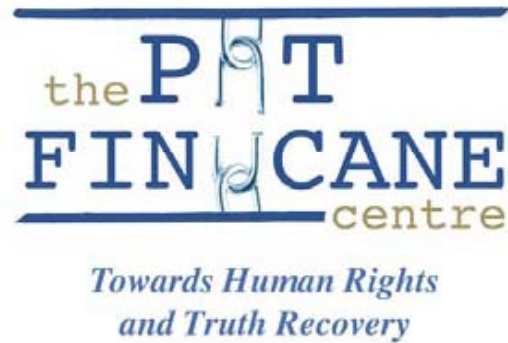




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PRESS RELEASE

SERIOUS DISAPPOINTMENT AT POLICE OMBUDSMAN'S REPORT INTO BOMBING OF MCGURK'S BAR, 4 DECEMBER 1971

The families of some of those killed in the McGurk's Bar Bomb, 4 December 1971, supported by British Irish RIGHTS WATCH and The Pat Finucane Centre are extremely disappointed by the actions of the Police Ombudsman for Northern Ireland, whose behaviour, with regard to his report into the bombing, has compounded the grief and trauma already experienced by the families.

There are serious concerns both at the treatment of the families by the Ombudsman and the contents of the report itself. Despite only having 24 hours to examine the report, there are some errors which are so glaring, they must be highlighted.

Firstly, despite repeated requests from the families and the NGOs to delay the public release of the report, to allow the families the chance to fully examine the findings, the Ombudsman only delayed for a short period.

Secondly, the report contains factual inaccuracies which display a casual disregard for the sensitivities of the victims. These include omitting the name of one of the dead from the list of those represented by the complainants and adding one of the complainants to the list of the dead.

Thirdly, in the appendix 6 at Q4 the reader is directed to 'recommendations'. There are no recommendations in the report.

Fourthly, the report appears to ignore the fact that the police knew, by 1977 at the latest, that the UVF were responsible for the bombing; this was subsequently confirmed by the Historical Enquiries Team report of 2008 and a statement in

WINNER OF THE COUNCIL OF EUROPE'S PARLIAMENTARY ASSEMBLY HUMAN RIGHTS PRIZE 2009
WINNER OF THE IRISH WORLD DAMIEN GAFFNEY MEMORIAL AWARD 2008
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Parliament. Instead, the report appears to indicate that doubt remains in this area. (see para 2.12)

The lack of Investigation- It is acknowledged that the ability of the Ombudsman to evaluate the quality of the investigation by the RUC has been hampered by an absence of documentation. Nevertheless the families are bewildered at the PONI response on the question of the investigation. At para 5.6 PONI states that the allegation that police failed to conduct a thorough investigation is NOT substantiated. The actual findings then go on to contradict this and the final sentence reads as follows,

‘The Police Ombudsman finds the allegation part substantiated.’

In respect of the investigation it should be noted that there were major failings in a number of areas but most importantly in relation to the four suspects who were named in 1976. No actions were initiated as a result of this and when one of the four (Robert Campbell) did finally admit his involvement over a year later this occurred in a course of a separate RUC investigation. The officers involved in that case have told the Ombudsman that they were unaware of this intelligence both before Campbells arrest and during his interrogation. That an interviewing officer would be unaware that the suspect he was interviewing was suspected by the Head of CID of involvement in the murder of 15 people is a matter for deep concern. The other three suspects were not arrested as part of any focussed investigation aimed at solving this crime. ((see paras 4.105 & 4.106)

Collusion - it is acknowledged that there is no documentation to prove definite collusion between the perpetrators and the security forces. The comments with regard to the unreliability of statements by John Black, author of *Killing for Britain*, are welcomed.

It is agreed that the police failed to update the families with regard to the investigation into the bombing and thus it is hoped that police practices have improved substantially in this area, so no family has to endure the treatment suffered by the McGurk’s families.

In respect of the fourth allegation, that the RUC briefed Minister of State John Taylor with false information we take serious issue with the narrow OPONI interpretation of the actual allegation and the findings that resulted. The families allege that the RUC, along with the military, provided false information in the aftermath of the bombing which was disseminated at a number of levels within government, security force and media circles. The briefing provided by then PM Brian Faulkner to the British Home Secretary at a meeting on the Monday followed by the disgraceful statement at Stormont by Home Affairs Minister John

Taylor on the Tuesday all sought to propagate the 'bomb in transit' theory. Where did this disinformation originate ? The Police Ombudsman concluded,

"that the allegation that the police briefed the, then, Minister of State for Home Affairs with false or misleading information is not substantiated."

The families allege a much wider pattern of disinformation by both the RUC and the British Army and believe that that OPONI has interpreted this aspect much too narrowly. Notwithstanding this families and the NGOs will assert that there is irrefutable evidence that the 'bomb in transit' theory can be traced to RUC reports and that these reports informed government, security force and media circles including John Taylor.

At 8am on the Sunday morning, only hours after the bombing, three RUC Inspectors compiled a Duty Report under the direction of a Chief Superintendent which stated,

"Just before the explosion a man entered the licensed premises and left down a suitcase, presumably to be picked up by a known member of the Provisional I.R.A. The bomb was intended for use on other premises. Before the 'pick-up' was made the bomb exploded, 15 persons were killed and thirteen injured, 12 of whom were taken to hospital:

This claim was a total fabrication. According to OPONI it was circulated among senior officers and to the RUC press office. Despite such clear evidence of RUC involvement in the dissemination of disinformation OPONI has not substantiated this aspect of the complaint. Instead the Ombudsmans' report has sought to minimise the impact of this initial Duty Officer report and a similar report the following morning by stating that it was,

"possibly premature in nature."

It beggars belief that an entirely fabricated narrative involving a fictional suitcase, a fictional 'known member of the IRA', a fictional target elsewhere and a fictional 'pick-up' could be interpreted by the Ombudsman as a 'possibly premature' conclusion.

Within hours the fabrication had gained not only purchase but had been elaborated upon.

John Taylor has stated that his information, the 'bomb in transit' theory, was based on the advice of Home Affairs staff. Is it credible that Home Affairs staff did not base their advice on the Duty Officer report circulating among senior RUC officers? Is it credible that the Home Affairs Minister was basing his

information on any source other than the RUC ? The Police Ombudsman has ignored and downplayed the evidence in this area.

We note that the Historical Enquiries Team reached a radically different conclusion on this issue,

"It is clear that the information contained in this duty officer's report was relied upon by the then Minister for State for Home Affairs, John Taylor, speaking in the debate at Stormont on Tuesday, December 7..."

HET has reported that Taylor incorrectly attributed blame to the IRA because of the duty officer report.

We note that the Ombudsman has not reproduced in the report any of the relevant documents which show the extent of disinformation. This would have allowed the public to judge for themselves.

8 July 2010

-- ENDS --

Note for editors

The PFC is a non-party political, anti-sectarian human rights group advocating a non-violent resolution of the conflict on the island of Ireland. We believe that all participants to the conflict have violated human rights. The PFC asserts that the failure by the State to uphold Article 7 of the Universal Declaration of Human Rights, "all are equal before the law and are entitled without any discrimination to equal protection of the law", is the single most important explanation for the initiation and perpetuation of violent conflict. It is therefore implicit to conflict resolution that Article 7 be implemented in full. The PFC campaigns towards that goal.

British Irish RIGHTS WATCH (BIRW) is an independent non-governmental organisation that has been monitoring the human rights dimension of the conflict, and the peace process, in Northern Ireland since 1990. Our vision is of a Northern Ireland in which respect for human rights is integral to all its institutions and experienced by all who live there. Our mission is to secure respect for human rights in Northern Ireland and to disseminate the human rights lessons learned from the Northern Ireland conflict in order to promote peace, reconciliation and the prevention of conflict. BIRW's services are available, free of charge, to anyone whose human rights have been violated because of the conflict, regardless of religious, political or community affiliations. BIRW take no position on the eventual constitutional outcome of the conflict.