

## EDITED VERSION

Report of Group established by the Minister for Justice, Equality and Law Reform to examine matters arising from the “Report raising concerns of the activity of An Garda Síochána Officers during 1998” dated 22 March, 2002, prepared by the Police Ombudsman for Northern Ireland for the Minister for Foreign Affairs

Minister,

This Group was appointed in April 2002 by Mr John O'Donoghue TD, then Minister for Justice, Equality and Law Reform, with the following terms of reference:

- (i) to examine matters arising from the "Report raising concerns of the activity of An Garda Síochána Officers during 1998" dated 22nd March, 2002, prepared by the Police Ombudsman for Northern Ireland for the Minister for Foreign Affairs, and
- (ii) on the basis of this examination to report to the Minister for Justice, Equality and Law Reform and, if considered appropriate, to make recommendations.

The Group presents herewith its report.

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Dermot Nally

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Joseph Brosnan

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Eamonn Barnes

June, 2003

(i)

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## PART I

### INTRODUCTION

#### Background

- 1.1 On 22 March 2002 the Police Ombudsman for Northern Ireland, Mrs. Nuala O’Loan, presented a report to Mr. Brian Cowen, Minister for Foreign Affairs, “raising concerns of the activity of An Garda Síochána Officers during 1998”. The report related to allegations made by a person described as a serving officer of the Garda Síochána concerning the handling of intelligence information about the activities of a paramilitary group in that year and about drugs related matters in 1995/1996. The Minister for Foreign Affairs passed the report to the Minister for Justice, Equality and Law Reform, Mr. John O’Donoghue T.D., who decided that an examination of the issues should be carried out independently by persons with relevant experience and qualifications to look into sensitive security matters. The Minister appointed Dr. Dermot Nally, former Secretary to the Government, Mr. Joseph Brosnan, former Secretary of the Department of Justice and Mr. Eamonn Barnes, former Director of Public Prosecutions, with the terms of reference -
- (i) to examine matters arising from the “Report raising concerns of the activity of An Garda Síochána Officers during 1998” dated 22nd March, 2002, prepared by the Police Ombudsman for Northern Ireland for the Minister for Foreign Affairs, and
  - (ii) on the basis of this examination to report to the Minister for Justice, Equality and Law Reform and, if considered appropriate, to make recommendations.

Appendix 1 contains a copy of the announcement of the appointment.

- 1.2 The Group is not mandated to enquire into the Omagh bombing of 15 August, 1998 or who the perpetrators of that atrocity were. The Group's mandate is to examine matters arising from the report of the Police Ombudsman, including the allegations relating to the activity of certain Garda officers in the period immediately before and after the Omagh bombing. The focus of the Group's report is the alleged activity of the Garda Síochána officers, not the Omagh bombing or any of the other terrorist incidents referred to in the Ombudsman's report.
- 1.3 On 8 May 2002 the Police Ombudsman provided a further 57-page report "Detailing the issues surrounding the Omagh bomb as supplied by Detective Sergeant White (Gardaí)" with two further volumes of supporting documentation including contemporaneous intelligence reports by the Detective Sergeant on events in 1998 (which do not include references to any of the specific allegations Detective Sergeant White is now making). Towards the end of August 2002 the Police Ombudsman provided another volume containing further documentation, including a 39-page document which appears from its uncompleted heading to have been designed to be made as a statement by Detective Sergeant White in the presence of his solicitor in 2002 (the "39-page document"). The Detective Sergeant says that he "probably" made out this statement in or around the period July to September 2000. He says he "had the original reports to hand and enlarged more or less on them". Those reports were based on information given to him by an informant who was involved in serious criminal activities and who was an associate of an individual who in 1998 was involved with the Real IRA (RIRA).
- 1.4 The Police Ombudsman's Office also provided the Police Service of Northern Ireland (PSNI) with a copy of the documentation it held on the allegations made by Detective Sergeant White. Two members of the PSNI Omagh investigation team interviewed the Detective Sergeant in July 2002. In March 2003 the Group received from the Assistant

Chief Constable overseeing the PSNI Omagh investigation team a transcript over 300 pages in length of the detailed evidential statement made in Scotland by Detective Sergeant White and signed in August 2002 (the “PSNI statement”). Parts of this statement had been removed from the copy provided to the Group because, the Assistant Chief Constable said, of legal advice to the PSNI that they were defamatory. In these documents - from the 39-page document, through the Ombudsman’s records of interviews with the Detective Sergeant early in 2002, to the PSNI statement - some of the Detective Sergeant’s allegations became wider in scope and more developed in detail and a few new allegations were added, including a major one in the PSNI statement. This feature will be commented upon further in the Parts of the Group’s report dealing with the individual allegations. The Assistant Chief Constable also provided to the Group certain comments in writing relating to the PSNI enquiries into the information provided by Detective Sergeant White.

- 1.5 Included in the material provided by Detective Sergeant White to the Police Ombudsman and by her to the Group were billing records for his mobile phones at the time. The Group has considered whether or not it should seek further billing records. However, as the work of the Group progressed it became clear that whether or where certain phone calls were made or received either was not a matter of any substantial dispute or was not of any significant probative value. What was said in the course of some of these calls was in dispute but it was clear that billing records would not reveal anything about the content of the calls and the matter was not pursued.
- 1.6 In May 2003 the Detective Sergeant also made available to the Group a copy of what he says is a transcript of a tape of part of a conversation he had with his informant in January 2002 about some of the matters that are the subject of his current allegations. The transcript is not a satisfactory record of the conversation in question, much of which took place on board a train. Parts of the conversation are omitted because, Detective Sergeant White says, what is said on the tape is inaudible in places. The Detective Sergeant has also told the Group that a long section at the start of the conversation is not included

because he had inadvertently omitted to turn the tape recorder on. He also informed the Group that he had edited the transcript in preparing a copy for the Group (the primary purpose he says he has in mind for the taped conversation is for use in his defence of criminal charges against him). Furthermore, the basis on which the recorded conversation took place is not known to the Group - the possibility of collusion between the Detective Sergeant and the informant, both of whom at that stage had a grievance against the Garda Síochána, as is clear from the transcript, cannot be ruled out. The transcript is referred to at relevant points in this report. However its evidential value is low especially since the Group has been unable to interview the informant.

- 1.7 The Group had certain questions conveyed and put to the informant by his legal adviser. The informant is now in the Witness Security Programme of the Garda Síochána. The Group understands that these questions were put to him by his legal adviser but, despite repeated attempts to elicit replies, the Group never received any. The Group was told more than once by the informant's legal adviser that his client was not prepared to reply to its questions but that he hoped to be able to do so at some time in the future. It is now nine months since the Group's questions were first conveyed to the informant. The Group also requested through his legal adviser an interview with the informant but this was refused. It is deeply regrettable that the Group should have to report without having had replies to these questions or an opportunity to interview the informant but presentation of its report cannot be delayed indefinitely on the basis of nothing more than a vague prospect that these replies might be forthcoming or an interview agreed to at some unspecified time in the future.
- 1.8 The Group held its first meeting on 29 April 2002 and subsequently met on 62 other occasions. It met with the Ombudsman and her officials in July 2002. It also interviewed 25 persons involved with the matters raised in the Police Ombudsman's reports, including officers of the Garda Síochána, the PSNI and the Office of the Director of Public Prosecutions, Senator Martin Mansergh, former special adviser to the Taoiseach, and Dáil Deputy A. It interviewed some of them more than once

and Detective Sergeant White on four occasions over a twelve month period. Although the Group is not a court or a tribunal of inquiry and has no powers of compellability, each person interviewed answered the questions put by the Group and in some instances provided further information, including written submissions. These submissions included copies of police reports and statements. The Group also sought and received reports in writing from some individuals whom it did not consider necessary to interview in person. It is greatly appreciative of the ready co-operation which it received from many persons.

### **Detective Sergeant John White**

- 1.9 Detective Sergeant John White moved from Dublin to Donegal in July 1994 as a uniformed Garda. While there he was promoted Detective Sergeant. He had been in contact with his informant, who was based in the Dublin area, since about 1984 but only about general criminal - not subversive - matters. The two officers against whom the Detective Sergeant's main allegations are directed are Assistant Commissioners Dermot Jennings and Kevin Carty, both of whom were Detective Chief Superintendents at the time of the alleged incidents. The Detective Sergeant also implicates at least five other officers of various ranks in specific incidents covered by his allegations.
- 1.10 Sometime in late 1994 the Detective Sergeant made contact with the office of Detective Chief Superintendent Carty. The Detective Sergeant offered information from his informant about drug trafficking and related activities. The resulting arrangement lasted until February 1996 when the informant was arrested following an operation involving the Detective Chief Superintendent. Assistant Commissioner Carty says that this in effect ended the relationship with the informant, from which little or no useful information had resulted. However, Detective Sergeant White did submit reports based on information from the informant about other matters later in 1996 and in 1997.

- 1.11 In early 1998 Detective Sergeant White began providing information about subversive-related matters. The informant was not a member of a subversive organisation, but he was closely associated - through the theft of vehicles - with one such member, Subversive X, and it is through this association that in 1998 information on various projected attacks became available. The informant was the head of a small group which specialised in stealing cars in and about the Dublin/Kildare/Meath area. Subversive X was involved in the ringing of cars (“ringing” means the changing of the identity of stolen cars). Occasionally the informant would be asked by Subversive X to steal a car as a “special order” i.e. for the use of a terrorist organisation and for which no payment or a reduced payment was made. The relationship which had developed between the Detective Sergeant and the informant was such that the Detective Sergeant was told of these “special orders” and he in turn passed the information to Detective Chief Superintendent Jennings. The information was used to counter terrorist activities including attacks in the North or in Britain. The matters covered in this report relate only to “special orders” and not to cars stolen for ordinary criminal purposes.
- 1.12 In mid-January 1998 the informant telephoned Detective Sergeant White and said that he had been told by Subversive X that “the boys are back in business”. This turned out to be a reference to the then recently formed RIRA. The Detective Sergeant’s first report in the Police Ombudsman’s documentation is dated 9 February 1998 and refers to a general request from Subversive X for “as many vans as he could obtain in the next two or three weeks” - Transit, Hiace and Corolla vans were mentioned. Other requests to the informant for vehicles over the next seven months or so are the subject of much of the Detective Sergeant’s reports. There are fourteen of these reports on record in the Garda Security and Intelligence Section as having been received, the first of which is dated 28 January 1998 and the last 2 September 1998. The Police Ombudsman’s report records sixteen reports as having been given to her Office by the Detective Sergeant for the same period. The difference is not, however, material to the Group’s work.

- 1.13 Much of the information provided by the Detective Sergeant and his informant in 1998 was sensitive and valuable and, together with a great deal of other valuable and sensitive intelligence, was received at a critical period in the establishment of the RIRA.
- 1.14 Detective Sergeant White is described as not, at that stage in early 1998, having any expertise in anti-subversive work and he was not part of the Security and Intelligence Section of the Garda Síochána, where Detective Chief Superintendent Jennings was assigned. In view of the sensitive nature of his reports, the Detective Sergeant was allowed to deal directly with Detective Chief Superintendent Jennings. This is how the Detective Chief Superintendent became involved in liaising personally and regularly with an officer three ranks below him stationed about 200 miles away in Donegal. This, while unusual, was not by any means unique. Assistant Commissioner Jennings says that because of the pressure of work he specifically instructed the Detective Sergeant to submit his reports in writing because if the Detective Sergeant did not commit his information to writing, he himself would have had to write it up. Garda A, who was Detective Chief Superintendent Jennings' superior at the time, has also told the Group that because Detective Chief Superintendent Jennings had "an awful lot of people" reporting to him, the Detective Chief Superintendent told them "always to put it in writing". Oftentimes there would be oral communication but the Detective Chief Superintendent would tell the Detective Sergeant to document anything of that kind. Much of the reporting is, in fact, made out in this way - documenting what the Detective Sergeant had already told the Detective Chief Superintendent.
- 1.15 From March 1999 Assistant Commissioner Carty investigated allegations of criminal and unethical behaviour by members of the Garda Síochána in Co. Donegal. Detective Sergeant White was one of the members investigated. He was arrested on 21 March 2000 and questioned about allegations that he encouraged and assisted a civilian, Mr Bernard Conlon, to make false statements against other persons. In June 2000 Assistant Commissioner Carty recommended to the Director of Public

Prosecutions that charges arising from those allegations be preferred against Detective Sergeant White. Mr Conlon was convicted in relation to this matter on 21 March 2002 and was sentenced on 5 June 2002 and in July 2002 charges against Detective Sergeant White followed. Assistant Commissioner Carty also described two other situations involving the Detective Sergeant which he said merited further investigation. These were the discovery of a sawn-off shotgun near a travellers' encampment at Burnfoot Co. Donegal on 23 May 1998 and the discovery of an explosive device near a television mast in west Donegal on 19 November 1996. Detective Sergeant White was charged in relation to the sawn-off shotgun under the Firearms Acts on 20 June 2001. The evidence on that charge includes a statement by Assistant Commissioner Jennings which is potentially detrimental to a defence of the charges by Detective Sergeant White. Both the charges relating to the false allegations and the sawn-off shotgun are pending before the courts. A Tribunal of Inquiry into complaints concerning some Gardaí in the Donegal Division (the "Morris Tribunal") was set up on 24 April 2002.

### **Activities of certain republican groups in 1998**

- 1.16 A reference to the events and organisations which form the background to the allegations made by Detective Sergeant White is desirable at this point.
  
- 1.17 The Downing Street Declaration was signed by the Irish and British Governments in December, 1993. The Declaration acknowledged -  
  
"..that it is for the people of Ireland as a whole, by agreement between the two parts respectively, to exercise their right to self-determination, on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish."
  
- 1.18 The Declaration also looked to participation in dialogue between the two Governments on the way ahead of politically mandated parties which established a commitment to exclusively peaceful methods and to the democratic process. The

Declaration was followed by a complete cessation of military operations by the Provisional IRA (PIRA) in August 1994. This ceasefire was broken in 1996 and restored with effect from 20 July 1997. In October 1997 dissidents challenged the PIRA leadership over the ceasefire at a General Army Convention - a meeting of PIRA's highest decision-making body. A number of PIRA members withdrew from the organisation. This breakaway group came to form the nucleus of the so-called "Real" IRA (RIRA) as it developed into an autonomous grouping in 1998 - and of the 32-County Sovereignty Committee (later the 32-County Sovereignty Movement). RIRA rejected democratic political engagement and considered itself the inheritor of the physical-force republican tradition. It aimed to sustain a terrorist campaign against the British State, to prevent the signature of the Belfast Agreement and to obstruct its implementation.

- 1.19 The RIRA has been responsible for numerous serious terrorist incidents. The majority of these occurred in Northern Ireland and consisted mainly of car bombings, planting of incendiary devices and mortar attacks.
  
- 1.20 Terrorist attacks by the RIRA in Northern Ireland and Britain began in 1998. In that year there were also a number of incidents attributed to the "Continuity" IRA (CIRA). CIRA had its origins in the formation of Republican Sinn Féin in November 1986. For the period with which this report is concerned, from January to August 1998, there were a large number of RIRA and CIRA-related incidents and one claimed by the INLA - these are detailed below.

**INCIDENTS ATTRIBUTED TO RIRA**

<b>Date</b>	<b>Location</b>	<b>Incident</b>
6/1/98	Banbridge, Co Down	Car bomb disrupted. No claim. Originally attributed to Continuity IRA but subsequent events throw doubt on this.

7/1/98      Howth, Co Dublin      1.5 tons of home-made explosives (HME) recovered. 4 charged but not convicted, 2 are members of the 32 County Sovereignty Movement (32CSM).

<b>Date</b>	<b>Location</b>	<b>Incident</b>
20/2/98	Moira, Co Down	Car bomb exploded with extensive damage to centre of town. Intelligence attributes to RIRA.
23/2/98	Portadown, Co Down	Car bomb exploded with extensive damage to centre of town. Intelligence attributes to RIRA.
3/3/98	Hackballscross, Co Louth	Car bomb exploded with damage to town. Intelligence attributes to RIRA.
10/3/98	Armagh City, Co Armagh	Mark 17 mortar attack on RUC station; 3 of 5 mortars exploded.
21/3/98	Dundalk, Co Louth	HME find. Identical to Hackballscross car bomb but almost twice its size. 2 32CSM activists charged: 1 convicted and the other is before the courts.
24/3/98	Forkhill, Co Armagh	Mark 17 mortar attack on security force base. Multiple mortars fired, minor damage caused. Same device as in Armagh but fitted with a new type timer.
24/3/98	Grassdrumman, Co Armagh	Mark 17 mortar attack on security force base. 2 exploded, no injuries. Same device

		as in Armagh but fitted with a new type timer.
27/3/98	Boucher Rd, Belfast	Incendiary device - failed to ignite.
2/4/98	Dun Laoghaire, Co Dublin	Find of 980lbs of HME. Huge car bomb constructed in an identical manner to those at Hackballscross and Dundalk. 2 charged and convicted.
16/4/98	Carrickfergus, Co Antrim	Incendiary device - failed to ignite.
30/4/98	Lisburn, Co Antrim	Car bomb containing 550 lbs of HME was made safe.
1/5/98	Ashford, Co Wicklow	Armed robbery of cash-in-transit van. 1 killed, 5 charged and convicted.
3/5/98	Lower Falls, Belfast	Mark 17 mortar attack on Grosvenor Rd RUC station. Failed to function.
9/5/98	Belleek, Co Fermanagh	Mark 17 mortar attack on Belleek RUC station. Failed to function.
16/5/98	Armagh City, Co Armagh	Car bomb containing 760 lbs HME disrupted. Same construction as previous such devices.
23/5/98	Dundalk, Co Louth	2 car bombs containing 950 lbs HME stopped near border. Not primed. 2 convicted.
23/5/98	Finaghy Rd N, Belfast	HME find. Man arrested after attempted

		bombing of railway line. New timing device present.
22/6/98	Drumintee, Newry	Explosion on side of road.
10/7/98	London	Active Service Unit arrested in possession of 6 incendiary devices, semtex and timer & power unit. 3 convicted.
10/7/98	Blackwatertown, Co Armagh	Car bomb containing c. 630kg Ammonium Nitrate and Sugar (ANS), 2 metal booster tubes, 2 lengths of detonating cord, electric detonator and a Mark 19 TPU discovered.
13/7/98	Newry, Co Down	Car bomb containing c. 286kg ANS loose-filled in boot, booster containing 2kg ANS, detonating cord, detonator and Mark 19 TPU was rendered safe.
22/7/98	Newry, Co Down	Mark 15 'Barrack Buster' first used: did not function.
1/8/98	Banbridge, Co Down	Large car bomb exploded at New Street injuring many and causing widespread damage.
6/8/98	SCR, Dublin	RIRA member sends a bullet in the post: person subsequently convicted.
6/8/98	Omeath, Co Louth	Large explosion and crater: possible test of HME.
15/8/98	Omagh, Co Tyrone	Car bomb kills 29 and injures hundreds.

## INCIDENTS ATTRIBUTED TO CIRA

<b>Date</b>	<b>Location</b>	<b>Incident</b>
24/1/98	Enniskillen, Co Fermanagh	A large car bomb caused extensive damage to the River Club.
24/2/98	Redhills, Co Cavan	A Garda search operation uncovered 115kg of HME, booster tubes, and detonating cord.
15/5/98	Kinawley, Co Fermanagh	A car pulling a trailer was abandoned on Stumpies Lane. The car was burned out. The trailer contained 2 Mark 18 type mortars.

A further incident, which was claimed by the INLA, was a car bomb which exploded on 24 June 1998 in Newtownhamilton, Co. Armagh causing many injuries to civilians and police and extensive damage. There were also other incidents in Northern Ireland during the period which are not directly attributed to the above organisations.

### **Garda Síochána counter-terrorism function**

- 1.21 Within the Garda Síochána responsibility for national security, including counter-terrorism, both international and in relation to Northern Ireland, rested in 1998 and still rests with the Security and Intelligence Section. The Section works in co-operation with other sections of the Garda Síochána, both general and specialist, with police and security services throughout the world, and in particular with the RUC/PSNI and British police forces.

- 1.22 The Section works on the “need to know” principle. In general, personnel are told only what is necessary for them to know to carry out an operation, or for their own protection. Detective Sergeant White would not necessarily have been aware of the wider background of many of the incidents about which he makes allegations.

### **Police co-operation against terrorism**

#### *Exchange of Intelligence*

- 1.23 Officers from both the Garda Síochána and the PSNI told the Group that there was close counter-terrorism co-operation, both formally and on a personal basis, between the two forces in accordance with the policy of the Governments of both jurisdictions. There are, and have been for many years, many layers to this co-operation with high-level meetings at regular intervals and operational exchanges daily. Insofar as the Garda Síochána is concerned, many of these exchanges would be at the level of Assistant Commissioner, Chief Superintendent, Superintendent or Inspector, as appropriate. Assistant Commissioner Jennings has said that, apart from the more formal regular meetings, he could be in communication with his RUC counterparts two or three times but sometimes up to ten or twelve times a day. Because of the sensitivity of the subject matter and often the need for speed of reaction many of these messages were at the time - in 1998 - not committed to writing. The Group noted in particular the positive tone of the comments made to it by the PSNI officers to whom it spoke about the closeness of the co-operation and the quality of the intelligence coming from the Garda Síochána. One of the RUC officers who dealt with Detective Chief Superintendent Jennings in 1998 on intelligence matters says that he can only describe co-operation at the time as excellent. He adds “I am quite confident and willing and able to say that our relationship with an Garda Síochána would never have been better than it was in that era”. He said they were each on either side of the border doing all they could to counter terrorism and protect life.
- 1.24 Following the establishment of the PSNI the policy of the two Governments on security co-operation was reaffirmed:

“The Irish Government confirms that the Garda Síochána will work in the closest co-operation with the new Police Service and will join with them in taking all necessary measures to counter any remaining terrorist threat and to enable the normalisation of security arrangements”. (Communiqué issued following a meeting between the Taoiseach, Mr. Bertie Ahern and British Prime Minister, Mr. Tony Blair at Weston Park in July 2001.)

- 1.25 Insofar as the investigation of the Omagh atrocity is concerned, the British Prime Minister had the following to say in the House of Commons on 2 September 1998:

“Amid what I believe to be unprecedented co-operation between Governments and police forces, we continue to provide maximum support to the RUC and the Garda as they hunt for those responsible for the Omagh bomb and other outrages. I can assure the House that the investigation to bring to justice those responsible is being pursued with the utmost intensity and with complete unity of purpose between the British and Irish authorities”.

- 1.26 Assistant Commissioner Carty has described the closeness of the co-operation between the RUC investigation team and the Garda team to which he was assigned following the Omagh atrocity. The Assistant Commissioner told the Group that “never before in the history of the two organisations had there been closer co-operation on an investigation which he said had been conducted with as much energy and as many resources as if the bomb had gone off in the South”. The officer overseeing the RUC investigation team who was responsible for liaison with the Garda investigation team emphatically confirmed this view of the level of Garda/RUC co-operation at the time which he said was quite outstanding.

*Weapons and Explosives*

- 1.27 The Group is informed that an exceptionally close relationship has existed between the Garda Ballistics Section and the RUC/PSNI WERC (Weapons and Explosives Research Centre) section for over 25 years. There are regular meetings and often daily contacts and photographic albums and ballistic reports on finds are routinely exchanged with the Northern Ireland police authorities.
- 1.28 On the issue of technical co-operation generally, the Group is informed that both the Garda Síochána and the RUC/PSNI have always recognised that close co-operation and exchange of information in the area of improvised weaponry was at the time essential. This exchange took place between the Garda Ballistics Section and the Garda Security and Intelligence Section and the WERC Section of the then RUC. The Garda Ballistics Section provided the technical expertise on the construction of the various devices and facilitated visits from their Northern counterparts for the inspection of devices whenever required.
- 1.29 The Group is also informed that the recovery of a stolen car in the absence of any ancillary material would not form the basis of significant discussion with RUC/PSNI (WERC) because such information was not significant in terms of technical development of weaponry.

#### **Detective Sergeant White's allegations**

- 1.30 The allegations made by Detective Sergeant White - and reproduced in the documentation of the Police Ombudsman - essentially fall into three main categories.
- (i) Incidents which it is alleged could have been prevented  
Allegations that action was not taken by named senior Garda officers

that they could and should have taken and that might have prevented or helped to prevent three serious terrorist attacks in Northern Ireland, including the Omagh bombing on 15 August 1998.

(ii) Alleged ministerial interference with the prosecution process

Allegations of a ceasefire 'deal' between the Irish Government and the RIRA after Omagh and of resultant Ministerial interference in the prosecution process.

(iii) Alleged unlawful or improper conduct on the part of senior Garda officers

Allegations of encouragement of or complicity in the commission of criminal offences or other improper conduct on the part of senior Garda officers. These allegations fall under two headings - those made against Detective Chief Superintendent (now Assistant Commissioner) Dermot Jennings and those made against Detective Chief Superintendent (now Assistant Commissioner) Kevin Carty.

- 1.31 Asked why he did not go to his own authorities with his allegations - the Garda Commissioner or the Department of Justice or any other relevant authority in the State - the Detective Sergeant mentioned that during an interview with an investigator from the Office of the Police Ombudsman he said that he intended to report his concerns to his own authorities. He said that the investigator expressed the opinion that the Detective Sergeant's own authorities would not deal with them properly, that he (the investigator) would make his own report and that the Ombudsman would go to somebody in the South with it. The Detective Sergeant also said that he would have no hope of any kind of any member of the Garda Síochána fairly investigating the matter because of the rank of the people concerned. At another point he further said that there was a good possibility that he would be killed by Gardaí if he went to his own authorities. "Some day two guys on a motor will pull up beside me with a shot-gun in a car - or on a motorbike - and that will be the end of it."

1.32 The detailed allegations arising under the above headings in respect of the Omagh bombing only are examined in Parts II to III of this report. Part IV deals with the question of Detective Sergeant White's motivation for making his allegations.

**PART II**  
**INCIDENTS WHICH IT IS ALLEGED COULD HAVE BEEN PREVENTED**

**Introduction**

- 2.1 Serious allegations have been made by Detective Sergeant White under this heading relating to, among other matters, the Omagh bombing on 15 August 1998. Detective Sergeant White submitted to his authorities contemporaneous reports in 1998 giving an account of the events about which he is now making allegations. The events and the facts described in these contemporaneous reports are not disputed to any significant extent by the senior Garda officers concerned. However, Detective Sergeant White's account now of events in 1998 contains a number of allegations which were not contained in his written reports at the time and which are strenuously denied by the senior officers concerned. The reason he gives for these omissions is that he was instructed by Detective Chief Superintendent (now Assistant Commissioner) Jennings to leave certain material out of his written reports - something which is also strenuously denied by Assistant Commissioner Jennings. The Assistant Commissioner has told the Group that these reports were considered by him at the time of compilation to have been substantially an accurate and complete account of information supplied by Detective Sergeant White's informant.
- 2.2 Detective Sergeant White's interviews with the Group and his PSNI statement also contained considerably more detail than was included in his 39-page document or in the report of the Police Ombudsman. His statement to the PSNI in particular contains some striking details and some new allegations which were absent from his earlier accounts.

2.3 In dealing below with the allegations the approach adopted is to set out first the common ground of what is stated in the contemporaneous written reports, then the allegations now being made by Detective Sergeant White and the responses of the senior Garda officers concerned, and finally the Group's comments.

### **Events associated with the Omagh bombing**

#### *Introduction - developments between early May and late July 1998*

2.4 In May 1998, pursuant to information provided by Detective Sergeant White's informant, three Garda anti-terrorist operations were mounted. Assistant Commissioner Jennings has told the Group that, on 4 June, 1998, the informant was stood down but lines of communication between the informant and Detective Sergeant White were kept open in case he would become aware of any further useful information. This, Assistant Commissioner Jennings says, was because by June 1998, due to successful Garda operations and consequent security precautions adopted by the RIRA, the informant had virtually ceased acquiring any information of significance to RIRA activities. It is notable that while at least a dozen written intelligence reports were submitted by Detective Sergeant White between early February and mid-May 1998, none was submitted during the period from 15 May to 18 August. The RIRA were not, of course, inactive during that time.

2.5 The informant did provide information about one further matter after 4 June 1998. This related to an attempt to steal a vehicle as a 'special order' for Subversive X in the period preceding the Omagh bombing on Saturday, 15 August 1998. The most serious of the allegations made by Detective Sergeant White about incidents he alleges could have been prevented relates to this period, not least because of the enormity of the Omagh atrocity and the overwhelming concern to which these allegations, if true, would give rise.

#### *Contemporaneous written report*

2.6 On Tuesday, 18 August 1998, three days after the Omagh bomb, Detective Sergeant White submitted a written report to Detective Chief Superintendent Jennings. The report, which covered a number of matters unconnected with the Omagh

bomb, stated that on or about 24 or 25 August 1998 (this has to be a mistake - the reference should have been to July) Subversive X had telephoned the informant and said that he would need the informant's team to get a 'special order' in two weeks or so. Subversive X did not telephone the informant again until Monday 10 August when he stated that he would need one of the car thieves on the following night, Tuesday 11 August, to get the special order for him with "one of his own boys" (as a RIRA security measure). Subversive X did not telephone for the car thief on Tuesday or Wednesday and next made telephone contact with the informant on the morning of Thursday 13 August at approximately 10 a.m. stating that he would need a car thief that night and would ring later.

- 2.7 The report goes on to say that Subversive X rang again at 9.30 to 10 p.m. and it recounts how the car thief and one of Subversive X's associates went out together in a car that night - Thursday - and returned at about 3 or 4 a.m. having failed to get a car. The car thief told the informant that he and Subversive X's associate were to meet again the following night.
- 2.8 The report then states that the informant got a telephone call on Friday 14 August at approximately 2 p.m. from Subversive X's associate to say that everything was off until Monday night 17 August 1998. The informant had not been contacted by Subversive X since that call on the Friday. Detective Sergeant White had met the informant at noon on Tuesday 18 August.

*Present allegations by Detective Sergeant White and responses of senior Garda officers*

- 2.9 Detective Sergeant White is now alleging that the informant was told by Subversive X on 24 July that the vehicle was required for a bombing in Northern Ireland and that Detective Chief Superintendent Jennings was informed of this immediately. In his PSNI statement Detective Sergeant White added a further gloss, namely that Subversive X said to the

informant on that occasion that he was fed up with all the setbacks and that they would have a “spectacular” bomb in the North to get back their credibility. Subversive X said they “wanted revenge for being caught by the security forces in the South by being stopped in their activities” and that they wanted to show them and the people in the North that “they could carry out a big bombing”. Detective Sergeant White stated to the PSNI that he had briefed Detective Chief Superintendent Jennings at the time to this effect.

- 2.10 Detective Sergeant White also alleges that Detective Chief Superintendent Jennings decided not to monitor or control the vehicle which was to be stolen and to let it go through to Northern Ireland on the basis that it was unlikely that anyone would be killed or injured and that this would be conducive towards the safety of the informant. This particular allegation is summarised as follows in the detailed report received from the Police Ombudsman:

“Subversive X did not make further contact with the informant until 10th August 1998 when he stated that he required [one of the informant’s car thieves] on the following night, Tuesday 11 August 1998, to steal the vehicle. Subversive X told the informant that [two of Subversive X’s associates] would accompany [the car thief] during the theft. The informant updated [the car thief], who was aware by this time that all of the ‘special order’ vehicles were being used by the RIRA for terrorist activities. Although [the car thief] did not wish to participate in terrorist activities, he reluctantly agreed to take part in this theft because he feared Subversive X. The informant telephoned Subversive X to inform him that [the car thief] would be available. On 11th or 12th August 1998, DS White and DCS Jennings discussed this matter in a pub in Castleknock. Another Garda, believed to be Garda B, was present at this meeting, which lasted approximately two hours. During the course of the meeting DCS Jennings stated that he intended to allow this vehicle to go through undetected. No one spoke and a silence developed. DCS Jennings continued that Subversive X might be testing the informant and might be setting a trap. DCS Jennings had heard that the RIRA in Dundalk were satisfied that all leaks affecting their organisation were coming from Dublin and Kildare.

DS White asked DCS Jennings what would happen if people were killed in the intended terrorist attack as Subversive X had stated that the vehicle was required for a bomb attack rather than a mortar attack on a security base. DCS Jennings stated that most of the bombs that had gone off to date had caused material damage only and that all bombs going North could not be stopped. DS White believed that DCS Jennings was in possession of further information, which he did not share, as DCS Jennings’ reaction to the intended terrorist attack seemed uncharacteristic.

DCS Jennings advised that DS White should keep pressure on the informant to obtain all details of the stolen vehicle from [the car thief] as soon as he had been brought home by Subversive X's man. DS White agreed to do so."

In his PSNI statement Detective Sergeant White said that this meeting in the pub lasted a minimum of 30 minutes, perhaps an hour (rather than the two hours mentioned above). Assistant Commissioner Jennings says it lasted about 45 minutes.

- 2.11 When interviewed by the Group, Detective Sergeant White added that Detective Chief Superintendent Jennings said that nobody had been killed at Moira or Newtownhamilton and that he had information from South Armagh that the informant might be compromised in some way. None of the documentation provided by the Police Ombudsman, including the 39-page document contains these specific assertions. They are, however, repeated and further enlarged upon in his PSNI statement. In that statement he said that he asked Detective Chief Superintendent Jennings whether the informant's life was in immediate peril, to which he replied no he did not think so but they had to be very careful with him. He said he also asked how dangerous it was and whether they had actually said they suspected the informant. Detective Chief Superintendent Jennings allegedly replied that his source in South Armagh said that the informant was under suspicion but they had no evidence, no strong suspicion on him, he was too close to the many incidents and if they let this one go through and explode it would improve his credibility - he would have taken part in a bombing if the vehicle was not stopped and the bomb went off, so they could use him again. Detective Sergeant White said he got the impression that Detective Chief Superintendent Jennings was not too concerned about the informant's health but that he wanted him to be of use again in the future.
- 2.12 Assistant Commissioner Jennings denies that he was ever informed that Subversive X indicated that the vehicle he was looking for was for a bombing and points out that there was no mention of a bombing in Northern Ireland included in

Detective Sergeant White's report of 18 August 1998. His account of what transpired at the meeting in the pub is completely different and his account is borne out by Garda B. Assistant Commissioner Jennings says that he did meet with Detective Sergeant White on Tuesday 11 August (the evening on which Subversive X had indicated to the informant that he wanted a vehicle stolen), at a pub in Ashtown, Co. Dublin, and not a pub in Castleknock. Assistant Commissioner Jennings says that he asked Garda B to accompany him to the meeting as he was concerned that an operational plan might have to be put in place urgently. They met Detective Sergeant White at around 6.30 p.m. They had a meal (Detective Sergeant White told the Group that they did not).

- 2.13 During the meeting, Assistant Commissioner Jennings says that they discussed what the informant had said to Detective Sergeant White about Subversive X's request. He also says that, bearing in mind the fact that he had effectively 'retired' the informant as a source since about 4 June, he was concerned about his safety and he advised Detective Sergeant White to be extremely careful. He says that he told Detective Sergeant White that if the car thieves stole a car for Subversive X he was to be notified immediately. Assistant Commissioner Jennings is adamant that at no time during the conversation did he say that he intended to let this vehicle go through undetected. "This never was and never would be a consideration or item for discussion", he says. He explained the need for the informant to be extremely careful as he was aware that the RIRA were still trying to establish where the leaks in the organisation were coming from. According to Assistant Commissioner Jennings, Detective Sergeant White was very happy with this.
- 2.14 Assistant Commissioner Jennings also says that the alleged discussion about the consequences of letting a vehicle through is a "total concocted story" by Detective Sergeant White. "There was no such discussion about bombs or what would happen if people got killed or any such conversation or discussion of that nature." Assistant Commissioner Jennings says that he was not in possession of additional information and that he does not understand the reference by Detective Sergeant White that he believed that "DCS Jennings was in possession of further information, which he did not share, as

DCS Jennings' reaction to the intended terrorist attack seemed uncharacteristic". He says that he did explain to Detective Sergeant White the need for him to ask the informant to obtain and supply all the details of the stolen vehicle from the car thief if the case arose and that Detective Sergeant White agreed but that the reference to keeping pressure on the informant in this regard is a misrepresentation of the discussion on this issue.

- 2.15 Garda B confirms that he accompanied Detective Chief Superintendent Jennings to a meeting with Detective Sergeant White between 6 p.m. and 7 p.m. on 11 or 12 August 1998. He further confirms that the meeting took place at a pub in Ashtown where they met Detective Sergeant White and had a meal. He says that the conversation that Detective Sergeant White now alleges took place never took place:

"There was no discussion about a bomb. Chief Superintendent Jennings did not say that he intended to allow this vehicle to go through undetected. There was no silence. Sergeant White never asked what would happen if people were killed in the intended terrorist attack. He did not at any stage mention Subversive X saying that this vehicle was required for a bomb attack or a mortar attack on a security base.

Chief Superintendent Jennings did not state that most bombs that had gone off to date have caused material damage only and that all bombs going North could not be stopped.

I cannot understand why Sergeant White is making these false allegations now.  
If I had heard such a conversation I would have immediately reported the facts to my authorities."

- 2.16 It transpired that no attempt was made to steal a vehicle for Subversive X on the night of Tuesday 11 August.

"[The car thief] went drinking on Tuesday night and the informant was unable to make telephone contact with him until Wednesday evening 12 August 1998 at approximately 5 p.m. However, Subversive X did not ring for [the car thief] on Tuesday 11th or Wednesday 12th August 1998. The informant tried to telephone Subversive X on Wednesday 12th August but his mobile was turned off". [Extract from detailed report provided by the Police Ombudsman.]

2.17 Detective Sergeant White told the Group that on Wednesday 12 August he met his informant and learned that the car thief was on the beer. He said that he relayed this message by phone to Detective Chief Superintendent Jennings who suggested that the informant should steal a car himself with the assistance of Detective Sergeant White. However, Detective Sergeant White said the informant refused because it was so long since he took a car himself that he had lost the nerve and had a problem with alarms. Detective Sergeant White recounted this in his PSNI statement also but with a crucial difference. He went on to say that after meeting the informant he went to meet Detective Chief Superintendent Jennings in a bar and told him that the informant “wouldn’t go for it”. He said that Garda B was present and heard this conversation and that it was the same conversation, involving Garda B, in which it had been decided that the bomb should go through to protect the informant. This of course simply could not have been the case. The meeting in the bar between Detective Chief Superintendent Jennings, Garda B and Detective Sergeant White took place at around 6.00-7.00 p.m. on the evening of Tuesday 11 August 1998. It was on the night of that Tuesday that the car thief went on the beer and became uncontactable. It was on Wednesday, 12 August that the meeting between Detective Sergeant White and his informant took place and Detective Sergeant White could not therefore have had a conversation with Detective Chief Superintendent Jennings in the presence of Garda B on the Tuesday evening about the informant’s refusal to steal a car himself instead of the missing car thief. The inevitable conclusion is that what Detective Sergeant White told the PSNI about that was not the truth.

2.18 In his PSNI statement Detective Sergeant White also said that on Wednesday 12 August he and Detective Chief Superintendent Jennings were concerned that maybe Subversive X was using somebody else or some other system and that they thought possibly he might be using some other area to get a car. There was no hint of this in any of the documentation received from the Police Ombudsman or in any of the Detective Sergeant’s interviews with the Group. Besides, it is difficult to understand how Detective Chief Superintendent Jennings could have been “concerned” that

Subversive X might be looking for a car somewhere else if, as alleged by Detective Sergeant White, he had already decided to let any vehicle that was got go through. Again one is left with the impression that he is adding to his story as he goes along.

2.19 Subversive X eventually contacted the informant.

“On Thursday morning 13th August 1998 Subversive X telephoned the informant at 10.00 a.m. and stated that he required [the car thief] that night and would ring later with instructions as to where [the car thief] should meet his associates. DS White passed this information to DCS Jennings immediately. DCS Jennings instructed DS White to travel back to Donegal and keep in contact with the informant as things progressed. DCS Jennings said that he believed that it would be better to allow this vehicle to go through as it would restore confidence in the informant if it were successful. DCS Jennings believed that at worst material damage would be caused.” [Extract from detailed report provided by the Police Ombudsman.]

2.20 Assistant Commissioner Jennings acknowledges that he was in touch with Detective Sergeant White as things progressed and he was aware that the car thief was to meet with Subversive X's associate on Thursday night and that the plan was, as always in the past, that the car thief would tell the informant the details of whatever car they stole and that Detective Sergeant White would in turn notify Detective Chief Superintendent Jennings immediately on receipt of any contact from the informant. Detective Sergeant White was, he says, happy with this situation.

2.21 Assistant Commissioner Jennings says that he did not instruct Detective Sergeant White to return to Donegal and that the latter was well aware from the meeting with Garda B that, if a car was stolen for Subversive X, an operational plan was ready to be implemented immediately. At no time did he say that it was better to let this vehicle go through to restore confidence in the informant. Assistant Commissioner Jennings says that the informant was, with his own agreement and

that of Detective Sergeant White, finished as a source since 4 June, but it was incumbent on the Garda Síochána and in particular on him (Jennings) to examine and explore all intelligence coming to his notice.

- 2.22 The informant's car thief and one of Subversive X's associates spent nearly four hours on the night of Thursday, 13 August driving around and travelled as far as Mullingar in an unsuccessful effort to get a suitable vehicle. In his PSNI statement Detective Sergeant White said that he firmly believed the reason was that the car thief was not motivated to take a car that night because the informant did not motivate him and he (White) did not motivate the informant as in previous times. He said that in every other operation Detective Chief Superintendent Jennings was pushing him very hard to ensure that he pushed the informant and the informant pushed the car thief until they got a car but that on this occasion Detective Chief Superintendent Jennings had told him not to push it but to tell the informant to provide the car thief and let it take its course after that. It is difficult to see how the approach attributed to Detective Chief Superintendent Jennings here can be reconciled with the allegation that on the previous day, Wednesday 12 August, when the car thief had gone missing he pushed Detective Sergeant White to get the informant himself to steal a vehicle for Subversive X and assist him to do so.
- 2.23 In his PSNI statement Detective Sergeant White also alleged that Detective Chief Superintendent Jennings said that he wanted information about where the car would be parked after it was stolen only if that information came easily - that Detective Sergeant White was not to put pressure on the informant to force the car thief to tell him the location. This is at odds with what is stated in the detailed report received from the Police Ombudsman:

"DS White met the informant on the evening of Thursday 13th August 1998 and passed on DCS Jennings' instructions as regards obtaining details from [the car thief] after a car was stolen. The informant agreed to try. The informant suggested that he would ask [the car thief] to stay in his house that night and that way he would get the full story from him. The informant was instructed to telephone DS White ... during the night if there was any update. The informant agreed to keep DS White updated."

A similar passage is included in the 39-page document provided by Detective Sergeant White to the Police Ombudsman. This document also states that before that Detective Sergeant White asked Detective Chief Superintendent Jennings what course of action he should take with his informant and that the reply was that he should “keep the pressure on [the informant] to get [the car thief] to divulge all the details of the stolen vehicle as soon as he was dropped off by Subversive X’s man.”

2.24 Detective Sergeant White further alleges that at 2 p.m. on Friday 14 August 1998 the informant contacted him and

“stated that he had just received a call from [an associate of Subversive X] to the effect that everything was called off until Monday night (17th August 1998). The informant said that he had also received a telephone call from Subversive X to the effect that the operation to steal a vehicle was off as a car had been obtained elsewhere. DS White fully updated DCS Jennings, who instructed DS White just to wait until further telephone contact was received from the informant.” [Extract from detailed report received from the Police Ombudsman.]

2.25 Assistant Commissioner Jennings says that everything in the above extract apart from the reference to everything being called off until Monday night, 17 August 1998 is totally untrue as far as he is aware and that he never heard of it. The crucial addition that Detective Sergeant White is now making, he says, is that the informant said that he had also received a telephone call from Subversive X to the effect that the operation to steal a vehicle was off as a car had been obtained elsewhere. This is not included in Detective Sergeant White’s report of 18 August, 1998 and Assistant Commissioner Jennings says that this was never mentioned, referred to or in any way implied by Detective Sergeant White at the time.

2.26 Detective Sergeant White furthermore alleges that, after the Omagh bombing, Detective Chief Superintendent Jennings first of all tried to persuade him not to submit any written report and, when he resisted this suggestion, asked him to omit some key material. The relevant passage from the detailed report of the Police Ombudsman is as follows:

“On Saturday 15th August 1998 DS White was on duty and present at Letterkenny Garda station when he became aware that a bomb had exploded in Omagh, Co. Tyrone. DCS Jennings contacted DS White and stated he was very concerned over this bombing. DCS Jennings demanded to know if the informant’s car thief or the informant could have possibly supplied Subversive X with a vehicle for this bombing without informing DS White. DS White was adamant that he would be aware of any part the informant had played in the supply of the vehicle. DS White reminded DCS Jennings that Subversive X had told the informant on Friday 14th August 1998 that a car had been obtained elsewhere and presumably that vehicle had been used. DS White stated that it was possible that [the informant’s car thief] had been involved in the theft of the vehicle but, if so, most certainly without the informant’s knowledge. DS White stated that it was doubtful that [the informant’s car thief] had played any part. DCS Jennings instructed DS White to travel to Dublin and not to discuss these matters with anyone else. DS White agreed that he would not do so. DS White could not travel to Dublin until Monday 17th August 1998.

On arrival in Dublin DS White met the informant, who stated that he had not received any contact from Subversive X or his friends since Friday 14th August 1998. The informant was adamant that [his car thief] was not involved in the theft of the vehicle that was used in the Omagh bombing. DS White passed this information to DCS Jennings, who instructed DS White not to write any report on matters that occurred before the Omagh bombing, concerning the informant and his association with the Gardaí. DS White detailed his preference to compile a report on his duties in relation to these matters as it may be required in the future.

DCS Jennings told DS White that reports prepared by him did not pass his desk anyway. DS White, however, insisted on writing a report on the matter. DCS Jennings then requested that any reference to Subversive X notifying the informant that a stolen car had been obtained elsewhere be omitted. DS White and DCS Jennings discussed two named individuals, who were living in a cottage near Carrickmacross, Co. Monaghan. These two individuals were accomplished car thieves and both had been involved in the theft of vehicles for the IRA.”

- 2.27 In his PSNI statement Detective Sergeant White said that his briefing with Detective Chief Superintendent Jennings after Omagh was not to assist the investigation now that the bomb had gone off (and the informant, for example, was not asked to find out who stole the Omagh car) but rather to cover themselves and prevent anyone discovering that they knew in advance that a bomb was going into Northern Ireland.

- 2.28 Assistant Commissioner Jennings' account of his contacts with Detective Sergeant White after the Omagh bombing is very different. He says that he clearly recalls the day the Omagh bomb exploded. He was contacted immediately afterwards by a member of the RUC. He recalls contacting Detective Sergeant White and asking him if there was any possibility that his informant or his informant's car thief had any knowledge about what stolen vehicles were involved in Omagh and Detective Sergeant White assured him that if they had any knowledge whatsoever he would be aware of it. He maintains that Detective Sergeant White did not say anything whatsoever about Subversive X telling the informant on Friday 14th August 1998 that a car had been obtained elsewhere and that Detective Sergeant White did not say to him that it was possible that the informant's car thief was involved in the theft of the vehicle.
- 2.29 Assistant Commissioner Jennings says that he asked Detective Sergeant White to travel to Dublin and make contact with the informant in an effort to extract from Subversive X whether he had any knowledge about the vehicle used in Omagh so that the investigation team could be notified. He adds that Detective Sergeant White made contact with him on Monday 17 August and that he instructed Detective Sergeant White to write a detailed report of all the information and events that occurred prior to Omagh, as he needed a record of the facts and the intelligence available to him. He says that the reference to his instructing Detective Sergeant White not to write any report on matters that occurred before the bombing is totally untrue. No such conversation took place, he says.
- 2.30 Assistant Commissioner Jennings has also informed the Group that his priority at this stage was to establish as much information as possible which might have relevance to the investigation into the bombing. Detective Sergeant White's report dated 18 August 1998 is, he says, an accurate reflection of the conversations which took place between them in relation to the information conveyed by Detective Sergeant White in the days surrounding the Omagh bombing. Any assertions to the contrary by Detective Sergeant White are, he says, untrue and are mischievously put forward in an obvious effort to discredit

the Garda Síochána generally and in particular himself (Jennings). The information in relation to the two named car thieves who were living in a cottage near Carrickmacross, Co Monaghan was passed to the Omagh bomb investigation team. Both of them were arrested by that team shortly after that.

2.31 The Assistant Commissioner has informed the Group that, while Subversive X was very much in the frame from day one after Omagh (and he was subsequently arrested), the intelligence available to the Crime and Security Branch of the Garda Síochána at the time was that Subversive X or any of the people that were stealing cars for him were not involved in the acquisition of the car for the Omagh bombing. Both Garda A and Assistant Commissioner Carty (as the officer in charge of the Garda Omagh investigation) confirm that this was their understanding also in the immediate aftermath of Omagh. Assistant Commissioner Jennings said he instructed Detective Sergeant White to find out as much as he could and in particular to find out was there any connection with Subversive X's gang. He also said that the informant was asked to get close to Subversive X who might be able to throw some light on it, maybe in a throwaway remark which could be a lead to the investigation team to focus their attention somewhere but that did not happen. He also informed the Group that he met with Garda A and Assistant Commissioner Carty on the morning of Monday, 17 August 1998 and that he told them that Security and Intelligence Section had nothing specific on the Omagh bombing, that they had a very good source who had given them intelligence that had led to a number of very successful operations, but that he was quite satisfied from his contact with the source's handler that the people concerned had absolutely nothing to do with the Omagh bombing. He was also quite satisfied from his knowledge of the way the RIRA organisation was running at the time that Subversive X's group would not have been involved because they were stood down. He believed this despite the fact that they had been looking for a car on the night of Thursday 13 August because he did not believe the car they were looking for that night was for Omagh since by then he was aware that the RIRA had already obtained the car that was used in Omagh in Carrickmacross on the night of Wednesday 12 August.

2.32 Assistant Commissioner Carty has confirmed to the Group the content of the conversation between Garda A, Detective Chief Superintendent Jennings and himself on Monday, 17 August. However, he said that his attitude was that if he was going to carry out his investigation, he was going to have to look at Subversive X and the people associated with him and process them in the course of the investigation and see who their contacts were because, even if they were not involved themselves maybe he might find something about their phones or some other evidence that would lead him to the next step down the line. This, he said, is what he actually did and, while the immediate trigger for the arrests over the following weeks of the car thieves, the informant, Subversive X's associates and Subversive X himself was a tip-off that two of the car thieves had gone 'offside' down to Co Galway, these arrests would have taken place anyway in due course of the investigation.

*Group's comments*

2.33 Before going on to deal with its assessment of Detective Sergeant White's allegations concerning these events, the Group considers it important to emphasise some key facts about those events which should be kept clearly in mind.

- First, while an attempt to do so was made, no vehicle was stolen for the RIRA by the team of Detective Sergeant White's informant in the days preceding the Omagh bombing.
- Second, the red Vauxhall Cavalier which was used in the Omagh bombing was stolen in Carrickmacross, Co. Monaghan some time between 11.05 p.m. on 12 August 1998 and 3.30 a.m. on 13 August.

- Third, while the particulars of the red Vauxhall Cavalier stolen at Carrickmacross were sent at 1.00p.m. on Thursday, 13 August 1998 to the RUC, no intelligence relating to the stolen Cavalier being destined for the RIRA was ever received by the Garda Síochána prior to the bombing. A Detective Chief Superintendent from the PSNI interviewed by the Group said that this sort of information, while useful in dealing with ordinary crime, is not of much use for counter-terrorism given the high resource levels that have to be dedicated to covert policing and intelligence. They cannot dedicate this sort of resource to a hunch. They have to have some sort of indication from intelligence that one of the vehicles is likely to be used for terrorist purposes.
- Fourth, the theft of the red Vauxhall Cavalier at Carrickmacross took place on the night before the night on which Detective Sergeant White says that the car thief went out with an associate of Subversive X to try to steal a vehicle. This puts a strong question mark over whether the vehicle which it was sought to steal on Subversive X's behalf on the night of 13/14 August 1998 was in fact intended for use in the Omagh bombing at all - if, that is, the attempt that night to steal a car was serious. The fact that an experienced car thief, who was in fear of Subversive X and was accompanied by one of his associates, failed to find any suitable vehicle in the course of a four hour journey as far as Mullingar would not suggest that there was great pressure to get a car that night. This is, in fact, specifically borne out by what the associate said in response to questions when under arrest in August 1998. He said that on the night he went out with the car thief to look for a car to steal the car thief "didn't want to get a car that night. I didn't push him nor I wasn't interested". He also said that his instructions that night were to get a hatchback car and a Micra for the following Monday. The car thief was to get the Micra for the following Monday.

2.34 The Group considers it essential to highlight these points especially in the light of media reports to the effect that the Gardaí had intelligence about the red Vauxhall Cavalier in advance of the Omagh bombing which they failed to pass on to the RUC.

No suggestion to this effect was made to the Group by Detective Sergeant White or was contained in the documentation received from the Police Ombudsman and the Group is not aware from the evidence presented to it of any basis for the suggestion.

2.35 There has also been at least one media report alleging that a sergeant (from the context it would seem that this reference must be to Detective Sergeant White) told the Police Ombudsman that three weeks before the Omagh bombing Gardaí had information about another Vauxhall Cavalier which was stolen in the Republic and used in the RIRA bomb attack on Banbridge, Co. Down on 1 August 1998 and that the sergeant had said he believed this information too was not released to the RUC. Again, no allegation to this effect was made to the Group by Detective Sergeant White nor is any such allegation contained in the documentation received from the Police Ombudsman. Indeed Detective Sergeant White said that he did not know anything about the Banbridge bomb. Moreover, the car used in the Banbridge bombing was in fact not stolen in the Republic but was bought in a car auction in Co. Antrim.

2.36 The core allegations made by the Detective Sergeant about events preceding the Omagh bombing are that:

- (i) a senior Garda officer would have been prepared, if a vehicle had in fact been stolen in the second week of August 1998 by the informant's team for a bombing in Northern Ireland, to allow it to go through in order to protect the informant; and

- (ii) no intelligence was passed to the RUC about information alleged to have been received on the eve of Omagh that the RIRA, who had been looking for a vehicle in the Dublin area, had obtained one elsewhere (place, vehicle type and destination unspecified).

2.37 These are very serious allegations. However, they are quite different from allegations that the Gardaí let the vehicle which was used in the bombing in Omagh go through or that they had intelligence about that vehicle (or the one used in Banbridge) which they failed to pass on to the RUC. No such allegations have been made to the Group and no basis for any such allegations has come to its attention.

2.38 As regards the allegation that Detective Chief Superintendent Jennings was prepared to allow a vehicle, if one had been stolen by the informant's team, to go through to the North unimpeded for use in a bombing, both Assistant Commissioner Jennings and Garda B vehemently deny that any statement of such intent was made at the meeting in the pub on the evening of 11 August 1998. Assistant Commissioner Jennings denied strongly and emotionally, when this suggestion was put to him by the Group at their initial interview with him, that he would ever knowingly permit a vehicle, with either a bomb or a mortar, to travel unimpeded to the North. This accords with the sentiments ascribed to the Detective Chief Superintendent on another occasion by the Detective Sergeant:

“DCS Jennings stated that it was the duty of the Gardaí to preserve life if at all possible and that several lives may be lost if the RIRA were able to detonate a bomb in Northern Ireland or Britain. DCS Jennings said that he would use every means to succeed ..... “  
[extract from detailed report received from the Police Ombudsman].

The reaction of Garda B was equally vehement. He said that if a statement of intent to let a bomb go through had been made he would immediately have reported it to his authorities.

- 2.39 It is difficult to accept that Detective Chief Superintendent Jennings would have made the remark attributed to him by Detective Sergeant White that nobody had been killed at Moira or Newtownhamilton since many civilians and police officers had been injured in Newtownhamilton on 24 June 1998 and on 1 August 1998 more than 30 people had been injured by a large car bomb at Banbridge, a fact which had to be known to Detective Chief Superintendent Jennings, Garda B and probably Detective Sergeant White. The Detective Sergeant's allegation is particularly lacking in credibility - it would not take a specialist in anti-terrorism to realise from the whole history of car bombing in Northern Ireland that any such incident could involve very substantial risk indeed of causing death or serious injury.
- 2.40 It is also difficult to understand why, if he was intending to let any vehicle that was going to be stolen go through, Detective Chief Superintendent Jennings brought Garda B with him to the meeting on 11 August. If his intention had been to let the vehicle go through, which would have been a gross dereliction of his duty, he would hardly have brought along a witness to his conversation with Detective Sergeant White.
- 2.41 In brief, the Group does not find the allegation that Detective Chief Superintendent Jennings would have been prepared to let a vehicle, if one had been found, go through to Northern Ireland for use in a bombing to be credible.
- 2.42 The next point for consideration is the allegation that Detective Chief Superintendent Jennings was informed by Detective Sergeant White on 14 August that Subversive X had said to the informant that the operation to steal a vehicle was off as a car had been obtained elsewhere. Detective Sergeant White says that he omitted any reference to this from his report of 18 August 1998 because Detective Chief Superintendent Jennings requested him to do so. Indeed he goes further and says that in the first instance Detective Chief Superintendent Jennings instructed him not to write any report on matters that

occurred before the Omagh bombing concerning the informant and his association with the Gardaí but that he insisted on writing a report on the matter, whereupon Detective Chief Superintendent Jennings requested that any reference to Subversive X notifying the informant that a stolen car had been obtained elsewhere be omitted.

2.43 What Detective Sergeant White is suggesting, therefore, is that, three days after the atrocity of Omagh, he was so concerned that there should be a written record of the intelligence he had provided that he insisted on preparing a written report for Detective Chief Superintendent Jennings. Yet he acquiesced in omitting from that written record the two elements which, in the circumstances he is alleging obtained, would have given some point to his insistence - namely that Subversive X had said beforehand that the vehicle he was looking for was wanted for a bombing in Northern Ireland and that he told the informant on 14 August that the RIRA had obtained a vehicle elsewhere. In other words what Detective Sergeant White is claiming is that, in the interests of the record, he insisted on submitting a written report which seriously distorted what had happened. The Group finds this allegation to be most unconvincing and rejects it.

2.44 The transcript of a taped conversation Detective Sergeant White had with his informant in January 2002 contains the following passage:

DS White	"I'm sure they don't want you ... coming out and saying that they were told on the Friday morning or the Friday at two o'clock that there was, that they had a car got, you know."
Informant	"Was it Thursday that the lads went out for the car?"
DS White	"No, Thursday night."
Informant	"That's right, I don't know what night it was. They had a car got and they knew it was moving, they knew they were moving within 24 hours at that stage."

The transcript also contains a number of suggestions of a non-specific kind that the Gardaí and Assistant Commissioner Jennings in particular have much to fear from the Omagh investigation and from what Detective Sergeant White and the informant might reveal. In the passage quoted above it is Detective Sergeant White who makes the specific reference to the Gardaí being told on Friday that a car had been got, the informant is not sure what night the attempt to steal a car for Subversive X was made and he agrees with what the Detective Sergeant is putting to him. As has already been indicated, the evidential value of the transcripts as a whole is low and very little weight can be given to the passage quoted or to any of the non-specific suggestions referred to above, at least in the absence of the informant's being interviewed by the Group (to which agreement has not been forthcoming).

2.45 The significance of whether information was obtained by Detective Chief Superintendent Jennings on 14 August 1998 that a car had been obtained elsewhere is that this would have been a piece of specific intelligence that could have been passed to the RUC. Assistant Commissioner Jennings said that he never received this information and the Group believes this. However, it is worthwhile pointing out that if the information had been received and had been passed to the RUC, it is far from clear how useful it would have been since it would have included no particulars of where or when a vehicle had been obtained, what type of vehicle it was or where it was to be used. As has been confirmed to the Group by a Detective Chief Superintendent in the PSNI, the RUC was already on very high alert at that stage for the likelihood that a stolen vehicle would be used in a car bombing in a town somewhere in Northern Ireland. A general statement from the Gardaí that they had information to suggest that the RIRA had stolen a car, without information as to the car's identity, whereabouts or destination, would not have added much to the RUC's state of alertness or their ability to deal with an attack.

2.46 Nevertheless, if a piece of intelligence to the effect that the RIRA had

obtained a vehicle elsewhere for a bombing in the North had been received, one would have expected it to be passed to the RUC, even if there were no particulars of the vehicle. It is difficult to imagine what possible motivation Detective Chief Superintendent Jennings, who was in daily contact with the RUC at that time, could have had for not passing such a piece of intelligence to the RUC if he had received it. Even on the basis of the proposition which Detective Sergeant White is now putting forward that Detective Chief Superintendent Jennings did not want to compromise the informant, it is difficult to see how passing on to the RUC a piece of information as unspecific and as unrelated to the informant as this could have put the informant at any risk.

2.47 The Group does not accept the allegation made by Detective Sergeant White in his PSNI statement that after the Omagh bomb went off Detective Chief Superintendent Jennings' actions were geared not to assist the investigation but to cover up the fact that they knew in advance that a bomb was going into Northern Ireland. The Group does not believe that there was any such advance knowledge on the part of Detective Chief Superintendent Jennings. If, as he now alleges, Detective Sergeant White had received information towards the end of July 1998 that the RIRA were planning a "spectacular" bombing in the North, or even that Subversive X wanted a car in two weeks' time for a bombing there, one would have expected that he would have reported such an important piece of intelligence in writing there and then but he did not do so - his first written report since 15 May was made on 18 August after the Omagh atrocity. Besides, Crime and Security Branch did pass on to the Omagh investigation team the piece of intelligence received from Detective Sergeant White on 18 August 1998 that two of the car thieves who had previously been associated with the informant and thereby with Subversive X were now living in a cottage near Carrickmacross (where the red Vauxhall Cavalier used in the Omagh bombing was stolen). As Detective Sergeant White reported in a written intelligence report on 2 September 1998, when Subversive X learned on 25 August of the arrest of one of these two car thieves, he was so concerned that he might talk that he arranged to meet the car thief's father the next day and warned him that if he found out that his son had talked about the explosives part of things

he would have him shot. To have provided the intelligence that led to this arrest, which was viewed by Subversive X as posing such a threat of his being discovered and charged, was scarcely the action of a man who was trying to sweep what he knew about Subversive X under the carpet.

2.48 In his PSNI statement Detective Sergeant White made a new allegation in relation to Omagh. He said that on the morning of Wednesday, 19 August 1998 he called to the house of Garda C in order to fill him in on everything that had happened for him to brief Assistant Commissioner Carty. This was part of a pattern of parallel and clandestine reporting on security intelligence matters to Assistant Commissioner Carty through Garda C which Detective Sergeant White alleges he engaged in at Assistant Commissioner Carty's request throughout the period January to August 1998. In his interview with the Group Garda C said that he knew Detective Sergeant White quite well and that the latter would have visited his house on a number of occasions but he did not know whether he did so on 19 August 1998 or not. However, he was completely bemused by Detective Sergeant White's allegation and he said that there was no way that the latter had ever told him anything about the Omagh bombing or events allegedly connected to it. If Omagh had been brought up at the time he would have had a great interest in it like every policeman in the country and his ears would have popped up. All of the recent allegations about Omagh that had received publicity were news to him and he would not have been aware previously of any of it. Assistant Commissioner Carty also dismissed out of hand the suggestion that he ever received any reports on security matters in the manner suggested by Detective Sergeant White.

## PART III

### ALLEGED MINISTERIAL INTERFERENCE WITH THE PROSECUTION PROCESS

3.1 Another serious allegation made by Detective Sergeant White is that Subversive X told his informant in early September 1998 that a deal was agreed between the RIRA and a Government Minister whereby in return for calling a ceasefire no RIRA members would be harassed and any charges preferred to date would be dropped. This was shortly after the informant had been arrested and questioned in Monaghan Garda station. Detective Sergeant White also alleges that charges against seven named individuals were dropped at that time in pursuance of this deal.

#### *Contemporaneous written report*

3.2 In a written report on 2 September 1998 to Detective Chief Superintendent Jennings Detective Sergeant White stated that on 26 August Subversive X said to the informant that he had discussed matters with other fellows in the movement and that it was decided that if anyone was arrested before the new powers came in they should not answer any questions put to them about explosives, vehicles stolen for explosives or persons involved in RIRA. He said that anyone arrested after the new powers came in should answer any questions once only and deny everything. They should not answer any question more than once during their detention and keep saying "I've already answered that" over and over again. He reinforced his threat that anyone who talked would be taken care of no matter how long it took to do so. Later in the same report it is stated that following his release from detention in Monaghan Garda station the informant met an associate of Subversive X's ('A') and was questioned for an hour about his treatment and the questions he had been asked. 'A' said that another of Subversive X's associates ('B') who had been arrested must have talked or he could not have been charged with explosives offences and that he had warned Subversive X that 'B' might talk under pressure as it was his first "pull". He did not believe

that 'C' (yet another associate of Subversive X's) who had been charged talked as they had heard that he had an urgent message for Subversive X.

*Present allegations of Detective Sergeant White and responses to them*

- 3.3 There is no mention in the report of 2 September 1998 or any other contemporaneous written report submitted by him of what Detective Sergeant White is now alleging about a ceasefire 'deal'. These allegations are summarised as follows in the detailed report provided by the Police Ombudsman:

"At 11 a.m. on Monday 31st August 1998 Subversive X told the informant that two associates of his had been charged with terrorist offences..... The informant told Subversive X that the detectives in Monaghan threatened him that they would close down the informant's business and arrest him again.

At a meeting shortly after this Subversive X told the informant that the Gardaí would not harass him any more and that his business would not be interfered with. The informant was dubious but was reassured by Subversive X that the RIRA had agreed a deal with a Government Minister.

Subversive X stated that in return for calling a ceasefire no RIRA members would be harassed or receive undue Garda attention and that any charges preferred to date (other than where individuals were caught in possession of explosives or where they made voluntary admissions in writing) would be dropped. Subversive X explained that no one would be charged on circumstantial evidence or where they were incriminated in written statements by others.

The result of the agreed deal was that if an individual admitted mixing, moving or detonating explosives, they would be charged. Subversive X was adamant that he had been guaranteed that he would not be charged with any terrorist related offences. Subversive X stated that if [one of his associates who had been charged] had made a written statement admitting making and moving explosives then he would be convicted but those statements would not be used against other members of the RIRA, if implicated. Subversive X did not believe that [his other associate who had been charged] made written statements of admission voluntarily and stated that the charges against him would be dropped."

3.4 The detailed report provided by the Police Ombudsman names seven men associated with Subversive X and the informant who were charged between late August 1998 and early September 1998 at Carrickmacross District Court. The report goes on to quote Detective Sergeant White:

“All charges against the seven men have been withdrawn by the State without explanation. My informant has stated that Subversive X had informed him that these charges were withdrawn following the agreed deal between the RIRA and a Minister of the Irish Government for the purpose of securing a ceasefire.”

3.5 Detective Sergeant White has also told the Group that, at the time when what Subversive X is alleged to have said was reported to him, he conveyed it to Detective Chief Superintendent Jennings who described it as rubbish but who later acknowledged to him that the information was correct. Assistant Commissioner Jennings denies that this ever happened. Detective Sergeant White in his PSNI statement said that he now felt it was not a Government Minister but rather a Government adviser who was involved, Dr. (now Senator) Martin Mansergh. The Detective Sergeant said that he believed that Dr. Mansergh met members of the RIRA. “I don’t know who he met. I believe that all these charges were dropped as a result of the meeting, these meetings and the contact with the IRA by the Government adviser”. He said that it was only in very recent times he had discovered this and that he had heard it from people who had heard it from a journalist (who subsequently published an article on the matter in the Ireland on Sunday newspaper.)

3.6 Assistant Commissioner Carty who was involved in the Garda investigation of the Omagh bombing has told the Group that:

“I can categorically state that I received full support and all necessary resources from my own authorities in the Garda Síochána and the Department of Justice, Equality and Law Reform. There was never any attempt to interfere or influence any aspect of the investigation by anybody, including politicians or any Government Minister. To suggest otherwise is totally false and a serious injustice to the many people who did everything possible to ensure that I had every possible help to bring those responsible for the bombing to justice.....

I can say without fear of contradiction that [the informant] or his minions were not involved in or had no knowledge of the theft of the vehicle from Carrickmacross that was used in Omagh. Investigations have clearly established that the vehicle was stolen by a Dundalk crew who were acting in consort with the principal suspects for the outrage. The movements of the vehicle after its theft were given in evidence in the Colm Murphy trial and are now a matter of public record.”

- 3.7 The two senior officers in the Office of the Director of Public Prosecutions (the “DPP’s Office”) who dealt with the files relating to the charges against the seven named individuals have also stated specifically to the Group that there was no question of any contact or intervention by the Government or a Government Minister in relation to their examination of or decision upon those or any other relevant files.
- 3.8 The wider issue of contacts with the RIRA in the aftermath of Omagh with a view to a ceasefire was discussed by the Group with Senator Martin Mansergh who indicated that there was no deal done by the Government either directly or indirectly with the RIRA in return for a ceasefire. The Taoiseach confirmed this in a full statement in the Dáil on 5 November, 2002. He described the allegation of a deal as being “as outrageous as it is deeply offensive” (see Appendix 2 for text of statement issued).
- 3.9 Assistant Commissioner Carty has also underlined to the Group the enormous effort that was put into the Omagh investigation by the Garda team and the extraordinary degree of co-operation there was from the outset with the RUC team. Omagh was such an outrage, he said, that the Garda team obviously had a responsibility to respond in a very serious manner to it. He said that they put an amazing effort into it right from the word go and there was a full team brought in, the same as if the bombing had actually happened in Carrickmacross - they could not have done the investigation any more thoroughly. The close co-operation with the RUC right from the first conference was such that there was constant interaction between the two teams - the officers heading the investigations in the North were regularly down in Carrickmacross, a secure fax link was brought in between the Garda incident room in Carrickmacross and the RUC incident

room in Omagh, every arrest without exception and background information on the people arrested were faxed immediately to Omagh and search reports and phone analysis were fully shared. Never before in the history of the two organisations had there been such close co-operation on an investigation, he said, and it was a matter of some annoyance to him, seeing the amount of effort that went into it to ensure that the Garda team were as open and as transparent and as helpful to the RUC team as they could possibly be, to see people coming now and suggesting otherwise.

- 3.10 As regards allegations that Subversive X himself was guaranteed that he would not be charged with any terrorist-related offences, Assistant Commissioner Carty and Garda D have told the Group that, beginning on 28 August 1998, the Gardaí spent about two weeks searching Subversive X's yard, which was sealed off and, as Assistant Commissioner Carty put it, "everything was gone through with a fine comb" but no trace of explosives or other evidence to ground a prosecution came to light as a result of that search. Garda E of the Garda Stolen Motor Vehicles Unit has informed the Group that members of that unit assisted the Omagh investigation team in the search of Subversive X's premises - home, outhouses, sheds, office and large breaker's yard - and examined several hundred cars, all in poor condition. His report says that:

"twenty-two engines were seized suspected of having been stolen as their engine numbers were tampered with or erased. Technical Bureau staff examined these engines over a number of weeks successfully restoring engine numbers. These numbers were then searched on the stolen vehicle database in Ireland and the UK. None were stolen. All of the engines were legitimately purchased at car auctions in Britain. It is normal practice for auctioneers to erase engine numbers on engines prior to selling them".

Four motor vehicle shells were also seized as identification numbers had been erased but "no evidence of a criminal nature came to light". An individual who delivered a vehicle, which turned out to be a stolen vehicle, during the search of Subversive X's yard was arrested. Subversive X himself was arrested in September 1998 under section 30 of the Offences against the State Act on suspicion of unlawful possession of explosives, held for 72 hours (the maximum possible period under the Act) and questioned, but made no admission and had to be released without charge. Assistant Commissioner

Jennings has also informed the Group that at that time Subversive X's books etc. were checked by the Criminal Assets Bureau and his tax affairs were found to be in order. This has been confirmed by the Criminal Assets Bureau.

- 3.11 The Group has interviewed the RUC officer who oversaw the Omagh investigation and was responsible for liaison with the Garda investigation team. He has confirmed in the strongest terms what Assistant Commissioner Carty told the Group about the fullness of the co-operation afforded by the Garda team. He described the investigation as virtually a joint one and when it was put to him that it was being alleged that the Gardaí had somehow "pulled their punches" in the investigation, he emphatically rejected this. He said that starting on 17 or 18 August 1998 the Garda work rate was unsurpassed in any enquiries he ever did with them before. The question of holding back anything on either side "never arose". There was full co-operation on arrests, investigations and all other aspects of their work.

*Group's comments*

- 3.12 No 'deal' of the kind suggested could be made to stick without the knowledge or collusion of a number of senior people in the Civil Service, the Garda Síochána and the DPP's Office. In effect, what is being alleged is that, in order to secure a ceasefire by the RIRA in the immediate aftermath of Omagh, the Irish Government, a number of senior civil servants, senior Gardaí and officers in the DPP's Office were prepared to conspire together to have investigations into the Omagh bombing not pursued vigorously or to have charges dropped.
- 3.13 The charges which were not pursued against the seven individuals were of handling stolen vehicles. The Group has heard in detail from the two senior officers in the DPP's Office about the background to the non-pursuit of these charges and is fully satisfied that the decision on the matter was taken in accordance with, and indeed was unavoidable in the light of, normal prosecutorial principles and practice in the DPP's Office and had nothing whatever to do with any 'deal' with the

RIRA. It is in any event a strange suggestion that seven persons accused of stealing cars - but not, so far as the Group has been able to ascertain, members or even suspected members of the RIRA - could have been the beneficiaries of “ceasefire” negotiations involving that organisation.

- 3.14 The universal revulsion which the Omagh atrocity evoked was ample reason for the RIRA to declare a ceasefire in September 1998. The Garda intelligence assessment suggests that the calling of the ceasefire was a strategy by the RIRA to buy some time after the bombing and to reorganise following arrests, searches etc. associated with the investigation. The credibility of Detective Sergeant White when he now says that the allegation of a ‘deal’ was made to the informant is not helped by the fact that he reported in writing other conversations his informant had at the time about related matters but not this. The transcript of the taped conversation Detective Sergeant White had with his informant in January 2002 shows the informant in response to a question agreeing that Subversive X had told him that there had been a meeting with a Minister and that there was a deal done. For reasons already stated the evidential value of this tape is low. If the allegation was made to the informant, then the source of it was Subversive X. He had misled the informant previously, and might well have been motivated by a desire to put the RIRA ceasefire in a good light from his point of view as a RIRA activist by suggesting that it was part of a ‘deal’ with the Irish Government, or might have been told that himself by another in the RIRA with the same motivation.
- 3.15 The Group is satisfied that there is no basis for any allegation that a deal was agreed whereby in return for a ceasefire charges preferred against RIRA members would be dropped or that charges against the seven individuals named in the Police Ombudsman's report were dropped as a result of any such ‘deal’. The Group is also satisfied, from what it has heard from senior officers involved on both sides in the Omagh investigation, that the level of commitment to the investigation and

the bringing of appropriate prosecutions as well as the level of co-operation with the RUC displayed by the Garda Síochána Omagh investigation team was of an extraordinarily high intensity.

- 3.16 It is also worth recalling that strengthened anti-terrorist legislation was introduced following the Omagh atrocity and passed by the Oireachtas on 3 September 1998. Between the Omagh bombing and the 16 June 2003, 58 members or alleged members of the RIRA had been charged with various serious offences in this jurisdiction and 39 of them had been convicted (the corresponding figures for CIRA are 25 and 12 respectively). These figures include one person who has been charged with directing a terrorist organisation. In addition, one person has been convicted in this jurisdiction on charges relating to Omagh and the Garda investigation into the atrocity is continuing.

## PART IV

### DETECTIVE SERGEANT WHITE'S MOTIVATION

#### Introduction

- 4.1 The Group is not a court or a tribunal of enquiry. Principally because of the sensitive security nature of the issues involved it would not have been possible for the Group to conduct its examination in public. Legal representation was not availed of by any of the persons who appeared before the Group. There was not nor could there have been any confrontation between or cross-examination of persons giving conflicting accounts of relevant matters, such as would be possible in a court or tribunal. Subject to these limitations, the Group made every effort to afford each person appearing before it all reasonable opportunity to present his or her evidence or case.
- 4.2 The Group's terms of reference obliged it to assess objectively the inherent likelihood and the credibility of Detective Sergeant White's various allegations and of the refutations made of those allegations. While there are many matters on which there is no dispute, there are clear and direct conflicts on crucial issues between the Detective Sergeant's assertions and the responses of the relevant Garda officers which cannot be resolved in terms of genuine mistake or faulty memory. Conclusions as to where the truth may lie in relation to those conflicts were of the essence of the Group's mandate and could not be avoided. Those conclusions and the reasons for them are stated in Parts II to III. The Group has concluded that Detective Sergeant White's allegations are without foundation. Unfounded allegations of such a serious nature normally would not be made without some very strong motivation and accordingly the Group regarded it as being necessary to consider if any such motivation was suggested from the evidence presented to it.

### **Detective Sergeant White's stated reason for his allegations**

- 4.3 The best starting point for such consideration is Detective Sergeant White's own stated reason for making his allegations which was related to the strong sense of personal guilt and responsibility which he claimed he had in relation to the Omagh atrocity and its victims. Detective Sergeant White says that he reported orally to Detective Chief Superintendent Jennings everything of which he was aware during the period 24 July to 15 August 1998 concerning the attempts to steal a car at Subversive X's instigation, including the purpose for which he alleges it was required. If his evidence in this regard is true he discharged all his duties in the lead-up to the Omagh bomb regarding the information received by him. Indeed in his PSNI statement he indicated that he told Detective Chief Superintendent Jennings on 27 August 1998 that he had "a clear conscience about the entire thing".
- 4.4 The red Vauxhall Cavalier used in the Omagh bombing was stolen in Carrickmacross on the night of 12/13 August 1998, a day prior to the day when attempts were made in Maynooth and Mullingar to steal a car at Subversive X's instigation. No car was in fact obtained by the informant or his team on 13/14 August in response to the order which had been placed by Subversive X. There is no evidence or reason to believe that the car being sought by Subversive X was intended for the Omagh bombing. Indeed Subversive X was still looking for a car 24 hours after the red Vauxhall Cavalier was taken in Carrickmacross. Neither is there any reason known to the Group to believe that there was any connection between the stealing of the red Vauxhall Cavalier in Carrickmacross and Subversive X or any of the persons who stole cars for him. What possible reason therefore could Detective Sergeant White have had to feel guilty about what happened?
- 4.5 On Tuesday 18 August 1998, three days after the Omagh bomb, Detective Sergeant White submitted a written report in which he made no reference to his having been told that the car which was being sought was wanted for a bombing in

Northern Ireland or that he had been told on 14 August that another car had been obtained. Notwithstanding his evidence to the Group as set out in Part II that he had been instructed by Detective Chief Superintendent Jennings not to write any report on matters that occurred before the Omagh bombing but had insisted on doing so, it is noteworthy that this report appears to be straightforward and routine and similar in form to the other reports submitted by him from February to September 1998. Again notwithstanding his alleged insistence on writing a report on matters in the lead up to the Omagh bombing, it is also noteworthy that the report deals at some length with several matters having no relevance to that atrocity while omitting any reference to what on his version of events were the really relevant parts, namely that a car was being sought for a bombing in Northern Ireland and that a car had by 14 August been obtained elsewhere.

- 4.6 Pressed as to whether or not there was any default on his part for which he felt guilty, Detective Sergeant White said to the Group that perhaps he should have reported to some senior officer in the Garda Síochána Detective Chief Superintendent Jennings' alleged decision to allow a car to go through and also, on 14 August 1998, the fact that, as he alleges, he was informed on that day that Subversive X had said that another car had been obtained. He said that if he had reported to a senior officer other than Detective Chief Superintendent Jennings that a car was in the possession of the RIRA it might have been found and stopped. However, assuming that in fact Detective Sergeant White was told on 14 August 1998 that the RIRA had obtained a car elsewhere, (and the Group specifically rejects this proposition) there was no indication of what type of car it was, where it had been stolen, where it then was or where it was likely to be used. Even if information as unspecific as this had been obtained (125 cars were stolen in the State in the period from 9 p.m. on 12 August to 5 p.m. on 15 August), in a situation where the RUC were already on high alert following the large car bomb at Banbridge on 1 August 1998 it could not have led to any effective investigative or further preventative action. The Group finds it impossible to accept that a failure by Detective Sergeant White in those circumstances to make a report to a senior officer could have given rise to any sense of guilt or responsibility on his part.

- 4.7 Pressed again as to how he could possibly blame himself for the Omagh bombing Detective Sergeant White said that it was just being part of an organisation - a small group of people who he believed had made a decision to let a vehicle go through. He acknowledged that he did not make that decision personally and it is clear that no vehicle was in fact allowed to go through. In the Group's view this is a wholly inadequate and unconvincing basis for the sense of guilt and responsibility suggested by him.
- 4.8 Accordingly, even on his own account of the events of the period from 24 July to 15 August 1998 there was no good reason for Detective Sergeant White to have suffered from or to have been motivated by a sense of guilt and responsibility for the Omagh bomb. It would in the Group's view be very difficult indeed to accept that Detective Sergeant White was so motivated. The difficulty of doing so is added to by the fact, noted below, that he made no reference whatever to a sense of guilt or responsibility for the Omagh bombing until over eighteen months after that atrocity. The Group rejects his stated reason for making his allegations. However, other factors are relevant to the question of why Detective Sergeant White was suffering from stress as outlined below and to the further question of his possible motivation for making his allegations.

#### **Arrest and prosecution of Detective Sergeant White**

- 4.9 In March 1999 Assistant Commissioner Carty investigated allegations of criminal and unethical activity by members of the Garda Síochána in Co Donegal. This investigation was to result in two criminal prosecutions, relating to discrete alleged events, being brought against Detective Sergeant White. One of these prosecutions related to what was, particularly for a member of the Garda Síochána, a very serious matter, namely allegations of attempting to pervert the course of justice and of having been an accessory to the making of a false report by one Bernard Conlon. These allegations were based on a statement made on 27 January 2000 to the Garda Síochána at Manorhamilton Garda Station by Mr Conlon, who was

subsequently charged and on 21 March 2002 convicted at Sligo Circuit Court in relation to the same matter. On 17 March 2000 Detective Sergeant White was required to attend for an interview at Letterkenny Garda Station about these allegations. He told the Group that he was aware for some time before then, possibly as much as a month, that a statement containing these allegations had been made by Mr Conlon. At the station he was told he would be questioned under caution. He declined to answer questions. On 21 March 2000 he was arrested and detained for 5½ hours. He was released without charge but after the completion of the prosecution of Mr Conlon he was charged in July 2002 with three counts in relation to false statements and three counts of attempting to pervert the course of justice.

- 4.10 The second prosecution, which related to an equally serious matter, followed the arrest of Detective Sergeant White on 19 June 2001 in relation to an allegation that he had been involved in the planting of a firearm near to a travellers' encampment at Burnfoot, Co. Donegal. He was charged in relation to this allegation on 20 June 2001. This prosecution stemmed from a statement made by Detective Garda Thomas Kilcoyne at Letterkenny Garda Station on 13 June 2001.
- 4.11 The events preceding these charges are of particular relevance to the question of the stress from which Detective Sergeant White was suffering and to his motivation in making his allegations against Assistant Commissioners Carty and Jennings. While detained in Letterkenny Garda Station following his arrest on 21 March 2000, Detective Sergeant White made a number of complaints to the Member in Charge which were recorded in the custody record. The Group has seen a copy of the custody record. In it Detective Sergeant White is recorded as having stated that "On that date Commissioner Carty advised me that Garda H & Garda J had informed him they strongly suspected me of being involved in four serious crimes which are as follows. (1) this present allegation re Mr Conlon (2) that I arranged to have a gun-man travel from Dublin and threaten a woman in Letterkenny with the aid of a hand-gun when he was masked, (3) that I planted explosives on a mast in west Donegal (4) that I planted a gun near a travellers' encampment in 1998." It is not apparent from the custody record

what was the date referred to by Detective Sergeant White, but he told the Group on 17 September 2002 that Assistant Commissioner Carty had told him on 7 September 1999 in the Hillgrove Hotel in Monaghan that “there was talk from Garda J” that he had been involved in planting a firearm at a travellers’ camp. Assistant Commissioner Carty told the Group that he did not believe he met Detective Sergeant White on 7 September 1999 in Monaghan as he had an appointment in Ballybofey on that evening. He did meet the Detective Sergeant in the Hillgrove Hotel on 6 October 1999 but said that there was no reference to the matter of the planting of the gun and that he did not believe he knew anything about that matter before June 2001. Whatever the truth may be regarding when Assistant Commissioner Carty may have told Detective Sergeant White about the allegation of planting a firearm, it is clear from the custody record that he was aware of that allegation for some time prior to his detention on 21 March 2000 and also, from his evidence to the Group, of the statement made by Bernard Conlon on 27 January 2000.

#### **Treatment of Detective Sergeant White for stress**

- 4.12 Sometime around October 1998 Detective Sergeant White consulted a doctor about a scalp condition which he told the Group was due to stress but he said that he did not give any information to the doctor as to the possible reason for this condition other than that it was work related. Since his arrest on 21 March 2000 Detective Sergeant White has been off duty either on sick leave or under suspension. On the evening of 17 March 2000 he asked a Garda Welfare Officer to arrange a consultation for him with a psychiatrist. He says that the Welfare Officer may, sometime in the preceding few days, have suggested such a consultation to him. The Group has interviewed the Garda Welfare Officer in question (Garda F) who indicated that the first consultation that Detective Sergeant White had with him involved Mrs White as well and took place on 14 March 2000. He informed the Group that Omagh was not mentioned at that first consultation. He suggested a consultation with a psychiatrist to Detective Sergeant White. He met the Detective Sergeant again on 22 March 2000. He has no note of that or any other meeting with the Detective Sergeant. He said that Detective Sergeant White’s big concern

on that day was about documents that had gone missing from his locker in Letterkenny Garda Station, the possibility that they might get into the wrong hands and possible consequent danger to his informant. Garda F said that Detective Sergeant White started on that occasion to tell him why the informant was important and Omagh was mentioned once, but that he (Garda F) had queried whether he needed to know about operational matters of that kind. He said that around this time Detective Sergeant White was very angry and unhappy with the job and said that he was being fitted up. He was very preoccupied with the Conlon 'thing' and the McBrearty 'thing'. When asked whether Detective Sergeant White had at this stage mentioned personal guilt Garda F replied: "Not that I can recall".

- 4.13 Garda F was off duty from late July 2000 until January 2001 during which period his duties were undertaken by the Chief Garda Welfare Officer Garda G who also was interviewed by the Group. He said that the Welfare Officers did not keep notes of their meetings. He had met Detective Sergeant White eight or nine times between July 2000 and January 2001. He said that the Detective Sergeant was under very considerable pressure at that time and their meetings tended to be highly charged and stormy. Omagh was mentioned in the context of High Court proceedings which were then contemplated by the Detective Sergeant but also in the context of cars crossing the border and foreknowledge on the part of the Garda authorities "that this was going to happen".
- 4.14 The consultation with a psychiatrist suggested by Garda F took place on 23 March 2000 after which the psychiatrist (Psychiatrist A) referred Detective Sergeant White to a Donegal-based psychologist (Psychologist A). Later the Detective Sergeant also consulted a therapeutic counsellor in Co. Tipperary (Counsellor A). Detective Sergeant White told the Group that he was emotionally very upset and distraught when he met the psychiatrist and he told him everything that happened in relation to Omagh and the mortar attacks. He said that part of the reason he told Psychiatrist A about these matters at that meeting was that his locker in Letterkenny Garda Station had been broken into three days or so before the meeting and

copies of his contemporaneous intelligence reports on the events in 1998 had been stolen. He told the Group that he met Psychiatrist A in relation to his having been arrested.

4.15 On the first occasion on which Detective Sergeant White met the Group he told it that the first person to whom he spoke about the Omagh bomb was Dáil Deputy A and that this was about mid-April 2000. If Garda F's and Psychiatrist A's recollections of their respective meetings with the Detective Sergeant on 22 and 23 March 2000 are correct, this statement cannot be accurate. When interviewed by the Group Dáil Deputy A said that he remembered meeting the Detective Sergeant on a Sunday morning in his house. Dáil Deputy A had known his father. He was unable to say exactly when this meeting took place. The Detective Sergeant was one of several persons waiting to meet him that morning. It was a short meeting. The Detective Sergeant seemed very disturbed and played an audio-tape of a conversation apparently with a private investigator who had been bothering him which was full of profanities and virtually unintelligible. When the Detective Sergeant began to speak about the Omagh bombing and what might have been done to prevent it, Dáil Deputy A stopped him and said that the place to raise such concerns was elsewhere. There were authorities to deal with those problems. He did not meet the Detective Sergeant again.

4.16 On 3 November 2002 the Group received permission from Detective Sergeant White to approach Psychiatrist A, Psychologist A and Counsellor A in the following terms :

“ As per our discussion on ... please supply [the Group] with a report covering the dates of my attendances with you, discussions which I had with you regarding,

The Omagh Bomb, and other terrorist attacks which concerned me due to the fact that they could have been prevented and were not, my duties concerning The Real IRA,

my fear of reprisals from that terrorist group owing to leaks of information,  
my fears for the safety of my family and of my own safety,  
my relief of having confided in the relatives of the Omagh tragedy.

the trauma caused to my family and myself resulting from unfair targeting by certain members of An Garda Síochána following my disclosure to my authorities of my beliefs that wrongdoing of a very serious nature was allowed to happen and condoned by very senior Garda Officers in relation to,

1. The alleged statement of admission by Mr Frank McBrearty Jnr. and
2. The aforementioned matters relative to the Omagh Bomb and other associated terrorist attacks in Northern Ireland.”

4.17 The Group subsequently passed the permissions to the individuals involved and advised them that what was most relevant to its work was any contemporaneous report or notes which they (the individuals) felt they could give on the Detective Sergeant’s consultations with them.

4.18 Their reports bear out that Detective Sergeant White was in a disturbed condition. Psychiatrist A did not produce any contemporaneous reports or notes of his consultations with the Detective Sergeant but has stated in a report to the Group that to the best of his recollection Detective Sergeant White told him at the initial consultation on 23 March 2000 that he was living under intense psychological and emotional stress as a result of a complex series of events. These events included —

- the circumstances surrounding the Garda investigation into the death of Richard Barron in 1996 and the alleged confession of Mr Frank McBrearty Jnr. to Mr Barron’s murder,
- the theft of trailers from the Detective Sergeant’s home, the burning of his car, the theft of equipment from his lock-up shed and graffiti on his house etc., which occurred in 1998,

- the fact that he heard he would be facing internal disciplinary charges\_within the Garda Síochána and that he had been arrested and questioned,
- the Omagh bombing,
- the theft of material, including his contemporaneous intelligence reports on the events of 1998, from his locker in Letterkenny Garda Station which he says had been broken into between 17 and 20 March 2000,
- his grave concern for the safety of his informant as well as his own safety and that of his family because of the danger of reprisals by terrorists, and
- his concern that certain individuals in senior positions in the Garda Síochána would go to great lengths to prevent some of these matters from reaching public awareness, his feeling that he was being scapegoated in this regard, and the fact that he was very distrustful of the inquiry which was being conducted into Garda activities in Donegal.

4.19 Psychologist A has indicated to the Group that there is an entry in his notes of a consultation with Detective Sergeant White and Mrs White on 15 September 2000 in the following terms “Guilt re job not stopped (big!)” and that the word “big” was code used by Psychologist A for the Omagh bomb.

4.20 The therapeutic counsellor, Counsellor A, has indicated to the Group that her contact with Detective Sergeant White, which extended from 7 March 2001 to the date of her report (23 November 2002) had been “in the context of what has publicly become known as the enquiry into conduct of Gardai in Donegal”. At some point or points during that contact the Detective

Sergeant had referred to the Omagh bomb and had “expressed his acute distress and guilt in relation to the loss of life and the fact that the carnage was avoidable”.

- 4.21 The Group is aware, from a letter it has seen which was written by Detective Sergeant White to his Chief Superintendent in Co. Donegal on 4 December 2000 requesting the provision of adequate security equipment at his home, that he was at that stage attributing his stress-related illness to factors other than guilt arising from the Omagh bombing. For example, his letter includes a statement that the commission of various crimes at his home had caused his family and himself considerable distress and continued to do so and that members of his family and himself has suffered physically and psychologically as a result of the continuous invasion of their property and the commission of crime thereon over the previous 3½ years. The letter also contains allegations that a campaign of intimidation was being carried out against him as a result of duties he performed as a member of the Garda Síochána and that there was a conspiracy against him in the Donegal Garda Division. The letter states “I am quite certain that my sickness is as a direct result of the trauma and stress which I suffered from carrying out my duties, as instructed, the campaign of intimidation against me that resulted from same and the actions of officers of the Garda Síochána”.
- 4.22 It is clear therefore that there were a number of factors other than the Omagh bombing which amounted to major pressure points in Detective Sergeant White’s life. Some of these other factors could also have motivated, and in the view of the Group did motivate, his serious allegations against senior Garda officers which as already indicated are in the Group’s opinion unfounded.

#### **Observations of Assistant Commissioners Carty and Jennings**

- 4.23 By far the most serious allegations made are directed against Assistant Commissioner Carty and Assistant Commissioner Jennings. The Group invited the observations of each of them as to why they in particular were made the subject of allegations which they insisted were totally without foundation. When so invited Assistant Commissioner Carty said that he thought that the answer was obvious. He went on to describe in outline his investigation into allegations concerning members of the Garda Síochána in Co. Donegal. He said that “they”, i.e. himself and other members of the Garda National Drugs Unit, had known Detective Sergeant White for some time and that he was “hail fellow well met and well looked after” but that when “you started investigating him he turned”. He said that Detective Sergeant White wanted to hit at authority and that his main reason as far as he, Assistant Commissioner Carty, was concerned was to destroy his credibility because of the fact that the investigation team had had him (the Detective Sergeant) arrested and that he was charged in relation to two matters which were still pending. He said that he (Detective Sergeant White) was being coached by other people who are within the ambit of the people who are under severe scrutiny in the overall Donegal investigation. He added that they wanted to destroy the Assistant Commissioner’s credibility because it would suit other people as well as Detective Sergeant White if that happened.
- 4.24 Assistant Commissioner Jennings indicated in the course of the Group’s first interview with him, though not in answer to an enquiry regarding motivation, that when Detective Sergeant White got into trouble first and was arrested he regarded him (Assistant Commissioner Jennings) as being the only friend he had left in the job and contacted him in a very upset state. Subsequently he learned that Detective Sergeant White was suspected of planting a gun and that he had told Detective Garda Kilcoyne that Detective Chief Superintendent Jennings had given him relevant information about a gun being in a particular place - a travellers’ encampment. This Assistant Commissioner Jennings said was totally wrong and he was interviewed and made a statement about it denying that he had given Detective Sergeant White any such information. Assistant Commissioner Jennings told the Group that he thought that this might be one of the reasons why Detective Sergeant White was having a go at him and that if the Detective Sergeant could discredit him and say that the information

about the gun being in the particular place did come to him he would be a free man. He thought that it may have hurt Detective Sergeant White when he discovered that he was not on his side. At a later interview he indicated that this was a possible motivation for Detective Sergeant White's allegations.

### **Group's view on motivation**

4.25 Every opportunity was afforded by the Group to Detective Sergeant White to clarify and expand on his assertions that he made his allegations because of his sense of personal guilt and responsibility for the Omagh atrocity. The Group has given careful consideration to his evidence in this regard and has concluded that his assertions that he was motivated by guilt regarding the Omagh bomb (and by a sense of responsibility to its victims) are inherently incredible. The question of what in fact motivated Detective Sergeant White to make such serious allegations remains for consideration. In her letter of 22 March 2002 to the Minister for Foreign Affairs the Police Ombudsman has stated as follows:

“[Detective Sergeant White] has readily acknowledged that he is under current investigation for matters unrelated to this information. In assessing that information that has to be taken into account. He is, however, not asking for any benefit in providing this information which he claims has played on his mind since 1998. In support of this, and to add credibility to his information, he has named individuals whom he claims to have passed all these details prior to his being subject to investigation. If this is found to be true, it would remove any suspicion that this information is provided purely as a mechanism to divert attention from his current problems.”

In the course of interviewing Detective Sergeant White it became quite clear and was undisputed by him that in fact he did not pass any of the details of his allegations to named individuals or to anyone else prior to his being aware that he was subject to investigation. Indeed it is clear from what he said to the Group that he made no allegation or mention whatever of his concerns to any person, not even his wife, until after his arrest on 21 March 2000. In his PSNI statement he confirmed that his arrest was before he had raised any issue concerning Omagh. When the Group met the Police Ombudsman and

her officers they named certain individuals as having been spoken to by Detective Sergeant White. It transpired that he had spoken to none of these individuals prior to his arrest on 21 March 2000. In these circumstances the suspicion referred to by the Police Ombudsman is not removed.

- 4.26 In the absence of credible direct evidence as to his motivation, the reason or reasons why Detective Sergeant White made his allegations can be ascertained only by reference to the circumstances surrounding his making them. The initial making of his allegations subsequent to his arrest and his development of them from the composition of the 39-page document to his meetings with the Police Ombudsman's officers and on to the making of his PSNI statement reflects the escalation of his troubles from his arrest on 21 March 2000 onwards. Whether the motivations suggested by Assistant Commissioners Carty and Jennings as to his intention to damage or destroy their credibility are correct and constitute a complete explanation for the allegations or whether, in the publicly confused situation which has resulted from the McBrearty affair and the other matters now before the Morris Tribunal, Detective Sergeant White may have wished to raise a smokescreen designed to confuse juries trying charges against him, the Group is coerced to the conclusion that not alone is the reason given by him for making his allegations not true but that there was a direct causal connection between his troubles from March 2000 onwards and the making of his allegations.

#### **Overall conclusion of the Group**

- 4.27 The Group has concluded that there is no foundation for the allegations made by Detective Sergeant White to the Police Ombudsman for Northern Ireland or for the additional allegations which he made more recently to the senior investigating officer of the PSNI Omagh bomb investigation team and that those allegations were a direct consequence of and were motivated solely by concerns arising from the difficulties in which he found himself with his superiors in the Garda Síochána and with the criminal law.



**Statement of 8 May 2002 by the Minister for Justice, Equality and Law Reform,  
Mr. John O'Donoghue TD**

1. In recent weeks the Police Ombudsman for Northern Ireland, Ms. Nuala O'Loan, presented a report to the Minister for Foreign Affairs, Mr. Brian Cowen. The report related to allegations made by what was described as a serving officer of An Garda Síochána in relation to the handling of intelligence information by his authorities relating to the activities of paramilitary groups. The Minister for Foreign Affairs passed on the report to the Minister for Justice, Equality and Law Reform, Mr. John O'Donoghue.
2. While the serving officer of the Garda Síochána was not named in the Ombudsman's report, there have since been media reports to the effect that the serving officer of the Garda Síochána behind the allegations is, in fact, a suspended officer of the Garda Síochána facing criminal charges in relation to unrelated matters. It is also the case that the behaviour of the officer concerned will be the subject of scrutiny at the Tribunal of Inquiry which the Oireachtas has established in relation to matters concerning policing in Donegal.
3. Ms. O'Loan requested this jurisdiction to have an investigation in relation to the matters contained in her report. For her part she also indicated that she would consider undertaking a parallel investigation to consider any role the Royal Ulster Constabulary may have had (although her report contains no allegations against the RUC).
4. Notwithstanding the source of the allegations and the circumstances surrounding the manner in which very sensitive information impinging on issues of national security was made available to an agency outside the jurisdiction, the Minister, after careful consideration and consultation - including consultation with the Garda Commissioner - decided that the allegations contained in the report should be examined independently by persons with relevant experience and qualifications to look into sensitive security matters.

5. Having considered the initial report of the Police Ombudsman for Northern Ireland, Mr. Dermot Nally, former Secretary to the Government, Mr. Eamonn Barnes, former Director of Public Prosecutions, and Mr. Joseph Brosnan, former Secretary of the Department of Justice, agreed to carry out the examination. This three-person group subsequently held their first meeting on 29 April.
6. The Garda Commissioner has confirmed that the group will have the full co-operation of the Garda authorities, including access to all relevant material.
7. The Minister understands that today the Ombudsman's Office has made detailed background documentation available to the group examining the matter.
8. Given the sensitivity of the material contained in the Ombudsman's report in relation to operational Garda matters in dealing with terrorist organisations it would not be in the public interest to go into any further detail at this time beyond saying that the Garda Commissioner has assured the Minister that there is no basis for any suggestion that there was information available to the Garda Síochána which could have enabled them to prevent the Omagh atrocity.
9. The Minister will make a further statement when the findings of the group established to examine the matter are made available to him.

### **Statement of 5 November, 2002 by Taoiseach, Mr. Bertie Ahern T.D. concerning recent suggestions regarding events surrounding the Omagh Bombing**

A number of suggestions and allegations have been made in one of the weekend papers and also in a recent television programme concerning events surrounding the Omagh bombing.

In the course of these presentations two very different allegations have become intermingled. One allegation is that the Government, either directly or through intermediaries, had contact with the Real IRA, either before or after the Omagh bombing, about the possibility of securing a Real IRA ceasefire.

The second allegation is that, not only did some contact take place, but some sort of 'secret deal' was done with the Real IRA in order to bring that organisation on ceasefire.

These are two very different allegations, in that the second suggests that the Government engaged in wrongful and indefensible behaviour by reaching a secret or underhand deal. As this is the really serious allegation, I want to address it straight away by repeating, once again, that

- there was no deal done by the Government either directly or indirectly with the Real IRA in return for a ceasefire.

The allegation is as outrageous as it is deeply offensive. The evidence is entirely to the contrary.

It is, for example, a fact that the only person convicted in connection with Omagh was in this jurisdiction. It is also a fact that no fewer than 41 Real IRA prisoners are incarcerated in Portlaoise prison of whom 34 are convicted of various crimes. This can hardly be said to amount to evidence of a go-soft deal with the Real IRA. The fact is that we have not just talked tough since Omagh. We have been tough.

It is, also, a matter of fact that, in the immediate aftermath of the Omagh bombing, the Government drew up what was recognised both inside and outside this House as draconian legislation, which was passed by the Oireachtas on 3 September 1998.

I issued a public ultimatum at that time to the Real IRA to declare a permanent ceasefire and to disband. In my statement to the Dáil on 2 September I said the Real IRA could not hope to take on the people of Ireland and win. I believe that this message was getting through loud and clear to the Real IRA and that the weight of public opinion and outrage was beginning to shake them off their terror strategy.

The ceasefire announcement on 7 September had nothing to do with anything on offer from the Government to the Real IRA. Because there was nothing on offer, either then or before that time or at any time since. The most probable reason for the Real IRA announcement - subsequently dishonoured, as we all know - was that they found themselves facing the weight of public odium and Government determination and they simply had no place else to go.

Apart from the media coverage in relation to Omagh in recent times, various other allegations in relation to the Omagh bombing have also been conveyed to the Northern Ireland Ombudsman by a serving member of the Garda Síochána, currently on suspension from duty. These allegations have been the subject of a detailed enquiry by a three man team set up by the former Minister for Justice, John O'Donoghue. I understand that this team will report within weeks and that Minister Michael McDowell will make a statement very soon on their findings.

There is nothing wrong with the situation where a Government - any Government - receives communications or information either directly or indirectly from representatives of organisations, who may be contemplating a peace strategy. If it were wrong for Governments even to countenance such communications, there would be very little prospect of securing peace and it is highly unlikely that there would have been any peace process here had Governments taken that position down the years. Moreover, the Government has a duty, in the interest of public safety, to keep themselves informed of the plans and intentions of such organisations, mainly through their security forces, but on occasion through information coming via other intermediaries, who may include churchmen and community leaders in contact with me or my office.

In the case of the Real IRA, there was no contact with any member of the Government. However, I can confirm that some weeks before Omagh, efforts were made by my then special advisor, Dr. Martin Mansergh, now Senator Mansergh, in his contacts with the 32 County Sovereignty Committee to persuade them to use their good offices to bring the Real IRA campaign to an end. Unfortunately, these efforts failed.

In the lead up to the Real IRA ceasefire in September 1998, which is the primary focus of much of the recent coverage, it is important, however, to stress that there was no initiative for contact coming from my special advisor. It was not the case, as alleged by the Sunday Business Post that Dr. Mansergh organised 'secret talks about a ceasefire'.

It is my understanding that Fr. Alex Reid who had already been instrumental in helping to bring about the two IRA ceasefires, received an approach after the Omagh bombing from some of those associated with the Real IRA campaign. At subsequent meetings he took the opportunity to impress on them the need to stop, not least from their own point of view, and he reported on some of these observations to my special advisor and took advice from him. In the aftermath of Omagh, the key message from here could not have been clearer. It was that the activity of the Real IRA must stop and that the atrocity which Omagh and its people suffered must never happen again.

I am entirely satisfied that Fr. Reid in all his contact, emphasised that, regardless of a ceasefire, the Omagh bombers would be pursued and that the law would also take its course in relation to all other crimes committed before a ceasefire. No one could be in any doubt about this. I said at the time that the Real IRA ceasefire would not affect 'the unrelenting determination' of the two Governments to pursue the perpetrators of Omagh and bring them to justice. I believe that the efforts we have pursued since then has amply confirmed that we meant exactly what we said.

There are just two other points I wish to make. The first has to do with suggestions to the effect that the Gardaí would be instructed or asked to go easy on Real IRA surveillance in the event of a ceasefire by that organisation. I want to make it clear that there is no substance to this.

Any security consequences arising from the Real IRA ceasefire would have been a matter exclusively for the Garda Síochána. The level of surveillance and the form that it may take is entirely an operational Garda matter to be decided upon by them, having regard to the level of threat at any given point of time. It could, of course, be expected - and would not be unreasonable to speculate - that, if a permanent ceasefire were declared, and maintained, the necessity for intensive surveillance would probably reduce also as a natural outcome of the reduced threat. But it remains the position that the level of surveillance to be applied at any time is an operational matter for the Garda authorities and for them alone. There was no question at any time of instructing or promising to instruct the Gardaí to do other than conduct police operations as they judged right and appropriate in the circumstances facing them.

In this connection I think its right to recognise that the Gardaí have done an outstanding job, both in ensuring that there is no repetition of the Omagh bombing, and in pursuing those involved in Real IRA activities and this is something that has been recognised on both sides of the border and the Irish sea.

Finally I should make the point - in case somebody later seeks to portray it as a new 'revelation' - that there is and has been ongoing contact with the Real IRA prisoners in Portlaoise and with members of the 32 County Sovereignty Committee representing prisoner interests. The Department of Justice has, down the years, always maintained contact with paramilitary prisoner representatives inside and outside the prison about matters bearing on their prison conditions.

I believe that the Government's handling of the aftermath of the Omagh atrocity is entirely beyond reproach. It is a matter of regret that the relatives of the Omagh victims should be exposed to unfounded speculation and allegations in that regard. They have suffered enough and they are entitled to the assurance that nothing done in this jurisdiction in the aftermath of the atrocity was intended to do other than to bring to justice those responsible for the bombing and to stop a similar outrage occurring in the future.

It is also a matter of regret that two people who have played a central role in brokering peace on this island, Dr. Martin Mansergh and Fr. Alex Reid should now find themselves the subject of hurtful innuendo concerning their role in the period following the Omagh outrage. They have both acted at all times with commitment, honour and propriety in their efforts to contribute towards peace.

I hope that we can reach a point where we have a universal ceasefire and abandonment of military means and when the peoples of these islands can have full confidence that the atrocities of the past will never again occur.