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### Nuala O'Loan: the job I didn't want to leave

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“ I think that ability to change people's perceptions, to change their consciousness, to help move forward has been particularly important. I think we won't move forward if we try and bury the past ”

#### Ulster's Police Ombudsman reflects on her tumultuous seven-year term

Monday, November 05, 2007

By Chris Thornton

As she leaves her office in central Belfast for the last time today, two items stand out among the mementoes Nuala O'Loan has collected during her seven years as Police Ombudsman. One is an email, more of which later.

The other is a glass clock given to her during her last days in office by the family of Samuel Devenny, whose death in 1969 was the subject of one of Mrs O'Loan's first reports. Mrs O'Loan found that Mr Devenny had been wrongfully beaten by police, and that senior officers at the time knew that. The family, whose account was finally vindicated, inscribed the clock: 'To Nuala, the woman with the courage of ten men'.

This kind of tribute is one reason why Mrs O'Loan considers her time as Ombudsman to have been "a massive privilege" - in spite of "terrible" assaults on her children, political attacks on her, high profile conflicts with police, and the moment when she feared for her life.

She doesn't want to leave. If it had not been written in law that the Ombudsman must leave after seven years, she would go on.

"No, I have wonderful colleagues and my experience has generally been so positive, even through the bad days when they were howling about me and being unpleasant," she says

"I never set foot out of this office without someone speaking to me. And it still happens. People speak to me constantly. They always just tell me I'm doing a good job and don't be afraid and that sort of stuff. That has been a constant support from right across the community.

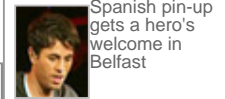
"I'll be very sad to leave. I've worked with people like the current Chief Constable, for whom I have a huge regard, the Deputy and the ACCs - wonderful people who are really committed to changing policing, to moving it on, to making it the best it can be, to acknowledging that in the past things were done which shouldn't have been done."

Her supporters share her sorrow but her critics - including the Police Federation, a collection of former officers and unionist politicians - are glad to see the back of her. The federation severed relations with her office earlier this year, and is expected to renew them after her successor, former Canadian Mountie Al Hutchinson, moves in tomorrow.

But it is undeniable that her period in office has been transformational. It has seen a new era of police accountability, most notably in the groundbreaking reports on the Omagh bomb investigation and the murder of Raymond McCord Jr. Those reports are in some senses bookends to her work: the official discomfort that greeted one and the official support that greeted the other show how the policing climate

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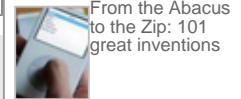
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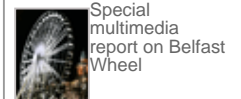
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has changed.

"I think there's been a maturing and acceptance," she says. "With Omagh, the ferocity with which I was attacked and the fact that Government didn't come out in support - nobody did - it was the community and me, and that really was rather difficult.

"It was different when I did Ballast, the McCord report. The Prime Minister, the Taoiseach, everybody came out in support - the Secretary of State, the Chief Constable, everyone.

"What I think we did with Omagh was we took the set of facts and we dealt with them on the evidence, but we also said the RUC is an organisation which is fallible, which is capable of making mistakes and there must be a process by which mistakes are addressed in any organisation.

"So it was kind of changing the consciousness and the thinking and the language of how we contemplated the RUC. And I think that was what precipitated the ferocity of the attack."

The worst moment she describes as Lord Maginnis' outburst on Newsnight after the Omagh report, when he said she had gone through "police interests and community interests like a suicide bomber", and had "outlived her usefulness".

"Nothing could prepare you for the Ken Maginnis-type suicide bomber statement, the 'outlived her usefulness statement'," she said. She felt the statements could be seized upon by paramilitaries as an excuse to attack her. "That is really what it looked like to me and I was afraid." Lord Maginnis has previously denied putting Mrs O'Loan's life at risk.

Legend has it bad weather brought Nuala O'Loan to her office. At the time storms wrecked power lines across Northern Ireland on Boxing Day in 1998, the then Secretary of State Mo Mowlam had not decided on who to appoint as Ombudsman. Stormont sources say she saw Mrs O'Loan, then chairman of the NI Consumer Committee for Electricity, on television laying into NIE's performance. She liked what she saw.

Not everyone else did. As a former member of the Police Authority and a lecturer who taught law to many senior RUC officers - not to mention being English-born and the survivor of an IRA bomb attack - Mrs O'Loan started from a "zero base" with republicans. Unionists were suspicious of her nationalist political connections (her husband, Declan, is an SDLP MLA).

"I didn't expect the depth of the kind of bitter political conflict," she says. "I knew, because I had been in the Police Authority, that policing was a very sacred thing for a lot of people here.

"But I didn't grow up in Northern Ireland, I'm not of Northern Ireland, so for me that depth of understanding of how people might react wasn't there," the mother of five said. "And that was a significant asset, not least because when people sit down in front of me I don't actually know in most cases if they're Catholic or Protestant. It's never been part of my consciousness."

She adds: "Declan was dragged in repeatedly. Because we've both had professional jobs, we've always lived with this division between work and home. So I would never talk to him about cases and he would never talk to me about some things he's involved in.

"The boys, for example, sometimes things would come up in the media in the early days and they would say, 'What's that about mum?' And I would say, 'You can go and look on the website.' That cut the lines for them very clearly.

"The boys were attacked, several of them. We know three of the attacks were sectarian. We know at least two of them were related to my work and that is very difficult, particularly with the younger boys. It's terrible."

Her work raised hackles with some police officers, some former officers and supporters of the RUC because they said her reports failed to take account of extenuating circumstances, of the special conditions the Troubles brought to policing.

"I don't think there are too many extenuating circumstances when you don't arrest someone who admits to murder, or when you don't pass on information about where murderers have gone," she says in response. "I just think that's bizarre.

"The assumption that if you're fighting terrorists you can do anything you like is I think a very dangerous assumption, because you end up growing support for that which you seek to defeat."

The withdrawal of contact by the Police Federation, which represents rank and file officers, for her final months in office was, she says, "bizarre". They complained her work "was destructive to the reputation of the RUC and would inevitably undermine public confidence in the PSNI".

"The more I thought about it, what they were saying was, 'If you didn't do your statutory duty, we would talk to you, but since you are doing your statutory duty, we're going to play silly games with you'. To me that is just mystifying. I don't think it's a personal reflection on me, I think it's a personal reflection on senior officer holders in the federation."

She expects the federation to renew contact after Mr Hutchinson takes up office. She also expects them to drop long-standing opposition to mediation in police complaints. Her failure to bring in mediation for some complaints is her "one regret".

She says she leaves a Police Service behind with "much, much better systems, much clearer training, much better and more inclusive management".

"At chief officer level, there is a clear leadership which is saying 'We get policing right, but if we don't get it right we won't cover it up'," she adds.

The future remains elusive - "I've been working so hard that I haven't really thought about it" - but she is also clear that the past should not be forgotten.

Prior to his appointment, Mr Hutchinson raised concerns about the "continual debilitating drip-feed of speculation, inquiries and investigations into past police practice".

"The law says that if a grave or exceptional allegation is made, the Police Ombudsman shall investigate," says Mrs O'Loan. "And I'm sure that he'll comply with the law. If he doesn't, he'll be judicially reviewed."

She acknowledges that there are problems with investigating the past - imperfect memories, the loss of evidence, incomplete outcomes - that "you have to factor in".

"But that doesn't mean you don't investigate," she says. "I have an email I've kept from someone whose case we investigated, which says, 'After 30 years, I can sleep'.

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"What we were able to tell them was actually very limited, but it's telling them what there is, and leaving them without what must be wrenching uncertainty. So I think that there is something that must be done there.

"The range of outcomes from those investigations is huge. It runs from the Devenney family, who were told, 'Yes it did happen, yes it was the police, yes you were all beaten, and yes there was an amnesty so there was no prosecution' to, more recently, Rita Restorick, the mother of (murdered soldier) Stephen Restorick. She had this terrible period when she didn't know whether her son had been sacrificed by the British Army and police. And he hadn't.

"I think that ability to change people's perceptions, to change their consciousness, to help move forward has been particularly important. We won't move forward if we try and bury the past.

"We think we're in a relatively stable position, but as I watch the goings on up the hill, it seems to me that it's not as stable as people might think it is. We don't want anything which will leave the opportunity for anybody to move back into violence."

## Omagh was a watershed in police accountability

Nuala O'Loan believes her 2001 report on the Omagh bombing investigation broke the taboo around official criticism of police in Northern Ireland - and that made policing better.

And she insists that the hard-fought dispute over the report did not become a personal battle between her and then Chief Constable, Sir Ronnie Flanagan.

The report unleashed a huge wave of controversy by criticising "defective leadership, poor judgement and a lack of urgency" in the police investigation of the Real IRA bomb that killed 29 people and two unborn children in August 1998. It also raised concerns about intelligence being withheld from investigators.

The report came at a sensitive time for policing - weeks after the RUC had been renamed the PSNI.

But it was also a crucial early stage for the Ombudsman; one year into her seven-year term, and the first major report she released.

Her conclusions were bitterly contested by Sir Ronnie and other senior officers, who claimed the conclusions were "distorted". But ultimately the families of many Omagh victims and the Policing Board accepted her conclusions.

"I think Omagh was a watershed generally," she said. "I think because it would have seemed to me that prior to Omagh we were acutely aware of the sacrifice made by many, many officers.

"And we were acutely conscious of the injuries, the level of injuries, and the trauma that police officers had suffered.

"The assumption therefore was that, because of all this, it was not legitimate ever to criticise the RUC. And of course any organisation that is composed of human beings is fallible, and the only way that we learn is by examining mistakes and seeing where things have gone wrong.

"When it came to it, the former Chief Constable was not prepared to concede that there had been any failings and to initiate a new investigation. And when he said to me that there were no other investigative opportunities, I had no choice but to say what the evidence was showing - that there were further investigative opportunities, and also that the RUC as it was then was deficient in policy and that leadership and management had been poor.

"I had no option because that was where the evidence took me.

"The recommendations which we made were complied with. The investigation which I suggested was initiated. A man has been charged and is awaiting judgment.

"Now, you wouldn't have had several years of investigation followed by a trial had there been no investigative opportunities."

Mrs O'Loan says the report "wasn't a battle" between her and Flanagan.

"If you actually go back and look, I said what I had to say and never said anything else," she said. "The battle that took place in the media following what I had said was this kind of articulation by various groups of their views.

"I mean there were times I was sorely tempted to come out and put the record straight when I heard things said which I felt were just so silly."

She believes the report freed up internal concerns about failures to produce intelligence that would have helped investigations.

"Even when you look back on it, after Omagh, officers would have said to me, 'You were right, we knew about it, but nobody was allowed to talk about it.'

## Leaving with concerns for the future

While compiling the shattering report that exposed how a killer agent was protected by police, Nuala O'Loan could hardly believe what she was seeing.

The Ombudsman says she ordered details checked and rechecked before issuing this year's report on the murder of Raymond McCord jnr because of the damning revelations.

The report showed that a UVF agent - not named but identified elsewhere as north Belfast loyalist Mark Haddock - and his cohorts were linked to the McCord killing and nine other murders, but were protected by police.

Mrs O'Loan says the way records were routinely destroyed and the PSNI's decision to dump 12% of informers because they were involved in serious crime make her suspect "similar things" happened in other parts of Northern Ireland - and could happen again.

She says she came under enormous pressure from Government while compiling the report known as Operation Ballast - but pressure that she feels was justified because of the need to get the facts right.

"Omagh was bad, but McCord was much worse," she said. "When we did that I was constantly saying to

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the investigators, 'Go and show me again, show me this statement, show me this document' because I had difficulty believing what I was going to have to report and I had to go through every single bit of evidence to satisfy myself before I would use it and I would make the statement that had to be made.

"So I can understand that they were saying to me, 'Are you very clear about what you're actually saying and doing?'"

"On occasion, yeah, it did feel like pressure. But I think when you hold high position and you have huge responsibilities, it's not inappropriate for people to challenge your exercise of the functions and I have no problem challenging my exercise of the functions.

"Some of the things that we discovered were unexpected to me and therefore I would expect they were equally unexpected to ministers and to civil servants who had no responsibility or involvement in the earlier period."

She said that "elements of what happened in Ballast may well have been replicated across the rest of the PSNI".

"Because, for example, they routinely destroyed all the records in relation to one of their TSG (Tasking and Support Group, an intelligence coordination body) operations.

"They conducted an operation, they had papers relating to it, and they routinely destroyed them afterwards. That was province-wide. We have encountered that in a number of investigations, because it means you can't investigate who made decisions and why.

"I would say that because of the deficiency in management and supervision, and because of the deficiency in policy and practices, there was the opportunity for similar things to have happened elsewhere but that's as far as I will go."

This is part of the reason she leaves office with continuing concerns about the new intelligence arrangements involving MI5.

"I don't want another situation like we had in Northern Ireland with Ballast, with McCord," she said. "Because that didn't happen 20 years ago. That stopped in 2003 because we did the McCord investigation. I think everyone has to be clear about that because it could happen again."

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