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**Special
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Northern Ireland ombudsman questions powers of MI5

- Extended role may limit inquiries, says O'Loan
- Special branch criticised for destroying records

Owen Bowcott
Friday July 20, 2007[The Guardian](#)

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MI5's enhanced role in taking over responsibility for national security in Northern Ireland could hamper complaints against individual police officers, the province's police ombudsman has warned.

Nuala O'Loan - who retires in November after seven ground-breaking and bruising years in office - is concerned that her successors will not have the necessary powers to compel the intelligence service to cooperate with inquiries.

Earlier this year Mrs O'Loan published a damning report, codenamed Operation Ballast, on the way special branch protected loyalist paramilitary informants in north Belfast and failed to stop them committing up to 15 murders.

She believes that police handlers in anti-terrorist operations should not be allowed to run the same agent indefinitely, and has condemned special branch for routinely destroying records.

Later this year MI5 will assume responsibility for national security in Northern Ireland, in line with responsibilities elsewhere in the UK. The changeover is worrying her. "It

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will limit [my] officers' ability to investigate the handling of matters of national security informants," she said.

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"If officers are being managed by [intelligence] service managers we want to have access to them. We want to be able to do the intrusive work that we did with special branch ... if everything is going well, that's fine. But if bad practice develops and there's no proper scrutiny, I would have concerns. People think that independent investigations hinder the fight against terrorism. That's not true ... if people think they are unaccountable, then you have a dangerous situation."

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The ombudsman's office not only exposes errors and injustices, she insisted, but helps "improve processes", making the police more efficient. "If we bury our mistakes, we will repeat them."

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After Operation Ballast 24% of informants were dropped by the Police Service of Northern Ireland - half because they were unproductive, the rest due to their involvement in serious crime.

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Mrs O'Loan, previously a law lecturer, said she was shocked at police practices, attitudes and collusion discovered when her officers started investigating the death of Raymond McCord junior. The young man was beaten to death by the Ulster Volunteer Force in north Belfast in 1997. Her report found a police informant had directed the murder and linked informants to as many as 15 murders in the area.

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The RUC, Mrs O'Loan said, had decided that updated rules on handling informers did not apply to special branch. "I have no doubt there were good intentions in terms of the fight against terrorism," she added, "but there's something about the perception of who is a terrorist. The IRA were always terrorists. The loyalists were sometimes regarded as useful sources of information and were not regarded in the same way despite [hundreds of killings]."

Special branch, she said, "destroyed all the papers relating to handling" agents and simply did not record operations. "There must have been good intentions ... but the

consequence was that those who should be able to find out, couldn't. It became a convenient cloak and it's an unprofessional way to do business."

Another practice the report exposed was "sham interviews" where CID officers brought special branch informers in for questioning but failed to extract information because they were, according to some detectives, "a protected species".

Mrs O'Loan will be succeeded by Al Hutchinson, a former Canadian Mountie, who has been monitoring police reforms in Northern Ireland.

But she is frustrated that she failed to persuade the government to introduce legislation allowing officers to take part in direct mediation of complaints. She is disappointed that the central committee of the local Police Federation refused to meet her. "It would be a courtesy to the office at least," she remarked.

She says retired police officers ought to remain accountable to the ombudsman.

"Some are really helpful and explain why they did things one way, some just say 'get lost'."

Her next major report will be on the 1972 IRA bombings of Claudy, County Derry, which allegedly involved a priest.

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