

Issues relating to Robert 'Robin' Jackson

Jackson, who is now dead, has become one of the most notorious figures of 'The Troubles', and is sometimes referred to as 'The Jackal' in open source material.

There has always been considerable speculation in some quarters that Jackson was either an agent of the security forces, or was tolerated by them as a type of proxy weapon against a common enemy - republican paramilitary groups.

He was certainly a prominent loyalist paramilitary figure, and is linked by intelligence to a number of murders and serious terrorist crimes. Many of these cases fall within the Glenanne series that HET is reviewing, and he has therefore cropped up frequently in the HET reviews.

He was an associate of the UVF men arrested for Fran's murder, and was himself arrested as part of the police response. He was arrested on August 5, 1975 and detained for two days. HET has not found any records of interviews conducted; he was released without charge on August 7.

HET Comment: HET did not find such records for others arrested at the time either.

However, following other case reviews, HET has found that there was an opportunity in May 1976 to re-arrest and interview him further about Fran's murder.

On Tuesday, May 18, 1976 Edward Tate Sinclair, a 40 year old dairy farmer, was arrested at his farm in Dungannon following the recovery of firearms, ammunition, explosives and bomb components.

On Wednesday, May 19, 1976, Sinclair returned to his farm, under the supervision of Detective Chief Inspector Francis Murray, ostensibly to milk his herd of cows.

While Detective Chief Inspector Murray was in the milking parlour with Sinclair, he discovered a 9mm calibre Luger pistol partially secreted behind a wall fan. Detective Chief Inspector Murray noted that the serial number no. 655 was stamped on the weapon. The Luger was intact with its magazine, which contained four bullets.

With the Luger, although not attached to it, was a home made silencer comprising of a long metal tube with black adhesive insulating tape wrapped around it.

A later scientific examination established that the muzzle end of the Luger had been drilled to accept the fixing grub-screw on the silencer.

HET Comment: It is highly unlikely that Sinclair, in custody following a significant find of weapons and explosives, would have been allowed to return to his farm for the sole purpose of milking cows.

It is likely that the visit, which led to the discovery of the Luger and silencer, was a ruse to hide the fact that Sinclair gave up the weapon and this would have been a solution to conceal Sinclair's co-operation from paramilitary gang members who would have threatened his life.

The fact that a senior detective officer accompanied Sinclair, a task that would normally be carried out by a more junior ranking officer, tends to suggest that Detective Chief Inspector Murray had been told that he could recover the weapon from its hiding place.

Sinclair was returned to Portadown Police Station and questioned by Detective Chief Inspector Murray about his possession of the Luger. During his interview he provided the following significant answers:

- A 'boy' had left the Luger five weeks earlier
- That he had never put any tape on the silencer
- When the silencer was given to him it was in the same condition as when it was found.

At the end of his questioning Sinclair dictated the following statement admitting his possession of the Luger:

'The Luger pistol that you found at my milking parlour today; this was left at my farm about five weeks ago by a man. The man told me not to lose the gun. I showed him where I hid the gun in the milking parlour. The man then went away in a car. The next day I examined the gun and found there were four rounds in her. I then put the gun back as I had found it. As far as I am aware this gun did not leave the milking parlour until the police found it. I never fired this gun.'

Detective Chief Inspector Murray gave the Luger, loaded magazine and silencer to SOCO, Detective Constable Derek Smith, who submitted them that same day to the DIFS for ballistic and fingerprint examination.

Prior to their submission, Detective Constable Smith separated the three items from all the others recovered at Sinclair's farm; and recorded them on a separate laboratory submission form. They were also submitted to the DIFS separately from all the other recovered exhibits, which were also submitted that same day.

HET Comment: The items were probably submitted separately from the other recovered items in order for them to have a fast track fingerprint examination.

As fast track examinations are generally requested in cases where there is a known suspect(s) it is possible that DCI Murray either wanted to see if Sinclair's fingerprints were on the weapon, or wanted to see if another suspect could be identified while Sinclair was still in his custody to assist his enquiries.

Later that same day, Sergeant Hillis of the RUC fingerprint branch examined the silencer. The insulating tape was removed from the silencer and Sergeant Hillis discovered two (finger) imprints on its metal barrel. Both imprints were identified as being those of Robert 'Robin' Jackson.

The senior officer in charge of the investigation against Sinclair, Detective Superintendent Ernest Drew, was informed by Sergeant Hillis of Jackson's identification.

The location of Jackson's fingerprints was initially misquoted as being found 'on one metal silencer and black adhesive tape.' The incorrect information was repeated in the fingerprint department's report, dated May 28, 1976. This mistake would prove to be important to Detective Superintendent Drew during his interview of Jackson.

Between May 20 and 30, 1976, Detective Superintendent Drew and Detective Chief Inspector Murray initiated a number of unsuccessful attempts to arrest Jackson.

It was not until Monday, May 31, 1976, that Detective Superintendent Drew received categorical confirmation that Jackson's fingerprint had been on the barrel of the silencer before the tape had been wrapped around it. Detective Superintendent Drew did not inform anyone of this confirmation.

On the same day, Jackson was arrested at his home under Section 10 of the Emergency Provisions Act (Northern Ireland) 1973 and was taken to Armagh Police Station.

Jackson was interviewed that day on two occasions by Detective Constable William Elder. The HET has not been able to locate any records of those interviews.

On Tuesday, June 1, 1976 Jackson was interviewed by Detective Superintendent Drew and Detective Constable Elder. During the initial phase of the interview, Jackson gave the following significant information:

- He only knew the man (Sinclair) as 'Ted' and had seen him several times at the Loyalist Club in Portadown.
- He had only been in his company once.
- He had never been to his farm.

Detective Superintendent Drew placed the Luger, magazine and silencer, (minus the insulating tape), on the table between them and continued to question Jackson as follows:

Q. Drew: *"Have you ever seen or handled any of these items before?"*

A. Jackson: *"I have never seen or handled them before; that is the pistol, silencer or magazine."*

Q. Drew: *"If it was established on expert examination that your fingerprints appeared on either the pistol or silencer or both, could you give any explanation?"*

A. Jackson: *"They couldn't be on any of those things. I have never handled them. One night at the club though, that man you called Sinclair asked for some tape and I gave him part of the roll I was using in the bar."*

Detective Superintendent Drew had intentionally held back the fact that the silencer had been wrapped in the black insulating tape, yet without prompting, Jackson showed that he knew about it and provided an explanation as to how his fingerprints could be on the tape.

Jackson was then invited to make a statement, which he agreed to do, dictating it to Detective Superintendent Drew. Jackson's statement included the following:

"You have explained to me why I have been detained. The only way my prints could be on the silencer was through black insulating tape that I gave to Ted Sinclair on a Friday or Saturday night about 3 weeks ago. That was at the Loyalist Club in Portadown. I was lapping hoses for beer kegs at the time when Ted asked me for the roll of tape. He said he wanted it for his car. I said I couldn't give him the whole roll but I would give him a piece. He said that would do, so I took off a piece about 3" or 4" long and wrapped it round a pencil and gave it to him. I had no more conversation with him after that.

You didn't tell me there was tape round the silencer. I can see there is none round it now.

I got to know this last Monday night (24th) when a Detective Sergeant and a Detective Superintendent told me that I should clear as there was a wee job up the country I would be done for and there was no way out of it for me. They went on to say that my fingerprints had been found on tape on a silencer. I don't want to say what town or place this conversation took place in. I think they wanted to scare me.

I am positive certain that my fingerprints couldn't be found on the gun, silencer and magazine, as I never saw or handled them."

On Wednesday, June 2, 1976 Jackson was charged with the offence:

Possession of a firearm (Luger), magazine containing four rounds of 9mm ammunition and a silencer with intent to endanger life.

Contrary to Section 14 of the Firearms Act (Northern Ireland) 1969

However, as well as identifying Jackson's fingerprints, the Luger pistol recovered with the silencer was quickly identified as being a 9mm calibre Luger pistol Model PO8 serial no's 4 and 655 - one of the guns used in the attack on the Miami Showband.

Jackson's fingerprints had been discovered on the silencer which was compatible to the Luger, it was found with at a UVF weapons store.

Jackson had already been arrested once, soon after the attack, and so was obviously considered by the original investigation as a likely suspect; now, significant new evidence had been found, which could have provided reasonable grounds to justify Jackson's re-arrest.

There is nothing within the case papers examined by HET that establishes whether or not Jackson was re-interviewed about the murders of Fran and the other members of the Miami Showband whilst in custody at Armagh, or even whether the investigation team was informed of these developments.

HET Comment: The Miami Showband investigation was still underway due to the impending trials in October of that year of Crozier and McDowell. HET cannot say whether the enquiry team was informed of developments or not.

It must be borne in mind however that Jackson was well known to the police who suspected him of being a terrorist; he was denying possession of the gun and silencer on which his fingerprints were recovered, so would have been unlikely to co-operate in further interviews. Mention has already been made in this report of the routine use of quartermasters by paramilitary groups on both sides, for exactly the reasons Jackson now faced - evidence linking him to a weapon used in a terrorist attack.

Nevertheless, HET would have expected to find some record that he had been interviewed about the murders, and that the murder enquiry team had been updated about his arrest and the recovery of one of the weapons used in the murders.

Jackson's statement raised other significant concerns, however, and these are considered below.

Prosecution File submitted by Detective Superintendent Drew

On July 19, 1976, Detective Superintendent Drew submitted a prosecution file to his Divisional Commander, Chief Superintendent William Harrison, at Armagh. Within that report he recommended to the Director of Public Prosecutions that Jackson be charged with the additional charges of:

1. Possession of a Luger pistol without a firearms certificate
2. Possession of four rounds of 9mm ammunition without a firearms certificate
3. Possession of a Luger pistol, a magazine containing four rounds of 9mm ammunition and a silencer in such circumstances as to give rise to a reasonable suspicion that he did not have them for a lawful object.

HET Comment: *The legal definition of a firearm under Section 50 of the Firearms Act 1969 included a silencer.*

A silencer was defined within the Firearms Act 1969 as 'any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon.'

Detective Superintendent Drew made the following significant points in his report:

- At an early stage of his interview Jackson made it clear that he was already aware that his fingerprints had been found.
- He said he had been told about it by a Detective Superintendent and Detective Sergeant about a week before his arrest.
- That he (Drew) had deliberately been vague about where the fingerprints were found.
- No reference had been made to Jackson about the insulating tape whilst he was detained at Armagh Police Station.
- If Jackson's allegation about the police officers was true, then it was *'a grave breach of discipline and police confidentiality on the part of the officers concerned, who had nothing whatever to do with the conduct of the police investigation.'*

- He had reported that aspect of the case to Complaints and Discipline Department for investigation.

On July 29, 1976 Chief Superintendent Harrison submitted Detective Superintendent Drew's report, including his own supporting recommendations, to RUC Headquarters. The report was allocated to Superintendent William Thompson to assess the evidence and make his recommendations prior to its submission to the office of the Director of Public Prosecutions.

Superintendent Thompson attached his own one page report, recommending the appropriate charges, to Detective Superintendent Drew's report. He confined his remarks to the legal issues of Jackson's possession of the Luger and the ammunition. In his opinion, there was no evidence that Jackson ever had the items in his possession and it could not be proven that Jackson was the 'boy' Sinclair referred to.

Superintendent Thompson recommended that, in his opinion, the only charges sustainable against Jackson were those of:

1. Possession of a firearm (to wit a silencer) under suspicious circumstances - Contrary to Section 19A Firearms Act 1969
2. Possession of a silencer without a firearms certificate - Contrary to Section 1(a) Firearms Act 1969.

HET Comment: Superintendent Thompson did not address Jackson's allegations in his report, confining his recommendations to Jackson's criminal liability.

On August 5, 1976, the RUC submitted its report to the office of the Director of Public Prosecutions. On August 20, 1976 the DPP's office agreed to proceed on the basis of Superintendent Thompson's recommended charges.

Jackson remained in custody until his trial on November 11, 1976. During his period of pre-trial detention, Jackson had made several unsuccessful applications to be released on bail.

Between November 11 and 12, 1976, Jackson stood trial before Mr Justice Murray at Belfast City Commission. The only charges against him were those in regards to his possession of the silencer.

During his trial, Jackson put forward the defence that his fingerprints had been transferred from the insulating tape onto the barrel of the silencer. To support the explanation, a forensic expert gave evidence that such a method of fingerprint transfer was theoretically possible, but added the caveat that he had never come across such an incidence during his 30 years of fingerprint examination.

Having heard all the evidence, Judge Murray declared that he did not accept Jackson's defence.

However, the judge did agree with the submission made by Jackson's defence counsel that the finding of Jackson's fingerprints on the silencer was not evidence that it had been in his possession.

Judge Murray stated that for a case of possession to be proved, it had to be established that the accused had knowledge, assent and control. The finding of the fingerprints *'did not prove that Jackson knew he was in possession of a Luger silencer, nor did it show that he assented (agreed) to such possession.'* Accordingly Jackson was acquitted.

HET overview of Robert Jackson issues in this case

It is not for the HET to consider the outcome of the case at Court, however perplexing it might seem to the layman. The net result, however, was that Jackson walked from the court a free man.

HET has tried to make a balanced judgement about the issues surrounding Jackson's written allegations.

On the one hand, Jackson was, as previously mentioned, a high profile experienced terrorist, and would have known of Sinclair's arrest from UVF contacts.

Word would soon have spread that weapons had been found at Sinclair's farm. If he was acting as a quartermaster, his UVF associates would have known what was likely to have been recovered. Jackson would have had to think of an explanation for any fingerprint evidence found. If he had left the gun and components, he would have known about the tape. He would need an explanation for every eventuality.

He would know from past experience that making allegations against the police, of corruption or brutality, would assist in sowing confusion and doubt into the prosecution process. His allegations may indeed have been viewed in this light (but should still have been investigated).

The erroneous information - about which he alleged he was briefed - actually reported that the fingerprints were *'on one metal silencer and on the black adhesive tape.'* If he had been forewarned, one would have expected him to have an answer for both aspects.

However, Jackson was making the most serious allegations in his statement to Detective Superintendent Drew that two officers, a senior detective and junior officer, provided him with information that enabled him to evade arrest and potentially obstructed justice by providing him with an alibi.

Such conduct, if true, would be prima facie evidence of misfeasance in a public office and perverting the course of justice. HET has considered what happened in connection with these very grave allegations.

Clearly, Detective Superintendent Drew was very concerned by Jackson's claims, including them in his initial prosecution report. He was so disturbed by the allegations and correctly reported them to his Divisional Commander and to the RUC Complaints and Discipline Department for further investigation. It is worth repeating some of the points that Mr Drew made in his report:

- At an early stage of his interview Jackson made it clear that he was already aware that his fingerprints had been found.
- He said he had been told about it by a Detective Superintendent and Detective Sergeant about a week before his arrest.
- If Jackson's allegation about the police officers was true, then it was *'a grave breach of police confidentiality on the part of the officers concerned, who had nothing whatsoever to do with the conduct of the police investigation.'*

The divisional commander, Chief Superintendent Harrison, shared Mr Drew's concerns and forwarded the papers to RUC Headquarters.

From this point, however, there is no further record of what was done in connection with this matter. The HET has not found any documents that were submitted to the Complaints and Discipline Department, or any record that such documents were received by them.

There are no records to show what the ultimate level of the RUC senior command was informed about the allegations, what decisions were taken, who the decision makers were, who the two detectives were and whether or not any subsequent investigations about their conduct were initiated.

This is not an easy matter to assess. Jackson clearly had foreknowledge of a crucial piece of information, albeit incorrect. Perversely, the fact that it was incorrect makes the issue more difficult to explain other than by accepting his account.

The facts are stark. He committed to paper an allegation that he had been warned by two police officers that his fingerprints had been found on tape on a silencer, and had been told to keep out of the way. He said the officers were a detective sergeant and a detective superintendent.

The original information that the fingerprints were on the tape had been passed over a week before Jackson's arrest; during that time, police sought to arrest Jackson but could not trace him. The information about the location of the fingerprints was repeated in a memo from the fingerprint department, on May 28, 1976.

It was not until three days later that the correct information was passed to the detectives: Jackson's fingerprints were on the barrel of the silencer, before the tape had been wrapped around it.

That same day Jackson was arrested. He came to the subsequent interview with a ready-made explanation for his fingerprints being on the tape. He expressed surprise in his statement that the tape was not present in the interview room when he was shown the other exhibits.

This could all be advanced as a compelling argument to substantiate what Jackson was alleging. There is no record of any subsequent robust investigation process to confirm or rebut his very serious assertions.

The only other option to consider is that Jackson was telling the truth about the fingerprint transference, an expert at his trial conceded that this was possible, but said that he had never experienced it happening. The judge rejected the assertion.

These issues are very serious and will never be explained to the satisfaction of all parties, once again, the absence of clear records means a definitive answer is not possible. In such circumstances, existing views will be hardened and the truth will remain unknown.

To the objective, impartial observer, disturbing questions about collusive and corrupt behaviour are raised. The HET review has found no means to assuage or rebut these concerns and that is a deeply troubling matter.