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**UK**

## O'Loan's fears as she steps down

Northern Ireland's first Police Ombudsman reflects on eight years in the job as she makes way for her successor - and tells of her concerns about the role of the security services

**Henry McDonald**  
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When Nuala O'Loan hands over the keys to the office of the Police Ombudsman for Northern Ireland to her Canadian successor she will do so in the knowledge that the post's powers of investigation will already be severely diluted.

By the time Al Hutchinson, formerly of the Royal Canadian Mounted Police, takes charge this November, MI5 will have full control of all terrorist informers in the north of Ireland, following a decision by the British government that the security services rather than the police should run agents inside local and international terrorist organisations

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'There will be a reduction in this office's ability to call people to account. The current situation gives me powers that enable me to examine intelligence information and records,' says O'Loan.

'Soon I won't have that amount of access to information. The security services may co-operate with me and we are working towards a protocol that says they won't withhold information. But there is a huge difference between that and me having statutory powers to, for example, trawl through police computers and dig and dig until I find something. We won't be able to do that with MI5.

'If you have got constables and sergeants handling people who are reporting to the security services then I can ask the constables and sergeants to account for themselves. However I can't question the security services' managers about any alleged wrongdoing.'

In her first interview since it was announced Hutchinson would succeed her, O'Loan reflected on her eight often controversial years scrutinising the PSNI as well as its predecessor the RUC and the latter's role in the Troubles.

She has faced many verbal assaults from two areas

during her term in office: unionist politicians and the Police Federation. O'Loan, herself a victim of an IRA bomb (she lost her unborn child during an explosion while at the University of Ulster) comes out fighting, armed with statistics. According to the last public attitudes survey, 88 per cent of Protestants, she points out, accept her office is independent of both the police and party politics, and 86 per cent of Protestants thought her office operated fairly. Moreover, the political party that has brought the largest number of complainants to her door, she notes, has been not Sinn Fein or the SDLP but rather Ian Paisley's Democratic Unionist Party.

Her first major report back in 2001 concerned the 1998 Omagh bomb massacre and allegations that intelligence from informers about an imminent attack on the town was not acted upon. Last week several relatives of those killed at Omagh gave up a civil action against men they claim were behind the plot. Twenty-nine people were killed in the explosion; so far no one has been convicted of any of the murders.

Asked if she stood by her assertion six years ago that poor policing methods hampered the criminal investigation, O'Loan replies: 'Absolutely, absolutely no question about it ... I think a lot of the opportunities that would have been there at the beginning in Omagh were lost.'

Her subsequent inquiries were dominated by collusion, where the state allowed its agents to commit crimes, including murder. Last Monday it was announced that no serving or retired police officers in Northern Ireland would be prosecuted over the murder of Pat Finucane in 1989, despite Sir John Stevens's (now Lord Stevens) conclusion that there had been collusion between Special Branch officers and agents inside the Ulster Defence Association, including informers directly involved in the killing. O'Loan believes the lack of prosecutions is partly due to the destruction of the paper trail. To her distress, she discovered a systematic shredding of records within the RUC, particularly in Special Branch.

Many police officers, especially those represented by the Police Federation, felt the Ombudsman was 'out to get them' and the RUC. They saw her work as part of a political strategy to win over nationalist and republican support for new policing arrangements. Not so, insists O'Loan vehemently.

'In my reports and on our own website we have said that the RUC did an excellent job. In some cases we have had to say to families who brought their cases to us that there was no collusion. But we are an evidence-based organisation and where there was evidence of wrongdoing by police officers, either in the old RUC or the PSNI today, we said so and continue to do so.'

Her latest report - Operation Ballast - uncovered a web of collusion between Special Branch officers and a north Belfast UVF terror unit responsible for more than 20 murders in a decade. Although her team initially focused on the 1997 murder of Raymond McCord Jr, the inquiry found that informers inside the UVF Mount Vernon unit were working for the state while killing, beating and drug dealing.

As with the Finucane case, O'Loan reported that Special Branch officers often frustrated their colleagues in CID with sham interviews of suspects, the withholding of intelligence and even the protection of informer-killers. She is adamant that lack of co-ordination and co-operation in the RUC resulted in a poor conviction rate for terrorist-related killings during the conflict.

'Part of the failure to prosecute many of the murders of the Troubles must be attributable to the failure to disseminate information.' Out of 100 cases she has investigated, a 'significant number' show that the Special Branch failed to give their colleagues in CID adequate information.

'The whole procedure of Special Branch was predicated on the protection of the informant. So people had a vested interest in sustaining their own informants. There wasn't a process by which informants were screened or their activities were looked at.' Loyalists, however, were

not the only ones protected and, indeed, used by their police handlers during the conflict, she says. O'Loan says she is confident that senior republicans who were in the pay of the state were also protected.

At present she is investigating 10 complaints, all related, directly or indirectly, to the role of 'Stakeknife', one of the British government's most important agents inside the IRA. Freddie Scappaticci was the head of the IRA's internal security squad, the unit that hunted down and killed informers. All the while Scappaticci was working for the security forces. O'Loan says it is safe to assume that there are others like Stakeknife who have been protected by the state.

Asked about individual cases, she mentions the murder of Mary Travers. The 22-year-old was shot dead by an IRA gunman outside a church in south Belfast on 8 April 1984. Her father Tom, a magistrate, had been the intended target. It is alleged that the killer was at the time working as an agent for the police inside the IRA's Belfast Brigade. Pressed on whether she has found evidence of collusion and/or cover-up in the Travers file, O'Loan replies: 'I can't answer that at this stage.'

Nor will she be drawn on whether the Ombudsman investigations into the Stakeknife-related inquiries have uncovered evidence of other agents in the higher echelons of the republican movement.

So was it British policy to direct agents inside both loyalist and republican paramilitary groups to kill with impunity? O'Loan says that so far, at least, she has found no evidence of directed, structured, centrally controlled collusion. There are, though, she adds, many examples of police handlers being aware of what their agents were up to, including serious crimes such as murder.

As she enters the twilight of her career as Northern Ireland's first ever Police Ombudsman, O'Loan stresses there are lessons to be learned for policing practices, including counter-terrorism in Britain. It is only hours after news came through about an abandoned car bomb in the West End of London and fears of a renewed Islamist

offensive in England. Yet even in a state of high alert, O'Loan warns about the dangers of the forces of law and order crossing the line.

The security forces in Britain, especially the police, should avoid the temptation of letting their agents inside Islamist groups commit crimes to enable them to gain promotion through terror organisations' ranks, she says.

'My concern is that if we have to learn anything from Northern Ireland, it is that we mustn't allow a situation to develop in places like Bradford, Manchester or London, where you allow communities to become so disconnected from the police and the security services - because they can see people being allowed to commit crime, and very often serious crime - that they stop giving the authorities the information they need,' O'Loan says.

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