

**The RUC handling of certain intelligence and its  
relationship with Government Communications  
Headquarters in relation to the Omagh Bomb on 15  
August 1998**

**Public Statement by the Police Ombudsman for Northern Ireland  
arising from a referral by the Chief Constable, in accordance with  
Section 62 of the Police (Northern Ireland) Act 1998**

# 1.0

## INTRODUCTION

- 1.1 On 4 May 2010, I received a Referral from the Chief Constable of the Police Service of Northern Ireland (PSNI) concerning a number of specific matters relating to the manner in which the Royal Ulster Constabulary (RUC) Special Branch handled both intelligence and its relationship with Government Communications Headquarters (GCHQ) in relation to the Omagh Bombing on 15 August 1998. The referral originated from issues identified by the House of Commons Northern Ireland Affairs Committee.
- 1.2 In 2013 the Chief Constable made a further Referral to my Office in connection with the findings of a report commissioned by the Omagh Support and Self Help Group (OSSHG) in support of a full Public Inquiry into the Omagh Bombing. The report identified and discussed a wide range of issues, including a reported tripartite intelligence led operation based in the Republic of Ireland involving American, British and Irish Agencies, central to which was a named agent. It suggested that intelligence from this operation was not shared prior to, or with those who subsequently investigated the Omagh Bombing.

- 1.3 On 12 September 2013 the Secretary of State for Northern Ireland, Theresa Villiers M.P. issued a statement explaining that there were not sufficient grounds to justify a further inquiry beyond those that had already taken place. Elaborating on this decision, Ms Villiers stated, *'I believe that the ongoing investigation by the Office of the Police Ombudsman for Northern Ireland is the best way to address any outstanding issues relating to the police investigation into the Omagh attack'*.
- 1.4 On 14 November 2013 I wrote to the Deputy Chief Constable explaining that in the context of the reported international intelligence operation involving agencies over which I had no investigative remit, I could not conduct an effective investigation of the issues identified in the report commissioned by the OSSHG. I concluded that such a constrained investigation would not be desirable in the public interest and advised the Justice Minister of this decision in writing. A copy of my correspondence to the Justice Minister is attached at Appendix A.
- 1.5 I recognise the concerns of some victims and survivors of the Omagh Bombing, particularly those representatives with whom I have engaged from the OSSHG, that there are dimensions to the preventability and investigation of the atrocity which have yet to be subject of examination by the State. This report however is concerned only with those policing matters that concerned the Northern Ireland Affairs Committee and which were subsequently referred to my Office by the Chief Constable.
- 1.6 Due to the nature of the material which I have examined, I am restricted in what information I can place in the public domain in this statement.

# 2.0

## BACKGROUND

- 2.1 On 15 August 1998 a car bomb exploded in Omagh, County Tyrone killing 29 people and two unborn children. Responsibility for the attack was claimed by the Real IRA. Investigations have been carried out by the RUC/PSNI but to date no-one has been convicted in relation to the bombing.
- 2.2 My Office has previously investigated aspects of the police response to the bombing leading to publication of a report in 2001. Subsequent investigations have examined a number of discrete aspects of policing matters associated with the bombing.
- 2.3 The Police Ombudsman's 2001 Inquiry was directed by my predecessor, Baroness Nuala O'Loan in response to an allegation that the Omagh Bombing could have been prevented had the RUC acted on information available to them prior to the atrocity. The scope of that investigation was subsequently extended to consider whether intelligence held by the police was shared with detectives investigating the bombing and whether all evidential opportunities were fully examined. Baroness O'Loan published the following findings:
1. Information had been received by police in relation to dissident republican activities between June and August 1998 but that even if reasonable action had been taken in respect of that intelligence alone it was unlikely that the Omagh Bomb could have been prevented.

2. An anonymous telephone call had been made to police on 4 August 1998 stating that an unspecified attack would be made on police in Omagh on 15 August 1998 and it was the view of the Police Ombudsman that the information was not handled correctly. It was not possible to say what impact other action between 4 August and 15 August 1998 would have had, or whether action other than that taken by Special Branch could have prevented the Omagh Bomb.
3. The possibility of a successful investigation could have been enhanced even after a Review Report, commissioned by the police in 2000, had all the recommendations of that report been expeditiously implemented. The delay in implementing the Omagh Bomb Review Report was likely to have reduced the possibilities of bringing those responsible to justice.
4. Significant intelligence held by Special Branch was not shared with the Senior Investigating Officer (SIO) responsible for the Omagh Bomb investigation or the Omagh Bomb Reviewing Officer. Also that Special Branch failed to disclose the 4 August 1998 anonymous information or the Omagh Bomb Review Report to the Police Ombudsman and that Special Branch delayed passing relevant intelligence to the Omagh Bomb Investigation Team until 9 September 1998 as a result of which evidential opportunities would have been lost.
5. In conclusion, Baroness O'Loan stated that as a result of the seriously flawed judgement of the Chief Constable and Assistant Chief Constable Crime, the chances of detaining and convicting the Omagh bombers had been significantly reduced and that the victims, their families, the people of Omagh and the officers of the RUC had been let down by defective leadership, poor judgement and a lack of urgency.

- 2.4 In 2005 my Office received a referral from the Chief Constable in relation to the origins of the anonymous telephone call received by police on 4 August 1998. This was on the basis of suspicions that the caller was a named police officer. The officer denied the allegation and the Public Prosecution Service (PPS) directed no prosecution in relation to a file submitted to them by my Office.
- 2.5 The Police Ombudsman received a further referral from the Chief Constable in 2006 concerning the evidence of a police Scenes of Crime Officer and a Detective Sergeant during the trial of Sean Hoey, prosecuted in relation to the Omagh Bomb. The trial judge, Mr Justice Weir, had observed that their evidence had not only been unreliable but that they had misled the court. Following an investigation by my Office the PPS directed no prosecution.
- 2.6 On 14 September 2008 an article was published in the Sunday Telegraph newspaper with the headline, *'The words that might have saved Omagh'*. The report, authored by Mr John Ware, a BBC journalist and presenter, inferred that relevant intelligence, gathered through covert means had, if acted on, the potential to prevent the bombing and identify the offenders but was not shared with police.
- 2.7 The newspaper article was followed by a BBC Panorama television broadcast on 15 September 2008 titled, *'Omagh – what the police were never told'*, written and presented by Mr Ware. The program asserted that the Intelligence Services had been aware of substantial intelligence relating to the Omagh bombers, including *'live'* monitoring of telephones on the day of the atrocity which would have indicated their activities and assisted in their early arrest.

2.8 Shortly after the broadcast, the then Prime Minister, Gordon Brown M.P., invited the Intelligence Services Commissioner, Sir Peter Gibson, to *‘review any intercepted intelligence material available to the security and intelligence agencies in relation to the Omagh bombing and how this intelligence was shared’*. Sir Peter Gibson presented his report to the Prime Minister on 18 December 2008.

2.9 In October 2008 the Northern Ireland Affairs Committee had also commenced an Inquiry into certain aspects of the Omagh Bombing during which they considered Sir Peter Gibson’s findings, outlined in a summary report, a copy of which is attached at Appendix B of this statement. The Committee did not have access to Sir Peter Gibson’s full report. On 16 March 2010 the Northern Ireland Affairs Committee published a report titled, *‘The Omagh Bombing: some remaining questions’*. At paragraph 56 of that report the Committee made the following observation:

*‘.....Whatever Sir Peter’s reasons for not investigating why Special Branch acted cautiously and the soundness of its reasons for doing so, we believe that further investigation is required into what Special Branch gave to the investigation team, when it was given, and what information was withheld and why. We believe that the public interest would be served by revealing to the greatest possible extent why information that might have led to arrests in a mass murder case was not used’*.

2.10 Having considered the Report of the Northern Ireland Affairs Committee, the Chief Constable of the PSNI wrote to my predecessor observing that, *‘various matters are raised in respect of how RUC Special Branch handled intelligence and its relationship with GCHQ. These raise further serious issues of public confidence in the police’*.

2.11 On 7 September 2012, after my Office had secured authorisation to access Sir Peter Gibson's full report, I directed an investigation of the Chief Constable's Referral, tasked with addressing a number of issues raised within the Northern Ireland Affairs Committee Report:

1. Could action have been taken in respect of earlier bomb attacks?
2. Could arrests have been made earlier?
3. Why did Special Branch act in a cautious way?
4. Why were investigators not passed the details of relevant telephone numbers?
5. Why was intelligence withheld by Special Branch?
6. What was given to the investigation by Special Branch?
7. Assurances that police practice has changed?

2.12 My investigation has been specifically concerned with certain intelligence obtained between 15 August 1998 and 9 September 1998 held by the police. It did not involve an audit of all intelligence material held by the PSNI, or any other agency, in relation to the Omagh Bomb. All other intelligence held by the PSNI has been subject of review by my Office in previous investigations.

2.13 During the course of my 18 month investigation a substantial amount of intelligence and investigative material was analysed by my investigators who also conducted enquiries with a wide range of witnesses, including Sir Peter Gibson, serving and retired police officers and members of other government agencies.

# 3.0

## INVESTIGATION

- 3.1 My investigation reviewed extensive material held in relation to previous inquiries, viewed Sir Peter Gibson's full report, met with Sir Peter Gibson and analysed relevant intelligence held by the PSNI. I believe my Investigators had unfettered and unrestricted access to all relevant intelligence held by the PSNI.
- 3.2 Investigators from my Office conducted enquiries with a number of former police officers including a former Assistant Chief Constable of Special Branch (Police Officer 1), a former Regional Head of Special Branch (Police Officer 2), both of whom were in post at the time of the bombing, the original SIO of the Omagh Bombing (Police Officer 3) and his Deputy (Police Officer 4).
- 3.3 **Could action have been taken in respect of earlier bomb attacks?**
- 3.4 This issue relates to the existence of intelligence arising from a number of bomb attacks in Northern Ireland that preceded the Omagh Bombing and whether, if acted on by the RUC, this intelligence could have prevented the atrocity or assisted in prompt arrests of those responsible.
- 3.5 In considering this matter it is important to recognise that at the time of the Omagh Bombing an intelligence gathering operation was in place in a geographical area designated as the RUC's South Region, specifically the South Armagh border area. The operation was concerned with prevention of bombings by dissident republicans in Great Britain.

- 3.6 This intelligence operation assisted in generating information in relation to members of the group, albeit significant in number, believed to have been responsible for the Omagh Bombing, including some whom police subsequently identified as suspects.
- 3.7 Neither the investigation subject of report by my predecessor in 2001, nor my current Inquiry, identified intelligence held by the PSNI in relation to previous bomb attacks which, if acted on, would have prevented the Omagh Bomb.
- 3.8 **Could arrests have been made earlier?**
- 3.9 Initial intelligence gathering and enquiries by police focused on the activities of potential suspects active in the Omagh area of the RUC's North Region. This led to the arrest of five individuals on 17 August 1998, all of whom were subsequently released without charge. The direction of the police investigation, at that stage, was supported by intelligence which pointed away from the involvement of the group known to be active in the South Armagh border area of the RUC's South Region. This assessment proved to be inaccurate.
- 3.10 Accounts provided by former police officers point to a meeting on 20 August 1998 attended by Police Officer 2, Police Officer 3 and the Omagh Investigation Task Force Commander (Police Officer 5). At this meeting Police Officer 2 provided Police Officers 3 & 5 with early information relating to the identities of suspects. Police Officers 3 & 5 were not told that these suspects, who were based in the South Armagh border area, were believed to be connected to the group planning a bombing campaign. Police Officer 3 was advised that Special Branch were continuing to develop intelligence in relation to suspects. There are, however, no records of this meeting.

- 3.11 Police Officer 3 has stated that due to the absence of associated information or evidence concerning the roles performed in the bombing by the individuals identified to him by Police Officer 2, there was nothing *'actionable'* in the information with which he was provided. No contemporaneous records are available of this thought process or associated decision making in respect of the information.
- 3.12 While my investigation was made aware that during the days following 20 August 1998 police considered a covert strategy in respect of at least one suspect but it was abandoned as being unworkable; again the absence of documentary records prevent clarity in respect of this proposed policing activity.
- 3.13 Police Officers 1 and 2 stated they met with their counterparts from the Garda Síochána at Newry Police Station on 21 August 1998 during which the identified suspects and their possible roles in the bombing were discussed with a view to assisting Garda efforts in exploiting opportunities presented by the information. Neither the PSNI nor the Garda Síochána were able to provide records or other assistance which might have helped my investigation confirm and understand the purpose of this meeting and any agreements reached between the two parties.
- 3.14 On 9 September 1998 Police Officer 2 met with Police Officer 4 and provided him with intelligence relating to the identities of suspects, most of whom were the same individuals as earlier provided to Police Officer 3, with supporting intelligence as to their roles, associations and acquisition of the bomb vehicle. Police Officer 4 documented his receipt of this intelligence and the direction of the investigation in researching the named individuals. As many of the suspects were believed to reside in the Republic of Ireland, the RUC also liaised with the Garda Síochána. Between 21 and 22 September 1998, the RUC and the Garda made fourteen arrests.

3.15 I am satisfied that investigative efforts to locate and arrest the suspects identified to Police Officer 3 on 20 August 1998 could have been pursued in a similar timescale as those arrested on 17 August 1998. Instead, Police Officer 3 chose to regard the information as not being actionable. There is a complete absence of records relating to this crucial decision and so no evidence as to the rationale, whether it related to the origins of the information, the absence of the suspects from the jurisdiction or the anticipated effectiveness of such arrests. This may well have had an adverse impact on the investigation of the Omagh Bombing.

3.16 **Why did Special Branch act in a cautious way?**

3.17 The word '*cautious*' is used by Sir Peter Gibson in both his full report to the Prime Minister and the summary report made available to the Northern Ireland Affairs Committee. Repeating what he had said to the Committee, Sir Peter Gibson told my investigation that his use of this language had been intended to reflect the significant legal restrictions placed upon the dissemination of the intelligence material involved rather than to imply criticism. I am satisfied, having received independent expert legal advice, that the view held by relevant police officers was a reasonable one in the circumstances.

3.18 Police Officers 1, 2 and other Special Branch officers have stated that they were in possession of material which was subject of legal and procedural restrictions. This intelligence was disseminated following '*sanitisation*' (a term used by Sir Peter Gibson which was not intended to imply any sinister motive), in accordance with the police interpretation of the relevant legislation and in line with an agreement with GCHQ.

3.19

In his summary report Sir Peter Gibson made the following observations: *'Once intercept material reached RUC HQ and Special Branch South, any further publication and release of that material, even to another part, or other members, of Special Branch, was subject to strict conditions imposed by GCHQ designed to achieve a balance between providing support to customers like Special Branch and protecting GCHQ's capabilities, sources and methods. GCHQ also sought to ensure compliance with its legal obligations, in particular that required of the Director of GCHQ by Section 4(2)(a) of the Intelligence Services Act 1994, viz to ensure that no information was disclosed by GCHQ except so far as necessary for the proper discharge of its functions or for the purpose of any criminal proceedings. If those persons within RUC HQ and Special Branch South who received intelligence from GCHQ wanted to disseminate it within the RUC or even Special Branch a set procedure had to be followed. GCHQ's permission had to be sought for the use of intelligence in a 'sanitised' form, that is, without revealing its source, to carry out some authorised action'*.

3.20

The former Special Branch officers who spoke to my investigators emphasised the importance from their perspective of complying with the agreement established with GCHQ, central to which was the prevailing relevant legislation. At the time of the bombing there was no overt sanction for acting outside the terms of the relevant legislation but it was reasonable for officers to believe that doing so would have been contrary to the statutory framework. Deliberate disclosure outside the permitted legislative framework may have been an offence contrary to the Official Secrets Act 1989. The degree of importance police attached to maintenance of their relationship with the Intelligence Services for the purposes of on-going national security operations is less clear but is likely to have been a consideration in their decision making. In the context of seeking to comply with the perceived restrictions imposed by the legislation and the agreement with GCHQ, Special Branch undoubtedly acted cautiously in not disclosing all the intelligence

available to them to Police Officer 3. I have obtained independent expert legal opinion which leads me to conclude that the actions of the officers were reasonable given what they thought the restrictions on disclosure placed on police were at that time.

3.21 **Why were investigators not passed the details of relevant telephone numbers?**

3.22 My investigation has established that Special Branch (South Region) were in possession of telephone numbers which were subject of a lawful intelligence gathering operation. When intelligence was disseminated to the Omagh Bomb Investigation Team on 20 August and 9 September 1998 no telephone numbers were passed. I am satisfied that this action was a result of the interpretation by Special Branch of both the '*strict conditions imposed by GCHQ*'\* on the RUC and the legislative framework that prevailed at that time and which, for all intents and purposes, is still in place albeit in a different legislative form. The consequence of not disclosing information such as the telephone numbers was that the police investigation was required to invest substantial resources in analysing related records, resources that might well have been better utilised at that early stage of the Inquiry.

3.23 **Why was intelligence withheld by Special Branch?**

3.24 The intelligence that was withheld by Special Branch (South Region) related to information obtained through an intelligence gathering operation involving another agency. I am satisfied that again this action was as a result of the Special Branch interpretation of the governing legislative framework at that time.

\* Sir Peter Gibson's open report, a more comprehensive extract of which is reproduced at 3.19

3.25 **What was given to the investigation by Special Branch?**

3.26 Special Branch identified public telephone kiosks from which bomb warning calls were made shortly before the explosion to the Omagh Bomb Investigation Team on 16 August 1998.

3.27 Special Branch also disclosed the identities of five early suspects on 17 August 1998, leading to prompt arrests.

3.28 Thereafter intelligence relating to suspects was disseminated to the investigation team as described at paragraphs 3.8 – 3.15 of this document.

3.29 My investigation examined police activity in relation to the development of intelligence between 20 August and 9 September 1998 when intelligence was provided to Police Officer 3 and did not identify any unexplained or unreasonable delays in the provision of that specific intelligence. This should not be confused with the wider issue of intelligence discussed in Baroness O’Loan’s public statement.

3.30 **Assurances that police practice has changed?**

3.31 The Northern Ireland Affairs Committee observed; *‘We are glad that the PSNI has recognised that lessons needed to be learned with regards to practices for the storing and sharing of information, not just in relation to Omagh, but in the general treatment of intelligence and forensic evidence. We welcome the assurance of the Northern Ireland Office that relevant intelligence would today be more likely to reach the detectives investigating a crime than appears to have been the case at Omagh’.*

- 3.32 The Committee were clearly concerned at securing an assurance from Government that intelligence gathered through operations relating to National Security would be shared with police officers investigating crime in related and parallel matters. I do not have the authority to investigate matters concerning organisations other than the RUC/PSNI. It is noted, however, that the Northern Ireland Affairs Committee also made the following observation: *'To some degree, the role played by Special Branch has already been investigated, and practices relating to the dissemination of information have changed significantly since 1998'*.
- 3.33 The legislative position is now governed by the Regulation of Investigatory Powers Act 2000 rather than the Interception of Communications Act 1985. It is my understanding that the constraints on the use of such intelligence are arguably now even more restrictive, although there are different views on this.

# 4.0

## CONCLUSIONS

- 4.1 My investigation has not identified evidence that intelligence was available to police which, if acted upon, could have prevented the Omagh Bombing. It is also my assessment that Special Branch acted in accordance with their reasonable understanding of the agreement and legislation in place in August/September 1998 and that any breach of IOCA could have rendered evidence obtained inadmissible in any subsequent criminal proceedings or resulted in the proceedings being stayed and risked jeopardising the credibility of the Omagh investigation. This was, nevertheless, and as observed by Sir Peter Gibson, a *'cautious'* approach, which resulted in delays in the investigation attributable to such issues as the failure to disclose telephone numbers of relevance to the investigation.
- 4.2 However, I have established that RUC Special Branch provided accurate information regarding suspects for the atrocity to the SIO responsible for the investigation on 20 August 1998. Further intelligence was disseminated to the police investigation team on 9 September 1998 with arrests following twelve days later.
- 4.3 In view of the limited information on which police were initially prepared to make five arrests two days after the bombing and the absence of any contemporaneous records which might have established and/or clarified the SIO's lack of response to the information disclosed to him by Special Branch on 20 August 1998, I have concluded that there was an unexplained and prolonged delay in the arrest of further suspects for the Omagh Bombing. This is in contrast to the response of the Deputy Senior Investigating Officer to the intelligence disseminated to him on 9 September 1998

4.4

From the expert legal advice that I have received, it is clear that there are conflicting legal interpretations in this area. In 2014 it should be the case that there is absolute clarity as to how specific aspects of intelligence can be shared in order to assist in the investigation of serious crime.

# 5.0

## RECOMMENDATIONS

- 5.1 I understand that a review is soon to be undertaken by the current Independent Reviewer of Terrorism Legislation, David Anderson QC, into Communications Data and Interception Powers. I recommend that the police make available to him all of the material that I have had access to and liaise with Mr Anderson QC to ensure the law is clear that, in an event such as Omagh, they would have the ability and confidence today to act appropriately upon any relevant material which they have access to.

**MICHAEL MAGUIRE**  
**POLICE OMBUDSMAN FOR NORTHERN IRELAND**

# APPENDIX A

22 November 2013

Mr David Ford  
Minister of Justice  
Department of Justice  
Castle Buildings  
Stormont  
Belfast  
BT4 3SG

Dear Minister

**Re : Investigations by the Police Ombudsman Relating to the Omagh Bombing on 15<sup>th</sup> August 1998**

In the context of recent statements by the Secretary of State for Northern Ireland and further to a conversation with your Officials I undertook to write to you to set out my position in relation to investigations being conducted by my Office in respect of policing issues associated with the Omagh Bombing.

As you will be aware, my Office has conducted a number of investigations in relation to the Omagh Bombing. These inquiries have been concerned with the following matters:

1. The preventability of the bombing and conduct of the related RUC investigation, including the role of Kevin Fulton (OPONI 2001).
2. An anonymous telephone call received by the RUC on 4 August 1998 (OPONI 2005).
3. Evidence of police officers during the trial of Sean Hoey (OPONI 2006).
4. Issues raised by the Northern Ireland Affairs Committee (NIAC) in relation to the handling of intelligence by the RUC (2010 - ).

I also received a Referral from the PSNI on 29 May 2013 in connection with the 'Report compiled for the British and Irish Governments in support of a full Public Enquiry into the Omagh Bombing on 15<sup>th</sup> August 1998', authored by Sambei Bridger & Polaine, 'Legal and Law Enforcement Specialists', on behalf of the Omagh Support and Self Help Group (OSSHG).

This report discusses a wide range of issues, including a reported tripartite intelligence led operation based in the Republic of Ireland (ROI) involving the American Federal Bureau of Investigation (FBI), British Security Services and the An Garda Síochána ((AGS), central to which was a named agent. It is noteworthy that

continued/..



..12

Mr David Ford

the report indicates that product from the operation was not shared prior to, or with those who subsequently investigated the Omagh Bombing.

I have recently written to the Deputy Chief Constable advising that having considered the report at length I am satisfied that there are only two matters raised in this report which could have fallen within the scope of my Office:

1. Criticism of training and availability of equipment for police officers in the context of town centre evacuation procedures in place at the time of the Omagh Bombing.
2. Statements attributed to the former Chief Constable, Sir Ronnie Flanagan in relation to his request that the FBI review surveillance information relating to photographic satellite images and telephone calls.

In relation to the first issue, previous investigations by this Office excluded examination of the evacuation procedures and I am similarly satisfied that such matters relate to the 'Direction and Control' (of the RUC) which are outside the remit of my Office to investigate.

In the context of the allegations relating to an international intelligence operation, I believe that enquiries by this Office in respect of the statements attributed to Sir Ronnie Flanagan would, by virtue of my powers and remit, be so narrow and restricted as to inevitably lead to an ineffective investigation. I am not, therefore, persuaded that such an investigation would be desirable in the public interest, as required by Section 55(5) of the Police (Northern Ireland) Act 1998. In short, I will not be initiating any additional investigations into the matters raised in the Sambei Bridger & Polaine Report.

I trust this will provide clarity as to the nature of investigations previously and currently being conducted by my Office in relation to the Omagh Bombing. I am copying this letter to the Omagh Support and Self Help Group.

Yours sincerely



**MICHAEL MAGUIRE**  
*Police Ombudsman for Northern Ireland*

Copy: OSSHG

# APPENDIX B

**REVIEW OF INTERCEPTED INTELLIGENCE  
IN RELATION TO THE  
OMAGH BOMBING OF 15 AUGUST 1998  
[Extracts from full report]**

**Sir Peter Gibson, the Intelligence Services Commissioner**

**16th January 2009**

**Terms of Reference by  
Gordon Brown, then British Prime Minister, 17 September 2008:**

**"Review any intercepted intelligence material available to the security and  
intelligence agencies in relation to the Omagh bombing and how this intelligence  
was shared"**

**These extracts from the full report were made available by  
Shaun Woodward, then Secretary of State for Northern Ireland,  
on 20 January 2009**

16<sup>th</sup> January 2009

**REVIEW OF INTERCEPTED INTELLIGENCE IN RELATION TO THE OMAGH  
BOMBING OF 15 AUGUST 1998**

**CONTENTS**

<b>Introduction</b>	<b>2</b>
<b>Context</b>	<b>3</b>
<b>Background to the bombing</b>	<b>5</b>
<b>The Investigations and Actions taken after the Bombing</b>	<b>6</b>
<b>Roles and relationships</b>	<b>9</b>
<b>Sources of information relating to my review</b>	<b>12</b>
<b>Conclusions</b>	<b>13</b>
<b>Acknowledgments</b>	<b>16</b>

## **Introduction**

1. Following the BBC Panorama programme broadcast on 15 September, the Prime Minister invited me, as the Intelligence Services Commissioner, to “review any intercepted intelligence material available to the security and intelligence agencies in relation to the Omagh bombing and how this intelligence was shared”.

2. In preparing my Report, which I presented to the Prime Minister on 18 December 2008, I drew on a range of very sensitive and highly classified material made available to me by those agencies involved in the production of intercept intelligence. Some of this material is subject to important legal constraints on its handling and disclosure. Such material, if released more widely, would reveal information on the capabilities of our security and intelligence agencies. Knowledge of these capabilities would benefit those who currently seek to cause harm.

3. Accordingly I would not recommend that my report be published in the form in which it was presented on 18 December as to do so would damage national security and would be in breach of legal restrictions on disclosure of material relating to security and intelligence. However, very serious and damaging allegations have been made publicly, as a result of which expectations may have been raised among the families of the victims of the bombing. In the circumstances the Government has decided that it is necessary and lawful to publish the following summary of my review, justified by the exceptional and serious matters raised and the weight of public interest. This summary contains as much information as it is possible to publish in light of the restrictions on disclosure mentioned above and the general requirement of national security to maintain secrecy in relation to the work of the security and intelligence agencies. The conclusions set out in this summary represent, nonetheless, a proper reflection of my conclusions in the protectively-marked version of my report as presented on 18 December.

## **Context**

4. At 1504 hours on Saturday, 15 August 1998, a 500 lb bomb in a car parked in Market Street in the quiet market town of Omagh in County Tyrone was detonated. The car had been stolen in Carrickmacross, County Monaghan on 13 August. At 1429 and 1431 hours respectively bomb warning calls were made from telephone kiosks in South Armagh to Ulster Television in Belfast and to the Samaritans in Omagh (the call was diverted to Coleraine) but the information given was inaccurate. The calls referred to a bomb in Main Street (there is no such street in Omagh) and to the courthouse. The police moved people away from the courthouse area but the bomb went off more than 350 yards from the courthouse. 29 men, women and children and two unborn babies were killed. Some 250 others were hospitalised while many hundreds more received less serious injuries. To the acute distress of the police on duty at the time and as a result of the inaccurate information given in the bomb warning calls, they found that in clearing the area round the courthouse they had moved some victims into the area of the blast. On 18 August the Real IRA ("RIRA") issued a statement admitting responsibility for the attack, blaming the security forces for failing to respond to its warnings adequately, stating that Omagh had been a "commercial target" and offering apologies. It was the single worst terrorist incident since the start in 1969 of what are commonly called "the Troubles".

5. The bombing and its investigation by the police have attracted much media interest. A Panorama programme, "Who bombed Omagh?", appeared on BBC television on 9 October 2000. This named four persons as suspects. However, although a number of arrests have been made on both sides of the border between Northern Ireland and the Republic of Ireland since the bombing, most of those arrested were released without charge. One suspect, Colm Murphy, was convicted in the Republic of Ireland in January 2002, on a charge of conspiracy to cause an explosion. However, he successfully appealed against his conviction. Subject to that short-lived exception, no one has thus far been successfully prosecuted for the bombing. Only one man, Sean Hoey, was charged and prosecuted in Northern Ireland, but on 20 December 2007 he was found not guilty by Mr Justice Weir in Belfast Crown Court.

6. On 15 September 2008 another Panorama programme relating to Omagh, "Omagh: what the police were never told", was broadcast by BBC television. As with the earlier Panorama programme the presenter was the experienced journalist, John Ware. He wrote an article about the second programme which was published in the Sunday Telegraph the day before the broadcast. In the article and the second programme specific new allegations were made. They included that at the relevant time vital intercept intelligence had not been passed on to the police promptly to prevent the bombing or to assist the police investigating the bombing to bring the perpetrators to justice.

7. Following those allegations the Prime Minister on 17 September invited me, as the Intelligence Services Commissioner, to carry out the review the terms of which are set out in paragraph 1 above.

8. The assertions made in the Sunday Telegraph article and in the second Panorama programme in large part relate to what GCHQ did and did not do. My report is therefore in substantial part directed to an examination of the role played by GCHQ. But my terms of reference are not confined to GCHQ and I have investigated the existence or otherwise of relevant intercept intelligence generally, and not only what intercept intelligence was shared with Special Branch of the Royal Ulster Constabulary ("RUC") and RUC HQ but also, to the extent it was so shared, what sharing there was by Special Branch and RUC HQ with the police investigating the bombing.

## **Background to the bombing**

9. In the summer of 1998 the political and security situation in Northern Ireland had seemed more promising than for many years. The Belfast (Good Friday) Agreement had been signed on 10 April 1998; a referendum on both sides of the border had endorsed it; and the major terrorist groupings were broadly adhering to the ceasefires they had declared.

10. However, the threat posed by dissidents on both sides remained a major concern. There was particular concern over those who had broken away from the Provisional Irish Republican Army ("PIRA"). PIRA declared its first ceasefire on 31 August 1994, but that ended with the Canary Wharf bomb on 9 February 1996. A second ceasefire followed in July 1996. It was known that dissident republicans were unhappy with that ceasefire and members of one group were prepared to support or transfer to another group in order to resist the peace process. The Continuity IRA, which had split from PIRA in September 1986, had declared its intention to continue its campaign against British rule in Northern Ireland. It exploded a large bomb at a South Armagh police station on 6 September 1996. Several members of the PIRA executive in October 1997 called for an end to the PIRA ceasefire and PIRA's participation in the peace process. Shortly afterwards they resigned from the PIRA executive and later that year formed the 32 Counties Sovereignty Movement which is seen as the political wing of RIRA. In the period January to August 1998 vehicle-borne bomb attacks were made in Moira (20 February), Portadown (9 May) and Banbridge (1 August). A device in Lisburn was defused (30 April) and a car bomb in Newry was neutralised (13 July). There had also been an unsuccessful mortar attack at Newry on 21 July. Among the dissident republicans were members of the Irish National Liberation Army.

11. In August 1998 security forces across Northern Ireland were alert to the risk of terrorist attacks, but not to the fact that any particular town was at immediate risk. It is to be noted that the attacks referred to in the previous paragraph were all in towns to the southwest of Belfast well distant from Omagh. There was no obvious reason why Omagh should be attacked.

## **The Investigations and Actions taken after the Bombing**

12. Immediately after the bombing the RUC set up an incident room and an Investigation Team led by Detective Chief Superintendent Eric Anderson with Detective Chief Superintendent Hamilton Houston as the Senior Investigating Officer ("SIO"). The first intelligence provided by Special Branch to the Investigation Team resulted in the arrest of 5 men from the Omagh area on 17 August 1998. All were later released. After further intelligence was given by Special Branch to the Investigation Team 14 men were arrested on 21 and 22 September 1998 by the RUC and the Republic of Ireland police, An Garda Siochana ("the Garda"). Again those suspects were later released. The product of the investigation was placed on the Home Office Large Major Enquiry System ("HOLMES"), a computer system used to help manage the enormous amount of information relevant to the investigation. In March 2000, as part of the investigation and as requested by the SIO, a Murder Review conducted by Detective Chief Superintendent McVicker commenced and, after reviewing the investigation, he reported in November 2000. In his report he recorded that at the commencement of his review a total of 54 arrests had been made by the Garda and 21 by the RUC.

13. In August 2001 the Police Ombudsman for Northern Ireland, Mrs Nuala O'Loan, commenced an investigation of matters relating to the Omagh bombing with the assistance of police investigators. The Security and Intelligence Agencies co-operated with the Ombudsman within the limit of their statutory powers. The Police Ombudsman's report published on 12 December 2001 made no specific mention of interception activity or of intelligence derived from interception, but amongst the Ombudsman's criticisms of the RUC was one that Special Branch did not pass relevant intelligence to the Investigation Team until 9 September 1998 and that evidential opportunities would have been lost as a consequence of the delay in passing such intelligence. One of her recommendations was that an investigation team led by an SIO independent of the PSNI should be asked to conduct the investigation and that all relevant intelligence should be made available to the SIO. Another was that a focused review should take place into the role and function of Special Branch with a view to ensuring that in future there were clear structures and procedures for the management and dissemination of intelligence between Special

Branch and other parts of the PSNI. The Ombudsman's report was controversial and many of the findings in it were challenged by the PSNI.

14. Two of the recommendations were quickly implemented in substantial part. In early 2002 the Policing Board of Northern Ireland and the PSNI appointed Deputy Chief Constable Michael Tonge (from the Merseyside Police) to act as independent scrutineer of the Omagh bomb investigation with a Detective Chief Superintendent from the Merseyside Police as the External Senior Officer. The latter investigated the available intelligence relating to the Omagh bombing. GCHQ cooperated with the External Senior Officer and provided him with such material as might have been relevant to his enquiries, the provision of which had been requested by him.

15. In February 2002 the Policing Board requested Her Majesty's Inspector of Constabulary to carry out the review of Special Branch recommended by the Police Ombudsman. This was carried out by Mr Dan Crompton CBE, QPM, who in his report published on 29 October 2002 ("the Crompton report") referred to the relationship between the CID and Special Branch as "an issue of debate both before and since [the Ombudsman's report]". The Crompton report, after referring to the focus on terrorism in Northern Ireland and to the success of Special Branch in the use of intelligence investigative techniques, continued:

"4.27 The particular circumstances of policing in Northern Ireland make it especially difficult to secure convictions from post incident investigations. For this reason the majority of Special Branch work has concentrated on proactive disruption operations. This approach has proved successful in the past with an estimated four out of five intended terrorist attacks being frustrated...

4.29 The sources of information received by Special Branch are many and varied and require careful protection.

4.30 Source protection, whilst understandable, has led to a tension between Special Branch and CID. This is often reflected in a lack of trust between the two areas of expertise. Evidence gathered during the course of the Inspection highlights that on occasion, Special Branch is reluctant to divulge sensitive

intelligence for fear of compromising a source and ongoing disruption activities, and there is evidence that security measures for the management of Intelligence outside Special Branch needs to be strengthened. Conversely, senior CID officers are frustrated by the belief that Special Branch does not disclose all relevant intelligence that may assist them in the course of investigations....

4.33 Paragraph 21 [of the UK national guidelines on Special Branch work] states:

'Access to information held by Special Branch should be strictly limited to those who have a particular need to know.'

5.30 There is also a perception within CID that Special Branch deliberately withholds intelligence. During the course of this Inspection Her Majesty's Inspector has had unrestricted access to intelligence material within Special Branch. Both paper based and computerised records have been scrutinised at all regions and headquarters. He has found no evidence that intelligence has not been appropriately disseminated."

The Crompton report then suggested how "to relieve the tension within PSNI in cases of serious crime".

## **Roles and relationships**

16. By convention within Northern Ireland the RUC, as the policing body for the Province until 4 November 2001, and thereafter until October 2007 its successor, the PSNI, took the lead role in, and responsibility for, gathering intelligence on threats to national security from Irish republican and loyalist terrorism, and directing intelligence operations to counter those threats. The Security Service, which took over the national security role in Northern Ireland in October 2007, and GCHQ provided assistance to the RUC or PSNI when that police body had the lead national security intelligence role.

17. The RUC had its headquarters in Knock, Belfast. The Chief Constable in August 1998 was Sir Ronnie Flanagan. He was assisted by Assistant Chief Constables ("ACCs") including the ACC Crime who was Head of the CID and the ACC who was the head of Special Branch, then called E Department. Special Branch was accorded a formal primacy with regard to all intelligence on terrorist activity. Special Branch's duties included the gathering and collation of intelligence concerning the activities, plans, policies, personnel and resources of terrorist organisations. There were three regional commands: Belfast, North (at Ballykelly) and South (at Portadown). Omagh is in the North Region. A Tasking and Coordination Group had sole responsibility for taking executive action in the South Region. The South Region was recognised as of particular importance in the fight against Irish republican terrorism. Thus for example within the RUC the first terminal to receive secure emails from GCHQ was installed in Special Branch South. GCHQ's role was to provide timely intelligence to meet Special Branch's requirements which included intelligence on activity connected with imminent terrorist operations.

18. The most senior Security Service officer in Northern Ireland was the Director and Coordinator of Intelligence ("DCI"). He had no operational responsibilities. Essentially he acted as a security adviser to Government in a policy coordination role. Among DCI's principal responsibilities was the provision of an effective reporting service to Ministers and officials in the Northern Ireland Office, for imparting high level policy direction and advice relating to intelligence activity in Northern Ireland and for providing support to the two other principal security advisers of the Secretary

of State, the Chief Constable of the RUC and the General Officer Commanding Northern Ireland, on intelligence matters. He also provided the Secretary of State with advice on the authorisation of warrants under the Interception of Communications Act 1985.

19. DCI was assisted by Assessments Group ("AsGp") comprising a small team of intelligence analysts who were desk officers in the Security Service. AsGp provided a wide range of strategic intelligence reports for Government. It acted as a focus for strategic intelligence and ensured that the Northern Ireland intelligence community produced shared and agreed assessments for Government.

20. In April 1997 a recommendation in a report, the Warner Report, made by the Cabinet Office Intelligence Coordinator was implemented and a central Intelligence Management Group ("IMG") was created at RUC HQ to be responsible for, among other things, the collation, analysis and distribution of all RUC intelligence. Security Service and GCHQ officers were seconded to the IMG and were based at RUC HQ, working to RUC management. In February 1998 a Memorandum of Understanding was agreed between the IMG and AsGp outlining their respective roles in the assessment and dissemination of intelligence. One of the IMG's key roles was to ensure that RUC intelligence was passed to AsGp for assessment and onward dissemination.

21. The Security Service provided the RUC with specialist support on the basis of operational tasking from the RUC which was mounted by the operational branch of the Security Service based in Great Britain in conjunction with the RUC and the Army, and a small team of Security Service officers based in Northern Ireland also provided support. Any intelligence obtained was owned, controlled and distributed by the RUC.

22. GCHQ has carried out various operations providing Signals Intelligence in support of the agencies dealing with issues relating to Northern Ireland and to counter Irish republican terrorist activities in Great Britain. The action taken by GCHQ on interception was governed by procedures agreed between GCHQ and RUC Special Branch and documented in written guidance for the relevant GCHQ team.

Intercepts relating to the telephone numbers designated by Special Branch as having highest priority were monitored live.

23. Once intercept material reached RUC HQ and Special Branch South, any further publication and release of that material, even to another part, or other members, of Special Branch, was subject to strict conditions imposed by GCHQ designed to achieve a balance between providing support to customers like Special Branch and protecting GCHQ's capabilities, sources and methods. GCHQ also sought to ensure compliance with its legal obligations, in particular that required of the Director of GCHQ by section 4(2)(a) of the Intelligence Services Act 1994, viz to ensure that no information was disclosed by GCHQ except so far as necessary for the proper discharge of its functions or for the purpose of any criminal proceedings. If those persons within the RUC HQ and Special Branch South who received intelligence from GCHQ wanted to disseminate it within the RUC or even within Special Branch a set procedure had to be followed. GCHQ's permission had to be sought for the use of intelligence in a 'sanitised' form, that is without revealing its source, to carry out some authorised action. Thus the release of intelligence intended to be acted on by other officers had to be requested of GCHQ and a form of words cleared with GCHQ.

### **Sources of information relating to my review**

24. For the purposes of my review I have obtained from all relevant departments and bodies any and all extant documentation which is capable of being relevant to it, together with statements from certain individuals, including both serving and former police officers. The bodies which provided documentation are:

- GCHQ
- The Security Service
- PSNI

I also sought such documentation from the Ministry of Defence and the Secret Intelligence Service but neither had any relevant material.

25. Most of those persons who, I considered, might have relevant evidence but had not given me statements or whose statements may not completely have covered the evidence they could give, have been interviewed by me. Those interviewed include persons outside the intelligence and security services and PSNI. I received written evidence from 24 individuals, of whom I have interviewed thirteen. I have interviewed another eleven from whom I did not receive written material. On this basis I am satisfied that I have been able to carry out a comprehensive review of the relevant facts and that I am able to report in accordance with my terms of reference.

## Conclusions

26. By 1998 dissident republicans were well aware that telephone communications were not secure. It was normal for the dissidents to use guarded language and code words in their conversations by phone. They rarely identified themselves or those to whom they spoke or named clearly those about whom they spoke. Voice identification of those participating in a telephone call was imprecise. There was never complete certainty in the identification of a voice by listening to it or as to the real nature of the matters under discussion; for example smuggling activity by dissident republicans was commonplace.

27. Throughout 1998, before, on and after 15 August, GCHQ ensured that intelligence from any interception that might have been relevant to RUC Special Branch for its operational purposes was promptly being made available to them; this included near real time provision of information by telephone (that is almost immediately after a call had been listened to itself in near real time) in accordance with pre-agreed criteria. In addition, written intelligence reports were issued within hours of interception again in broad accordance with procedures agreed between GCHQ and Special Branch South. I am satisfied that in the days surrounding 15 August, and on the day itself, to the extent that any relevant intelligence was derived from interception, it was shared with RUC HQ and Special Branch South promptly and fully, and done so with the latter in accordance with procedures agreed with Special Branch South.

28. The evidence that I have reviewed is consistent and clear to the effect that there was nothing to suggest either that a bomb attack was going take place on 15 August or that the town of Omagh was to be the target of any bomb attack. There is no evidence whatever before me to make good the assertion in the Sunday Telegraph and the Panorama programme that, on 14 August, the Garda had warned the police of a likely attack. Special Branch did not identify to GCHQ any particular phone number as being of particular importance or relevance to a potential bombing (in Omagh or elsewhere) nor is there any evidence that Special Branch believed that GCHQ could pinpoint the location of a particular mobile phone.

29. The conclusion reached by Special Branch, even immediately after the bombing, was that there was no locational material such as would have enabled the RUC to direct any response by the security forces or prevent the bombing. **Any intelligence derived from interception as might have existed could not have prevented the bombing.**

30. An allegation was made in the Panorama programme that GCHQ had intercepted a call in relation to the Banbridge bombing on 1 August from which, and from what was known to GCHQ on 15 August, it could have been deduced that a further attack was under way that day. **My conclusion is that there was no information on or before 15 August that could reasonably indicate by reference to the events of Banbridge that a further bombing attack was about to take place.**

31. The portrayal in the Panorama programme of the tracking on a screen of the movement of two cars, a scout car and a car carrying a bomb, by reference to two "blobs" moving on a road map has no correspondence whatever with what intercepting agencies were able to do or did on 15 August 1998. On the basis of evidence from an independent expert witness from a mobile communications service provider I am satisfied that, in 1998 it was neither possible to track mobile phones in real time nor to visualise the location and movement of mobile phones in the way that was shown in the Panorama programme. Information on the location of a mobile telephone only existed within the mobile phone network in respect of "communications events" – when a phone was switched on or off, or during a call, for instance – and even then would have been limited to information about the cell (the area covered by a particular mast) in which the phone was active. It is clear therefore that no intelligence or security agency or law enforcement agency did see or could have seen what was suggested by the Panorama programme in its representation. On the basis of this, and other material received by me, assertions in the programme that, if live monitoring was taking place, from 1250 hours the picture of a bomb run in progress should have begun to materialise, that those monitoring were seeing two cars, just like a bomb run heading towards Omagh, and that by 1420 hours on 15

August those monitoring should have been in little doubt about what was going to happen, are incorrect and unsupported by any evidence.

32. Assertions were made in the Panorama programme that GCHQ did not pass its intercepted intelligence to the Investigation Team to help the enquiry. I would repeat my conclusion in paragraph 27 as to the timely passing of any relevant material to RUC HQ and Special Branch South. As described in paragraph 23 above, **the arrangements in place at the time allowed for RUC Special Branch to make requests in respect of further dissemination of any GCHQ material that might have existed. The records show that no such request was made.** No police witness before me was aware of any request to GCHQ being refused and there was warm praise from the Head of Special Branch and the Regional Head of Special Branch South for the work done by GCHQ in Northern Ireland.

33. In addition to the provision of intelligence by Special Branch to the Investigation Team to which reference is made in the second sentence of paragraph 12 and which took place on 16 August, Special Branch South briefed the Investigation Team on the basis of an all-source intelligence picture on only two occasions. They were: on 20 August, when it identified to the Investigation Team those persons it believed to have been involved in the bombing, and on 9 September when it provided further details of those persons to the Investigation Team. The Garda was also similarly briefed by Special Branch South on 21 August. It was not part of the terms of my review that I should investigate, nor have I investigated, the reasons why Special Branch South acted in the cautious way it did, nor have I investigated the soundness of those reasons, although I do not doubt that Special Branch South took the actions it did for what it considered to be good operational reasons.

## **Acknowledgments**

34. I cannot conclude my report without recording my thanks to all who have assisted me in my review. They include all who have made searches to provide documentation relating to the subject matter of the review, those who have provided statements for me and those who have allowed me to interview them. They also include the members of the PSNI who have so diligently helped me contact police officers past and present with relevant information. Special thanks are owed by me to members of my secretariat.