



**ORMEAU ROAD FAMILIES RESPONSE TO PONI STATEMENT THAT
POLICE DID NOT DISCLOSE SENSITIVE INFORMATION TO POLICE
OMBUDSMAN**

14th February 2019

CONTEXT Niall Murphy Solicitor

As lawyers of the families of those bereaved as a result of the murders at Sean Graham's Bookmakers in 1992, we were called to a meeting yesterday with the Police Ombudsman Dr Maguire to discuss the pending publication of his report into the atrocity, as well as PONI investigations touching upon dozens of other murders, including the murder of 8 people at Greysteel, 4 people at Castlerock, as well as many individual murders, wherein collusion has been complained of in north Derry, Donegal, south and west Belfast and north Antrim, in relation to RUC and British Army collusion with both the UDA and UFF.

We had been advised two years ago that the report into the Ormeau Road would be published by the end of 2017, however the ability of PONI to publish was inhibited by a spurious challenge by retired police officers, which was dismissed by the High Court in December past. As such we eagerly awaited publication of the outstanding reports.

In parallel to the Police Ombudsman investigation we have been pursuing civil litigation against the Chief Constable, the MOD and the Secretary of State. In the currency of that, the Crown Solicitors have advised a High Court Judge that there were two tranches of disclosure, sensitive and non-sensitive.

We have received a significant tranche of the non-sensitive material, however the Chief Constable has now instructed his lawyers to take the sensitive material, where the State secrets will be buried, into a secret court, by means of applications for Closed Material Procedure.

There are 30 lever arch folders of sensitive disclosure that will be examined in the secret court. I advised the Police Ombudsman that such sensitive disclosure existed and asked him to ensure that he had previously been in receipt of it to inform his conclusions.

We had been previously told by Dr Maguire that he had received everything that was relevant yet yesterday we were advised that when PONI investigators reviewed the sensitive disclosure in the civil case, Dr Maguire had never seen it before.

This new sensitive secretive material, now means that PONI has further lines of enquiry to conclude which means that these reports will be delayed.

The irresistible conclusion is that the Chief Constable will provide disclosure in circumstances whereby he knows that the material will go into a secret court rather than have same subject to public scrutiny, such as by a Police Ombudsman.

We were told that the specific sensitive information related to **covert policing around the South African Arms** importation in January 1988, wherein automatic firearms called VZ58's were discovered in Ireland for the first time ever. VZ58 weapons alone from this shipment would go on to kill 70 people, affording loyalists the weaponry to enhance their lethality by 300%, in the years 1988-1994, in comparison to the 6 years preceding, 1982-1987.

This new sensitive information is information that was denied to the Loughinisland report in 2016, so the picture in fact is much worse than was previously understood.



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OVERVIEW

We have been instructed by many families bereaved as a result of VZ58 weapons, that they collectively consider that today's news, is a policy designed to ensure that Dr Maguire does not get to publish his reports.

That 20 years after the Good Friday Agreement, there are still dark forces who are trying to undermine the office of the Police Ombudsman.

In recent weeks and months, bereaved families have had to

- Endure the spectacle of retired Special Branch officers attempting to undermine the statutory powers of the Police Ombudsman.
- Listen to former Special Branch officers (many of whom refused to co-operate with the Police Ombudsman) in their selfish and vain attempts to defend the indefensible, the truth of collusion.
- Witness the appalling spectacle of the arrest of two journalists, Trevor Birney and Barry McCaffrey, for having the temerity to expose the truth of collusion and the role of RUC handling of State Agents.

Families consider that all of these initiatives are part of a co-ordinated organised systemic policy, which emanate from the same dark source. That the current PSNI senior command are embroiled in this obfuscation, causes serious concern. The police excuse of '*human error*', '*lack of knowledge and experience*' and '*archaic IT systems*', is not good enough.

Errors and ignorance is not a defence.

Whether this incident is motivated by a maelstrom of incompetence or more concerningly is the outworking of a Machiavellian deception, either scenario is not good enough and undermines confidence in policing.

There is an established pattern now:

- De Silva had access to more intelligence than Judge Cory.
- Judge Cory had access to more intelligence than Stevens 3.
- Stevens 3 had access to more intelligence than Stevens 1 and 2.
- Maguire 2019 had access to more intelligence than Maguire 2016.
- Maguire 2016 had access to more intelligence than the HET.

Geraldine Finucane warned as recently as Monday of this week, on the 30th Anniversary of the murder of her husband Pat Finucane, of the dangers in trusting the State to tell the truth about the past, especially with regards to the disclosure of relevant material.

Her prescient warning took only 48 hours to come to pass.



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LIES

The Sean Graham Families

As families, we consider that we have been subjected to more lies.

These lies do not occur in a vacuum, we have been lied to before and other families have been lied to.

1. In the HET report that we received in 2010, the families were told that interview notes of two suspects that had been arrested in possession of the Browning 9mm had been destroyed. This was not true. We accessed records in the Public Records Office, and discovered that the interview notes were wholly intact!
2. Further PRONI records disclosed a ballistics report¹ confirmed that the Browning 9mm was mechanically sound and noted no evidence of its having been modified at any stage. This disclosed fact rendered as a lie, an assertion by the PPS², in directing no prosecution against police officers referred for prosecution as a result of Stevens 3³, that the Browning 9mm had been deactivated by the RUC, having been handed over by self-confessed Special Branch agent, Billy Stobie.
3. The HET report also told us that the VZ58 weapon had been destroyed⁴. However throughout the carriage of the Police Ombudsman investigation, we were then shocked and devastated to hear in May 2015 that the weapon used to murder our loved ones, had in fact been proactively requested as a trophy of war, by the Imperial War Museum in London⁵. The HET report advised that there was no prospect of any further convictions as early as March 1994, hence an authorised disposal order, which further infers to us that informers were being protected from day one.
4. We also now know that the gunman was identified immediately within 20 minutes as picked out at an ID parade within a week. We were told in the HET report that the witness, witness F had been *'known to be affiliated to a republican group and had been interviewed and charged in relation to a republican murder'*⁶. Whereas we were told this in 2010, it was only upon receipt of disclosure in our civil case in August 2018 that we became aware of Witness F's identity. He has NEVER been charged in relation to a republican murder and has a completely clear criminal record and is a person of impeccable character. This is perhaps the most egregious of all of the lies.

George Hamilton should not retire, he should resign.

¹ Mr Leo Rossi see page 248 of the depositions of R v Paisley and Webb

² PPS letter 25th June 2007 at paragraphs 24 and 25

³ Stevens 3 17th April 2003

⁴ Page 37 HET report 2010

⁵ Imperial War Museum 4th June 2015

⁶ Page 27 HET report 2010



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The families are appalled. They feel abused and lied to.

Many parents and siblings have passed away even in the last 12 months and people are dying without access to justice. People denied truth recovery in these circumstances is a stain on all of us as a society.

The policy of “*deny deny deny, delay delay delay, die die die*”, is in its final stages.

THE FAMILIES REQUESTS

- The Chief Constable needs to present himself before an emergency meeting of the Policing Board to answer question about this. We cannot conceive of a more serious issue than an oversight body being misled on such a serious issue as collusion in over 70 murders.
- The Chief Constable should instruct his lawyers to stop suppressing the truth, in related litigation. The truth can no longer be buried.
- The families endorse Dr Maguire’s request to the Department of Justice that they commission an independent investigation immediately to investigate and report on this fiasco. We also consider that this review must be informed by the views of the families when determining Terms of Reference.
- This matter should carefully scrutinised in detail by the Irish Government in Dublin. Oversight arrangements for our new policing dispensation, such as the office of the Police Ombudsman, arise from architecture envisioned by the Good Friday Agreement. The repeated attempts at corroding the statutory powers of the office, the failure to properly resource the office and now the misleading of the office in its statutory function, by those it is meant to superintend, is a matter that requires close governmental scrutiny.