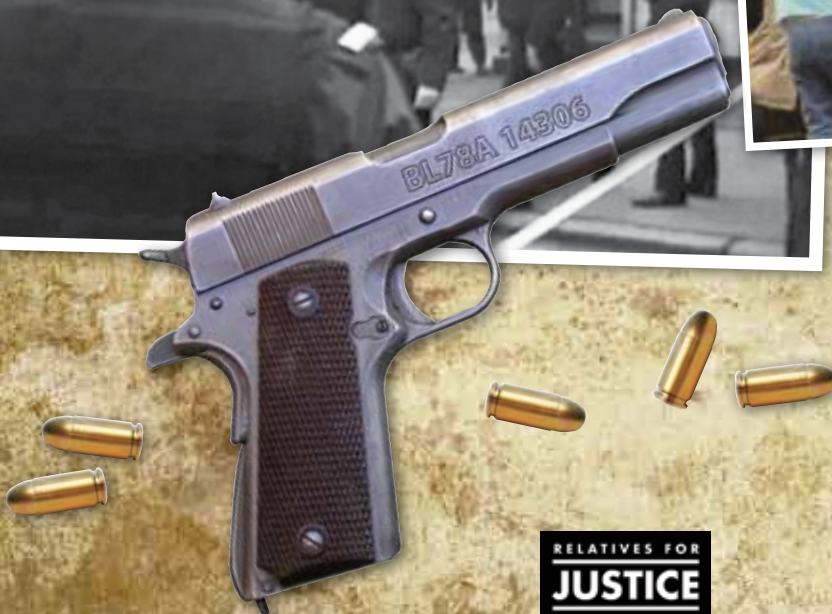
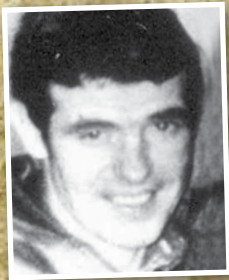


REPORT

SEAN GRAHAM BOOKMAKERS

# ATROCITY

SEAN GRAHAM BOOKMAKERS, ORMEAU ROAD, BELFAST | WEDNESDAY 5TH FEBRUARY 1992

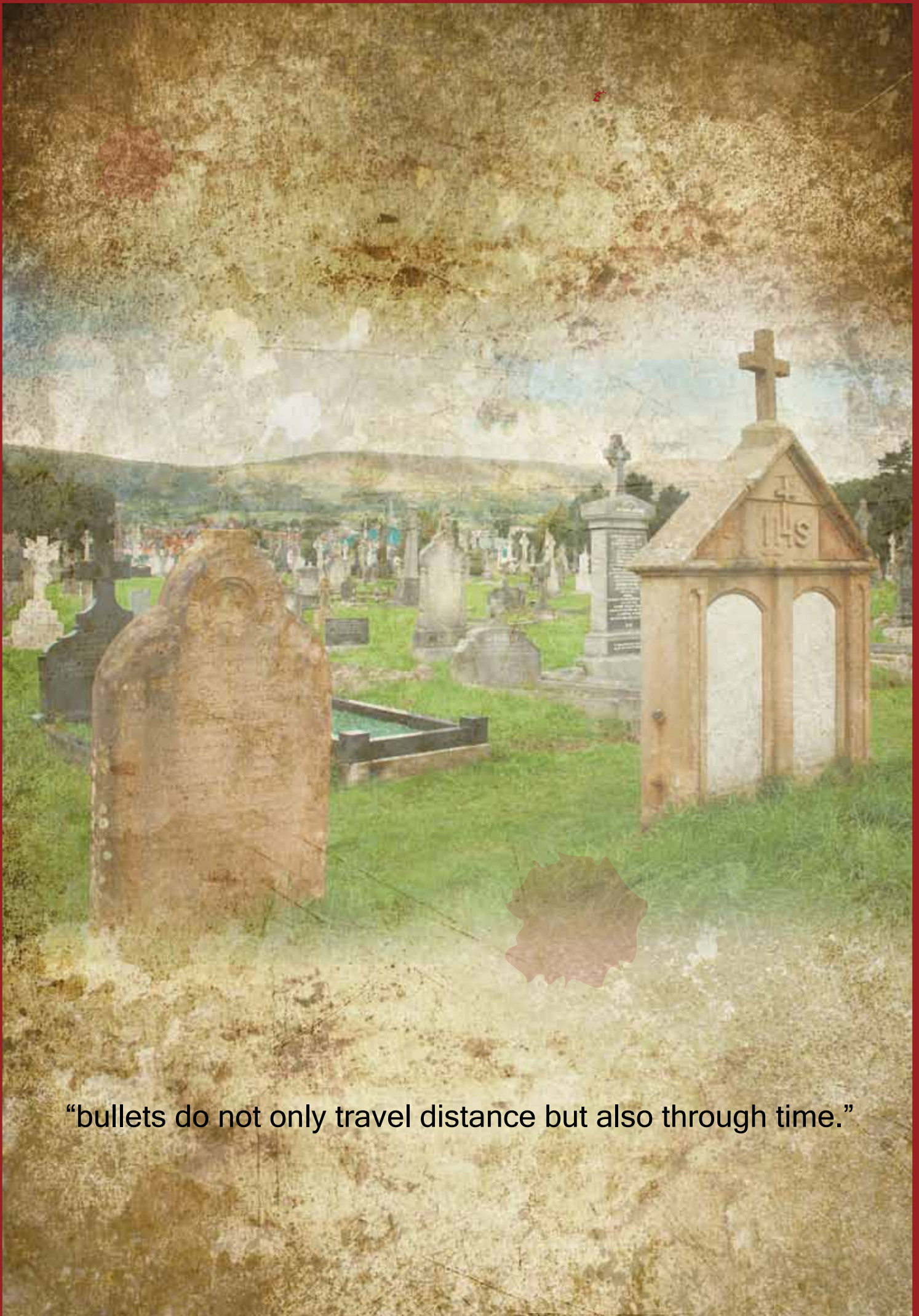


COVER UP COLLUSION COVER UP

RELATIVES FOR  
**JUSTICE**

THE UNTOLD STORIES OF RELATIVES, VICTIMS AND SURVIVORS





“bullets do not only travel distance but also through time.”



Wednesday 5th February 1992

# Executive Summary

## INTRODUCTION

On the 5<sup>th</sup> of February 1992 during one of the worst periods of sustained violence in the conflict in the north of Ireland five people were murdered by the UDA/UFF in Sean Graham's Bookmakers shop on the Lower Ormeau Road in south Belfast. This year marks the 20<sup>th</sup> anniversary of these murders. It coincides with recent disclosure of damning evidence of the role of the British State in these killings. What follows is a brief synopsis of the evidence gathered from a variety of processes including the Stevens III Enquiry into collusion, The Cory Report, a letter to the bereaved and injured from the Public Prosecution Service (PPS), the PSNI's Historic Enquiries Team (HET) and most importantly disclosures to the families' solicitors in October 2011 of interview notes and a key forensic report.

The following report by Relatives for Justice on behalf of the bereaved and injured provides a compelling argument for a full public examination of the arming and controlling of the UDA/UFF through State-run agents in relation to the murders of Jack Duffin, Willie McManus, Christy Doherty, Peter Magee and James Kennedy and the wounding of seven others.

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## The Atrocity

At 2.25pm on Wednesday 5<sup>th</sup> February 1992 two armed and masked loyalists entered Sean Graham's Bookmakers shop on the Lower Ormeau Road in south Belfast opening fire indiscriminately on customers with automatic weapons.

Within the confined space, 28feet x11feet, 12 of the 13 patrons were shot. Four lay dead, whilst others lay seriously wounded. Emergency medics described the scene as 'absolute and sheer carnage' as they battled to save lives. Harry Whan, Divisional Ambulance Officer for Belfast who arrived on the scene within minutes of being alerted stated; '...the scene was horrific with bodies everywhere. In that confined space there was the smell of gunfire and all the bleeding and whatever that you couldn't describe...for other ambulance men it was worse; they were knee deep in it, dealing with the dead and dying.'

A survivor also described the scene; '...it seemed to go on for a lifetime, I prayed please God let the shooting stop. There wasn't a sound for a few seconds, everybody was so stunned, but then the screaming started. People were yelling out in agony and others were crying. You could hardly see anything. The room was filled with gun-smoke and the smell would have choked you.'

Relatives of those injured and killed quickly arrived on the scene from the adjoining streets of this small nationalist community of which the Bookmakers, and the few other shops and pubs all within yards of each other, form the hub.





Seven other men who were shot, some several times, survived the attack, four were in intensive care.

## THE WEAPONS

## 1. The VZ 58 automatic rifle

Brian Nelson and British Military Intelligence provided loyalists with the VZ 58 automatic assault rifle used in the attack. This was part of a shipment of weapons imported from South Africa to arm loyalist groups. This weapon was also used to murder two Catholic men in north Belfast in 1988 and in an attempted murder that same year. The VZ 58 was 'recovered via intelligence' by the RUC after the Bookmakers attack and subsequently 'destroyed'.

## 2. The 9mm Browning Pistol

The 9mm Browning pistol used in the attack was a British army issue weapon. It was allegedly 'stolen' from Malone UDR Barracks Belfast on January 31<sup>st</sup> 1989 by UDA/UFF agent Ken Barrett and passed onto another UDA/UFF agent, William Stobie. Stobie then gave his RUC Special Branch handlers the gun. They took charge of this weapon for a period before handing it back to the UDA/UFF death squad.

It has also been disclosed that a civilian employee of the then Police Authority also handled this weapon and that a file, recommending the prosecution of this person, was submitted by the Stevens Enquiry III to the Public Prosecution Service (PPS) in early 2003.

On December 22<sup>nd</sup> 1991 this weapon was used to murder Aidan Wallace in an attack at a south Belfast bar and leisure complex. Three other people were injured during that attack, including an 8 year-old boy who lost an eye. Then on February 5<sup>th</sup> 1992 it was again used in the Bookmakers attack killing five people and injuring seven more.

The 9mm Browning was recovered by the RUC at a vehicle checkpoint in May 1992



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from a UDA/UFF team on the Ballyskeagh Road on the outskirts of Belfast near Lisburn. Those arrested in possession of the weapon were allegedly on their way to carry out a murderous attack.

The weapon now forms part of the Stevens Enquiry into collusion between security services and loyalists.

When it emerged publicly in June 2007 that Special Branch had handled the weapon and that it had subsequently been used in six murders and ten attempted murders, Special Branch claimed to have 'deactivated' it prior to returning it to their agent William Stobie in November 1989. Forensic tests of the weapon, taken after it was eventually seized on the Ballyskeagh Road in 1992, showed it to be 'in good condition...mechanically sound... when test fired it functioned correctly...' There is no evidence to support the Special Branch's claim that they 'deactivated' this weapon rather the evidence is that they did not.

This forensic report of the weapon, written after it was eventually seized in the Ballyskeagh Road was disclosed to Solicitors Kevin R Winters & Co along with interviews notes of the two loyalists arrested in possession of the 9mm Browning pistol in May 1992.

The families were told by the PSNI's Historical Enquiries Team (HET) in the summer of 2011 that this information had been 'disposed of'. This claim was also contained in a final report of the PSNI's HET.

Based on their research the authors of this report believe this denial was an attempt by the PSNI to seek to conceal these interview notes, including the forensic report, by falsely claiming they had been 'disposed of'.

It was further revealed in these interview notes that one of the loyalists arrested on the Ballyskeagh Road in possession of the 9mm Browning, along with another weapon and ammunition, was the son of an RUC officer.

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### 3. THE GETAWAY CARS

The car used in the attack was a blue Ford Escort RIJ 9090. This had been purchased on January 27<sup>th</sup> at Carryduff auctions for £370 and the seller 'confidently' identified the person who purchased it, he is referred to as Suspect 1.

The fingerprints of Suspect 2, Joe Bratty, now deceased, were found on the original bidding slip at the auction and the RUC were aware of this within days of the attack. Despite this, and the fact that he was known to be the UDA/UFF commander for the area that the attack occurred in, there was a significant delay of four and half months in arresting him. He was never charged. It is believed that Bratty planned the attack but did not take part.

Another car, also a blue Ford Escort, registration YIA 6097, was hired on the morning of the attack and used as a second getaway car. It was parked in nearby Bladon Dr. and was then used as the other getaway vehicle when RIJ 9090 was abandoned. A key witness who lived in Bladon Dr. Witness 'I' reported seeing both vehicles and suspicious activity and stated that they had approached the driver of the car, registration RIJ 9090 to enquire about car, registration YIA 6097. The driver claimed ownership of both vehicles. The witness provided a description of this person.



It also emerged that shortly before the attack an 'unmarked' RUC vehicle followed RIJ 9090 in the Stranmillis area but did not stop the car or question the occupants.

## 4. FORENSICS

Also from the interview notes obtained by relatives, which the PSNI and HET stated were ‘disposed of’, it was revealed that within an hour of the attack members of the British Army’s Weapons Intelligence Section (WIS 2) from Thiepval Barracks HQ Lisburn unusually carried out an examination of the murder scene, a process normally reserved only for the RUC Scenes of Crime Officers (SOCO). This involved WIS2 collating information, taking photographs and “normal tasking duties”.



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## 5. THE SUSPECT

Raymond Elder was eventually charged in connection with the atrocity but these charges were dropped without explanation by the then Director of Public Prosecutions (DPP) despite forensic evidence, identification by several witnesses, and an unreliable alibi. In June 2007 the Public Prosecution Service (PPS) also decided not to prosecute members of RUC Special Branch and the civilian employee of the Police Authority in relation to the 9mm Browning.

A key suspect in the murders, believed to be the second gunman, referred to as 'Mr. A' by the HET, was never arrested. This person got a taxi minutes after the attack, probably after having been dropped off on University Road from the initial getaway car RIJ 9090. The taxi took him to a house in Tildarg Avenue in west Belfast that belongs to a known UDA/UFF member.

Having been named in 'intelligence' as one of those involved in the attack this suspect was also named for the murder of Aidan Wallace with the same 9mm Browning weeks before the Bookmakers attack.

This suspect was also referred to by the investigating officers at the time as '...an unstable and dangerous individual affiliated to loyalist terrorist groups...' This was disclosed to the families by the HET. In addition to concerns at the failure to arrest this key suspect it is also speculated that this person may also be an agent.

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## COLLUSION - FAILINGS AND COVER-UP

There has been a litany of unimaginable systemic failings in these murder investigations, ranging from basic investigative work, forensics, and the role the DPP and PPS. If one considers all the evidence in relation to and including the role of agents, the history of the 9mm Browning, RUC Special Branch, and the role of the UDR, there is clear evidence of collusion between the state and its agents.

Within hours of the attack the cover-up began, particularly relating to the 9mm Browning.

In relation to the Browning pistol why did members of the British Army's Weapons Intelligence Section attend the murder scene? A week later during the 'reconstruction' why did the RUC refuse to provide the ballistics history of the weapons to the families and the media? Why in May 1992 were the families not informed of the 'recovery' of this weapon or of those arrested? Why were the bereaved and injured not informed that Special Branch had this weapon in their possession and then passed it back to the UDA/UFF prior to the atrocity?

Instead the bereaved and injured were subjected to a web of deceit and duplicity in a bid to protect agents and agent-handlers. This web was spun by all the key State agencies.

Even after the Stevens Enquiry reported in 2003, when the full history of this weapon was known, the cover-up continued.

The publication of the Cory report concerning this weapon, 12 years later was the first information available to victims and relatives, but even then there were redactions in the report in respect of the weapon. These redactions were at the request of the British government.

## FULL REPORT



Collusion can only exist and remain hidden when people remain silent. In this instance people within the police, the military, and the various related agencies of the criminal justice system. In this report the bereaved and survivors, 20 years on and in a different political and changed environment, make an impassioned plea to anyone with information to come forward. Relatives for Justice echo that appeal.

There can be no doubt that the Bookmakers Atrocity, and the numerous attacks that the Lower Ormeau Road area endured, has had a wider and significant community impact. That this community remains one of the most deprived within the South Belfast constituency, is a further





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indictment of the more structural neglect and discrimination post conflict. The denial of justice is felt strongly and deeply throughout this small community.

The traumatic impact that this atrocity has had on the bereaved and injured is incalculable. Two survivors have died prematurely.

Parents have passed away early in life due to the stress, anxiety, and the intolerable toll that the loss has taken. The atrocity has also had a trans-generational impact.

Injured survivors struggle to come to terms with what happened that day, even though it was twenty years ago. Flashbacks, chronic pain, panic attacks, and nervousness are but some of the lasting symptoms. 'Survivor's guilt' also surrounds the atrocity and a host of related illnesses that are linked to lifestyle coping mechanisms affect the injured and bereaved.

Most of all the life taken has left an unimaginable vacuum, an emptiness, which only those bereaved in similar circumstances can fully appreciate or understand

## APPEAL FOR INFORMATION

The bereaved and injured say that whilst there is breath in the bodies they will do all in their power to seek justice for the murders of their loved ones. One relative said that: 'We have buried our loved ones but we are not going to let the truth also be buried.' The families call again for anyone with fresh evidence, or who witnessed anything that day and who has never come forward to please now consider doing so.

The families also make an impassioned plea to the conscience of members of the RUC, the CID, Special Branch, PSNI, HET, British Army, PPS, Forensic Science Laboratory and anyone within the intelligence agencies who know anything or who can shed more light on these killings and what went on behind the scenes, to please come forward. The families and survivors would also appeal to anyone from the loyalist community who has any information to please come forward. It is their belief that it is now time for the truth to be told.

The families also call upon members of the then Police Authority, and in particular those who were members during the period January 1989 to November 1989 that year, to also consider whether they have any information which may relate to the fact that an employee within the Police Authority was also involved in handling the 9mm Browning pistol. They ask all of these individuals to also assist.

Anyone with information can contact Relatives for Justice on 02890 220100 or Solicitors Kevin R Winters & Co, Belfast 02890 241888. Or a third party such as a local priest or minister.



The bereaved families and survivors ask that:

1. Noting the role of Special Branch in taking possession of and then returning one of the murder weapons used in the atrocity to an agent, the British Prime Minister makes a full and public apology to the bereaved and injured for the murders;
2. That this apology also addresses the VZ 58 automatic rifle also used in the atrocity which was supplied to the killers by British Military Intelligence through an agent and by way of an arms shipment from South Africa;
3. The bereaved families and survivors are also requesting that an independent, fresh and full forensic examination of all the exhibits, samples and forensic evidence is carried out using the most up to date techniques;
4. The bereaved families and survivors request the new Director of the PPS to begin the process of reconsidering all the available evidence with a view to pursuing charges against all those involved including members of the Special Branch;
5. The Stevens report must be immediately published in full and without redactions.

## ACKNOWLEDGEMENTS

The families and survivors would like to thank the Lower Ormeau Road, Market and Short Strand communities for the support provided to them at the time of the atrocity and throughout their ordeal, in particular they would like to thank Lower Ormeau Residents Action Group (LORAG). They would also like to thank the hundreds of people from across the community, from throughout Ireland, Britain and further afield who sent messages of comfort and support. They would also like to thank the parish priests at the time, Fr. McCann and Fr. McHugh for their support that day and Fr. Curran for the pastoral aftercare. Fr. McHugh and local people administered to the dying and injured prior to the Ambulance Service arriving. The families are eternally grateful to them all.

Finally the families and survivors would like to thank Relatives for Justice, for their support over many years and in compiling this report, and to LORAG in supporting the families and survivors in marking the 20th anniversary.





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# Full Report

## INTRODUCTION

On the 5<sup>th</sup> of February 1992 during one of the worst periods of sustained violence in the conflict in the north of Ireland five people were murdered by the UDA/UFF in Sean Graham's Bookmakers shop on the Lower Ormeau Road in south Belfast. This year marks the 20<sup>th</sup> anniversary of these murders. It coincides with recent disclosure of damning evidence of the role of the British State in these killings. What follows is a brief synopsis of the evidence gathered from a variety of processes including the Stevens III Enquiry into collusion, The Cory Report, a letter to the bereaved and injured from the Public Prosecution Service (PPS), the PSNI's Historic Enquiries Team (HET) and most importantly disclosures to the families' solicitors in October 2011 of interview notes and a key forensic report.

The following report by Relatives for Justice on behalf of the bereaved and injured provides a compelling argument for a full public examination of the arming and controlling of the UDA/UFF through State-run agents within this illegal paramilitary organisation in relation to the murders of Jack Duffin, Willie McManus, Christy Doherty, Peter Magee and James Kennedy and the wounding of seven others.

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## THE ATROCITY

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A survivor also described the scene: '...it seemed to go on for a lifetime, I prayed please God let the shooting stop. There wasn't a sound for a few seconds, everybody was so stunned, but then the screaming started. People were yelling out in agony and others were crying. You could hardly see anything. The room was filled with gun-smoke and the smell would have choked you.'

Relatives of those injured and killed quickly arrived on the scene from the adjoining streets of this small nationalist community of which the Bookmakers, and the few other shops and pubs all within yards of each other, form the hub.

## FULL REPORT



For others, who had either seen or were told that their loved ones were still alive and had been stretchered away, there was a sense of relief too on knowing that they were not dead. One woman comforted another telling her that her son, who was inside the Bookmakers at the time of the attack, was still alive. This same woman did not know that her own 18-year old son lay dead inside.

By early evening the dead were confirmed as Jack Duffin aged 66, Willie McManus aged 54, Christy Doherty aged 52, Peter Magee aged 18, and James Kennedy aged 15.

Willie McManus's brother, Jim, was one of those in intensive care. His nephew was also shot in the attack. Jim McManus along with Joe McNally, who was also shot and was in intensive care, later suffered greatly from their injuries. They both died prematurely.

In the approximate 500 homes within a few streets surrounding the Bookmakers that form this community, the conflict had already had a disproportionate impact with loyalists having killed approximately 40 people in sectarian attacks. Within yards of the Bookmakers attack loyalists, had on May 2<sup>nd</sup> 1974, planted a bomb at the Rose & Crown Bar killing six people in a similar indiscriminate sectarian attack.

The collective sense of loss and trauma at the murders on the 5<sup>th</sup> of February 1992 would again test the deep resolve of this tightly knit community. Unfortunately, the sectarian attacks continued and several other local people were killed after the Bookmakers Atrocity.

The evening prior to the attack at approximately 10 -10.30pm a 'device' was thrown over the wall into the work compound of H&J Martin Builders Merchants which fronts the Lower Ormeau Road directly opposite to the Rose & Crown Bar which is 3 buildings up from the Bookmakers. The side of H&J Martin Builders Merchants premises borders University Avenue, which is a corner site<sup>1</sup>.

1 Google maps – select 'street view' in top left hand corner and maneuver image

[http://maps.google.co.uk/maps?of=d&source=s\\_d&addr=134+Ormeau+Rd+Belfast+BT7+1,+United+Kingdom&daddr=136+University+Avenue,+Belfast+BT7&geocode=FefoQAMdEZL-ykhPEwZ\\_AhhSDFRNKAesj8PEw%3BFVDQoQAMdrZk1y2kP5rM4whhSDFxNKAesj8PEw&q=&sl=54.585265,-5.92518&sspn=0.001691,0.005659&vpsrc=0&hl=en&mra=ls&ie=UTF8&t=m&z=19&layer=c&ei=FS4YT5yIL4LBTApIcRhDA&pgw=2](http://maps.google.co.uk/maps?of=d&source=s_d&addr=134+Ormeau+Rd+Belfast+BT7+1,+United+Kingdom&daddr=136+University+Avenue,+Belfast+BT7&geocode=FefoQAMdEZL-ykhPEwZ_AhhSDFRNKAesj8PEw%3BFVDQoQAMdrZk1y2kP5rM4whhSDFxNKAesj8PEw&q=&sl=54.585265,-5.92518&sspn=0.001691,0.005659&vpsrc=0&hl=en&mra=ls&ie=UTF8&t=m&z=19&layer=c&ei=FS4YT5yIL4LBTApIcRhDA&pgw=2)





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Early the next morning, at approximately 8am, the Ulster Defence Regiment<sup>2</sup> (UDR) and the Royal Ulster Constabulary (RUC) arrived and cordoned off the area whilst a British Army Technical Officer (ATO) examined the device.

The UDR set-up a vehicle checkpoint (VCP), consisting of several soldiers and one military jeep, on University Avenue just above its intersection with the Lower Ormeau Road, stopping and checking all vehicles. University Avenue is directly opposite to Sean Graham's Bookmakers.

At the same time the RUC set-up a VCP just outside Havelock House, the premises of Ulster Television (UTV), on the Ormeau Road some 500 meters from the Bookmakers in the city bound direction.

The UDR VCP's remained in place until shortly before the attack. The RUC VCP remained in place until after the attack.

The UDR VCP, positioned only yards from the Bookmakers, had a clear and uninterrupted view of who was coming and going on the Ormeau Road. Crucially, on entering from the Lower Ormeau Road, the UDR military jeep was parked on the left hand side of University Avenue, the closest observation position available of the Bookmakers and the soldiers could therefore clearly see who was going in and out of the Bookmakers.

Sometime after 2pm the UDR VCP patrol left University Avenue away from the Ormeau Road heading in the direction of Queens University. Witnesses have stated that the UDR VCP was in place until after 2pm with some citing that it was there until approximately 2.15pm.

What is now indisputable is that the parking position left vacant by the UDR military jeep had, within minutes, been replaced by a blue Ford Escort registration RIJ 9090 containing three males, two of whom were the gunmen.

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## Witnesses and Survivors

Twenty-five witnesses made statements as to having seen the two gunmen. These sightings include seeing them emerging from the car, making their way to the Bookmakers, and returning to the car. These witnesses include a student who was studying and observed the car speeding off after the attack and an ambulance driver who made an emergency stop as they stepped off the pavement in front of him to cross the Lower Ormeau Road en-route to the Bookmakers. A passenger in a car waiting to exit University Avenue also observed the two men as they made their way across the main Lower Ormeau Road, his attention being drawn to the fact that the ambulance screeched to a halt and sounded its horn. He further observed the two gunmen pull down what he thought to be monkey hats over their faces as they entered the Bookmakers. A schoolteacher stopped in traffic observed the gunmen emerge from the Bookmakers lifting up their masks. All witnesses gave descriptions of the gunmen.

Another witness who worked at commercial premises on University Avenue provided descriptions of both men that corresponded with descriptions given by other witnesses. This person, known as Witness 'F', was able to positively identify one of the gunmen known as 'Suspect 3' from an identification parade. However, the RUC declined to accept this evidence from Witness 'F'.

<sup>2</sup> The UDR has been linked to numerous incidents involving loyalist paramilitary attacks and in particular assisting loyalists with intelligence information, weapons, and safe passage to and from attacks. These incidents had been well documented including more recently the discovery of official British government cabinet briefing papers citing examples and views on the UDR loyalist links, collusion and questioning where their ultimate loyalty lay.



In total 46 shots were fired. 27 shots were discharged from the automatic rifle and 19 from the handgun.

It is now known that the automatic rifle was a VZ 58 Czech made weapon and was part of a consignment of weapons imported into Ireland by British Military Intelligence and distributed to loyalists. The handgun was a 9mm Browning pistol originally issued to the UDR and 'stolen', allegedly, in a 'raid' on their Malone Road Barracks in south Belfast. This is the same barracks from which the UDR VCP were also dispatched prior to the attack. The 9mm pistol was 'stolen', allegedly, along with three other weapons on January 31<sup>st</sup> 1989. This is a matter of crucial importance, which will be considered later when examining the central role of key UDA/UFF agents and their possession of this weapon.

The VZ58 had a capacity to fire 30 shots without reloading and the handgun 13. The handgun, the 9mm Browning, was reloaded. Noting that 27 bullets were fired from the VZ 58 and 19 from the 9mm Browning this left a total of 10 rounds remaining in the weapons, 7 in the pistol and 3 in the VZ58 when the gunmen left the Bookmakers. The gunmen had left enough ammunition for any eventuality on exiting and making good their getaway.

The getaway car, a blue Ford Escort RII 9090, made off in the direction of Queen's University.

At 9.40pm a resident of Bladon Drive, a short distance away and also in the south of the city, reported the getaway car in their street, which is approximately 3 kilometers, 10 minutes drive from the scene of the shooting taking the route least likely to encounter regular police patrols. This route would have also avoided emergency responses, which would have focused on the nearby loyalist Annadale area from which the UDA/UFF gang operated. For these reasons the route believed to have been taken was University Avenue, onto Botanic Avenue, left at the lights onto University Street, left at the lights onto University Road, past Queen's University up the Malone Road, past the UDR Barracks, and then finally left off the Malone Road onto Bladon Drive.

Witness 'I', a resident of Bladon Drive, states that RIJ 9090 arrived in the street at 2.40pm, 10 minutes after the shooting.

Witness 'I' spoke to the driver asking him if he owned a second car also a blue Ford Escort, that had been parked in the street from 12.50pm that same day. The driver of RIJ 9090 confirmed to Witness 'I' that he was also the owner of this car. Witness 'I' provided a full description of the driver to the RUC.





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Sometime after 9.40pm RIJ 9090 was photographed at the scene and then lifted for forensic testing by the RUC.

The other blue Ford Escort, the second getaway vehicle, was by now gone. Witness 'I' whilst able to give a description of the driver who claimed ownership of the two cars was, we are told, unable to provide registration details for the second car. Witness 'I' was able to give make, model, colour and a description of a travel rug on the back seat.

By 9.40pm the RUC were aware of the claim by the UDA/UFF for the attack, the identity of the key suspects within the south Belfast UDA/UFF, descriptions of the two gunmen and driver provided by witnesses, and now, crucially important, details of the second getaway vehicle. Noting the scale of this atrocity it is reasonable to assume that this information would have been centrally logged and widely disseminated as part of a significant and urgent murder investigation. Further given the nature and scale of this attack the investigation would have undoubtedly warranted unlimited police personnel at all levels including resources and intelligence.

A blue Ford Escort car, YIA 6097, in which there was a travel rug, was stopped at an RUC VCP on the Crumlin Road in north Belfast at 11.40pm on the evening of the shooting. The occupants were Suspects 3, 4 and 7, Suspects 4 and 7 had been drinking, and Suspect 3 was driving. Despite being known members of the south Belfast UDA/UFF and their details being on record, and despite their appearances matching witness descriptions, none were held for questioning. Equally astonishingly this car, which fitting the actual description, make, model and colour of the second getaway vehicle as provided by Witness 'I' details which were presumably now on the police system, was not seized for forensic examination.

At 1am YIA 6097 was stopped again outside the King's Hall on the Lisburn Road in south Belfast. Suspect 3 was arrested for 'a motoring offence' and the car was left at the side of the road. Suspect 4 was the only passenger at this stage and was allowed to go. It is not known what the actual offence was that Suspect 3 was arrested for or why, if such an offence was on record, he was not arrested when stopped 80 minutes earlier.

Yet again and despite it being several hours after the 9.40pm reporting by Witness 'I', and presumably the reporting of known south Belfast UDA/UFF suspects at a previous RUC VCP in north Belfast, this car was still not seized for forensic examination as part of a major murder inquiry that is reported across the world.

Shockingly YIA 6097 is left outside the King's Hall from where the owner, a Lisburn based hire service, later lifts the car and returns it to their premises. YIA 6097 has a travel rug over the back seat. The question remains as to who contacted the Lisburn hire service, the driver, Suspect 3, or the RUC? In any case the failure to detain for question known loyalists travelling in a car, the description of which matched that provided by a witness who linked it to the getaway car used by those who had carried out a massacre, can only amount to either gross incompetence or the fact that the information about the second getaway car provided by Witness 'I' is deliberately withheld from regular police patrols. This has led to the speculation that the 'motoring offence' arrest was for drinking driving and that a regular patrol made the arrest unaware of the information linking the car and suspects to the Bookmakers attack. There is no known record of a 'motoring offence'. Crucially this car would have contained vital forensic evidence. This raises further questions.

YIA 6097 was later re-recovered by the RUC and 19 sets of fingerprints were taken, 9 of which belonged to Suspect 3, 2 belonging to Suspect 4, 1 belonging to a 'person of interest', the remainder noted as 'unidentified'. However, by this stage the opportunity to gather other fresh forensic evidence was gone.



It later transpired that Suspect 3 had hired the second getaway vehicle at 10.30am on the morning of February 5<sup>th</sup> hours before to the attack and that in January, a close relative of Suspect 3, had also hired the same vehicle.

On February 12<sup>th</sup> the RUC eventually arrested and questioned Suspect 3 as to his hiring of a car, which was the second getaway car in the murders. He stated that after hiring it he parked the car outside his home and that it had only been moved late that evening for the first time. This totally contradicts Witness 'I's' description of the vehicle and statement including in respect of the driver of car registration RIJ 9090 who claimed to own both vehicles used in the attack. The hire arrangement by Suspect 3 was for 24-hours only.

Suspect 3 also provided alibi's for his movements on the day of the attack stating that he was in the presence of two friends, Suspect 4 and another named male. However, Suspect 4 claimed that on the day in question he was drunk and could only give a vague account. However, a woman who knew Suspect 3 provided information that conflicted with the account provided by him.

This woman provided information that she saw Suspect 3 in Sunnyside Street on Wednesday 5<sup>th</sup> February at approximately 12.30pm carrying a large holdall and that she had seen him getting into a car, which was partially obscured from her view.

Suspect 3, one of the actual gunmen in the attack, was also described by several witnesses as he made his way to and from the Bookmakers shop from the car registration RIJ 9090 used in the attack. These witnesses included Witness 'F' who positively identified him. Witness 'F's' evidence was ignored by the RUC.

Undoubtedly the Ambulanceman got a very good look at both killers, as did the passenger in the stationary car, the school teacher, and most probably others of the 25 witnesses who provided statements regarding the attack. It is not clear whether or not all of these witnesses were asked to make more formal identification of Suspect 3, which would be a logical investigative procedure. The Ambulanceman was reportedly unable to make a positive identification.

Witness 'T' it is claimed, became sick when asked to identify the person driving RIJ 9090 to whom she had spoken in relation to the two getaway vehicles.

It is not uncommon for witnesses not to follow through on identification evidence for a number of reasons<sup>3</sup>, these include genuine fear, the manner in which detectives and Special Branch may approach certain witnesses discouraging further evidence, or because of the reality of not being able to 'protect' witnesses from 'dangerous terrorists' and potential reprisals.

After forensic examination a fibre sample found on the jeans of Suspect 3 matched the fibre construction of a seat in the initial car used in the attack, RII 9090.

On February 18<sup>th</sup> 1992 Suspect 3 was charged with 5 murders and a number of attempted murders at Sean Graham's Bookmakers shop on the Lower Ormeau Road and remanded into custody. However, on November 3<sup>rd</sup> 1992 charges against Suspect 3 were withdrawn by the then

3 For example in the subsequent murder of Theresa Clinton in the Lower Ormeau Road, also by the UDA/UFF, Suspect 2 in the Bookmakers attack was positively identified by witnesses as being one of the gunmen that killed Theresa Clinton. At an identity parade in Donegal Pass RUC station the witnesses' details were read out to Suspect 2 who was brought into the same room as the witnesses. The witnesses later withdrew their evidence.





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Director of Public Prosecutions (DPP) with no explanation being given to the bereaved, injured or the wider public. Suspect 3 was released.

### **RIJ 9090 – Suspects 1, 2 and 4**

This vehicle was purchased 9 days prior to the attack on January 27<sup>th</sup> 1992 for cash, £370, in Carryduff Car Auctions.

Initially Suspect 2 had been bidding for the car, which was withdrawn, as it did not make the reserve price. Suspect 1 then approached the owner and made an offer of £370. However, the fingerprints of Suspect 2 were found on the purchase bidding slip that was retained by the auctioneer after the owner withdrew RIJ 9090. Despite being in possession of the fingerprints of Suspect 2, and within days of the murders, the RUC detectives in charge of the murder investigation did not arrest Suspect 2 until June 22<sup>nd</sup> 1992 some four months later. Additionally the person who had sold RIJ 9090, Witness 'A', was shown a police photo of the suspects from which he 'confidently' identified Suspect 1 as the person who purchased the car.

Suspect 1 was arrested on February 10<sup>th</sup> 1992. The evidence against Suspect 1 was that he was the person identified as purchasing the car RIJ 9090 used in the attack and that fibres from the second getaway car YIA 6097 were also found on his clothing. However, Suspect 1 had also previously hired the second getaway car shortly before the murders the previous month. Suspect 1 was later released without charge. Suspect 1 is also a close relative of Suspect 3, the person who hired the second getaway car YIA 6097 on the morning of the attack.

Two witnesses independently described the driver of the initial getaway car used for the attack RIJ 9090 in corroborating detail. This is believed to be Suspect 1. Interestingly there was no identity parade in respect of the driver of RIJ 9090.

Suspect 2, whose fingerprints were on the auction bidding slip when RIJ 9090 was auctioned on January 27<sup>th</sup> 1992, when arrested claimed to be in court at the time of the attack on February 5<sup>th</sup>. The authors have not been able to verify this claim. It has not yet been established as to the reason why he was allegedly in court. We would request those with any knowledge as to whether or not Suspect 2 was in court at the time of the atrocity to provide this information to the families either directly or through an intermediary.

Following a public appeal information was given to the RUC relating to the movements of car registration RIJ 9090 prior to the attack. This included a sighting at 11.40am at a petrol station on Sunnyside Street, and at 11.55am on the Stranmillis Road. These sightings also reported that the car contained three men. These sighting of RIJ 9090 also correspond to the information provided separately by a female caller who know Suspect 3 and who saw him with a large holdall getting into a car, partially obscured from her view in Sunnyside Street at 12.30pm prior to the attack.

Within this same timeframe an unmarked RUC car that was travelling behind RIJ 9090 on the Stranmillis Road also noted the car. The RUC put the registration details, make, and model through the Police National Computer (PNC). However, it is alleged, that the response indicated that, this observation did not warrant any further action.

The fact that 3 known loyalists travelling together in a recently purchased car did not warrant further action is challenging for the bereaved and injured given that 22 murders had taken place in the north since the beginning of January 1992. Police would or should have been on full alert for



Astoundingly it was reported that there was no forensic evidence yielded from RIJ 9090<sup>6</sup> not even in terms of firearms residue, despite two gunmen opening fire with an automatic assault rifle and a 9mm pistol, witnesses describing the scene as being smoked filled, and the space being so confined as to cover everyone with cordite smoke. Further it is highly probable that one of the gunmen, the person using the 9mm pistol who walked across the betting shop shooting people on the floor and then back, would have had bloodstains, if not at least sample spectrums, on his shoes and lower parts of his clothing. The volume of blood on the floor was mentioned in autopsy reports when referenceing bullet strike marks. These, it is assumed would have been transferred

<sup>6</sup> An indication of the 'thoroughness' with which the RUC SOCO examine murder scenes is exemplified by the fact that at the Sinn Féin Offices after that shooting when SOCO had left the Sinn Féin President Gerry Adams entered the building only to emerge with the shotgun carrier and spent cartridges left behind by Moore. This demonstrated the lack of diligence with which the RUC forensically approached such attacks.



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along with gun residue to the getaway car.

The absence of forensic evidence in the car registration RIJ 9090 is incredulous to say the least.

The only forensic evidenced linked to RIJ 9090 is that four single fibres, which 'may have been come from the interior of RIJ 9090', were found on the clothes of Suspects 1 and 3. In a report from Janet Kirkwood of the Forensic Science Laboratory NI<sup>7</sup> (FSLNI) this evidence is dismissed as of 'no use'<sup>8</sup>

Miscellaneous sweet wrappings and papers are listed as some of the exhibits found in both the getaway cars. These are listed as being retained. However, it is not known whether or not all these have been tested against all the suspects and if the wrappings are from the same packaging or bag. The fact that the killers were confident enough in leaving such evidence in the cars in itself raises questions. It is further worth noting that in numerous killings getaway vehicles were routinely found burnt out, the killers destroying all traces of forensic evidence that could lead to their detection, arrest and conviction.

Similarly a blue coat recovered from Suspect 4 contained a blood sample. This was matched against blood samples from the deceased with a negative outcome. Yet incredibly this was not matched against the blood of the 7 survivors of the attack. Bizarrely the HET did not to follow-up on this matter.

It is also reported by the PSNI's HET that interview records of the two people arrested in possession of one of the weapons used in the attack, the 9mm Browning pistol, have all been 'disposed of'. The arrest of these two people is considered later in this report.

It is also of concern that the two most senior police investigating officers (SIO's) in charge of the murder investigation refused to cooperate with a review conducted by the HET.

<sup>7</sup> The integrity of the work of the FSLNI was called into question when during the trial of Sean Hoey, acquitted of charges for the Omagh bombing of 1998, a senior forensic scientist Fiona Cooper admitted, under cross-examination from a defense barrister, to changing evidence for the police in favour of securing a prosecution. This matter was referred to the Police Ombudsman.

<sup>8</sup> This approach contrasts with numerous cases at the time in which similar evidence was used to secure convictions. Given the apparent failure to exhaustively examine the forensic evidence, in the context of recent scientific developments in the analysis of forensic evidence and noting that at least some of this material has been retained, the bereaved and injured are calling for all available forensic evidence to be independently reexamined.





## Collusion

When Canadian Supreme Judge Peter Cory<sup>9</sup> was appointed by the British and Irish governments to examine a number of murders in which collusion was alleged and evidence the first task that he set about was to define collusion.

Justice Cory defines collusion as;

1. to pretend ignorance or unawareness of something one ought morally, or officially or legally to oppose;  
to fail to take action against a known wrongdoing or misbehaviour - usually used with connive at the violation of a law.
2. (a) to be indulgent, tolerant or secretly in favour or sympathy;  
(b) wink at youthful follies;  
(c) to cooperate secretly: to have a secret understanding.

1.39

‘In the narrower context how should collusion be defined for the purposes of this inquiry? At the outset it should be recognised that members of the public must have confidence in the actions of Governmental agencies, particularly those of the army and the police force. There cannot be public confidence in Government agencies that are guilty of collusion or connivance in serious crimes. Because of the necessity for public confidence in the army and police, the definition of collusion must be reasonably broad when it is applied to actions of these agencies. This is to say that army and police forces must not act collusively by ignoring or turning a blind eye to the wrongful acts of their servants or agents or supplying information to assist them in their wrongful acts or encouraging them to commit wrongful acts. Any lesser definition would have the effect of condoning, or even encouraging, state involvement in crimes, thereby shattering all public confidence in these important agencies.’

At the time of the shootings loyalists had acquired an unprecedented capacity to carryout sectarian attacks and political assassinations, which they did with relative ease and impunity. It is widely believed in the nationalist community and by others and there is a growing body of evidence to support this belief, that this was possible due to the fact that the security forces supplied intelligence and targeting information; the setting up and removal of patrols, normally involving the UDR, prior to attacks; the switching off of security cameras on police and military bases close to and/or overlooking places where attacks occurred; the use of covert surveillance during attacks; and principally the provision of a shipment of automatic rifles, handguns and assorted munitions procured from the then apartheid regime in South Africa by an MI5 agent placed at the heart of the UDA/UFF. As this agent Brian Nelson, (also referred to as 1033), acted as the chief intelligence officer for the UDA/UFF this effectively meant that British Military Intelligence were responsible for much of the UDA/UFF targeting, sectarian attacks, killings and political assassinations.

This collusion was detailed in a *BBC Panorama*<sup>10</sup> programme first broadcast on June 8<sup>th</sup> 1992 entitled *Britain's Dirty War* by investigative journalists Geoffrey Seed and John Ware and in a two part follow-up *License to Murder* broadcast in June 2002 by Ware. The journalistic investigative

9 Following the Weston Park talks in 2001 the British and Irish governments appointed Judge Peter Cory to examine 6 murders previously presented by some of the political parties at the Weston Park talks in July 2001 and to which he was then tasked to examine for the purposes of establishing whether or not they merited public inquiries. His report was made public on April 1st 2004. In these reports he defines the act of collusion. His report can be accessed on [www.relativesforjustice.com](http://www.relativesforjustice.com) and @ Cory report link <http://cain.ulst.ac.uk/issues/collusion/cory/cory03finucane.pdf>

10 BBC Panorama a license to murder – pt1 & pt2  
<http://news.bbc.co.uk/1/hi/programmes/panorama/2019301.stm>



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programmes also drew extensively on the work of the Stevens Enquiry Team<sup>11</sup>, which was set-up to investigate collusion between loyalist paramilitaries and the security forces after a number of intelligence files relating to people who were subsequently killed were found in possession of loyalists. In particular this related to the killing of Sinn Féin member Loughlin Maginn in County Down subsequent to which the UDA/UFF supplied the media with a security force photomontage of Mr. Maginn.

The makers of the BBC programmes interviewed members of the Stevens Team, spoke to Nelson, had direct access to Nelson's jail journal, in addition to access to people within the intelligence community. The programmes gave a blow by blow account not just of Nelson's activities but the now indisputable fact that he did not act at any point during his tenure as an agent without the direction and full knowledge of his military handlers.

The secretive Force Research Unit (FRU), of military intelligence, had run Nelson. Prior to his arrest by the Stevens team on January 12<sup>th</sup> 1990 FRU had sought to protect Nelson even going as far as allegedly deploying a covert team tasked with burgling, and then burning down the temporary outbuildings that were the offices of the Stevens Enquiry Team located within Seapark RUC Barracks and destroying all of their enquiry files.

However, this act of sabotage failed as Stevens had kept back-up files of all his work in England. The irony was that as the Bookmakers Atrocity was being planned the now unavoidable trial of Nelson was also taking place. Nelson received a very lenient sentence on February 3<sup>rd</sup> 1992.

The BBC programme again drew attention to the MI5 sponsored South African shipment of weapons and the use of these weapons by loyalists. Such was the extent of the use of these weapons that loyalists were now responsible for the majority of attacks and killings in the conflict in the north of Ireland and their preferred weapons of choice were Czech made VZ58 automatic assault rifles and automatic 9mm Browning pistols.

The deadly arsenal provided by Nelson, and the FRU, was disseminated to all of the loyalist groupings, including the Ulster Resistance<sup>12</sup>, which had connections to the DUP. The deployment of this deadly arsenal caused unprecedented death, destruction and injury and devastated families and communities across the north, Protestant and Catholic alike.

The weapons supplied by MI5 were used in a number of attacks in which multiple fatalities occurred including at Boyle's Bar, Cappagh, County Tyrone, Frizzel's mobile shop and the Hyster Factory both in north Armagh, Murray's Bookmakers in Oldpark, north Belfast, Castlerock and Greysteel County Derry, and the Kennedy Way Council Depot, Belfast, and Loughinisland County Down.

In September 1995 Relatives for Justice published *Collusion 1990 -1994 Loyalists Paramilitary Murders in North of Ireland* documenting the use of these weapons.

The report made the following comparison; 'In the 6 years before the arrival of the weapons from January 1982 to December 1987, loyalist paramilitaries killed 71 people of whom 49 were

<sup>11</sup> In the untenable wave of revelations concerning collusion the British government were eventually forced to appoint a senior police officer from Britain to investigate collusion.

The then Cambridgeshire Deputy Chief Constable, John Stevens, was appointed and would conduct three major investigations into collusion spanning 14 years. Known as the Steven's Enquiries the results of these investigations have never been made public by the British government. This was the longest police investigation in British policing history.

<sup>12</sup> In the Ulster Hall, Belfast on November 10th 1986 Ulster Resistance was officially launched. This meeting was attended by senior DUP figures including Ian Paisley and Peter Robinson who both addressed the assembled crowd wearing the paramilitary style red beret of Ulster Resistance. DUP member Sammy Wilson chaired the meeting. Prominent members of Ulster Resistance who attended the Ulster Hall rally were later arrested in Paris in a plot to import weapons to arm this 'third force' styled organisation. Arrested with them was a South African diplomat Daniel Storm who claimed diplomatic immunity.



The automatic rifle used by one of the gunmen on the attack at the Bookmakers which sprayed the room before the second gunman with the 9mm Browning pistol then started shooting people as they lay injured on the floor, would later prove to be from the South African shipment. This was yet again another attack in which multiple fatalities and injuries occurred using weapons provided by MI5.

It is argued that in the aftermath of the Bookmakers attack, in a bid to halt the forensic and ballistic trail of this weaponry back to the intelligence agencies, the RUC refused to provide any details of the weapons used despite persistent attempts by the families, Relatives for Justice, lawyers, media and politicians to ascertain not only the type of weapons but their history including if they had been used in previous attacks and murders.

20

Often relatives and victims even raising these very obvious questions were met with a chorus of vilification and accusations of peddling a republican agenda from officialdom and unionist politicians. This created its own climate of fear for the bereaved and injured who understandably felt that to raise these matters publicly would also draw the wrong attention from the RUC, military and ultimately the loyalists.

Within one week of the atrocity at the Bookmakers the cover-up had effectively already begun with the concealment of the origins and history of the weapons used.

13 days after the attack, on February 18<sup>th</sup> and acting on intelligence, the RUC raided 6 Leven Place, Tullycarnet Estate, Dundonald on the outskirts of Belfast and recovered the Czech VZ58 automatic assault rifle used at the Bookmakers along with munitions, a shotgun, and a bag containing an assortment of documents, books and maps. Among the documents was a photomontage of Karl Hegney who had been murdered by the UVF on October 13<sup>th</sup> 1991 as he made his way home from the Lower Ormeau Road to the nearby Market area. He was murdered a few hundred yards from the Bookmakers.

Members of the security forces had supplied the photomontage of Karl Hegney. The remaining documents found at 6 Leven Place were also supplied by members of the security forces and included maps of the Short Strand area, 18 names of nationalist residents of that area, their

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addresses, and photographs of 'certain individuals'. The authors are not aware of any individuals being warned that their details were found in this raid. Informing people that their details had been found in possession of loyalists was not always common practice by the RUC<sup>14</sup>.

It is also worth noting that countless security force files are recorded as going 'missing', the figure runs into several thousand. One of Nelson's roles was, with the direction and assistance of FRU, to update the internal UDA/UFF intelligence in terms of targets within the republican and nationalist community using security force intelligence. It is also known that Nelson shared that intelligence with other loyalist paramilitaries.

However, Nelson and the FRU's operation was a more structured and resourced operation when compared to the routine passing of information at various levels by other members of the security forces to loyalists.

### The scapegoat

Mark Rice was arrested from his parent's home at 6 Leven Place in the Tullycarnet Estate, Dundonald and on February 20<sup>th</sup> was charged with 5 murders, two attempted murders, two counts of aiding and abetting, possession of firearms and ammunition, and two counts of possession of information likely to be of use to terrorists.

From the materials taken from 6 Leven Place 49 fingerprints were identified including one which belonged to Rice. The fingerprints of three other loyalists who "frequented" Tullycarnet Estate were found on the documents and they too were subsequently charged. This included a serving British soldier within the UDR, which had now been rebranded due to its appalling record of sectarianism and collusion, changing its name to the Royal Irish Regiment (RIR).

Serving RIR member Richard Mealey was sentenced along with Thomas Taylor<sup>15</sup> and William Murphy for possession of documents likely to be of use to terrorists. None were charged in relation to the murder of Karl Hegney despite being in possession of Karl Hegney's photomontage, which had Mealey's fingerprints on it.

Rice was subsequently acquitted of all murder charges, attempted murders and aiding and abetting charges. On November 23<sup>rd</sup> 1993 Rice was convicted of possession of the VZ58 and the documents. The RUC refused to say where the VZ 58 came from or if it was linked to the weapons shipment. At his trial there was a conspicuous absence of loyalist supporters who would have normally attended such trials. Rice cut a frail, even pitiful, figure in the dock and his demeanor bore all the hallmarks of an insignificant person on the fringes of loyalism lending to the view that he was possibly scapegoated. It is possible that the 'intelligence' relating to 6 Leven Place passed to the RUC was for this purpose of scapegoating Rice. His trial and the associated publicity, much of it spun praising the police, also allowed the RUC to claim that someone was convicted of the atrocity, even though Rice was not involved in the attack and was only convicted for possession.

The gunmen and those who were the real authors of the attack have yet to be apprehended.

While the bereaved families and the injured were informed of the recovery of the VZ58 and the

<sup>14</sup> Senior republican political figures, including Gerry Adams and Martin McGuinness, were informed years after their personal details were found in the possession of loyalists. The failure to immediately act and warn people that there was a risk to life, an Article 2 duty, is well documented in many cases.

<sup>15</sup> Taylor is the partner of Sharon Skillen the DUP member nominated to replace Iris Robinson on Castlereagh Borough Council in March 2010. Taylor is also a director of Castlereagh Council's Hamwood Trust.



very public nature of the trial of Mark Rice this stood in stark contrast to the lack of disclosure as to the origin, forensic and ballistic history, movement and control of the 9mm Browning pistol also used in the attack.

## Judge Peter Cory's report, the 9mm Browning pistol, Special Branch, the murder of Aidan Wallace, and the Bookmakers murders

At the inquest into the Bookmakers killings on September 1<sup>st</sup> 1994 an RUC Detective, Chief Inspector Graham, told the inquest that both weapons had now been recovered. He provided no explanation as to how or when the 9mm Browning was recovered or if anyone had been charged. When one family member pursued the recovery of the Browning pistol they were told by the RUC that it had not been recovered and that a mistake had been made in claiming it had been recovered.

On April 1<sup>st</sup> 2004 Justice Peter Cory's report was finally published. The Irish government had previously published and agreed to the recommendations by Justice Cory in respect of 2 cases relating to murders in their jurisdiction.

Amidst prevarication on the Cory report the British government simultaneously moved a bill to introduce new legislation entitled the Inquiries Act that came into effect on April 7<sup>th</sup> 2005 prior to the establishment of the enquiries recommended by Justice Cory. This move on the part of the British government was seen as duplicitous and with the intention of preventing an effective public inquiry into some of these murders.

In respect of one of the inquiries recommended in the Cory report, an inquiry into the killing of human rights lawyer Pat Finucane, the then British Secretary for State declined to move to an inquiry telling the British Parliament that he would later ‘... set out...’ the way forward. The British government has steadfastly refused to hold any inquiry into the murder of Pat Finucane<sup>16</sup>.

In respect of the Finucane killing on publication Justice Cory's report contained numerous redactions by the British government. However, on page 86 of this report<sup>17</sup> reference was made to a 9mm Browning pistol that had been used in the murder of Aidan Wallace on December 22<sup>nd</sup> 1991, and the murder of Peter Magee and four other men on February 5<sup>th</sup> 1992 at Sean Grahams Bookmakers on the Lower Ormeau Road. The report also revealed that this weapon was recovered on May 6<sup>th</sup> 1992, from an address on the Ballyskeagh Road, Lambeg, Lisburn.

The first that the bereaved families and injured were made aware of the relevance to them of the content of this report was when calls were made to some of them by journalists who were by now aware of the significance of this weapon. This second weapon, initially believed to have also originated from the South African shipment, was in fact a British army gun 'stolen', allegedly, along with 3 other guns from the UDR Barracks on the Malone Road in south Belfast on January 31<sup>st</sup> 1989.

The relevant section of this report, page 86 and which relates to the 9mm Browning pistol used in the Bookmakers attack is redacted. This raises more questions as to what is not being disclosed.

It is now known that UDA/UFF RUC Special Branch agent, and loyalist killer, Ken Barrett took the 4 guns from Malone Road UDR Barracks and that he later deposited them with the then UDA/UFF

16 At a leave hearing on January 13th 2012, in which the Finucane family are seeking to challenge by judicial review the British government's refusal to hold an inquiry as recommended by Judge Cory, it was disclosed to the court that the British Prime Minister, David Cameron, in a meeting with the Finucane family and their lawyers in Downing Street, had stated that the reason he could not permit an enquiry was that: "... there are people in buildings all around here that won't let it happen ...". This was a direct reference to MI5 and MI6.



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north Belfast Quartermaster William Stobie, also an RUC Special Branch agent.

At some point after taking possession of these weapons, between January 31<sup>st</sup> 1989, and November 1989, Stobie had passed the 4 weapons, along with another weapon in his possession, to his Special Branch handlers. Special Branch, we have learned through the Stevens Enquiry, later returned the weapons to Stobie in November 1989. It was claimed by Special Branch that they had 'deactivated' the 9mm Browning pistol 'to prevent its effective discharge.'

Stobie provided this weapon, and presumably intelligence, for a UDA/UFF sectarian attack on December 22<sup>nd</sup> 1991 on a public house and leisure complex, the Devenish Arms, in south Belfast. Aidan Wallace, aged 22, was killed in the attack and an 8 year-old boy, playing snooker with his father, was shot in the face and seriously injured losing an eye. A barman was also shot in the head.

It was now patently evident that the claim by Special Branch of 'deactivating' this weapon rendering it incapable of 'effective discharge' was either a lie or that the alleged deactivation had failed. Either way the priority for Special Branch one would have presumed was to now retrieve the gun from their agent/s thus preventing its further use.

In respect of Stobie's role as an agent and having provided the weapon for the attack on December 22<sup>nd</sup> 1991, Stobie had previously provided the weapon used to kill Pat Finucane and had also informed his handlers of this and of an imminent attack. There is therefore no reason to believe that he did otherwise in this instance. In effect it is highly probable that the RUC had in addition to supplying the weapon also failed to act on information to prevent the attack. The authors are of the view, given the intelligence picture, that the murder of Aidan Wallace, and of those injured in that attack, was entirely preventable and some person, or persons, within Special Branch made the decision not to act.

Furthermore the RUC, and in particular Special Branch, made no effort whatsoever to retrieve the 9mm Browning pistol after this attack. On February 5<sup>th</sup> 1992 this gun was used to kill 5 people and injure a further 7 at Sean Graham's Bookmakers shop on the Lower Ormeau Road. This was the gun that was used by the second gunman as he stood over those already injured and killed them. The Bookmakers Atrocity was equally preventable had they acted yet they, as in the case in the murder of Aidan Wallace, chose not to.

Even after this horrendous attack, whilst senior RUC officers, including the then Chief Constable, were condemning the Bookmakers attack and calling publicly for information, the reality was that Special Branch were fully aware of this weapon, its history and of its actual whereabouts.

Such an operation involving the movement of weapons, 'deactivating' and returning to a 'terrorist organisation' would have required the authority of police officers of the most senior level.

It has been well documented that in relation to republican agents and their handling of weapons that the process of bugging weapons to track their movement and use appears to have been standard procedure. It also appears that this process is paralleled with covert surveillance and that a recovery plan exists should anything go wrong.

This raises very serious questions as to who within Special Branch took control of the 9mm Browning pistol used in the Bookmakers Atrocity and who authorised its use in this attack. It also begs the question who had previously authorised its return from the Special Branch to Stobie and the UDA/UFF and why no recovery plan was put into effect once Aidan Wallace was murdered.

It also raises the question as to whether or not this weapon was bugged.





## The recovery of the 9mm Browning pistol

On May 6<sup>th</sup> 1992, as recorded in the Cory report, the 9mm Browning pistol was recovered from an address on the Ballyskeagh Road, Lambeg. It is now known through recent disclosures that it was actually recovered from a blue Morris van, registration number CXI 8736, carrying two men who, it is believed, were on their way to carryout an attack. A second weapon, a Webley Mark 6 Revolver, was also recovered from the van. This was possibly an old former RUC weapon. The serial number, it is said, had been removed.

The two men arrested were Denis Paisley, the driver, and his passenger Andrew Webb. The HET first revealed details of the arrest in a report in the summer of 2011. However, the HET further stated that all the interview notes relating to Paisley and Webb had been ‘disposed of’. This matter is important as the HET request for this information was made in more recent times to the PSNI and not the RUC.

Given that relatives and survivors subsequently secured access to these interview notes this lie on the part of the PSNI raises very serious questions about the continued attempts by the successors of the RUC to conceal information pertinent to the Bookmakers Atrocity.<sup>18</sup>

The HET went on to state that the Stevens Enquiry III examined the matter of the 9mm Browning pistol as part of their investigations. Stevens recommended the prosecution of 25 individuals as a result of his investigations. 24 were members of the security services, the RUC and British army, and one was a civilian<sup>19</sup>. This matter has not been resolved but rather suppressed. Other than a briefing summary the vast bulk of the Stevens report remains unpublished. Initially the reason provided for the failure to publish was that Stevens had presented the case for the prosecution of 25 individuals and thus any publication would have been prejudicial to any future proceedings.

While Mark Rice was arrested and prosecuted in the full glare of the public eye the authors can find no coverage in the mainstream media of the arrest, charge and conviction of Paisley and Webb from May 6<sup>th</sup> 1992 through to their initial court appearance on May 11<sup>th</sup> 1992 and their sentencing on March 2<sup>nd</sup> 1993, the dates contained within the October 2011 disclosures from the court service. Nor can they find any coverage of their link to the weapon used in the Bookmakers Atrocity or of the recovery of the 9mm Browning pistol, its history and movements. None of the bereaved and injured of the Bookmakers Atrocity or the Wallace family and those injured in that attack, were informed of the arrests and trial of Paisley and Webb.

## Disclosures

Supported by Relatives for Justice, the families of those killed and the survivors of the Bookmakers Atrocity, through their lawyers secured in October 2011 disclosure of documents from the court service including all the interview notes concerning the arrest of Paisley and Webb<sup>20</sup>. This was the

18 Former Special Branch officers are now employed within the PSNI as 'consultants' and 'civilian staff' and in this capacity are not accountable to the Police Ombudsman NI (PONI). Importantly the Legacy Unit of PSNI that deals with historic cases has engaged a former Special Branch officer as a 'Consultant'. This 'Consultant' was at the center of controversy when as a senior Special Branch officer he sought to overturn findings of an investigation by the PONI in which collusion was established - see reports by Vincent Kearney of the BBC NI November 29th 2011 and January 17th 2012 -

19 Letter on file, from the then DPP to the Director of Relatives for Justice outlining these details

20 The Lower Ormeau Road community came to international attention in its peaceful opposition to unwanted sectarian Orange marches, which included loyalist paramilitary bands, passing through their community. The RUC forcing through these triumphant marches in which the resident protestors were assaulted and where other residents were virtually imprisoned within their homes. After the Bookmakers Atrocity these marches continued where gloating and celebration of the atrocity was regularly made. In one infamous gesture, captured on film, a female member of the Orange Order danced whilst giving a five-fingered hand gesture referencing the attack. She was later identified but no police action was taken. Paisley and Webb belonged to Old Warren Young Loyalist Flute Band that took part in orange marches.



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information that the HET claimed did not exist and which they claimed had been 'disposed of'.

Within these interview notes further redactions appear in connection to the 9mm Browning pistol used in the Bookmakers Atrocity.

During an interview of Andrew Webb on May 9<sup>th</sup>, 3 days after his arrest, DCI Graham entered the interview room at 9.45am and made specific reference to the evidence against Webb and the history of the firearms recovered. The remainder of this interview note concerning the 9mm Browning and its history is redacted. Clearly Graham knew that the 9mm Browning pistol was the weapon used at the Bookmakers yet still none of the bereaved and injured was informed.

Despite Webb being in possession of the 9mm Browning pistol, which was used in 6 murders and at least 10 attempted murders, there is absolutely no mention in the interview notes of these incidents apart from one line in which DCI Graham mentions its history. As for the Webley Revolver, its ballistic history remains secret.

Interestingly Mark Rice, who had been in possession of the VZ58, faced 5 murder and 2 attempted murder charges, charges of aiding and abetting in addition to possession of the VZ58. At Rice's arraignment his defense asked the police if they were satisfied that his client was not present during the attack at the Bookmakers to which the reply was that: '...the evidence would indicate that the accused was not at the Ormeau Road on the day of the attack.'

Contrastingly the same SIO DCI Graham who charged Rice does not charge Paisley and Webb with the Bookmakers or the attack at the Devenish Arms.

During an interview with Denis Paisley, on May 8<sup>th</sup> 2 days after his arrest, it is revealed that his father is a member of the RUC.

It is further revealed that the Webley Revolver and the 9mm Browning pistol were wrapped in a personalised towel on which a senior Lisburn loyalist had his name inscribed. It is put to Paisley if he knew that this was the case to which he refers that he does as it had been pointed out to him in earlier interviews. This loyalist was never charged or convicted.

From the interview notes it is clear that both Paisley and Webb were scouting the Radication Factory on Church Road, Lambeg. A number of Lisburn based loyalists worked there, one is mentioned by name, by Detective Ming during an interview. It is generally thought that a Catholic member/s of the workforce at Radication were to have been targeted. It also appears that the van may have been under surveillance as it is mentioned in interview that they had slowed and observed the factory, which was several miles from where they were eventually stopped. An indication of intelligence leading to the arrests is the involvement of RUC Headquarters Mobile Support Unit (HMSU) who stopped the van.

The notes also divulge that the Morris van, owned by Paisley, had at the time of being stopped, been placed for sale in the Lisburn Star Newspaper. One theory is that had it been used in an attack that this was some sort of concocted alibi claiming that it had been sold or borrowed pending a sale by 'unknown persons'. It also turned out the van had like the getaway car used in the Bookmakers Atrocity, been purchased at Carryduff Car Auctions.

A line of inquiry also focuses on the UDR and whether or not Paisley's girlfriend's brothers are in the UDR and if he had applied to join the UDR. Paisley acknowledged that he knows a few people in the UDR.

## FULL REPORT



One of the revelations contained in the disclosed interview notes was a report dated 28<sup>th</sup> September 1992 by Leo Rossi of the FSLNI and the authors have highlighted the relevant sections that reads:

'I am Dip FSS and a higher scientific officer at the Northern Ireland Forensic Science Laboratory... On May 6<sup>th</sup> I received at the laboratory for examination from Constable J Richardson... this was described as item 17 Consisted of a 9mm p calibre military issue Browning self-loading pistol, with the serial number BL78A14306. This was complete with a magazine, containing 2 rounds of 9mm p calibre ammunition. **All of these items were in good condition and the pistol was mechanically sound. When test fired it functioned correctly. As received the barrel and breech face were dirty from gunshot residue, showing that the gun had been fired and not cleaned.** With the gun was a blue and white sock, a handkerchief and eleven rounds of 9mm p calibre pistol ammunition. These were in good condition and suitable for use with the pistol. **Three of the rounds were successfully test fired using this pistol.'**

There is no mention in this forensic report on the 9mm Browning pistol of the claim by Special Branch that this weapon was 'deactivated' nor was there any mention of evidence consistent with attempts to deactivate it. One can only therefore conclude that the Special Branch claims were lies and an attempt to cover the fact that they had returned a gun to the UDA/UFF that was subsequently used in 6 murders and 10 attempted murders.

Further when William Stobie provided the 5 guns in his possession to his Special Branch handlers why did they claim only to ‘deactivate’<sup>21</sup> one weapon so as it would be unable to ‘discharge’ and to ‘partially deactivate’ a second? This makes absolutely no sense. One theory is that when Stevens investigated those within Special Branch who had handled and authorised the passing back of the 9mm Browning the phrase ‘deactivated’ was used and then subsequently when this was seen not to be true ‘partially’ was introduced. Nevertheless Stevens recommended prosecutions.

The 9mm Browning pistol remains in the possession of the Stevens Enquiry Team. Recent developments concerning the findings of that enquiry, which remain secret, suggest that at the time of compiling this report the findings and exhibits, which includes the 9mm Browning pistol, are being prepared for a handover to the PSNI. Such a handover should not occur at this time as it would be extremely premature and ultimately not in the best interests of the bereaved, injured or justice. This is particularly so given developments concerning the continued suppression of information by the PSNI in this case including relating to this particular weapon. We also note the history of concealment, and the vested and powerful interests that still prevail in relation to the collusion linked to this weapon and this atrocity. Moreover recent information confirming that significant numbers of former RUC and RUC Special Branch personnel have rejoined the PSNI as

<sup>21</sup> Letter from the PPS, June 25th 2007, delivered to the bereaved and injured of the Bookmakers atrocity. The letter is on file with the authors.





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'civilian' employees and as 'consultants' dealing with intelligence is disturbing in the context of this case and any proposed handover of forensic exhibits.

### The PPS and the decision not to prosecute

On June 25<sup>th</sup> 2007 the bereaved and injured of Bookmakers Atrocity received hand delivered letters<sup>22</sup> from the Public Prosecution Service (PPS), formerly the DPP. In relation to the Browning 9mm pistol the letter read:

23. A file was also submitted by the Stevens III Investigation to the Director for decisions as to prosecution relating to the conduct of members of the RUC and a civilian employee of the Police Authority of Northern Ireland with regard to the possession, handling, deactivation and transfer of five firearms which had come into the possession of the Royal Ulster Constabulary through William Stobie in 1989. The firearms had been recovered by police from William Stobie at or about a time when there was information that there was a plan to attack police which did not come to fruition. There was also evidence that steps were taken by police to deactivate one of those firearms, namely a Browning pistol, and to partially deactivate a second firearm.

The deactivated Browning was subsequently reactivated by a person or persons unknown following its return to William Stobie in 1989 and was one of two firearms used in fatal shooting incidents at the Devenish Arms public house in December 1991 and at Sean Graham's Bookmakers in February 1992.

24. In relation to the fatal shooting incidents consideration was given as to whether there was sufficient evidence in respect of any police officer to meet the Test for Prosecution for the offence of manslaughter by gross negligence. Whilst it was noted that the firearms had been recovered from William Stobie with a view to obtaining information with regard to terrorist weaponry and that steps had been taken by police to deactivate the Browning before it was returned to Stobie, there was no available evidence to indicate that there was supervision of Stobie's possession of the firearms including the deactivated Browning after they had been returned or that a recovery plan had been put in place. There was no evidence to identify the senior police officer or officers involved in the decision to return the firearms including the deactivated Browning, nor was there evidence to identify the senior officer or officers responsible for exercising supervision in relation to William Stobie's possession of the firearms. The Director concluded that, in the absence of evidence of identity, one of the key elements of the evidential Test for Prosecution was not met in respect of manslaughter by gross negligence.

25. Whilst there was evidence to identify the constable who had returned the deactivated Browning and other firearms to Stobie, the evidence indicated that the decision to do so had not been taken by him but by other more senior officers. Further, the prosecution would be unable to disprove his assertion that he believed that when the weapons were returned in 1989 they were being returned in a manner whereby they would not be of a danger to the public. Equally the prosecution would not be able to rebut a defence based upon an assertion that he believed that senior officers had put in place a recovery plan. In those circumstances, the Director concluded that there was insufficient evidence in respect of that constable to meet the Test for Prosecution in respect of an offence of manslaughter by gross negligence.

<sup>22</sup> PPS Decision

[http://www.ppsni.gov.uk/Site/1/Documents/Publications/FINAL\\_PPS\\_statement\\_25.6.07.pdf](http://www.ppsni.gov.uk/Site/1/Documents/Publications/FINAL_PPS_statement_25.6.07.pdf)



27. With regard to other police officers and the civilian employee who had been identified as having been in possession of the firearms, there was insufficient evidence to establish that any of them had been directly involved in the transfer of the weapons to William Stobie or had knowledge that they were to be returned to him. The Director concluded that the Test for Prosecution was not met in respect of any offence by those persons contrary to the Firearms (Northern Ireland) Order 1981.

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In terms of the 9mm Browning pistol any investigation, both through a paper trail, interviewing, and forensic examination, would have quickly ascertained whether or not the weapon had been 'deactivated'. The weapon, along with the other 4 weapons, would have presumably been logged once handed in by Stobie to his handler/s. Stobie too made a statement regarding this matter in which he identified his handlers and the person he passed the weapons to.

Indeed Stobie, when charged in connection with providing the murder weapon used by the UDA/UFF in the murder of human right lawyer Pat Finucane, made public via journalist Ed Maloney, that he had at all times kept his handlers informed of the plot to carry out the murder, including who had taken possession of the weapon. That weapon too was 'stolen' from another UDR Barrack's in a separate 'theft'.

When Stobie further stated publicly that he would reveal all these details regarding his Special Branch handler/s during his trial the case subsequently collapsed. Within weeks Stobie was murdered by the UDA/UFF.

As Stobie's body lay on the street outside his north Belfast home the then Ulster Democratic Party (UDP) political spokesperson, John White, claimed that the Red Hand Defenders (RHD), yet



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another cover name for the UDA/UFF, had killed Stobie. Ironically in the weeks prior to Stobie's murder a spate of sectarian pipe bomb and petrol bomb attacks on Catholic homes had taken place across north Belfast and parts of north Antrim, all attributed to the UDA/UFF. White had spent weeks denying in the media their involvement. It appeared that White was claiming the only incident that the UDA/UFF had apparently not incited during this same period. Interestingly White would later be exposed himself as an agent of the RUC Special Branch several years later.

To deactivate the 9mm Browning pistol it would have had to have been passed to the FSLNI and there been 'deactivated' by a trained weapons experts who would have carried out this function, tested it, and then returned it. Any such procedure would have required a systems record similar to that provided by the FSLNI in relation to this weapon when it was subsequently recovered from the Morris Van at the time of Paisley and Webb's arrest.

If as they claim the 9mm Browning pistol was 'deactivated' either Special Branch ordered that no records be kept of the deactivation or that at some point they took possession of all records. If this is the case this calls into serious question the independence and integrity of FSLNI especially given the evidence that since emerged of the incident involving forensic scientist Fiona Cooper at the trial of Sean Hoey during the Omagh bomb trial. Importantly the professionalism and rigour of FSLNI is already in question in this case as they dismissed forensic evidence in relation to fibers from the getaway car found on the clothing of a suspect as being of 'no use'. It is argued that these instances demonstrate the power that Special Branch wielded over FSLNI. There is equally the strong possibility that the Special Branch did not do anything to the weapon at all and simply handed it back to Stobie along with the other weapons. If this is the case then they are thus fully responsible for the murders and injuries having merely concocted a story once the detail was uncovered, not by the RUC, but by Lord Stevens. This theory gains credibility given the question posed earlier, why 'deactivate' only one, or as later claimed 2, weapons out of 5? Either way Special Branch is culpable for passing back to an illegal organisation responsible for hundreds of sectarian murders a weapon/s with which to further kill and maim. Serious questions are also raised in relation to the other remaining weapons passed back to the UDA/UFF and of their subsequent use.

Another piece of information has come to light courtesy of the October 2011 disclosures which revealed that on the day of the Bookmakers Atrocity two members of the British army attended the murder scene. Corporal Neil Anthony Jones of the Weapons Intelligence Section (WIS), 39 Brigade, HQ Thiepval Barracks Lisburn and Corporal Iain Slater a Royal Military Police (RMP) Investigator, also based at Thiepval. This is an unusual occurrence in such incidents in that examinations of murder scenes are normally the responsibility of the RUC Scenes of Crimes Officers (SOCO) and for the FSLNI staff.

This revelation again raises questions in the context that the 9mm Browning pistol used in the attack was a former British army gun, handled by an agent of the Special Branch, and passed back to an organisation infiltrated by both Special Branch and the FRU. The bereaved relatives and victims are anxious to know who tasked Corporals Jones and Slater that day and what precisely was their brief? In addition they seek clarity as to what information were they, and principally their superiors, in possession of in the immediate aftermath of the attack that warranted their attention and attendance? Was this an exercise to determine as early as possible if the fact that the weapon directly provided by security forces to the killers had been used and the potential for this to lead back to their handler/s? It is critical that the relationship between the FRU and Special Branch in relation to agent handling and this weapon is established. Importantly had the British army's Number 2 WIS also handled the 9mm Browning pistol rather than or as well as the FSLNI? More importantly however is the question was the weapon bugged, 'jarred', for tracking?



It is already well documented that both agencies were running the same agents, and despite the stories of their 'rivalry' they also shared intelligence. We know that Lord Stevens questioned 20 members of FRU and prepared files on 9 for prosecution. The remainder of the 15 files related mostly to the Special Branch and one civilian, a former employee of the old Police Authority, who alarmingly also handled the 9mm Browning pistol.

## The VZ 58 and the murders of Seamus Morris and Peter Dolan, and the attempted murder of Gerard Burns

In relation to the other weapon used in the Bookmakers attack, the VZ58 automatic assault rifle from the South African shipment imported by the FRU and Brian Nelson, it was revealed at the inquest that this weapon had been used previously in at least two sectarian murders.

It is the understanding of the bereaved families and the injured, Relatives for Justice and lawyers acting for the Bookmakers families, that this weapon was used to murder two Catholic men, 18-year old Seamus Morris and 25-year old Peter Dolan, in north Belfast on August 8<sup>th</sup> 1988. Peter Dolan was an assistant in a Guinness lorry making delivers locally when they encountered an attack on Seamus Morris in Highbury Gardens. It is believed that Peter and his work colleague, in an act of total unselfishness and courage, sought to stop the escape of the killers' getaway car by blocking its path.

The weapon had also been used in an attempted murder previously on March 7<sup>th</sup> 1988 on Catholic shopkeeper Gerard Burns at his premises on Old Park Road. Also of significance was the fact that the UVF claimed responsibility for the murders of Peter Dolan and Seamus Morris and the attack on Gerard Burns. Though it is known that on rare occasions loyalists shared weapons this however was in instances in which a shortage of weapons existed. With the importation of weapons from South Africa there was no such shortage which lessens that possibility as an explanation for the weapon used by the UVF in 1988 subsequently being in the possession of the UDA/UFF in February 1992.

This VZ58 weapon recovered from Mark Rice on February 18<sup>th</sup> 1992 was vital forensic evidence in the unsolved murders of Seamus Morris and Peter Dolan, in the Bookmakers Atrocity and in an attempted murder of Gerard Burns. Astonishingly it was subsequently destroyed by the RUC, ironically on March 7<sup>th</sup> 1994 after having a 'disposal order' authorised. The weapon was destroyed along with other ballistic items taken from the search of Rice's home even though no one had yet been convicted for the Bookmakers Atrocity.

In the context of all the information available concerning the weapons used in the Bookmakers attack the families and survivors raise the possibility of this weapon having been retrieved at some point from an agent inside the UVF by either the RUC or British army, handled by Special Branch or FRU handlers, and then passed onto the UDA/UFF thus explaining its use in the Bookmakers Atrocity.

It is already known that when 6 Leven Place, the home where Mark Rice lived with his parents, was raided, police acting on 'intelligence' recovered the VZ58 and the photomontage of Karl Hegney was also found among documents. The UVF killed Karl Hegney. Brian Nelson was known to have shared intelligence provided to him by the FRU with the UVF despite being the Chief Intelligence Officer within the UDA/UFF.

We already know that the Special Branch had recruited UDA/UFF Quartermaster William Stobie in November 1987 after his involvement in the murder of Adam Lambert whom the UDA/UFF





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mistakenly believed to be a Catholic. This 'recruitment' timeline predates the use of the VZ58 by the UVF and in the Seamus Morris and Peter Dolan murders and in the attempted murder of Gerard Burns and the weapon then becoming a UDA/UFF weapon used in the Bookmakers Atrocity. Noting the sharing of intelligence between the UDA/UFF and the UVF did this cooperation also extend to weapons too? This is only one of two possibilities in relation to how this weapon made its way from the UVF to the UDA/UFF. The other is that it was passed from one organisation to the other by security force agent-handlers using agents. At the time of the murder of Seamus Morris and Peter Dolan and the attempted murder of Gerard Burns in north Belfast Stobie was already an agent and the UDA/UFF Quartermaster living in that area.

A number of questions remain unanswered. Who within the RUC sanctioned the destruction of the VZ58? Relatives and victims are also anxious to know have all the weapons recovered by the RUC, and the PSNI, from the South African shipment been destroyed? Such a practice appears to be consistent with RUC policy of not disclosing forensic and ballistic information relating to the South African weapons in the aftermath of murders and attacks. The authors would call on the PSNI to cease the practice of destroying weapons, which constitute forensic evidence, in unsolved murders.

## Evidence and forensics

A report to the then DPP on October 2<sup>nd</sup> 1992 related to 4 fibres recovered from Suspects 1 and 3 who are closely related. Suspect 3 had one fibre from the initial getaway car used in the attack, RIJ 9090 on a pair of denims. RIJ 9090 was purchased by Suspect 1. Suspect 1 had three fibres on a shirt from YIA 6097 the second getaway car which had been hired by Suspect 3, parked in Bladon Drive and then used as RIJ 9090 was abandoned there after the murders.

However, the central evidential point being that if there was no evidence to convict Suspect 1 of purchasing RIJ 9090, claiming that the vendor after 'confidently' identifying Suspect 1 from police photo albums then declined to formally identify him and that this was given as the reason for not prosecuting him, then how can the police then claim that the reason fibers from RIJ 9090 were found Suspect 3 was because Suspect 1 and 3 are close relatives and that this could be cross-contamination. If no evidence exists to prosecute Suspect 1 for purchasing the getaway car RIJ 9090 then how can the police claim cross-contamination when it is the case that nobody should have ever been associated with RIJ 9090?

In respect of the forensic evidence relatives and victims are challenged as to know how Janet Kirkwood from the FSLNI identified a fibre from RIJ 9090 and then subsequently claimed that this was of 'no use' especially given that Suspect 3 is believed to be one of the two gunmen who entered the Bookmakers shop and carried out the attack.

In statements from the survivors they describe both gunmen as wearing jeans and trainers. One witness statements says: '...at 2.25pm the door opened and I seen a well built man, he was wearing a black balaclava he kept the door open with his foot. I could see a second person behind this man who would have been a bit taller he also had on a black balaclava. The first man who had his foot in the door was wearing a plain green jacket, it was a washed out green colour and he also had on blue jeans and black shoes or trainers. I didn't see what the second man had on...'

Another survivor states: 'I would describe the one with the automatic weapon as follows; 6'0" tall, he was wearing a combat jacket and a black mask. The jacket was the green and brown type, he was wearing blue jeans and brown shoes. The man firing the single shots was smaller in height I would say about 5'9" he was dressed the same, a black balaclava and jeans...'

A blood sample was taken from the pocket of a blue leather coat retrieved from the home of Suspect 4. Suspect 4 was in the company of at least one of the killers that evening and was a passenger in the second getaway car YIA 6097 when it was stopped twice on the evening after the attack, first on the Crumlin Road in north Belfast at 11.40pm and then at the Kings Hall on the Lisburn Road at 1am the following morning, both after the RUC had been made aware of a second car, its colour, make, model and other descriptive markings such as the travel rug.

A school teacher en-route to a hockey match with three pupils in her car was parked in traffic on the main Ormeau Road, at the junction of University Avenue, traveling towards the Ormeau Bridge on the same side of the road as the Bookmakers shop. She observed the gunmen emerging from the Bookmakers and lifting the balaclavas up and over their faces, she also observed the gunman with the automatic assault rifle, the VZ58, carrying it across his chest. She further observed them getting into RIJ 9090 and then speeding off up University Avenue towards Malone. It is not clear if all the witnesses were asked to make formal identification or if they were all shown police photos, or if they just gave statements. The relatives and survivors need this matter clarified.

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This person is referred to as 'Mr. A' and a HET report states that he: '...was affiliated to loyalist terrorist groups and the original investigation considered him to be an unstable and dangerous individual...' The report further states that on the day prior to the attack he was stopped by the RUC in the company of Suspect 1 and 'another person of interest' in a Ford Sierra car also known to be used by the UDA/UFF as a 'staff car'.

'Mr. A' was also a close associate of Suspects 1, 3, and 5. 'Mr. A' was also named in intelligence as one of those involved in the Bookmakers Atrocity and in a previous murder in which one of the weapons, the 9mm Browning pistol, had been used. This was the murder of 22-year old Aidan Wallace several weeks prior to the Bookmakers Atrocity. 'Mr. A' had been arrested and questioned about the murder of Aidan Wallace but was released without charge.

Acting on the information the investigation at the time contacted the taxi company, the control operator and taxi-driver that collected 'Mr. A'. Confidently using his own name 'Mr. A' called a taxi to be collected from outside a public bar on the University Road, the then Elms Bar now the Globe Bar. The Taxi operator logged the call as being made at 2.38pm some 8-10 minutes after the attack on the Bookmakers. The taxi-driver described picking up 'Mr. A' and taking him to the destination



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also provided by the anonymous caller. The taxi-driver further stated that on the journey the 3pm news come on the radio and the attack at the Bookmakers was reported. The fare appeared to show an interest in the news report and asked the taxi-driver to turn the volume up. The taxi-driver observed the house that 'Mr. A' entered, which was the same house detail provided by the anonymous caller. This has been confirmed as the home of the then UDA/UFF commander for that area. 'Mr. A' was described by the taxi-driver '...as wearing a denim jacket and jeans...'

The precise location as to where 'Mr. A' called a taxi to be collected from is the route believed to have been taken by the getaway car used by the killers. When 'Witness I' gave a statement about the getaway car registration RIJ 9090 being driven into her street at Bladon Drive, at approximately 2.40pm, she said that she only saw one man in RIJ 9090 and spoke to him. By this time it is presumed both the gunmen had been dropped off en-route, after quickly changing jackets, leaving weapons, masks and gloves with the driver and making off in separate directions.

The HET state in their report that despite all this evidence there are no available documents to demonstrate if any consideration was given by the senior investigating officer in charge of this large murder inquiry regarding 'Mr. A'. It is known that 'Mr. A' was never arrested or put on an identity line up. Given this it is reasonable to presume that his photograph was also never shown to witnesses. Nor is it known if any of the 'unidentifiable' markings and fingerprints from both getaway cars were ever crossed referenced against those of 'Mr. A'.

In the HET report they state of 'Mr. A' that; 'While reviewing the documentation in relation to the murders the HET identified a man from the original enquiry, whose position remains unresolved and who in the opinion of the HET, should have been considered as a person of interest.' Despite their analysis the HET also do not follow-up in respect of 'Mr. A'.

In accounts concerning the attack on the Devenish Bar and Leisure Complex in which Aidan Wallace was killed, witnesses state that the killer shot Aidan Wallace twice in the back of the head at point blank range. They also say that they took cover, fleeing to the opposite end of this large bar, and that the killer then casually moved from table to table shooting at people and injuring a further 3 people. The other gunman, who had fired only one shot, remained at the doorway and was shouting to the other gunman 'out, out, out' before he eventually left.

The causal demeanor and clinical nature of this attack mirrors that of the subsequent attack on the Bookmakers in which the gunman with the 9mm Browning pistol moves through the confined space shooting, killing people, as they lay incapacitated on the floor with the same 9mm weapon used to murder Aidan Wallace in the attack at the Devenish Bar. The same weapon handed back, in perfect working order, to the UDA/UFF by Special Branch in November 1989.

### The Bookmakers killers unmasked

Early in the investigation Witness 'F' identified Raymond Elder as one of the gunmen who emerged from the Bookmakers. Despite his identification of Elder and his evidence corresponding with that of Witness 'E' and the school teacher who had both seen the two gunmen emerge, this positive identification was ignored largely because Witness 'F' had a conflict related conviction for a republican organisation. Witness 'F' would, most probably unlike many witnesses, not have been intimidated or in fear of giving evidence. The authors would contend that it was a matter for the court, and not the RUC, to determine the reliability of the evidence of Witness 'F'.

There has been some speculation, including information sourced from a leading loyalist figure







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This policy objective and its clinical implementation was zealously pursued by the Special Branch and FRU and would inevitably lead to scores of killings across the broad spectrum of political, religious and civil life. Victims also included ordinary policemen and policewomen of the RUC, members of the British army including the UDR, who were sacrificed because 'operations' were permitted for the 'greater good' of protecting and running agents. Many of whom when their purpose was served, were themselves sacrificed often at the hands of other agents and sometimes by those who more than likely took their place.

The Bookmakers Atrocity must be set against this wider macro context as should many other similar atrocities. Within that context too the incredulous decisions of the then DPP, and later the PPS, must also be viewed. It is against this backdrop that we must also view the roles of Stobie, the weapons provided by the FRU and Nelson, Ken Barrett who 'stole' the 9mm Browning and who was subsequently recruited and most importantly those running these agents who are ultimately responsible and legally culpable. While behind the scenes republicans and the British were engaged in discussions and communications regarding what would later emerge as the peace process this period also saw both sides increase their activities as part of the endgame, republicans escalating their campaign in England around commercial targets and the British unleashing the loyalists, all trying to exert pressure as political talks became inevitable.

Sacrificing agents and playing them off against one another to essentially tie up loose ends was and remains routine as is the imperative of ensuring that agent-handlers are protected continues. This was the objective in the murder of Stobie. He signed his death warrant when he decided to name handlers and reveal what they knew during his trial, a trial that never commenced with the DPP abandoning the prosecution. That trial would have also revealed the detail of the Bookmakers Atrocity and Stobie's role in respect of the 9mm Browning pistol.

The need to ensure that agent-handlers are protected and the lengths that state agencies go to ensure that protection is an indication of the extent and how far reaching the policy of collusion is. It also raises questions as to where and to whom it leads. There would appear to have been a prevailing attitude that 'fighting the terrorist' allowed for a total lack of accountability in relation to the activities of Special Branch and British Military Intelligence including in respect of their importation and handling of weapons, their handling of agents and in respect of intelligence. Effectively Special Branch and FRU were a law unto themselves. For some people it begs the question who were the terrorists?

The question also remains unanswered as to the source and extent of financial and personnel resources that enabled the activities of Special Branch and the FRU including the vast sums of payments made to agents and informant sources.

The DPP has been exposed in relation to the well documented facts concerning the farcical trial of Brian Nelson and in particular in respect of the political deal of a significantly reduced sentence if Nelson did not take the witness stand and disclose his role as an agent. Instead Nelson's Commanding Officer, 'Colonel J' of the FRU, anonymously gave evidence on his behalf making mitigating pleas, which would later be exposed as false that Nelson's role saved countless lives. Indeed the opposite was the case. 'Colonel J' was later identified as Brigadier Gordon Kerr. The Nelson trial, billed in the media as 'the biggest ever trial in the history of the north', lasted only a matter of hours over a few days with Nelson ironically being sentenced on February 3<sup>rd</sup> 1992, two days prior to the Bookmakers Atrocity.

All this serves to illustrate the need and therefore the steps to which the state will go to conceal and protect agent-handlers at the lowest end of the food chain in terms of collusion. The 25



## Ultimate legal culpability

The statement by the British Ministry of Defence to the BBC on January 29<sup>th</sup> 1993 acknowledging the weapons importation, that they were tracking the ship from South Africa and had 'lost' the ship en-route was not an admission freely given but rather one that it had been forced to construct because of the facts already within the public domain. It was a minimalist declaration. Acknowledgment that Nelson was their agent was also a forced declaration. This and Nelson's role in the weapons shipment would see MI5, which the FRU represent, converged to limit the damage by offering Nelson a deal in respect of sentence in return for his silence. Whitehall and Downing Street influenced the outcome in their 'national interests', the phrase so often used to cover-up a multitude of sins.

The net result of the actions of the British government and its servants in this instance is that on February 5<sup>th</sup> 1992, 5 people were murdered and 7 were injured directly as a result of collusion and the imperative to conceal that policy. Aidan Wallace was murdered and 3 others injured as a consequence of the same policy. In scores of attacks ordinary people were murdered whilst the people in power, those in the shadows, those with the power to prevent such attacks, those tasked with the duty to uphold the law were in fact deciding, determining if citizens would live or die at the hands of the killer gangs they had infiltrated, armed and controlled.

In the immediate aftermath of the Bookmakers Atrocity people were right to state that there was collusion because as in so many of these incidents the same patterns existed and pointed to collusion. However, the families and survivors could not have imagined the extent of that collusion nor did they ever imagine that little over a decade after the attack that so much information would emerge publicly.

This has given a hope and optimism, which remains that the full truth will be known.

The impenetrable nature of the PPS concerning collusion in these cases stands in stark contrast to its decision-making and prosecution of countless cases involving non-state actors to the conflict. This speaks volumes about that institution which it has been suggested provided immunity and impunity for agent-handlers. Using worn-out phrases like ‘... not meeting the prosecution test...’ and with the passage of time it would be unfair to proceed as this would constitute an ‘abuse of process’, expose the duplicity of this office during the conflict. The decision not to prosecute in relation the Bookmakers Atrocity is at odds with other historic and current prosecutions where less evidence existed.



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## The Stevens Enquiry statement

On April 17<sup>th</sup> 2003, after 14 years and three enquiries, Sir John Stevens released at a Belfast press conference a 19-page statement<sup>24</sup> in relation to his findings, stopping short from making any further information public due the submitting of 25 files to the PPS.

Below are 7 paragraphs in his statement that illustrate the findings of collusion which are consistent with the details in this report on the attack on the Bookmakers.

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.

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.

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 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.

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.

<sup>24</sup> Stevens 3

<http://cain.ulst.ac.uk/issues/collusion/stevens3/stevens3summary.htm>



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## APPEAL FOR INFORMATION

The bereaved and injured say that whilst there is breath in the bodies they will do all in their power to seek justice for the murders of their loved ones. One relative said that: 'We have buried our loved ones but we are not going to let the truth also be buried.' The families call again for anyone with fresh evidence, or who witnessed anything that day and who has never come forward to please now consider doing so.

The families also make an impassioned plea to the conscience of members of the RUC, the CID, Special Branch, PSNI, HET, British Army, PPS, Forensic Science Laboratory and anyone within the intelligence agencies who know anything or who can shed more light on these killings and what went on behind the scenes, to please come forward. The families and survivors would also appeal to anyone from the loyalist community who has any information to please come forward. It is their belief that it is now time for the truth to be told.

The families also call upon members of the then Police Authority, and in particular those who were members during the period January 1989 to November 1989 that year, to also consider whether they have any information which may relate to the fact that an employee within the Police Authority was also involved in handling the 9mm Browning pistol. They ask all of these individuals to also assist.

**Anyone with information can contact Relatives for Justice on 02890 220100 or Solicitors Kevin R Winters & Co, Belfast 02890 241888. Or a third party such as a local priest or minister.**

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## NEXT STEPS

The bereaved families and survivors ask that:

- 1. Noting the role of Special Branch in taking possession of and then returning one of the murder weapons used in the atrocity to an agent, the British Prime Minister makes a full and public apology to the bereaved and injured for the murders;**
- 2. That this apology also addresses the VZ 58 automatic rifle also used in the atrocity which was supplied to the killers by British Military Intelligence through an agent and by way of an arms shipment from South Africa;**
- 3. The bereaved families and survivors are also requesting that an independent, fresh and full forensic examination of all the exhibits, samples and forensic evidence is carried out using the most up to date techniques;**
- 4. The bereaved families and survivors request the new Director of the PPS to begin the process of reconsidering all the available evidence with a view to pursuing charges against all those involved including members of the Special Branch;**
- 5. The Stevens report must be immediately published in full and without redactions.**



The families and survivors would like to thank the Lower Ormeau Road, Market and Short Strand communities for the support provided to them at the time of the atrocity and throughout their ordeal, in particular they would like to thank Lower Ormeau Residents Action Group (LORAG). They would also like to thank the hundreds of people from across the community, from throughout Ireland, Britain and further afield who sent messages of comfort and support. They would also like to thank the parish priests at the time, Fr. McCann and Fr. McHugh for their support that day and Fr. Curran for the pastoral aftercare. Fr. McHugh and local people administered to the dying and injured prior to the Ambulance Service arriving. The families are eternally grateful to them all.

Finally the families and survivors would like to thank Relatives for Justice, for their support over many years and in compiling this report, and to LORAG in supporting the families and survivors in marking the 20th anniversary.



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# BIOGRAPHIES



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## PETER MAGEE

**Peter Magee** was born in Belfast's Royal Victoria Hospital on 22nd November 1973, to parents Patsy and Clara. Peter was the twin brother of Martin and younger brother of Tommy, Patrick, Rosena, Clara and Maria. He lived with his family in Artana Street and went to St Colman's primary school in the Market area and later to St Augustine's secondary school on the Ravenhill Road. On leaving secondary school Peter joined the youth training programme at the 'Black Man Tech'.

Peter loved Gaelic football and played for the local St Malachy's club where he was part of the team which won the under-16s championship in 1990. He also enjoyed going to the greyhound track with his close friend.

The effects of Peter's untimely death on his family cannot adequately be put into words but can clearly be seen in the everyday lives of his family. Peter's father fell into ill health following Peter's murder and died in 1998 aged 58. Peter is sorely missed by all of his family, who think about him every day. He was so young and had a full life ahead of him which was cruelly cut short by the actions of others.





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## JACK DUFFIN

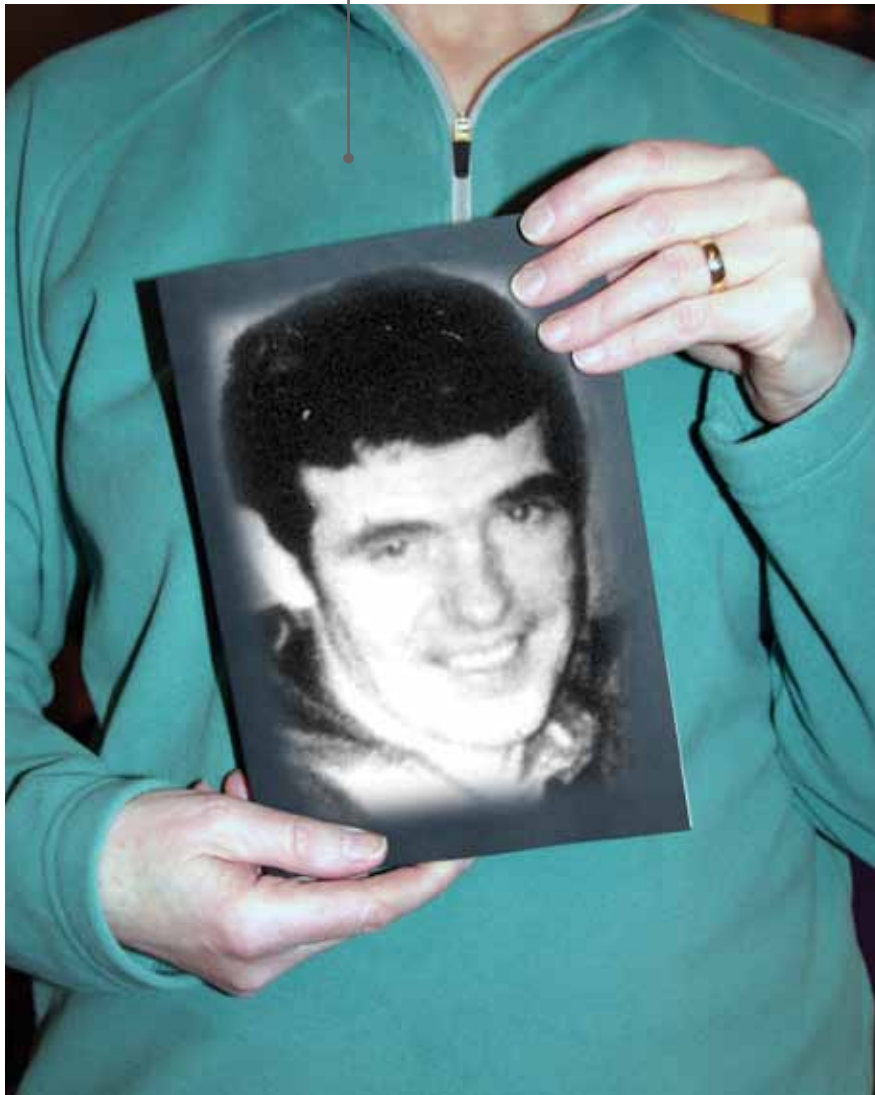
Jack moved to Belfast in 1927 (aged 2) where he lived with his mother Mary (Maisy), father Tom, brothers Jimmy and Paddy and sister Dorothy. Jack grew up with a strong passion for Gaelic games and would later play for O'Connell's GAC where he won senior county hurling and football medals. Jack was elected President of O'Connell's GAC and remained in this post until the club's demise in 1985.

While Jack grew up in the city he never lost his country roots. He had a keen interest in fishing, hunting and horse racing and spent much of his spare time around the fields, rivers and lakes of Co Down.

Jack married Helen in 1948. Together they had three sons - Martin, Paddy and Tommy - and lived in Balfour Avenue from 1964. A stonemason by trade, Jack worked for the same company (Robert Hart Memorials) for 45 years until his retirement in 1991.



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## CHRISTY DOHERTY

Christy's family home of 40 years was in Stanton Street in the Market area. His father Matthew was originally from Portaferry and his mother was from the Grosvenor Road area in Belfast. He had five brothers (Daniel, Thomas, James, William and Frank) and four sisters (Bridie, Catherine, Margaret and Patricia).

On leaving school Christy worked in Inglis's Bakery, again in the Market area. He and his brothers William and Frank and his sister Kate moved their family home to Powerscourt Place in the Lower Ormeau in 1983.

Christy is described by his sister Patricia as being a quiet unassuming person with a serious side. He loved to read and enjoyed walking and having the odd 'wee bet', and as a child he was mad about football.



RELATIVES FOR JUSTICE

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## WILLIE MCMANUS

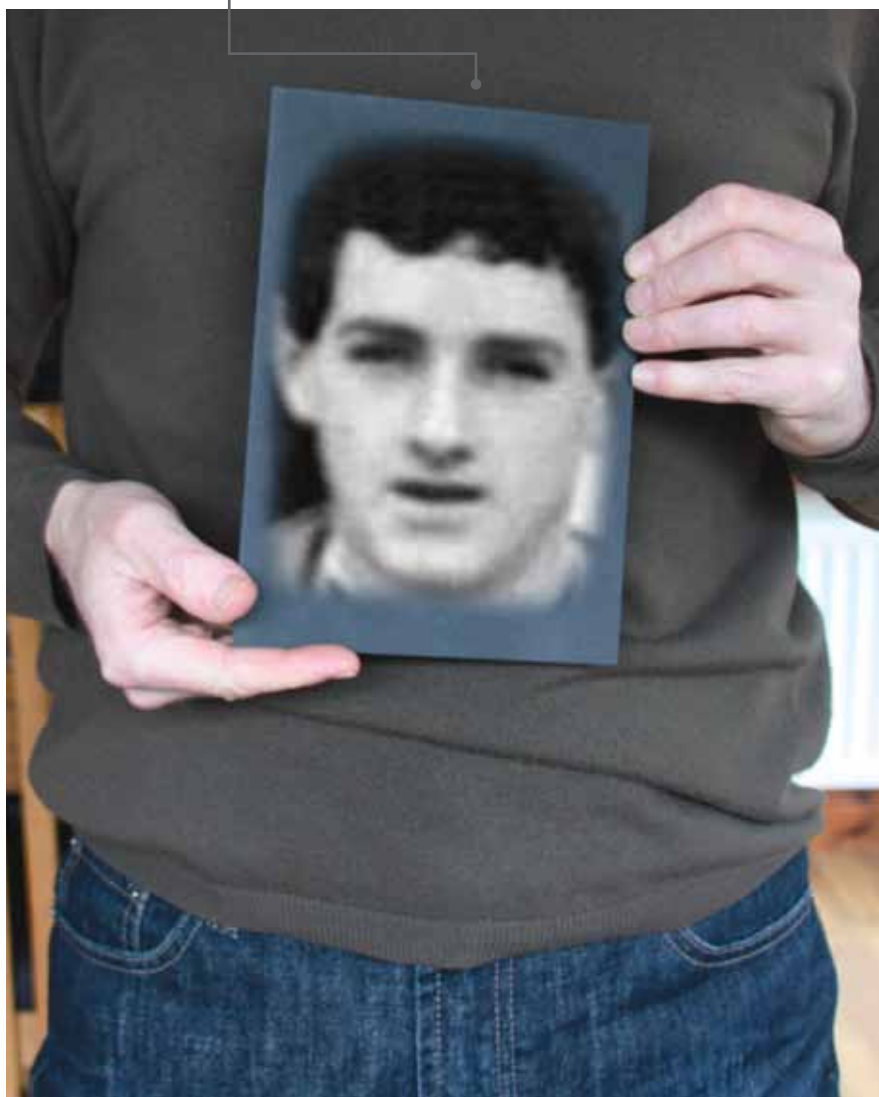
As a child, Willie lived in Ettrick Street in the Lower Ormeau. His father, Joe, came from the Market area and his mother Sarah was from the Newtownards Road in East Belfast. He was third of four brothers (the others being Joe, Jim and Alec) and had four sisters: Jean, Dinah, Carol and Sadie.

Willie met Rosaleen who was from the Ardoyne area while socialising in Donegall Pass in 1966. They were married in 1967 and set up their first home in Hardcastle Street off the Donegall Pass in 1968 before moving to Peveril Street in the Lower Ormeau to begin their family. They had four children: Billy, John, Carol and Eileen. Willie's wife and daughter described him as quiet, patient and of an understanding nature. He was a good listener and a real family man.

Willie worked as a crane driver before being made redundant. He had a great love of dogs and would have more than one dog about the house at any time. His other loves were horses, long walks, darts and football but his big sport was snooker.



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## JAMES KENNEDY

James lived in Stanton Street in the Market area. His mother Kathleen (Kate) was reared in the same street. She met and married Jackie, who was from the Kashmir Road in west Belfast. James was the second of five boys, his brothers being Bosco, David, Michael and Paul. As a child James loved dogs, his favourite being a small Jack Russell that rarely left his side as a child.

James attended St Colman's primary school in the Market area and, like Peter Magee, went on to St Augustine's on the Ravenhill Road, and later St Joseph's secondary school, where he played football for the school team. James excelled at football and was 'head hunted' to play every Saturday. His father Jackie recalls one Saturday where James played a game in the morning and in the afternoon, and hid behind the door telling his father to tell the coach he wasn't home for a third game that evening.

James attended St Malachy's Youth Club and spent what little spare time he had playing snooker with his many friends. His father Jackie described James as being beyond his years. He was boisterous and when he took something into his head there was no shifting him. When going to visit his newly born younger brother Paul in hospital, James refused to get into the taxi and ran to the hospital where he met his father.

James' mother Kate died aged 51, two weeks before the second anniversary of his murder. Kate's passing was directly attributed by many in the community to the death of her beloved son. Her husband Jackie said on Kate's death that "bullets do not only travel distance but also through time."

James' many young friends hold an annual football tournament every August in the Market area in memory of him. Following the first tournament, James' friends presented his family with a plaque that read: *"Best friends are hard to come by and you were truly that. You will always be remembered in our hearts and that is where you will stay. Your friends, The Market Boys."*