remain in place. 12:40

Two Detective Constables to join team to replace."

And then two other Constables named. If we can carry on down. 12:40

"The above results in an inquiry team of four sergeants, 14 Constables remaining..."

Which does not include the HOLMES and incident room staff.

"Reason:
The above arrangements are considered as A most effective and efficient use of resources given the stage the Inquiry has now reached."

And then on to page 12, please. That was probably all that we needed. So, on the face of it, there is here a yet further reduction in the size of the team carrying out the investigation into the Omagh bombing. Again, can I ask, were you made aware at the time, 15 weeks and two days after the bombing, that that was taking place?

A. No, I was not.

237 Q. And does it surprise you that you, as the Chief Constable, with, as you've told us, a keen interest in the investigation, were not being made aware to matters relating to the resourcing of the investigation?

A. I think I would trust the Senior Investigating Officer to make appropriate decisions, but I would place this document, that policy decision, in the same category as the previous one.

238 Q. So, you'd like time to reflect?

A. Yes, please.

239 Q. Speaking for myself, I understand and I am confident the Chairman will agree. As I've said, these documents

were within your pack?

A. Yeah.

240 Q. It may be there is quite a lot of information contained within each document and I think what you're saying is the particular focus that I've brought -- 12:42

A. Those particular two pages, no.

241 Q. That particular focus that I've brought to bear isn't one that you have particularly had and you would like sometime just to organise your thoughts.

A. Yes, please. 12:42

242 Q. That, of course, we will understand and respect.

I've mentioned now, a number of times, the McVicker Review, and we just need to understand what that was. We've been doing a bit of jumping around but we will 12:43 find your evidence on this particular point from paragraph 74 of your witness statement, page 14. These days it is not uncommon for a major investigation to be the subject of a review or even periodic reviews by someone independent to maybe throw a different 12:43 perspective on to it, it has become commonplace?

A. It has become standard practice.

243 Q. It has become standard practice as you say. But back at the time of the review by Brian McVicker, Detective Chief Superintendent McVicker, were such reviews 12:44 commonplace?

A. Certainly not within RUC, not reviews of ongoing, existing investigations. In fact, as I understand it, I think only two main forces in Great Britain were

engaged in such processes. I think the Met and Greater Manchester.

244 Q. I'm sure you'll agree that they have proved to be a good innovation, but the point you're making is that at the time, PSNI was -- or it would have been the RUC then, was not out of kilter with other forces? 12:44

A. No, this was the first that we would have conducted.

245 Q. So, the McVicker Review was the first time that the RUC had conducted a review of an ongoing investigation?

A. Yes. 12:44

246 Q. Whose idea was it that this review should take place?

A. I think Assistant Chief Constable Raymond White.

247 Q. Did he come to you and say, 'the Met and GMP have started doing this and I see value in this being done in relation to the Omagh bombing investigation'? 12:45

A. Yes. Yes, indeed, yes.

248 Q. And did you feel the same?

A. Absolutely, yes.

249 Q. Because there could be no downside in having the investigation reviewed so long as the reviewer was someone with the expertise and experience to help? 12:45

A. Exactly so.

250 Q. Do you now recall how it was that Brian McVicker was identified as the person who should carry out the review? 12:45

A. I'm sorry, I missed the first part of the question.

251 Q. Do you recall whose decision it was to select Brian McVicker?

A. Raymond White.

252 Q. And from what you've told us already, that would be a decision that you agreed with?
A. Totally.
253 Q. Because he was senior officer and extremely experienced in the investigation of serious crime? 12:46
A. Yes.
254 Q. Not just anywhere but there in Northern Ireland, here in Northern Ireland?
A. Yes, I had every confidence in Brian McVicker.
255 Q. He was given Terms of Reference for the review, and 12:46 were you satisfied that those Terms of Reference gave him appropriate discretion to go where he needed to go?
A. Yes. I don't think I was involved in drawing them up but when I saw them I was content.
256 Q. You received his findings in, assuming you received 12:46 them at about the date of the report, November of 2000?
A. I received a copy but the main recipient was the man, the officer who had commissioned it, i.e. ACC White.
257 Q. So, he was the main audience for the review?
A. The recommendations, to take them forward. 12:47
258 Q. But as we've agreed a number of times, you maintained a keen interest in the investigation?
A. Yes, I did.
259 Q. I hope this isn't an offensive question; did you read Brian McVicker's review? 12:47
A. Yes, I did.
260 Q. And did you note that he made, in a number of respects, findings that were critical of the investigation?
A. Yes.

261 Q. Did you accept his findings?
A. I did. It's not unusual for a review to be viewed as critical, that's the purpose of the review to find, perhaps, new lines of inquiry, to leave no stone unturned. 12:47
262 Q. Yes.
A. So consider every possibility, however unlikely it might be, and to help the SIO.
263 Q. I'm sure that's a fair observation that there's likely to be little benefit in a review that does no more than 12:48 say, 'you've done everything that can be done, carry on as you have been'?
A. Absolutely.
264 Q. The value of the review is that it says, 'here is something else'? 12:48
A. 'Try this, look at that,' yes.
265 Q. So, you accepted the findings of Brian McVicker?
A. Yes.
266 Q. And do you consider that you or if not you directly, officers under your direction, acted promptly on the 12:48 findings of Brian McVicker?
A. Yes, well not me particularly, it wasn't my role but to make sure that the Crime Department were acting on them, that the SIO.
267 Q. So, was it your view that it would be the role of 12:48 ACC White to act on the recommendations?
A. Yes.
268 Q. But that if he needed your support, whether in terms of resources or otherwise, to come to you?

A. Absolutely.

269 Q. So, that tells us about the McVicker Report. And what I'm going do is try to get to the end of the police investigation and McVicker and that will just leave then PONI for, I hope, a relatively short period this afternoon. 12:49

Next and still dealing with the police investigation, I want to ask you about liaison between the RUC and the AGS. So, the guards. And in his evidence, retired Chief Superintendent McVicker, told us about the challenges in the relationship between the RUC and the AGS in the context of the Omagh bombing investigation. And he explained that those challenges included refusing, AGS refusing to provide pen portraits of suspects; conducting a parallel investigation independently of the RUC; and that the TFC - so the Task Force Commander - Mr. Anderson and the SIO, Mr. Houston, were found, by Mr. McVicker, to a large extent excluded from the AGS investigation. And I asked you generally about the findings of Mr. McVicker, did you accept his conclusions about the challenges in the relationship between the RUC and the AGS? 12:49 12:50

A. I didn't know the detail, but I would have had discussions with Eric Anderson because he was leading in the liaison with AGS. 12:50

270 Q. So, let me just be clear. When you read about the challenging relationship in Brian McVicker's report you accepted that what he was saying was correct?

A. That that's what he had found.
271 Q. That was what he had found. But before you read the McVicker Review were you aware of the challenges in the relationship that Brian McVicker had discovered?
A. No, they hadn't been brought to my attention. 12:51
272 Q. That was going to be my next question. Had Mr. Anderson, the Task Force Commander, Mr. Houston, the SIO, or Mr. McArthur, the Deputy SIO, had any of those three ever raised this problem with you?
A. No. 12:51
273 Q. Was a man called Patrick Byrne the AGS Commissioner?
A. He was Commissioner at the time, yes.
274 Q. He was Commissioner, I think, from 1996 to 2003, so across this relevant period. Was he, essentially, your counterpoint or counterpart in the Republic of Ireland? 12:51
A. Yes, he was.
275 Q. Did you have a relationship with him?
A. Very good and warm relationship with him.
276 Q. And bearing in mind that no one ever raised with you a problem in the relationship between the two forces, 12:52 should we understand that you didn't intervene with him at any stage to try to improve the situation?
A. Not specifically because a need do that was never brought to my attention.
277 Q. No one ever told you there was this problem? 12:52
A. No.
278 Q. So, you didn't know there was anything to raise?
A. Not specifically, no.
279 Q. If you had known there was a problem, would it have

been open to you to raise it with Patrick Byrne?

A. It would have been absolutely open for me to raise it with him. What leverage he could engineer, I've no idea.

280 Q. If you hadn't been able to make a change with Mr. Byrne, presumably it would have been open to you to have sought political support from the Northern Ireland Office or even beyond? 12:52

A. Yes.

281 Q. In all events, no one ever told you about that so there was nothing that you knew do about it? 12:53

A. No.

282 Q. The final topic in relation to the investigation. We know that the McVicker Review and the subsequent review by Deputy Chief Constable Michael Tonge of Merseyside Police, which obviously was after you had retired, so I'm not going to press you about its findings. Those two reviews, McVicker and Tonge, came to really quite consistent views about serious deficiencies in how HOLMES was operated during the Omagh bombing investigation. And in 1997/1998, were you yourself familiar with the Home Office Large Major Enquiry System, the HOLMES system? 12:53 12:53

A. I was familiar with it, yes.

283 Q. And as we heard at the end of Week 4, what Deputy Chief Constable Tonge concluded on HOLMES was this, as I've said very similar to what Brian McVicker found: 12:54

"The HOLMES systems seemed to be almost irrelevant to

the management of the investigation and is used as a filing cabinet rather than an investigative tool."

And I'll give the INQ reference, but it doesn't need to go on the screen, INQ 042077 at page 148. And, furthermore, Norman Baxter, who, as you know, was to become the Senior Investigating Officer the month after your retirement, he described HOLMES as "beyond restorative action." So, again, a consistency of view. And reference for that comment is INQ 002957. 12:54 12:55

The questions, I'd like your help with, Sir Ronnie, are these: Were any concerns about the use and operation of HOLMES by the investigation team raised with you prior to Brian McVicker being instructed to carry out the review? 12:55

A. No, no.

284 Q. And was it your understanding in 1998 that the RUC as an organisation did or did not have a good working understanding of how to use HOLMES? 12:55

A. It obviously became quite transparent through McVicker's report, which I accepted that there were grave shortcomings in how we were approaching the use of HOLMES. I raised that with ACC White and he assured me that that's what he was affording priority to in the handling of Brian McVicker's recommendations. 12:56

285 Q. This is where we engage head on with the issue of preventibility. What I believe you're saying to us - and you must correct me if I'm wrong - is that Brian

McVicker's report made clear to you that there were serious shortcomings in the way in which the Omagh bombing investigators had utilised HOLMES?

A. Used HOLMES.

286 Q. And bearing in mind the size and seriousness of this investigation, was it obvious to you that those shortcomings in relation to the operation of HOLMES were bound to be representative of a wider misunderstanding within the RUC? 12:56

A. Not necessarily. 12:56

287 Q. So, were you entertaining the possibility that what the public might have expected to be the gold standard investigation might not have utilised HOLMES properly but that generally the RUC would have been utilising it properly? 12:57

A. HOLMES, I think we need to be careful not to paint HOLMES as some panacea for all ills.

288 Q. I understand.

A. Indeed early, I think in 2002 perhaps, HOLMES 2 was introduced, which enhanced all those capabilities. And I think a lot of forces throughout the UK were remiss in how they did not make the very best use of HOLMES. 12:57

289 Q. Well, HOLMES was a system that was designed - and these are my words - to ensure that in large and complex investigations where very significant amounts of information were coming into the investigation, that that was handled in a systematic way, that nothing was missed, and that appropriate action was generated by the information that was coming in. That's my 12:57

shorthand but have I captured something about the system at least?

A. Yes, you have.

290 Q. I'm sure you will accept that the public would have expected the investigation into the Omagh bombing to have been a gold standard investigation conducted by the best investigators with all of the resources that they needed? 12:58

A. Yes.

291 Q. And do you think it is fair to conclude that if that investigation was getting it wrong in terms of HOLMES, that it is likely that other investigations, without the scale and seriousness of the Omagh investigation, were also likely to be getting the use of HOLMES wrong? 12:58

A. Possibly. I think there was some evidence given that even today not all attempted murders go on the HOLMES system. I think that's probably do we have enough trained people? Do we have enough expertise? 12:58

292 Q. Again, that may - and I don't mean this in an offensive way at all - that may be an answer to a different question. What I'm inviting you to accept or reject as you please, is the proposition that if they were getting it wrong in Omagh it's very likely that other investigations were getting it wrong as well? 12:59

A. Well, I'm not going to reject that proposition completely but I would like to reflect on it. 12:59

MR. GREANEY: And you must be given that time to reflect. Sir, I've now reached the end of my questions about the investigation. Thank you very much for

answering them. I do, as I've said, want to ask you about the PONI investigation in 2001 following The Sunday People article. But, Sir, this would be a convenient moment to break for lunch.

CHAIRMAN: We'll, we'll break at this stage and sit again at two o'clock. 13:00

MR. GREANEY: Thank you very much.

THE INQUIRY ADJOURNED FOR LUNCH AND CONTINUED AS FOLLOWS: 13:00

CHAIRMAN: Mr. Greaney.

MR. GREANEY: Thank you, Sir.

SIR RONNIE FLANAGAN CONTINUED TO BE QUESTIONED BY MR. GREANEY AS FOLLOWS: 14:01

293 Q. MR. GREANEY: Sir Ronnie, we're turning now to the final process, so the PONI report of 12th December 2001 and the events leading up to that report. What I'm principally concerned with is the process, not the dispute that developed between PSNI and the Ombudsman which, as you have recognised in your statement, ultimately was not a very edifying thing to have occurred. So, it's the process. But even though I'm principally concerned with the process, bearing in mind the evidence that Baroness O'Loan gave, it's only fair that we should recognise the positions that have been adopted by you and by PSNI, namely; that you consider 14:01 14:01

that PSNI was given inadequate time to respond to the draft Ombudsman report prior to publication.

A. Yes.

294 Q. And you have pointed out that the report had been four months in the preparation and you were given just weeks? 14:02

A. Yes.

295 Q. A very short period of time?

A. That's correct, yeah.

296 Q. Secondly, that you stand by the PSNI responses to the PONI Report of 22nd and 24th January 2002? 14:02

A. I do.

297 Q. I'll give the IQ references for that. INQ 000409 and INQ 031305.

14:02

Fourthly, it was, and I believe remains, your view, Sir Ronnie, that the Kevin Fulton information could not have prevented the Omagh bombing?

A. That remains my view.

298 Q. And, fourthly, that if the 4th August 1998 call, so the 4th August call, had been assessed to have had merit, it was, and remains, your view that that would not have resulted in an increased policing presence in Omagh but instead would have resulted in what you've described as a withdrawal to hard cover? 14:03 14:03

A. That's correct.

299 Q. So, we hope that it's fair to make those points that you have made in the past, what I don't want to do is to get bogged down in them and that's no criticism of

you. What I do want to do is to track through what was happening in the period before and during the publication of the PONI Report.

Now, on 29th July 2001, The Sunday People article was published and did you become aware of the article pretty much immediately? 14:04

A. Yes, I think we even had anticipated it through my press officer.

300 Q. How was it that you had anticipated it? 14:04

A. In terms of a report was going to be written that suggested we were given intelligence about Omagh a few days before Omagh took place, as general as that.

301 Q. As general as that. Was it The Sunday People that told your director of media, someone called I think Austin Hunter, that there was going to be a piece published? 14:04

A. I assumed, Austin learned, but how he learned whether it was from that source or some other source, I have no idea. 14:05

302 Q. In all events, you knew in very general terms that the report was coming?

A. Just very general terms.

303 Q. So, you will have been keen to see the article as soon as possible? 14:05

A. To be given the opportunity to comment on it, because I had made enquiries to say, 'look, did we have any intelligence before the Omagh bomb that the Omagh bomb was going to take place?' And I was told absolutely

not, there is nothing in that whatever.

304 Q. Let's just make sure we've got this in the right order. Austin Hunter, the director of media and public relations, becomes aware that there is going to be a piece published in The Sunday People, the effect of which is that the police had intelligence that there was going to be the bombing in Omagh before it happened? 14:05

A. Yes.

305 Q. And Austin Hunter became aware of that, a sufficient period before 29th July for you to check with your team did we have such intelligence? 14:06

A. I can't remember what the period was, but it was a very short period, it may have been the day before publication. 14:06

306 Q. But was your state of mind when publication occurred that you strongly believed that you had not had such intelligence?

A. Absolutely. And my fear was on behalf of the victims and the families, if they were going to read material that suggested we had information which, if acted upon, could have prevented Omagh, it would have been catastrophic for them and their feelings. 14:06

307 Q. The point I believe that you're making is that although you knew in general terms what was coming, you were not given an opportunity to read the report and to respond to it before publication took place? 14:06

A. That's correct.

308 Q. So, on that Sunday, the piece is published, 29th July,

and the same day Austin Hunter wrote to the editor of the newspaper and he described the central allegation as "an outrageous untruth"?

A. Yes, I've seen that letter.

309 Q. And it sounds like the answer to this will be yes, but were you consulted before Austin sent that letter? 14:07

A. Yes, I think he sent it on my behalf.

310 Q. Was that your view that the central thesis of the piece was an outrageous untruth?

A. It was and remains my view. 14:07

311 Q. Now on 2nd August, according to documentation, the Ombudsman, Baroness (as she now is) O'Loan, made contact with you, or rather she made contact with Duncan McCausland?

A. My staff officer. 14:08

312 Q. And she indicated that she wanted to speak to you and you had the courtesy to call her back. We're just going to look at a note that was made by the Ombudsman of that conversation. It's really so we can track through what was happening. It is INQ 050223. If we can increase the size of the top half of that page that would be very helpful. 14:08

The paragraph 3:

14:08

"The Chief Constable subsequently phoned me back and I said that I wanted to advise him that we are making some tentative enquiries into the reports in The Sunday People in relation to the Omagh bombing."

And, first of all, do you agree that you made that call to the Ombudsman?

A. I don't specifically remember the detail but I'm not disputing it for a second.

313 Q. It's a long time ago, we understand. Do you remember becoming aware, fairly soon after the report was published, that the Ombudsman was making some tentative enquiries into the report? 14:09

A. Yeah, absolutely.

314 Q. And, obviously, things became rather choppy later on, but do you agree that it was an appropriate thing to do for the Ombudsman to carry out those tentative enquiries? 14:09

A. Yes, and I think in certainly on one media interview I gave I said had the Ombudsman not voluntarily decided to take this on I would have made a request to her so to do. 14:09

315 Q. And then the Chief Constable explained that Kevin Fulton gave the RUC one good case, but that he was subsequently written off as an intelligence source because he was "dangerous," but he did continue to supply the RUC with information in relation to crime and customs and excise matters. 14:10

If we carry on further down. You then set out for her, various other information that you had received about Kevin Fulton. And so, does it follow that you had taken steps to obtain information about Kevin Fulton? 14:10

A. Yes. I'd never heard of Kevin Fulton before that

article had appeared. So, having been so shocked by it I did make enquiries about his background.

316 Q. And were those enquiries that you made within your force, the RUC?

A. Yes. 14:11

317 Q. And were they more specifically enquiries that you made within Special Branch?

A. Yes.

318 Q. Was the overall effect of what you were saying to the Ombudsman, that from what you knew, Kevin Fulton should not be regarded as a reliable witness as to these events? 14:11

A. That's correct.

319 Q. Now, we're going to move forward in time to 7th September and I'm keen to get through all of this as efficiently as you and I can. We're going to look at another note from the Ombudsman's Office. As I said, I think the date is 7th September, yes and the reference is 050654. This is a note made by David Wood. So, what had happened by this stage is that the Ombudsman had discovered the existence of the McVicker Review. If you just need to take a moment to orientate yourself but that is the context for this discussion between you and David Wood on 7th September 2001. This is one of those documents that you had only recently, Sir Ronnie, so I'll ask my questions but if you need time to reflect I'm certain now that you will tell me. 14:11 14:12 14:13

Was there a reluctance on your part, initially, to

allow the Ombudsman access to the whole of the McVicker Review?

A. No.

320 Q. Because you'll, I'm sure, remember the evidence of Baroness O'Loan that you had been content - my word - to allow access to one chapter dealing with intelligence but not the broader document? 14:13

A. At that early stage I thought that was all they were interested in, compared to their original Terms of Reference. But the suggestion in the Ombudsman's report that even the existence of McVicker's review was hidden was absolutely incorrect. 14:13

321 Q. And I don't know whether saying that it was suggested it was hidden was to go a little too far, but certainly the suggestion was that it had not been voluntarily revealed to the Ombudsman, what would your reaction be to that? 14:14

A. I think what had happened in terms of the intention to conduct a review, there were a number of things. For example, Raymond White had written a letter to all the families who had lost loved ones, including Spanish translations where appropriate. I had mentioned in my annual report that the review was going to be carried out. So, there was no -- I would have expected them to be specific in what they were requesting. 14:14 14:14

322 Q. So, let me make sure I've understood. You had mentioned in your annual report the existence of the review and Baroness O'Loan acknowledged that those references were in there. You would have expected the

Ombudsman to have been aware that the review existed?

A. Yes.

323 Q. And to have made specific requests for what they wanted?

A. Yes, and quite a number of copies of my annual report would have been forwarded in the normal way to the Ombudsman's Office, not specifically about this issue but just a copy of the annual report. 14:15

324 Q. So --

A. Or a number of copies, sorry. 14:15

325 Q. I can entirely understand that as a matter of approach, but tell me if there's a difficulty with it. Unless they know what is covered within the review, how will they know what request to make in respect of it?

A. Well, they should know. They may not know the detail of what's in the review but they would know -- the investigators would know what a review is and what it's liable to contain and would know whether it's of interest to them to have. So, I simply asked for an explanation as to why the review would be of interest to them. And as soon as I got that provided, in fact I think as the Baroness said in her evidence, I provided it personally by hand -- 14:15 14:16

326 Q. You hand delivered, yes.

A. -- to her. 14:16

327 Q. She did say that, you're quite right.

A. Yeah.

328 Q. Let's go to this note of the meeting bearing in mind it was many years ago now, more than 25.

"The Chief Constable told me he had two issues he wished to discuss, one of which was Omagh. He then questioned the limits to our investigation and talked about the murder review document. He said he had no difficulty with having it but he needed to know what we wanted to see it for."

I mean that sounds like that was your position at that time?

A. Yes, it was an internal document and it had been marked as "sensitive." 14:16

329 Q. "He then asked whether we intended to investigate Omagh which I took to be a flippant comment."

It may be what he's driving at there is that you were suggesting there was a degree of overreach or overstep by the Ombudsman and that rather than looking at issues of misconduct, they were seeking, essentially, to investigate Omagh. Was that any part of your sense at that time? 14:17

A. No, it wasn't and certainly not something I would be flippant about.

330 Q. "He," so this is you, "told me that there had been friction between McArthur and McVicker."

14:17

So, by this stage, Brian McArthur had been promoted to the position of Senior Investigating Officer. Is it your recollection that there had been friction between Mr. McArthur and Mr. McVicker?

A. Not through my personal knowledge and I think probably, Assistant Chief Constable White could help the Inquiry in more detail. But I talked about my understanding this morning that Greater Manchester Police and the Metropolitan Police were the two forces who had begun a 14:18
process of reviews of ongoing investigations. What I was led to believe is that one approach was a closer relationship between the reviewing officer and the investigating officer, and the other approach was perhaps for the Review Team to be more independent, and 14:18
not so close to the investigating officer. What I was told, but I had no personal knowledge or evidence of it, was that Brian decided the appropriate approach was the latter, to be more independent.

331 Q. I see. 14:19

A. And that that, perhaps, had caused some friction. But I had no personal knowledge or had never seen personal evidence of any such friction. I knew them both and admired and respected them both.

332 Q. So, the passage continues, "he" again this is you, 14:19
"said this was a new process for the Royal Ulster Constabulary and that is why they had asked Dan Crompton to get his representatives to review the process.'

14:19

You've told us this was a new process and that Dan Crompton, who was there referred to, was one of Her Majesty's Inspectors of Constabulary?

A. Yeah.

333 Q. You again:

"He said it engendered resentment from the team because there wasn't that sort of maturity within the Royal Ulster Constabulary. I..." 14:20

Presumably this is Mr. Wood,

"...saw McVicker to be the man who should see the investigation through although that would be contrary 14:20 to normal practice."

Then there's this sentence that I'll seek your help with, if you can give any, "he" so this would be Brian McVicker, "was recommending a certain level of 14:20 resourcing which could not be afforded."

So, just pausing on that line "he was recommending a certain level of resourcing which could not be afforded." 14:20

Was it the position that Brian McVicker was recommending that the Omagh bombing investigation should be resourced to an extent which could not be afforded by the RUC? 14:20

A. I don't have a recollection of feeling that.

334 Q. There is then a passage in quotations, "I had given" this would be you in context:

"I had given a commitment to the family that no stone will be left unturned. Anyhow, nothing would be lost in time so we thought come September after the 'marching season' was over we would deal with it."

14:21

And the "it" would be the McVicker Review.

"Then there was a big internal debate should McArthur continue as Senior Investigating Officer, that is what was being suggested to me. There were linked incidents, maybe not linked but similar. The Chief Constable described McVicker as a good and tenacious detective. Also, McArthur was good but there was friction between them."

14:21

And then this:

"He then said, 'I'm still deciding how best to take this review forward'."

14:21

Again, pausing on that line, "I'm still deciding how best to take this review forward," is it the position, Sir Ronnie, that in September 2001, you were still deciding what action to take on the McVicker Review?

A. No, Raymond White had already begun to move forward on the recommendations in the McVicker Review. So, it's not as if I was sitting saying, I don't know what do about this, or quite how to take it forward. It seems to be perhaps conflated with some recommendations being

14:22

left until after the "marching season."

335 Q. This is what I'm interested in. What is there being expressed is something that is apparently quite stark, and as you heard from Baroness O'Loan, she, when this was reported to her, was struck by the sense that having had the report since November 2000 you might still be deciding how to take it forward? 14:22

A. No.

336 Q. But your position is, have I understood that action was being taken by ACC White? 14:23

A. Yes.

337 Q. Albeit there may have been some recommendations that were being left over for action at the end of the "marching season"?

A. Yes, I think one of Raymond's first steps was to have the recommendations grouped so that he could prioritise them. And there were some that were organisational related to training that actually could wait. 14:23

338 Q. We'll move forward just under two weeks --

A. Sorry. 14:23

339 Q. Of course.

A. When I say "could wait," without any detriment to the actual Omagh investigation. But McVicker identified recommendations that would be good for the organisation at large and in the longer term. 14:23

340 Q. So, next, 20th September and a note of a telephone call between you and the Ombudsman. Or rather, between your staff officer and the Ombudsman. This is INQ 050658. Thank you very much. We don't need to delve into the

detail of this. The Ombudsman is telephoning wishing to speak to you, speaking to your staff officer. And then five lines down we see the purpose of the call:

"I said..." this is the Ombudsman, "that I wanted to speak to him and Duncan asked me was it about the removal of secret materials?" 14:24

So, this takes us to an issue upon which we would value your evidence. You will remember that Baroness O'Loan explained that she had needed access to material that had a particular classification and that there was a process which had appeared to her to take a prolonged period before she had access to that material. So, could we please have your perspective on what was happening in terms of the Ombudsman's access during this investigation to such material? 14:25 14:25

A. I think the access afforded to the Ombudsman's investigative team was unprecedented, and what was being requested here was the ability to actually remove secret material from Police Headquarters. And I said in a different response, that I've taken legal advice and my responsibilities under regulation of Investigatory Powers Act and the obligations to treat secret material in an appropriate way. So I said I wasn't happy for the material to be removed. However, if the accommodation within Special Branch Headquarters that they were being given was in any way inadequate speak to another colleague and we'll get you bigger and 14:25 14:26

better premises and more suitable premises. But I still was not happy with the idea of secret material actually being removed.

341 Q. And there is correspondence to that effect that we can look at, if necessary -- 14:26

A. Yeah.

342 Q. -- but your recollection is accurate. So, let's just make certain that we've understood. Material that has a classification of secret or top secret, as a matter of general approach should only be viewed by people who 14:26 have an appropriate security clearance?

A. Yes.

343 Q. And should only be viewed by such people in appropriate circumstances --

A. Yes. 14:27

344 Q. -- and conditions. And we won't go into any of that but so far you're agreeing with me. Is what you're saying that you were comfortable with and certainly not putting obstacles in the way of the Ombudsman's team having such access to such material but it needed to be 14:27 in appropriate conditions?

A. Yes.

345 Q. And by people with appropriate clearances?

A. Yes.

346 Q. And did you seek to assist with ensuring that the 14:27 Ombudsman's staff obtained the appropriate clearances?

A. Yes, I did.

347 Q. I don't want to spend too long over that issue but it was obviously a concern of the Ombudsman's, you've now

given your explanation from how it seemed to be from your point of view.

We'll move on in time to 20th November. And this is the meeting between Mr. Wood of the Ombudsman's Office and ACC Sam Kincaid. And I've mentioned this twice already and we've looked at it once. 14:28

Can I immediately acknowledge that you were not a party to this discussion, so I'm not asking you to comment upon the accuracy of it, what I would like to know is whether the views that are attributed to ACC Kincaid in a number of respects are views that you agree with or disagree with. Does that approach make sense? 14:28

A. Yes, indeed. 14:28

348 Q. So, the document is INQ 050653. If you can enlarge, please, the top half of that page. And just scroll down. So, in the first part of that, above the heading "review" there is another description of friction between the Senior Investigating Officer, Mr. McArthur, and Brian McVicker and you've dealt with that, I won't go over the same ground. 14:29

ACC McVicker, under the heading review, identified that the review was what would have been expected from Mr. McVicker, namely thorough and detailed. That it had been conducted in a secret way which meant that some of the recommendations had already been dealt with before the report was published. So, what he seemed to 14:29

be saying was that sometimes where a review is undertaken the reviewer will tell the investigators, as the review progresses, these are things that you might be doing that hadn't, for good reason, no doubt, happened so the recommendations were all made in one go and some of them had already been adopted. Is that something that struck you at the time; we've already done some of this?

A. Yes, although I'm not sure about the description, "secret," it wouldn't have been public, I agree with that. And some of the recommendations, because, as I said, my understanding was that Raymond White had grouped the recommendations so that they could be prioritised in terms of the urgency they needed to have addressed. 14:30

349 Q. So, then, this line if we can move up slightly, it starts, "he conceded," do you see that, Sir Ronnie, it's five lines under "review:"

"He conceded that this was..." 14:31

Maybe we can just move the cursor over that. There we are. Perfect. Thank you. This is ACC Kincaid:

"He conceded that this was not many of the recommendations." 14:31

So recommendations that had already been dealt with.

"And he agreed that the report should have been acted upon earlier."

And do you agree with that view apparently expressed by the Assistant Chief Constable that the report of Mr. McVicker received in November 2000 should have been acted upon earlier? 14:31

A. No, I was confident in the belief that Mr. White was taking action through that period.

350 Q. If we then move down the page: 14:31

"The Senior Investigating Officer did not agree..."

Can we just draw that out as well, please.

14:32

"The Senior Investigating Officer did not agree that other bombings should be linked. He had submitted a report saying so. Sam did not agree with everything in the report but an OIOC..."

14:32

What would that stand for?

A. That's officer in overall command.

351 Q. "...has not been appointed."

And I need to see if this rings any bells with you. As you know, there came a time when it was suspected that those who had carried out the Omagh bombing had carried out a series of attacks and attempted attacks in the period before August of 1998? 14:32

A. Yes.

352 Q. I'm sure this is not news to you.

A. No.

353 Q. And that became the subject of investigation, in particular, by Norman Baxter. Do you remember it being the view of Brian McArthur that the other bombings should not be linked to the Omagh bombing? 14:33

A. I don't remember ever seeing this report that's mentioned there.

354 Q. We then have that reference to "agreed resourcing has been appalling given the public commitment by the Chief Constable," which I won't go over again. There's the reference to family liaison to which you drew your attention. And then over the page, page 2, please. At the very top of that page we've got the reference to Mr. Anderson or references with which you have disagreed. And then there's a passage, the passage that you've just enlarged, thank you. 14:33 14:33

"He accepts that mistakes have been made. He finds it unbelievable that Blair is not a firm suspect. He says he is a suspect now but accepts that no enquiries had been made regarding him. He also accepts that the 4th August anonymous information should not have been ignored. Suggested that Ray White had hardly ever been to the Major Incident Room." 14:34 14:34

So, let me just unpick some of that. Now, first of all we'll come on to this in a moment in detail, but can I

ask you, that reference to "Blair," is that a name that is familiar to you?

A. Yes, indeed.

355 Q. And would you read that as being a reference to, as the Inquiry Legal Team would, to Patrick 'Mooch' Blair? 14:35

A. Yes.

356 Q. So, let's just park that for the moment, and we'll come later to his status, or otherwise, as a suspect.

"He also accepts that the 4th August anonymous information should not have been ignored". 14:35

And do you accept or reject that that information was ignored?

A. It was not ignored, it was fully explored by two very experienced Special Branch officers, one of Detective Inspector rank and one of Detective Sergeant rank. 14:35

357 Q. And the suggestion that Ray White had hardly ever been to the Major Incident Room, is that something that you agree with, disagree with or feel yourself unable to express a view about? 14:35

A. I mean I can't express a view in terms of how frequently or how many occasions there were when he visited the incident room, I don't know. He's a very conscientious officer and takes his role and responsibilities very seriously. 14:36

358 Q. And then the final aspect of this note, ACC Kincaid confirmed, it would seem in some detail to Special Branch:

"Sam hopes that we can influence change in Special Branch. He said that they do an excellent job in preventing terrorism but are not interested once a terrorist incident has occurred. They do not pass intelligence to the Senior Investigating Officer." 14:36

This, from what follows, seems to have been a general point that he was seeking to make as opposed to one specific to the Omagh bombing investigation. 14:36

Now you, as we've discussed already, Sir Ronnie, knew Special Branch well by this point in time?

A. Yes.

359 Q. And do you think it is a fair criticism, at this point in time in 2001, that although they did an excellent job in preventing terrorism, once a terrorist incident had occurred they were not interested? 14:37

A. I disagree with that completely.

360 Q. So, it's plain now that we've been through that in some more detail, there are a number of things that ACC Kincaid is reported to have said which, if he did say them has reported, you will disagree with? 14:37

A. Yes.

361 Q. And disagree with strongly. Now, that takes us to 10th December. 14:37

A. I'm very sorry, do you want to mention Blair and this question?

362 Q. I do but I want to come to Blair in the context --

A. I beg your pardon.

363 Q. Not at all. If there are ways that you can help me, which I'm sure there are, you must tell me. We are going to come to Blair in the context of 10th December. So, 10th December, just to fix the date in your mind, we can take that from the screen, thank you. That is the date of the Secretary of State's human rights reception? 14:38

A. Mm-hmm.

364 Q. And what Baroness O'Loan described was attending that reception and then before you had gone for dinner with the Secretary of State, John Reid, and General Officer Commanding, that she had been asked to speak to you before that dinner. And she has described and noted some of the content of that discussion that took place between the two of you. So, can I just check, first of all, have you understood the incident that I'm referring to or the event I'm referring to? 14:38 14:39

A. Yes.

365 Q. And did you attend the Secretary of State's human rights reception? 14:39

A. Yes, I did, yeah.

366 Q. And do you agree that there was a plan that you would have dinner with the Secretary of State and the General Officer Commanding?

A. Yeah, except I can't remember whether that was before the human rights element of the evening or after, I thought it was after. 14:39

367 Q. The order, I think, that Baroness O'Loan was describing was the human rights reception, your discussion with

her and the dinner afterwards?

A. Yes.

368 Q. It sounds --

A. That's what I'm --

369 Q. -- like that's what happened. From what you've just said, you would agree that a meeting took place at Hillsborough Castle between you and Baroness O'Loan on 10th December? 14:39

A. Yeah.

370 Q. Her memory was that the meeting lasted for over an hour; does that accord with your memory or not? 14:40

A. I couldn't disagree with it, I'm not sure, but it wasn't a momentary thing, that's for sure.

371 Q. It was a meeting of some length and some substance?

A. Yes. 14:40

372 Q. What was your purpose in speaking to Baroness O'Loan on that occasion?

A. My purpose in speaking to the Baroness was, can we resolve this matter going forward? Can we restore the relationship? And just to try conflict resolution, if you like. 14:40

373 Q. So, the way in which Mr. Skelt who represents your interest, put it to Baroness O'Loan when he asked his questions was that you were outlining to Baroness O'Loan that there had been disagreements between the two of you but that you were wanting to put an end to those and move forward in a more positive light? 14:40

A. Yes. Sorry who gave that evidence?

374 Q. He probably wouldn't like the suggestion it was

evidence, but that was when Mr. Skelt asked questions of Baroness O'Loan?

A. Sorry, I beg your pardon.

375 Q. Does his question, as it was, capture your intention as you're describing it to us, that 'look, the two of us have disagreed, but I want to put an end to that and move forward in a more positive light'? 14:41

A. Yes.

376 Q. Against that background, I just want to look at what she has recorded the two of you discussing. And this takes us to INQ 049788. I'm not very far from the end of my questions. 14:41

You'll remember her evidence that she goes out to the car after the discussion, she made some handwritten notes that we have seen, and those are subsequently dictated by her so as to create this rather longer note; do you remember her giving that evidence? 14:42

A. Yes.

377 Q. I'm not going to read through all of this. But towards the bottom of that page, just before the No.1: 14:42

"The Chief Constable said to me that he was concerned that there were a number of significant deficiencies in our report." 14:42

So, that would be the December report. Do you agree that you said to the Baroness that there were a number of significant deficiencies in the report?

A. Yes, that was my view having read the draft that she'd sent.

378 Q. And you'd been sent the draft on 28th November, I think?

A. Yeah. 14:42

379 Q. "1. The role of the ACC Crime and the responsibilities of the different officers is not described in the report as a significant deficiency."

Two is redacted. 14:43

Three is a reference to Martin Bridger's understanding of the HOLMES account that I don't feel I need to ask you about. 14:43

Four is redacted.

Five:

"The Chief Constable told me that McArthur, the Senior Investigating Officer, has had access to all Special Branch material. I asked when and he told me that it was last week. He told that Mr. McArthur had found no relevant intelligence there which would assist his investigation." 14:43 14:43

And did you say to the Ombudsman that the SIO had had access to the Special Branch material and that there was nothing there to assist the investigation?

A. I can't remember that specifically but I'm not disputing it.

CHAIRMAN: Mr. Greaney. On the page which is on the screen I think we only have the first of these.

MR. GREANEY: I'm so sorry, that's my fault for following it in hard copy. Can we go to the next page please. 14:44

CHAIRMAN: It was point 5 you were asking Sir Ronnie about, was it?

380 Q. MR. GREANEY: I was. 14:44

"The Chief Constable told me that McArthur, the Senior Investigating Officer, has had access to all Special Branch material. I asked when and he told me that it was last week. He told me that Mr. McArthur had found 14:44 no relevant intelligence there which would assist his investigation."

And I had asked you did you agree that you had said to the Ombudsman that the SIO had access to the Special 14:44 Branch material and that it had not proved relevant to assist the investigation, and your answer was you don't recall having said that but you're not disputing it?

A. Yes, that was my answer.

381 Q. Would it be fair, do you think, to say that bearing in 14:44 mind that this record was made very shortly after the relevant events that it's likely that Baroness O'Loan has captured what you've said to her?

A. In that paragraph, yes.

382 Q. Paragraph 6:

"He said to me that he would have got his judicial review, that his legal advice was that I was being unreasonable and I made no comment." 14:45

First of all, had you received legal advice?

A. Yes.

383 Q. And did you say to Baroness O'Loan that the effect of your advice was that she was being unreasonable, 14:45 presumably in the report?

A. I think, perhaps, a bit stronger than unreasonable.

384 Q. How do you recall characterising what her report was thought to be?

A. Unlawful. 14:45

385 Q. And did you say to her that you would have got your judicial review, so succeeded?

A. No, I think would I have said, 'I have very strong legal advice that there is every chance of success in a judicial review, but I don't want to take a judicial 14:46 review.'

386 Q. So, this was part of your purpose of generating more positive relations?

A. Yes.

387 Q. 'I could have taken you to court and won but I'm not 14:46 going do that'?

A. Not preempting any court decision, but the legal advice received by me was very strong.

388 Q. Now, paragraph 7 has been entirely redacted, but we

know from the evidence that was given by Baroness O'Loan and indeed from the handwritten note which is not redacted in the same way, that she recalled that you had said to her that Patrick 'Mooch' Blair was not a suspect and never would be a suspect?

A. I'd like to make it clear that it's not the responsibility of the Chief Constable to decide who's a suspect and who is not a suspect and it would be entirely wrong to try and afford a title like that without all the relevant material to hand. That would be a job specifically for the SIO to decide who's a suspect and who's not. So, me saying that he's not a suspect is simply on the basis of a briefing, what the SIO's view was.

389 Q. This is why it's important you should give evidence. So, can I just work through this? Do you agree that you did say something about Patrick 'Mooch' Blair?

A. Again, I've no specific recollection of the detail that we discussed but I'm not disputing it.

390 Q. I mean, it would be a very odd thing if the Ombudsman making this note had made some mistakes?

A. Oh, yes. I'm not suggesting that for a second.

391 Q. And so, is it fair to proceed on the basis that you did say to her words to the effect of, 'Patrick 'Mooch' Blair is not and never will be a suspect'?

A. I don't know how you can say never would be a suspect because things change, intelligence is acquired, et cetera, et cetera, evidence is uncovered. I don't dispute that I said at that point he is not a suspect.

392 Q. But you are dubious about whether you said never will be?
A. Why would you say, how could you say never would be?
393 Q. Is what you're telling us that that was on a basis of a briefing that you had been given? 14:48
A. Yes.
394 Q. And do you recall that briefing at which you were told Patrick Blair, Patrick 'Mooch' Blair is not a suspect?
A. I recall, yes, I recall being informed that that was the view. 14:49
395 Q. Do you remember who it was that took that briefing?
A. I'd have to look at the dates, I think it was the SIO but I'd have to look at the dates as to which SIO.
396 Q. Sir Brian McArthur would have been the SIO by this point in time? 14:49
A. Then it would have been Brian who would...
397 Q. Are you able to understand that there is concern around the idea that Patrick 'Mooch' Blair was not a suspect?
A. I think I've seen other inputs from other colleagues suggesting that but I was given no evidence that he was 14:49 a suspect in the Omagh, that is not to say he was not suspected of terrorist subversive activity, but there wasn't detail, as I was briefed, to connect him to the Omagh atrocity.
398 Q. What I'm going to do now so we can better understand 14:50 what was behind what you've said, is that I just want to go through some of the features that were known at that time about Patrick 'Mooch' Blair and then ask you whether you are, in light of that, surprised that you

were briefed that he was not a suspect.

So, the reporting of Kevin Fulton prior to the attack had named Blair as having been involved in bomb making prior to the attack. And the report of Mr. McVicker, 14:50
which you had had for a year or so by this date, also contained information about Blair and I'm just going to put that on the screen so that we can see what that is. So, this is the McVicker Report, INQ 038248, and page 165. So the heading is, "analysis of source 14:51
information." And then if we scroll down the page, to 166, this is 166 of the pdf, it's going to be page 158 of the report itself. It's the next page please. And (d) so:

14:52

"Document 1440 dated 14th January 1999 outlines information received naming Blair M2111..."

So, that is the M nominal for 'Mooch' Blair," naming him as one of the main men -- let me start that again. 14:52

"Document 1440 dated 14th January 1999 outlines information received naming Blair M2111 as one of the main men behind the Omagh bombing. The intelligence gives a detailed description of where the device was 14:52
made up in the Republic of Ireland. There is no record of any action having been raised to liaise with AGS in relation to investigating and [redacted] described."

Then, paragraph 8.1.2, the final four lines of that paragraph:

"Two anonymous messages M516 and M523 previously received on 20th August at 1400 hrs and 1438 hrs respectively also implicate Blair as being behind the bombing." 14:53

8.13, 14:53

"Blair nick named 'Mooch' was identified by the investigation team, he has a long history of Provisional IRA involvement and is believed to be a leading member of the Real IRA. He is known to be a close associate of McKevitt." 14:53

So that's Michael McKevitt.

"...suspected leading member of the Real IRA. 14:53

On 15th August, Blair is believed to have made contact with the bomb phone suspected of having been used in the Omagh bombing at 1419 hrs. It is at this time that the car bomb is believed to have been placed in Market Street." 14:54

And then the next page please.

"8.14. Blair is also subject of a report relating to a

linked incident at Newry Police Station on 21st July."

You will be aware the Inquiry is exploring a series of previous incidents, that is one of them.

14:54

"At present, Blair is not classified as a suspect on HOLMES database and has never been arrested."

And there is then a reference to cars.

14:55

So, you can see that in the McVicker Review report, there was a body of material that was identified in relation to Blair suggesting that he was a member of the Real IRA, that he had a long history with the Provisional IRA, that he had been involved in an 14:55
incident, a terrorist incident, a linked one at Newry Police Station, and that he had been named as one of the main men behind the Omagh bombing. And you will have noted that along the way of that there was reference to a telephone call, and what that is to do 14:55
with is that on 15th August at 2:10 p.m., a call was made from a handset that we provisionally assess was in the scout car to a number associated with Liam Campbell. So, I hope this is making sense so far. At 2:10 when the scout car and the bomb car are in 14:56
Omagh, a call is made from the scout car to a phone associated with Liam Campbell. And nine minutes later, at 2:19 p.m., a mobile telephone attributed to Patrick 'Mooch' Blair, a 456 number, called that same number

associated with Liam Campbell a short time before the first warning call was made.

So, I'm confident that you will agree that when terrorists are engaged in the final stages of planting a car bomb in a market town in the middle of a Saturday they are, on the face of it, unlikely to be taking calls from someone who is uninvolved in the conspiracy? 14:56

A. I think there was one mention of a totally unrelated call made by someone with some of the phones, discovered later on but it was to a financial adviser or something, but it's possible that some single call unrelated to the incident could be made. 14:57

399 Q. So, anything is possible of course --

A. Yes. 14:57

400 Q. -- but when you think back to your days as a senior and active police officer, if you had people actively involved in planting a bomb in a market town, taking a call from another person, your starting point would be that that other person was -- 14:57

A. Could be involved, yes.

401 Q. Because if you put yourself in the shoes of --

A. No, no, the likelihood of such, that's the conclusion I would come to.

402 Q. It makes sense, doesn't it? And so when you put together what Brian McVicker had been saying 13 months before this meeting with Baroness O'Loan, including Patrick 'Mooch' Blair's connection with the telecommunications in the period before the bombing, do 14:58

you find it surprising that you were told that Patrick 'Mooch' Blair was not a suspect?

A. Yes, I do.

403 Q. Can we return, please, to that document that we were looking at which is INQ 044788. If we can go forward to paragraphs 8 and 9. So, we're back to the things that Baroness O'Loan has recorded you as having told her during the course of this meeting. 14:58

"8. He told me that he was on the edge of a breakthrough in the Omagh investigation." 14:59

Do you recall saying that to her?

A. I don't, and I can't now think of what the breakthrough might be. At various stages I think Anderson, in his liaison with An Garda Síochána, had hoped, but I'm getting into speculation here, so perhaps not wise. I had hoped that some of the perpetrators who resided outside the jurisdiction would be travelling north and perhaps offer an opportunity for their arrest and interview. Otherwise, I can't think of any potential breakthrough. 14:59 15:00

404 Q. And then 9:

"He told me that I would never be able to mend a bridge with the police. That I had destroyed my relationship with them." 15:00

Do you recall saying that to the Ombudsman?

A. No, the whole purpose of the meeting, from my point of view, was to get back our relationship, get it back on an even keel. So, I may have discussed, because I was receiving letters from members of the Police Federation complaining about the approach the Ombudsman staff had taken, stuff like that. So, I could have been talking in terms of, we need to be careful that the public spat, if you like, that we've been engaged in, doesn't spoil the overall relationship between our two organisations. But not -- the way it's almost described in those notes is it's almost of a threatening nature. 15:00 15:01

405 Q. It certainly, on the face of it, is not a very friendly thing to say, is it?

A. No. 15:01

406 Q. It's not the kind of thing that a person would say if they were hoping to move forward in a positive light?

A. Yeah.

407 Q. As you recall, Baroness O'Loan explained to us at the end of Week 4, that she had left that meeting with you, which she described as very, very unpleasant, that she'd gone to her car and that she had written down some notes and within her notes we see the phrase "never be able to mend the bridge with police." Bearing in mind that she made a record of that so soon after the events, do you think, with all of your experience as a police officer, that she is likely to be mistaken? 15:01 15:02

A. Yes, certainly, the whole character of the meeting a

described by the Baroness is not the character of the meeting as I recollect it. And the following mornings, I think she refers in her notes to a phone call I made to her home.

408 Q. She does. When you invited her to postpone publication of the report? 15:02

A. Just for a short time. I said, 'look I can shorten the response if it helps you change your mind.' But what I'm getting at is, the whole tone of my -- of how she describes my approach the next morning isn't the tone of someone who had taken an aggressive approach the night before. 15:02

409 Q. So, I've understood the point that you're making. Where we've reached is that Baroness O'Loan has given her description of that meeting on 10th December? 15:03

A. Yes.

410 Q. You have given us your recollection of the meeting of 10th December, certainly in terms of tone of the meeting there is a distance between the two of you which is not something that I can resolve or take forward any clearer? 15:03

A. There was mention, which I didn't see included in either the handwritten or the typed notes, of a suggestion that we could end up destroying the Peace Process. I never felt that for a second and would never have said that. 15:03

411 Q. As I've said my role is to --

A. Yes, I understand.

412 Q. -- adduce her account of it and your account of it,

which is now done, and the Chairman, obviously, will make of it as he sees fit.

I want to deal, very briefly, and finally with the events following publication. And I certainly don't wish to make too much of this. But, it is reported that at a press conference on 12th December you made an ill-judged statement about what you would do if the report proved to be correct. You've had a reaction to me reminding you of that. Can I, before we get to the apology that you certainly have offered, just invite you to help with one thing. 12th December was not the first time that you knew such serious criticisms were being made of the RUC and indeed of you personally, was it, because you'd seen the draft on 28th November? 15:04

A. Yes.

413 Q. So, whilst acknowledging that you have always said that you had inadequate time to respond, the criticisms were not ones that were sprung upon you at that press conference on 12th December, were they? 15:05

A. No, but I wanted time to try and have the Baroness change her mind.

414 Q. I'm going to ask that we put on the screen a part of the opening statement that was made on your behalf, and the reference is INQ 015518, page 7. I do this, I hope, out of fairness to you. In fact it's the page before that, I'm sorry. You say at paragraph 22:

"Following the release of what he considered to be an

inaccurate Police Ombudsman report, Sir Ronnie acknowledges making an ill-judged emotive statement in response to a journalistic question asking him if he would resign if the report was accurate. Having very quickly recognised that it was a crass response, Sir Ronnie immediately issued an apology and considered it important to contact the main church leaders in Northern Ireland. 15:06

Whilst this comment was a reflection of how unfair he felt the Ombudsman's approach to the investigation was, he recognises the important role that the Police Ombudsman as the first holder of the office played and the role the Office of Police Ombudsman continues to play in Northern Ireland, a role he was supportive of in its creation." 15:06 15:07

So. I've put that on the screen, and would it be right to say that you regret very much making that statement on 12 December? 15:07

A. I regretted it instantly I made it. It was crass. It was insensitive. And too many of my own police families have been afflicted by that curse and I was so ashamed if I had caused hurt to families similarly affected. I apologised then and I apologised at the beginning of the Inquiry and I apologise now, a terrible comment that should never have been made. 15:07

415 Q. I hope you accept, I haven't raised it to embarrass you but it was important to give you the opportunity, not

only through counsel but yourself to offer the apology that you just have now.

The final and connected topic. You appeared on Newsnight, a national news programme, on 13th December, so the next day. And we can put this on the screen if needs be. But the journalist, Kirsty Warke, asked you, you had a contact with a police informant called "Kevin Fulton." And what he was reported as having said is then summarised. And you said: 15:07 15:08

"That was an informant at that time in respect of whom monies had been paid for criminal intelligence."

So, there will be a question in a moment. It is now acknowledged, it's acknowledged by PSNI that a person who is known as "Kevin Fulton" was an informant for the police and I think you'll be aware of that position. Here, in this nationally broadcast interview, you were being asked about a police informant called Kevin Fulton, and in your answer you acknowledged that a person going by that name was or at least had been an informant. Could I ask you, was your decision to answer the question in that way and to confirm that a person going by that name had been informant, was that a considered decision by you? 15:08 15:09 15:09

A. The fact that he was using a name "Kevin Fulton" had been disclosed the day before publicly in the Ombudsman's report. The article that caused the

Ombudsman's investigation had named him, not by real name, I didn't even know his real name, I'd never heard his pseudonym even until that article back in July of that year.

416 Q. So, you didn't think you were saying anything new? 15:10

A. I didn't think there was anything new.

417 Q. But the point, I suppose, that might be raised is that it's one thing for a newspaper to say a person known as "Kevin Fulton" is an informant?

A. And the person himself allegedly, if you take that report at its face value. 15:10

418 Q. And it's one thing for the Police Ombudsman to say much the same thing, a person known as "Kevin Fulton was" an informant. But for the Chief Constable to confirm on national television that a person going by the name of "Kevin Fulton" is an informant, some might say that was a significant step further. And what I want to know is whether, in taking that step and confirming that a person, confirming as Chief Constable that a person going by that name had indeed been an informant, was your decision to do that a considered decision or was it something that just happened on the spur of the moment? 15:10 15:11

A. I think probably more the second than the first.

MR. GREANEY: Thank you very much indeed. Those are my questions at this stage at any rate. And, Sir, this would be a convenient time to take our break. Can I suggest that we return at about 3:25 please. 15:11

CHAIRMAN: Yes, thank you.

THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

CHAIRMAN: Mr. Greaney.

MR. GREANEY: Sir, Mr. Henry has been good enough to tell me that he no longer needs to ask any questions on behalf of PSNI. So, I'm going to go straight to Mr. Mansfield to ask his questions. 15:27

SIR RONNIE FLANAGAN WAS QUESTIONED BY MR. MANSFIELD AS FOLLOWS: 15:27

419 Q. MR. MANSFIELD: Good afternoon, my name is Michael Mansfield, as you know, and I represent the family of Laurence Rush, who you also know. I apologise for being in the seated position, it's no disrespect to you, perhaps you'll just forgive me, this is where I'll be asking the questions from. 15:27

Now, I've got two what I would call preliminary matters in the sense of they are a preface to your return, in other words, you're coming back and you kindly agreed to do so in later chapters, and the detail of these questions will develop in the later chapters, but I want to begin them today. The two topics, one concerns the day of the bombing itself, the 15th, possibly the 16th, possibly the 17th, but it's that very narrow window at the time of the bombing itself. That's one topic. And the other's concerning your background and contacts that you'd had, and experience. So, those are 15:27 15:28

the two topics. The first one concerns the day. Now, forgive the sort of narrative introduction so the scene is set for you.

You make a point, and it's understood and it's in your statement, of on the day, the moment you know you go to the scene. And after that, although you haven't described it, I'm not asking you to do so, you then go to the hospital where people have been taken. And that may spill over into the next day, I'm not confining it to just one strict period 15:28 15:28

A. Yes.

420 Q. I think you understand. That's the context. Did you do anything else of importance and relevance to this outrageous incident? Did you do anything else on that day or the following day of importance? 15:29

A. I think what I described earlier in my evidence about the phone calls, the media interviews at the scene, the briefing of the Minister, then the following day going back up after a short break to meet John Prescott, the Deputy Prime Minister. 15:29

421 Q. Yes.

A. I also appointed a Detective Superintendent to set up the temporary mortuary.

422 Q. Yes. 15:29

A. And to begin to look at identifications.

423 Q. All right. You do say all that in your statement and you do say quite a lot of that in evidence. I'll come straight to my point to you; as officer in charge of

the RUC, with extensive experience within the RUC, and facing an outrage of which there are going to be many questions in public and private for you, you must have been saying to yourself, is this right, 'who on Earth perpetrated this.' Now, is that fair? 15:30

A. Absolutely, yes.

424 Q. Right. The next question is, either that day or the moment you had a breathing space, I'll put the breathing space to you; while you're in, presumably a police car is driving you between the places, you'd 15:30 have a phone with you?

A. Yes.

425 Q. And you'd be in contact with people because it's an urgent situation, is it not?

A. Yes, I mentioned Raymond White who was on holiday 15:31 abroad.

426 Q. Now, did you speak to anyone and ask anyone in responsible positions within the RUC, I'll cite to you examples, the ACC Head of Special Branch?

A. That's right, yes. 15:31

427 Q. You name him, I'm not going to mention any names, he's in your statement, we can see who he is. The Head of Special Branch, then there are the Divisional Heads, the South and the North of Special Branch. And of course Mr. White, you've already mentioned in terms of 15:31 CID. So, shall we deal with the Special Branch people because you've got particular experience in the Special Branch. Did you ask any of them whether they could help you, at this terrible time, answer the question do

you have a clue as to who the perpetrators might be, did you ask that question?

A. Yes, I did ask that question.

428 Q. All right. I'm going to take this very carefully and slowly for reasons you're probably aware of. First of all, who did you ask? 15:32

A. The Assistant Chief Constable in charge of Special Branch.

429 Q. Right. The one you name in your statement?

A. I'm not sure. 15:32

430 Q. It doesn't matter, I'll leave aside names I don't want to take up unnecessary time. The Head of Special Branch. Now, he's an Assistant Chief Constable, is that right?

A. Yes. 15:32

431 Q. Right. And you ask him, now, I'm going to ask the question in stages, does he answer? Does he give you an answer?

A. Yes, I wanted to know have we any names, any suspects at this stage. 15:33

432 Q. Well, of course.

A. And the answer was no, at that stage.

433 Q. Well, there's a bit more to this than just wanting to know suspects. Of course one of the questions is, how on Earth did this happen and that it wasn't prevented, 15:33 those are all the natural questions, aren't they?

A. Yes, they would have been the sorts of questions we would have discussed in conversations.

434 Q. All right. And there are two parts to that as well.

Once you've asked the question, let's take the Head of Special Branch, what did he tell you?

A. That they didn't have names of suspects at that stage.

435 Q. That they didn't?

A. They would be convening a meeting of all the regional heads and that sort of -- 15:33

436 Q. So, no names were put forward to you by the Head of Special Branch?

A. No, not as being directly involved in the Omagh atrocity. In other words, they had a lot of work going on in terms of dissident terrorist subversive activity. 15:34

437 Q. Yes. I'm being precise. Are you saying that on the day, or possibly the day after, you were not given a single name by the Head of Special Branch?

A. Yes, I am saying that. 15:34

438 Q. Right. I think you'll understand the drift. So, did you speak to anyone else, for example, specific, the officer in charge of Special Branch Division South?

A. Yes.

439 Q. You did? 15:34

A. Yes.

440 Q. Now, again, I'm not asking for names. Now, did you speak to him on the 15th or the 16th and if you can't remember please say?

A. I'm certain it would have been on both days. 15:34

441 Q. Both days?

A. I think we're talking Officer 1.

442 Q. Right. Now, when you spoke to the Head of Special Branch South, and please understand I don't want to

press you for details that would be impossible to remember at this juncture, when you spoke to that particular person in charge of South, and asked the same questions, did he give you any name to be getting on with? 15:35

A. No, not as early a stage as that.

443 Q. No, not at the early stages?

A. No, but within a few days and the following week.

444 Q. Well, I'm going to ask you this question at this point; in relation to these conversations, asking the key 15:35 questions, you haven't set that out in your statement, it's not a complaint, I'm going to ask you now: Did you make a record at the time sitting in the car or whatever you were doing, unless you were driving, obviously, did you make a note of 'I spoke to X and he 15:36 couldn't give me anybody. I spoke to Y, he couldn't give me anybody.' Did you note all that down?

A. No, I didn't.

445 Q. Why not?

A. I didn't feel the need to because it was going to be 15:36 constant communication day on day.

446 Q. But having worked, as we've heard quite frequently, at least three different times, and Head of Special Branch yourself, you knew, when you asked that question, that somebody in Special Branch would have access to all 15:36 sorts of material, I'll put it that way, is that right?

A. That is right but they would want to give me considered replies based on examining any material at their disposal.

447 Q. I appreciate that, I appreciate that. But, of course, speed is of the essence and they sometimes say, don't they, there's golden hour of the investigation, it's got to be the first hour or so; you've heard that before? 15:37

A. Yes.

448 Q. Yes, right. So, in the first day - and I don't limit it to the 15th, possibly the 16th - I've been through three of the people, did you ask Mr. White who was away on holiday - perhaps you didn't want to - whether he had a clue about who might be responsible? 15:37

A. No, I don't think I asked that specific question of him.

449 Q. All right. Now, besides, obviously, needing to know, even if there's one name or one telephone number, that's a start that can be very important, isn't it? 15:37

A. It can be.

450 Q. Yes, thank you. So, moving to that, that is in order to launch an investigation, but also you would be aware because at one point, is this right, you were in charge of Special Branch operations, would this be right, in your background? 15:37

A. Some operations, yes.

451 Q. Anti-terrorist operations?

A. Yes. 15:38

452 Q. Right. And you can have ones that are, spontaneous obviously, but on the whole it's better, as you said today, if you're in charge of operations based on intelligence, do you remember adding those words today?

A. Yes.

453 Q. Yes. Please understand it's just a natural corollary. Did you ask any of the same people, I don't want go through them again, when you spoke to them if you did on the 15th or the 16th, 'oh, by the way, have any operations been mounted by Special Branch'? 15:38

A. I knew they were mounting operations on suspected dissidents.

454 Q. Well, did you ask whether there were any prearranged plans being activated the day before, that's the 14th? 15:39

A. Not prearranged plans.

455 Q. Not really. Because if in fact there was a prearranged plan being put into action and considered, even the day before, you ought to have known about it, oughtn't you?

A. If it was being considered the day before? Of course I ought to know about it. Sorry, is that what you said, did I hear correctly? 15:39

456 Q. Yes. Were you contacted on the 14th, at all, by anyone saying, the authorities in the South, in the Republic, have got information about a possible attack? 15:39

A. No.

457 Q. No?

A. No.

458 Q. And you also, at one point, concerned with a unit, a mobile unit which had come into being, do you remember you said HMSU? 15:40

A. Yes.

459 Q. It's a simple question, were there a number of those mobile units or just one?

A. There were a number.

460 Q. A number. From recollection, there's the Headquarters one, that's the one you were concerned with, is that right?

A. Yes. 15:40

461 Q. And then I think six or seven others, mobile units?

A. There were quite a number of other mobile units but with a different focus, with the focus on public order, et cetera, rather than any counterterrorism.

462 Q. Yes, understood. Were any of the mobile units, 15:40 including Headquarters, tasked with anti-terrorist activity?

A. Yes, there would have been, and I can't remember the exact --

463 Q. No, very well. 15:41

A. -- date they came into being, but there would have been three units. There'd have been the Headquarters Mobile Support Unit; there'd be one in Mahon Road in Portadown; and one in Ballykelly for North Region.

464 Q. Right, understood. The way you've described it today 15:41 is that you were, and you've rejected the idea that you would have lightened policing for political reasons and you gave the reason, because you recognised that terrorist activity, at that time, was very active and you used the word in your statement, after the Good 15:41 Friday Agreement "crucially" active. So you particularly were aware of the threat, is that fair?

A. Yes.

465 Q. Yes. Now, in that period, and I'm going to limit it

otherwise it takes too long, but let's take August 1998 with a very active terrorist scenario, were you aware of any planned counterterrorist operations in the week leading up to the 15th?

A. Yes, there would have been ongoing Special Branch activity and covert operations of surveillance on certain dissident suspects. 15:42

466 Q. When was that, can you say roughly?

A. What do you mean?

467 Q. When was the covert operation that you're referring to? 15:42

A. They would have been ongoing.

468 Q. Ongoing? All right. So, in relation to the covert, what are we talking about here, one of the vans going around, or something else?

A. We're talking about keeping any suspects under surveillance: What are they doing? What are they up to? Who are they meeting? Where are they travelling? 15:42

469 Q. Was that --

A. I think we're losing sight here of the international border that existed and the volume of this activity that was taking place in a totally different jurisdiction. 15:43

470 Q. Yes. Well, could we have, in that context, therefore, this is part of the second topic that I wanted to ask you, we've asked if kindly these two paragraphs from your statement could be put on screen please. I'll give the page number, it's INQ 046713, page 2, paragraphs 12 and 13. I wonder if that could come up on screen. Thank you very much. If you kindly look at 15:43

paragraph 12. The paragraph above was dealing with mobile units that we've just been talking about, and when you were appointed in relation to those in the 1980s. And then we come to paragraph 12, and I just want to take you through this if I may. Especially in the context you've just said of the international situation.

"I was appointed a Detective Superintendent, working in the Tasking and Coordination Group (TCG) South at Gough Barracks in early 1987. I was there for only a few months before being sent to the USA on a training course with the FBI in the summer of 1987. There was a longstanding reciprocal arrangement of the FBI inviting a UK police officer to attend their training course. An FBI officer would be invited to the UK to attend a Senior Command Course. I was selected to be the United Kingdom policing representative attending the FBI course in 1987. I returned to Northern Ireland in late 1987." 15:44 15:44 15:45 15:45

Now, I want to ask you just a little bit more about that. First of all, you say it was a longstanding reciprocal arrangement; do you know for how long, a decade or so, many years? 15:45

A. I would say so, I could find out exactly, but at least a decade.

471 Q. At least a decade, yes, that will do. At least a decade. Had other officers from Northern Ireland been

on this course?

A. Before me I think two or three down through the years.

472 Q. Down through the years?

A. And after me, there was a specific move by the FBI to bring Garda Síochána officers on the courses as invited international guests with RUC personnel to foster a closer relationship between the FBI, the Garda Síochána and the RUC. 15:46

473 Q. So, on these courses would you, as a result, be aware of how the FBI operates and what its resources are? 15:46

A. Yes. In 1987, the FBI, was, as its title suggests a bureau of investigation. It didn't have much experience in terrorism, for example.

474 Q. Right. But they were concerned about the international situation themselves? 15:47

A. No, only -- I mean, there were other countries represented as international guests on what they called the National Academy Course and I think it went back to J Edgar Hoover's time when he was trying to improve policing across American and he created a course for police chiefs of small communities in America, and they started to invite international guests to participate in this training. 15:47

475 Q. And then they started to expand?

A. Broadly, I suppose, in many ways a mirror image of the basic agent's course when they join the FBI. 15:47

476 Q. All right. Now, I want to ask you about a person, and see if you can remember. The Director of the FBI for a number of years - I'll give you the years - 1993

through to June 2001, was a gentleman called, they may pronounce it in the States "Lewis", but Louis Freeh?

A. Yes.

477 Q. I think he's what you called a good friend, is that right? 15:48

A. That's right.

478 Q. At least I take that from your statement, not overhearing anything, a good friend. Did you meet him when you were on this course that's in your statement?

A. Yes. 15:48

479 Q. Right. He, at that stage, wasn't the director when you went on the course I mean?

A. No, I think it was a Judge Sessions, I think, was the director when I was on the course. Sorry, there's a more senior FBI course for chiefs of police of major 15:49 cities in the USA, it's called the NEI, the National Executive Institute and I was later invited as an international guest to attend that course. And on that course would I have met Louis Freeh.

480 Q. Right. Now, once you'd returned to the United Kingdom, 15:49 did you maintain contact with Louis Freeh? I'll spell the names for the transcript.

A. I know it F-R-E-E-H, I think.

481 Q. It's F-R-E-E-H is the name, Louis Freeh. The answer is that you did keep up with him or you didn't? 15:50

A. Yes.

482 Q. You did. It may seem a simple question but why did you do that?

A. The FBI was an international body we were very

interested in and close to, and my contact with him, I made a specific enquiry in relation to Omagh of him, but it was a wide, wide ranging guess and I knew the answer before I asked the question, or I knew the probable answer. 15:50

483 Q. Well, I'm saving that for when you return, that particular topic. And I'm not going into the events that led to you speaking about that.

So, between you going on the course in the early 1980s and returning in 1987, between that time and 1998, would this be fair, you kept in regular contact with someone who was in fact in the end before Omagh, was the Director of the FBI, is that right? 15:50

A. I don't think I knew Louis before he became Director of the FBI. 15:51

484 Q. That's why I asked you whether if you met him on the course and you said yeah.

A. I've told you it was a different course, a more senior, later course. 15:51

485 Q. I see. Well, I don't want to --

A. But the FBI had based in their Embassy in London a legal attaché.

486 Q. Yes?

A. And that's the point of contact that would have been much closer. 15:51

487 Q. And, of course, the FBI have contacts beyond, obviously, you in Northern Ireland, they have contacts with their equivalent within the United Kingdom, do

they not?

A. Yes.

488 Q. Yes. So, can I just ask you this, it's the last question really, when was it, you think, that you met him, on a course over there or somewhere else in the States? 15:52

A. I think -- well I certainly met him here. The FBI then, with all the international students that they invite to undertake this training, they create various international chapters. 15:52

489 Q. Yes.

A. And I was appointed as president of the European chapter for the millennium year. And it's common practice that the precedent of a particular chapter hosts a retraining session in his or her territory during their period as president. So. I fulfilled that role in the year 2000 and conducted a retraining course which Louis attended and we, in fact, made it a doubleheader, we used Dublin and Belfast and Louis was here for the entire period of that retraining session, 15:52 15:53

MR. MANSFIELD: Thank you. That's all the questions I have.

MR. GREANEY: Thank you very much, Mr. Mansfield. Could I turn next please to Mr. Toal. 15:53

SIR RONNIE FLANAGAN WAS QUESTIONED BY MR. TOAL AS FOLLOWS:

490 Q. MR. TOAL: Good afternoon. If I may please just begin with the Police Ombudsman's report and police response. 15:53
You have repeatedly apologised, including today, for the ill-judged comment that you made at the time, but would you agree with me that it was a highly-emotive time for all involved?

A. Yes, of course. 15:54

491 Q. And also agree with me that it was a difficult moment for the police leadership?

A. Of course, yes.

492 Q. Now, the victims that I represent wish to understand the strength of feeling within senior leadership and 15:54
whether that influenced the preparation of the police response; do you understand?

A. Yes. I think there was quite strong feeling that people who ended up being complained of publicly were never interviewed or never given a chance to respond or 15:54
never given advance notice other than the draft report with what I consider still to be a much too short period in which to respond properly.

493 Q. Yes. And you've made that clear. Would you describe your approach to the Ombudsman's findings as measured 15:54
and objective?

A. I think if you read the detailed response, I think you'd say that was measured and objective.

494 Q. Yes. Now, I want to read some very short passages from

ACC McQuillan's second affidavit and you will have read it in your pack before you came?

A. I will have read it some time ago.

495 Q. I'll move through them quickly, because I think to be fair to you I want to give you an opportunity to comment upon them, okay? 15:55

A. Yes.

496 Q. At paragraph 6 he says:

"Sir Ronnie Flanagan refers in his said affidavit of 7th June 2002 to the special meeting at Police Service Headquarters of senior police officers on 12 December 2001. He opened the meeting by outlining his concerns that the stance taken by the Ombudsman in the PONI Report. It was clear that he was very angry and upset." 15:55 15:55

Now, do you accept that you were angry and upset at that meeting?

A. I was most upset not about any personal criticism of me, in fact that goes with the job I held. I was particularly upset about the two Special Branch officers and how they had been referred to in the report as virtually having done nothing, and ignoring that anonymous call that was made on 4th August. And they were described almost as having been allowed to escape justice by being allowed to retire. 15:55 15:56

497 Q. Okay.

A. These were Special Branch officers who I think

diligently looked at that anonymous call. And indeed when they subsequently made a complaint, the Ombudsman's Chief Executive investigated that complaint and unequivocally apologised to them. If that sort of action had taken place way back, there would have been no spat between me and the Ombudsman personally.

498 Q. So, you've agreed that he is in fact correct to say you were upset. Do you also agree with his suggestion that you were angry?

A. No, I don't think so. Upset, disappointed, shocked even. 15:57

499 Q. Okay. Well, was there anything that you said at that meeting that would have created an impression that you were angry?

A. I can't recall at this stage. 15:57

500 Q. Okay, well I'll move on to the next paragraph it says:

"Sir Ronnie Flanagan outlined what he saw as the major issues arising from the report and he and Mr. White made frequent caustic comments about the findings of the PONI Report. There was general agreement on some issues and concerns but on a number of occasions ACC Kincaid urged caution because he made it clear that he had read Mr. McVicker's review document and that some of the PONI criticisms had already been raised by Mr. McVicker. It was clear that Sir Ronnie Flanagan and Mr. White did not welcome these interventions. "

So, can I firstly ask you; did you make "frequent

caustic comments?"

A. No.

501 Q. Did you make any caustic comments?

A. I don't recall, it's not my form.

502 Q. Well, could anything that you said at that meeting be interpreted as such? 15:58

A. You know, I've known the late Alan McQuillan, I knew him for a long time, I grew up with him in the same part of Belfast so, if he came to those conclusions, there must be some reason in his mind, at least, to have arrived at those conclusions. 15:58

503 Q. Yes. I think one of the things that he went on to say is that you did not welcome Mr. Kincaid drawing attention to the similarities between the Ombudsman's criticisms and those already identified in the internal McVicker Report? 15:58

A. I think the Ombudsman took nearly a straight lift of parts of the McVicker Report after I had handed it over to her.

504 Q. Yes, I think that's his point. 15:59

A. The similarities didn't surprise me in that sense.

505 Q. So, why were you so annoyed with the Ombudsman when you already had those exact same deficiencies identified in your own internal report?

A. I think I've told you why I was annoyed with the Ombudsman, particularly in respect of the Detective Inspector and the Detective Sergeant in Special Branch who examined, I think thoroughly and rigorously, and, as it turns out, came to the right conclusion, the 15:59

conclusion agreed to by the Ombudsman's Chief Executive some years ago when he investigated their complaint.

506 Q. So, if I understand you correctly, your annoyance was confined only to the criticism of those two Special Branch officers? 15:59

A. Not only, I wouldn't say confined but it was the main spur. I wanted those officers who deserved exoneration to be exonerated.

507 Q. Okay.

A. That was the main thrust. There were other officers castigated as well. 16:00

508 Q. Perhaps we can come to that now.

A. But it didn't -- I assure you I wasn't that concerned about criticism of me.

509 Q. Okay. Well, the judicial review proceedings concerning the Ombudsman's report were brought then by the Police Association; yes? 16:00

A. Yes.

510 Q. And not by the PSNI?

A. No. I had been very much involved with the late Maurice Hayes who created the concept of an Ombudsman's Office and I had many meetings with Maurice. People assume that because Maurice was brought on to the Patten team that the Ombudsman's Office was a creation of the Patten Report. It's true that Maurice took that piece of work with him, but it was virtually finished when he became a member of the Patten Commission. I fully and utterly supported the whole concept of an independent Ombudsman's Office. 16:00 16:00

511 Q. Is it your evidence that you did not personally encourage or advise the Police Association to challenge the Ombudsman's report?

A. I did not. I did not. That was their collective view. When you say the staff association, it's the Police Federation who represent ranks from Constable to Chief Inspector. 16:01

512 Q. Yes.

A. The Superintendents Association and the Association of Chief Police Officers. 16:01

513 Q. Yes, but I'm correct that you went on to swear three affidavits in those proceedings?

A. I did, I did make an affidavit.

514 Q. And the first of which was sworn whilst you were still a Chief Constable; yes? 16:01

A. I think so.

515 Q. Would you agree with me that it's highly unusual for a Chief Constable to swear an affidavit in judicial review proceedings where the PSNI is not actually involved? 16:01

A. Well, you've got members of the PSNI were involved and I was asked.

516 Q. Yes, but the PSNI was not a party to that litigation but you became involved as the Chief Constable. I'm asking would you agree it's highly unusual to swear an affidavit in those circumstances? 16:02

A. I don't know if I can agree with that, what's highly unusual about it.

517 Q. You see the reason I ask, Sir Ronnie, is that former

ACC McQuillan states that two days after the PONI Report was published, you chaired a meeting with the Police Associations that led to the judicial review being lodged?

A. No, no. 16:02

518 Q. Well, do you accept being at that meeting?

A. I haven't a clear recollection of it now, but I don't dispute it. But, in fact, at one stage I contacted the Police Federation representative to say, 'look, did I ever at any point, even in an implied way, encourage you to take a judicial review?' Because if you read the late Alan McQuillan's thing, it's almost to hint as if I was saying one thing publicly but yet doing a different thing privately and it wasn't like that at all. And the Federation member said, 'Sir, you had absolutely nothing do with it and in fact if you had tried, some members of my organisation would have very visibly resisted.' He said, 'we in the three associations, based on our feelings, took the decision independently.' 16:02 16:03 16:03

519 Q. So, is it coincidence that Baroness O'Loan gave evidence and said that at the meeting at Hillsborough Castle it was you who was threatening a judicial review?

A. No. I wasn't threatening. As I explained in my evidence earlier, I was saying, 'I have very strong legal advice.' 16:03

520 Q. Yes, I know you said that. But for a judicial review that was unsuccessful, it didn't quash the report, did

it?

A. It didn't quash the report because the people who were involved with it by that stage decided that there would be an agreement that the Ombudsman would say, 'well, we have some things to learn, hopefully you have things to learn,' there was that sort of agreement on a draw, if you like.

521 Q. Okay. Well, could I, perhaps --

A. That was withdrawn.

522 Q. Could I, perhaps, draw together for you -- 16:04

A. I was very happy for it to be withdrawn.

523 Q. Okay. Can I, perhaps, draw together for you, we have three events occurring within four days: First, Baroness O'Loan says that you threatened her with the judicial review on 10th December; second, Mr. McQuillan 16:04 describes your angry response to her report at the senior officers' meeting on the 12th; and, third, Mr. McQuillan says you chaired a meeting with the Police Associations on the 14th which subsequently led to the judicial review proceedings? 16:05

A. No, that's not --

524 Q. Now, Sir Ronnie, those three events occurred within four days of each other; are you seriously suggesting to the Inquiry that they're totally unconnected?

A. Yes, well, the morning meeting would have been the 16:05 regular morning meeting that Alan's talking about. So, I don't include them in the connection, that meeting in the connection.

525 Q. Now, in your role as Chief Constable we know that you

met the Head of the British Army and the Secretary of State for dinner at that meeting, isn't that correct?

A. Yes, I don't recall it. I mean we would have had dinner pretty regularly.

526 Q. Yes. 16:05

A. So, I don't particularly recall that.

527 Q. By saying that you had dinner "pretty regularly," is it fair to say that you were at the political interface and that you had a lot of contact with high level politicians? 16:05

A. I think that's fair to say, yes.

528 Q. One such politician was your personal friend, Ken Maginnis; yes?

A. Yes, I suppose you can call him that.

529 Q. Were you aware that the Secretary of State had shouted at Mrs. O'Loan? 16:06

A. Who shouted at Mrs. O'Loan?

530 Q. The Secretary of State.

A. In my presence?

531 Q. No, not in your presence. Were you aware that he had shouted at her? 16:06

A. No, I'm not, no.

532 Q. Were you aware that the Permanent Under-Secretary told her that relations were breaking down with police?

A. Can you give me a name? 16:06

533 Q. The Permanent Under-Secretary at that time?

A. Oh, Sir Joseph Pilling?

534 Q. Yes.

A. And that he... I beg your pardon?

535 Q. Told her that relations were breaking down with police?
A. I don't know. I don't know.
536 Q. You see you were saying the same things to her, is that also a coincidence?
A. It's not a coincidence, I had a letter written to me by the Chairman of the Police Federation, sort of -- 16:06
537 Q. Can I ask you; did you have any role in orchestrating this campaign of pressure against Mrs. O'Loan?
A. Absolutely not.
538 Q. Did you speak to Ken Maginnis, your personal friend, before he launched an attack on her character? 16:07
A. No.
539 Q. Do you agree with me that calling her "a suicide bomber" was a dangerous and indeed a disgraceful thing to do? 16:07
A. Absolutely.
540 Q. Did you come out at the time and condemn him for doing that?
A. I don't recall him actually saying it, I've read it in Baroness O'Loan's statement. 16:07
541 Q. Now, Sir Ronnie, you don't remember Ken Maginnis publicly calling her "a suicide bomber" at that time?
A. I don't recollect that, no.
542 Q. Because that type of language in Parliament led to very profound consequences in Northern Ireland, didn't it? 16:07
CHAIRMAN: Is that the subject of an inquiry?
MR. TOAL: Yes, it is.
CHAIRMAN: Well, are you in a position to make a pronouncement about it?

543 Q. MR. TOAL: No. But you agree with me that as Chief Constable, that it would have been proper for you to call out any such language, is that fair?

A. I certainly would not have supported such a description in any way. 16:08

544 Q. So, may I please then just ask you about the Ombudsman's findings on Special Branch and your response to that, Sir. The Ombudsman said the following:

16:08

"In this, as in many other cases, my office identified significant problems in relation to the receipt, recording, evaluation, handling and dissemination of intelligence information received."

16:08

Do you remember that criticism?

A. I remember there was criticism of Special Branch, I can't remember the detailed wording.

545 Q. And your response, Sir, that you have referred to earlier in your responding statement was: 16:09

"Over the years, Special Branch has developed highly effective systems for gathering, collating, assessing, disseminating and actioning intelligence."

16:09

Do you remember saying that?

A. No, I don't remember saying it but I'm not denying saying it.

546 Q. Because as the former Head of Special Branch, you knew

that organisation intimately, is that fair?

A. It's fair but I was Head of Special Branch for about four or five months with a specific brief to find replacements for the ten senior Special Branch officers who perished in the Chinook disaster. 16:09

547 Q. Yes.

A. So, it's not as if I'm a career Special Branch man.

548 Q. Yes. But were you aware of the criticism by Baroness O'Loan that Special Branch officers exercised disproportionate control over the dissemination of 16:09 intelligence sometimes even refusing access to chief officers; do you remember her saying that?

A. No, I don't remember that specific wording.

549 Q. And that Special Branch officers were deciding what intelligence should be passed to murder investigators 16:10 without themselves being familiar with the detail of the murder investigations; do you remember that criticism?

A. No.

550 Q. Well, would you agree with me that that should not 16:10 happen under any circumstances?

A. It should not happen.

551 Q. And the Ombudsman went further and she described considerable animosity towards Special Branch within the rest of the RUC; were you aware of that? 16:10

A. No.

552 Q. No? In Special Branch records she found that CID and uniformed officers were being described as "other agencies;" were you aware of that terminology?

A. I could certainly agree with other departments or something like that.

553 Q. But "other agencies," Sir Ronnie, I mean these were not members of An Garda Síochána or MI5, these were fellow RUC officers investigating murders. Yes? They were viewed as Special Branch as "outsiders"? 16:10

A. No, not at all, Special Branch have an obligation to treat sensitively-gathered intelligence very sensitively. So, to talk about, I don't know dissemination to other agencies, I would have preferred if you're talking about other elements of your own organisation it would be to other departments. 16:11

554 Q. Yes. If I just give you one example - and I'm coming to the end - Baroness O'Loan records that after ACC Kincaid took responsibility for the Omagh investigation, he wrote to her office in November 2001 seeking RUC intelligence which her investigators had discovered. Were you aware of that letter? 16:11

A. No, no, I wasn't. I was provided a copy in terms of these proceedings, but the copy of Sam Kincaid's letter I think that I got was one day different date or something like that. But when I read it, my interpretation of his request was just making sure there isn't something that I have missed, there isn't something that you have that I should have access to. You know, it's not the case where he felt he couldn't -- he could have come to me at any stage for any intelligence he wanted. 16:11 16:12

555 Q. Yes, but we have the Senior Investigating Officer for

Omagh writing to the Police Ombudsman asking for intelligence that should have been given to him through his own RUC; correct?

A. If it was given to the Ombudsman and not to him, that's not right, definitely. 16:12

556 Q. Yes, but going back to --

A. But that's not the way -- the copy of the letter that I saw is not the way I would interpret what Sam's point was.

557 Q. The fact that he thought -- 16:13

A. I interpreted his request just a simple making sure in what you've been doing, just in case you've picked up some stuff that I haven't had access to.

558 Q. The fact that he felt the need do that, Sir Ronnie, would you describe that as a highly effective system? 16:13

A. I would want to ask Sam, I would want to discuss it with Sam what was his motivation behind it because I don't know.

559 Q. Yes. Well, Sir Ronnie, nearly a quarter of century has now passed and looking back do you accept that the 16:13 police response to the Ombudsman's report came too defensive of the organisation's previous decisions?

A. Well, I don't think it was defensive in terms of the organisation, I wasn't personally defensive in terms of myself. But I would be very defensive, I've told you, 16:13 about the two Special Branch officers.

560 Q. Yes, you've mentioned those.

A. Who I thought were very unfairly maligned.

561 Q. And then just one further question on behalf of the

victims please. They have the utmost respect for Baroness O'Loan's courage in standing up to the Establishment at that time, do you regret the way in which she was treated during that period?

A. I certainly had great regard for Baroness O'Loan and I wouldn't want her to be treated in a hurtful manner. 16:14

562 Q. So, you do regret the way in which she was treated?

A. I regret the way she felt that's how she was being treated. I don't have the evidence that she actually was. I don't doubt that that's how she felt. 16:14

563 Q. You regret the way in which she felt she was treated, is that your answer?

A. Could you repeat that?

564 Q. I asked you if you regretted the way in which she was treated and you said you regret the way that she felt that she was treated? 16:14

A. Yes.

565 Q. So, you don't have any personal regret?

A. I don't think so.

MR. MANSFIELD: Thank you. 16:15

MR. GREANEY: Finally, before we see whether Mr. Skelt has any questions I'll turn to Mr. Southey please.

SIR RONNIE FLANAGAN WAS QUESTIONED BY MR. SOUTHEY AS FOLLOWS: 16:15

566 Q. MR. SOUTHEY: I'd like to start by following on to some extent. I should say I'm Hugh Southey, I have the privilege of representing some of the victims and

survivors. I'd like to start by following on from some of the questions that Mr. Toal just asked, if I may, particularly about the role Special Branch played. I'm sure you're aware that Baroness O'Loan found and she's given evidence in this Inquiry, about how there was 16:16
delay of 25 days in Special Branch intelligence reaching the investigating team. Firstly, do you accept there was that delay?

A. Is this delay to the Baroness's investigative team from Special Branch? 16:16

567 Q. No, I can pull up the reference, actually, it's in her witness statement. If we can have INQ 042304, page 47, to be fair. And if you can highlight page 140, you will see there what she said in her evidence to the Inquiry. 16:17

A. Yes, I've read that paragraph.

568 Q. Firstly, do you accept that finding that there was a delay of 25 days?

A. I don't know, but what I do know is that that would be contrary to all instructions I personally gave. My 16:17
instructions were that Special Branch should of course disclose any available intelligence. My instructions were that the Ombudsman's investigative team should get every assistance and access to everything that they wanted access to. 16:17

569 Q. Well, this is a bit more serious in one sense than that because this is immediately after the bombing, the investigators not getting it and that impeding effectively effective investigation during what's been

described as the golden hour. Would you accept it's more serious than it not getting to --

A. I'll accept the wording's serious but I would want to check the accuracy of it, and what the Special Branch have to say. What does Mr. McVicker have to say? 16:18

570 Q. Well, even though this is an allegation that's been around for some time, you don't know whether that's accurate?

A. As I sit here today, I can't vouch for the accuracy of it. 16:18

571 Q. Can I then go to page 30 in the same document and it's paragraph 95, if we can highlight that, please. This is again Baroness O'Loan's evidence to the Inquiry. She indicates that arrests and searches needed clearance from Special Branch before they were carried 16:19 out. Are you aware of that practice?

A. Yes, in certain circumstances.

572 Q. Well, would it have applied in Omagh?

A. I beg your pardon?

573 Q. Would it have applied in the Omagh investigation? 16:19

A. I don't think it was brought into being at any stage in the Omagh investigation.

574 Q. You say it was brought into being, does that imply this was only a policy that was put in place for specific investigations? 16:19

A. Not for specific investigations, but if CID wanted to carry out a search in particular circumstances there may be valid reasons why that wouldn't be appropriate.

575 Q. Okay. You see, the point I'm going to make to you is

this --

A. The impression there is that Special Branch were all powerful.

576 Q. Yes.

A. It's that they were, on certain occasions, giving clearance for certain activity to take place. 16:20

577 Q. This is really in one sense the heart of what I'm trying to get to, one of the things that was said by Merseyside Police in their HOLMES review was that in the context of Northern Ireland, and obviously they were looking at the Omagh investigation, so, they were talking really about the Omagh investigation, at times murder investigations - and this is their language -may have run behind intelligence. In other words, intelligence gathering was regarded as more important, as I understand it, than criminal investigation. We've seen there how there was a delay in Special Branch or it's certainly alleged there was a delay in Special Branch providing information, we've seen Special Branch potentially controlling where searches can be conducted. Do you accept, at the material time, Special Branch, effectively, and their role in gathering intelligence had priority over investigations? 16:20 16:21 16:21

A. No, I don't accept that. Their drive would be as much to assist investigations as it would be to prevent acts of terrorism. The suggestion being made is, I think by Sam Kincaid and different document today shown to me, they were very good at prevention but the suggestion 16:21

was once an incident had actually happened they lost interest or weren't interested and that's not at all something I could agree with.

578 Q. Isn't, as I say, the 15 days, for example, an example of that, if that's true? 16:22

A. If it's true without reason, I would like to hear both sides of the argument. If it happened, why did it happen?

579 Q. Moving on to another topic about the effectiveness of the investigation, one of the questions you were asked 16:22 this morning, I think it was this morning, was about, I think it was again one of the documents relating to Sam Kincaid, I can't remember, but you remember there was a reference this morning to a report from the officer in the case opposing linking? 16:22

A. Yes.

580 Q. You remember that?

A. I haven't seen that report.

581 Q. I understand that, and I wasn't going to question about the content of it. You, I'm sure, are aware, because 16:23 you've been following the Inquiry, that Deputy Chief Constable Tonge when he gave evidence, said and I hope I've got my notes right, that he was shocked by the failure to link incidents. Do you accept there was a failure by PSNI in the early stages of the 16:23 investigation into Omagh to link incidents?

A. I know Mr. Tonge and respect Mr. Tonge and saw quite a bit of his evidence, most of his evidence, and therefore, I accept there were serious inadequacies in

the use of HOLMES.

582 Q. I'm not talking specifically about HOLMES, I'm talking about linking incidents, effectively recognising that there were investigative opportunities through --

A. Well, certainly, it's not as if nobody considered the possibility of linkages. You've mentioned one report by an SIO saying he didn't think the incidents should be linked. But I think it's worth remembering that quite a number of these prior incidents took place in one region in our force, it's not as if you're trying to link Lancashire with Merseyside, with Greater Manchester, who may have different forensic services, for example. All our exhibits would have been going to the same Northern Ireland forensic science capability, so, the question of linkages isn't quite the same as linkages in the appointment of what's colloquially called an OIOC officer, in overall command. It can be a different consideration when you're dealing with one force or one region within one force. 16:23 16:24 16:24

583 Q. Can I then move on to another topic, which you've already been questioned on a little bit about today which was 'Mooch' Blair. Can I ask for INQ 000409 and page 22 to be put up. While we're waiting for it to come up, this is the response of the RUC, the formal response to the Ombudsman's report. I'm sure you've seen it, it's the detailed document, and it's got a criticism on one side and a response on the other side. Can we highlight 15.10. I'm going to ask you a little bit about that in a moment, but before I do that, is it 16:25 16:25

fair to assume that you, given obviously your concern about the Police Ombudsman's report, you played a significant role in the preparation of this document?

A. A significant role in that I created a team to look at detail of the Ombudsman's report and provide a detailed response. 16:26

584 Q. But if you were going to stand by the responses - and you, presumably, were - you were, presumably, satisfied that the responses were accurate, is that fair assumption to make? 16:26

A. Yes.

585 Q. In that, we now know obviously that Person A or Man A was Patrick 'Mooch' Blair. The response given to the criticism about the failure to pass intelligence was there was no reason to pass that on. In light of the questions that were put to you about it, do you accept that is a wrong answer? 16:26

A. The briefings that I were given indicated that there was covert activity going on in relation to Man A's activity, he was being covered, if you like, and the belief or the briefing that I was given was there was no reason to pass intelligence about Man A to the Omagh bomb team because he wasn't a suspect. But I made clear today, it's not for me as Chief Constable to decide who's a suspect and who is not a suspect, that's a matter for the SIO. So, my briefing was that the SIO decided that Man A was not a suspect for the Omagh atrocity. 16:27

586 Q. You this morning, I think, said in light of what is now 16:27

known it was surprising he wasn't a suspect?

A. When I looked at what I was shown this morning.

587 Q. You accepted it was surprising?

A. I'd like to hear the other side and why, notwithstanding those instances, why he was still not considered a suspect. I'd like the opportunity to look into that and see what explanation there could be. 16:28

588 Q. So, is the implication that although you were happy to stand by this, and although the Ombudsman in one sense was saying this is significant that 'Mooch' Blair information wasn't passed on, and the response of the RUC was to say, there was no reason, you didn't actually probe the underlying material about that response? 16:28

A. No, and I think that document is a shortened document of the overall response because I think it's a document that specifically relates to factual inaccuracies, misunderstandings and colour-codes them in that sort of grouping. 16:28

589 Q. Can I move on, but it's in one sense linked to what I was asking you about because it's about your role. Can I be clear, because I'm not sure I am clear at the moment, I'm not sure the Inquiry is clear, about what you would say your role was in the investigation of the Omagh bomb, particularly in the first couple of years? 16:29

A. I think my role was mainly to make sure that they had whatever resources were needed to effectively and fully investigate the Omagh atrocity. 16:29

590 Q. You also though, I think, would accept possibly as part

of that, because this is I think in your opening statement, that you had to play a direct interest in that investigation, take a direct interest?

A. Yes, absolutely I had a direct interest in it, 29 people murdered and hundreds injured. 16:30

591 Q. Yeah. And I know, I think this morning you weren't clear where the wording had come from, but certainly it's been suggested you said "no stone should be unturned" and you were saying -- you were making public commitments, effectively, to families that the 16:30 investigation needed to be effective?

A. And, for example, the reviewed document could be viewed as an example of that, that I would have been disappointed if McVicker had not unturned every stone that there was, even if it was just a remote 16:30 possibility.

592 Q. But in light of that, how is it the case that when you were questioned about the very rapid reduction in resources, the moving from a seven-day week working to a weekday working reduction in hours, how is it that 16:31 you weren't aware of it?

A. It was never brought to my attention. It was a decision in the log and a decision explained by the SIO saying this is the most efficient and cost effective manner of achieving what we still have to achieve. So, 16:31 I would like to look at that side before coming down concretely on one side or the other on that issue.

593 Q. But if you were taking a direct interest in the resourcing, shouldn't you have been aware of that?

A. Not necessarily. How the incident room is run and those reductions related to mostly the incident room and how it was ran, that's a matter for the SIO, not a matter for me. The fact that he logged the decisions was important, of course.

MR. GREANEY: Sir, I don't wish to interrupt. As I indicated at the very beginning today, it's highly desirable that we should finish Sir Ronnie's evidence today. Can I just check that you, Sir, are content to sit on to enable us to conclude and that Sir Ronnie is content for us to sit on to conclude? 16:32

CHAIRMAN: I don't think Mr. Southey has got terribly much further to go.

MR. SOUTHEY: I haven't.

CHAIRMAN: And it was my expectation that if Mr. Skelt wanted to ask questions he might prefer to do that tomorrow. 16:32

MR. GREANEY: Well, there is an issue in relation to tomorrow. Mr. Skelt certainly at lunchtime was not proposing to be very long, I wasn't standing in order to seek to curtail the time available to Mr. Southey in any way, simply to check whether everyone is content to sit on until, for example, quarter to five if that would enable the witness to finish. 16:33

CHAIRMAN: Well, I think we should just take it a step at a time. I understand there's an issue about tomorrow. 16:33

MR. GREANEY: Yes.

CHAIRMAN: But I don't think it's fair to expect a

witness who's been the witness spot all day to be concentrating on giving effective evidence for terribly much longer.

MR. GREANEY: Sir, you are in the best position to judge and I'm sorry if I've intervened unnecessarily. 16:33

CHAIRMAN: Do you want to continue just now, Mr. Southey?

594 Q. MR. SOUTHEY: Yes, certainly. I was asking about your role, one other area that I just wanted to probe about how realistic, in one sense, your answers were: AGS. 16:34 AGS, given the cross-border nature of the case it, presumably, was clear from a very early stage that there needed to be strong cooperation with AGS?

A. Yes.

595 Q. It was put to you this morning that that there were a 16:34 number of issues raised about the effectiveness. Mr. Baxter has, for example, raised issues about that and I think your answer was, they were never raised with me. Doesn't that raise a question mark about the effectiveness of your oversight, essentially, of this 16:34 investigation?

A. I don't think so. I think as Chief Constable it was my job, and I opened direct lines of communication with the SIO and made it clear to him, for example, when the appointment of Eric Anderson took place, that this 16:35 wasn't instead of him, this was to relieve him of certain responsibilities in such a massive undertaking to make his job more easily attained and successfully attained. And Anderson was ideally placed with his

position as Deputy Head of Crime Branch to know when additional resources were needed and to respond very quickly by providing those additional resources. But the Chief Constable doesn't -- in doing that I think you need to take care that you're not doing the SIO's job for them. I wanted to make sure that Eric Anderson didn't think he was doing the SIO's job; he was relieving the SIO of certain responsibilities, as was described in the evidence this morning. 16:35

596 Q. One final question about resources, it was put to you this morning, you remember that you were shown the notes of the meeting -- 16:36

A. Yes.

597 Q. -- prepared by David Wood, where there appeared to be an indication that you had indicated that resources weren't -- that there weren't enough resources, essentially, to meet all of Mr. McVicker's recommendations. And I think you said you had no recollection of that. Is it possible you said that there was a resource limitation that prevented you fully complying with McVicker? 16:36

A. No.

598 Q. So, the note is wrong then?

A. Yes. I asked for explanation of what resources meant, and having received the indication that it's actually additional Government money, I'm confident that whatever I requested would have been provided. So, the case then is if the SIO felt they were underresourced, they knew they had a direct line to me if they needed 16:36

it. But no direct communication to me about under-resourcing was actually ever passed to me.

599 Q. Well, can I just probe that a little. Because firstly, on that, if that note is accurate, and certainly some of the notes I think were shown to you suggested this is the case, the SIO may not have been completely committed, if I can put it that way, to the McVicker recommendations, so he wouldn't necessarily have asked for those resources, would he? 16:37

A. Perhaps not. 16:38

600 Q. So, that wouldn't have been -- but, secondly, if what you think that note can't have meant was that more money was needed, is it possible that resources in some wider sense were not available to ensure full compliance with McVicker? 16:38

A. Not of which I'm aware.

601 Q. So. That note is inaccurate?

A. Can I see it again?

602 Q. Yes, certainly. It's INQ 050654.

A. Is this a note -- sorry, I thought this was the note that David Wood made. 16:38

603 Q. It is the note that David Wood made. Sorry, it's just about to come up, it takes a little time for it to come up. It's INQ 050654. And if you go -- the particular passage to highlight is about a third of the way down the page. Starting from "I saw Mr. McVicker" and then for about eight lines below that. Eight lines below that. Yes. If you look at that, it's the second line in that. [Short pause]. Do you have any explanation 16:39

of what that could mean?

A. No, I'd need to look into that. I mean, is it me they're talking about? He, McVicker was recommending a certain level of resourcing, which could not be afforded. Is that me talking about McVicker? 16:40

604 Q. It's difficult to see who else it could have been, given that the meeting was --

A. It's strange then it's only the next part that's in inverted commas. Again, I suspect there are different issues being conflated here. There was some of 16:40
McVicker's recommendations which could be delayed for a period and that was -- Raymond White, as I said this morning, had grouped them in categories to allow that prioritisation to take place. So, some of them could wait for example, until after the "marching season." 16:41
If that's what it means, but it's David Wood's note of a meeting that he had. A meeting he had with me I guess.

MR. SOUTHEY: Yes, it's a meeting with you, yeah. Okay. Thank you very much indeed? 16:41

THE WITNESS: Thank you.

MR. GREANEY: Sir, that does just leave Mr. Skelt.

MR SKELT: I'm conscious that there are a couple of things that Sir Ronnie has indicated he wishes to reflect on. We don't have any further questions at 16:41
this time, thank you.

CHAIRMAN: In terms of the points you indicated you wanted to reflect on and, perhaps, look into in a little bit more detail, Sir Ronnie?

THE WITNESS: I think counsel indicated it could be dealt with in a later chapter.
CHAIRMAN: That was my impression as well.
MR. GREANEY: Sir, that is my view.
THE WITNESS: Is that acceptable. 16:42
MR. GREANEY: That would be acceptable to me but, Sir, you're the important one in these decisions.
CHAIRMAN: That sounds eminently sensible, if I may say so. So, we don't need to detain Sir Ronnie any longer at this stage. 16:42
MR. GREANEY: We don't. What the team does is to keep a running list of issues that witnesses have said that they need to come back on. We will be able to help Sir Ronnie, along with his team in that regard. We do not need to detain Sir Ronnie now or seek his return 16:42 tomorrow we will see him back with thanks in due course.
CHAIRMAN: Thank you for your evidence so far, Sir Ronnie.
THE WITNESS: Thank you very much indeed, Sir. 16:43
CHAIRMAN: And we will reconvene at a further point in the Inquiry.
MR. SKELT: Sorry, before you rise for the day, I'm conscious that Sir Ronnie's under oath and there will now be a long break, I suspect, between this evidence 16:43 session from him and his next evidence session. It's likely that we will need to consult with him again in the interim period, but given he's under oath I'm not sure whether the appropriate process henceforth is to

release him from his oath now to be resworn or whether he needs to be kept under oath. It may be that the former is the neater way of doing it but, of course, it's entirely a matter for you and your legal team.

CHAIRMAN: I don't really think any step needs to be taken, Mr. Skelt. Plainly it's appropriate for you to consult with your client whenever you see that as being necessary, and there's no particular impediment arising as a consequence of Sir Ronnie's status as a witness. 16:43

MR. SKELT: Thank you. I just thought I should clarify. 16:44

CHAIRMAN: No, that's fine, thank you.

MR. GREANEY: Well, Sir, we are grateful to you and everyone else for agreeing to sit until just before 4:45. Would you now please rise until ten o'clock tomorrow morning. 16:44

THE INQUIRY ADJOURNED UNTIL TUESDAY, 10TH NOVEMBER 2026, AT 10:00 A.M.

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