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Intelligence 'controlled by former Special Branch men'

REPORT INTO THE HISTORICAL ENQUIRIES TEAM

By Barry McCaffrey

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CHALLENGING: David Cox who heads up the Historical Enquiries Team set up to investigate unsolved Troubles-related killings

A special police unit set up to reinvestigate more than 3,200 Troubles-related killings should be scrapped, according to a leading academic who was given unprecedented access to the team for two years.

The Historical Enquiries Team (HET) was set up by Chief Constable Sir Hugh Orde in 2005 with a £34 million budget to re-examine murders committed during the Troubles.

In a unique move University of Ulster lecturer Dr Patricia Lundy was given "unfettered" access to the HET, including access to meetings and personnel.

In an attempt to gain the trust of the nationalist community the HET announced that it would recruit the majority of detectives from outside Northern Ireland and would limit the involvement of former members of the RUC, particularly Special Branch.

However, Dr Lundy's report into the HET concluded that its efforts to maintain independence and integrity had been severely compromised by an "over reliance" on former RUC officers, particularly Special Branch.

An HET spokeswoman last night defended the integrity of its investigations, saying that the team had received a positive response from the majority of families it had engaged with.

However, Dr Lundy's report states that all HET intelligence-gathering is "controlled" and "censored" by former RUC Special Branch officers.

"It appears that 'the old guard' play a key role in the management and access to intelligence and perform a censoring role in respect of disclosure," she writes.

"All aspects of intelligence are managed by former RUC and Special Branch officers.

"At the time of the research, the Intelligence Unit (IU) was staffed by 18 former RUC and Special Branch officers."

In November 2007 the HET had 166 staff, including 67 former RUC officers.

Two former RUC Special Branch officers and a former British army soldier hold key senior positions within the HET.

The report found that the "strategic positioning" of former RUC officers, and particularly those with a Special Branch background, "not only

undermines actual but perceived independence".

One PSNI officer who had been seconded to the HET was Detective Chief Inspector Philip Marshall, who was later accused of "deliberate and calculated deception" during the Omagh bomb trial.

The British army was found to have regularly failed to pass on the names of former soldiers identified in controversial killings to HET investigators.

HET requests to the British army were "invariably returned with a negative trace ", the report said.

Only one fifth of senior RUC detectives who originally investigated Troubles-related killings had "positively engaged" with the HET.

While the unit was reported to be investigating more than 1,000 cases during the two-year study, Dr Lundy said the figure actually referred to the number of cases that had 'gone into the system'.

"It is my opinion that a very creative use of language has been employed to describe a process which in the majority of cases is essentially a 'desktop review'," she writes.

Raising concerns that "political considerations" appeared to impact on HET's decision-making process, the report states: "HET are acutely aware of the extreme sensitivity of the cases under review and their likely political ramifications.

"There has been a nervousness or lack of confidence in 'rolling out' the process and reluctance on the part of senior management to make difficult decisions and deliver perceived

unpopular findings.”

The report claims that the HET's independence was further damaged in 2006 when control of its finances and personnel was transferred to the PSNI.

“The loss of control of ‘the purse strings’, has caused tension within HET senior management and cast doubt on claims that the director reports directly to the chief constable which was a significant assurance to NGO's (non-governmental organisation) in deciding whether to engage with the HET,” it says.

“It further raises questions about political oversight beyond financial matters.”

The report stated that staffing,

financial and security constraints meant that HET chiefs often found themselves in “crisis management” and “fire fighting”.

However, while acknowledging HET efforts to carry out a difficult task, Dr Lundy said it was now time for the unit to be scrapped and replaced with an international and civilian structure.

“The HET is a significant departure from the past and a positive development in policing,” she writes.

“Such is the quantifiable shift and the obvious effort and commitment of individuals in developing and delivering a creative response to dealing with the past that it might appear ‘out of step’ to criticise.

“The process is, however, not about individuals, neither is it a popularity contest.

“At present, it is apparent to me, that the ‘cracks are being papered over’.

“If we are to learn anything as a society, and if a model of this kind is to be emulated elsewhere, there needs to be an informed, honest and public discussion of the positive and negative lessons – a warts and all assessment so that shortcomings can be avoided.”

A HET spokeswoman last night defended its integrity.

“We always knew that this work would be challenging,” she said.

“It is a unique initiative that has never been undertaken anywhere else.

“We always knew that such a project wouldn't please everyone and meet everyone's expectations.

“However, we are very clear that it is the right thing to do.”

The spokeswoman said it had received positive responses from the majority of families it had engaged with.

"We will look closely at the comments made in the report by Dr Lundy," she said.

"Some of her research is now outdated and some of the issues raised have been addressed in the normal process of evaluation and improvement.

"However, the litmus test remains the experience of families who have gone through the process."

Relatives For Justice victims group spokesman Mark Thompson called for the HET to be wound up in light of what he described as a "shocking" and "devastating" report.


A University of Ulster spokesman said the HET report was a draft copy not meant to be made public.

"Dr Lundy's priority in all of this is the victims and the imperative as a professional academic to make a positive contribution to the discussion on dealing with the past," he said.

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