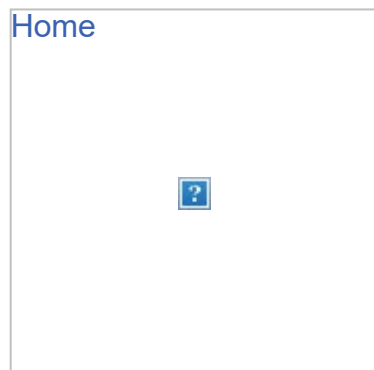


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Investigative and intelligence failures and collusive behaviours by police in relation to series of

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The Police Ombudsman has today (Tuesday 8 February 2022) issued a public statement which identifies significant investigative and intelligence failures and “collusive behaviours” by the RUC in relation to a series of murders and attempted murders by the UDA/UFF in south Belfast in the 1990s.

The 344-page report considers police actions in relation to eight loyalist attacks in which 11 people were murdered, including five people murdered at the Sean Graham Bookmakers on the Ormeau Road on 5 February 1992.

PDF: Full public statement



[Operation-Achille-Public-Statement.pdf](#)

The Police Ombudsman, Mrs Marie Anderson, said she was “deeply concerned” by the scale and scope of failings identified during “a protracted, complex and sensitive investigation.”

Although she found no evidence that police had received any information which would have allowed them to prevent any of the attacks, she expressed concern that no such information was received given that RUC Special Branch had a network of informants within the UDA/UFF.

Mrs Anderson found that concerns about police actions expressed by bereaved families and survivors were “legitimate and justified”, and said her investigation had identified a range of collusive behaviours by police, which included:

1. Intelligence and surveillance failings which led to loyalist paramilitaries obtaining military grade weaponry in a 1987 arms importation;
2. A failure to warn two men of threats to their lives.
3. A failure to retain records and the deliberate destruction of files relating to the attack at Sean Graham Bookmakers;
4. The failure to maintain records about the deactivation of weapons – “indicating a desire to avoid accountability for these sensitive and contentious activities”;
5. The failure of police to exploit all evidential opportunities;
6. Failures by Special Branch to disseminate intelligence to murder investigation teams;
7. An absence of control and oversight in the recruitment and management of informants;
8. The continued, unjustifiable use by Special Branch of informant(s) involved in serious criminality, including murder and the passive ‘turning a blind eye’ to such activities.

POLICE RESPONSE TO GROWING LOYALIST THREAT

The early 1990s saw a significant escalation in loyalist paramilitary violence, including by the UDA/UFF.

RUC Special Branch responded to this threat by seeking to expand their network of informants within loyalist paramilitaries, including from the UDA/UFF in south Belfast.

“This led them to employ, or seek to recruit, informants who posed especially high risks due to their likely involvement in previous murders,” said Mrs Anderson.

However, she said police failed to give the “exhaustive consideration” that the recruitment of such “high-risk” informants merited, and stated that police also failed to properly manage informants to identify concerns about their continued use.

“My investigation identified the continued use by Special Branch of a number of informants in South Belfast who were actively participating in serious criminality, including murder. This was totally unacceptable, and an illustration of how on occasion, the interests of obtaining information from informants was given precedence over the protection of the public from paramilitary crime and murder.

“I am of the view, that the absence of controls, combined with the absence of records relating to these informants, constitutes collusive behaviour,” she said.

Mrs Anderson acknowledged that the RUC’s use of informants yielded some success, and potentially saved lives. Intelligence had also led to the arrest and conviction of a number of loyalists.

The investigation found no evidence that police had actively sought to protect informants from arrest or prosecution.

FAILURE TO DISSEMINATE INTELLIGENCE TO MURDER INVESTIGATION TEAMS

Mrs Anderson identified a pattern of Special Branch failing to disseminate intelligence to murder investigation teams which “significantly impeded” the ability of police to bring perpetrators to justice.

She said her investigation had found no evidence to indicate that Special Branch had advised detectives of intelligence linking a number of people to the murder of taxi driver Harry Conlon in October 1991, or intelligence linking others to the murder of Aidan Wallace during a loyalist attack on the Devenish Arms in December 1991.

Similarly, there were no records that police investigating the murder of Michael Gilbride in the Ormeau Road area of Belfast in November 1992 were advised of intelligence implicating a suspect.

Photographs taken by police surveillance of a west Belfast Loyalist (Person N) meeting four unidentified men in a car linked to South Belfast UDA/UFF were not made available to police investigators and are no longer available. These photographs were taken on the same day that intelligence indicated that Person N was moving a 9mm pistol. Subsequent intelligence was received that Person N had spoken of an undefined role in the Sean Graham Bookmakers attack.

There was also a failure to advise detectives investigating the attack at Sean Graham’s Bookmakers about the use of covert investigatory measures shortly after the attack. As a result, the opportunity to recover items directly linked to the attack, including firearms and clothing, were not exploited.

The Police Ombudsman’s investigation found no evidence that the murder team were advised that two suspects had met at a flat in the Annadale area before the attack.

INVESTIGATIVE FAILINGS

The report identifies a series of investigative failings which Mrs Anderson said had compromised the effective investigation of a number of murders and attempted murders. These included a failure to check for CCTV footage or make adequate background checks on a car used in the attempted murder of Samuel Caskey in the Lower Ormeau area of Belfast in October 1990.

Police also failed to adequately challenge inconsistencies in the alibis provided by two suspects in the murder of taxi driver Harry Conlon in October 1991, and failed to search the house of one of those suspects despite receiving intelligence that the gunmen had gone there after the attack.

Similarly, blood found on a coat belonging to the suspect was tested only in relation to the attack on the Devenish Arms in which Mr Wallace was killed and three others injured, and not against Mr Conlon’s blood.

A suspected getaway car recovered after Mr Wallace’s murder was not tested for gunshot discharge residue and police failed to seize or examine a second car belonging to a suspect - despite intelligence that the gunmen had been seen getting into a car of the same make and colour after abandoning the getaway car.

Investigative failings were also identified in relation to the attack on Sean Graham's in February 1992. There was a delay in recovering and forensically examining the car used in the attack, blood found on the coat of a suspect was not tested against the blood of the dead and injured, and a man suspected of having moved weapons was not arrested. There was also no evidence that police took steps to test an aspect of a suspect's alibi.

Police also failed to test inconsistencies in alibi evidence in relation to the murder of Theresa Clinton in the Lower Ormeau Road area in April 1994, and Mrs Anderson identified serious failings which "utterly compromised" the evidential value of an identification parade involving a suspect in the murder.

DEACTIVATED WEAPONS

The Police Ombudsman's investigation identified concerns about the return of both "deactivated" and 'live' weapons to loyalist paramilitaries by police. This was despite police being aware of intelligence that these groups had the ability to make deactivated weapons operational again.

One such weapon, a Browning pistol originally stolen from the UDR by loyalist paramilitaries, had been given to an informant (Person I) described as being a "quartermaster" for the UDA/UFF. Person I then made this weapon and others available to police. Police deactivated the Browning pistol, but not the other weapons, and returned them to Person I. The Browning was subsequently reactivated and later used to murder Aidan Wallace as well as in the attack on Sean Graham's bookmakers. Police were able to recover the other firearms before they were used in other attacks.

Mrs Anderson said the failures in the recovery operation – largely due to Person I's unreliability and attempts by Special Branch to conceal his involvement - led to police losing control of the Browning and, for a number of days, the other weapons.

Mrs Anderson criticised the decision to release both active and deactivated weapons to Person I, and expressed concern about his recruitment as an informant given suspicions that he had previously been involved in murder.

She added that Special Branch had failed to "exercise effective oversight of his ongoing use."

"The relationship between Special Branch and Person I was characterised by a failure to confront the realities that he was withholding intelligence, reporting after the fact, and continuing his involvement in serious crime.

"Considered objectively, the release of weapons to this individual, given his history of unreliability and the potential for those weapons to be reactivated, demonstrated a disregard for the safety of members of the public by police.

"As an objective, independent observer, I find it inherently reckless that live weapons were provided to a terrorist in any circumstance," she added.

The Police Ombudsman also criticised what she described as the "deliberate failure to retain records relating to this sensitive and controversial activity" as "indicative of a desire to avoid accountability."

THREAT WARNINGS

The Police Ombudsman criticised a failure by Special Branch to issue threat warnings to two men, after police had received intelligence of threats to their lives.

Samuel Caskey received no warning from police before loyalists attempted to murder him in October 1990, and Special Branch provided James (Jim) Clinton no warning before an attack on his home in which his wife Theresa was murdered in April 1994.

Mrs Anderson said the failure to warn both men contravened police guidance for the issuing of threat warnings. She said there was no rationale for the failure to warn both men, stating: "I am of the view that this serious omission constitutes collusive behaviour."

DISPOSAL OF WEAPONS AND DELIBERATE DESTRUCTION OF RECORDS

Mrs Anderson identified instances of weapons connected to murder enquiries being disposed of in inappropriate ways, as well as evidence of records being routinely destroyed by the police.

She said the decision to donate the VZ58 rifle used in the attack on Sean Graham's Bookmakers to the Imperial War Museum, which had put it on display, had caused "understandable distress to the victims, survivors and their families."

She also criticised the fact that a Browning pistol used during the bookmakers attack and in the murder of Aidan Wallace, had been returned to the military. The gun had been stolen from the UDR by loyalists in January 1989.

"My investigation found evidence of police routinely disposing of weapons related to murder cases in an inappropriate manner. These weapons should have been retained by police as exhibits," she said.

Mrs Anderson added that the "routine" destruction of records by RUC's Tasking and Co-ordinating Group, including records of covert operations and the intelligence underpinning them, had "obstructed examination of accountability".

She referred in particular to the decision to destroy records relating to the murders of five people at the Sean Graham's bookmakers.

"As a consequence, there are no records of the decision(s) not to recover the weapons and other items likely to have been used in the attack, some of which were never recovered, or not recovered until months later. Similarly, there are no records of the decision not to make early arrests of those in possession of these items. The recovery of this material and these arrests could well have proven key to the detection of these crimes," added Mrs Anderson.

ENDS


Notes to editors:

The Police Ombudsman's report includes details of RUC conduct in relation to nine loyalist paramilitary attacks, which resulted in eleven murders and multiple attempted murders between 1990 and 1998. All the victims were Catholic. The attacks were:

1. The attempted murder of Mr Samuel Caskey on 9 October 1990;
2. The murder of Mr Harry Conlon on 14 October 1991;
3. The murder of Mr Aidan Wallace on 22 December 1991;
4. The murders of Mr Coleman Doherty, Mr Jack Duffin, Mr Peter Magee, Mr William McManus and 15 year old James Kennedy on 5 February 1992;
5. The murder of Mr Michael Gilbride on 4 November 1992;
6. The murder of Mr Martin Moran on 23 October 1993 (died 25 October 1993);
7. The murder of Mrs Theresa Clinton on 14 April 1994; and
8. The murder of Mr Larry Brennan on 19 January 1998.

The investigation also examined the circumstances of the murder of John O'Hara on 17 April 1991. Details of the investigation of police conduct in relation to Mr O'Hara's murder are not included in the public statement due to criminal proceedings which are ongoing at the time of publication. A public statement relating to the findings and conclusions about this matter will be published at an appropriate time.

In November 2021, the Police Ombudsman wrote to the complainants in this investigation to inform them that publication of this public statement would be delayed as a result of Public Interest Immunity (PII) issues which had been raised by PSNI. Those issues have been resolved with only minor changes to the content of the public statement and no change to the Ombudsman's findings.

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