



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

Relating to the complaint by the relatives of the victims of
**THE BOMBING OF MCGURK'S BAR,
BELFAST ON 4 DECEMBER 1971.**

Foreword by the Police Ombudsman

Fifteen people died and more than sixteen were injured as a result of the bomb, which exploded at McGurk's Bar in Belfast on 4 December 1971. For almost forty years both the families of those who died and those who survived the attack have searched for some measure of truth and justice about what happened that night and in the weeks, months and years which followed.

My first Report on this matter was scheduled for release on 9 July 2010. I withdrew that Report due to concerns from the families over the failure of myself and my Office to engage properly with them and due to some errors within it. I publicly apologised for the errors and undertook to meet the different family groups and representatives and to receive any further information, which they could offer, both on the manner of reporting and the substance.

I established a team to review the initial Report and to undertake any further investigation. Additionally I introduced a key process improvement, involving subjecting cases to a higher level of scrutiny through internal critical review. This supports me in my responsibility to ensure an independent and impartial investigation capable of securing the confidence of the public and police.

In this Report I have reviewed the detail of the original investigation and Report; included new evidence and material brought to my attention; pursued further lines of enquiry; revised and expanded the format to reflect better the families' concerns about the police investigation; gained a better understanding of the police actions in the context of the time; and explained the police investigation in greater detail.

Historic investigations are never straightforward, particularly when there are few records, witnesses are deceased, memories are frail, there is little or nothing by way of forensic evidence and there are many perceptions of the relevant context. One of the issues involved in the majority of our complaints about police actions during the period 1968 to 1998 relates to allegations of collusion. The term, while ill-defined, represents a concern for many. I believe that there needs to be a broader dialogue about what collusion is and what it is not. Although each situation is different, I have discussed the issue of collusion in the context of Justice Cory's analyses and this investigation.

The remit of this Office is to determine whether or not any actions of the police constitute a criminal act or amount to misconduct. When there are other parties involved, in this case the Government and the Army, I comment on their role only insofar as it relates to the actions of the police. I cannot investigate allegations of broader state collusion.

This Report examines the issues, which have caused the families anguish for almost forty years. It provides them and the public with information, which I hope permits a better understanding in the context of the time of both how police investigated the bombing and their contribution to the reporting of the atrocity.

Al Hutchinson
Police Ombudsman for Northern Ireland

February 2011

Contents

Page

Section 1	Introduction	1
Section 2	The Bombing of McGurk's Bar	2
Section 3	The House of Commons Debate following the Initial HET Report	4
Section 4	Complaint to the Police Ombudsman	5
Section 5	Scope of Police Ombudsman's Investigation	8
Section 6	The Security Context 1971	10
Section 7	Police Ombudsman's Investigation	12
	I. Alleged Security Force Involvement	12
	II. The Effectiveness of the Royal Ulster Constabulary Investigation	13
	III. Briefings to Government	44
	IV. Information in the Public Domain	49
Section 8	Summary of Police Ombudsman's Investigation	57
	Remit and Scope of Police Ombudsman's Investigation	57
	Evidential Analysis and Key Findings	59
Section 9	Conclusions	77
Section 10	Recommendations	79

1.0

Introduction

- 1.1 The Office of the Police Ombudsman for Northern Ireland was established by the Police (Northern Ireland) Act 1998, for the purpose of independently investigating complaints relating to the conduct of police officers and other matters, which the Police Ombudsman considers to be in the public interest.
- 1.2 The Royal Ulster Constabulary (Complaints etc) Regulations 2001 empower the Police Ombudsman to investigate historic complaints, which he considers should be investigated because of the grave or exceptional circumstances.
- 1.3 In 2006 the then Police Ombudsman met some of the families affected by the bombing of McGurk's Bar and an agreement was reached, whereby two nominated people would represent collective views. The two representatives made statements, in which they outlined their areas of concern and complaint in respect of the events surrounding the bombing and the related police investigation.
- 1.4 Following initial reporting in 2010, on the investigation conducted by the Police Ombudsman, some family members expressed concern. The matters raised have been addressed in this report.

2.0

The Bombing of McGurk's Bar

- 2.1 The Tramore Bar, commonly known as McGurk's Bar, was located at the junction of North Queen Street and Great George's Street in Belfast. It was a family run bar and in 1971 was owned by Patrick and Philomena McGurk, who along with their four children lived on the premises in the upstairs rooms.
- 2.2 On the evening of Saturday 4 December 1971 the bar was busy and several people, including children, were upstairs in the living accommodation. At approximately 8.45pm a bomb exploded, causing the building to collapse.
- 2.3 The Ambulance Service, the Fire Service, the police and the military attended the scene and along with local people commenced a rescue operation.
- 2.4 Fifteen people died as a result of the explosion and at least another sixteen people were injured. It remains one of the worst atrocities in Northern Ireland during the period referred to as 'The Troubles'.

2.5 The fifteen people who died were: James Francis Cromie (13 years old); Maria McGurk (14 years old); Edward Laurence Kane (29 years old); Robert Charles Spotswood (35 years old); Elizabeth Philomena McGurk (46 years old); Thomas Kane (48 years old); John Colton (49 years old); David Milligan (53 years old); Kathleen Irvine (53 years old); Thomas McLaughlin (55 years old); Sarah Keenan (58 years old); James Patrick Smyth (58 years old); Francis Bradley (63 years old); Edward Keenan (69 years old); and Phillip Garry (73 years old).

2.6 In 1978 a member of the Ulster Volunteer Force (UVF), Robert Campbell, was convicted of the murders and attempted murders of those in McGurk's Bar on 4 December 1971.

3.0

The House of Commons Debate following the Initial HET Report

3.1 The Police Service of Northern Ireland Historical Enquiry Team (HET) has reviewed the police investigation of the bombing of McGurk's Bar. The HET was created in 2005 to review all deaths, which occurred as a result of 'The Troubles' between the years of 1968 and 1998. The HET initial Review Summary Report was delivered to the victims' families on 28 May 2008. The Police Ombudsman's investigation is independent of the HET investigation.

3.2 Following delivery of the findings of the HET initial Review Summary Report and during a debate on 14 July 2008 in the House of Commons, Westminster, the then Minister of State for Northern Ireland, Paul Goggins, made the following statement;

“Although we cannot speak for the Ministers who made statements at the time, my right honourable Friend the Secretary of State and I are deeply sorry not just for the appalling suffering and loss of life that occurred at McGurk's Bar, but for the extraordinary additional pain caused to both the immediate families and the wider community by the erroneous suggestions made in the immediate aftermath of the explosion about who was responsible. Such perceptions and preconceived ideas should never have been allowed to cloud the actual evidence...”

4.0

Complaint to the Police Ombudsman

4.1 The complaints made by the relatives of the victims are many and varied. These can be grouped into four main areas.

- I. Alleged Security Force Involvement
- II. The Effectiveness of the Royal Ulster Constabulary (RUC) Investigation
- III. Briefings to Government
- IV. Information in the Public Domain

Some relatives of the victims state that collusion pervades each of the areas. The main elements of the allegations made are detailed as follows.

4.2 **I. Alleged Security Force Involvement**

4.3 Family members have stated that in the days leading up to 4 December 1971 there was a heavy police and military presence in Belfast including the area surrounding McGurk's Bar. This was due to the escape of three republican paramilitary prisoners from Crumlin Road Gaol on 2 December 1971. Some family members have raised concerns as to how, given this heightened security presence, the bombers were able to plant and detonate the bomb and make good their escape. A complaint has been made that Security Forces facilitated the bombers by removing Vehicle Check Points and allowing free movement into and out of the area.

4.4 **II. The Effectiveness of the RUC investigation**

4.5 Relatives of victims of the bombing of McGurk's Bar believe that the RUC investigation into the attack was fundamentally flawed from the outset. They believe that police concentrated on the investigative hypothesis that it was an 'own goal' by republican paramilitaries and are of the view that this served to undermine the investigation.

4.6 **III. Briefings to Government**

4.7 Family members have questioned the role of the RUC in briefing government officials in the aftermath of the explosion.

4.8 Families of the victims have highlighted that public statements, made in the aftermath of the bombing by the then Minister of State for Home Affairs supported the suggestion that the bomb had been an Irish Republican Army (IRA) 'own goal'. The families have explained that after the bombing, and indeed following the conviction of Robert Campbell, the allegation that it was an IRA 'own goal' remained officially unchallenged, creating the impression that the victims of the bomb were associated with, or were themselves, republican paramilitaries.

4.9 Some family members have contended that the motive for the authorities to have promoted the 'own goal' theory, at the expense of the victims' reputations, was consistent with an alleged Government policy to avoid publicly acknowledging a campaign of violence by loyalist paramilitaries. It is asserted by some family members that the advancement of an 'own goal' theory would have encouraged tension between the Provisional and the Official IRA, thereby undermining their support within the community.

4.10 **IV. Information in the Public Domain**

4.11 Media coverage of the bombing of McGurk's Bar has been a source of great distress for the families of those killed and injured in the attack. Those articles which reported the 'own goal' theory have caused particular upset.

4.12 Family members have questioned the role of the RUC in briefing the media in the aftermath of the explosion and believe that the police and the military provided journalists with the information for the 'own goal' theory media coverage.

4.13 They have alleged that police introduced false information to the media about the circumstances of the bombing and have complained that at no point did the police correct the inaccurate information.

5.0

Scope of Police Ombudsman's Investigation

- 5.1 The scope of the Police Ombudsman's investigation is to determine if there is any evidence of police misconduct or criminality in relation to the matters raised. It does not extend to the investigation of allegations relating to government officials or the military.
- 5.2 The Police Ombudsman's investigation has made every effort to obtain all available original material held in relation to the RUC investigation into the bombing of McGurk's Bar.
- 5.3 Police Ombudsman's Investigators obtained material from the following sources: the families of those killed and injured; the Police Service of Northern Ireland; the Inquest papers; military reports; the Public Records Office of Northern Ireland; Forensic Science Northern Ireland; the Public Prosecution Service; the Northern Ireland Courts Service; documentation from the HET investigation; press articles; and other publicly available information.
- 5.4 Arising from an examination and analysis of this material, comprehensive enquiries were conducted to address the concerns of the families. Witnesses were identified and interviewed.

- 5.5 The investigation of historical matters presents unique challenges. Several people, who may have been able to provide witness evidence to this investigation, including former police officers, are now deceased. The complete range of papers and material generated by the murder investigation are unlikely to have been fully recorded, retained or successfully located.
- 5.6 This report will examine the available evidence in respect of the families' concerns and will detail the Police Ombudsman's findings and conclusions.

6.0

The Security Context 1971

- 6.1 During 1971 the security situation in Northern Ireland continued to deteriorate with numerous daily bombings, shootings and other incidents, which resulted in the death of almost 200 people in that year alone.
- 6.2 On 16 March that year the Northern Ireland Prime Minister, James Chichester-Clark, met the Conservative Prime Minister, Edward Heath, and asked for tougher security measures. Mr Chichester-Clark believed the response to be inadequate and subsequently resigned. He was succeeded by Brian Faulkner on 23 March 1971.
- 6.3 Internment was re-introduced into Northern Ireland in August 1971, resulting in the detention of hundreds of people in that month alone.
- 6.4 By the autumn of 1971, both loyalist and republican paramilitaries were acknowledged as having been responsible for pub bombings in Belfast, resulting in deaths and injury to members of both communities. These included the bombings of the Bluebell Bar, Sandy Row, on 20 September; the Four Step Inn, Shankill Road, on 29 September; the Fiddler's House Bar, Durham Street, on 9 October; the Red Lion, Ormeau Road, on 2 November; and the Toddle Inn, York Street, on 9 November.
- 6.5 During the first two weeks of December 1971, around 30 people were killed and there were reportedly some 70 incidents of explosions, approximately a third of which occurred in Belfast.

- 6.6 By the end of the year the RUC had just over 4000 full-time officers and approximately 1300 part-time officers, less than half the number in the RUC by the 1980s.
- 6.7 Although there was a clear constitutional division of responsibility, in practice, the relationships between the Governments of the United Kingdom and of Northern Ireland; between these Governments and the Army; and between the Army and the other branches of the security forces, especially the RUC, were more complex.¹

¹ Chapter 193 *The Bloody Sunday Inquiry*

7.0

Police Ombudsman's Investigation

7.1 **I. Alleged Security Force Involvement**

7.2 Relatives of the victims of the bombing of McGurk's Bar state that on 4 December 1971 security cordons in the area surrounding the bar had been lifted within the hour prior to the explosion, which indicated to them that the Security Forces had been aware of and had facilitated the attack.

7.3 Concerns have also been expressed about allegations made in a book entitled 'Killing for Britain'. Claims are made within this book that a military intelligence unit referred to as the Mobile Reconnaissance Force (MRF) had been involved in the bombing of McGurk's Bar.

7.4 A representative acting on behalf of the author assisted with the Police Ombudsman's investigation. Police Ombudsman's Investigators established that the author does not believe that the RUC played any part in the briefing of the MRF or were aware of any intended attack on McGurk's Bar. The claims expressed in the book are the personal views of the author.

7.5 Media reports from 4 December 1971 indicate that there had been a large number of Security Forces personnel carrying out road blocks in and around Belfast due to both an escape from Crumlin Road Gaol by three republican paramilitary prisoners on 2 December 1971 and other IRA activity. A military document records that widespread road blocks and search operations had been mounted between 3 and 6 December 1971 but does not detail their location.

7.6 The Police Ombudsman's investigation did not locate any records within police or military archives to provide any detail either of Vehicle Check Points being located in the area of McGurk's Bar on 4 December 1971 or of their removal.

7.7 **II. The Effectiveness of the RUC Investigation**

7.8 **(a) The Initial Response to the Explosion**

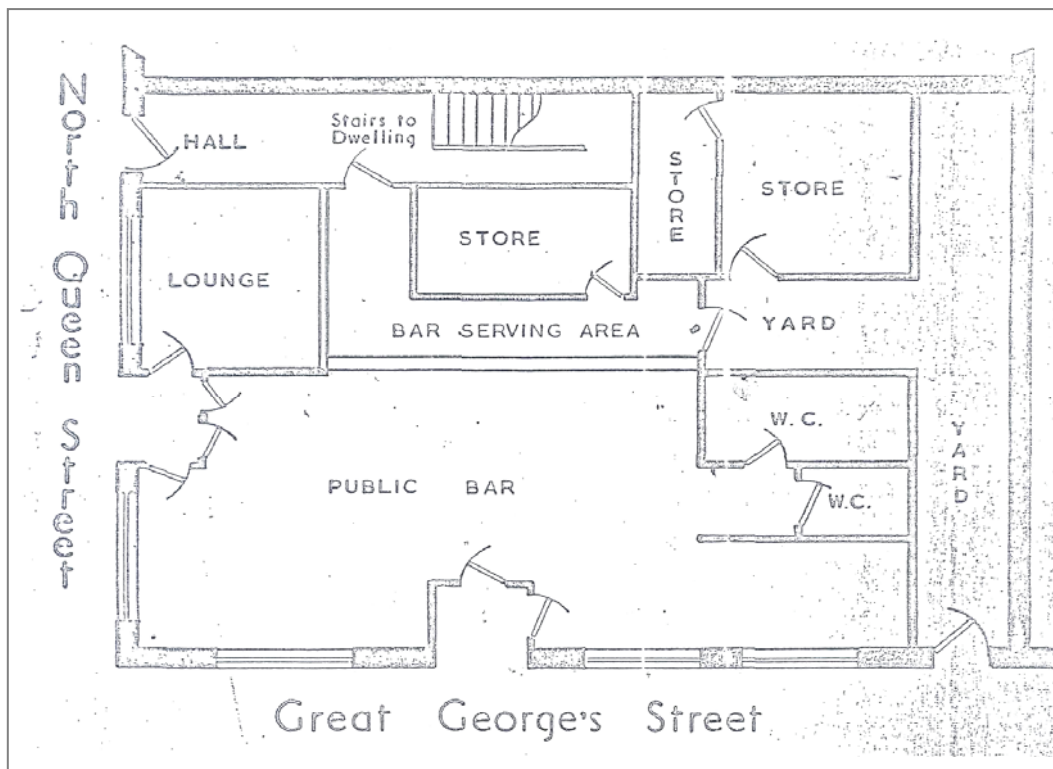
7.9 Police received an anonymous 999 emergency telephone call made by a male at 8.46pm on the night of 4 December 1971 reporting the explosion. The emergency services, the police and the military attended the scene. Due to pockets of fire raging at the scene and in an attempt to preserve life the Fire Service took primacy.

7.10 A search and rescue operation continued throughout the night with the assistance of local people and police and military personnel. A mechanical digger was brought to the scene to assist with the operation. The search operation resulted in the discovery of the bodies of the 15 deceased and the rescue of those injured.

7.11 Within two hours of the explosion, serious disorder had broken out in the vicinity. Records show that at one point during the rescue operation police personnel were fired upon and had to withdraw from the scene. An Army Major was shot and fatally wounded. Four civilians and two police officers were also shot and wounded.

- 7.12 Due to the priority of the rescue operation, significant contamination would have been caused to forensic evidence at the scene. Preservation of life was the main priority of all service personnel, who attended the scene. Attempts to manage and preserve the scene are likely to have been further frustrated by the serious disorder in the vicinity.
- 7.13 **(b) The Crime Scene Assessment: Establishing the Exact Location of the Bomb**
- 7.14 One of the main tasks in examining the scene of where a bomb has exploded is to determine the exact location of the device.
- 7.15 Within a short time of the explosion at McGurk's Bar this issue became critical. Had the bomb gone off outside the building or even within its entrance area, this might have added weight to the theory that it had been left there by loyalist paramilitaries. If, however, the device had exploded in the bar itself, this might have supported a theory that the bomb had been the responsibility of republican paramilitaries and that it had been intended for elsewhere.

- 7.16 The following is a ground floor plan of McGurk's Bar, which has been obtained from police investigation papers.



- 7.17 A report dated 11 February 1972 from the Forensic Scientist for the police investigation states; *'The explosion had occurred at or about the entrance door from the porch leading off Great George's Street. I was unable to determine whether the seat was inside or outside the entrance door i.e. whether in the porch or in the bar.'*
- 7.18 Several statements recorded from emergency services and Security Forces personnel, who attended the scene on 4 December 1971, detail their observations of the scene after the explosion, with a number of statements including opinion regarding the 'seat' of the explosion.
- 7.19 The 'seat' of the explosion became the subject of a series of documents during December 1971 and January 1972.

7.20 **Observations from Emergency Services Personnel**

- 7.21 (i) A statement from an Army Lieutenant, who attended the scene after hearing the explosion, records; *'From my observations when I arrived at the scene, I would say the explosion took place inside the bar as the remains of the bar were all in the one place. Had a bomb been placed outside the premises I would have expected debris to have been blown one way or the other. This was not so as everything appeared to have gone up and fallen straight down in the one area.'*
- 7.22 (ii) A Police Constable, who was on duty when the explosion occurred and who attended the scene, recorded in his statement; *'I formed the opinion that the explosion had taken place inside the building as it had collapsed within its own limits.'*
- 7.23 The Police Ombudsman's investigation has been unable to clarify how the Army Lieutenant and Police Constable came to these opinions other than from their observations of the scene.
- 7.24 (iii) An Assistant Divisional Fire Officer provided a statement of his observations, in which it is recorded; *'From my past experience I could give no definite indication if the bomb responsible for the blast was placed inside or outside the building when it exploded.'*
- 7.25 (iv) Two Army Ammunition Technical Officers (ATOs) also attended the scene of the bomb on 4 December 1971. ATOs are experienced and trained to recognise debris distribution patterns, which can indicate the positioning of a bomb, and to provide an estimate of the weight of a bomb.
- 7.26 The ATO report completed that evening records that the weight of the device was estimated at *'20-50lbs, Uncased HE...'* It is noted *'Seat of Explosion Not Certain'* and Forensic Evidence *'Nil'*.

- 7.27 The report was countersigned by a Senior ATO who added his opinion; *'This explosion took place inside the bar. This is evidenced by the injuries to the bodies and the seat of the explosion. The political ramifications are considerable.'*
- 7.28 It cannot be established when the Senior ATO made his assessment. He died soon after in another explosion.
- 7.29 In 1971 it was common practice for ATOs to communicate their initial assessments of explosions to police at the scene.
- 7.30 **(c) RUC Duty Officers' Reports 5 and 6 December 1971**
- 7.31 A Police Duty Officers' report for the 24 hours ending 8am on Sunday 5 December 1971 records details of the McGurk's Bar bombing alongside other occurrences in Northern Ireland.
- 7.32 Enquiries have established that the main purpose of the Duty Officers' Report, which was produced on a daily basis, was to brief the Chief Constable and other officers based at police headquarters about significant events and incidents, which had occurred throughout Northern Ireland in the preceding 24-hours. The report was also made available to the General Officer Commanding Northern Ireland (GOC Army).
- 7.33 In respect of the bombing of McGurk's Bar the report records; *'At 8.45pm on Saturday, 4th December, 1971, an explosion occurred at McGurk's Licensed Premises, 83 Great George's Street. The charge estimated at 50 lbs. completely demolished the two-storey building. Just before the explosion a man entered the licensed premises and left down a suitcase, presumably to be picked up by a known member of the Provisional I.R.A. The bomb was intended for use on other premises. Before the 'pick-up' was made the bomb exploded, 15 persons were killed and thirteen injured, 12 of whom were taken to hospital.'*

- 7.34 The report goes on to list 11 of the 15 deceased, who had been identified. Four other bodies had not been identified at that time. The report provides the names of several of the injured; gives an overview of the public disorder, which occurred in the aftermath; and provides details of those who were shot and injured during the public disorder.
- 7.35 Police Ombudsman's Investigators conducted enquiries seeking to establish upon what information the Duty Officers' Report had been based. There were four officers named in this report, one Chief Superintendent and three Duty Inspectors. Two of the Duty Inspectors are now deceased. The Chief Superintendent and the remaining Duty Inspector, both now retired, assisted the Police Ombudsman's investigation.
- 7.36 It has not been established which of the three Duty Inspectors compiled the report. Enquiries have established that the Duty Inspectors would have obtained information for the report from either Senior Divisional Officers or through their offices. The Duty Inspectors would also have monitored radio transmissions. Information for the reports would not have been taken from these transmissions but the content of these transmissions may have prompted calls to other relevant offices or other personnel to obtain information. Neither of the two officers spoken to could assist in establishing the origin of the information in the Duty Officers' Report relating to the bombing of McGurk's Bar.

- 7.37 The Police Ombudsman's investigation has established that the RUC received intelligence, believed to be dated 4 December 1971, indicating that the Provisional IRA and the Catholic Ex-Servicemen's Association were looking for a named male, who had been seen with a suitcase. This piece of intelligence and the Duty Officers' Report both refer to a suitcase, but the remaining detail differs considerably. These are the only two occasions on which there is reference to a suitcase. It cannot be established if there is a link between this piece of intelligence and the information within the Duty Officers' Report.
- 7.38 A Duty Officers' Report for the 24 hours ending 8am on Monday 6 December 1971, with the same Duty Officers' names as the previous day, details that one of the bodies remained unidentified. It goes on to state; *'Forensic Science experts who examined the scene on 5th instant stated explosions occurred inside the building.'*
- 7.39 The Police Ombudsman's investigation has been unable to determine the identity of the specific Forensic Science experts, to whom this report refers. At that stage of the police investigation the Forensic Scientist had not submitted his report although a verbal assessment may have been made following his scene examination on 5 December 1971. It is possible that the report may also have been referring to assessments recorded on the ATO report.
- 7.40 **(d) Lines of Enquiry**
- 7.41 **Witness Statements**
- 7.42 Examination of the case papers has revealed that over the course of the police investigation, 51 statements were taken from witnesses, mostly from survivors and emergency service personnel, who attended the scene. Witness statements from those who survived the explosion were recorded to include observations of the scene before the explosion.

- 7.43 On 5 December 1971 a statement was recorded from the owner of the bar, in which he explained that the bar was frequented by regular customers, whom he knew and in which he stated that on the night of the explosion he *'did not see any strangers in the bar'*.
- 7.44 This account was corroborated by a person, who had been present in the bar on the night of the explosion and who stated *'I didn't notice any strangers in the pub'* and recalled that he had detected a terrible smell causing him to look over towards the door just as the explosion occurred.
- 7.45 In the early afternoon of 5 December 1971 an appeal for witnesses to come forward was made by police on BBC Radio 4. This included an appeal for *'a 6 year old boy who says he saw a man with the bomb'* to come forward. That evening an entry in the police incident log stated that a radio programme for RTE had interviewed an eight year old boy, who had alleged that he had seen the bomb being placed and who had stated that he had then warned a man in North Queen Street area to get away to safety.
- 7.46 The eight year old boy was traced and spoken to by police on 6 December 1971. Police attended his home and recorded a written statement from him in the presence of his father.
- 7.47 According to this witness he saw three men in a car in Great George's Street a short time before the explosion and he provided a partial description of the colour of the car, noting that *'it had a wee Union Jack stuck in the back window'*. He stated that he had looked across to McGurk's Bar and had seen a man leave a parcel down in the doorway before running back to the car. He recalled that the car then went down Great George's Street. He provided a partial description of the man and the parcel stating that he *'saw sparks coming out of the parcel'*. He explained that he had run round the corner to North Queen Street,

where he had seen a male, whom he told; *'There's a bomb round at the bar'*. He later provided the name of this male to the police. He further stated that he had only gone a short distance when the explosion took place.

7.48 The eight year old boy's account of his encounter with this man was later corroborated by the man, whom he had named. In his deposition to the Coroner, during the related Inquest on 8 June 1972, the adult male witness stated that he had not seen any sign of the bomb before the explosion. He did, however, explain that from his position he could not see into the doorway of the bar, where he had assumed the bomb had been planted. The witness stated that he had patronised McGurk's Bar for many years and did not recall any circumstances when the bar had been frequented by *'I.R.A. persons'* and described it as *'simply an elderly persons bar'*.

7.49 On 7 December 1971 police recorded a statement from a woman, whom they were subsequently unable to trace for the Inquest in 1972. In her statement she recalled crossing North Queen Street into Great George's Street when she was asked by a *'wee boy'* if she wished to buy a newspaper. She recalled the boy crossing over the street towards McGurk's pub and stated that she *'saw a man running from the doorway of McGurk's Pub and run down the street to a dark coloured car which was parked on the York Street side of McCleery Street.'* The witness stated that the man had got into the car, which had the engine already running and that the car had driven straight off down the street and had only gone a short distance when the explosion occurred. The witness described the man as tall and wearing a dark suit.

7.50 **Vehicle Enquiries**

7.51 Records show that on 4 December 1971 police received information, via two anonymous telephone calls, reporting possible suspect motor vehicles. The first call was at 8.46pm stating that there had been an *'explosion at McGurk's, premises demolished, car involved Green Fiat'*. The caller provided the car registration number. Another call received at the same time by police reported a green Cortina as *'acting suspiciously in York Road'*. The registration number was the same as that provided by the previous caller.

7.52 Examination of police case papers revealed that police conducted enquiries to trace the owner of the vehicle with the notified registration number. The owner was subsequently traced on 7 December 1971 and a statement recorded. The owner provided an account as to why the vehicle, a Fiat, had been in the area. The account was corroborated by an alibi and the owner was eliminated from enquiries. Records show that police examined a vehicle described as the *'car used in explosion Gt. George St'*. The Police Ombudsman's investigation has found no other information about this vehicle in police records.

7.53 A report in the Belfast Telegraph dated 8 December 1971 states; *'Detectives investigating Saturday's explosion at McGurk's Bar have appealed to drivers of all cars near the scene at the time to contact them. They would also like to speak to anyone in the area who saw anyone acting suspiciously at the time. The detectives can be contacted at Glenravel Street RUC station.'*

7.54 **'The Empire Loyalists'**

7.55 On Monday 6 December 1971 several newspapers reported receiving telephone calls from a person, purporting to be a spokesperson for a loyalist paramilitary group called 'The Empire Loyalists', claiming responsibility for the bombing.

7.56 The Belfast Telegraph reported; *'As the claims and counter claims continue, a group calling itself the Empire Loyalists has telephoned newspapers, claiming responsibility for the blast. They said: "We the Empire (sic) accept responsibility for the destruction of McGurk's pub. We placed 30lb of new explosives outside the pub because we had proved beyond doubt that meetings of IRA Provisionals and Officials were held there."'*

7.57 On the same day the media reported that both wings of the IRA had denied responsibility for the bombing. Subsequent media articles reported that police were unaware of the existence of 'The Empire Loyalists', *'but were looking into it'*. The Police Ombudsman's investigation has not established what enquiries the RUC made into this matter.

7.58 'The Empire Loyalists' was not a well-known group. The media had reported one previous claim of responsibility following an explosion on 12 November 1971, which resulted in damage to Colin Youth and Community Centre in Belfast. Other than imprecise information, received on 6 December 1971, that 'The Empire Loyalists' were active in the general South Belfast area and were possibly linked to the UVF, police had no intelligence on the organisation and they did not come to the attention of the RUC again.

7.59 On Tuesday 7 December 1971, after the reported claim in the media by 'The Empire Loyalists', police were contacted by a nationalist Member of Parliament with information that he had been contacted by a youth, who

had seen a person on the evening of 6 December 1971 acting suspiciously in a telephone kiosk. He reported that on checking the kiosk the youth had found a torn piece of paper which, when pieced together, read; *'We the Empire Loyalists wish to state that we did not destroy McGurk's Public House as an act of retaliation for the bombing of the Four Step Inn, The Mountainview Tavern and The Blue Bell Bar. We destroyed this its inhabitants.... as stated in our previous statement. Furthermore we do not require the forensic experts of the Army to cover up for us, neither do we hold any brief for Mr Faulkner nor Taylor, or any of the members of the Government who have been secretly destroying our beloved Ulster for the past 6 months and who we know are at this moment working against the Loyal People of Ulster. We shall not issue any further statements until we exterminate another Rebel Stronghold.'*

- 7.60 The youth described the person, whom he had observed in the kiosk, as having long hair and wearing a black leather jacket with a UVF badge on the lapel. He claimed that this person had driven off in an Austin motor car, for which he provided the registration number.
- 7.61 The Police Ombudsman's investigation has not established if there was any forensic examination of either the telephone box or the piece of paper. The location of the torn piece of paper is now not known.
- 7.62 Records show that police conducted a number of enquiries in relation to the vehicle details provided by the youth. The registration number was found to be issued to a motorcycle, which police were unable to trace. Police made enquiries in respect of variations on the registration number and traced and developed enquiries regarding an Austin van with a similar number. The Police Ombudsman's investigation did not find records in respect of the outcome of this specific enquiry.

7.63 **Forensic Enquiries**

7.64 A Forensic Scientist from the Department of Industrial and Forensic Science was tasked to the scene on 4 December 1971. However, due to the rescue activities the scientist was greatly inhibited in what he could achieve and returned to the scene on the morning of 5 December 1971. The Forensic Scientist, now retired, has assisted with the Police Ombudsman's investigation.

7.65 Police Ombudsman's Investigators have established that part of the purpose of the scene examination was to ascertain, from forensic evidence, where the explosion had occurred. In an attempt to gain a picture of the lay-out of the pre-existing building the Forensic Scientist mapped the main elements of the damage. Consideration was given to the impact on the scene of the excavation of rubble by both people and mechanical diggers in the search for survivors. The Scientist compiled notes and drawings of his observations along with information obtained from interviews with people involved, including information about the lay-out of the premises. There are no records to show that any fragments of the bomb were recovered from the scene.

7.66 It has not been established if a tentative conclusion was given by the Forensic Scientist to the police investigation after his attendance at the scene. Custom and practice would involve a Forensic Scientist communicating with the Investigating Officer to discuss early assessments and to organise any necessary further work and consultation would have continued throughout the investigation. It has been established that an examination of the nature of the damage to the clothing of the deceased was carried out with the aim of ascertaining the position of the wearer in relation to the explosion.

7.67 A report completed by the Forensic Scientist on 11 February 1972 outlined his findings.

7.68 The post mortem examinations of the deceased were conducted by the State Pathologist and Deputy State Pathologist in the days after the explosion. Both Pathologists, now retired, have assisted with the Police Ombudsman's Investigation. Custom and practice would involve the findings of the examinations being used to assist the Senior Investigating Officer (SIO) in the identification of the victims and in determining the cause of death and the victims' injuries.

7.69 The State Pathologist report was delivered on 9 March 1972.

7.70 **Suspect Enquiries**

7.71 The Police Ombudsman's investigation has established that in the years 1972 and 1973 at least two persons were interned in connection with alleged terrorist activity including the bombing of McGurk's Bar.

7.72 One of the men interned has assisted with the Police Ombudsman's investigation. Police Ombudsman's Investigators have established that the man was arrested in 1973 and taken to Castlereagh Holding Centre, where he was interviewed by police. Police Ombudsman's Investigators have established that this man was not interviewed about the bombing of McGurk's Bar but that, at a Detention Appeal Tribunal approximately six / nine months later, on 11 June 1974, an allegation / charge sheet in respect of him included allegations that he was a member of the Provisional IRA and was part of the team which had carried out the bombing of McGurk's Bar. In preparation for the Tribunal, the man's solicitor arranged for the key eye witness in the police investigation of the McGurk's Bar bombing to attend an identification procedure. This witness stated to the solicitor that the interned man was not the person whom he had seen placing a bomb in the doorway of McGurk's Bar and that he was willing to attend the tribunal to confirm this. At the Detention Appeal Tribunal the McGurk's Bar bombing was not mentioned. After hearing evidence put forward by police, the tribunal released the man.

7.73 The key eye witness has also assisted with the Police Ombudsman's investigation. Police Ombudsman's Investigators confirmed that he had attended an identification procedure and that the interned man's solicitor had also been present during the identification procedure.

7.74 **RUC Progress Report - 29 January 1972**

7.75 The SIO appointed to the investigation into the bombing of McGurk's Bar was a Detective Chief Inspector. He is now deceased. At the time of the investigation he was responsible for a team of approximately twenty detectives working from Glenravel Street police station in Belfast. The SIO attended the scene of the explosion on the morning of 5 December 1971 and led the investigation.

7.76 On 29 January 1972 the SIO compiled a progress report on the progress of the investigation. He outlined the police enquiries made to that date and concluded; *'Enquiries are being actively pursued in relation to this explosion. It is hoped that forensic evidence and also evidence from the post mortem examination will be able to decide if the explosion occurred inside the bar or outside.'*

7.77 The SIO's progress report was then forwarded through the police chain of command to the Chief Constable, with two senior officers adding memos with observations and comments. A memo written by a Superintendent of the local policing area and dated 1 February 1972 was attached to the progress report, which was forwarded to the Chief Superintendent. In this memo the Superintendent summarised the SIO's report;

'Two possibilities are suggested as a result of the enquiries to date:-

1. That the public house was destroyed by a bomb left in the doorway by an extreme Loyalist group.

2. That the public house was destroyed as a result of a bomb exploding accidentally or prematurely inside during the activities of a Republican terrorist organisation, possibly the Provisional I.R.A.

Both these possibilities are to be thoroughly examined with a view to determining which, if either, is correct.'

7.78 The Chief Superintendent attached a covering memo dated 2 February 1972 to these documents, in which he reiterated that the main line of enquiry was to ascertain which was the more likely of the two possibilities outlined. He commented that witness accounts indicated that the bomb was at the Great George's Street entrance to the bar but that *'other indications point however to the possibility the explosion took place within the building proper'*. He stated; *'The most satisfactory way of resolving the question is by medical and forensic evidence'*. He concluded by stating that; *'Preliminary indications suggest this may reveal the explosion occurred within the premises.'*

7.79 **Forensic Report - 11 February 1972**

7.80 In the report dated 11 February 1972 the Forensic Scientist presented his findings at that date. The Scientist's report contains the following extract;

'From my examination I concluded that a substantial charge of high explosive had exploded on the ground floor and within the four walls of the building blowing out the supporting walls and causing the upper storeys to collapse. Due to the extensive excavation, which had taken place during rescue operations, I was unable to locate the precise seat of the explosion or to establish the method of initiation or packing of the bomb. In an effort to obtain further information I obtained a plan of the premises, the clothing of the deceased and requested the Police to obtain, if possible, an estimate of the position and attitude of the deceased. From my examination of the deceased's clothing and using

the estimate of their position received from Detective Sergeant... I concluded that the explosion had occurred at or about the entrance door from the porch leading off Great George's Street, Belfast. I was unable to determine whether the seat was inside or outside the entrance door i.e. whether in the porch or in the bar.'

- 7.81 The records, including file notes, which were held at the Forensic Scientist's laboratory and office, were destroyed by fire in 1976.
- 7.82 The findings of the Forensic Scientist in 1972 are supported by a further review of the material. The Police Ombudsman considered that a second expert opinion would be valuable and in 2008 commissioned the services of a Home Office Pathologist. This review involved examination of the original statements, documents and the reports made by the Forensic Scientist and State Pathologist in 1972.
- 7.83 The reviewing Home Office Pathologist in 2008 agreed with the 1972 findings but advanced the hypothesis, based on the nature of some of the injuries identified in the original report and on the properties of the material from which the entrance door was constructed, that the bomb had been placed outside the bar, but still within the confines of the building. He stated; *'It is my opinion, based on the evidence available to me that the explosive device must have been placed outside of the inner vestibule door leading from Great George's Street and, therefore technically placed outside the bar though still within the confines of the outer supporting walls of the public house.'*
- 7.84 **RUC Progress Report - 21 February 1972**
- 7.85 A further progress report dated 21 February 1972, compiled by the SIO and forwarded to his senior officers, outlines additional information and evidence received by the police investigation. This report was forwarded for the attention of the Chief Constable.

- 7.86 The SIO highlighted that the findings of the Forensic Scientist, which had been received since the date of his last report, did *'not assist in any way to place exactly where the seat of the explosion occurred.'*
- 7.87 The SIO referred to two statements received, reporting that they *'point to the suspicion held by the police and felt by the community in the area where the bomb exploded, that it was the work of a few of those individuals inside the bar at the time.'*
- 7.88 The first statement referred to by the SIO was from a female who recalled that on 10 December 1971 she had overheard, in a cross wire telephone call, a mother and daughter discussing three males. She recalled the names of two of the males and that the daughter had said that the three males had gone to McGurk's Bar together. The witness recalled that the mother had said; *'Why did they take it with them?'* and that the daughter had said; *'It was already there'*. The witness stated that from the conversation it appeared that one of the men lived close to the daughter.
- 7.89 This female stated that during the conversation a telephone number was provided as a contact number for the mother. Subsequent police enquiries found this number not to be listed in Northern Ireland. The SIO highlighted in the progress report that one of the named males was suspected of involvement in another explosion.

7.90 The second statement produced by a Warrant Officer in the Army recounted that he had been approached by an Ambulance Driver, who had overhead a male who had been caught up in the explosion, say whilst semi conscious; *'I told him not to plant it here'*. The Ambulance Driver provided further information, which enabled the police investigation to identify this male. He had been spoken to by police at an earlier stage of the investigation and had denied any knowledge of the bomb. There are no records to indicate that he was spoken to by police again.

7.91 **Pathologist Report - 9 March 1972**

7.92 The State Pathologist presented a report of his findings dated 9 March 1972 which states;

'... all the injuries on the bodies we examined could be accounted for by the collapse of the building and the burning of rubble. There were no injuries identifiable as specifically due to the bomb and nothing therefore which would help in determining the locus of the explosion. It would seem, too, from the statements of those that survived, that their injuries were due to the collapse of the building.'

7.93 It is unclear if the pathologist gave police a verbal briefing of his early assessments. It was and remains custom and practice for police officers to attend post mortem examinations, during which there is routinely communication between police and the pathologist. It can be seen from the State Pathologist's report that he was kept informed of the witness accounts, which were gathered.

7.94 **The Inquest - 8 June 1972**

7.95 The Inquest into the 15 deaths of the people killed in the bombing of McGurk's Bar was held on 8 June 1972 at the County Court House, Crumlin Road, Belfast and an 'Open Verdict' was recorded. It was highlighted that the forensic expert had said that it had been impossible to determine whether the bomb had been left outside or just inside the bar.

7.96 Later that day the SIO forwarded a report to his Superintendent. The report detailed the findings of the Inquest. It states that the female witness, who had stated that she had seen the young boy at the scene, could not be traced. When a summons was issued for her attendance, she was found to be not known at the address she had previously provided. The SIO stated that the matter of the '*fictitious*' address and possible false surname was brought to the attention of the Coroner. The SIO's opinion was that; '*It is now evident that this woman after seeing the boy, ..., on television on the 6th of December 1971 was thrown into the breach to support what the boy had allegedly seen.*'

7.97 The Superintendent forwarded the SIO's report, attaching a memo dated 13 June 1972, to the Chief Superintendent of the local policing area. The Chief Superintendent reiterated the 'Open Verdict' and stated that the failure of the witness to appear and the fact that a wrong address had been given were significant.

7.98 These documents, along with a memo dated 20 June 1972 written by the Chief Superintendent, were forwarded to the Chief Constable. The Chief Superintendent commented that; '*The non-appearance of ... lends a somewhat sinister twist to the allegation the explosion was caused by Protestant extremists.*'

7.99 **(e) Information and Intelligence**

7.100 **I. RUC Records**

7.101 The consideration of information and intelligence is an integral part of any investigation into serious crime.

7.102 Intelligence is only part of the material available to police during the course of an investigation. Intelligence is not evidence and it may or may not be reliable. Intelligence may in some cases be developed into evidence by obtaining corroborating facts, such as witness statements and physical evidence.

7.103 The Police Ombudsman's investigation has examined the available intelligence held by the RUC in relation to the bombing of McGurk's Bar and has identified specific pieces of intelligence, which were passed to the police investigation. It cannot be established if all intelligence received by the RUC was passed to the SIO.

7.104 After the bombing, intelligence received by the RUC attributed responsibility to both republican and loyalist paramilitaries. Much of the intelligence was uncorroborated.

7.105 The following is a summary of intelligence and information received by the RUC. The intelligence and information presented a confusing picture.

7.106 **1971**

7.107 **Letters Received by Police**

7.108 Six letters were received by the RUC in the days following the bomb. One letter, signed by a person claiming to be '*Chief of Staff, UVF*' stated that the UVF had bombed the bar and alleged that an IRA meeting had been due to take place there. The letter stated that two UVF members

had gone into the bar and after having a drink had asked the barman to look after a package while *'they ran an errand'*.

- 7.109 Witnesses confirmed to police that there had been no strangers in the bar and that no one had left a package. Despite enquiries the author of this letter, signed as Chief of Staff of the UVF, could not be identified. This person was not named in any other intelligence received in connection with the bomb. Detail within the letter was checked by police and found to be false.
- 7.110 A letter from an *'Appalled Catholic'* named an individual as being responsible for the explosion and provided a partial address. Police researched the address, and variations of it, as well as the named individual but were unable to identify the person referred to in the letter.
- 7.111 A further letter was sent to a newspaper editor. Much of it is illegible but part of the letter seemed to allege that two Republican Labour Party MPs knew about the bombing five to ten minutes prior to the explosion. It is not known what police action was taken in relation to this letter as no further records relating to this have been identified.
- 7.112 The SIO's progress report summarised three further letters, copies of which are no longer available.
- 7.113 The first letter, posted in Belfast and signed *'A Frightened Republican'* stated that the bomb was intended for a well known British shop in the City Centre on Saturday night and that the two men, who were *'to do the job'* were killed in the explosion, one of whom was related to him.
- 7.114 A second unsigned letter posted in Belfast stated that *'wet jelly'* was being moved out of McGurk's Bar to waste ground and that two *'Provos'* were missing from roll-call.

- 7.115 It is not known what police action was taken in relation to the above two letters.
- 7.116 The third letter posted in Belfast and signed '*Catholic Father*' stated that the bomb had been inside the bar for collection by members of the IRA and that talk of a bomb outside was a hoax. The letter goes on to state that the bomb went off prematurely, killing a friend of the writer and that an individual, whom he named, knew all about it. The writer added that he could not supply his name or address for fear of retaliation from the IRA. The named individual was spoken to by detectives, but denied any knowledge of the bomb.
- 7.117 **Intelligence and Information**
- 7.118 Initial reports in the aftermath of the bombing suggested that the Provisional IRA and the Catholic Ex-Servicemen's Association were looking for a named individual, who had been seen with a suitcase. Police recorded that they were unable to identify the named individual from their records.
- 7.119 Other intelligence suggested that the bombing was not the work of the Provisional IRA but was more likely to have been '*extreme Protestants*' or a radical Irish Republican organisation called 'Saor Eire'.
- 7.120 On the day after the bomb, opinion was expressed at a Northern Ireland Civil Rights Association (NICRA) public meeting. The majority of those attending expressed the opinion that the UVF were responsible for the bomb, though one prominent member expressed an opinion that the Provisional IRA had planted the bomb.
- 7.121 Shortly after the bombing of McGurk's Bar, police uncovered a conspiracy by republican paramilitaries to transport a bomb from a bar in Belfast to an identified target in the city centre. Police considered that there was a similarity in the method of operation between the plan to

collect the bomb at the named bar and the explosion at McGurk's Bar.

- 7.122 On 10 December 1971 the RUC received information from the City of Glasgow Police naming two [Protestant] individuals, residing in Glasgow, rumoured within criminal circles to have been involved in the bomb. It was also suggested that the Provisional IRA knew that one of these men was responsible for the McGurk's Bar bomb and that they had travelled to Glasgow to assassinate him.
- 7.123 Intelligence received on 14 December 1971 named an individual as being responsible for bringing the bomb into the bar for collection and advised that the bomb had been destined for another target.
- 7.124 On 15 December 1971 an intelligence report suggested that the Official IRA believed that the UVF were responsible for the bomb, which had been intended for another bar. The personal belief of the individual providing the information was that it had been a Provisional IRA bomb left in the bar for collection.
- 7.125 An additional intelligence report on 15 December 1971 indicated that a known Provisional IRA member had been shot by his own organisation because he had failed to collect the bomb from the bar as ordered.
- 7.126 Within intelligence records there is a report written about a newspaper article on 6 December 1971. The article suggested that the intended target was not McGurk's Bar but a nearby named bar and that the named bar was a distributing centre for made-up bombs. It also stated that '*freelance Protestants*' were responsible. Police researched this information and concluded that the named bar was well known as a meeting place for sympathisers of the Official IRA. Security forces had attended the named bar on several occasions and people there had been checked, resulting in several arrests. In view of the attention given to this bar by the military, police thought that it was unlikely that it would have been used as suggested in the article. Further commentary stated

that another newspaper editor believed that the explosion at McGurk's Bar was due to a Provisional IRA bomb exploding prematurely.

7.127 **1972 – 1973**

7.128 **Intelligence and Information**

7.129 On 11 January 1972, police received information about a number of crimes committed by Protestant '*Defence Groups*'. Included among the crimes was the bombing of McGurk's Bar. However, no information was provided naming the people responsible.

7.130 On 29 October 1972 intelligence suggested that Provisional IRA members had transported the bomb in a stolen white Cortina car and had taken the bomb into McGurk's Bar. The intelligence indicated that they had had a drink, but realising that the bomb was due to go off, had panicked and run out of the bar. The intelligence further suggested that the bomb had been intended for another bar in a [Protestant] area of Belfast.

7.131 In December 1972 police received intelligence naming two loyalists, who had been involved in the bombing of McGurk's Bar. The intelligence was passed to the Assistant Chief Constable of Crime Branch on 5 January 1973. It is not known what police action was taken in relation to this.

7.132 On 18 April 1973 Warwickshire and Coventry Constabulary forwarded a letter to the RUC, which had been sent to a priest from a Belfast male. The letter stated; '*I can't go into all the details now about the McGurk's Bar in North Queen St... Those who planted that bomb are now dead, this is official. They are or rather were three in number, the Provos dealt with them, anything else you hear is wrong believe you me. I can say these things because I am getting this letter posted over the border.*'

7.133 The Police Ombudsman's investigation has been unable to establish if further enquiries were generated from this intelligence.

7.134 The Police Ombudsman has found no records to indicate that any further intelligence was provided to police in relation to the murders at McGurk's Bar until March 1976.

7.135 **II. Military Intelligence Summaries**

7.136 The Ministry of Defence assisted the Police Ombudsman's investigation by providing intelligence summaries, which outlined the events surrounding the bombing of McGurk's Bar. It cannot be established if these reports were shared with police.

7.137 A military intelligence summary covering the period 1 to 7 December 1971 reports that McGurk's Bar was not known to be an IRA meeting place. A comment is made that several theories had been advanced on the origin of the explosion, including that the UVF was responsible and that it was an IRA bomb in transit. The military made an assessment that due to the size of the bomb it was more likely to have been an IRA device, as previous 'Protestant' explosive devices had normally been around 5lbs. The report continued that it would seem improbable that 'Protestant extremists' would select McGurk's Bar as a suitable target for what would have been their first major bombing for some years.

7.138 A military intelligence summary covering the period 2 to 8 December 1971 refers to the bombing of McGurk's Bar and reports that responsibility for the explosion could not be attributed with any certainty. It is stated that both wings of the IRA had denied responsibility and had blamed the UVF and the security forces for the attack. In relation to the claim of responsibility by the 'Empire Loyalists', the military believed that the organisation had ceased to exist in 1968. *'Forensic and EOD reports tend to indicate that the explosion was caused accidentally inside the public house by premature detonation, amongst a group which*

contained an identified Brady IRA victim. This is not conclusive, however, and investigations continue.’ The Provisional IRA were known as the ‘Brady IRA’ and ‘EOD reports’ are Explosive Ordnance Disposal reports.

7.139 A military intelligence summary covering the period 8 to 15 December 1971 records in relation to the bombing of McGurk’s Bar that; *‘it has been confirmed that it was a Brady bomb which was destined for another target, but exploded prematurely.’*

7.140 **(f) The Arrest of Robert Campbell**

7.141 The Police Ombudsman’s investigation has examined material held by police relating to the arrest and conviction of Robert Campbell, who first came to the attention of police as a senior member of the UVF in November 1975.

7.142 In March 1976 intelligence was received connecting him, along with four other persons, to the murders at McGurk’s Bar. It indicated that McGurk’s Bar had not been the original target but that the bombers had been unable to plant the bomb at the intended target. No other intelligence was received linking him to the bombing.

7.143 Police were actively seeking Robert Campbell in relation to his position in the UVF and enquiries were being conducted in order to ascertain and confirm where he lived.

7.144 In May 1977 further intelligence was received, which again suggested that one of the individuals named in the March 1976 intelligence was involved in the McGurk’s Bar bombing

7.145 Robert Campbell was arrested on 27 July 1977 at his home address under legislation in respect of terrorist activity and was then detained at Castlereagh Police Station. Records show that he was interviewed seven times. The first interview was conducted at 10.35am on 27 July

1977 and the final interview at 7.45pm the following evening. He was questioned initially about a murder not connected to the McGurk's Bar bombing and denied responsibility. Whilst he was in custody, intelligence linking him to the McGurk's Bar bombing was made available to interviewers and he was questioned about the bomb.

7.146 During the fifth interview the bombing of McGurk's Bar and the murder of John Morrow on 22 January 1976 were put to Robert Campbell. He admitted his involvement in both but did not provide any further information in respect of the other people involved. In his written statement, provided after caution following interviews, he admitted joining the UVF in July 1971. He also provided an account of his involvement in the bombing of McGurk's Bar. He refused to name any other persons involved. He recalled that on the evening of Saturday 4 December 1971 he had gone into a bar, had met a man and had been directed to go with two other men and told not to return *'unless the job is done'*.

7.147 He stated that he had gone with the two males and had sat in the rear of a vehicle behind the driver and that one of the men had sat beside him. He stated that he had seen a taped paper parcel on the floor and that before moving off, the driver had informed him that they were going to *'do a bar in North Queen Street'*. He stated that it was at this point that he had realised that the parcel on the floor was a bomb. He also stated that there had been another car to pick him up and take him home after the bombing with only a driver in it.

7.148 He did not provide details of the make, model or registration number of either vehicle and stated that he could not remember the exact route, which they had taken but remembered that they had arrived in North Queen Street at approximately 7.30pm. He could not be sure of the time but stated that it was *'pitch black'*.

- 7.149 He stated that they had stopped at one bar but did not do anything and had driven '*around the block*' and pulled into a side street stopping at the side door of another bar, which he had later learned was McGurk's Bar.
- 7.150 He recalled that the outside door of McGurk's Bar had been open while the inner hall door had been closed. He further stated that; '*my mate in the back seat looked back towards North Queen Street and saw a young boy about 10 or 12 years of age walking across the junction... my mate hesitated and waited until the wee boy got out of the road*' before he planted the bomb.
- 7.151 He stated that he and the driver had remained in the vehicle whilst the passenger had taken the bomb with him and had walked into the hallway of McGurk's Bar, where he had set it down and had stood over it for a few seconds before running back to the car and jumping in beside him. He stated that the passenger had then said '*that's it*' or '*it's away*', which he had taken as an indication that the bomb was ready to go off. He stated that they had driven down a side street, across York Street and had crossed into another side street. He stated that as they had crossed the '*junction of York Street*' he had heard the explosion.
- 7.152 He described how after entering the side street they had turned right and then got out of the car. He stated that the car which had been due to pick them up had driven straight past so they had walked to Donegall Street near to the Cathedral, where the two men with him had arranged to be picked up by another car. He stated that when they had been picked up, they drove up the Shankill Road, where he had gone with one of the men for a drink in the Orange Hall. He further stated that it had been there that he had seen the man, who had given him the instructions earlier and to whom he then had reported '*the job has been done*'. Robert Campbell did not provide details of this further vehicle.

- 7.153 He believed that, due to the size of the explosion in comparison to the size of the parcel, it must have been 'jelly' (gelignite). He stated that he had learned of the number of people killed at McGurk's Bar by reading the newspaper the following day.
- 7.154 He also drew a sketch indicating both the location of the bar and where the car, which had been used in the bombing, had been abandoned. This sketch has been seen by the Police Ombudsman's investigation.
- 7.155 **Further RUC Enquiries after the Arrest of Robert Campbell**
- 7.156 In determining what subsequent actions police took to identify further offenders the Police Ombudsman's Investigators spoke to one of the detectives, who interviewed Robert Campbell in 1977. The officer, now retired, was adamant that Robert Campbell would not name any other person with him on the night of the bombing of McGurk's Bar.
- 7.157 Police Ombudsman's Investigators also spoke to the police officer who prepared the prosecution file in relation to the conviction of Robert Campbell. He was unable to recall if any further enquiries had been conducted in relation to other suspects or the vehicles used by the offenders.
- 7.158 The Police Ombudsman's investigation has established that on 11 October 1972 a hall in the Shankill area was searched by police and that 59 persons were arrested on suspicion of being members of the UVF. Among those arrested were three of the men identified in the 1976 intelligence. The man about whom the police in Glasgow had written to the RUC was also arrested.
- 7.159 The Police Ombudsman's investigation has established that of the four other men named along with Robert Campbell in the March 1976 intelligence, one man was arrested between the date on which this intelligence was received and July 1977, when Robert Campbell made

his admissions. A second man named was arrested some years after Robert Campbell's admissions. Both men were arrested in connection with alleged terrorist activity. However, it cannot be established if either was questioned about the bombing of McGurk's Bar. There are no records to confirm whether or not either of the remaining two men named were arrested or questioned in respect of the bombing of McGurk's Bar.

7.160 The Police Ombudsman's investigation has attempted to speak with Robert Campbell but he declined to assist.

7.161 The Police Ombudsman's investigation has been unable to establish from records if any further police enquiries were conducted by the RUC into the bombing after the admission made by Robert Campbell in 1977.

7.162 **Conviction of Robert Campbell**

7.163 Robert Campbell was charged on 29 July 1977 with the murders and attempted murders at McGurk's Bar. On 6 September 1978 he pleaded guilty to all charges and received the following sentences:

- Murder (15 counts) – Life Imprisonment with a recommendation to serve not less than 20 years;
- Attempted Murder of persons in McGurk's Bar - 20 years Imprisonment;
- Section 2 of Explosives Substances Act 1883 - 14 years Imprisonment;
- Section 3(B) of Explosives Substances Act 1883 - 14 years Imprisonment.

7.164 No other persons have been charged or convicted in relation to the bombing of McGurk's Bar.

7.165 Robert Campbell was also convicted of the murder of Mr John Morrow.

7.166 **III. Briefings to Government**

7.167 The Police Ombudsman's investigation has examined documentation to establish if there are individual records of briefings or meetings between the RUC and Government regarding the police investigation into the bombing of McGurk's Bar.

7.168 Only one record of any such meeting has been located. This meeting was on 16 December 1971, when the Chief Constable tabled an intelligence assessment at a Joint Security Committee meeting.

7.169 There are, however, several Government, RUC and military records, which would point to ongoing communication between the Security Forces and the Government in respect of the developments in the investigation.

7.170 **Government Records**

7.171 **6 December 1971: Home Secretary's Meeting**

7.172 A Home Secretary's meeting at the Home Office, Westminster was held on 6 December 1971. In attendance were the Home Secretary, Reginald Maudling, the Northern Ireland Prime Minister, Brian Faulkner, and senior civil servants from the Home Office and Northern Ireland Parliament.

7.173 While it has not been possible to establish the exact nature of the communication between the RUC and the Northern Ireland Prime Minister prior to the meeting, it is evident from notes of the meeting that Mr. Faulkner had engaged with the police in relation to the investigation.

7.174 The notes record; *'Mr. Faulkner said that Mr. McGurk, the proprietor of the pub which was blown up at the week-end, had been interviewed by the police in hospital and had said that there were no strangers in the bar on the night of the explosion. The army also discovered that the*

bomb went off on the ground floor. Both point strongly to the likelihood that the bomb was carried by the I.R.A rather than Protestant extremists. Mr Faulkner had asked the R.U.C to find out whether anything was known about the associations of the people who were killed or injured.'

7.175 **10 December 1971: Memorandum from the Home Office**

7.176 A Memorandum from the Home Office, Westminster dated 10 December 1971 provided a political summary for the period 3 to 9 December 1971 in Northern Ireland and records; *'Over the weekend 15 civilians were killed when a bar in a Roman Catholic area was demolished by an explosion. It is not known who caused it.'*

7.177 **14 December 1971: Permanent Under Secretary's Morning Meeting**

7.178 A document prepared by the Private Secretary to the Permanent Under Secretary in the Ministry of Defence, outlining points arising for further action during a morning meeting on 14 December 1971, records; *'It was agreed that the latest findings which indicated that the explosion in the McGurk bar had been the result of a bomb in the bar (by implication in transit there) should be publicised possibly by means of a written Parliamentary Question.'* It then goes on to record; *'perhaps Head of DS10 would pursue the matter.'*

7.179 The Head of Defence Secretariat 10 (DS10) was a senior civil servant within the Ministry of Defence reporting to the Assistant Under Secretary, who was part of the Chief of Staff's management team. DS10 provided policy advice to Ministers and military staff within the Ministry of Defence and liaised with the Home Office and Foreign & Commonwealth Office.

7.180 The Police Ombudsman's investigation has examined Parliamentary records and has not found a written Parliamentary Question raised in relation to McGurk's Bar bombing in and around this date.

7.181 **16 December 1971: Joint Security Committee Meeting**

7.182 The only existing record found by Police Ombudsman's Investigators of a briefing held between police and Government is the minutes of a meeting of the Joint Security Committee (JSC), which was held on 16 December 1971 at Stormont.

7.183 This Committee provided a forum for discussion, debate and the exchange of information between politicians, officials and the security forces and as such played an important role in the governance of Northern Ireland.²

7.184 The meeting was chaired by the Prime Minister of Northern Ireland and amongst those present were the Minister of State for Home Affairs, the General Officer Commanding Northern Ireland (GOC Army), the Chief Constable, the Assistant Chief Constable Crime Special Branch and other senior government officials.

7.185 Included on the agenda for the meeting was an intelligence assessment for the period ending 15 December 1971. This police report was an intelligence assessment of the security situation in the whole of Northern Ireland. Included within this assessment was a reference to the bombing of McGurk's Bar which states; *'The most disastrous explosion of the period occurred on the 4th of December. McGurk's bar in Belfast was totally demolished killing 15 people and wounding a further 13. Circumstantial evidence indicates that this was a premature detonation and two of those killed were known I.R.A. members at least one of whom had been associated with bombing activities. Intelligence indicates that the bomb was destined for use elsewhere in the City.'*

² Chapter 193 *The Bloody Sunday Inquiry*

7.186 The assessment also refers to police considering a similarity in the method of operation between the bombing of McGurk's Bar and a later incident.

7.187 Later in this intelligence assessment, mention is made of the Provisional IRA proposing retaliation for what they considered was a Protestant explosion at McGurk's Bar. This is inconsistent with the assessments provided by police in relation to the bombing of McGurk's Bar.

7.188 **Military Records**

7.189 In addition to the military intelligence documents detailed earlier in this report, the Police Ombudsman's investigation has examined a number of other reports, which refer to the bombing of McGurk's Bar.

7.190 **4-5 December 1971: Director of Operations Brief**

7.191 Police Ombudsman's Investigators have examined a military document entitled '*Director of Operations Brief 04-05 December 1971, Northern Ireland.*' Such documents were prepared on a daily basis by the duty military officer for the purposes of briefing senior military officers at the Ministry of Defence in London with a summary of all the main security incidents, which had occurred in Northern Ireland. This particular brief included details of the explosion at McGurk's Bar along with some of the names of the deceased, who had been identified. It is recorded; '*A bomb believed to have been planted outside the pub was estimated by the ATO to be between 30/50 lbs of HE.*'

7.192 **6 December 1971: Current Situation Report**

7.193 The Police Ombudsman's investigation has examined a military document dated 6 December 1971 entitled '*Northern Ireland: Current Situation Report No 29*', which was prepared by or on behalf of DS10 and circulated to senior civil servants. It details information about incidents, which had occurred within the previous 72 hours. It records; '*It*

is not at present known who was responsible: the likelier explanation is thought to be that the explosion took place accidentally while a quantity of bomb-material was in transit, intended for use elsewhere – but the possibilities cannot be ruled out that it might have been a deliberate act either by Protestant extremists or conceivably by the IRA.'

7.194 **14 December 1971: Current Situation Report**

7.195 The Police Ombudsman's investigation has examined a further Military Current Situation Report entitled '*Northern Ireland: Current Situation Report dated 14 December 1971.*' In relation to the bombing of McGurk's Bar it records; '*Although no inquest has yet been held into the fifteen deaths caused by this explosion on 4 December, the forensic evidence now available shows quite clearly that five of the victims were killed by the blast – indicating that the explosion must have been inside the bar, and raising a very strong presumption that it was caused by the accidental detonation of a bomb being carried by one of the customers – as has seemed likely all along. The Minister of State for Defence is being invited to consider whether to make this point public in a written answer – in pursuance of his undertaking, in his original statement on the incident, to keep the House informed of any fresh information. In the view of Headquarters Northern Ireland it is important to put this point on record, in order to discourage continuing speculation about who was responsible for the explosion.*'

7.196

IV. Information in the Public Domain

7.197

Statement made by The Minister of State for Home Affairs 1971

7.198

In the days after the bombing of McGurk's Bar the media reported on a number of statements made by local politicians. In addition to other comments attributed, a statement made on 7 December 1971 by the then Minister of State for Home Affairs attracted considerable media coverage. The following statement was made by the Minister in response to a question raised in a debate at Stormont Parliament about the bombing of McGurk's Bar.

7.199

'In relation to the explosion at McGurk's licensed premises this took place at 8.45p.m. on Saturday, 4th December, 1971. The premises are at 83 Great George's Street, Belfast. The charge estimated to be 50 lbs. of explosives, completely demolished the two-storey building and killed 15 people. In addition, 17 people were injured and taken to hospital. So far 13 have been discharged, but one is still in the Mater Hospital and three are in the Royal Victoria Hospital. One of the injured has, I regret to say, lost a leg as a result of injuries.

There have been conflicting theories about the cause of this explosion and one has seen displayed again the unfortunate fact that in Northern Ireland people believe exactly what they want to believe and nothing more. The plain fact is that the evidence supports the theory that the explosion took place within the confines of the walls of the building. The full story of the blast will, however, only emerge if the police receive full co-operation from all concerned in their exhaustive investigations and I would, therefore, take this opportunity to appeal to anyone who has any relevant information to contact the police as soon as they possibly can.

Before I leave the subject of the theories which have been advanced as to responsibility for this despicable crime I must mention that put forward by the absent Member for Belfast Central (name). How the hon. Member

from a distance of 100 miles can seek to lay blame on the security forces is completely beyond understanding. His statement will be seen by all thinking people for what it was – a cheap attempt by a spokesman for I.R.A. to inflame Catholic opinion against the Army and I was pleased to see that the Army wasted little time in strongly repudiating what he said. Neither have the police any evidence to suggest the existence here of an organisation calling itself “The Empire Loyalists” and the telephone calls made allegedly on behalf of this body could have been made by anyone.

You are well aware, Mr. Speaker, that the Provisional I.R.A, has been put on the defensive during the past few months. It is in retreat and nothing could aid it better at this time if it could inflame Catholic opinion as a result of what occurred at the weekend. I would solemnly request Roman Catholics throughout the Province to think twice before they accept the type of propaganda that is being fed to them about this incident. It would be wrong for anyone to decide who was responsible until the police and the security forces have completed their inquiries into this matter.

It is, unfortunately, becoming a regular feature of Adjournment debates in this House for Government spokesmen to express sympathy for the victims of the present terror campaign. This particular tragedy has, however shocked everyone in the community both Protestants and Roman Catholics, because of the great loss of life involved and I know I speak for the community as a whole when I offer our heartfelt sympathy to all those who suffered bereavement and to those who for many years to come will bear the scars of injuries sustained in McGurk’s bar.’

7.200 The Minister of State for Home Affairs went on to answer a question raised about three explosions, which took place on 6 December 1971 on the Dublin Road, Belfast.

7.201 The Minister of State for Home Affairs in 1971 has corresponded with

the Police Ombudsman's investigation in respect of preparation of briefings for Ministers at Stormont but has declined to meet Police Ombudsman's Investigators. It has been established that due to the passage of time he was unable to assist further. The investigation has established that comments made by the then Minister of State for Home Affairs would have been made on the advice of Home Affairs staff and that initial forensic advice would have been given within hours of the explosion to the Secretariat of the Ministry for Home Affairs. During the course of the Police Ombudsman's enquiries it was established that distinction should be drawn between the initial forensic advice available and the final forensic report written several months later.

7.202 **Military Letter to Residents in the Area**

7.203 The Police Ombudsman's investigation has been provided with a copy of a letter signed by a Lieutenant Colonel and dated 23 December 1971. Police Ombudsman's Investigators have confirmed the authenticity of this letter. This letter does not appear to have been covered in the press but was delivered to residents in the North Belfast area. It began by explaining that the aim of the correspondence was to assist residents in understanding the purpose behind the military operations in the area and it laid out the type of military operations, which would be carried out, such as patrols and searches. In a reference to the bombing of McGurk's Bar, it states;

'My immediate aim and first priority is to remove the presence of B Coy 1st Bn Official IRA and C Coy 3rd Bn Provisional IRA as active terrorist organisations. When this has been done we can look forward jointly to the banishment of fear and terror and to a peace in which civil and political development can take place. To a period in which you will not lose your friends in a repetition of the 'Provos' accident in the McGurk's Bar and in which I am not left to console the widow and young children of other soldiers shot down by the IRA whilst protecting your community

from interference from others.'

7.204 **Public Reporting**

7.205 Detailed below is an overview of some of the public reporting, which took place in the aftermath of the McGurk's Bar bombing and is included to provide the reader with an understanding of the complaints raised by the families. The Police Ombudsman recognises the distress caused to the relatives of the victims by the public perception created by these reports.

7.206 In the days and weeks after the bombing there was much confusion and speculation in the media as to who was responsible. Several theories were immediately reported by journalists, including claims that forensic experts had established that the bomb had exploded inside the bar, giving rise to the theory of an 'own goal' by republican paramilitaries.

7.207 The Times reported on 5 December 1971; *'Police and Army intelligence officers believe that Ulster's worst outrage: the killing of 15 people, including two children and three woman, in an explosion in a Belfast bar last night was caused by an IRA plan that went wrong. Forensic scientists, explosive experts, and Army and police officers with an intimate knowledge of the area pieced together the theory this afternoon.'*

7.208 BBC Radio 4 broadcasted at lunchtime on Sunday 5 December 1971; *'A bomb of about 50lbs demolished the whole three storey building. A special detective force has been set up at Glenravel St Police Station. They want information from all witnesses and particularly a 6 year old boy who says he saw a man with the bomb. A few minutes ago, police said that forensic scientists investigating the blast are convinced that the bomb exploded within the building, and not at the door as early reports had suggested.'*

- 7.209 That evening the interview with an eight year old witness was broadcasted by Radio Eireann, in which he stated that he had seen a man place the bomb in the porch of the pub. The interviewer stated; *'This may or may not conflict with the forensic evidence that the bomb was inside the pub. Everyone in Belfast is grasping at straws to attribute blame for the tragedy.'* The interviewer reported that a local Member of Parliament *'says there is no truth in the rumour that it was a bomb in transit which went off by accident.'* The interviewer also reported that the Member of Parliament *'says people believe it's the beginning of a Protestant backlash.'*
- 7.210 Other media articles subsequently ran with challenges made by local people to the 'own goal' theory, with a number of survivors reporting that there was nothing suspicious in the bar that night and that there were no strangers observed.
- 7.211 On 6 December 1971 the Belfast Telegraph provided the account of the eight year old boy, who had been interviewed on the radio the evening before and who had claimed to have seen the bombers place the bomb beside the front door. It ran the story of a named witness who supported the boy's account.
- 7.212 The Irish Times can be quoted on 6 December 1971 as reporting; *'forensic experts claim to have established that it exploded inside the building. This latter piece of information gave rise to a police spokesman on Saturday night being quite categorical in blaming the Provisional IRA.'*
- 7.213 At 6pm that evening a news programme called 'Scene Around Six' on BBC Northern Ireland reported the accounts of one of those injured in the bomb and the male named by the eight year old boy. It reported; *'There are any number of theories and the police are not yet committing*

themselves at this stage but they have set up a full inquiry to look into the explosion.'

- 7.214 Media speculation continued with reports focusing on conflicting accounts and varied assessments of where the bomb had been positioned when it exploded.
- 7.215 On Tuesday 7 December 1971 The Times reported that the then Minister of State for Defence in Westminster relayed that security forces had not yet been able to establish precisely where the bomb had been placed; *'Investigations by the Army ammunition technical officers indicate that the bomb was detonated within the structure, probably just inside the bar on the ground floor. Investigations are continuing.'* It also included his statement; *'Various theories have been advanced as to responsibility, including the possibility of its being an accidental bomb explosion. I understand the Royal Ulster Constabulary are continuing with their investigations and I have nothing to add to my statement.'*
- 7.216 Also on this date The Irish Times reported; *'A police spokesman said there were no new leads on the case but the detectives were keeping a "completely open mind as to who was responsible, although we know it was terrorists."'* It went on to say that; *'Detectives are also investigating a group called the 'Empire Loyalists' who telephoned a number of newspaper offices and claimed responsibility for the blast. A spokesman said that the police were at present unaware of the existence of such a group but were looking into it.'* The article also referred to security forces believing that gelignite may have been in the bar.
- 7.217 Public and media reporting of the atrocity continued sporadically with a running analysis of the different theories reported and other emerging ideas.
- 7.218 On 24 December 1971 the Guardian newspaper ran an article stating; *'Security men and forensic scientists have finished the grisly investigation*

of the explosion in Paddy McGurk's bar, which killed at least 15 Belfast Catholics this month. If they are to be believed – and in this case they probably are – this figure will have to be revised upwards. They claim to have established that 5 men were standing around the bomb when it went off, inside the crowded bar in North Queen Street. All five were blown to pieces. The scientists have been able to identify one of them as a senior IRA man who was an expert on explosives and was on the Government's wanted list. Of all the conflicting theories about the explosion the security men are now convinced that the bar was a transfer point in the IRA chain between the makers and the planters of (sic) bomb. Something went wrong and the bomb exploded.'

- 7.219 On 8 June 1972 the BBC Northern Ireland news programme 'Scene Around Six' provided coverage on the Inquest, reporting the 'Open Verdict' and highlighting that the forensic expert had said that it had been impossible to determine whether the bomb had been positioned outside or just inside the bar.
- 7.220 The following day the Belfast Telegraph quoted the Forensic Scientist, stating; *'Because debris had been disturbed during the rescue operations it was impossible to say whether the bomb which killed 15 people at McGurk's Bar in North Queen Street last December went off outside or inside the porch of the building.'*
- 7.221 As time passed public reporting on the investigation slowed down until the arrest and conviction of Robert Campbell. On 6 September 1978 The Belfast Telegraph reported; *'To-day a 43-year-old UVF man was sentenced to what is believed to be a UK record period of imprisonment when he admitted responsibility for the atrocity and for the shooting dead of a minibus driver in 1976.'*
- 7.222 The Police Ombudsman's investigation sought to establish what information was released to the media by police. It is evident from a

number of articles that the police, the military and Forensic Experts are referred to as sources of information.

7.223 Apart from the witness appeals detailed in this report the Police Ombudsman's investigation has been unable to locate any other records to confirm that official press releases were made by the RUC in relation to the bombing of McGurk's Bar.

7.224 The Police Ombudsman's Investigators spoke to a retired military officer, who claimed that in 1971 the military disseminated information to media sources with the intention of discrediting extremists but that the RUC did not play an active role in military tactics or strategy. The claims expressed are the personal views of this individual.

7.225 The Police Ombudsman's Investigators contacted a number of journalists, who wrote articles about the McGurk's Bar bombing at that time. They provided accounts of how journalists were generally briefed. Police Ombudsman's Investigators have established that journalists would have proactively contacted the Army and RUC Press Offices; that some would also have reported general conjecture at that time; and that journalists would have obtained briefings from both the military and the police. The identity of any police personnel spoken to by journalists in relation to the McGurk's Bar bombing was not determined.

8.0

Summary of Police Ombudsman's Investigation

8.1 **Remit and Scope of Police Ombudsman's Investigation**

8.2 **Remit**

8.3 The objective of the Police Ombudsman's investigation has been to determine whether or not there is evidence of criminality or misconduct by any member of the RUC in relation to allegations that police officers assisted those responsible for the bombing of McGurk's Bar and/or subsequently failed to conduct an effective investigation of the bombing, including a failure to keep bereaved families informed of developments.

8.4 The investigation has also sought to establish whether or not any member of the RUC was responsible for deliberately and improperly making and perpetuating misleading reports to government and/or the media that the explosive device used at McGurk's Bar had been in transit to another location, inferring culpability on the part of some of those who died.

8.5 **Scope**

8.6 In reporting on the conduct of police officers during the security situation, which existed in Northern Ireland during the early 1970s, it is perhaps inevitable that relationships with the military and government will be discussed.

8.7

The Police Ombudsman must, however, focus his determinations on the conduct of police officers. While his determinations are reached on the balance of probabilities, which are evidence-based, the challenges of investigating historic matters almost inevitably require that he considers inferences drawn from a combination of those matters, which can be proven; expert opinion; and identifiable custom and practice.

8.8 **Evidential Analysis and Key Findings**

8.9 At the time of the bombing of McGurk's Bar there was a heightened security presence in Belfast which largely manifested itself through roadblocks and search operations. The precise locations and timings of roadblocks and the identities of security forces personnel operating them cannot be established as related records are no longer available.

8.10 The only person to have been convicted in relation to the bombing, Robert Campbell, declined to assist the Police Ombudsman's investigation and therefore could not be interviewed in respect of the alleged involvement of security forces.

8.11 **Finding 1: The Police Ombudsman's investigation has not identified any evidence that members of the RUC assisted the passage of the bombers to and/or from McGurk's Bar.**

- 8.12 There are no records, which comprehensively detail the strategies adopted by the Senior Investigating Officer in his investigation of the bombing of McGurk's Bar. The available evidence illustrates a number of enquiries undertaken by the police investigation. The concept of formally documenting decisions, investigation strategies and related policies is a relatively modern practice.
- 8.13 Enquiries included obtaining witness evidence. Statements were taken from members of the emergency services and survivors of the bombing. Other than a small number of witness appeals made through the media there is no evidence of proactive enquiries to identify all evidential opportunities.
- 8.14 Members of some bereaved families have observed that police failed to conduct enquiries with the community living in the vicinity of McGurk's Bar. The Police Ombudsman's investigation has not seen any police records, which indicate that local enquiries were conducted but has identified police appeals made through the media for witnesses to contact police at Glenravel Street.
- 8.15 **Finding 2: Although the prevailing security situation in the New Lodge Area of Belfast presented significant challenges to policing, the gravity of the incident demanded rigorous investigation of all evidential opportunities, including direct engagement with local residents to identify witnesses. The RUC investigation principally relied on incoming information. This was not proportionate to the magnitude of the incident.**

- 8.16 Family members have stated that they cannot recall receiving any official contact from police updating them on the progress of the investigation. The Police Ombudsman has found no evidence or records outlining the nature of contact, which police had with the survivors and victims' families following the bombing or the arrest of Robert Campbell.
- 8.17 While the concept of the Family Liaison Officer was not recognised in the 1970s, current police practice recognises the importance of this role. The PSNI now have in place an advanced level of training and commitment to this aspect of a murder investigation.
- 8.18 **Finding 3: Police had no meaningful contact with the bereaved families after completion of identification procedures in respect of the deceased. The failure to communicate with survivors and bereaved families undermined their confidence in the police investigation.**

- 8.19 Assessment of the bombing as an IRA ‘own goal’, which at least partially originated from the initial police Duty Officers’ Report on the explosion during the hours following the atrocity, was later discredited as was the implication that some of the victims were associated with the construction or transportation of the device.
- 8.20 The Police Ombudsman’s investigation has been unable to establish the precise source of the information, on which the author of the Duty Officers’ Report relied but the inclusion of an estimate of the size of the bomb indicates that ATO expertise informed the initial assessment of the explosion, rather than the Forensic Scientist involved, who did not conduct an examination of the scene until the following day.
- 8.21 McGurk’s Bar had a small porch or vestibule area between a main outer front door, which was open on the evening of the bombing, and a closed inner hall door leading to the bar area. During initial inspection of the collapsed building and in the absence of witness evidence as to the precise location of the bomb, police and army personnel expressed early opinions that the bomb had exploded inside the premises. Police and army personnel did not document the significant issue that the porch entrance area was within the building but not within the bar area.
- 8.22 In the context of early opinions that the device had exploded inside the building, the initial police report, based on intelligence, documented that an individual had left the bomb in a suitcase for onward transportation by the IRA.
- 8.23 There are no records fully explaining the police rationale for linking the IRA ‘own goal’ theory to the seat of the explosion being inside the bar.
- 8.24 The intelligence upon which this aspect of the Duty Officers’ Report appears to have been based was information that the IRA were actively seeking an individual with a suitcase. This intelligence made no mention

of transportation and there is no evidence that police considered any other interpretation of the intelligence.

8.25

Finding 4: In the immediate aftermath of the bombing, police interpreted the available intelligence and evidence as indicating that the IRA had been responsible for the bombing. Police failed to give adequate consideration to involvement by loyalist paramilitaries.

- 8.26 Commencing on the morning after the bombing, local and national newspapers reported on the atrocity and developments in the related police investigation.
- 8.27 Early media coverage quoted unidentified police sources as being categorical in their assertion that the IRA had been responsible for the explosion. Other coverage reflected more measured statements by police, indicating an open minded attitude to the investigation, exemplified by the examination of potential involvement of 'The Empire Loyalists'. It cannot be determined if comments by police to media were approved by the SIO or the senior command of the RUC.
- 8.28 A second report prepared for the Chief Constable on the morning of 6 December 1971, confirmed that the Forensic Scientist and ATOs had concluded that the explosion had occurred inside the building without making any distinction between the bar area of the building and the porch. At this stage these experts did not have all of the information needed to reach a definitive conclusion as to the location of the bomb.
- 8.29 Emerging evidence from survivors of the bombing recorded that there were no strangers in the bar, meaning that they believed that the bar had been attacked. Police, however, chose to interpret these accounts as evidence that the persons responsible for the bombing were known to these witnesses and were either killed or injured by the premature detonation of the bomb.
- 8.30 **Finding 5: In the weeks following the atrocity the focus of the RUC investigation became unduly influenced by information, which suggested that the bombing was the responsibility of republican paramilitaries. This had the effect of undermining the police investigation.**

In addition, inaccurate briefings attributed to police officers and reported in the media contributed to the erosion of the confidence of bereaved families and survivors in the investigation.

- 8.31 Information that a man had been seen placing the bomb at the doorway of McGurk's Bar was reported in the media on 5 December 1971, clearly pointing towards a loyalist paramilitary attack on the bar. Police commenced enquiries to identify and interview the witness. By the early morning of 6 December 1971 there was emerging evidence supporting the alternative theory in relation to loyalist paramilitaries being responsible for the bombing.
- 8.32 On 6 December 1971 a number of newspapers reported that they had received a claim of responsibility for the bombing of McGurk's Bar from the 'Empire Loyalists'. Until the bombing of McGurk's Bar there had been no records of the RUC holding information on this group, although the media reported on the same day that the group had previously claimed responsibility for a bombing on 12 November 1971. Also on 6 December 1971, newspapers carried reports that the IRA had denied being involved in the explosion.
- 8.33 In the midst of these developments senior politicians, including the then Prime Minister of Northern Ireland, Brian Faulkner, discussed the bombing of McGurk's Bar during a meeting on 6 December 1971. It is evident from notes of that meeting that Mr Faulkner was in communication with police and had knowledge of both their investigation and the views of the army. He commented on the *'likelihood that the bomb was carried by the IRA rather than Protestant extremists'*.
- 8.34 **Finding 6: By 6 December 1971 police were communicating with Northern Ireland's Government about the bombing of McGurk's Bar. Although records do not reveal the exact nature of this contact they do indicate the continuing focus by police on their belief that the IRA was responsible and that this view was shared with Government.**

- 8.35 The Police Ombudsman cannot determine whether or not the Minister of State for Home Affairs was briefed by police about the eyewitness account of the bomb being placed in the doorway of the building.
- 8.36 In answering a question about the bombing of McGurk's Bar at Stormont on 7 December 1971, the Minister clearly relied on briefings by the police, the army and others. Evidence of RUC briefings to Stormont can also be observed in his comments that *'neither have the police any evidence to suggest the existence here of an organisation calling itself 'Empire Loyalists' and that 'the evidence supports the theory that the explosion took place within the confines of the walls of the building'*.
- 8.37 The significance of whether the bomb was positioned inside or outside the bar area, whilst still inside the structure of the building had either not been identified by police investigators at this stage or was not reflected in briefings to government.
- 8.38 **Finding 7: Observations and commentary by the Minister of State for Home Affairs at Stormont on 7 December 1971 was informed by police briefings to Government.**

- 8.39 By 16 December 1971 police had conflicting intelligence from a variety of sources, which attributed the bombing to both republican and loyalist paramilitaries.
- 8.40 In addition to the reported claim of responsibility, on 7 December 1971 a Member of Parliament contacted police with further evidence of the involvement of ‘The Empire Loyalists’ in the bombing. By this date police also had the eye witness evidence indicating a loyalist attack on the bar.
- 8.41 The Intelligence Assessment tabled by the Chief Constable of the RUC at a ‘Joint Security Committee Meeting’ on 16 December 1971 stated that the IRA was responsible. Relying on ‘*circumstantial evidence*’ the assessment concluded that the explosion at McGurk’s Bar had been caused by the ‘*premature detonation*’ of a bomb which intelligence indicated was ‘*destined for use elsewhere in the City*’ and that two of the victims had been members of the IRA.
- 8.42 This Intelligence Assessment expressed the strategic view that the IRA had been responsible for the bombing but did not report on evidence or information, which indicated that loyalists could have been responsible. The Police Ombudsman has found no evidence that any of the deceased and injured were members of the IRA.
- 8.43 **Finding 8: The RUC assessment presented at a meeting with the Prime Minister on 16 December 1971 in respect of the bombing of McGurk’s Bar was selective and consequently misleading to Government.**

- 8.44 Although records indicate that by the beginning of February 1972 police were considering that the bombing could also have been an attack by loyalist paramilitaries, within weeks the Senior Investigating Officer had documented that the balance of evidence pointed to the explosion being *'the work of a few of those individuals inside the bar at the time'*.
- 8.45 Doubts held by the police about the eyewitness evidence of the bomb being placed in the doorway of the bar were documented in a report written after the Inquest in June 1972. Expressing suspicion about the credibility of a woman who had supported this account, the SIO reported to his Superintendent; *'It is now evident that this woman after seeing the boy on television on 6 December 1971 was thrown into the breach to support what the boy had allegedly seen.'* In forwarding the report to the Chief Constable, the SIO's Chief Superintendent added the comment that events had indicated *'a somewhat sinister twist to the allegation the explosion was caused by Protestant extremists.'*
- 8.46 The tone of this correspondence suggests that the SIO and his senior officers had significant concerns about the eyewitness evidence and were suggesting an orchestrated plot to attribute the bombing to loyalist paramilitaries. The dismissal of the eyewitness evidence eroded support for and investigation of the hypothesis that the bombing of McGurk's Bar could have been an attack by loyalist paramilitaries.
- 8.47 Modern investigative practice recognises the dangers of personal and investigative bias affecting decision-making and the direction of enquiries; *'There are occasions when decisions are unconsciously affected by personal perceptions of people, places and situations. If investigators develop an early view of what has occurred or who is responsible for a crime, there is a danger that they focus on the material that supports that view.'*³ Acknowledgement of what is normally an

³ ACPO Core Investigative Doctrine

unconscious mindset has only been formally recognised and documented within policing literature in recent years.

8.48

Finding 9: The police predisposition to the hypothesis that the explosion had occurred due to an accidental or premature detonation precluded an effective investigation of the bombing.

- 8.49 During the course of late 1972 and September 1973 two young men were interned in relation to alleged activities with the Provisional IRA. Records indicate that while interned both men were accused of involvement in the bombing of McGurk's Bar, though neither were prosecuted.
- 8.50 The Police Ombudsman's investigation has established that although questioned about other matters, neither were interviewed specifically about the bombing of McGurk's Bar. Indeed the main effort made to establish the guilt or innocence of either of these men was by a defence solicitor, who initiated an identification procedure in respect of one man, during which the young eyewitness was able to eliminate him as the individual, who had placed the bomb in the doorway.
- 8.51 In December 1972 police received information about two suspects, believed to be Loyalists, who were alleged to have been involved in the bombing of McGurk's Bar. The Police Ombudsman's investigation has found no evidence that any loyalist suspects were arrested or interviewed in connection with the bombing of McGurk's Bar between the date of the atrocity and July 1977.
- 8.52 **Finding 10: Allegations of involvement in the bombing of McGurk's Bar being included in records of internment of two men accused of IRA membership demonstrated that the RUC were perpetuating the hypothesis that the bombing was the responsibility of republican paramilitaries.**

- 8.53 In March 1976 police received intelligence that Robert Campbell and other named Loyalists had been responsible for the bombing. Robert Campbell, who was known to police was, however, not arrested until July 1977 in connection with terrorist activities, including murder, which had occurred outside Belfast.
- 8.54 During the sixteen months between this intelligence becoming available to police and the arrest of Robert Campbell, police periodically examined his alleged involvement with loyalist paramilitaries, although there is no evidence that this was in relation to the bombing of McGurk's Bar.
- 8.55 The McGurk's Bar bombing was put to Robert Campbell during his time in custody and he confessed to his involvement but refused to identify his accomplices or provide any other information, which may have assisted the police investigation.
- 8.56 The 1976 intelligence also named four other individuals as being involved with Robert Campbell in the bombing of McGurk's Bar. Of the four men named one man was arrested after the admissions were made by Robert Campbell in July 1977. It cannot be determined if this man was interviewed in respect of the bombing of McGurk's Bar.
- 8.57 During interview Robert Campbell provided details of the circumstances of the bombing, which were consistent with the detail provided in the 1976 intelligence, including the information that the bombers had intended to bomb another bar. He explained during interview that they had been unable to gain access to the intended target and had consequently placed the bomb at McGurk's Bar as it was in the same area. He inferred that McGurk's Bar had been a completely arbitrary target. Consistent with the 1976 intelligence he also explained that the bombers had used three cars in the commission of the crime.

8.58 When the 1976 information was supported by the admissions made by Robert Campbell and other evidence there was a failure to promptly and adequately pursue enquiries in relation to the alleged involvement of other named persons.

8.59 **Finding 11: The Police Ombudsman's investigation has determined that following the arrest of Robert Campbell in 1977 the RUC failed to investigate effectively the information received in 1976 that other members of the UVF had also been responsible for the bombing of McGurk's Bar.**

- 8.60 The subsequent conviction of Robert Campbell attracted limited media coverage. In the decades following the atrocity, and particularly since the Good Friday Agreement in 1998, bereaved families have campaigned for official recognition that none of their loved ones was in any way responsible for the bombing of McGurk's Bar.
- 8.61 Despite attracting this profile, the bereaved families campaign has not received an acknowledgement from the Chief Constable of the RUC or the Chief Constable of the PSNI of the hurt caused by statements from police in the weeks and months following the bombing.
- 8.62 **Finding 12: The RUC, and latterly the PSNI, have failed to take opportunities to correct a public perception, created in part by the actions and briefings of police officers, that some victims of the bombing were involved in the atrocity.**

- 8.63 Some relatives of the victims state that collusion pervades each of the four areas of complaint: alleged security force involvement; the effectiveness of the RUC investigation; briefings to Government; and information in the public domain.
- 8.64 In a previous report the Police Ombudsman noted that 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.*’
- 8.65 Judge Peter Cory considered the issue of collusion in his enquiries. Consistently he made it 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.
- 8.66 The essence of collusion requires that a number of elements be present. Usually, but not always, it involves an agreement between two or more parties. There is an additional requirement that a sufficiency of evidence exists to establish, on balance, that the act or omission complained of was deliberate and not merely negligent or inadvertent.
- 8.67 In this investigation the Police Ombudsman has considered whether or not the available evidence supports a finding that individual police officers or the police force colluded with any other parties to deliberately undermine the investigation and release false information about the bombing.

- 8.68 Collusion may or may not involve a criminal act. The Police Ombudsman's responsibility in this matter is to reach a determination on the actions of police. He may only investigate and report on matters of alleged police criminality or misconduct.
- 8.69 In this instance there is no evidence, which indicates that any of the investigative failures by police, including the release of assessments of the circumstances of the bombing, which entered the public domain, resulted from agreements entered into with others.
- 8.70 There is insufficient evidence to establish that the police failure to explore thoroughly the alternative hypothesis from that swiftly arrived at was predicated on anything other than a reluctance to accept emerging evidence, which suggested a plausible alternative to their initial investigative hypothesis. They were wrong to give greater weight to the 'own goal' theory and while this indicated a predisposition there is insufficient evidence that this was a deliberate, conscious act. 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.
- 8.71 **Finding 13: The police failure to explore rigorously the allegation that loyalist paramilitaries had been responsible for the bombing of McGurk's Bar was a serious failure. However, in the view of the Police Ombudsman the failings in the police investigation fell short of collusion in this instance.**

9.0

Conclusions

- 9.1 The bombing of McGurk's Bar on 4 December 1971 was an atrocity of enormous magnitude, committed by loyalist paramilitaries. The victims were in no way responsible for the bombing.
- 9.2 There is no evidence or intelligence that the RUC had any information, which if acted upon, could have prevented the bombing of McGurk's Bar.
- 9.3 The challenges to the investigation of serious crime in Northern Ireland during 1971 and 1972 were significant. An investigative bias leading to the failure to examine properly evidence and intelligence attributing the bombing to loyalist paramilitaries undermined both the investigation and any confidence the bereaved families had in obtaining justice.
- 9.4 RUC briefings informed Government and impacted upon public statements made about the bombing. It is entirely appropriate that Government is kept well informed in respect of critical incidents. However, it is crucial that such briefings are balanced and accurate. A more rigorous approach to the assessment of and reporting on such catastrophic loss of life should have been adopted.
- 9.5 Inconsistent police briefings, some of which inferred that victims of the bombing were culpable in the atrocity, caused the bereaved families great distress, which has continued for many years. The failure by successive Chief Constables to address this issue cannot be explained.

- 9.6 The failure by the police to have meaningful contact with the bereaved families during the investigation of the bombing compounded the grief felt by the families and the community.
- 9.7 There is insufficient evidence to establish that the investigative bias was collusion on the part of the police.

10.0

Recommendations

- 10.1 The Police Ombudsman recommends that the Chief Constable satisfies himself that all investigative opportunities have been exhausted.
- 10.2 The Police Ombudsman recommends that the Chief Constable acknowledges the enduring pain caused to the families by the actions of police following the atrocity.

AL HUTCHINSON
POLICE OMBUDSMAN FOR NORTHERN IRELAND

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