# Stevens Enquiry 3

## Overview & Recommendations

17th April 2003

**Sir John Stevens** *QPM, DL*
Commissioner of the Metropolitan Police Service

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# Chapter 1

## Introduction

1.1 I have carried out three Enquiries into allegations of collusion between the security forces and loyalist paramilitaries in Northern Ireland. These began nearly fourteen years ago and continue to this day. I believe the time is now right to make some important recommendations. These arise from serious shortcomings I have identified from all three Enquiries.

1.2 I intend to take a twin-track approach, publishing these recommendations whilst allowing the specific criminal investigations to continue. These will be submitted to the Director of Public Prosecutions (NI). Some major lines of enquiry are still in the early stages of investigation.

1.3 My Enquiries have highlighted collusion, the wilful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, and the extreme of agents being involved in murder. These serious acts and omissions have meant that people have been killed or seriously injured.

1.4 This report will also detail how my Enquiries have been obstructed.

**Terms of Reference**

1.5 In May 1999, following a letter from the Director of Public Prosecutions (NI) to the then Chief Constable of the Royal Ulster Constabulary, Sir Ronnie Flanagan, I was asked to re-investigate the murder of Patrick Finucane and allegations of collusion raised by British Irish RIGHTS WATCH.

1.6 The significance of the role played by an RUC informant William Stobie in events surrounding the murder of Patrick Finucane led to two principal, further matters being added to my remit. Firstly I undertook to re-investigate the murder in

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November 1987 of a young student Brian Adam Lambert and secondly to examine certain issues surrounding the handling of agents.

1.7 The task of preventing terrorist attacks by paramilitary groups from either side of the community in Northern Ireland is acknowledged to be one of the most complex policing challenges in the United Kingdom. Conventional roles and duties are overlaid with the need to respond to the ever-present threat from terrorism. The scale of this challenge is highlighted by the fact that during the three years primarily covered by this report, 1987 to 1989, the RUC dealt with over 3,000 terrorist related incidents of which 261 were deaths related to the security situation.

1.8 My third Enquiry has focussed in detail on only two of those murders, and a small number of related agent case histories. In doing so it has worked and continues to work at all times to provide evidence to satisfy the prosecution test. It has also, like my two previous Enquiries, always operated from the premise that those involved in policing and security duties in Northern Ireland work to and are subject to the rule of law.

1.9 My recommendations cover the collection and use of intelligence, the use of agents, standards of investigation and the prevention of collusion. Some of the recommendations I made in my first report are still relevant. I re-emphasise the importance of their implementation. I also propose some new recommendations concerning the future policing of Northern Ireland.

1.10 The publication of this report is later than I had originally hoped. This delay is due to a number of factors. Firstly, as has already been mentioned, new terms of reference were added to the original remit of my Enquiry.

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1.11 Secondly last November a considerable amount of additional documentation from the Ministry of Defence, giving rise to several new and major lines of enquiry, became available to the Enquiry team for the first time. I record this late disclosure with considerable disquiet. I had encountered the same problem of late disclosure during my two previous Enquiries and expressed then my strong concerns surrounding the issue.

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# Chapter 2

## Outline of events investigated by the Enquiry Team

### The Murder of Patrick Finucane

2.1 Patrick Finucane was murdered in front of his wife and three children in his home on Sunday 12th February 1989. He was 39 years old and worked as a solicitor in Belfast. Mr Finucane was shot fourteen times by two masked gunmen who entered his house in the early evening. The gunmen escaped in a red Ford Sierra motor vehicle driven by an accomplice. The following day the Ulster Freedom Fighters (UFF) claimed responsibility for the murder.

2.2 Two guns were used in the attack, the majority of shots fired from a 9mm-P Browning. This firearm was recovered approximately five months later. It was found to be one of a number of guns stolen in August 1987 from an Ulster Defence Regiment barracks. It had already been used in an attempted murder a few months before the murder of Patrick Finucane. Five men were arrested in connection with the recovery of the weapon and three were later charged. The second gun, a .38 Special or a .357 Magnum revolver, was later used in another attempted murder in 1991. That weapon has never been recovered.

2.3 A number of other suspects were identified and arrested by the RUC but by November 1989 the murder remained unsolved and the investigation had effectively ceased. However in 1990 a journalist, Mr Neil Mulholland, provided new information about the Finucane murder from a man claiming to be both a quartermaster for the Ulster Defence Association and an agent of the RUC Special Branch. This man was William Stobie. He also admitted to Mulholland that he had supplied the murder weapon that had killed another man, Brian Adam Lambert.

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**The Murder of Brian Adam Lambert**

2.4 Brian Adam Lambert had been shot on 9th November 1987 at a building site in Belfast. He was a young Protestant student with no criminal record or links to terrorism. It is believed he was mistakenly targeted in revenge for the Remembrance Day bombing at Enniskillen the day before. One man was charged and convicted for the offence of conspiring to murder Brian Adam Lambert.

**William Alfred Stobie**

2.5 Stobie was recruited as an agent by the RUC Special Branch in November 1987 following his arrest for the murder of Brian Adam Lambert for which he was released without charge. He was tasked by Special Branch until 1990 when as a result of Mulholland's information he was arrested by the RUC for the Finucane and Lambert murders. Mulholland, however, refused to sign a statement. This fact was highlighted in a file submitted to the Director of Public Prosecutions (NI) recommending non-prosecution.

2.6 As the UDA quartermaster of the West Belfast Brigade, Stobie had continued to be involved in the storage and supply of weapons several months after the murder of Patrick Finucane. His activities, whilst an agent, clearly indicate his central role in the commission of serious offences from at least July 1988 onwards.

2.7 It has now been established that before the murder of Patrick Finucane, Stobie supplied information of a murder being planned. He also provided significant information to his Special Branch handlers in the days after the murder. This principally concerned the collection of a firearm. However this vital information did not reach the original murder enquiry team and remains a significant issue under investigation by my Enquiry team.

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2.8 Stobie was arrested by my third Enquiry team and charged with the murder of Patrick Finucane and Brian Adam Lambert. The case concluded at Belfast Crown Court in November 2001 when the key prosecution witness, Neil Mulholland, who had by then signed a witness statement, failed to give evidence on account of his mental state. Two weeks later Stobie was shot dead. His murder was claimed by the loyalist terrorist group the 'Red Hand Defenders'. Stobie's murder, and his refusal to accept protection beforehand, is a matter that has been investigated by the Police Service of Northern Ireland.

2.9 My Enquiry team arrested three of the original suspects for the murder of Patrick Finucane and nine other men were arrested for the first time on suspicion of murder. None of those arrested could be linked forensically to the scene of the Finucane murder. No admissible evidence has been obtained to enable any person to be charged. I believe however that all played a significant role in the murder of Patrick Finucane or the events surrounding it. This part of my Enquiry is still ongoing.

2.10 Similarly five men were arrested by the Enquiry team on suspicion of the murder of Brian Adam Lambert. No-one, other than William Stobie, has been charged with his murder because of a lack of evidence to satisfy the prosecution test.

**Investigation of Agents**

2.11 My Enquiry team also examined the role of agents, now known as Covert Human Intelligence Sources (CHIS), active around the time of both murders. In particular it reviewed William Stobie's and Brian Nelson's roles in the murder of Patrick Finucane. Nelson, an Army agent, had been identified as a suspect during my first Enquiry. He was charged with thirty-five serious terrorist offences and later convicted. He was imprisoned for ten years. He was the subject of my second Enquiry. This investigated additional allegations concerning his role as highlighted in the 1992 Panorama documentary entitled '*Dirty War*'.

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2.12 As in the case of Stobie all the available intelligence was assessed. Nelson was aware and contributed materially to the intended attack on Finucane. It is not clear whether his role in the murder extended beyond passing a photograph, which showed Finucane and another person, to one of the other suspects. Nelson was re-arrested and interviewed. There was no new evidence and he was not charged with any further offences.

2.13 Brian Nelson's role also raised a number of issues arising from the work of the Force Research Unit (FRU), the Army's agent-handling unit in Northern Ireland. My Enquiry team investigated allegations made by several former members of the FRU. They reviewed and analysed all material relating to the FRU's operational activity. Twenty former members of the FRU were interviewed and files seeking legal advice in relation to nine of them have been prepared. New material uncovered since the publication of my last report has shed further light on this matter. These enquiries are still ongoing.

**Intelligence Material**

2.14 My Enquiry team has undertaken the forensic examination of a wealth of material recovered from the loyalist paramilitary groups, particularly that belonging to Nelson. The advance in forensic technology has resulted in identification of eighty-one people who had left their fingerprints on classified documents that they had no lawful reason to possess. Twenty-seven have been arrested and interviewed. Application of the prosecution test led to six persons being charged and convicted in relation to possession of documents likely to be of use to terrorists. The remaining twenty-one cases failed to satisfy the prosecution test.

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**Other Matters Concerning Collusion**

2.15 One of the major issues for my Enquiry, underpinning virtually all aspects of the individual investigations, was the allegation of widespread collusion between the loyalist paramilitaries, the RUC and Army. My Enquiry team investigated these allegations. Many were contained in the British Irish RIGHTS WATCH report *'Deadly Intelligence – State involvement in loyalist murder in Northern Ireland'* including the allegation that the RUC had incited the death of Patrick Finucane.

2.16 My Enquiry attempted to establish whether Mr Finucane had been threatened by loyalist paramilitaries, or RUC officers, and whether he had made any formal complaint. The absence of any record means that this criminal allegation cannot be substantiated against any RUC officer.

2.17 My Enquiry team also investigated an allegation that senior RUC officers briefed the Parliamentary Under Secretary of State for the Home Department, the Rt Hon Douglas Hogg QC, MP, that 'some solicitors were unduly sympathetic to the cause of the IRA'. Mr Hogg repeated this view during a debate on the Prevention of Terrorism legislation in the House of Commons. Within a few weeks Patrick Finucane was murdered. Mr Hogg's comments about solicitors' support for terrorism made on 17th January 1989 aroused controversy. To the extent that they were based on information passed by the RUC, they were not justifiable and the Enquiry concludes that the Minister was compromised.

2.18 A further aspect of my Enquiry was how the RUC dealt with threat intelligence. This included examination and analysis of RUC records to determine whether both sides of the community were dealt with in equal measure. They were not.

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# Chapter 3

## Obstruction of my Enquiries

3.1 Throughout my three Enquiries I recognised that I was being obstructed. This obstruction was cultural in its nature and widespread within parts of the Army and the RUC. I am confident that through the investigative efforts of my Enquiry team, I have managed to overcome it and achieve the overall objectives of my Enquiry.

3.2 I gave details in my first report of the obstruction I encountered during my first Enquiry. I recount these details now as their significance has grown as a result of more recent disclosures.

3.3 It was only through the investigative efforts of my Enquiry team that I was able to identify and arrest the Army agent Brian Nelson in January 1990. When he was interviewed I discovered that he had been in possession of an 'intelligence dump'. This had been seized by his FRU handlers when my first Enquiry had begun, in September 1989. This crucial evidence had been concealed from my Enquiry team.

3.4 There was a clear breach of security before the planned arrest of Nelson and other senior loyalists. Information was leaked to the loyalist paramilitaries and the press. This resulted in the operation being aborted. Nelson was advised by his FRU handlers to leave home the night before. A new date was set for the operation on account of the leak. The night before the new operation my Incident room was destroyed by fire. This incident, in my opinion, has never been adequately investigated and I believe it was a deliberate act of arson.

3.5 During my first Enquiry I asked to examine particular documents but received written statements that they did not exist. My latest Enquiry team has now recovered all these documents. The dates recorded on them show that they all existed at the time of my first request. Much of the effort of this Enquiry has

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had, yet again, to be spent building up its own intelligence database and in so doing discovering that it has not been given a full and proper disclosure.

3.6 Following three recent, major disclosures by the Army and the Ministry of Defence I am investigating whether the concealment of documents and information was sanctioned and if so at what levels of the organisations holding them. It has been necessary to interview the same witnesses a number of times because of the failure to provide complete information at the first time of asking.

3.7 I have spoken recently with senior management from the organisations concerned. I am now satisfied that matters have improved and will continue to do so.

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# Chapter 4

## Conclusion

4.1 My third Enquiry began on 19th April 1999. It has, in conjunction with my two previous Enquiries been the largest investigation undertaken in the United Kingdom. During the course of these three Enquiries 9,256 statements have been taken, 10,391 documents recorded (totalling over 1 million pages) and 16,194 exhibits seized.

4.2 This has led to 144 arrests. So far 94 persons have been convicted. To date 57 separate reports have been submitted to the Director of Public Prosecutions (NI) for his direction. These reports contain the detail of my three Enquiries.

4.3 My recommendations cover the operation of all the security forces in Northern Ireland. They should not be seen in isolation. There have been a number of other reports published in the intervening years since my first Enquiry. The Army undertook a review of their agent handling operations after my first Enquiry had uncovered the criminality of the Army's agent, Brian Nelson. This resulted in the Blelloch report, which established specific guidelines for such operations. More recent reports include the Patten report (1999) on the future of policing in Northern Ireland, the Police Ombudsman for Northern Ireland report on the Omagh bombing (2001) and the report by Her Majesty's Inspectorate of Constabulary into the Police Service of Northern Ireland Special Branch (2002). My recommendations complement and support those contained in them.

4.4 The recommendations arising from my first report and the Blelloch report, together with the recommendations of this report, should be independently reviewed and audited within an agreed time frame.

4.5 My recommendations draw on the information uncovered by my three Enquiries, carried out over the past fourteen years. In most cases the facts have been

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clearly established; in others the evidence is contradictory and therefore incapable of resolution.

4.6 I have uncovered enough evidence to lead me to believe that the murders of Patrick Finucane and Brian Adam Lambert could have been prevented. I also believe that the RUC investigation of Patrick Finucane's murder should have resulted in the early arrest and detection of his killers.

4.7 I conclude there was collusion in both murders and the circumstances surrounding them. Collusion is evidenced in many ways. This ranges from the wilful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, through to the extreme of agents being involved in murder.

4.8 The failure to keep records or the existence of contradictory accounts can often be perceived as evidence of concealment or malpractice. It limits the opportunity to rebut serious allegations. The absence of accountability allows the acts or omissions of individuals to go undetected. The withholding of information impedes the prevention of crime and the arrest of suspects. The unlawful involvement of agents in murder implies that the security forces sanction killings.

4.9 My three Enquiries have found all these elements of collusion to be present. The co-ordination, dissemination and sharing of intelligence were poor. Informants and agents were allowed to operate without effective control and to participate in terrorist crimes. Nationalists were known to be targeted but were not properly warned or protected. Crucial information was withheld from Senior Investigating Officers. Important evidence was neither exploited nor preserved.

4.10 My enquiries with regard to satisfying the test for prosecution in relation to possible offences arising out of these matters are continuing.

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**THE FOLLOWING RECOMMENDATIONS ARE MADE:**

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| Recommendation 1 | The National Intelligence Model should be introduced into the Police Service of Northern Ireland and supported by the necessary Information Technology. |
| Recommendation 2 | The PSNI should carry out a full review of all their procedures for investigating terrorist offences with a view to establishing a dedicated unit along the lines of the Metropolitan Police model (this was recommended in my first report). |
| Recommendation 3 | An Assistant Chief Constable with single responsibility for the Anti-Terrorist Branch should be appointed and be answerable directly to the Chief Constable. |
| Recommendation 4 | There should be Service Level Agreements between all departments and external partner agencies to ensure clarity and understanding of each other's roles. |
| Recommendation 5 | The Senior Investigating Officer (SIO) of murder and other serious crimes should receive full co-operation and relevant intelligence from Special Branch particularly where Covert Human Intelligence Sources (CHIS) are suspects for murder or other serious crime. |
| Recommendation 6 | Any conflict between the investigation of crime and the protection of agents should be managed through a decision making process overseen by the Regional Assistant Chief Constable. |
| Recommendation 7 | Regionally based Special Branch officers should come under the command of the Regional Assistant Chief Constable. |

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| Recommendation 8 | All Regional Special Branch officers of Detective Inspector rank and above should attend the Senior Investigating Officer's course. |
| Recommendation 9 | A pre-requisite for selection to Special Branch should be evidence of investigative experience. |
| Recommendation 10 | Guidelines on the use of CHIS in countering terrorism should be completed as a matter of urgency. These must take account of the existing Regulation of Investigatory Powers Act 2000. |
| Recommendation 11 | An internal strategic review should be undertaken to ensure that CHIS are only employed to achieve a proportionate coverage of the terrorist threat. |
| Recommendation 12 | A full review of training for all agent handlers should be introduced, including integrity issues and the keeping of records. |
| Recommendation 13 | The investigation of murder should be carried out in accordance with the Association of Chief Police Officers' (ACPO) guidelines on Homicide Investigation. |
| Recommendation 14 | Senior Investigating Officers should attend the nationally accredited SIO course and receive critical incident training on scenarios relevant to Northern Ireland. |
| Recommendation 15 | The PSNI should carry out a full review of all their methods and processes of exhibit management. |
| Recommendation 16 | An overarching strategy group of all relevant agencies (Gold group) should be formed at the outset of any major investigation to ensure effective intelligence sharing and to respond to community concerns. |

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| Recommendation 17 | All Senior Investigating Officers dealing with terrorist murders must be adequately vetted in order that they can receive and deal with any sensitive intelligence. |
| Recommendation 18 | An internal investigation department should be established by the PSNI in order that any allegations or suspicions of collusion and corruption can be tackled proactively as well as reactively. |
| Recommendation 19 | Integrity testing and Quality Assurance checks should be carried out to ensure that complete confidence is maintained in the security of source intelligence. |
| Recommendation 20 | A senior liaison committee should support future Enquiries of this nature. This should include senior representation from those agencies involved to ensure proper disclosure and accountability in the decision making process. |
| Recommendation 21 | An independent audit and review of my recommendations relating to the Army and the PSNI should be undertaken within an agreed time frame. This process should include recommendations arising from the Blelloch report. |

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# Glossary of terms

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| RUC | Royal Ulster Constabulary |
| DPP(NI) | Director of Public Prosecution (Northern Ireland) |
| PSNI | Police Service of Northern Ireland |
| BIRW | British Irish Rights Watch |
| UFF | Ulster Freedom Fighters |
| UDR | Ulster Defence Regiment |
| UDA | Ulster Defence Association |
| CHIS | Covert Human Intelligence Source |
| FRU | Force Research Unit |
| SIO | Senior Investigating Officer |
| ACPO | Association of Chief Police Officers |
| ACC | Assistant Chief Constable |
| PONI | Police Ombudsman for Northern Ireland |
| HMIC | Her Majesty's Inspectorate of Constabulary |
| IT | Information Technology |
| SB | Special Branch |
| DI | Detective Inspector |