

## **Statement by the Police Ombudsman for Northern Ireland on her Investigation of matters relating to the Omagh Bomb on August 15, 1998**

On Saturday 15 August 1998 a terrorist bomb exploded in Omagh killing 29 people and two unborn children. It was the worst single terrorist incident since the start of "The Troubles" in 1969.

The Royal Ulster Constabulary (RUC) immediately established an Omagh Bomb Investigation Team. The Chief Constable Sir Ronnie Flanagan gave a strong commitment to see that "no stone would be left unturned until we bring these people to justice".

No criminal charges have been brought by the RUC/Police Service of Northern Ireland (PSNI) against anyone in relation to the bombing of Omagh.

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

Wednesday 12 December 2001

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## The Police Ombudsman Investigation: Background and Remit

The Chief Constable was notified in writing of the Police Ombudsman's investigation on 14 August 2001. The investigation was undertaken following increasing press speculation that the RUC had prior knowledge relating to the bombing of Omagh. It was the view of the Police Ombudsman that continued speculation would only add stress and pain to those who had suffered. On 19 September 2001 the Police Ombudsman extended the scope of its investigation.

The remit of the Police Ombudsman investigation has been to establish:

- if any information of relevance to the Omagh bombing was available to the RUC prior to the Omagh Bomb?
- if such information did exist, whether it had been responded to appropriately by the RUC?
- whether intelligence held by the RUC was correctly revealed to and exploited by the Omagh Bomb Investigation Team?
- whether the evidential opportunities contained in the murder review document have been investigated (this is the document referred to as the Omagh Bomb Review Report)?

1. **This report is about a failure of leadership. The Police Ombudsman recognises and acknowledges the pressures, burdens and personal risks faced by members of the RUC in dealing with acts of terrorism and atrocities of the scale of the Omagh bombing. The victims, their families and officers of the RUC have been let down by defective leadership, poor judgment and a lack of urgency.**
2. **On 4 August 1998, eleven days before the bombing, the RUC received an anonymous telephone call warning that there would be an 'unspecified' terrorist attack on police in Omagh on 15 August 1998.**

At 10.00am on 4 August 1998 a Police Officer stationed in Omagh Police Station received an anonymous telephone call, warning of an "unspecified" attack on police in Omagh on 15 August 1998. The information provided included:

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

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- they would then be moved to an unknown address two to three miles from Omagh;
  - the caller stated that the weapons would be used in an attack on police in Omagh on 15 August 1998.

The call lasted for at least ten minutes.

The Police Officer persuaded the caller to agree to call back the following evening. No further telephone call was received.

3. **The Police Officer who received the telephone call took appropriate action. He was, and remains, blameless.**

The Officer was convinced by the caller's tone that the call was genuine, and that the caller had a real fear for what was going to happen on 15 August 1998.

The Officer drove from Omagh Sub-Divisional Headquarters to Divisional Headquarters in Enniskillen. He met the Detective Chief Inspector who accompanied him to the offices of Special Branch in Enniskillen and he told the Special Branch officers what he had been told.

4. **Special Branch took only limited action on the information received on 4 August 1998 and a threat warning was not sent to the Sub-Divisional Commander Omagh, as required by a Force Order.**

**The RUC Review of the Omagh Bomb Investigation concluded in November 2000 that the information should have been passed to the Sub-Divisional Commander Omagh.**

Special Branch personnel told the Omagh Police Officer that 'C' and 'D' were 'only smugglers'. The Special Branch Officers had apparently not left the room at any stage before making this assessment.

The Special Branch Officers made arrangements to be present the next day in the event of a further telephone call, in order that they could speak to the caller. No further telephone call was received.

The Special Branch Officers did not pass the information to the Sub-Divisional Commander Omagh to allow him to consider appropriate action. This failure was in contravention of the RUC Force Order.

The RUC commissioned an internal review of the Omagh Bomb Investigation (the Omagh Bomb Review Report). One of its conclusions was that the Sub-Divisional Commander should have been informed of the information contained in the telephone call. The Review recommended the appointment of an officer of appropriate rank to investigate the full circumstances of the action taken in respect of the information. Following receipt of that report, this recommendation has not been implemented.

The Chief Constable has told Police Ombudsman's Investigators that he is satisfied this information was not relevant to the Omagh Bomb.

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## Comment

### Force Regulations

At the time the anonymous information was received on 4 August 1998, the RUC Force Order stated that the Sub-Divisional Commander, his Deputy or in their absence the Duty Officer should be informed of such threats. The Chief Constable has said it was acceptable that Special Branch did not pass on the information received on 4 August 1998. He is wrong.

### 'Only Smugglers'

At the time the anonymous information was received on 4 August 1998, it was inappropriate to suggest that just because someone was a smuggler, it was unlikely that they would be involved in terrorism. At that time, and since then, it has been established that terrorists often engage in smuggling and smugglers have been known to be involved in terrorism. Knowledge of smuggling is often central to the illegal movement of material across the border.

### Continuity IRA

At the time the anonymous information was received on 4 August 1998, the RUC has confirmed to Police Ombudsman's Investigators that whichever organisation claimed responsibility for a Republican dissident incident, they were all to be considered part of the Real IRA.

The Police Ombudsman's Office does not therefore accept as significant the recent comments of the Chief Constable that the anonymous intelligence related to the Continuity IRA and not to the Real IRA, which claimed responsibility for the attack.

### Anonymous Information

At the time the anonymous information was received on 4 August 1998 the RUC actively encouraged the use of anonymous information. Anonymous information has a considerable part to play in solving crime. Enquiries by the Police Ombudsman's Investigators have established that the RUC made five arrests for murder and two for attempted murder based on anonymous information during the year 2000.

It is accepted that the RUC would have received hundreds (or more) of anonymous telephone calls each year. However, the call was not a typical anonymous call, it was made directly to the police station within the area which was to be attacked. It was not a brief telephone call with limited information. The caller provided considerable information and was engaged in conversation for at least ten minutes. Significantly, the Officer who received the call was convinced that the call was genuine.

### Omagh Sub-Divisional Commander

The Sub-Divisional Commander Omagh was never told about the anonymous information. When he was shown the intelligence two years later on the anniversary of the explosion he said he would have set up Vehicle Check Points. When he met the Police Ombudsman's Investigator in September 2001 he said he did not remember seeing the intelligence and said that he would have taken other action and would not have set up Vehicle Check Points.

The recollection of the Sub-Divisional Commander Omagh is not accepted by the Police Ombudsman. The Sub-Divisional Commander Omagh was, by that stage, been involved in the aftermath of the Omagh Bomb explosion for two years. This could have clouded his judgment or memory.

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5. **Although Special Branch told the Omagh officer on 4 August 1998 and 15 August 1998 that the persons named in the call were 'only smugglers', it has been established by the Police Ombudsman's Investigators that 'D' had been associated with Republican terrorists in the year before the Omagh Bombing. This was evident in Special Branch records at the date the anonymous call was received.**

On examination of the Special Branch records, which were available at the time the anonymous call was received, the Police Ombudsman's Investigators discovered strong indications for a possible identity of 'E' who had significant subversive involvement with Republican terrorist activity. While this individual may or may not be 'E', the details established provide sufficient grounds for more detailed enquiries to have been made rather than the immediate rejection which occurred.

6. **Three days before the bombing of Omagh the RUC also received information from a 'reliable' informant known as Kevin Fulton which indicated that terrorists were about to 'move something North over the next few days'.**

During the period 6 June 1998 and 12 August 1998 an RUC informant known as Kevin Fulton had five meetings with his 'handler', a Criminal Investigation Department (CID) Officer.

The Officer kept contact sheets (records) of his meetings with Fulton and passed them to the RUC Force Intelligence Bureau. Any intelligence of a subversive nature must then be passed to Special Branch.

Between 6 and 8 June 1998 Fulton met his handler and gave information regarding (A) who lived in the Republic of Ireland and was involved with the Real IRA. Fulton said that 'A' had been seeking to obtain coffee grinders (sometimes used in the making of bombs).

During a meeting on 23 July 1998 Fulton said that at one time 'A' smelt of fertiliser (the suggestion being that he had been making bombs).

During a meeting on 12 August 1998, three days prior to the Omagh Bomb, Fulton said the Real IRA " was about to move something North over the next few days". Fulton also named another person, B, who was assisting 'A'.

Shortly after the Omagh Bomb, Fulton telephoned his handler to ensure that, in particular, the information he supplied on 12 August 1998 had been recorded.

7. **At the time the RUC received the information from Kevin Fulton Special Branch records indicate that (A) was a dissident Republican and had possible involvement in other significant terrorist activities over a long period of time.**

**Other intelligence held by the RUC at the time indicates the following:**

- the role held by 'A' in the Republican dissidents' movement;
- that 'A' was suspected of having been involved in other significant terrorist activities;
- that 'A' was associating with other known Republican dissidents.

A letter sent on behalf of the Chief Constable to the Sunday People newspaper was factually wrong. It concluded that Fulton's information was 'retrospective' and 'found to be without any foundation whatsoever'. It was not retrospective and has been found to have substance.

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8. **While the bomb car was being moved into position in Omagh on 15 August 1998, a 59 second telephone call was made from 'A's mobile telephone to one of those individuals who have been identified by the Omagh Bomb Investigation Team as responsible for the Omagh Bomb.**

While there is no independent evidence putting the telephone into the hands of 'A' at that time, the RUC's Omagh Bomb Investigation Team believed 'A' made the call.

9. **Records for the meeting with Fulton on 12 August 1998, three days before the Omagh Bomb, and for the meeting with him on 23 July 1998 cannot be found within Special Branch.**

The information was passed by the CID handler to the Force Intelligence Bureau. The Force Intelligence Bureau passed this information to Special Branch.

The CID handler, additionally, verbally briefed Special Branch about this information but no records exist of this verbal exchange. A Special Branch officer remembers he received calls but cannot provide any details.

Special Branch states that they have never received these HIGHLY SIGNIFICANT DOCUMENTS.

The Police Ombudsman's Office is satisfied that the intelligence was given to Special Branch. The fact that Special Branch states that it never received these documents represents, at the very least, a very serious breakdown in communication.

10. **The information which Fulton supplied three days before the bombing of Omagh and the information he supplied on 23 July 1998 was not assessed in the context of other available intelligence with a view to determining appropriate action.**

**If the Fulton intelligence had been considered along with other material held, had been properly assessed and documented, before deciding on no action, then the action of Special Branch might have been defensible. Regrettably the intelligence was not assessed or considered.**

A consideration of the intelligence may have resulted in the following action:

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

11. **Kevin Fulton was, and has been, a source of significant information and intelligence in the past. His grading as an informant in and around the time of the Omagh Bomb consistently reflects the fact that he was regarded as 'reliable'.**

No evidence has been found to justify the contention that he was regarded by the RUC at the time of the Omagh Bomb as unreliable.

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## Kevin Fulton's relationship with the RUC

Kevin Fulton was an informant to RUC Special Branch between 1992 and 1994. Special Branch officers confirm that Fulton had supplied intelligence that "had resulted in one or two successful operations" but say that he became a "maverick who could not distinguish between truth and fiction". Kevin Fulton accepts that he supplied misleading information at this time. The Police Ombudsman's Investigators are aware of his reasons for giving this misleading information, these issues are being considered by a government agency. He was de-registered as an informant in 1994.

In June 1996 Kevin Fulton was re-registered as a source to the RUC and became a CID informant.

In July 1997 Kevin Fulton's CID handler's superior officer was told by Special Branch that Fulton was "an intelligence nuisance". Nevertheless the CID handler was told by his management to continue to use Fulton as an informant. He continued to provide high-grade criminal intelligence.

Between June 1998 and August 1998 Kevin Fulton was graded as an 'A1' by CID. 'A1' infers that the source is "reliable" and the information "accurate". During this time Special Branch gave Fulton's information a grading of 'B2', which inferred the source is "usually reliable" and the information is "believed accurate".

In July 1997 Kevin Fulton was granted "participating informant" status by the Assistant Chief Constable Crime. This means that he was authorised by that senior officer to take part in a crime in order to enable the police to prevent a serious crime, or if it did take place, to arrest the principal offenders.

Throughout his involvement with the RUC, Fulton received substantial financial rewards from the RUC and from other organisations.

The Police Ombudsman was informed by senior Special Branch Officers that on one occasion Fulton provided information which led to the prevention of a very serious attack and "he undoubtedly saved lives".

On 10 May 2000 Fulton was declared "dangerous" as a CID source, and he was documented as being "unreliable" after articles appeared in newspaper referring to an "RUC Mole" and it was thought by Special Branch that Fulton had inspired them.

On 21 August 2001 Kevin Fulton was described by the Head of Special Branch to the Police Ombudsman's Office as "an intelligence nuisance".

On 11 September 2001 the Chief Constable described Fulton as a "Walter Mitty type".

12. **It will never be known whether or not the bombing of Omagh could have been prevented if the RUC had taken more action in relation to the information it received during the period between 4 and 15 August 1998.**

It is considered unlikely by the Office of the Police Ombudsman that the information provided by Kevin Fulton alone could have prevented the Omagh Bomb. The information itself was not specific enough to have generated action in any particular town.

There has been no full investigation of the possible role played by the persons referred to in the anonymous information or the persons referred to by Kevin Fulton and therefore it is not possible to conclude if a response to this information may have made a difference.

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13. **The RUC Review of the Omagh Bomb Investigation contained an intelligence chapter, which was not initially made available to Police Ombudsman's Investigators and highlights significant and fundamental errors within the investigation.**

ACC Crime commissioned a review of the RUC investigation into the Omagh Bomb, this commenced on 24 March 2000 and was finalised on 17 November 2000. It was the first formal murder review conducted by the RUC. The Reviewing Officer led an experienced team of eleven officers and Her Majesty's Inspectorate of Constabulary endorsed the process and mechanisms used for undertaking the review.

The Review Officer made a total of 274 recommendations, including 134 recommendations relating to evidential opportunities. It records some areas of good practice but also raised areas of concern.

Many evidential opportunities had been missed.

- The information provided between 4 and 15 August 1998 had not been made available to the Reviewing Team. The Reviewing Officer discovered the existence of the anonymous telephone call of 4 August 1998, in documentation held by the Omagh Bomb Investigation Team on 14 July 2001 while examining documentation held by the Omagh Bomb Investigation Team. The Review Report states that, when found, the anonymous information was marked as 'Intelligence does not refer to Omagh'. No lines of enquiry had been undertaken by the Omagh Bomb Investigation Team relating to the information. The Review Report recommended that this information should be thoroughly researched with a view to assessing its possible implication in the Omagh Bomb atrocity.
- The Report states that, when finally located by the Review Team, the 'bomb car' (the murder weapon) was deposited in a car park with a tarpaulin over it and that it had rusted.
- The Reviewing Officer identified delays of a year before follow up actions were initiated on statements obtained.
- The Senior Investigation Officer was refused access to some Army and Special Branch videos from South Armagh which hampered lines of enquiry.
- The Reviewing Officer recommended that the circumstances of the handling of the 4 August anonymous intelligence be investigated by a senior officer and the suspects identified be investigated. These recommendations have not been acted upon.

The RUC Review Report also pointed to problems with management of the Omagh Bomb Investigation, some of which were as follows.

- From very soon after the bombing, neither the Senior Investigating Officer nor Deputy Senior Investigating Officer were on the enquiry full-time.
- Around two months after the bombing substantial resources were removed from the Investigation and further cuts in staff were to follow.
- There were many failures in the management and leadership of the Omagh Bomb investigation.
- There were considerable errors in the management of the investigative computer database.
- The Reviewing Officer recommended the priority which should be applied to his team

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recommendations. These have been ignored.

14. **The victims, their families, the people of Omagh and officers of the RUC were let down by defective leadership, poor judgement and a lack of the urgency. This should not have been the response to an incident which resulted in 29 deaths.**
- The information received between June and August 1998 has only recently been passed to the team investigating the Omagh bomb. This has deprived the investigative team of significant lines of inquiry which could have emerged from considering this information in the light of other information available at the time
  - ACC Crime instructed that no further actions were to be conducted in relation to the investigation of the Omagh Bomb while the Review was being carried out. Murder investigations normally continue while reviews take place.
  - The enquiry team to effectively remained dormant for more than a year while many lines of inquiry were outstanding.
15. **On 20 August 1999, only one year after the bombing, the Senior Investigating Officer of the Omagh Bomb Investigation was contemplating closing the enquiry. Given the subsequent findings of the Reviewing Officer and his team, serious consideration of closure at that stage was precipitous.**
16. **The Police Ombudsman has concerns about the management and dissemination of intelligence by Special Branch.**

#### **Role of Special Branch in Relation to Omagh**

- Within two days of the Omagh Bomb, Special Branch provided the Senior Investigating Officer with limited intelligence on five 'suspects'. These individuals were promptly arrested. Those individuals were eliminated as suspects at an early stage.

Objective assessment of all available intelligence would, however, have produced other details by 17 August 1998 of 'firm' suspects, when maximum forensic opportunities were available. The individuals identified could then have been subject to prompt and proper investigation.

- In this investigation, Police Ombudsman's Investigators found that intelligence received from Fulton and the anonymous information of 4 August 1998 were not subject to rigorous analysis in the context of other relevant intelligence which was held at the time within the Special Branch system.

The evaluation and assessment of intelligence by the RUC, failed to produce the available bigger picture and failed to identify patterns of activity and evidential opportunities for the Omagh Bomb Investigation Team.

- Given the priority of this particular investigation, consideration should have been given by Special Branch, in consultation with the Senior Investigating Officer, to ensuring that all available intelligence resources within Special Branch and CID were directed to assist the Senior Investigating Officer of the Omagh Bomb Investigation to solve this terrible crime at

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the earliest opportunity. This did not happen.

It has been necessary to consider the role and structure of RUC Special Branch and the effect its policies have had on the ability of the RUC to carry out the Omagh Bomb investigation.

- In the course of this investigation the Police Ombudsman's Investigators discovered that Special Branch Officers decide what intelligence Senior Investigating Officers need to know to conduct their investigations.

As Special Branch are not the investigators of crime, they are ill-placed to know the relevance of all material and it must be for the Senior Investigating Officer to decide whether intelligence can assist their investigation.

- This investigation has demonstrated to the Police Ombudsman's Investigators that, whilst it is acknowledged that Special Branch have made very significant contributions to policing in Northern Ireland, there is nevertheless a deficiency in the information flow from Special Branch to the rest of the Police Service.
- Special Branch does not have detailed written Force policies and procedures for the management and dissemination of intelligence to the rest of the service.

17. **The Police Ombudsman's Office has identified 360 intelligence documents with in Special Branch which may have been of varying degrees of relevance to the Omagh Bomb investigation. 78% of these intelligence documents held by Special Branch have not been passed to the Omagh Bomb Investigation Team.**

The specific intelligence documents which relate to 1998 were recovered from only a sample of the intelligence examined, a wider analysis could identify more.

18. **The Chief Constable welcomed the Police Ombudsman's investigation and assured it full co-operation. During the course of this investigation, it is of considerable concern that some critical information was not provided in the initial disclosures that were made to the Police Ombudsman's Investigators. At senior management level the response to this enquiry has been defensive and at times unco-operative.**

Special Branch and the Chief Constable were reluctant to grant access to their material to Police Ombudsman's Investigators and failed to inform those Investigators of a computer system where intelligence, vital to the investigation, was held.

There was a failure to reveal intelligence, which led to a request on 21 September 2001 for direct access to intelligence systems in order that the Police Ombudsman could have confidence that all relevant material was made available to Police Ombudsman's Investigators.

A hiatus in the investigation then occurred while the Chief Constable then considered this request. The Chief Constable did not agree to this request until 9 October 2001 and access was not achieved until 17 October 2001 when computers were made available for Police Ombudsman's Investigators.

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Four weeks had thus passed waiting for access to be made available

During the course of this most important investigation, while a number of Police Officers have responded magnificently, it remains the case that some police witnesses have inexplicably varied their accounts to the Police Ombudsman's Investigators.

Others have sought to avoid talking to the Investigators or declined to make statements or have made limited statements and have refused to expand upon them.

There is evidence to show that discussions have taken place which have impacted upon these responses.

These incidents have generally involved officers who have nothing to hide.

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## RECOMMENDATIONS

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

The Police Ombudsman for Northern Ireland makes the following Recommendations:

- 1. That an Investigation Team lead by a Senior Investigation Officer independent of the Police Service of Northern Ireland, should be asked to conduct the Omagh Bomb Investigation;**
- 2. That an Officer in Overall Command from an outside police force be appointed to carry out the investigation of the potentially linked terrorist incidents identified in the Omagh Bomb Review Report;**
- 3. That Senior Investigation Officers in the Omagh Bomb Investigation, and all other investigations must be given appropriate access to all relevant intelligence (The 'relevance' test being that of the Senior Investigator Officer);**
- 4. That Her Majesty's Inspector of Constabulary be invited to carry out a review of terrorist linked murder enquiries, with a view to reporting on structure, resources, strategies, policies, practices and processes;**

This should include lines of communication and sharing of intelligence between Special Branch and CID generally and also with the Senior investigating Officer in charge of any murder inquiry.

- 5. That a Review takes place into the role and function of Special Branch with a view to ensuring that in future there are clear structures and procedures for the management and dissemination of intelligence between Special Branch and other parts of the Police Service of Northern Ireland and that Special Branch will be fully and professionally integrated into the Police service of Northern Ireland;**
- 6. That the Police Service of Northern Ireland adopt the policy of the Association of Chief Police Officers with regard to murder reviews.**

It is the sincere wish of the Police Ombudsman that the Report into the investigation of matters relating to the Omagh Bomb on 15 August 1998 will be fully considered and that a positive way forward will be found which will facilitate the thorough and effective investigation of the Omagh Bomb.

It is in the interests of everyone that those responsible for this terrible atrocity are brought to justice.