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## STATEMENT ON BEHALF OF THE FAMILY OF SEAN BROWN

Today marks the 25th anniversary of the murder of Sean Brown.

Civil proceedings taken by Sean's widow, Bridie, were announced as settled at the High Court today, before Mr Justice Humphreys QC.

### BACKGROUND

Bridie Brown is the wife of Sean Brown, deceased, who was murdered by members of the Loyalist Volunteer Force murdered Mr Brown on 12 May 1997. He was 61 years old and left Bridie and their six children behind. He was chairman of the local GAA Club in Bellaghy, Wolf Tone CLG. Mr Brown was locking up the club gates after a committee meeting on 12<sup>th</sup> May 1997, and as he did so he was viciously attacked by a group of men who beat him and placed him in the boot of his own car.

Mr Brown was then dragged from the car several miles away and shot six times in the head. The killers then set the car alight and fled. No one has ever been charged with Mr Brown's murder.

Mrs Brown was compelled to commence the litigation, which has resolved today, due to the abject and frightening litany of failings evident in the original RUC investigation. The failings have been confirmed in successive public reports by the Police Ombudsman and the HET.

Whereas the Brown family appreciate the maturity with which the current Chief Constable has discharged his unavoidable liabilities for the failing of his predecessors in the RUC, the family are wholly and solely focused on the convention of the Inquest, which will provide a public forum for the attendance and cross examination of witnesses. The family further welcome and are comforted by the remarks today, of the Presiding Senior Coroner, Mr Justice Humphreys QC who confirmed the importance of the Inquest in the overall context of this case.

### APOLOGY Read into the court record this morning

*"Sean Brown, a devoted family man and a pillar of the Bellaghy community was murdered on 12th May, 1997.*

*As a result of negotiations, the Plaintiff has agreed a satisfactory full and final settlement of this action with the First Defendant.*

*The PSNI wishes to apologise to Mrs Brown and her family for inadequacies in the RUC original investigation and continues to engage fully in the ongoing Inquest proceedings".*

#### Partners

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## RUC INVESTIGATIVE FAILINGS (HET report)

- No arrests occurred until six weeks after Mr Brown's murder. (Page 71 HET report)
- All phone records were destroyed. (page)
- Witness who saw a white Vauxhall Nova with suspicious occupants outside the GAC on the evening before Mr Brown was murdered gave a photo fit of the woman driving. RUC officers confirmed this resembled Suspect 2's girlfriend (page 24)
- Although Suspect 6 was arrested and questioned about Mr Brown's murder, his car was not seized for forensic examination during the RUC investigation. (page 31)
- There is no explanation as to why the SIO did not consider seizing this car.
- In October 2004, Detective Constable Bloor met staff from the Army's Military Intelligence Unit to seek information on the ANPR system at Toomebridge RUC station. It was established that no data remained in archived records that covered 12 May 1997. Records were only available up to 6 May. (Page 47)
- MSU were not properly debriefed.
- HET believe key facts were missed because officers were not debriefed properly.
- **6 of the 23 intelligence reports were regarding Suspect 5. They were marked "NDD – not for downward dissemination" meaning that a senior RUC officer decided not to make the intelligence known to the investigating team. This strongly points to Suspect 5 being an agent.** (Page 69)
- At the time of Mr Brown's murder, Mark 'Swinger' Fulton was under a major surveillance operation by the RUC. HET asked for the original surveillance logs, however "they could not be located and may have been destroyed".
- "A puzzling aspect of this covert operation is the fact that, following Mr Brown's murder, the senior officer leading the surveillance operation on

Suspect 3 (Swinger) did not speak to Detective Superintendent Houston to discuss any strategy in relation to the surveillance operation on Suspect 3 and his associates". (Page 70)

- **Cory report cited and observes “sectarian bias” in Special Branch “may go some way to explaining why significant intelligence reports were not passed to Detective Superintendent Houston”.**
- “The HET considers that the initial RUC investigation fell below the standards expected of a competent homicide investigation in 1997. The investigation lacked leadership and focus and highlighted a degree of poor professional knowledge. Key investigative strategies... were either missed or not considered... these factors were aggravated by systemic failings in the flow and passage of intelligence... Special Branch withheld crucial intelligence from the investigation, without any apparent justification and, taken together, these failings seriously reduced the prospects of bringing Mr Brown’s killers to justice.” (Page 72)

An unusual and relevant fact is that this murder gang from the Mid-Ulster area were operating far away from home and they had the confidence to drive Mr Brown’s car and his body past a police station. In addition, the way that the investigation was dealt with, for example, by failing to pass intelligence to the investigating officers, has left the Brown family with no doubt that the killers were protected by their handlers.

#### **FORENSIC FAILINGS (Pager 5 PONI report)**

The SIO was not told about cigarette butts or flattened grass where the killers had lay in wait. (Page 68 HET report)

5.3 When reviewing the forensic strategy, it was found that near to the burnt out vehicle, and in close proximity to the body of Mr Sean Brown, a number of discarded cigarette butts were recovered by police. There was every reason to suspect at the time that these may have been discarded by those involved in the murder.

5.4 The cigarette butts were submitted to the Forensic Science Service “for DNA”, but no biological samples were taken or requested from any of the persons subsequently arrested for the murder of Mr Sean Brown. It has been established that the necessary technology to carry out DNA analysis was available at the time. The fact that no biological samples were submitted to the Forensic Science Service meant that no analysis was carried out, there being nothing to compare the samples against.

5.5 When asked in interview, the retired Senior Investigating Officer was unable to confirm whether biological samples were taken from the detained suspects.

## **WITNESS ENQUIRIES**

6.1 It was established that there was no proper search for witnesses at the location at which Mr Brown's body was found.

6.2 The Police Ombudsman identified a witness who was in the Old Moneynick Road area on the night Mr Sean Brown was murdered. He told the Police Ombudsman's Investigator that at approximately 19:30 hours on the evening of 12th May 1997, he had seen a dark coloured car parked in the exact isolated spot where Mr Sean Brown's burning vehicle was later discovered.

6.3 The witness said that he approached the police cordon and provided this information, together with his own details, to an unknown uniformed police officer. He had not been contacted by the investigating team.

## **VEHICLE ENQUIRIES** (Page 7 PONI report)

It is known that shortly before being attacked Mr Sean Brown set the security alarm at the Gaelic Athletic Association Club at 23:30 hours. His burning car was discovered (having travelled through Toomebridge), fifteen minutes later at 23:45 hours. The extent of the police investigation of the vehicle numbers recorded was **only extended beyond this period by a total of two minutes**. The actual time frame investigated by the Murder Investigation Team thus spanned a period of seventeen minutes. The timings have been verified. **This was wholly inadequate.**

2. No attempt was made to identify possible sightings of a "convoy" or other vehicles passing the police station, en-route to the scene, prior to the attack upon Mr Sean Brown in Bellaghy. Little room for error on the return journey was built in. Nor was any research conducted into the potential for suspect vehicles to have passed Toomebridge on a reconnaissance mission in the days before.

## **LOST RECORDS**

### *THE MURDER INVESTIGATION POLICY FILE*

When decisions are made in an investigation of this type each decision, and the reason for that decision, is recorded in a Policy File which is created for the purpose of the particular investigation.

**The Murder Investigation Policy file is lost.**

### *THE BELLAGHY OCCURRENCE BOOK*

Each police station maintains an Occurrence Book in which are entered all matters reported to the police. Searches have been made but the Occurrence Book from Bellaghy Royal Ulster Constabulary Station for the relevant period cannot be found. This means that neither the Murder Investigation Team nor the Police Ombudsman has been able to examine the record of what was occurred at Bellaghy Royal Ulster Constabulary Station on the night of the murder.

**The Bellaghy RUC station Occurrence Book is lost.**