



**Public statement by the Police Ombudsman under
Section 62 of the Police (Northern Ireland) Act 1998**

**Relating to the RUC investigation of the alleged involvement
of the late Father James Chesney
in the bombing of Claudy on 31 July 1972**

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1.0

INTRODUCTION

- 1.1 On the morning of Monday 31 July 1972 three car bombs exploded in the village of Claudy, a rural village located to the south-east of the City of Derry/Londonderry. No warnings reached the police at Claudy before the first explosion. Nine people died as a result of the explosions and numerous others were injured.
- 1.2 The first car bomb exploded at approximately 10:15am close to McElhinney's Bar on Main Street, Claudy. The car used was a Ford Cortina which had earlier been reported stolen.
- 1.3 Kathryn Eakin (eight years old), Joseph McCloskey (thirty-eight years old) and Elizabeth McElhinney (fifty-nine years old) died instantly. The bomb also caused extensive damage to surrounding property.
- 1.4 A police officer was quickly alerted to a second vehicle, a Mini Traveller, later found to have been stolen, which was parked outside the Post Office on Main Street. The officer and a member of the public checked the vehicle and discovered a suspicious device in the rear of the car, which caused the police officer to begin clearing people from the area, some of whom moved towards Church Street.

- 1.5 At approximately 10:30am two further explosions occurred almost simultaneously. The first was in a stolen green Morris Mini Van parked outside the Beaufort Hotel, Church Street, resulting in the deaths of James McClelland (sixty-five years old), David Miller (sixty years old) and William Temple (sixteen years old). The second of these bombs was in the Mini Traveller and caused extensive damage to property but fortunately no additional deaths.
- 1.6 In the days that followed Joseph Connolly (fifteen years old), Arthur Hone (thirty-eight years old) and Rose McLaughlin (fifty-two years old) died from injuries sustained in the first explosion.
- 1.7 No-one has ever been charged with offences arising from the bombing of Claudy, nor has any paramilitary organisation claimed responsibility for the attack.
- 1.8 An Inquest was convened on 25 September 1973 in Derry/Londonderry, which ultimately recorded an 'Open Verdict' in respect of the deaths.
- 1.9 History records that 1972 was one of the most violent years of the 'Troubles' in Northern Ireland with almost five hundred deaths. The magnitude of that year's events does not, however, lessen the impact of the Claudy bombings on all sections of the small rural community.

2.0

BACKGROUND

- 2.1 Following the 30th anniversary of the bombing of Claudy on 31 July 2002 the Police Service of Northern Ireland (PSNI) commenced a Review of the Royal Ulster Constabulary (RUC) original investigation of the atrocity with a view to identifying new evidence.
- 2.2 On 20 December 2002, following a statement by the PSNI to families affected by the Claudy bombings, the Police Ombudsman initiated an investigation of specific aspects of the RUC investigation of the bombings.
- 2.3 The Police Ombudsman's investigation, in accordance with Section 56 of the Police (Northern Ireland) Act 1998, followed the earlier receipt of a letter, purported to have been written by a priest, alleging that Father James Chesney had been directly involved in the Claudy bombings. The contents of the letter were subsequently reported in the media.
- 2.4 In correspondence with those personally affected by the Claudy bombings, the Police Ombudsman's Office explained that the Office's statutory powers were limited to the investigation of alleged criminality or misconduct by police officers and not by the Government, Security Agencies or the Catholic Church.
- 2.5 Due regard was given by the Police Ombudsman to the continuing Review of the criminal investigation of the Claudy bombings by the PSNI.

3.0

THE POLICE OMBUDSMAN'S TERMS OF REFERENCE

3.1 The objective of the Police Ombudsman's investigation was to establish whether there was any evidence of criminality or misconduct by RUC officers in their response, if any, to Father Chesney's alleged involvement in the Claudy bombings. It was extended to consider whether information was available to the RUC, which might have enabled them to prevent the atrocity.

3.2 The following investigative steps were taken in the Police Ombudsman's investigation:

- Assessment of the RUC's knowledge, decisions and actions in relation to the alleged involvement of Father Chesney in the Claudy bombings, through examination of historical records and interview of surviving police officers;
- Examination of relevant Intelligence available to the RUC at the time;
- Review of the original RUC investigation and subsequent PSNI enquiries, which commenced in 2002, regarding the alleged involvement of Father Chesney in the Claudy bombings;
- Establishing whether the RUC failed to pursue investigative opportunities, including arrest and/or interview, in respect of Father Chesney for alleged criminality associated with the Claudy bombings;

- Identifying evidence of criminality or serious misconduct by police officers in relation to the investigation of Father Chesney's alleged involvement in the Claudy bombings;
- Conducting enquiries with the Northern Ireland Office (NIO) and the Catholic Church.

4.0

POLICE OMBUDSMAN'S INVESTIGATION

4.1 **The Original RUC Investigation**

4.2 The investigation of the Claudy bombings was based at Victoria RUC Station, Derry/Londonderry. The original papers from that investigation cannot be located.

4.3 However, the original Inquest file, compiled from the police investigation, was recovered and found to contain the following documents:

- A covering report written by the police officer leading the original investigation;
- Typed witness statements in deposition form;
- Crime scene maps.

In addition, the following material was also recovered:

- Crime scene photographs;
- Original RUC Occurrence Books from Claudy and Dungiven Police Stations recording daily incidents affecting policing for the relevant period.

- 4.4 The Inquest papers indicate that soon after the explosions police established that, at approximately 10:00am on 31 July 1972, a distinctive car, which had been travelling from the direction of Claudy, stopped at Feeny and a passenger alighted and entered a telephone box, which was later found to be out of order. The papers also show that the car was then driven at speed to Dungiven where, some fifteen minutes later, it stopped on the Main Street and two men got out and went into separate shops. The papers recorded that, as the local telephone exchange had been extensively damaged in an earlier attack, the telephones in the shops were also not working and the shop assistants were asked to inform police at Dungiven that there were three bombs in Claudy. The papers show that by the time police in Claudy received this information the first bomb had exploded.
- 4.5 In 1972 the style and colour of the vehicle described were not common in Northern Ireland. A person, referred to as Man A, who owned a similar car, was arrested by police during the first week of August 1972 on suspicion of involvement in the Claudy bombings. At interview he denied being involved, stating that on the morning of the bombs he had been at the Bellaghy Parochial House with a close relative and Father Chesney. Police records indicate that both Father Chesney and a third party corroborated his alibi and that Man A was released following interview. According to the documentation he later left the country and was never re-arrested or charged.
- 4.6 The Police Ombudsman has established, from a document dated August 1972, that police assessed that Man A's alibi had been prepared in advance and that Father Chesney was involved in the bombing of Claudy. No documented reason or rationale was found, which might have explained and/or supported this assessment. The author of this document is deceased.

4.7 Police Officer 1, a Detective Sergeant, Special Branch, who had participated in interviews of Man A during the 1972 police enquiry, told the Police Ombudsman's investigation that at the time of Man A's interview his team suspected Father Chesney of involvement in the Claudy bombings.

4.8 Although the 1972 police investigation believed that Man A had played a prominent role in the bombing of Claudy, he was not charged.

4.9 A second man was arrested during the same week as Man A, but was also released without charge, having been eliminated from the enquiry.

4.10 In 2002 Police Officer 2, Assistant Chief Constable (ACC) of the then North Policing Region of Northern Ireland, commissioned a Review of the investigation, resulting in further arrests in 2005.

4.11 **Intelligence Available to the Original RUC Investigation**

4.12 The Police Ombudsman's investigation has examined all the RUC Intelligence gathered in respect of Father Chesney, which is now held by the PSNI. The material originated from a variety of sources including witnesses, police officers, terrorist suspects and informants.

4.13 The RUC had limited Intelligence relating to Father Chesney prior to the Claudy bombings, none of which related to plans for an attack on Claudy.

4.14 Intelligence from August 1972 identified Father Chesney as the Quarter Master and Director of Operations of the South Derry Provisional Irish Republican Army (IRA). During the same month other police reports alleged that Father Chesney had directed the Claudy bombings and that both he and Man A were involved in other terrorist incidents.

- 4.15 In September 1972 a police Intelligence report stated that Man A was a member of the IRA and referred to Intelligence of his direct participation in acts of terrorism, including the bombing of Claudy, adding that his car had been used by those responsible to leave the scene of the crime.
- 4.16 Intelligence in October 1972 alleged that Father Chesney had formed an 'independent' group of the IRA and that, in another operation by the security forces, he had assisted Man A to evade arrest in September 1972. The report made no reference to any intention to arrest Father Chesney.
- 4.17 In the months following the bombing of Claudy, Police Officer 1 submitted Intelligence reports. The officer told the Police Ombudsman's investigation that in these reports he had connected Father Chesney with the atrocity. The officer said that the reports had alleged that the priest was a leading member of an active IRA Unit, responsible for bombings in South Londonderry/Derry. He confirmed that the reports had included related Intelligence. The Detective recalled that he had wanted to have Father Chesney arrested and the Parochial House searched but that his request had been refused by Police Officer 3, ACC Special Branch , who had advised that *'matters are in hand'*.
- 4.18 Additional items of Intelligence originating from 1972 and 1973 were also found to be consistent with the assessment that the RUC had Intelligence, which both directly and indirectly linked Father Chesney with the Claudy bombings.
- 4.19 An Intelligence report dated May 1973 described Father Chesney as a high ranking member of the County Derry Brigade of the IRA.

4.20 **Meetings and Correspondence Relating to Father Chesney**

4.21 The Police Ombudsman's investigation has examined copies of internal RUC documents and correspondence with the NIO in late 1972 and early 1973 relating to Father Chesney.

4.22 On 30 November 1972 Police Officer 3 wrote to the NIO stating;

'For some time I have been considering what action, if any, could be taken to render harmless a dangerous priest, Father Chesney, who is leading an I.R.A. Unit in South Derry.....I attach a précis of the intelligence on Father Chesney and suggest that our masters may find it possible to bring the subject into any conversations they may be having with the Cardinal or Bishops at some future date.....'

4.23 The letter appears to have been designed to prompt the NIO to raise with the Cardinal or Bishops of the Catholic Church the issue of Father Chesney's alleged involvement in terrorism. The Police Ombudsman has viewed a précis of Intelligence which was forwarded to the NIO. This information is believed to have been shared with Cardinal William Conway by the then Secretary of State, Rt. Hon. William Whitelaw. The document referred to Father Chesney's alleged involvement in specific acts of terrorism, including the Claudy bombings, and to a positive sniffer (dog) check for traces of explosives in his car when he was stopped at a RUC Checkpoint in September 1972.

- 4.24 In response to this correspondence the NIO wrote to Police Officer 3 on 6 December 1972;
- 'Many thanks for your note on Father Chesney. You will be relieved to hear that Secretary of State saw the Cardinal privately on 5 December and gave him a full account of his disgust at Chesney's behaviour. The Cardinal said that he knew that the priest was a very bad man and would see what could be done. The Cardinal mentioned the possibility of transferring him to Donegal.'*
- 4.25 The letter of 6 December was then circulated to a number of senior police officers, including the then Chief Constable of the RUC, Sir Graham Shillington. Next to his initials dated 11 December 1972, on a note attached to the document, was written; *'Seen. I would prefer a transfer to Tipperary'*. The correspondence was further endorsed *'file off'*.
- 4.26 The Police Ombudsman's investigation has confirmed from records made available by the Catholic Church, including the diaries of Cardinal William Conway, that the Secretary of State, Rt. Hon. William Whitelaw, met with the Cardinal on 5 December 1972.
- 4.27 The records indicate that Cardinal Conway maintained a working relationship with the Secretary of State, with whom he and other church leaders periodically had meetings. On 5 December 1972 there was a pre-arranged meeting to discuss a government paper on the future of Northern Ireland. The detail contained within the diaries of the Cardinal confirms that the Secretary of State shared sensitive information with him in a private discussion outside the formal meeting, about which he recorded;
- '.....rather disturbing tete-a-tete at the end about C'*

4.28 An entry dated Sunday 4 February 1973 in Cardinal Conway's diary referred to another meeting with the Secretary of State;

'I began by referring to a certain person about whom he had spoken to me. I said I had spoken to his Superior who had challenged him and he strenuously denied the charge. The Superior had also got a colleague to speak to him alone in the hope that he might confide in him, but here also he had strenuously denied. The most he was prepared to admit was that he had transported some people and this might explain the traces in the boot of the car. I told him how I had come to know of this before he spoke to me. The Superior however had given him orders to stay where he was on sick leave until further notice. He seemed pleased with this'.

4.29 The Police Ombudsman has been unable to determine to whom Cardinal Conway was referring as Father Chesney's 'Superior'. As a priest of the Diocese of Derry, Father Chesney could only be removed or transferred from his post at Bellaghy by the Bishop of Derry. The Catholic Church has explained that Cardinal Conway had no direct ecclesiastical jurisdiction over Father Chesney.

4.30 No further written records of the discussion between the Secretary of State and the Cardinal have been recovered. Rt. Hon. William Whitelaw, Cardinal Conway and the Bishop are deceased.

4.31 The Police Ombudsman's investigation has viewed documents which record that, having arrived at Bellaghy in July 1972, Father Chesney remained in the parish until November 1972. It is believed that in late 1972 he was hospitalised and spent a period of convalescence in County Donegal. He was later posted to Convoy in the Diocese of Raphoe, County Donegal, in December 1973.

- 4.32 In Father Chesney's Curriculum Vitae (CV), written by him in September 1978, he recorded that between November 1972 and December 1973 he was 'Off'. The CV and other information made available to the Police Ombudsman's investigation indicate that, between December 1973 and his death in March 1980, Father Chesney was posted to parishes in the Republic of Ireland.
- 4.33 In an internal RUC document dated 15 December 1972 Police Officer 3 wrote to the Coleraine Special Branch Office, stating;
- 'I told you about Father Chesney. Report on 1 January 1973 or sooner if there are any developments.'*
- 4.34 He received a reply from Special Branch Coleraine on 10 January 1973 advising;
- '...the Rev. Father appears to have vacated the Parochial House at Bellaghy and his present whereabouts is not known at present. It is believed that he is in Co. Donegal and was observed in Derry City recently accompanied by another priest from Co. Donegal.'*
- 4.35 On 15 January 1973 the Chief Constable's Office wrote to Special Branch Coleraine, stating that a member of the public had identified concerns, in the local Protestant community, of the perceived inactivity of Security Forces, '*particularly the Police*', in not bringing Father Chesney, '*who is deeply involved with the I.R.A.*', to justice.

4.36 In a report received by Police Officer 3 on 17 January 1973 Police Officer 4, a Detective Inspector at Special Branch Coleraine, articulated his views on Father Chesney and his activities, stating that Father Chesney was a *'particularly active officer of the Provisional I.R.A'* and had been implicated in *'most of the bombings and murders in County Derry'* during the preceding twelve months, including the bombing of Claudy. He continued;

'We, here, would be only too happy, were he to be made amenable for this activity, but before we take on ourselves to arrest a Clergy-man for interrogation under the C.A.S.P. (Special Powers) Act we would need to be prepared to face unprecedented pressure. Having regard to what this man has done I myself would be prepared to meet this challenge head on.'

4.37 The Police Ombudsman's investigation has seen no response from police headquarters to the report. Police Officer 4 is now deceased.

4.38 **The 'Father Liam' Letter**

4.39 On 19 September 2002, shortly after the PSNI commenced a Review of the original police investigation, the Police Ombudsman was forwarded a letter which had been received by a public representative.

4.40 The letter, dated 7 September 2002, purported to be from an individual identifying himself as 'Father Liam'.

4.41 It was typed with the originating address given simply as 'England'. The postmark on the envelope was illegible.

4.42 The author stated that he was a Catholic Priest who had originated from Northern Ireland and who was working in a parish in England. He stated that he had attended Maynooth Seminary with Father Chesney.

- 4.43 The letter described a meeting with Father Chesney in Malin Head, Donegal;
- ‘At the end of the summer of 1972 I was up in Malin Head. I met a changed man. We talked long into the evenings about the situation in the north and then one evening John broke down in a flood of tears and said he had a terrible story to tell. I listened in silence to what he had to say and now recount as well as I can what he told me.*
- John said he was horrified at the injustices done to the Catholic people and decided to do something for the people, he became a member of the IRA and was soon in charge of a small number of volunteers. His unit was ordered from Derry City to plant bombs in Claudy to ease the pressure on the IRA in the City and to [sic] they planted the bombs, it was their intention to phone a warning as they passed through Dungiven on the way home but found that all telephones were out of order. When he heard of what happened in Claudy he was horrified.*
- Shortly after Claudy he got word from a friend in Derry City that the police were onto him and with the help of a senior police officer and the Bishop he got a posting to Malin Head. He named the police officer but I forget the name but I think it was Lennon or something like that.’*
- 4.44 The letter concluded;
- ‘I most earnestly appeal to you as a public representative to make a complaint to the Ombudsman in Belfast so that this awful deed is properly investigated. If you do this and the papers print that the Ombudsman is investigating Claudy then I am prepared to reveal myself and fully co-operate in the investigation. I will tell all that I know of the IRA murders in Claudy.’*
- 4.45 On Monday 23 September 2002 the Police Ombudsman issued a press appeal for the author of the letter to come forward. The appeal asked that the person make himself known so that an interview could be arranged.

- 4.46 The Police Ombudsman's press release was widely reported in the media but the author of the letter did not come forward. Further enquiries were undertaken but proved unsuccessful in identifying the author.
- 4.47 The PSNI also undertook enquiries to establish the identity of the author of the letter. An examination by the Forensic Science Agency in Northern Ireland for indentation/overwriting, fingerprints and DNA was unsuccessful in identifying the person.
- 4.48 The Police Ombudsman has concluded that the letter was unlikely to have been from a Catholic Priest. The letter contained significant errors including the description of Father Chesney's forename as 'John' when he was known as James or Jim. It also stated that Father Chesney was posted to Malin Head in the summer of 1972, which is incorrect. It was also established that at the time the letter was written no priest from Northern Ireland, then serving in England, had attended Maynooth Seminary at the same time as Father Chesney.

5.0

THE PSNI REVIEW

- 5.1 Following the 30th anniversary of the Claudy atrocity Police Officer 2 commissioned a Review of the original RUC investigation in August 2002. The Review was led by Police Officer 5, a Detective Chief Inspector.
- 5.2 On 20 December 2002 Police Officer 2 briefed relatives of those murdered and survivors on the interim findings of the Review.
- 5.3 Following the briefings of the families the PSNI released a press statement to the media in which Police Officer 2 explained that the objective of the Review was to establish *‘if there are any new or existing lines of enquiry the PSNI can take forward’*, describing the bombing of Claudy as *‘one of the worst unsolved atrocities of the troubles’*.
- 5.4 Police Officer 2 confirmed that the Review had seen ‘information which clearly indicates that a parish priest in the South Derry area was a member of the Provisional IRA and was actively involved in terrorism’; that ‘Intelligence also indicates he was involved in the Claudy bomb’; and that ‘[Father Chesney] provided an alibi for a person suspected of playing a prominent role in the atrocity’. He continued that police could not find any record ‘that the priest had ever been arrested or interviewed about his alleged involvement in the Claudy bombings or other terrorist offences’.
- 5.5 The media statement made reference to communication between the police, the Government and the Catholic Church regarding the activities of the priest, whom Police Officer 2 did not name but stated was deceased.

- 5.6 Police Officer 2 also commented that the Review had *'some understanding of those suspected of involvement in the bomb attack, the part they played and why so many people died at Claudy'*.
- 5.7 He concluded by apologising to the families affected by the bombings, for the fact that they had not seen justice and *'in particular that opportunities to arrest and interview all of the suspects were not taken in 1972'*.
- 5.8 In July 2003 Police Officer 2 appointed Police Officer 6, a Detective Chief Inspector, to examine the Review's findings in order to explore the potential investigative opportunities identified. This led to further arrests in 2005.
- 5.9 The PSNI Review established that following the Claudy bombings a widely held belief had formed within the Claudy community that Father Chesney had been involved.
- 5.10 On 9 February 2006, at the conclusion of the PSNI enquiries, Police Officer 2 met the bereaved families and survivors of the Claudy bombings and explained the findings of the police investigation. No person has yet been prosecuted in connection with the Claudy bombings.

6.0

SUMMARY OF POLICE OMBUDSMAN'S INVESTIGATION

6.1 **Remit & Scope of Police Ombudsman's Investigation**

6.2 The objective of the Police Ombudsman's investigation has been to establish whether there is any evidence of police criminality or misconduct in the RUC investigation of the role, if any, of Father James Chesney in the Claudy bombings. In addition, it has considered whether information was available to the RUC, which might have enabled them to prevent the atrocity.

6.3 **Key Investigative Findings**

6.4 The Police Ombudsman's investigation has not identified any evidence or Intelligence that the RUC had information, which if acted upon, could have helped them prevent the bombing of Claudy.

6.5 Extensive police Intelligence received after the bombings details allegations that Father Chesney was involved in acts of terrorism, including the bombing of Claudy. It also connects him to terrorist activities with Man A, who left the jurisdiction after being arrested and interviewed by police. The Intelligence further identifies Father Chesney as the IRA's Director of Operations for the South Derry Area.

- 6.6 This compelling Intelligence picture should have led police to pursue further investigative opportunities in respect of Father Chesney, which might have either implicated him in or eliminated him from the enquiry. Certainly police officers involved in the investigation wished to pursue these enquiries but such decisions were deferred to a senior RUC Officer.
- 6.7 The Police Ombudsman's investigation has found that a senior RUC Officer corresponded with the NIO, requesting that the Government raise with the Catholic Church their grave concerns in relation to Father Chesney.
- 6.8 This documentary evidence and historical records supplied by the Catholic Church reveal that the Secretary of State, Rt. Hon. William Whitelaw, and Cardinal William Conway, met on 5 December 1972. The evidence indicates that at the end of the meeting a private discussion, initiated by the Secretary of State, took place between both men, during which the Father Chesney issue was discussed.
- 6.9 The following day the NIO wrote to police stating that the Cardinal would '*see what could be done*' and had '*mentioned the possibility of transferring him to Donegal*'.
- 6.10 This correspondence was shared with and accepted by the then Chief Constable of the RUC, Sir Graham Shillington, who on 11 December 1972, recorded the note; '*Seen. I would prefer transfer to Tipperary*'. Other senior RUC officers also had sight of the correspondence.

6.11 From information made available to the Police Ombudsman's investigation by the Catholic Church it is evident that Cardinal Conway again met with the Secretary of State on 4 February 1973. During this meeting the Cardinal informed the Secretary of State, Rt. Hon. William Whitelaw, that the allegations relating to Father Chesney's activities had been raised with the priest by his 'Superior' and 'a colleague' but that he had denied any involvement. Cardinal Conway records that the 'Superior' had told Father Chesney to remain where he was convalescing following an illness. The Police Ombudsman's investigation believes that Father Chesney was in County Donegal at this time.

6.12 Father Chesney was eventually appointed to a parish in Donegal in late 1973. He was never again appointed to a parish in Northern Ireland. He is known to have regularly travelled across the border but was never arrested, questioned nor further investigated by the RUC in connection with the Claudy bombings or other terrorist activity. Father Chesney died in 1980.

6.13 **Consideration of Police Criminality or Misconduct**

6.14 There has been commentary in relation to the bombing of Claudy alleging police collusion with the State and the Catholic Church. The term 'collusion' has yet to be fully defined and while there are a number of authorities on the subject, there is no single accepted all encompassing definition. The New Oxford Dictionary of English defines the verb '*collude*' as; '*Come to a secret understanding; conspire.*'

- 6.15 Judge Peter Cory considered the issue of collusion in his inquiry into matters pertaining to the murders of Lord Justice and Lady Gibson and made clear that collusion encompassed a wide spectrum of activity, ranging from relatively benign matters to the most serious acts of criminality. It is clear from Judge Cory's discourse on various dictionary definitions, that it includes acts of plotting; conniving; secretly or illegally co-operating; scheming; collaborating; reaching secret understandings; and conspiring, especially in order to cheat or deceive others.
- 6.16 The definition of conniving may be particularly relevant, meaning to deliberately ignore; overlook; condone; disregard; to look the other way; to be indulgent, tolerant, secretly in favour or sympathetic; co-operate secretly; or fail to take action against a known wrongdoing or misbehaviour, usually the violation of the law.
- 6.17 In the absence of explanation the actions of the senior RUC Officers, in seeking and accepting the Government's assistance in dealing with the problem of Father Chesney's alleged wrongdoing, was by definition a collusive act.
- 6.18 However, collusion may or may not involve a criminal act.
- 6.19 The Police Ombudsman may only investigate and report on matters of alleged police criminality or misconduct. His responsibility in this matter is to reach a determination on the actions of police, not the State or the Catholic Church. On the basis of information in this Statement he makes a number of observations.

- 6.20 The Police Ombudsman accepts that 1972 was one of the worst years of the Troubles and that the arrest of a Catholic priest might well have aggravated the security situation. Equally, the Police Ombudsman considers that the police failure to investigate someone they suspected of involvement in acts of terrorism could, in itself, have had serious consequences.
- 6.21 With regard to police, for senior officers to have had the weight of Intelligence and information that they had pointing to Father Chesney's possible involvement in terrorism and not to have pursued lines of enquiry, which could have potentially implicated him in or eliminated him from the investigation of the Claudy bombings and other acts of terrorism, was wrong.
- 6.22 In so doing they failed to discharge a primary police duty which is to detect crime. Such a failure, in the absence of an acceptable explanation, could potentially have amounted to the commission of a criminal offence. All the key individuals involved in these events are now deceased and unable to account for their actions.
- 6.23 With regard to the role of the Government, they were asked by police to assist in resolving a matter of public interest. They had a legitimate interest in doing so. In the course of this enquiry the Police Ombudsman's investigation found no evidence of any criminal intent on the part of any Government Minister or official.
- 6.24 With regard to the role of the Catholic Church, when informed of the level of concerns others had about one of their priests, they challenged Father Chesney about his alleged activities, which he denied. In the course of this enquiry the Police Ombudsman's investigation found no evidence of any criminal intent on the part of any Church official.

7.0

CONCLUSIONS

- 7.1 The bombing of Claudy on 31 July 1972 was an atrocity, which caused untold grief within all sections of the community. No terrorist group has ever admitted responsibility for the attack and no person has ever been prosecuted in connection with the bombings.
- 7.2 The Police Ombudsman has concluded from his investigation that the RUC could not have prevented the Claudy bombings.
- 7.3 Intelligence, which the RUC obtained in the weeks and months following the Claudy bombings, presented significant investigative opportunities, which were not pursued in relation to Father James Chesney's alleged involvement in the atrocity.
- 7.4 Rather than act on these opportunities a senior RUC Officer sought the Government's assistance in December 1972, through their engagement with senior figures of the Catholic Church, to 'render harmless a dangerous priest'. In view of the considerable Intelligence available to the RUC in respect of Father Chesney the Police Ombudsman has concluded that this was wrong and compromised the investigation.

- 7.5 The RUC clearly accepted the understanding that was reported back to them by the NIO in December 1972 and believed that efforts were being made to remove from the jurisdiction a man, whom they suspected of being associated with the Claudy bombings and other terrorist activity. The consequence of their acquiescence was that the investigation of the bombing of Claudy was further compromised.
- 7.6 The Police Ombudsman concludes that the RUC decision to instigate and accept such a course of action was wrong. It failed those who were murdered, injured and bereaved in the bombings. The police officers directly involved in the enquiry were undermined.
- 7.7 The Police Ombudsman has concluded that the decision by the RUC not to investigate someone they suspected of involvement in serious acts of terrorism, including murder, was contrary to a fundamental duty of police to investigate those suspected of criminality. Had the senior police officers involved been alive today their actions would have demanded explanation which would have been the subject of further investigation.
- 7.8 The Police Ombudsman acknowledges that key individuals identified in this report have not had the opportunity to explain or defend their decisions or actions as they are deceased.
- 7.9 The Police Ombudsman recognises that in December 2002 the PSNI acknowledged failures in the original investigation when they expressed regret for police not having arrested and interviewed all individuals suspected of involvement in the Claudy bombings.

7.10 The Police Ombudsman recognises the co-operation of the Catholic Church, Government officials and the retired police officers, who assisted with this investigation.

7.11 The Police Ombudsman has decided that the findings of this investigation should be made known to the families of those murdered and injured in the bombings, the Police Service of Northern Ireland, the Northern Ireland Office, the Catholic Church and, given the wider public interest, through publication of a detailed Public Statement under Section 62 of the Police (Northern Ireland) Act 1998.

AL HUTCHINSON
POLICE OMBUDSMAN FOR NORTHERN IRELAND

24 AUGUST 2010