



Introduction

On the 18th June 1994, at approximately 10pm, two armed and masked UVF gunmen entered the Heights Bar in Loughinisland and murdered six people, seriously injuring five. Families and indeed a small rural community were destroyed in the seconds that it took to wreak the vicious havoc. However the shock waves were felt further afield. Irish communities all over the world were gathered in scenes such as that enjoyed in O'Tooles earlier that evening. The World Cup match against Italy was in the process of delivering one of the most historic sporting occasions in Irish history, and the Irish nation, indeed the world was enjoying it. The focus of the date however was forever tainted by the actions of those gunmen that night and the repercussions have not dissipated. Jim Gracey of the Belfast Telegraph, in his article which he has permitted to be kindly reproduced, provides an insight into how the news was received by the team in America. Bill Flynn, an ancestral son of Loughinisland recalls how he was at the match with then Irish Taoiseach Albert Reynolds and how the atrocity served to motivate tireless effort to deliver ceasefires, which would come within weeks.

Global news as it was, the atrocity heralded a departure in papal and royal etiquette, as within weeks Pope John Paul II and Queen Elizabeth both sent personal expressions of sympathy to the families, as did American President Bill Clinton. Whereas these expressions of sympathy were soothing and gratefully received in the spirit in which they were intended, the families' immediate focus was to attempt to confront the grief and manage the loss of their loved ones. News of the recovery of the getaway car within 12 hours, provided hope that the killers would be brought to justice and faith was without question reposed in the police authorities, who assured that 'no stone would be left unturned'. Within weeks, further evidential opportunity was recovered as all of the guns, the balaclavas, the gloves and the boiler suits used by the killers were all found intact, indeed 177 physical exhibits were found, and prosecutions it seemed would be inevitable.

No one has ever been charged much less prosecuted. The families, coming to the 10th anniversary felt let down. The Peace Process had occurred in the intervening time, yet their 'case' had never been progressed. In 2004, after representations from their civic and legal representatives, a 'Serious Crime Review' was inceptioned. 8 years on from that, still no one has ever been charged. What the families have discovered since, as to the opportunities missed to bring the killers to justice has appalled them, however they feel empowered by their recovery of the facts. Inexplicable decisions such as that to destroy the largest physical exhibit in the case, the intact getaway car, as well as the decisions to destroy interview notes of suspect has angered yet motivated them.

After the conclusions found by the Police Ombudsman in June 2011 the families were again demoralised, but resolute. Far from considering the report, the end destination, it was considered a new beginning. The families travelled to Derry to meet the experienced and successful campaigners from Bloody Sunday, who advised in no uncertain terms, the facts of the case needed to be made public to motivate action by the authorities. Humbled by that sentiment and enthused and empowered by the facts of the Ombudsman's report, if not his conclusions, the families set about composing a plan of action which, for this year, culminates in this Memorial Weekend. This booklet will appraise the local community of the lobbying of Irish America over the St Patricks week, and further will relate the rationale of the decision by the FAI to endorse the families request for the Irish team to wear black armbands in commemoration of those killed in Loughinisland, on the exact date 18 years previous. That a worldwide audience of millions will witness an act of dignified communal remembrance, providing an opportunity for healing through remembering their loved ones, is a most apt, poignant and humbling experience to a year of emotionally draining and exhaustive hard work.

There are far too many organisations and individuals for the families to thank, and they hope and pray that those who have assisted, over the past 18 years, know themselves how valued



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The Police Ombudsman's Report reveals that;

- The RUC failed to conduct a forensic examination of the area where the car was left - soil samples, footprints, cigarette butts, chewing gum, - as they did not call to the scene SOCO or a forensic officer - Ref: (5.27)
- Forensic samples in relation to 6 suspects (D, H, I, J, K, L) arrested a month later, on 18/7/94 demonstrated 'inconsistencies' – Ref: (5.72)
- No DNA buccal swabs whatsoever were taken from Persons Q & R (Feb 19th 1996 – Ref: 5.92) or Person G (August 15th 1999 – Ref: 5.95)
- There is no confirmation that DNA profiles have been retained in relation to all suspects or of those arrested in connection to Loughinisland.
- The RUC deliberately sat on forensic evidence for a 3-year period before detaining 'Person U' (5.107)
- The Police Ombudsman also identified failings in the management of the HOLMES account (Home Office Large Murder Enquiry System), which may have resulted in the loss of evidential opportunities - Ref: (6.41)
- The Murder Inquiry Room (MIR) was poorly managed from the outset – Ref: (6.18)
- A further indication of these failings is, that a bullet fragment was found at the scene of the attack by survivors long after the RUC completed its examinations – Ref: (5.13)

- Ref: (5.124 None of the original notes, made during interviews of the suspects between 1994 and 1995 in the Heights Bar murder investigation, has been recovered by the Police Ombudsman's investigation. In 1998 documents were destroyed as a result of contamination by asbestos at Gough Police Office. It is believed that the original notes were amongst these.
- In a number of preliminary inquest hearings into direct state killings and other controversial killings in which collusion is suspected, in East Tyrone, numerous documents were destroyed with the excuse proffered that asbestos at Gough necessitated same. The then Coroner, Roger McLarnon, was highly critical of this and asked why all original documents had not been copied prior to their 'alleged' disposal. The families ask the following questions:



- Who authorized this destruction ?
- What paperwork exists in relation to authorisation of this destruction ?
- What risk assessments were conducted in relation to this ?
- Which department with responsibility for health & safety were notified ?
- Was there any other murder files subsequently sent to Gough Barracks ?





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Over St Patrick's week, the families took the facts of their campaign to America. It was considered that this was a natural theatre of influence to approach. The atrocity occurred as the eyes of the world were transfixed on the World Cup, most specifically that night on Giants Stadium, in New York. The UVF gang had sought to capitalise on the popularity of the match to strike fear and terror into nationalist communities throughout Ireland and indeed the world. Irish America played a crucial role in our Peace Process, indeed many political observers and historians conclude that peace would not have been delivered but for the influence and impetus provided by Irish America, from the business sector right to the door of the White House and then President Bill Clinton.

The families were part of a wider Relatives for Justice delegation, led by director of RFJ Mark Thompson. The delegation also included relatives of those killed at the Sean Grahams Bookmakers shootings, and also the British Army murders of 4 men at St Patricks Church in Clonoe, both of which occurred in February 1992, and as such those families had just recently remembered the 20th Anniversaries. The broader theme of the message to be delivered by the delegation was that the bereaved and the survivors of these horrific acts of violence deserve no less than truth and justice. The delegation further brought publicity to the fact that the British government continue to deny truth and justice through processes that they established, exercise control over. Further that these 'processes' which they then claim can examine these killings is indicative of the wider agenda of concealment and the lack of a transparent and independent approach. The PSNI's Historical Enquiries Team (HET) and the political interference in the office of the Police Ombudsman show that these processes cannot address the fundamental issues concerning these killings. In addition in the case of Clonoe murders, an inquest being delayed for two decades is totally unacceptable. Its long past the time for truth.

‘The failure to implement an independent international truth recovery process is increasingly lending to the view that the only way forward is to litigate. Many families feel that it is only by upholding due process and holding to account those responsible for violations either in the domestic and/or international courts that human rights can be protected and shortfalls within policing and criminal justice can be identified and rectified.’

Mark Thompson



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The most moving and poignant recognition that the families have received in recent times, has undoubtedly been the decision by the Football Association of Ireland to sensitively embrace an overture from the families to mark the Anniversary by the Irish team wearing black armbands against Italy in the European Championships. The concurrence of date, situation and most coincidentally, the fact that the same opposition are playing, Italy, was a scenario that at first confronted the families with a degree of trepidation and concern.

The families approached the FAI privately, enquiring if the happenstance of the coincidence could be positively embraced to provide an opportunity for an official act of communal recollection of the atrocity. It is a fact that the FAI, received the enquiry with delicate consideration and were mature, honest and frank with the families at all times. Hopes were never raised, but the integrity of the Association was such that they assured the families that they would faithfully pursue the matter with UEFA. The matter was left to the FAI's professional judgement and when news of UEFA's response to accommodate the request was received the families were overwhelmed by the magnitude of the decision, and are exceptionally grateful.



I was passed your email this afternoon by Richard Fahey at the FAI and I thank you for taking the time to consider the families position.

I am a solicitor in Belfast and represent the families of those bereaved at Loughinisland on 18th June 1994. 6 men were shot dead and 5 injured when 2 gun men entered the bar sprayed the patrons with automatic gunfire. All of the people in the bar were gathered to watch the Ireland vs Italy World Cup match.

As fate and coincidence would have it, this year's European Championship's will see the fixture of Ireland v Italy on Monday 18th June 2012, the precise anniversary of the night Ireland played Italy in the World Cup in 1994, the night of the atrocity and the reason that the deceased were gathered at O'Tooles Bar.

The families on noticing the coincidence of date, time and history were at first emotionally distracted by the happenstance. On reflection however, they feel strongly that this provides the most momentous opportunity to date of convening a mass memorial of their loved ones. It is a guaranteed fact that this match, with the coincidence of date and opposition, will attract much media interest and comment. The families would prefer any remembrance be conducted in an official and dignified fashion, and further carried out with their input, and as such they have asked me to formally approach the FAI to enquire would the FAI officially afford their imprimatur to an act of communal recollection.

The families would hope that the human memory of the death of their loved ones, gathered as they were to simply watch a football match, as most of the country were, would be commemorated in a simple and dignified way, perhaps by means of the team wearing a black armband at the fixture or by the crowd perhaps being asked to observe a minutes silence before the fixture.

The families are guided by a sense of hope, as they recall the sensitivity and integrity that the FAI displayed in 1994 when sending a message of condolence to the families in the immediate aftermath of the atrocity. Indeed, the families recall, that it had been the FAI's intention to petition FIFA in 1994 that the team would be permitted to wear armbands in the next match against Mexico, an application which is understood to have been denied on the basis of the water controversy wherein FIFA strictly enforced rules on hydration, having suspected another team of concealing hydrants in armbands in a separate fixture.

The power of sport, in assisting the national psyche to positively address the wounds of the past has been responsibly and enthusiastically embraced by the GAA and the IRFU in recent years, and the families hope and trust that the FAI can play their part in remembering what most nationalists on the island refer to as their JFK moment. Every person can recall where they were when they heard the awful news of the murders.

The families would be happy to come to Dublin to meet with to discuss the issue if this is suitable to you.

Again, we thank you in anticipation for your consideration.

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Jim Gracey Article

This article is kindly reproduced with the express consent and permission of Mr Gracey.

How I broke the news of a terrible massacre to Irish World Cup squad

He was there when the Republic beat Italy in the 1994 World Cup, then Group Sports Editor **Jim Gracey** heard about a shooting back home.



Forget the politics and 'whataboutery'. The EAF's armband-wearing gesture at next month's Euro deserves to be seen for exactly what it is... a genuine, thoughtful act of remembrance of the Loughisland dead.

Every victim should be remembered in their own way but there is a particular affinity here, a unique set of circumstances with the all the planets unerringly aligned.

The same two teams facing one another on the same date as that dreadful June night in 1994.

The playing personnel have changed but clearly there are long and considerable memories at FBI HQ.

It is to their credit in these fickle times for football that they remember June 18, 1994, more for its goals than trophies.

The response of Republic football officialdom now mirrors the mood in the camp then, thousands of miles and 18 years from the breaking news.

By sheer chance, I was the unsuspecting, indirect conduit to the Republic team minutes after they left the Giants Stadium pitch, utterly elated by their incredible win over Italy and to a tumultuous send-off from 50,000 fans who had turned the arena into a sea of green.

Telephoning my then Sunday Life deputy editor Jim Flanagan from a euphoric media centre, I automatically said: "You'll be wanting a front page place on this!"

"Sadly not," he replied. "We're just getting word of a terrible atrocity in County Down."

"A football result isn't going to matter much now," he said.



Ray Doughton scores the winning goal against Italy in 1934

I listened as he outlined the death toll, repeating the conversation, as we talked, to Mark Lawrenson, the Match of the Day pundit, then working for BBC radio.

As a former Republic international and then still very much part of the set-up, he relayed the news to nearby FBI officials and then on to a raucous dressing room, stunning the team into silence.

A remarkable thing then occurred. We clambered, subdued, onto our media and team buses, which had been loaded with crates of beer and champagne for the journey to Newark, New Jersey airport and a planned mile-high party all the way back to the team base in Orlando.

As we waited in the departure lounge, an impromptu team meeting was called and immediately it was announced it would be

measured it would be a dry plane.

Victim: Barney Groves (R7) died in the gun attack

No singing, no celebrating, no bubbly or beer, as a mark of respect to the dead.

It was a somber and sobering journey.

I awoke next morning to see the Irish flag at half-mast outside the team's Altamonte Springs Hilton hotel and Jack Charlton on the lawn giving interviews to TV news crews when he ought to have been taking plaintiffs from sports commentators.

Here was one group of footballers and football people with their sensibilities and priorities right and so it remains within the FAI. Were they to allow the anniversary and occasion to pass next month without ceremony, few outside Loughlin Island would have been any the wiser.

By choosing to publicly remember, and showing that they still do, makes the generosity of thought, displayed on that plane in 1994, even more estimable for the passing of time.



Victim: Barney Green (R7) died in the gun attack



The response to the news was a further event in its own right. The resounding positivity from all sections of the community further emboldened the resolve of the families that the course of the campaign is one which benefits from universal support.

Notwithstanding the churlish, ill informed and lugubrious responses from certain tired and fringe opinions, more vocal in the south than the north, the families have been positively enthused by the reaction. Speaking on the Late Late Show, Irish goalkeeper Shay Given captured the mood of public opinion when asked by host Ryan Tubridy 'what do you say about people saying that sport and politics shouldn't mix' he replied 'there's people lives involved, and I think it's important to show respect to the families and we should leave politics to one side, if that's the little thing that we can do to comfort the families then that's the least that we can do.' The positive example of Liverpool FC in providing a city with a focal and vocal point to campaign for redress of unresolved social justice issues in the Hillsborough Campaign was an inspiration for the families. Furthermore the moral guidance shown in recent years by the GAA and the IRFU provide authority for the true leadership and example that only sport can provide, in an absolutely apolitical context.

The families were most touched by the perceptive words composed by Jim Gracey, Sports Editor of the Belfast Telegraph who has kindly agreed to permit reproduction of his article published the morning after the news was announced, which encapsulate the true meaning behind the FAI's decision.

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delegation were the guests of the Ancient Order of Hibernians who were an exceptional assistance in co-ordinating lifts and organising travel and accommodation, with special mention required for Sean Pender, without whom the trip would most definitely have been more stressful!

We were welcomed to Washington DC by renowned human rights campaigner Fr Sean McManus. Fr McManus is the President of the Irish National Caucus, and was personally instrumental in ensuring that the MacBride Principals were enshrined as domestic law and became a pre requisite for trade and investment in Ireland leading to the end of sectarian employment policies. Fr Sean became our guide to Washington and ensured access to Congressmen and Senators to articulate the concerns of the families.

The Northern Ireland Bureau Breakfast was attended and whereas the intended theme might have been intended as Titanic and Golf Tourism, the families ensured that all powers that be were appraised of their concerns. The leaders of all local political parties were lobbied, as well as Chief Constable Matt Baggot and Secretary of State Owen Patterson, and Justice Minister David Forde.

The delegation were also guests of the Irish Ambassadors Ball, and this further provided an opportunity to lobby politicians from the South, including Taoiseach Enda Kenny who was the Guest of Honour.

Meetings were conducted with Congressman Eliot Engel from New York and Richie Neal from Massachusetts. The issue which immediately resonated with the delegation was how well informed and up to date they were on current Irish affairs. Congressman Neal was presented by the AOH with a signed poster from the Bloody Sunday families extolling the central role that he played in assisting them in their campaign for truth and justice. To be present as one of the post scripts of that seminal campaign was presented to a stalwart of it, further emboldened the families to recognise that hard work and dedication can actually resolve in a positive form of truth recovery. Mark Thompson would further stay in Washington DC to make a presentation to the Helsinki Commission Hearing[1] convened by Congressman Chris Smith where he was joined by Director of Campaign for the Administration of Justice Brian Gormally, Dr Patricia Lundy of UUJ, Christopher Stanley from the British Irish Rights Watch and Geraldine Finucane.



Loughinisland GAC | Saturday 16th June | 8pm



Marie Jones' enduringly humorous and challenging play is both uncomfortable and compelling as it lays bare the issues of Protestant identity in 1990's Northern Ireland. The play skilfully references the Loughinisland Atrocity as the key and central incident, around which the play is written. Indeed the play also addresses, positively, societal issues such as sectarianism and bigotry, the exposition of such negative themes, the families seek to positively address in their campaign for truth and justice.

- Criminal Advocacy
- Human Rights
- Coronial Law (Inquests)
- Legacy Inquiries
- Judicial Review

Kevin R Winters & Co

SOLICITOR ADVOCATES

Dlíodóirí Abhcóideachta

- Abhcóideacht Chonúil
- Cearla Daonna
- Dlí Críonáireachta (Ceisti Críonáir)
- Fiosrúcháin Leagáide
- Aithbhreithniú Brathúnach

MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN

MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN ROGAN | BARNEY GREEN | DAN MCCREANOR | EAMON BYRNE | MALCOLM JENKINSON | PATSY O'HARE | ADRIAN



Big Breakfast | Poc Fada | Panel Discussion

Loughinisland GAC | Sunday 17th June 2012

Community Big Breakfast
10am - 12:30pm

**Buffet style full cooked breakfast, from served
by the families at Loughinisland GAC
ALL WELCOME!**

Poc Fada Ar Son Na Cora - 6pm

In a novel and exciting way, the families are pleased to present a Poc Fada for Justice!



The families are delighted to be joined by All Ireland winning All Star hurlers **Diarmuid O'Sullivan** and

Donal Óg Cusack from Cork, **Eoin Kelly** of Tipperary, and **Ryan Ó'Dwyer** from Dublin. Local hurlers Antrim's captain **Cormac Donnelly**, **Graham Clarke** from Ballygalget and Down and former All Ireland Poc Fada champion, as well as current Ulster Poc Fada champion **Ruairí Convery**, along with All Star Antrim Camogie star, **Jane Adams** will all compete and display their skills. The format of the Poc Fada will follow that of a Golf Fundraiser. Local hurlers and supporters have raised money to partake in the event and will join the esteemed guests on a route commencing at O'Toolles Bar finishing at Loughinisland GAC, in the fewest strikes of a sliotar!

The families are also very grateful to the local businesses who have supported the event by sponsoring the participants on the route.



Derry hurler Ruari Convery and Antrim camogie player Jane Adams at the launch of the 2010 Ulster Poc Fada. Divis and the Black Mountain, Belfast, Co. Antrim.
Picture credit: Oliver McVeigh / SPORTSFILE

Panel Discussion - 4pm

Niall Murphy - Kevin R Winters and Co Solicitors

Niall will present an overview of the facts of the case, the concerns that the families have, as well as outlining the legal avenues and challenges which lie ahead.

John Kelly - Bloody Sunday Campaign



Sean Pender presents Richie Neal with framed picture of Bloody Sunday



John's brother Michael was murdered on Bloody Sunday. The intense relentless nature of their campaign for justice, and a repudiation of the Widgery Report has served as a template and an inspiration to many families across Ireland and indeed the world, who strive for truth and justice. John's words to the families in Derry at a workshop in August 2011 rang in their ears and inspired them. 'That is an appalling story you have just told, and I remember the atrocity, but why have I never heard of your campaign.' The message was received loud and clear, and the families are delighted to be joined by John today, who joins the panel two years almost to the day since the publication of the Saville Report. John will discuss the impact of a successful Justice Campaign.

Mark Thompson - Director, Relatives for Justice

Mark and RFJ have been central to assisting the families in recent years in their campaign. Indeed RFJ, organised for the families to attend and lobby the authorities and opinion shapers in America as part of a wider delegation of families highlighting a lack of access to justice for legacy related killings. Mark will discuss how current post conflict truth recovery mechanisms do not provide an adequate means for transitional social justice.

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Since receiving the Police Ombudsman's report on 24th June 2011, two avenues of legal challenge have been undertaken. The longer term case relates to recently issued High Court Writs served upon the Chief Constable and the Ministry of Defence, whereas a more immediate application for Judicial Review has already been lodged with the High Court. The basis of the civil claims are as follows :

Without prejudice to the generality of the claims for misfeasance and negligence in the investigation into the murders, on the material currently available the relevant acts and/or omissions upon which the claims are based can be broadly categorised as follows:

- Closing off investigative opportunities;
- The destruction of vital evidence;
- The failure to take forensic samples from suspects;
- Delays in arresting individuals;
- The failure to keep any or adequate policy and/or decision journals and/or logs.

Evidence in the public domain indicates that Brian Nelson, prominent UDA member and British army agent, was responsible for arranging a very large importation of weaponry into Northern Ireland from South Africa in December 1987. The weapons were divided between a number of loyalist paramilitary groups, including the UVF, and were subsequently linked to a number of terrorist atrocities. Some of the weapons were recovered by the police in 1988. The shipment included VZ58 rifles.

The recently published report of the Police Ombudsman for Northern Ireland (PONI) into the police investigation of the Loughinisland attack states that the weapon used in the Loughinisland attack was “similar in type” to those in this shipment (paragraph 5.81).

The significance of this particular consignment of arms was that it provided the UVF and other paramilitary groups with automatic weaponry that they did not have access to before, including the kind of rifle used in the Loughinisland murders. In the six years from January 1988 the number of murders committed by loyalist paramilitaries increased very significantly - a direct result of this increased weaponry.

While the PONI report stated that investigators had not found evidence which “directly links the VZ58 rifle used in the Heights Bar attack to those weapons recovered by the police”, at a meeting between the Loughinisland families and the PSNI senior investigating officers on 11 October 2005 police indicated that the rifle used in the Loughinisland attack was one of the weapons that came from South Africa in the late 1980s. Although police later said that they are “unable to confirm definitely whether” the rifle had been part of that consignment the type of rifle involved and its use by the UVF establish a clear link between the weapon used in the Loughinisland attack and the “Nelson shipment”.



Patrick McCreanor, Clara Reilly (RFJ) Niall Murphy solicitor

Given the close relationship between Nelson and his British army handlers, the latter must have been aware of the very large arms importation and Nelson's involvement. Further or in the alternative they turned a blind eye to the same. The outcome was the foreseeable increase in fatal terrorist attacks referred to above, including the attack on the Heights Bar, Loughinisland.

The basis of this application is that no reasonable Police Ombudsman could have reached the conclusions from the recovered facts, as were reported by Al Hutchison. As a result of the criticisms of this report, as well as independent finding by the Campaign for the Administration of Justice (CAJ) and the Criminal Justice Inspectorate (CJI) Al Hutchison terminated his tenure as Police Ombudsman 3 years prior to the natural period of his contracted term. The Judicial Review seeks '*an order of certiorari to quash the statement issued pursuant to section 62 of the Police (NI)*



Act 1998 on 24 June 2011 by the Police Ombudsman for Northern Ireland ("PONI") following his consideration of a complaint concerning the police investigation into the murders at the Heights Bar, Loughinisland on 18th June 1994⁴;

The grounds upon which the said relief is sought are as follows:

1 The section 62 statement was the product of a flawed investigation and production process as evidenced by:

- i. The finding by Criminal Justice Inspectorate Northern Ireland ("CJINI") that there are significant concerns over the way in which OPONI conducts investigations into historic cases (Foreward);
- ii. The finding by CJINI that the handling of sensitive material by OPONI is problematic (Foreward);
- iii. The finding by CJINI that the way in which OPONI deals with the investigation of historic cases has led to a lowering of its operational independence (Foreward);
- iv. The comments by the Chief Inspector that "Inspectors were not there to reinvestigate Loughinisland or Claudy but the process did take in these investigations and in doing so raised questions about the manner in which they were carried out" (Irish News 6 September 2011, page 7, "*Damning CJI report went further than had been expected*");
- v. The comments by the Chief Inspector that "... my belief, which is based on my experience of running this organisation as well as my prior experience, is that if the process and the equality assurance process are flawed - if there are a variety of ways in which information is dealt with inconsistently within the organisation, internally and externally - that leads to a flawed product...." (Giving evidence to the NI Assembly Justice Committee on 8 September 2011, at page 35).

2 PONI has misdirected himself in considering the issue of collusion by:

- i. Considering that in order to find collusion he is required to establish what occurred to a standard sufficient to be put before a criminal court
- ii. Holding that the absence of records and/or explanation/justification for actions or failure to act provides insufficient evidence to make a finding of collusion rather than that it provides an indication that collusion has taken place (Finding 6; Finding 10; Finding 11; Finding 16; Finding 17);
- iii. Holding that detriment to the criminal investigation was required before a finding of collusion could be made (para 6.51; Finding 6;

Finding 11);

- iv. Holding that the absence of evidence was fatal to a finding of collusion (Finding 16; para 6.52);
- v. Failing to draw any or appropriate inferences from the lack of available records (Finding 10; Finding 13; Finding 16; Finding 17);
- vi. Failing to draw any or appropriate inferences from the failure to justify or explain certain actions and omissions (Finding 4; Finding 11; Finding 16; Finding 17);
- vii. Misconstruing or misapplying the test for collusion.

3 The section 62 statement fails to address or take into account the following matters adequately or at all:

- i. The delay in arresting Person U (para 5.107 and following);
- ii. The police investigation into Person B's role, including the involvement of Police Officer 4 (para 5.32 and following);
- iii. The fact that Persons A, B and E were never spoken to by police investigating the attack;
- iv. The police investigation into Person X's role, including the failure to hold an identification process involving Person V;
- v. The failure to take forensic samples from all suspects and/or the inconsistent taking and examination of samples.

4 PONI failed to give any or adequate reasons for the following decisions:

- i. The changes made to the report after its conclusions and recommendations had been communicated to the applicant's solicitor in 2009; and
- ii. The failure to recommend to the Chief Constable that compensation should be paid pursuant to Section 64 of the Police (NI) Act 1998 and Regulation 24 of the Royal Ulster Constabulary (Complaints etc.) Regulations 2000.

5 In these circumstances and in relation to his investigation of the said murders, PONI failed to act as required by section 51(4) of the Police (NI) Act 1998 in that he could not reasonably have concluded that he was exercising his powers in a manner best calculated to secure

- (a) the efficiency, effectiveness and independence of the police complaints system; and
- (b) the confidence of the public and of members of the police force in that system.

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- Murders sanctioned by UVF leader, who the media has alleged as being a Special Branch agent
- The car used in the attack was supplied by another RUC agent from North Belfast's Mount Vernon UVF
- The murder inquiry team did not arrest or interview this agent
- Getaway car, weapons, ammunition, boiler-suits, balaclavas - including a hair follicle - and gloves – a forensic treasure trove - all found intact, yet not one person ever charged.
- Indeed the getaway car destroyed soon after by RUC - forensic opportunities lost forever.
- RUC officer perverts the course of justice by passing on the details of an eyewitness to a relative of a main suspect
- Failure to arrest main suspect despite information received immediately after the attack
- Major delay of up to 3-years in making arrests after new forensic evidence received

- A litany of forensic failings including no DNA samples of main suspects.
- No proper forensic examination of murder scene
- No forensic examination of scene of where the getaway car is left
- Original interview notes of key suspects destroyed by the police
- Weapons used are supplied by MI5 to loyalists via Brian Nelson
- Same weapons used in further 3 murders and 3 attempted murders
- RUC - PSNI & Police Ombudsman refuse to say which murders and attacks
- Senior RUC Investigating Officer involved in Loughinisland murder inquiry refuse to cooperate with Police Ombudsman - why?
- British Government provide Royal Prerogative of Mercy to one of the suspected killers concerning his involvement in other serious crimes
- Police Ombudsman refuses to use Cory definition of collusion in Loughinisland Massacre

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COINCIDENCE OR COLLUSION ? – YOU DECIDE

- ✓ A statement of acknowledgement of the failings of original investigation into Loughinisland by the Chief Constable, the British Secretary of State & the Dept of Justice
- ✓ A fresh Independent Investigation
- ✓ That the investigation must have the full cooperation of the police and intelligence agencies
- ✓ And that the investigation have oversight by judicial, legal and human rights experts ensuring state and police cooperation