



REPORT  
INTO  
A COMPLAINT  
FROM  
RITA AND JOHN RESTORICK  
REGARDING THE CIRCUMSTANCES OF  
THE MURDER OF THEIR SON  
LANCE BOMBARDIER  
STEPHEN RESTORICK  
ON 12<sup>TH</sup> FEBRUARY 1997.

Published: 13 December 2006

**Police Ombudsman for Northern Ireland Investigation**  
**Complainant – Mr and Mrs John & Rita Restorick**

**1. Introduction**

- 1.1 This complaint relates to the circumstances surrounding the murder of Lance Bombardier Stephen Restorick on the 12<sup>th</sup> February 1997, at Bessbrook in South Armagh.
- 1.2 Stephen Restorick was serving in the 3<sup>rd</sup> Regiment Royal Horse Artillery, having started his second tour in Northern Ireland in September 1996. At approximately 18.25 hours on Wednesday 12<sup>th</sup> February 1997, Lance Bombardier Restorick was on duty at a permanent vehicle checkpoint, located in Green Road, south of Bessbrook Mill. He died as a result of a single shot fired from a .50 calibre Barrett rifle.
- 1.3 On the 10<sup>th</sup> April 1997 an operation carried out by Special Forces at 10 Cregganduff Road, Crossmaglen resulted in the arrest of 5 persons and the recovery of the Barrett .50 calibre rifle, used to shoot Lance Bombardier Restorick. Two additional suspects were almost immediately arrested at a different address nearby.
- 1.4 The murder of Stephen Restorick formed part of several murders and attempted murders linked to sniper shootings in South Armagh, using a high velocity rifle. The crimes spanned several years from 1990 until the arrest operation in 1997. A total of 4 murders and 8 attempted murders are linked between 16<sup>th</sup> March 1990 and 26<sup>th</sup> June 1993 by their geographical proximity to Crossmaglen and the potential use of a high velocity rifle. Between June 1993 and February 1997 there were no sniper shootings, using a high velocity rifle, resulting in a loss of life, in South Armagh.

1.5 In March 1999 Bernard McGinn was convicted of committing 3 murders, including the murder of Stephen Restorick. Michael Caraher was convicted of the attempted murder of Constable Ronnie Galway at Forkhill on the 29<sup>th</sup> March 1997. Martin Mines was sentenced for his involvement in paramilitary activities and James McArdle had previously been sentenced for his involvement in the Canary Wharf, Docklands bomb in London, on the 9<sup>th</sup> of February 1996.

## 2. **Background to the complaint**

2.1 On the 20<sup>th</sup> June 2004 the Sunday Times newspaper published an article written by reporters Tony Geraghty and Liam Clarke, entitled, ***“Last British soldier murdered by IRA ‘sacrificed’ for a spy.”***

The contents of this article directly resulted in Stephen Restorick’s parents registering a complaint with the Police Ombudsman for Northern Ireland. The Sunday Times article can be summarised as follows:-

- The murder of Stephen Restorick was preventable, since a “special army surveillance unit had bugged the IRA sniper team and had primed an SAS ‘hit team’ to arrest them.
- The police were monitoring the movements of the Mazda on the day of Restorick’s murder and an interception team was ready for deployment. ***“The surveillance group and the SAS hit team went on standby ready to intercept the IRA. They picked up their weapons and got into their vehicles, ready to move. At that point the TCG came on the radio to order them to stand down and remain in the camp. They couldn’t believe it. They protested and again told the TCG that the sniper was on his way to Bessbrook. Again our blokes were told not to move.” - Sunday Times 20<sup>th</sup> June 2004***
- The arrest team was prevented from intervening on the orders of a senior RUC police officer, just 40 minutes before the attack.

- A Special Forces soldier using the pseudonym Tony Buchanan, who had worked under cover in Northern Ireland for 9 years, was the source of the claims.
- The article suggests that sources believe that the order to stand down was made to protect an informant.
- Senior police commanders are believed to have wanted to avoid a gun battle so as not to damage fragile peace negotiations.
- Security sources suggest that the AK 47 weapon being carried by McGinn in the sniper attack contained a tracker beacon, which provided the police with knowledge of its location.
- A possibility exists that McGinn or someone else connected to the sniper team was cooperating with the security forces and that their identity was protected.
- During the lull in sniper attacks before the murder of Stephen Restorick, intelligence analysts instigated the planting of listening and tracking devices to build up pictures of the sniper suspects.
- The 14<sup>th</sup> Intelligence and Security Regiment were tasked by a Special Branch led Tasking and Coordination Group (TCG) to plant bugging devices on the sniper team.
- The police were fully aware of the movements of the sniper team for a tracking and listening device was installed in a Mazda motor vehicle used by the sniper team.

### **3. Complaint**

3.1 Mrs Rita Restorick made a statement outlining a complaint to the Police Ombudsman for Northern Ireland. It is based on the content of the Sunday Times article, written by Liam Clarke and Tony Geraghty. She specifically states that if it is true that the police and the military were aware of the identity and whereabouts of the sniper team operating in South Armagh prior to Stephen's murder, then the police had the means and capability to intervene and arrest the sniper team before they committed the murder of her son. Mrs Restorick states that

if the allegations made by the Sunday Times are true, one would draw a natural conclusion that had the police acted on the information they possessed, the murder of her son Stephen, on the 12<sup>th</sup> February 1997 at Bessbrook was preventable. The complainant concludes by stating that, if the allegations made by the Sunday Times are true, and specifically if the alleged failure of the police to act was in order to protect the identity of an informant, then the operational decisions made by the Police TCG group, coordinating the operation, are unjustifiable.

- 3.2 In addition to the allegations Mr and Mrs Restorick raised additional questions which related to the military and therefore were outside the remit and terms of reference for the Ombudsman's investigation. However, due to the army's cooperation, some of the questions raised have been partly answered, and therefore will be commented on within the body of this report.

#### **4. Police Ombudsman Investigation**

- 4.1 The main lines of enquiry can be summarised as:-

1. Interview of soldier "X"
2. Enquiries with Sunday Times and newspaper reporters.
3. Interview of Officer A, Senior Investigating Officer of the murder investigation
4. Enquiries with Military and Police personnel based at Bessbrook.
5. Interview of Special Forces involved in the covert operation
6. Enquiries of military personnel on duty with Stephen Restorick
7. Interview of retired Officer B, Head of South Region Special Branch
8. Enquiries relating to the matter referred to as Operation Poacher
9. Review of Intelligence related to the sniper team and covert operation
10. Review of intelligence relating to the Barrett .50 calibre rifle

11. Additional questions raised by the complainant

**5. Interview of Soldier “X” – Pseudonym Tony Buchanan**

- 5.1 In order to preserve the identity of the soldier sourcing the material used by the Sunday Times the pseudonym of Tony Buchanan has been used. Buchanan is sometimes referred to as “Soldier X.”
- 5.2 Tony Buchanan, when interviewed by the Police Ombudsman Intelligence Unit, confirmed his connection with the Sunday Times report, resulting from a book he was writing about his experiences in the army. Buchanan stated that one page in the book referred to the murder of Stephen Restorick. (This was later denied in response to a written request made to Buchanan’s legal representative).
- 5.3 The book was never published and as a result of legal action taken by the Treasury solicitors, the manuscript and all copyrights were signed over to the Ministry of Defence.
- 5.4 Buchanan confirmed that he served with the 14<sup>th</sup> Intelligence Group, of the Special Forces in Northern Ireland until the winter of 1996 but was never directly involved in covert operations targeting the sniper team. He stated that his information was reliable, having been provided by trusted colleagues. Buchanan was not able to verify the details he provided via Tony Geraghty to the Sunday Times; nor was he prepared to identify his sources of information.
- 5.5 Buchanan provided the following additional information to the Sunday Times, which was not published in the article on the 20<sup>th</sup> June 2004.
- The TCG was headed by a senior police officer, (the officer is referred to as Officer B in this report).

- Covert cameras and beacons located at a rural location complex housing the Mazda motor vehicle helped to build up an intelligence picture.
- The Special Forces detachment consisted of 6 or 7 operatives and an interception team consisting of a troop 6-8 soldiers, with helicopter support.
- The TCG were aware of the sniper team preparing for an operation stating, *“The TCG had the situation under control.”*
- The team based at Bessbrook were requesting to be deployed to carry out closer reconnaissance, as signals indicated that the Mazda was heading towards Bessbrook.
- The movement of the Mazda was capable of being monitored from technical equipment, avoiding the necessity for visual contact.
- It was general knowledge within the TCG and units on the ground, that the rural location area was only used by the PIRA team if they were preparing to carry out an operation.
- The TCG refused to transmit a warning message to Vehicle Check Points to put out green army patrols in an effort to deter the sniper team.
- The anger within the 14<sup>th</sup> Intelligence Unit, following the murder of Stephen Restorick, was so intense that Officer B, in order to defuse the frustration felt, debriefed the Unit the following day. Buchanan stated that the explanations provided failed to provide satisfactory answers to questions being raised relating to the failure of the TCG to deploy additional resources.

5.6 The investigation team was unable to examine the contents of the manuscript, prepared by Soldier Buchanan and Tony Geraghty, because the MOD refused to give access (see following chapter).

**5.7 Comment -** *Soldier Buchanan was not on active duty with the military unit engaged in the covert surveillance operation subject of this investigation. The fact that the operation did not form part of his*

*manuscript despite his initial disclosures to Ombudsman investigators places a question mark over the integrity of the allegations.*

## **6. Enquiries of The Sunday Times and Mr Tony Geraghty**

- 6.1 The article published in the Sunday Times on the 20<sup>th</sup> June 2004 was written by Tony Geraghty and Liam Clarke. The allegations made in the article led to the complaint by Mr and Mrs Restorick to the Police Ombudsman for Northern Ireland.
- 6.2 Enquiries with Mr Geraghty stated that Soldier Buchanan first approached him in September 2001 with a view to seeking assistance in the publication of a book based on his military life. On the 20<sup>th</sup> April 2004 the Sunday Times agreed to purchase the exclusive rights on the manuscript as it stood and commissioned a package of material from Mr Geraghty. Mr Geraghty explained that the Sunday Times reneged on the deal with the 'Restorick' story being the only item surviving, as a result of legal action taken by the Ministry of Defence. Liam Clarke became involved with Tony Geraghty because of Mr Geraghty's request for Liam Clarke to meet Soldier Buchanan, in order to verify the manuscript, due to his knowledge and understanding of the troubles in Northern Ireland.
- 6.3 Mr Geraghty stated that the information provided by Soldier Buchanan in the manuscript did not contain information relating to the police operation on the sniper team and in particular the events on the 12<sup>th</sup> February 1997. This statement was confirmed in writing by Soldier Buchanan's solicitor and the Treasury solicitors acting for the Ministry of Defence, who are in possession of the manuscript following legal action, in the form of injunctions preventing its publication. The investigation has not gained access to the material, however the Ministry of Defence solicitors have re-examined the manuscript and confirmed that there are no references to the police operation leading



up to February 12<sup>th</sup> 1997 or the murder of Lance Bombardier Stephen Restorick.

6.4 This latter point contradicts a statement made by Mr Buchanan to investigators when he stated that one page of his manuscript contained material relating to Stephen Restorick's murder.

6.5 Mr Geraghty reiterated that the article was sourced from conversations between Liam Clarke, himself and Soldier Buchanan, whilst verifying the material proposed for publication. He confirmed that the manuscript contained no references to February 12<sup>th</sup>. Information provided by Soldier Buchanan suggested that the surveillance operation had been running for 6 months prior to 12<sup>th</sup> February 1997 and was one of the largest technical surveillance operations run in South Armagh for many years. He stated that it involved many soldiers and the assistance of other agencies. Mr Buchanan stated that in his opinion the operation ended without any loss of civilian life, for political reasons, for at that time the shooting of alleged PIRA terrorists whilst carrying out an arrest operation would have been unacceptable as the government pushed for peace.

6.6 **Comment** – *The conflicting accounts from Soldier Buchanan relating to the contents of the manuscript for his proposed book caused the senior investigating officer to recontact Soldier Buchanan and clarify the facts. Communication through Buchanan's solicitor confirmed that the manuscript contained no references to the police operation on the 12<sup>th</sup> February 1997. This fact was confirmed by the Treasury Solicitors who presently hold the only existing copies of the aforementioned manuscript.*

## 7. **Interview of Officer A**

7.1 Officer A assisted the Police Ombudsman investigation by providing the following information. At the time of the arrest operation on the 10<sup>th</sup>

April 1997, Officer A was a senior investigator on 'H' Division. He was aware of the murder of Stephen Restorick committed by a sniper using a high velocity rifle. He was not aware of a covert operation being run by the Tasking and Coordination Group (TCG) and states that his first involvement was on the 10<sup>th</sup> April 1997, when following the arrests, he was tasked with leading the investigation.

- 7.2 The discovery of the Barrett rifle and evidential link with a murder investigation came during the second day of searching at 10 Cregganduff Road, Crossmaglen.
- 7.3 Officer A confirmed that the successful prosecution was partly secured by the confessions of Bernard McGinn and the discovery of the Barrett rifle. He stated that he was not aware of any human source involvement in the operation, nor was he given any assistance from Special Branch in his investigation.
- 7.4 Officer A had no knowledge of the covert operation being run by TCG South Region, he was not provided with intelligence reports indicating the activities of the South Armagh sniper team or reports referring to those responsible for the sniper attack resulting in the murder of Stephen Restorick.
- 7.5 The Police Ombudsman investigation made enquiries to establish if the objective of the covert operation was in order to arrest James McArdle, for his alleged involvement in the bombing of Canary Wharf, in London on the 9<sup>th</sup> February 1996. The arrest of McArdle on the 10<sup>th</sup> April 1997 and the subsequent taking of his fingerprints became a significant breakthrough for the investigation being carried out by the Anti Terrorist Branch of the Metropolitan Police.
- 7.6 Officer A stated that the identification of McArdle as being linked to the Canary Wharf bombing only resulted through the taking of his fingerprints following arrest. This was confirmed by enquiries

conducted with the PSNI fingerprint department and the Senior Investigating Officer for the Metropolitan Police investigation into the Canary Wharf bomb in 1996. In addition research was carried out by Police Ombudsman's investigators on the Metropolitan Police computerised account for the Canary Wharf investigation. All enquiries confirmed that the Metropolitan Police investigation was not aware of the identity of the person relating to the outstanding fingerprint until the arrest of McArdle on the 10<sup>th</sup> April 1997.

7.7 To summarise Officer A stated that his investigation and subsequent successful prosecution of McGinn was brought about by the evidence seized during the arrest phase at 10 Cregganduff Road, Crossmaglen and evidence secured by way of questioning during the interviews of arrested suspects.

7.8 Officer A did not provide information or evidence relating to the relevant RUC covert operation coordinated by South Region TCG prior to the arrests on the 10<sup>th</sup> April 1997

## **8. Enquiries with Military and Police Personnel Based at Bessbrook**

8.1 The investigation did not recover any documentation, movement journals or threat assessments from Bessbrook Police Station or the police post located within Bessbrook Mill, relating to the period from November 1996 to April 1997. In relation to uniformed police patrols carrying out routine patrols and check point duties, no evidence was gained to indicate that there was an awareness of the potential sniper attack prior to February 12<sup>th</sup> 1997. Enquiries with officers stationed at nearby Forkhill at the relevant time have revealed that a contingency plan, codenamed Operation Poacher was in place on March 7<sup>th</sup> 1997. Operation Poacher was a coded name for the likelihood of a sniper attack with the instruction to all military and police personnel out on patrol to take hard cover.

- 8.2 Requests to recover documentation relating to Operation Poacher from the PSNI have been unsuccessful due to the fact it no longer exists, having been destroyed on the authority of the Head of Special Branch. (See chapter 14)
- 8.3 The investigation has carried out enquiries with military personnel on duty with Stephen Restorick at the vehicle check point (VCP) in Bessbrook. Such enquiries included the interview of Bombardier M, who was on duty and in charge of the check point at the material time. Bombardier M informed the investigation that he was unaware of any intelligence or operation which indicated the likelihood of an attack on the VCP or indeed a general threat warning relating to a potential sniper attack in the immediate area.
- 8.4 Enquiries of both military and police officers based at Bessbrook early in 1997, did not reveal evidence of their knowledge of an intended sniper attack. Nor were there any indications of warnings or briefings relating to the identity of PIRA activists involved in sniper attacks or their use of a Mazda motor vehicle.
- 8.5 March 7<sup>th</sup> 1997 was the earliest date found on a record relating to Operation Poacher. The Police Ombudsman's investigation was unable to determine the date Operation Poacher was introduced. This would have indicated a time period during which the police became aware, or made an assessment through intelligence, of the likelihood of a sniper attack.

## **9. Enquiries with Special Forces**

- 9.1 Interviews were carried out with 3 soldiers from Special Forces, involved in the covert operation coordinated by South Region, culminating in the arrests at Crossmaglen, on the 10<sup>th</sup> April 1997. Due to the sensitive nature of work carried out by the following soldiers

engaged in the tracking and monitoring of the Mazda motor vehicle, subject of this investigation, their identity has been preserved and as a consequence will be referred to as soldiers “A”, “B” and “C”.

**10. Interview with Soldier “A”**

10.1 Soldier A was a Major and the officer in charge of a covert unit engaged in the

surveillance of the Mazda 323 motor car in the months leading up to the arrest operation on the 10<sup>th</sup> April 1997.

10.2 The investigation established that the vehicle in question was not subjected to constant surveillance for on several occasions it would avoid detection by travelling out of the area, sometimes for days or a week at a time.

10.3 Soldier A informed the investigation that all movements and locations relating to the Mazda were recorded on intelligence reports and submitted through a liaison officer to the TCG. The Police Ombudsman investigation has not examined original intelligence reports compiled by the military surveillance unit for they have been destroyed. However computer copies of précis of the military intelligence held by the police have been made available and examined by the Police Ombudsman investigators.

10.4 Soldier A was not aware of “Operation Poacher” or any police contingency order relating to an imminent sniper attack.

10.5 Soldier A stated that his only direction was to monitor the movements of the vehicle. Requests were frequently made to the TCG to conduct a closer reconnaissance of the vehicle, however, the police commanding the TCG invariably refused such requests in fear of compromising the overall operation.

- 10.6 A vehicle technically monitoring the movements of the Mazda never gained visual contact with the vehicle for they were instructed to hold off on the A40 south of Armagh. Grid references were taken when the vehicle became stationary.
- 10.7 Soldier A commented that the police became very interested in the Mazda following the 12<sup>th</sup> February 1997; the TCG tasked Soldier B to confirm the location of the vehicle when it became stationary and unattended. The Commanding Officer confirmed that it was at this point that his unit observed the modifications to the vehicle which left them in no doubt that it was being used by a sniper or sniper team. Photographs and intelligence reports were immediately submitted to the TCG following the unit's examination of the vehicle.
- 10.8 Soldier A in response to the allegations reported by Liam Clarke and Tony Geraghty in a Sunday Times report on 20th June 2004 said,  
*"We never gave a second thought as to the exact location of the vehicle and its proximity to the VCP, when it went static. We did not have the mind set that it was a loaded gun waiting to go off. It was just a vehicle with someone with an interest in it. There was no question of that being relevant. The only reason I recall it was Bessbrook Mill was because of what occurred, the consequences."*
- "It was several hours before being made aware that a soldier had been shot and it was only then that the penny dropped but even then it was only possibly related"*
- 10.9 Soldier A confirmed that summaries of surveillance logs, which contained all key intelligence points, were handed to the TCG but military copies have not been kept.
- 10.10 The surveillance logs compiled by the military have been destroyed by the police. The PSNI has been unable to identify who authorised or sanctioned the destruction of records relating to this investigation

## **11. Interview with Soldier "B"**

- 11.1 Soldier B confirmed his position in the unit as a Detachment Sergeant Major but on occasions he was a team member engaged on the "ground". In addition he performed the role of liaison officer to the TCG, when the dedicated liaison officer was absent on medical grounds. This role was shared with 3 additional officers.
- 11.2 Soldier B confirmed the account provided by Soldier A. The officer confirmed that he was operational on 12<sup>th</sup> February 1997. He stated that at no time leading up to the shooting of Stephen Restorick did the surveillance pinpoint the exact location of the Mazda. Soldier B confirmed that the Mazda had travelled from South Armagh to Cullyhanna and towards Bessbrook but the nearest location they achieved from the technical surveillance was an area north west of Bessbrook. A team of surveillance officers was on standby north of the area ready to be deployed in order to establish an exact location of the vehicle.
- 11.3 Soldier B confirmed that the TCG did not give the unit permission to move south. The officer explained that this decision was not unusual for strict restrictions were imposed on them in order to avoid compromise. Soldier B expressed an opinion that following the news of Stephen Restorick's murder, the TCG were not convinced that the movement of the Mazda was connected to the murder of Stephen Restorick.
- 11.4 The TCG however made a decision during the evening of the 12<sup>th</sup> February 1997 to locate and examine the Mazda motor vehicle, once it became stationary. Soldier B confirmed that he was present when the vehicle was examined during the early hours of the following day. Evidence of the vehicle's adaptation for a sniper was video recorded, and shown to the TCG. At this point the officer confirmed that some

members of the TCG still had to be convinced of the vehicle's connection but could not remember the identity of those holding this belief.

- 11.5 Following the murder of Stephen Restorick, Soldier B stated that gradually the police came round to the belief that the Mazda was being used by a sniper. This led to an order for all military and police personnel in the area to take hard cover should the Mazda become mobile.
- 11.6 Soldier B confirmed that a de brief was held shortly after the 12<sup>th</sup> February 1997. Although he was not present, he believed that Officer B addressed the troop and confirmed that the TCG had no intelligence which indicated an imminent attack. His opinion was that the debrief was held in response to ill feeling amongst soldiers in his unit caused by the frustration and anger of not performing a closer and more intrusive form of surveillance. Soldier B explained that the TCG was reluctant to take risks for fear of compromise. He felt that his unit was experienced and trained to assess such situations, and make the necessary decisions relating surveillance without compromising their safety and, ultimately, the operation. Soldier B stated that Officer B's explanation satisfied the more mature members of the unit but the younger less experienced members were not convinced.
- 11.7 Soldier B confirmed that during the evening of the 12<sup>th</sup> February 1997, his unit was not stood down but they were never granted permission to locate the Mazda whilst it was mobile. It was only when the vehicle became static did the TCG authorise his team to locate and determine its position. He explained that his unit was on standby 24 hours a day, 7 days a week, until the arrest operation on the 10<sup>th</sup> April 1997.
- 11.8 In relation to the Sunday Times article which led to the complaint and subsequent investigation, Soldier B confirmed that he knew the identity



of the soldier referred to as Soldier X (Buchanan) but stated that he was never part of the unit involved in the operation.

- 11.9 Soldier B confirmed that there was no tracking device attached to the weapons used by the sniper team.

## **12. Interview with Soldier "C"**

- 12.1 Soldier C confirmed his position as a senior operator within the unit. On the 12<sup>th</sup> February 1997, he was the Operation Communication Officer. He explained that normally any decisions made by the TCG would be channelled through Soldier B acting as the Liaison Officer and telephoned to him performing the role of Operation Commander.
- 12.2 Soldier C explained the technical details of the covert surveillance operation, involving the Mazda 323, in order to monitor its movements without compromising human resources. Soldier C stated that the only request from TCG was to locate and confirm the vehicle's position. No other intelligence was provided by the TCG. The officer confirmed Soldier A and B's explanation, that the identity of the sniper team only became known to the military unit following the arrests on the 10<sup>th</sup> April 1997.
- 12.3 Soldier C confirmed that the TCG only permitted the deployment of the surveillance unit south of the A25 on a handful of occasions, for the unit only confirmed the link between the Mazda vehicle and the sniper team following the murder of Stephen Restorick.
- 12.4 In relation to the 12<sup>th</sup> February 1997, Soldier C confirmed that the unit was on standby but not mobile in South Armagh. He explained that there was no arrest option positioned at Bessbrook or on standby. The tactical option of making arrests was always open to the TCG but on the 12<sup>th</sup> February 1997, they were not in a forward location and any

decision to mobilise would necessitate at least one hour travelling time to South Armagh.

- 12.5 Soldier C confirmed that he was aware as a result of technical surveillance, that the Mazda was heading towards Bessbrook when it became static. His recollection was that the vehicle became static for approximately 40 to 60 minutes prior to its movement towards Bessbrook. He recalled making requests to the TCG to mobilise his unit, which was refused on the basis that there was no intelligence to substantiate that the vehicle was planning an attack. Soldier C confirmed that his unit was not deployed on February 12<sup>th</sup>, prior to Stephen Restorick's murder.
- 12.6 The surveillance on the rural location housing the Mazda did not reveal the presence of weapons, nor was the unit ever provided with intelligence relating to a Barrett or .50 calibre rifle. Soldier C explained that the neither the intelligence provided by the police or that provided from the surveillance, ever identified the specific nature of PIRA activity the Mazda vehicle was linked with.
- 12.7 When asked if he was aware that the vehicle had become static in Bessbrook, Soldier C disclosed that the technical surveillance indicated the Mazda was on a straight line between Bessbrook towards Whitecross. They were being steered towards Whitecross, and the only means of establishing an accurate location was for his unit to be deployed on the ground.
- 12.8 Soldier C confirmed that it was gut reaction rather than technical information which connected the vehicle with the murder of Stephen Restorick. His assessment was that the police took approximately 72 hours from the time of the murder to accept the link between the Mazda and the sniper.

12.9 The accounts given by Soldiers “A” “B” and “C” were open and consistent, the Police Ombudsman is grateful for the cooperation and assistance afforded to her investigators whilst carrying out enquiries.

12.10 The interviews with Soldiers A, B and C provided the following information in relation to the allegations made in the Sunday Times article dated 20<sup>th</sup> June 2004

- The Mazda motor vehicle used by the sniper team on the 12<sup>th</sup> February 1997 had been subjected to technical surveillance for a period of weeks prior to the murder of Stephen Restorick
- The covert military unit engaged in the surveillance operation were not aware of any intelligence linking the vehicle to the sniper team until the day after Stephen Restorick’s murder. At no time were the Special Forces provided with intelligence from the TCG indicating the identity of terrorists using the rural premises or their intended plans of attack.
- On February 12<sup>th</sup> 1997 the movements of the Mazda motor vehicle being used by the sniper team were being monitored by means of technical surveillance. The vehicle was identified as being mobile in the vicinity of Bessbrook but the TCG was not aware of any exact locations, for the surveillance unit were not mobilised until after the shooting of Stephen Restorick.
- The surveillance unit were unable to establish precise locations and directional movements of the Mazda on the 12<sup>th</sup> February 1997, such detailed information required the deployment of additional resources and technical equipment. The unit however were in a position to establish when the Mazda commenced a journey or become stationary.
- Special Forces involved in the surveillance operation on the Mazda requested permission from the TCG to be deployed to carry out closer surveillance in order to gain more detailed intelligence, relating to location and position. The TCG took a conscious

decision not to mobilise additional resources from the unit for fear of compromising the operation and risking lives.

- The surveillance unit and arrest teams were not positioned in South Armagh prior to 6.30pm on the 12<sup>th</sup> February 1997. The TCG, based on information provided by the surveillance was not in a position to prevent the murder of Stephen Restorick.
- A debrief with Special Forces involving Officer B did take place following the murder of Stephen Restorick, where some younger members of the unit expressed their frustration. The Police Ombudsman has concluded that soldiers from Special Forces were frustrated at the decisions of the TCG. In particular there was frustration at the reluctance of the TCG to allow the unit to carry out a more intrusive form of surveillance which would have gleaned more detailed and informed intelligence.
- The TCG continued to target the Mazda with a surveillance operation post February 12<sup>th</sup> 1997. Efforts were made to increase the surveillance capacity following confirmation of the vehicle being used by the sniper team.
- The TCG had the opportunity to conduct an arrest operation on the Mazda vehicle after the 12<sup>th</sup> February 1997 but before the 10<sup>th</sup> April 1997 when the Barrett .50 calibre rifle was discovered.

### **13. Interview of Officer B**

13.1 Officer C, Head of the Tasking and Coordination Group (TCG), was not interviewed as he did not respond to repeated written requests seeking his assistance to the Police Ombudsman's investigation.

13.2 Officer B, however, performed a leading role within the TCG as Head of Special Branch for the South Region between 1996 and 1997. Officer B was interviewed at New Cathedral Buildings on Thursday 10<sup>th</sup> November 2005; notes were taken during the interview as Officer B refused to allow the procedure to be tape recorded.

- 13.3 Officer B accepted that he played a leading role in decisions made by the TCG and was aware of all the relevant available intelligence. He stated that he had daily discussions with Officer C in relation to the policy of ongoing and future operations. He clarified that he was accountable for any decisions made by the South Region TCG, relating to the covert operation subject of this investigation. Officer B informed the interviewers that Officer C, who has retired from the Police Service, was in poor health and therefore unlikely to be available for interview.
- 13.4 In relation to the operation coordinated by TCG, culminating in the arrests at Cregganduff Road, Crossmaglen, on the 10<sup>th</sup> April 1997, Officer B stated that he had a clear recollection of events, which was recorded in a policy log. He acknowledged that numerous operations could be recorded in the same policy log, however such was the significance and importance of this operation, that he can specifically recall a dedicated policy log being used. The Police Ombudsman's investigation has not identified and located a policy or decision log relating to the covert operation, despite confirmation from the army that such a log was recorded and maintained in the TCG at Portadown. As recorded elsewhere, the investigation has discovered that the policy log has been destroyed, together with intelligence material linked with the police operation. The Police Ombudsman's investigation has been unable to establish:-
1. Who destroyed the relevant documents.
  2. Who authorised the destruction.
  3. The precise date of the destruction.
- 13.5 Officer B recalled the operation commencing as early as April 1996 based on intelligence reports indicating that active PIRA volunteers were using rural premises along the South Armagh border. Security forces were tasked with carrying out systematic searches on rural locations, in an effort to identify PIRA activity. Operation "G" referred to a rural location in South Armagh where the Mazda motor vehicle later

to be used in the murder of Stephen Restorick was first discovered. It was clarified however that the rural premises was under surveillance for several months before the Mazda appeared.

- 13.6 He stated that the objective of the operation was to monitor paramilitary activity using rural locations close to the South Armagh border with Ireland. The activity of the sniper team using a .50 calibre Barrett rifle was not linked to this TCG run operation until after the death of Stephen Restorick. Officer B emphasised that his belief at the time was that the paramilitary activity under surveillance was not just of a local nature but involved the “crème de la crème,” who were possibly acting on a national and international basis.
- 13.7 This latter point became very relevant when considering military support, for the terrorists were extremely careful and thorough in their planning and preparation. Officer B implied that Special Forces were very willing to carry out close target recognisance (CTR) whereas the TCG were reluctant on occasions to authorise close surveillance for fear of compromising the operation.
- 13.8 In response to a question enquiring as to why the 10<sup>th</sup> of April was selected as the arrest operation, Officer B stated that the date in question was the first opportunity to secure the arrests safely. The TCG adhered to strict criteria of:-
1. The vehicle had to be stationary.
  2. The vehicle had to be under visual surveillance i.e eye contact with the vehicle.
  3. The vehicle had to be away from any habited settlement.
- 13.9 Officer B stated that the Mazda vehicle had moved approximately 30-40 occasions prior to the 10<sup>th</sup> April 1997. Although the operation had planned to make arrests a month earlier, they had been unable to pinpoint the exact location of the vehicle and apply the criteria specified above.

- 13.10 When questioned about available intelligence on and before the 12<sup>th</sup> February 1997, Officer B clarified that the rural premises referred to as Operation "G" was not the only building of this type being used by paramilitary groups in the locality. Nor was the Mazda vehicle, the only vehicle of interest and subject to surveillance techniques
- 13.11 Officer B stated that Operation "G" became a significant supply of intelligence and that he could recall the appearance of the stolen Mazda on the 14<sup>th</sup> January 1997. He could not recall however an intelligence report, dated 8.2.97 indicating the possibility of the Mazda being used in an attack which was in an advanced stage of planning. Officer B commented that in his opinion this item of intelligence is more likely to be an assessment rather than intelligence from a human source.
- 13.12 In relation to the events of the 12<sup>th</sup> February 1997, when Lance Bombardier Stephen Restorick was murdered, Officer B stated that he was unaware of any precise movements of the Mazda during the day. At approximately 18.30 hours, shortly after arriving home, he was informed by telephone of the shooting at Bessbrook Mill. He returned to his headquarters at Portadown to assess the situation following a briefing.
- 13.13 Officer B denied refusing to authorise a request by the Security Forces to carry out a close examination of the Mazda during its movements on the 12<sup>th</sup> February. He stated that he was never aware of its precise locations but confirmed that he had been informed of its position in the vicinity of Whitecross. Officer B discussed the limitations of the technical surveillance used on this operation, confirming that the equipment and geographical terrain sometimes prevented the surveillance team from determining an exact location. He disclosed that the monitoring would indicate when the vehicle became stationary. The

TCG would then determine when it was appropriate and safe to establish more precise details in relation to the vehicle's location.

**13.14 The Ex Head of Regional Special Branch confirmed that limited surveillance was carried out on the Mazda vehicle, during the afternoon and evening of the 12<sup>th</sup> of February. He clarified that the surveillance only commenced when it became mobile but he had no indication or knowledge of its occupants or their intentions.**

13.15 Officer B disclosed that it was only when a close examination was carried out on the Mazda, during the night of the 13/14<sup>th</sup> February, did it become apparent of the possibility of the Mazda being used and adapted as a sniper attack vehicle. He acknowledged that the intelligence assessment leading to the hypothesis of the use of the Mazda by the sniper team was not unanimously accepted amongst the management of the TCG; for he states that there were several theories relating to the adapted armour plating inside the vehicle.

13.16 In relation to the account recorded in the Sunday Times article written by Toby Harndon describing a de-brief the day after the murder of Restorick, between the Special Forces and senior officers from the military and police. Officer B described attending such meeting. He, however, denied any ill feeling or representations being made by Special Forces personnel relating to the failure of TCG authorising a strike or interception of the Mazda, whilst mobile on the 12<sup>th</sup> February. Officer B reiterated that, from recollection, he was briefed the Mazda was mobile in the area of Whitecross with no indication of a target being identified in Bessbrook.

13.17 Officer B commented that the Special Forces personnel didn't always appreciate the inherent dangers and potential compromise to operations. In addition it was only the TCG Commander who was in position to make informed decisions on the totality of available information and intelligence.



13.18 Officer B accepted that he knew about Operation Poacher. He stated that it was a contingency plan set up in the event of an imminent threat to the police or military from a sniper attack. According to Officer B it was triggered and put into operation by Special Branch intelligence. He went on to describe the fact that the operational order was re written several times frequently changing its name and at one point it was referred to as “Code Blue”.

13.19 Officer B refuted the following allegations:-

1. That a human source provided intelligence into the operation.
2. Decisions were made in order to protect a source.
3. That the TCG were aware of the exact location of the Mazda whilst mobile on the 12<sup>th</sup> February 1997.
4. That the TCG were aware of an imminent attack by the sniper team on the 12<sup>th</sup> February 1997
5. That the TCG were in a position to affect an arrest of the occupants of the Mazda on the 12<sup>th</sup> February, thereby preventing the murder of Stephen Restorick

**13.20 The failure of the PSNI to provide the investigation with copies of decision logs, original intelligence logs and operation orders, due to the decision by the PSNI to destroy the documents, has severely hindered the investigation.**

13.21 The investigating officer has not been provided with intelligence reports which indicate why the operation was set up or why the rural location, codenamed “G” was selected for protracted extensive surveillance. The Police Ombudsman has concluded that it is unlikely that the police would conduct a protracted covert investigation, coordinated by the TCG, utilising Special Forces and technical surveillance methods, without the existence of intelligence warranting such a concerted effort.

13.22 Officer B confirmed that Special Forces involved in the surveillance operation frequently requested authority of the TCG to perform closer surveillance which was denied on grounds that such activity could compromise the operation. The Police Ombudsman has concluded that there is evidence of the existence of tension and sometimes frustration between the TCG and Special Forces. The lack of available documents from the TCG has prevented the Police Ombudsman from making any comment as to whether the frustration experienced by some Special Forces personnel was warranted or justified.

#### **14. Enquiries relating to Operation Poacher.**

14.1 On the 29<sup>th</sup> March 1997 Constable Ronnie Galway was shot by the sniper Caraher as he commenced a foot patrol from Forkhill Police Station. Caraher was convicted of the attempted murder of Constable Ronnie Galway. Evidentially it was shown that the murder of Stephen Restorick and the attempted murder of Constable Ronnie Galway are the only two offences linked with the Barrett .50 calibre rifle, recovered at 10 Cregganduff Road Crossmaglen on the 10<sup>th</sup> April 1997. Enquiries conducted at Newry Police Station have established the existence of an operational order, named "Poacher".

14.2 The investigation is satisfied that Operation Poacher existed as early as March 7<sup>th</sup> 1997 and continued until at least the arrest operation on the 10<sup>th</sup> April 1997.

14.3 Although no written operational orders titled "Poacher" or Code Blue" have been found, evidence provided by Constable D, Inspector E, Sergeant F, (all of whom are currently serving officers with the PSNI) have confirmed the existence of the operation and described it as a contingency order to counteract the threat of the South Armagh sniper team.

- 14.4 Enquiries with soldiers serving with the 1<sup>st</sup> Battalion Welsh Guards in Armagh in the Spring of 1997 have additionally confirmed the existence of Operation Poacher as a contingency plan.
- 14.5 Examination of entries in the Forkhill police patrol book has revealed references to patrols and flights being cancelled due to Operation Poacher. The entries are marked in red ink and cover the period from 6<sup>th</sup> March until the 9<sup>th</sup> April 1997. The arrest operation leading to the prosecution of Michael Carraher was carried out on the 10<sup>th</sup> April and significantly no entries have been found following this date.
- 14.6 Officer B confirmed the operation as a contingency measure against the threat of the sniper team operating in South Armagh; he also provided the Police Ombudsman investigation with information linking operation Poacher with the name 'Code Blue'.
- 14.7 Enquiries with C3 and the military have failed to identify an operation order relating to Operation Poacher. Nor has the investigation been able to identify intelligence reports which led to the introduction of the contingency plan, codenamed Operation Poacher. Documentation has been provided relating to 25<sup>th</sup> June 1997 which relates to the cancellation of Operation Poacher and the introduction of 'Code Blue' which relates to RUC/Army guidelines in the event of an action sheet on sniper attacks in 'H' Division. The documentation dated in June 1997 provided the instruction on the authority of the Head of Special Branch, to destroy plans relating to Poacher as it was replaced by Code Blue.
- 14.8 The RUC, therefore, introduced a contingency plan for police and military personnel on patrol in South Armagh, when intelligence was gained on potential sniper attacks. The investigation found the earliest reference to Operation Poacher on 7<sup>th</sup> March 1997, although it is highly likely that the contingency plan was introduced before this date. There is no available evidence of its existence before 12<sup>th</sup> February 1997.

14.9 The inability of the PSNI to provide intelligence / operational orders relating to Operation Poacher has hindered the Police Ombudsman's investigation.

**15. Review of Intelligence held by C3 relating to the covert operation resulting in the arrest of the sniper team on the 10<sup>th</sup> April 1997**

15.1 An extensive examination of intelligence held by C3 relating to a covert surveillance operation which resulted in the arrest of Michael Caraher and Bernard McGinn, on the 10<sup>th</sup> April 1997 has not provided the Police Ombudsman with an explanation as to why a covert operation, utilizing soldiers from Special Forces, was set up and coordinated by South Region TCG. Although intelligence records indicate that the RUC was aware that Michael Caraher was a trained sniper before 1997, intelligence records examined would suggest that the first occasion the police was aware of his connection with the murder of Stephen Restorick and the Barrett rifle, resulted from the arrests on the 10<sup>th</sup> April 1997 (2 months after the murder).

15.2 In a meeting with Officer G, the Head of C3 Covert Operations, a verbal explanation was provided, describing a planned surveillance operation on rural locations near the border with Ireland, in the close proximity of Crossmaglen. He stated that the operations intention was to identify potential links with PIRA activity. The account provided by Officer G suggested that the operation was speculative with no specific intelligence from human sources. Intelligence reports indicated that the covert operation commenced as early as November 1996.

15.3 Intelligence reports submitted by the surveillance team indicated that the Mazda motor vehicle, used by the sniper on the 12<sup>th</sup> February 1997, first appeared at a barn, subsequently codenamed "G", on January 14<sup>th</sup> 1997. The vehicle was identified as being stolen and with

almost immediate effect, became a vehicle of interest and was subjected to technical surveillance.

15.4 The surveillance operation was carried out 24 hours a day, 7 days a week; however the police were not aware of its continual position and location for it would frequently travel south of the border and not return for several days.

15.5 The investigation through its examination of available intelligence reports has **not** found any evidence or corroboration to the allegations relating to:-

1. The TCG being aware of a planned sniper attack prior to the 12<sup>th</sup> February 1997.
2. The TCG being aware of the identities of persons using the Mazda or frequenting the barn housing the vehicle.
3. The movement of the Mazda on the 12<sup>th</sup> February 1997 being linked with an imminent attack on security forces.
4. The surveillance operation on the 12<sup>th</sup> February 1997 establishing a precise location and movement of the vehicle.
5. Intelligence from an informant, influencing or assisting the covert operation being coordinated by South Region TCG.

15.6 The Police Ombudsman investigation has examined intelligence records which state that on the 8<sup>th</sup> February 1997 South Armagh PIRA were at an advanced stage of an operation but the nature of the target or the attack were not known. There was an indication that the terrorists may use some type of agricultural machinery to execute the operation. A second intelligence document in the form of an action sheet was generated, on the same day, to locate the Mazda in the region of Crossmaglen. The document illustrates the police assessment that the Mazda was believed to be used in the advanced stages of a PIRA attack.

- 15.7 The intelligence documents do not indicate the date, location and type of planned attack. Nor does it identify the persons likely to be involved in an imminent attack. The intelligence records confirm Officer B's explanation that the intelligence was an assessment made by the TCG. There is no evidence that this intelligence was provided by a human source.
- 15.8 However significant records have, as has been stated, been destroyed; the interviews with Soldiers A, B and C would confirm that no specific intelligence was provided to the surveillance operatives. The Police Ombudsman's investigation finds it highly unlikely that an expensive, protracted operation utilising resources from different agencies, would be authorised and persisted with without specific intelligence justifying its existence.
- 15.9 The reaction of some senior members of the TCG to the intelligence provided by the military surveillance operation immediately following the murder of Stephen Restorick would suggest that on the balance of probability, the covert surveillance operation was not specifically targeting the sniper team or a planned sniper attack.
- 15.10 Due to decisions made by the Police to destroy documents, the investigation was denied the opportunity to examine documents and records relating to applications for authority to use covert surveillance techniques utilised in the investigative strategy.

**16. Review of Intelligence held by C3 relating to the Barrett .50 Calibre Rifle recovered from 10 Cregganduff Road Crossmaglen.**

- 16.1 The investigation established that a series of linked sniper shootings, using a high velocity rifle, which resulted in the murder and attempted murder of security force personnel in South Armagh were identified by the RUC in the early 1990s. The linked incidents occurred between the 16<sup>th</sup> March 1990 and 25<sup>th</sup> July 1994.

- 16.2 In 1994 an analytical chart prepared by Officer H and Officer I stationed at Newry, linked 7 murders and 5 attempted murders with a .50 calibre rifle, all of which were committed in the region of Crossmaglen, Forkhill, Newtownhamilton and Keady.
- 16.3 Enquiries with the PSNI Weapons and Explosive Research Centre (WERC) confirmed that the sniper shootings using a high velocity rifle between 1990 and 1994 are possibly linked to the same weapon. However it was confirmed that the weapon used in those shootings has never been recovered and therefore the incidents cannot be forensically linked through ballistic evidence.
- 16.4 WERC confirmed that the Barrett .50 calibre rifle recovered from 10 Cregganduff Road, Crossmaglen on the 10<sup>th</sup> April is only linked through ballistic evidence with the murder of Stephen Restorick and the attempted murder of Constable Ronnie Galway at Forkhill on the 29<sup>th</sup> March 1997. There is no available intelligence or evidence indicating that the aforementioned Barrett rifle is linked with sniper shootings before 12<sup>th</sup> February 1997 or after the attempted murder of Constable Ronnie Galway on the 29<sup>th</sup> March 1997.
- 16.5 When interviewed, Officer B stated that the Barrett rifle used in the murder of Stephen Restorick was one of two Barretts entering Northern Ireland in 1995. This was confirmed by the PSNI Weapons and Research Centre, however examination of documents requested by the Police Ombudsman investigation have failed to corroborate this statement. The PSNI have been unable to locate intelligence reports relating to the provenance of the Barrett rifle recovered from 10 Cregganduff Road Crossmaglen. Documents have been examined indicating that a Barrett .50 calibre rifle was recovered in Belfast between 1995 and 1997.

- 16.6 No intelligence documents viewed by the Police Ombudsman indicated that the police and in particular the South Region TCG, coordinating the covert operation, were aware of the location of the Barrett .50 calibre rifle prior to the arrest operation.
- 16.7 Examination of intelligence documents and enquiries with the PSNI Weapons and Research Centre established the following conclusions relating to the Barrett .50 calibre rifle used to murder Stephen Restorick.
- There is no available evidence that the covert operation coordinated by South Region TCG was targeting the movements of the Barrett .50 calibre rifle.
  - The Barrett rifle used to murder Stephen Restorick is not forensically linked with sniper attacks in South Armagh prior to the murder of Stephen Restorick.
  - Intelligence assessments and forensic analysis only link the weapon with one additional sniper attack which was on the 29<sup>th</sup> March 1997, when Constable Ronnie Galway was shot as he left Forkhill Police Station on a foot patrol.
  - The TCG had intelligence reports submitted by the military within 48 hours of Stephen Restorick's murder which supported the hypothesis that the Mazda was being used by the sniper team and was used to convey the sniper to and from his firing position in Green Lane, Bessbrook.
  - The Police Ombudsman's investigation has not found evidence to corroborate the allegation, that the weapons used by the sniper team were fitted with tracking devices. (This was corroborated by the account provided by Soldier "B").
  - No intelligence reports requested and viewed by the investigation team have supported the allegation that the police were aware of the movements of the Barrett .50 calibre rifle used to murder Stephen Restorick prior to its recovery on the 10<sup>th</sup> April 1997.



- The available intelligence documents examined by the Police Ombudsman investigation do not support or corroborate the allegation that an informant was assisting the covert operation.

16.8 The Police Ombudsman's investigation has established that there are no intelligence documents which corroborate the disclosures made by Officer B and WERC relating to the fact that the Barrett rifle used in the murder of Stephen Restorick entered Northern Ireland in 1995.

16.9 Based on the findings of the investigation concluding that the Barrett .50 calibre rifle used on the 12<sup>th</sup> February 1997 was not the same weapon used in sniper shootings in South Armagh between 1990 and 1994, the investigation has not found any evidence indicating that the police were aware of the Barrett rifle's location and therefore, on the balance of probability they were not presented with an opportunity to seize it before the murder of Stephen Restorick. The lack of available intelligence reports or documentary evidence has caused the Ombudsman significant concern.

## 17. Summary

17.1 Despite repeated written requests the Police Ombudsman has not been afforded the opportunity to interview Officer C, the head of the TCG at the material time. However, interviews were held with Officer B, covert military operatives and members of the C3 Branch of the PSNI. The prolonged period of this investigation has been due to the extensive research into sensitive and secret intelligence documents held by multiple agencies, some of which are linked with additional investigations being conducted by the Police Ombudsman for Northern Ireland.

17.2 Based on the available intelligence provided by the C3 Branch of the PSNI, the findings of the investigation and unqualified conclusions can be summarised as:-

- 1. The covert surveillance operation being run by South Region TCG was not specifically targeting a PIRA sniper team prior to 12<sup>th</sup> February 1997. A surveillance operation run by South Region TCG was targeting rural locations used by PIRA, close to the border near Crossmaglen. The surveillance operation extended to vehicles found secreted within the targeted rural locations**
- 2. The operation in question had commenced at least 4 months prior to the murder of Stephen Restorick. The objective of which was to gather intelligence on persons and vehicles using rural locations for paramilitary activity.**

- 3. The Mazda motor car used by the sniper team on the 12<sup>th</sup> February 1997 became a vehicle of interest to the operation after 14<sup>th</sup> January 1997.**
- 4. The Mazda vehicle was under technical surveillance on the 12<sup>th</sup> February 1997. The TCG were aware of the Mazda's movement during the afternoon and early evening, however not its precise location.**
- 5. On the day of Lance Bombadier Stephen Restorick's murder, the TCG were aware through intelligence provided by the military surveillance team that the Mazda had become stationary in the area of Bessbrook.**
- 6. The TCG made a decision not to deploy additional surveillance resources, which was necessary to establish a more precise location of the vehicle.**
- 7. The TCG were not in possession of intelligence indicating that the Mazda was preparing for a specific attack. The TCG however made an intelligence assessment on February 8<sup>th</sup> 1997, indicating that the Mazda was in an advanced stage of planning for an attack. The assessment was unable to determine the time, date, location or type of attack being planned by PIRA. The last known sniper attack in South Armagh, using a high velocity rifle, was the attempted murder of Lance Corporal Clarke on the 25<sup>th</sup> July 1994 in Crossmaglen.**
- 8. Intelligence indicating the use and adaptation of the Mazda by the sniper team and its link with Stephen Restorick's murder, only became apparent, following directions given to the surveillance team from the TCG after 6.30pm on the 12<sup>th</sup> February 1997.**

**9. The surveillance team were not on standby at Bessbrook, any decision to deploy from their position at the time would have entailed at least 1 hour travelling time.**

**10. The Head of South Region TCG was not in a position to initiate an arrest operation on the sniper team on the 12<sup>th</sup> February 1997, for an arrest strategy had not been considered nor was there an arrest team ready on standby.**

**11. The Barrett .50 calibre rifle used by the sniper team on the 12<sup>th</sup> February 1997, was not fitted with technical tracking devices. Neither was any other weapon accompanying the sniper team on the day of Stephen Restorick's murder.**

**12. The Police Ombudsman's investigation has not viewed intelligence which would indicate the involvement of an informant nor has there been any evidence to corroborate the hypothesis that operational decisions were made to protect the identity of a human source.**

**13. The Police Ombudsman's investigation has found no evidence to support or corroborate the allegation made by the Sunday Times that the operation used covert listening devices on or before February 12<sup>th</sup> 1997.**

17.3 There are unanswered questions which cannot be answered by the Police Ombudsman

- What intelligence initiated the planning, setting up and objectives of the covert operation leading to the surveillance being conducted on the rural locations eventually housing the Mazda motor car used by the sniper team?

- What was the commencement date of 'Operation Poacher,' which would indicate the approximate date the police were aware of the threat of a sniper attack?
- The provenance of intelligence relating to the Barrett .50 calibre rifle used to murder Stephen Restorick?
- Why the covert operation did not arrest the sniper team before the 10<sup>th</sup> April 1997.
- What other material was destroyed by the police?

## **18. Conclusion**

- 1. Taking into cognisance the lack of available records relating to policy decisions and directions taken by South Region TCG, the available evidence and intelligence made available to the Ombudsman investigation has led to an unqualified conclusion that the murder of Lance Bombadier Stephen Restorick on the 12<sup>th</sup> February 1997 whilst patrolling at a vehicle check point in Bessbrook, was not preventable. The covert police surveillance operation on the day in question incorporated technical surveillance, which indicated the movements and direction of the Mazda motor car. On the day of Stephen Restorick's murder the TCG were not aware of the precise movements of the Mazda, for insufficient equipment and resources were deployed. This was a conscious decision taken by the Head of the TCG despite an intelligence assessment 4 days earlier indicating the Mazda was in an advanced stage of planning for an attack. The Police Ombudsman has concluded that the TCG Commander should have directed closer and more precise surveillance on the Mazda motor car following the intelligence assessment made by the TCG on the 8<sup>th</sup> February 1997.**
  
- 2. On February 12<sup>th</sup> 1997 the South Region TCG was not aware of an imminent PIRA sniper attack nor was it in a position to execute an arrest operation based on the information available and resources deployed on the ground.**
  
- 3. The Sunday Times article on the 20<sup>th</sup> June 2004 titled "The last soldier murdered by the IRA 'sacrificed' for a spy," written by Tony Geraghty and Liam Clarke was based on information provided by a member of the Special Forces. The soldier known as Tony Buchanan was not part of the surveillance team.**

## **19. Recommendations**

1. Mr and Mrs Restorick to be personally briefed on the findings of the investigation, with the provision of an edited version of this report.
2. The Senior Investigating Officer to liaise with the Commanding Officer, 6 Regiment, Thiepval Barracks, Lisburn in relation to any outstanding concerns from Mr and Mrs Restorick which relate to military issues.
3. The C Department of the PSNI to review their retention and disposal policy for material and intelligence relating to serious crime. It is recommended that intelligence, operational orders and contingency plans relating to serious crime and acts of terrorism are reviewed and evaluated in line with the ACPO National Retention Assessment Criteria and are preserved in accordance with the Codes of Practice for the Criminal Procedures and Investigations Act 1996 and the ACPO Guidance on The Management of Police Information 2006.
4. The PSNI to ensure that all strategic, critical, tactical and investigative issues and decisions made by Regional and Tasking Coordination Groups when tackling acts of terrorism and serious crime are recorded and retained in accordance with ACPO Crime Committee guidelines revised in 1999. The records should record the rationale for taking or not taking relevant decisions and at the conclusion of the enquiry should be retained and stored with the sensitive case papers.
5. A review to be undertaken assessing the opportunity to improve the research capacity and interrogation potential of databases holding secret and sensitive intelligence held by the C3 Branch of the PSNI. Information must be retained in accordance with recommendation three. The PSNI should ensure that intelligence is searchable and

retrievable by all staff who are appropriately vetted and have a need to know.