



**STATEMENT BY THE POLICE OMBUDSMAN
FOR NORTHERN IRELAND ON HER
INVESTIGATION OF MATTERS RELATING
TO THE OMAGH BOMBING ON
AUGUST 15 1998**

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

STATEMENT OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND IN RELATION TO THE OMAGH BOMB INVESTIGATION REPORT

1. INTRODUCTION

- 1.1 Under the provisions of the Police (Northern Ireland) Act 1998 (the Police Act), Section 55(6)(b), the Police Ombudsman for Northern Ireland (the Police Ombudsman) may, without a complaint, formally investigate a matter in accordance with Section 56 of the Act if it is desirable in the public interest.
- 1.2 A Report has been presented to the Secretary of State, the Northern Ireland Policing Board and the Chief Constable of the Police Service of Northern Ireland (PSNI) under Regulation 20 of the Royal Ulster Constabulary (Complaints etc.) Regulations 2000. The public interest relates to material issues preceding and following the Omagh Bomb on 15 August 1998.
- 1.3 This Statement in relation to the Report on the Omagh Bomb is published under Section 62 of the Police (Northern Ireland) Act 1998

2. THE OMAGH BOMB

- 2.1 On Saturday 15 August 1998 at approximately 3.05 p.m. a terrorist bomb (the Omagh Bomb) exploded in the small county town of Omagh, County Tyrone, Northern Ireland. Three telephone calls were made, the first of which was at 2.29 p.m. warning that a bomb was going to detonate in the town. Police were clearing the streets when the bomb exploded. Twenty-nine people and two unborn children died in the explosion. Some two hundred and fifty people were injured, some of them seriously. There was very extensive damage to property. It was the single worst terrorist incident since the start of “The Troubles” in 1969.
- 2.2 The Royal Ulster Constabulary (RUC) immediately established an Omagh Bomb Investigation Team, led by a Detective Chief Superintendent. The Chief Constable of the RUC, Sir Ronnie Flanagan (the Chief Constable) gave a strong commitment to see “that those responsible would be brought to justice”, with every assurance that all necessary resources would be dedicated to the investigation, and that “no stone would be left unturned until we bring these people to justice”.
- 2.3 The investigation has continued since 15 August 1998 but no criminal charges have been brought, by the RUC / PSNI, against any person in relation to the Omagh Bomb.

- 2.4 Responsibility for the Omagh Bomb was claimed by the Real Irish Republican Army (RIRA). The Omagh Bomb was the eighth explosion during 1998. Previous explosions had occurred as follows:

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

- 2.5 **The Police Ombudsman considers that the persons responsible for the Omagh Bombing are the terrorists who planned and executed the atrocity. Nothing contained in the Report or the Statement should detract from that clear and unequivocal fact.**

3. THE SUNDAY PEOPLE NEWSPAPER ARTICLE OF 29 JULY 2001

- 3.1 On 29 July 2001, the Sunday People newspaper carried as its lead story revelations and allegations from a man described as a former British security force agent, given the name of Kevin Fulton.
- 3.2 The Sunday People newspaper article, leading with the headline **“I told cops about Omagh”**, suggested that the Omagh Bomb could have been prevented had the police acted on the information which Kevin Fulton had provided. The article also included other serious allegations concerning the management of Fulton as an informant which were potentially very damaging to the RUC.
- 3.3 These claims were previously made to the Mail on Sunday newspaper, which spent a lot of money accommodating Fulton and eliciting his story. The Mail on Sunday did not publish the allegations. However, Fulton spent time with the newspaper telling his story, which involved allegations of mismanagement of him as an agent by the security forces, and the details of information he passed to the RUC prior to the Omagh Bomb. During that period, to give credence to the story which he was telling, he had telephoned his RUC handler (a handler is a police officer who has responsibility for the management of a person who is an informant supplying information to the police). Fulton had a conversation, which was tape recorded by the newspaper, in relation to the information which he claimed to have given the RUC handler on 12 August 1998. The claims were, as stated above, then obtained and published by the Sunday People newspaper on 29 July 2001.
- 3.4 The Police Ombudsman’s Investigators have a copy of the tape and a transcript of the alleged conversation which confirms that some intelligence was passed to police by Fulton prior to the Omagh Bomb explosion.

- 3.5 The Chief Constable issued an immediate and robust denial to the allegations, and a letter was sent on his behalf in those terms to the newspaper. The letter stated, regarding Fulton, “Retrospective ‘information’ he gave to the RUC about Omagh was checked and found to be without any foundation whatsoever”.

4. MATTER OF PUBLIC INTEREST

- 4.1 The Police Ombudsman exists to deal with complaints about the conduct of police officers. The Police Ombudsman will exercise her powers to investigate, without receipt of a complaint, under Section 55(6) of the Police Act only if her concern is of a serious nature and relates to matters of a potentially criminal or disciplinary nature.
- 4.2 The Police Ombudsman was concerned about the content of the article, and public interest considerations had to be weighed:
- the allegations in the article, if proven, would amount to serious misconduct. If true, they had massive potential to damage the integrity of the RUC in relation to the handling of events surrounding the Omagh Bomb;
 - the article referred to what is arguably the most grave and exceptional crime in the history of Northern Ireland;
 - the allegations could only cause continuing distress and pain to victims and families of those killed in the Omagh Bomb;
 - the allegations had attracted substantial interest in the public domain and were being given considerable national and international media coverage.
- 4.3 The Police Ombudsman concluded, on balance, that it was in the public interest, to investigate the allegations being made by Kevin Fulton and any other surrounding and relevant issues in relation to this matter.
- 4.4 If the allegations were without substance it would help those most directly affected by the bomb to be released from any further pain by an independent investigation, it would also release the RUC from further vilification or innuendo.
- 4.5 The Police Ombudsman had to consider also the possibility that if any part of the allegations had foundation, the common good could only be served by dealing with the matters within the legal provisions available, allowing those most effected by the bomb to continue their grieving on the basis of an open investigation giving them factual information. It would also allow the RUC (now the Police Service of Northern Ireland) to respond appropriately to any of the findings.

5. INITIATION AND SCOPE OF INVESTIGATION

- 5.1 On 2 August 2001 the Police Ombudsman informed the Chief Constable, by telephone, that she was making some tentative enquiries into the reports in the Sunday People newspaper in relation to the Omagh bombing. The Chief Constable promised full co-operation.
- 5.2 On 14 August 2001, having carried out initial enquiries, the Police Ombudsman informed the Chief Constable that she had decided to carry out a formal investigation as to whether any information of relevance to the bombing was available to the RUC prior to the Omagh Bomb, and if such information did exist, whether it had been responded to appropriately by the RUC.
- 5.3 A letter, dated 17 August 2001, was received in reply from the Chief Constable, welcoming the investigation and again assuring full co-operation.
- 5.4 As the Police Ombudsman's Investigation progressed a significant amount of information became available. The Police Ombudsman discovered, among other things, that a review of the Omagh Bomb Investigation had been carried out by the RUC, and that a report (The Omagh Bomb Review Report) had been made to the Chief Constable in November 2000.
- 5.5 The Police Ombudsman received the intelligence chapter of the Omagh Bomb Review Report on 7 September 2001 and discovered the existence of an anonymous information of 4 August 1998.
- 5.6 It was important to establish whether the Senior Investigating Officer of the Omagh Bomb Investigation Team had been informed of this intelligence to enable him to consider any appropriate action. The Omagh Bomb Review Report had also made many recommendations for further investigative action, a number of which appeared not to have been acted upon. This was cause for concern.
- 5.7 Police Ombudsman, therefore, decided, on 19 September 2001, to extend the scope of the investigation to examine:
- whether intelligence held by the RUC was correctly revealed to and exploited by the Omagh Bomb Investigation Team;
 - whether the evidential opportunities contained within the murder review document have been investigated (this is the document referred to above as the Omagh Bomb Review Report).
- 5.8 The Police Ombudsman's Investigation did **not** enquire into the conduct or operational response of the local Omagh police, and those officers from outside Omagh, who assisted them on the day of the bomb.

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

6. FINDINGS AND CONCLUSIONS

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

- 6.2 This statement deals with four areas:

- The information received by the RUC from Kevin Fulton
- An anonymous telephone call which was received by the RUC on 4 August 1998
- The Omagh Bomb Investigation and the Omagh Bomb Review Report
- Issues relating to Special Branch and the Police reaction to the Police Ombudsman's investigation

Each of these areas is dealt with separately and the Statement ends with the Police Ombudsman's conclusion.

THE FULTON INFORMATION

- 6.3 The Police Ombudsman is satisfied that:

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

- in the period up to August 1998 there is no formal written RUC record of Fulton being unreliable. In all his contacts with the RUC at this time he is graded by them as a reliable source;
- notwithstanding his earlier period of acknowledged unreliability, in the latter part of 1994 Fulton had been granted “participating informant” status, in July 1997 by the ACC Crime, and in 1999 by another agency. Fulton received large rewards from the RUC during his involvement with them.
- the information contained in these contact sheets should have been seriously considered and assessed by Special Branch in the context of all other available and relevant information;
- other intelligence available at the time would have added credence to Fulton’s claim that ‘A’ was an active dissident Republican terrorist;
- further action as a consequence of the receipt of the information should have been considered;
- Fulton never claimed that a bomb was destined for Omagh;
- Fulton did not say that he took the RUC to the location in which the Omagh Bomb was made as reported in the newspaper article. He did take RUC officers, in December 1998, to a location which he said had been used in the past for bomb making;
- ‘A’ should have been, and should now be, treated as a “firm” suspect by the Omagh Bomb Investigation Team and any potential role he may have had should have been investigated;
- the Omagh Bomb Review Team was unaware of Fulton’s information throughout the period of the Review;
- the Omagh Bomb Investigation Team only received the Fulton intelligence after allegations appeared in the Sunday People newspaper on 29 July 2001;

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

ANONYMOUS INFORMATION OF 4 AUGUST 1998

6.5 The Police Ombudsman is satisfied that:

- an anonymous call was made to police on 4 August 1998 which stated that an “unspecified attack would be made on police in Omagh on 15 August 1998”;
- three individuals, ‘C’, ‘D’ and ‘F’ were named during the telephone call, and a fourth ‘E’ was referred to by a nickname. Two addresses were given;
- the caller stated that weapons (AK47s and rocket launchers) were to be brought in on a given date;
- the caller stated that the weapons would be moved from a given address to an unknown address 2-3 miles from Omagh;
- the caller stated that they would be used in an attack on police in Omagh on 15 August 1998;
- the anonymous caller was **encouraged** to telephone again the next day. He did not do so;
- the police officer who received the telephone call informed Special Branch as rapidly as possible, indicating that this was a serious threat;
- some assessment and very limited action was taken on the anonymous information in the days immediately after its receipt by the RUC;
- Special Branch dismissed the call as a “fall out between smugglers”. They did, however, arrange to be present should the caller telephone the following day. No second telephone call was received;
- Special Branch did not identify available intelligence held in respect of ‘D’ which indicated a link with dissident Republicans. They did not identify a possible identity for ‘E’ which could have shown strong connections and involvement with Republican paramilitaries;
- the SDC Omagh was not informed about the telephone call of 4 August 1998 until 15 August 2000;
- Force Order 99/91 requires that the SDC must be informed when a general threat is received so that appropriate action can be taken. This was not done;

- a warning should have been given to the SDC Omagh in relation to the anonymous telephone call of 4 August 1998. Any action thereafter should have been determined by that officer in the light of intelligence advice from Special Branch;
- Had the reaction to such a warning been to establish Vehicle Check Points, the bombers may have been deterred. The SDC Omagh has informed the Police Ombudsman's Investigators that he would not have set up Vehicle Check Points. He would have taken alternative action.
- the intelligence sheet in respect of the information received on 4 August 1998 was, at some point, marked "intelligence does not refer to Omagh";
- no consideration had been given to any role which 'C', 'D', 'E', or 'F' may have had in relation to the Omagh Bomb prior to 3 September 2001. **They have not been investigated;**
- 'C', 'D', 'E' and 'F', and all the information provided during the anonymous telephone call, should have been investigated by the Omagh Bomb Investigation Team;
- there has been no investigation in relation to the handling by Special Branch of the anonymous call as recommended by the Reviewing Officer in the Omagh Bomb Review Report;
- although the telephone call of 4 August 1998 was anonymous, it was not a brief telephone call with limited information. The caller provided considerable detail and was engaged in conversation for at least ten minutes.

6.6 **The Police Ombudsman is firmly of the view that this significant information was not handled correctly. It is not possible to say what impact other action between 4 August 1998 and 15 August 1998 would have had, or whether action other than that taken by Special Branch could have prevented the Omagh Bomb.**

THE OMAGH BOMB INVESTIGATION AND THE OMAGH BOMB REVIEW REPORT

6.7 The Omagh Bomb Review was commissioned by ACC Crime and commenced by the RUC in March 2000. It was inevitable, given the fact that eighteen months had elapsed since the Omagh Bomb, that errors would be found in the investigation.

- 6.8 The Reviewing Officer reported his emerging findings on 15 May 2000 to the Chief Constable and ACC Crime, and his final Report was delivered to ACC Crime in November 2000.
- 6.9 In the words of the Senior Investigating Officer of the Omagh Bomb Investigation Team, “in truth during this period of the Review which occupied most of last year, the investigation effectively stood still”.
- 6.10 The Omagh Bomb Review Team was led by an experienced RUC Detective Chief Superintendent who commanded a team of eleven officers.
- 6.11 The Review Team was advised by officers of the Metropolitan Police Service and the review process and procedures were quality assured by Her Majesty’s Inspector of Constabulary.
- 6.12 The Omagh Bomb Review Report identified:
- significant and fundamental errors in the Investigation;
 - that other terrorists incidents which had occurred prior to the Omagh Bomb, including incidents at Moira, Lisburn, Belleek, Newry and Banbridge, should have been linked for investigative purposes, or at least such linkage should have been considered;
 - errors in the management of the HOLMES Database;
 - that many important evidential opportunities were missed;
 - many failures in the management and leadership of the Omagh Bomb Investigation which were compounded by the lack of review or senior officer intervention;
 - that the “bomb car” was deposited in a car park with a tarpaulin over it and that it had rusted when discovered by the Omagh Bomb Review Team;
 - that the Senior Investigating Officer was refused access to Army and Special Branch videos from South Armagh which hampered lines of enquiry.
- 6.13 The Omagh Bomb Review Report contained two hundred and seventy four recommendations for action. One hundred and thirty four of these provided evidential opportunities.
- 6.14 The Omagh Bomb Review Report was considered by the Omagh Bomb Senior Investigating Officer between November 2000 and January 2001.
- 6.15 Additional staff were then allocated to the Omagh Bomb Investigation Team to implement Recommendations relating to the HOLMES Database which was being used for the investigation. A Forensic Co-ordinator was appointed in

February 2001 to lead the implementation of the Recommendations relating to forensic science.

- 6.16 On 7 June 2001 the RUC decided that additional staffing would be allocated to the Omagh Bomb Investigation Team in September 2001 “after the Marching Season”.
- 6.17 On 3 September 2001 additional resources were allocated to the Omagh Bomb Investigation.
- 6.18 In September 2001 the Chief Constable stated that the Omagh Bomb Review Report was a “live” document.
- 6.19 All the intelligence held by the RUC which may have been relevant to the investigation of the Omagh Bomb has not been revealed to the Omagh Bomb Investigation Team. Evidential opportunities, which the intelligence and the findings of the Omagh Bomb Review Report offered, have not been exploited.
- 6.20 The statements made by the Chief Constable to the families that “no stone would be left unturned” have not been given effect by the subsequent investigation, because of the resourcing and leadership of the investigation and the failure to act expeditiously on many of the Recommendations of the Omagh Bomb Review Report.
- 6.21 **There is no doubt that the possibility of a successful investigation could have been enhanced even after the Omagh Bomb Review Report was received in November 2000, had all the Recommendations of that Report been expeditiously implemented. The delay in implementing the Omagh Bomb Review Report is likely to have reduced the possibilities of bringing those responsible to justice.**

SPECIAL BRANCH AND POLICE REACTION TO POLICE OMBUDSMAN INVESTIGATION

6.22 The Police Ombudsman is satisfied that:

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

- Special Branch failed to disclose the 4 August 1998 anonymous information or the Omagh Bomb Review Report to the Police Ombudsman;
- Special Branch did not pass relevant intelligence to the Omagh Bomb Investigation Team until 9 September 1998. Evidential opportunities would have been lost as a consequence of the delay in passing such intelligence;
- opportunities for early arrests were also lost;
- Special Branch and the Chief Constable were reluctant to grant access to their material to the Police Ombudsman's Investigators, and failed to inform those Investigators of a computer system where intelligence, vital to the investigation, was held;
- Special Branch does not have detailed written Force policies and procedures for the management and dissemination of intelligence to the rest of the Force;
- the deficiencies of current Special Branch arrangements for the management and dissemination of information have been the subject of extensive criticism over many years. Notably both Sir John Stevens in 1991 and the Patten Report in 1997 have called for significant change in Special Branch procedures.
- in the absence of written policies, individual Special Branch officers make decisions about when information should be made available to other officers;
- it would not be possible or right to initiate any misconduct action against officers for failure to disseminate intelligence appropriately in the absence of written instructions as to how intelligence should be managed and disseminated.

7. FINAL CONCLUSIONS:

- 7.1 The proposed plans for the implementation of the Patten Report in respect of Special Branch require further consideration. Mere structural change, departmental re-design and presentation will not be sufficient, unless there is other organisational and cultural change which offers better integration, more cohesive working and a positive strategic approach to the whole process of gathering, managing and disseminating information.
- 7.2 During the course of this most important investigation, whilst a number of police officers have responded magnificently, it remains the case that some police witnesses have inexplicably varied their accounts to the Police Ombudsman's Investigators involved in this investigation. Others have sought

to avoid talking to the investigators or declined to make statements, or have made limited statements and have refused to expand upon them. There is evidence to show that discussions have taken place which have impacted on the responses. These incidents have generally involved officers who have nothing to hide. At senior management level the response to this enquiry has been defensive and at times uncooperative.

- 7.3 The Police Ombudsman for Northern Ireland must be able to have confidence that the Police Service of Northern Ireland, and its leaders, have integrity and will honestly, openly and willingly deal with requests made of the organisation by the Police Ombudsman in the exercise of her statutory powers.
- 7.4 The Police Ombudsman has concluded, with great sadness that the judgement and leadership of the Chief Constable and ACC Crime have been seriously flawed. As a result of that, the chances of detaining and convicting the Omagh Bombers have been significantly reduced. The victims, their families, the people of Omagh and officers of the RUC have been let down by defective leadership, poor judgement and a lack of urgency. This should not have been the response to an incident which resulted in the death of twenty-nine people and two unborn children.
- 7.5 If these matters and the Recommendations in this Report are dealt with in a very positive way, then the new Police Service of Northern Ireland will be healthier, more professional and more effective as a result. What is outlined here will take no little courage and self-examination, but positive consideration of it will be a good investment. This report presents windows of opportunity, it is not designed to be destructively critical and it is not directed at the foundations and most of the superstructure of the RUC. Leadership failure is identified but the recommendations are designed to recover, as far as is possible, lost ground.

8. RECOMMENDATIONS

- 8.1 The Police Ombudsman for Northern Ireland makes the following recommendations:

Recommendation 1

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

Recommendation 2

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

Recommendation 3

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

Recommendation 4

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

Recommendation 5

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

Recommendation 6

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

COMMENT

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.

Nuala O’Loan

Police Ombudsman

12th December 2001