police Ombudsman FOR NORTHERN IRELAND

STATUTORY REPORT

Public Statement by the Police Ombudsman in accordance with Section 62 of the Police (Northern Ireland) Act 1988.

Relating to:

INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING THE ATTACK AT LA MON HOUSE ON FRIDAY 17 FEBRUARY 1978

Contents

Executive Summary		5-17
Chapter 1	Introduction	18-21
Chapter 2	The Complaint and Scope of the Police Ombudsman Investigation	22-35
Chapter 3	The Circumstances of the Bombing of La Mon House	36-41
Chapter 4	Initial Police Response	42-44
Chapter 5	Intelligence	45-49
Chapter 6	The Police Investigation	50-78
Chapter 7	The Police Ombudsman Investigation	79-98
Chapter 8	Concerns of the Victims' Families	99-108
Chapter 9	Relevant Law and Standards	109-116
Chapter 10	Conclusions	117-132

Executive Summary

On Friday 17 February 1978 at 9pm, a bomb planted by the Provisional Irish Republican Army (PIRA) exploded at La Mon House, a popular dining and entertainment venue outside Belfast, killing 12 people and injuring many more. That night, the venue had been hosting two private dinner dances, in addition to casual diners, and it was estimated that there were approximately 500 people on the premises at the time of the explosion. The explosion caused a large fire that, despite the best efforts of firefighters who attended the scene, destroyed the premises.

The 12 people murdered at La Mon House were:

- Sarah Cooper;
- Gordon Crothers;
- Margaret Joan Crothers;
- Christine Lockhart;
- Elizabeth McCracken;
- Ian McCracken;
- Daniel Magill;
- Carol Mills;
- Sandra Morris;
- Thomas Neeson;
- Dorothy Nelson; and
- Paul Nelson.

The bomb was placed outside one of the dining rooms and was attached to four petrol-filled canisters that exploded upon detonation. After planting the bomb, those responsible for the explosion abandoned a yellow Fiat car, vehicle registration mark (VRM) AIW 4184, close to La Mon House and were driven back to Belfast in a different vehicle.

Two telephone '*warning'* calls were made in respect of the bomb. The first telephone call was received by a telephone operator at 8.51pm. The records show that there was then a six-minute delay before the RUC were notified of this call at 8.57pm. The reason for the delay was later attributed to an emergency telephone line being out of order. A second warning telephone call was made to another telephone operator at 9.04pm. However, by this time, the bomb had exploded.

Following the bombing, the Royal Ulster Constabulary commenced a large-scale investigation involving over 100 detectives. Almost 400 witness statements were recorded and several media appeals resulted in numerous members of public coming forward with information. On 18 February 1978, 22 individuals were arrested under the terrorist legislation then in place. In total, over 40 individuals were arrested on suspicion of the bombing.

On 20 February 1978, PIRA issued a statement admitting responsibility for the bombing, adding that the two warnings provided were *'totally inadequate'.* Two PIRA members were subsequently charged with the murders at La Mon House. One (Person B) received life imprisonment, after pleading guilty to twelve counts of manslaughter, while the other (Person A) was acquitted following legal arguments during the course of his trial. No other individuals have been charged with offences in relation to the bombing.

The Complaints

On 13 August 2013, Ulster Human Rights Watch (UHRW) submitted a report regarding the bombing at La Mon House to the then Secretary of State for Northern Ireland, the Right Honourable Theresa Villiers MP. This report was subsequently forwarded to the Police Service of Northern Ireland (PSNI).

On 13 January 2014, the PSNI wrote to the former Police Ombudsman for Northern Ireland, Dr Michael Maguire, stating that after reviewing the UHRW submission it should be regarded as a complaint against police. This complaint was then accepted for investigation by Dr Maguire.

In May 2015, Dr Maguire received a further submission from UHRW detailing their questions and concerns regarding the circumstances of the bombing at La Mon House and the subsequent police investigation. This submission was accompanied by statements of complaint from some of the survivors and relatives of those who were murdered.

In September 2016, Dr Maguire directed that a preliminary review be conducted regarding the circumstances surrounding the bombing at La Mon House. The relevant preliminary report was completed in February 2017, and a formal investigation was commenced in September 2021.

The delay between the conclusion of the preliminary review and commencement of the investigation was mainly due to the lack of resources available to this Office to investigate, and report on, historical cases. Successive Police Ombudsmen have been open about the challenges that have faced legacy investigations and have repeatedly spoken of significant periods of underfunding and limited resources to conduct and conclude these complex criminal investigations, which date back decades.

The allegations contained within the UHRW submission and statements of complaint were numerous and varied and can be summarised under the following general headings:

The RUC investigation was flawed and ineffective:

i. The complainants allege that none of those who ordered, planned, and directed the attack, and those who made and planted the bomb, have never been prosecuted and convicted;

ii. The subsequent loss of records relating to the original investigation; and

iii. The subsequent loss of exhibits recovered during the police investigation, which may have been capable of leading to new lines of enquiry.

There was a lack of liaison between the RUC and the victims' families that included:

iv. No updates were provided on the progress of the police investigation or the outcome;

v. There was no contact from police at the time or afterwards; and

vi. Some families raised queries around the information that police possessed prior to the bombing; specifically, did police have any knowledge of a threat to the venue on the night in question or any night close to the 17 February 1978.

A number of allegations of *'collusion'* were made:

vii. That there was *'collusion'* between RUC Special Branch and PIRA informants, prior to the bombing taking place, and that informants, who were involved in the bombing, were afterwards protected by police;

viii. The media reported the alleged involvement of two informants in the bombing at La Mon House;

ix. The strategic direction of the investigation of the bombing at La Mon House must have been planned by CID, in the absence of any input from Special Branch, who may have withheld crucial intelligence, thus providing evidence of *'collusion'*;

x. The involvement of Special Branch at the earliest stage of the investigation in the interviews of suspects was of particular concern. *'Collusion'* was suspected, principally in relation to the relationship between agent handlers and informants; and

xi. That the RUC investigation of the bombing may have been impacted by police seeking to protect informants and police *'colluded'* to ensure the investigation was not effective.

The Police Ombudsman Investigation

Police Ombudsman investigators identified, secured, and reviewed all the available evidence and intelligence relating to the RUC investigation of the bombing at La Mon House. The Police Ombudsman investigation sought to answer all the questions and concerns raised in the UHRW submissions and statements of complaint and assess the quality of the RUC investigation. An investigation strategy was devised and implemented by the Police Ombudsman Senior Investigating Officer (SIO) that sought to address these questions and concerns.

The SIO was supported by a Deputy Senior Investigation Officer (DSIO) and a small, dedicated enquiry team. This resulted in the review of a significant amount of material, including intelligence, some of which was repetitive or not relevant. The enquiry team completed over 150 investigative actions.

The RUC investigation was conducted using the RUC card indexing Miriam system. This was a manual, paper-based enquiry management system, introduced in late 1975, that assisted police in the administration and recording of large amounts of information. Despite extensive enquiries, Police Ombudsman investigators were unable to locate the original MIRIAM documentation. This documentation included card indexes, message forms, house-to-house forms, suspect interview notes, and investigative action sheets.

This lack of original documentation has limited the extent to which the Police Ombudsman investigation has been able to fully clarify the information that was available to the RUC SIO and his subsequent decision making. Unfortunately, the RUC SIO was deceased by the time of the Police Ombudsman investigation. However, Police Ombudsman investigators did secure and review statements that he made to PSNI's Historical Enquiries Team (HET) and the original RUC investigation.

Police Ombudsman investigators also reviewed other original police documentation. This included witness statements, police notebooks and journals, forensic and fingerprint records, scene photographs, exhibits records, and some suspect interview

notes. They also reviewed two files of evidence prepared by the RUC for the Director of Public Prosecutions (DPP).

These files were comprehensive and detailed the main police lines of enquiry, offering insight regarding the direction and progress of the police investigation. Other material was reviewed from Forensic Service Northern Ireland (FSNI), Coroners Service for Northern Ireland (CSNI), and Public Records Office Northern Ireland (PRONI).

The review of intelligence aimed to establish, amongst other things, whether information existed that, if acted upon, could have prevented the bombing. It also sought to establish whether relevant intelligence was shared by RUC Special Branch with detectives investigating the bombing.

Conclusions

I have considered the above questions and concerns raised by the victims' families in relation to the RUC investigation and also concerns about *'collusion'.* I have carefully assessed the evidence and other information gathered during this investigation and detailed my findings in respect of the complaints in this public statement.

The RUC Investigation

The initial police response to the bombing was prompt and well managed. The first police officers to attend the scene displayed courage and professionalism in seeking to save lives and tend to the injured. Accounts taken from those present reflect similar efforts by staff and guests at the premises, all of whom were confronted with an extremely chaotic, distressing, and dangerous situation.

A Major Incident Room was established at Newtownards RUC Station. More than 100 detectives from both the RUC's Criminal Investigation Department (CID) and Special Branch were involved in the murder investigation. In the context of the significant pressures and challenges faced by the RUC at that time, I am of the view that the police investigation was well resourced and received direction from the highest levels of the RUC.

Missing Documentation and Exhibits

My ability to provide a definitive view on the effectiveness of the RUC investigation, including whether all appropriate lines of enquiry were pursued, has been hindered by the unavailability of certain documentation generated by the investigation. Investigation management records, such as index cards, message forms, and action sheets, but also scenes of crime examination notes, and many police notes, recorded contemporaneously during interviews of those arrested, cannot be located.

Other than to make the observation that these records are likely to have been lost or destroyed prior to 2005, at which time the PSNI Murder Archives commenced collation of all murder investigation papers to one central storage facility, it has not been possible to establish the circumstances in which these records were lost. The loss of these types of legacy records is not, however, unique to the police investigation of the bombing of La Mon House but is a systemic issue.

The whereabouts of a number of exhibits recovered by police in connection with the bombing are similarly unaccounted for, including remnants of the bomb. In 2010, the PSNI's Historical Enquiry Team (HET) submitted a number of items that had been retained to Forensic Science Northern Ireland (FSNI) for DNA examination. Although DNA was recovered, it was insufficient to develop a profile. FSNI have observed that developments in this science may provide for further DNA opportunities. In 1978, police officers would not have been aware of the future forensic science opportunities that would be presented by DNA. Various terrorist attacks, including the 1992 bombing of the Forensic Science Laboratories at Newtownbreda, also resulted in the loss of a great deal of evidential material. The loss of exhibits relating to La Mon House is, however, unexplained.

Legislation enacted to ensure criminal investigations and trials are fair, objective, and thorough, and that places an obligation on police to retain and disclose material gathered during their investigations, did not come into effect until 1996. Nevertheless, the loss of documents and exhibits, arising from the RUC investigation of the bombing of La Mon House, should not have occurred and could yet serve to undermine future

investigation of the atrocity and prosecution of those responsible. In this respect, the concerns of the victims and survivors are justified.

Lack of Communication

The families who brought complaints to the Police Ombudsman expressed concern at inadequate communication from the police investigation. The position with what is now known as Family Liaison within police investigations is in marked contrast to the arrangements that were in place in 1978. Significant developments in Family Liaison have taken place over the past 25 years. The frustration of the victims and survivors of the bombing at La Mon House is understandable, and I acknowledge that their concerns in this regard are legitimate.

Role of Special Branch Officers during Police Interviews

Victims and survivors of the bombing of La Mon House have expressed concern at the involvement of Special Branch (SB) in the interviews of the individuals arrested following the attack and whether, because of this, certain individuals may have been protected from the investigation. Although most interview notes are no longer available, the Police Ombudsman's investigation has had access to details of the dates, times, and duration of these interviews and by whom they were conducted. This confirmed that detectives from both Special Branch and CID interviewed most of those arrested following the bombing of La Mon House. It has been suggested to the Police Ombudsman's investigation that, due to the number of individuals arrested following the bombing, Special Branch officers were employed to support their CID colleagues for the purposes of investigative interviewing. The prevailing practice of that time was also to afford Special Branch the opportunity to interview suspects when intelligence gathering opportunities were presented.

Of some 300 interviews conducted of suspects between 18 and 28 February, two thirds were undertaken by Special Branch detectives. The Police Ombudsman's investigation established that, although initial interviews of suspects were generally conducted by CID officers, there were occasions when Special Branch were the sole interviewers. The limited number of surviving interview notes reflect that where Special

Branch were the first to interview suspects they were questioned about the bombing of La Mon House. This tends to support the suggestion that, in addition to their main function of intelligence gathering, Special Branch were deployed to the investigation to augment the available CID resources.

Investigative Failings

This investigation has identified a number of matters that do not appear to have been subject of scrutiny by the RUC investigation. If they had been, supporting documentation outside the categories of material lost would have been evident.

The accounts of survivors provide harrowing evidence of the designated fire exit from the Peacock Room having been obstructed by furniture in the adjoining room. In a statement to the RUC investigation, a member of La Mon House staff described the placement of the furniture as having resulted from it being moved out of the Peacock Room to make space for a temporary stage and to prevent guests from moving between different functions. There is no suggestion that sinister motives informed the decision to obstruct the door. However, the available police investigation material does not indicate that thorough enquiries were undertaken in respect of the obstruction of the fire exit.

There is no record of enquiries having been conducted in respect of the second warning call made on 17 February 1978 at 9:04pm from a public telephone at the Glenowen Inn on the Glen Road, West Belfast.

Information received by police in May 1978 indicated that, at 6.00pm on 17 February 1978, a red Volkswagen Golf car, containing Person B and Person D, was seen at Ardmonagh Gardens, West Belfast. The same information also reported the car was observed leaving that location at 6:30pm, in convoy with a yellow Fiat car believed to have conveyed the bomb to La Mon House. Police Ombudsman investigators found no record that this line of enquiry was pursued by police.

Information was available to police, during the months following the bombing at La Mon House that implicated Person E who was understood to have relocated to the

Republic of Ireland. He was arrested in 1991, but the Police Ombudsman's investigation has not identified any records that he was questioned about the bombing at La Mon House.

The Trial of Person A

In April 1980, the judge presiding over the trial of Person A, who had detailed serious allegations of mistreatment by police, ruled his confessions to be inadmissible. In the absence of other evidence implicating Person A in the bombing, this led to the dismissal of the case against him on all charges except for membership of PIRA, a proscribed organisation.

In excluding the confessional statements, the Judge found that Person A had '*maintained a remarkable consistency in his evidence about the infliction of ill treatment during a long and searching cross examination by [the prosecution]…I was very much struck by this, contrasting so vividly, as it did, with the obvious unreliability of other parts of his evidence.'*

The Judge expressed disquiet at the conduct of police officers throughout the interview process at RUC Castlereagh. He expressed concern about Person A's access to a solicitor and doctor stating, '*I think it is at least reasonably possible that [Person A] did ask for a solicitor and a doctor contrary to what police say.'* He continued that there was a '*reasonable possibility on the evidence of three doctors that Person A showed some objective signs of ill treatment….although a considerable amount of the physical assault he described is not supported by the medical findings, but again there must be some allowance made for the technique of striking without marking'*.

In respect of the evidence from the officers who allegedly ill-treated Person A, the Judge stated that he was not impressed by their evidence. He was critical of a number of officers, including two whose evidence he described as *'not at all convincing'*.

The Judge held, '*I do not think the written statements were dictated in the spontaneous and fluent manner the police evidence implied or that the verbal admissions all came at the time or in the manner police said they did*.' He concluded that, '*I cannot say that*

I am satisfied beyond reasonable doubt that the verbal and written statements challenged were not adduced by torture or inhuman or degrading treatment.'

As a consequence of the prosecution not satisfying the court to the requisite standard of proof that Person A had not been subjected to torture or to inhuman or degrading treatment in order to induce him to make his confessional statements, the trial judge excluded the statements made by Person A under Section 8(2) of the Northern Ireland (Emergency Provisions) Act 1978. Having reached this decision, the trial judge did not need to consider whether there had also been any breaches of the Judges Rules and Administrative Directions in the obtaining of these confessional statements. As a consequence of the confessional statements being excluded, the case against Person A on all the charges relating to the bombing of La Mon House and other offences was dismissed.

The Judge found that the prosecution had failed to prove beyond reasonable doubt that Person A had not been subjected to torture or to inhuman or degrading treatment during the recording of a number of his confessional statements. The judge held Person A's allegations had the '*flavour of possibility of truth. It leads me to the conclusion that I have not heard all that went on at Castlereagh from the police over those four days in September.*' This alleged ill treatment of Person A points to a violation of the rule of law by the police officers involved.

The nature of the conduct alleged by Person A, and which concerned the court, not only threatened to tarnish the integrity of the La Mon House bombing investigation, in that it failed to protect the rights of Person A, but also failed to serve the confidence and interests of the victims and survivors, the wider public, and the interests of justice.

Following the conclusion of the case against Person A, Police Officer 8, the RUC Senior Investigating Officer (SIO), communicated the outcome of the trial to the Divisional Commander concerned. This included his assessment that, '*at no time during the ruling which lasted nearly two hours did [the trial Judge] accuse any police officers of ill-treating [Person A]'.* I am of the view that this report not only lacked candour but could have led to allegations of misrepresentation of the judgment. Other than to seek a statement of complaint from Person A, who declined to engage, the

RUC Complaints and Discipline investigation, that had been suspended pending the outcome of the trial, did not further pursue Person A.

Intelligence

The Police Ombudsman's investigation has examined significant volumes of intelligence relating to events preceding, and following, the bombing of La Mon House and is satisfied that there was no intelligence that, if acted upon, could have prevented the bombing.

This investigation has also examined whether any individual was '*protected'* from the RUC investigation due to their status as an informant. The bereaved families raised concerns about a newspaper article published in 2012 concerning the alleged involvement of two individuals in the bombing of La Mon House, one of whom was named.

The Police Ombudsman's Office applies the presumptive policy to '*neither confirm nor deny*' that any individual is or was an informant, but this investigation has not seen evidence or intelligence that would support the broader inference contained within the article of malpractice by police officer(s).

The intelligence received by police was generally consistent in attributing the bombing of La Mon House to Persons A to G. It also indicated that senior members of PIRA, or persons associated with it, had adopted the position that the attack had not been sanctioned and that following the bombing at least some of those responsible had been directed to leave the jurisdiction.

I have taken into account the limitations on my powers to decide on a complaint of *'collusion,'* as outlined in the Court of Appeal judgment in Re Hawthorne and White. I am of the view, based on all available evidence and information, that *'collusive behaviours'* were not a feature of the RUC investigation of the bombing of La Mon House on 17 February 1978.

I have also considered the circumstances surrounding the inadequate warning given to those present at La Mon House on the evening of 17 February 1978. It is my view that no responsibility in this regard can be attached to any person other than those who perpetrated the attack.

Overall Conclusions

The original investigation, though conducted with earnest effort, was compromised by issues surrounding the interviews of Person A that threatened to affect its integrity. The concerns of the victims and survivors regarding the failure of police to maintain the investigation effectively, as evidenced by the loss of documents, exhibits, and the absence of evidence that Person E was interviewed about the bombing at La Mon House are also justified. These issues have collectively diminished the confidence of some victims and survivors of the bombing of La Mon House.

1 Introduction

1.1 At 9.00pm on Friday 17 February 1978, a bomb exploded at La Mon House, Gransha Road, Castlereagh, County Down. Twelve people were killed and many others were seriously injured. Insufficient warning, to allow for evacuation, was received prior to the explosion, which caused a large fire that destroyed the premises.

1.2 La Mon House was a popular dining and entertainment venue and, on the night of Friday 17 February 1978, in addition to casual diners, it was hosting two separate dinner dances. At the time of the explosion, it was estimated that there were approximately 500 people inside the venue.

1.3 The Royal Ulster Constabulary (RUC) attended the scene at 9.08pm and immediately prioritised the protection of life and assisting the injured before turning to the identification of victims and witnesses and the recovery of evidence for forensic examination.

1.4 Other emergency services also attended the scene. It took firefighters over four hours to get the fire, caused by the bomb explosion, under control. However, despite the best efforts of the fire crews, the premises were destroyed.

1.5 From the outset, the police investigation suspected that the bombing was carried out by the Provisional Irish Republican Army (PIRA). On Monday 20 February 1978, PIRA issued a statement, through the Irish Republican Publicity Bureau[1] in Dublin, admitting responsibility for the bombing and murders at La Mon House.

[1] The Irish Republican Publicity Bureau was the name under which all major PIRA communications were issued to national and international news outlets throughout the 1970s. These self-published statements were signed by the pseudonym '*P O'Neill'*.

1.6 Two PIRA members, Person A and Person B, were subsequently charged with the murders at La Mon House. Person B was convicted in September 1981 and received 12 life sentences for manslaughter. He was released from prison on license in September 1995. The case against Person A was dismissed following legal arguments during his trial. No other persons have been charged with offences in relation to the bombing. Both persons charged with the murders are now deceased.

1.7 On 13 August 2013, Ulster Human Rights Watch (UHRW)[2] submitted a report on the bombing at La Mon House to the then Secretary of State for Northern Ireland, the Right Honourable Theresa Villiers MP. The report was subsequently forwarded to the Police Service of Northern Ireland (PSNI).

1.8 On 13 January 2014, the PSNI wrote to the former Police Ombudsman for Northern Ireland, Dr Michael Maguire, stating that on review of the UHRW report it was apparent that it should be treated as a complaint against police. This complaint was then accepted for investigation by Dr Maguire.

1.9 In May 2015, Dr Maguire received a submission from UHRW outlining their questions and concerns regarding the circumstances of the bombing at La Mon House and the subsequent police investigation. This submission also contained statements of complaint from some survivors and relatives of those who were murdered.

1.10 In September 2016, Dr Maguire directed that a preliminary review be carried out regarding the circumstances surrounding the bombing at La Mon House. The relevant preliminary report was completed in February 2017 and a formal investigation was commenced in September 2021.

[2] The Ulster Human Rights Watch Advocacy Service was established in 2013 to support families across Northern Ireland, who have been bereaved or have had members physically and/or mentally injured as a result of terrorism during the period known as 'The Troubles'.

1.11 There was a delay between the conclusion of the preliminary review and commencement of the investigation. This was mainly due to the lack of resources available to this Office to investigate, and report on, historical cases. Successive Police Ombudsmen were open about the challenges that faced legacy investigations and repeatedly spoke of significant periods of underfunding and limited resources to conduct and conclude these complex criminal investigations, which date back decades. As a consequence of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (the Legacy Act), with effect from 1 May 2024 the Police Ombudsman lost jurisdiction to investigate complaints about police conduct during the Troubles. The Police Ombudsman is, however, permitted to complete investigation reports and issue public statements in respect of investigations completed prior to 1 May 2024.

1.12 The Police Ombudsman has delegated authority to undertake the functions of her statutory role to the undersigned, pursuant to paragraph 9 of schedule 3 of the Police (Northern Ireland) Act 1998.

1.13 The investigation of complaints about historical matters is also challenging due to the passage of time and unavailability of relevant witnesses and documentation. The unavailability of police records has caused difficulties during this investigation. In particular, the unavailability of certain investigative records has hindered an understanding of aspects of the RUC investigation of the bombing at La Mon House.

1.14 Despite these challenges, substantial information has been gathered and over 150 investigative actions generated. This investigation has reviewed in excess of 700 documents, including the available RUC files, information held by the PSNI, and additional material from the Coroners Service for Northern Ireland (CSNI) and Forensic Science Northern Ireland (FSNI). Due to the passage of time many of the police officers who performed significant policing roles in the investigation of the bombing at La Mon House were either deceased, unable to assist this investigation through

illness, or could not recall relevant events. The Public Prosecution Service for Northern Ireland (PPS) has provided additional documentation, and a search of relevant files has been undertaken with the assistance of staff from the Public Record Office for Northern Ireland (PRONI).

1.15 In 1977, there were 88 deaths attributed to the '*Troubles'* in Northern Ireland. In the twelve month period prior to bombing at La Mon House, numerous incendiary explosive devices, similar in construction to the one used at La Mon House, were used by PIRA against mostly commercial premises in Northern Ireland .

2 The Complaint and Scope of the Police Ombudsman Investigation

2.1 A number of the survivors and relatives of the victims of the bombing at La Mon House have raised complaints, questions, and concerns about the police investigation. These complaints are documented in a number of written submissions from UHRW and statements recorded by Police Ombudsman investigators from the complainants.

2.2 These were numerous and varied and have been assessed together under the following general headings:

The RUC investigation was flawed and ineffective:

i. The complainants allege that none of those who ordered, planned and directed the attack, made the bomb, and planted it have ever been prosecuted and convicted;

ii. The subsequent loss of records relating to the original police investigation; and

iii. The subsequent loss of exhibits recovered during the police investigation, which may have been capable of leading to new lines of enquiry.

There was a lack of liaison between the RUC and the victims' families, which included:

iv. No update was provided on the progress of the police investigation or the outcome;

v. There was no contact from police at the time or afterwards; and

vi. Some families raised questions around the knowledge police had prior to the bombing; specifically, did the police have any knowledge of a threat to the venue on the night in question or any night close to the 17 February 1978.

A number of allegations of *'collusion'* were made;

vii. That there was *'collusion'* between RUC Special Branch (SB) and PIRA informants, prior to the bombing taking place, and that informants who were involved in the bombing were subsequently protected by police afterwards;

viii. The media later reported the alleged involvement of two informants in the bombing at La Mon House;

ix. The strategic direction of the investigation of the attack at La Mon House must have been planned by CID in the absence of any input from SB, who may have withheld crucial intelligence information, thus providing evidence of *'collusion';*

x. The involvement of RUC Special Branch in the investigation at the earliest stage of the investigation, during the interviewing of suspects, is of particular concern. Because of this, *'collusion'* is suspected, principally in relation to the relationship between agent handlers and informants; and

xi. That the RUC investigation of the bombing may have been impacted by police seeking to protect informants and police *'colluded'* to ensure the investigation was not effective.

Terms of Reference

2.3 This investigation has sought to answer these questions and concerns and assess the quality of the RUC murder investigation. Informed by the complaints, the following terms of reference for this investigation were devised:

i. Establish if there is evidence of any member(s) of the RUC or agent of the RUC having any culpability in this incident, including the supply of information, withholding evidence, assisting offenders, or other obstruction, whether passive or direct interference, of related police investigations;

ii. Establish if the RUC were in possession of intelligence which, if acted on, may have been capable of preventing the attack;

iii. Where potential criminality has been identified, in respect of a serving or retired police officer, to submit a file to the PPS for it to consider whether to institute criminal proceedings;

iv. Where there is evidence of criminality, on the part of any other person that was not known to police at the time, to draw this to the attention of the Director of Investigations (DOI);

v. Establish if the police investigation into this attack was adversely impacted by the non-dissemination of intelligence, information, or otherwise obstructed;

vi. Establish if the RUC had agents in positions of leadership within West Belfast PIRA, who may have influenced, or had knowledge of, the activities of this group in regard to this attack;

vii. Establish if all reasonable lines of enquiry were pursued in respect of any intelligence disseminated and, if not, assess the quality of the

wider RUC investigation with a particular emphasis on suspect strategies, intelligence, and forensic opportunities;

viii. Establish if the RUC had access to intelligence from other agencies, relating to the activities of PIRA in this area, which they failed to act upon in respect of this attack;

ix. Identify missed investigative opportunities by the RUC, if any, and the potential impact of these on the activity of PIRA in Belfast;

x. If criminality, serious misconduct, or other failings are identified by members of the RUC, identify individual accountability, extending to RUC senior leadership, where such conduct was of a repeated, serious, or widespread nature;

xi. Other lines of enquiry to address the public complaints; and

xii. Other lines of enquiry as directed by the Police Ombudsman.

2.4 Allegations of *'collusion'* are a feature of this public complaint. In order to properly address this issue, I have considered the various definitions of *'collusion'* provided by the court, judges overseeing tribunals and inquiries, and former Police Ombudsmen. There is no definitive definition of *'collusion'. 'Collusion'* has been described as '*having many faces'*.[3] The term has been described as being anything from deliberate actions to a more passive *'wait and see'* attitude or looking the other way and keeping a discrete, if not malicious, silence.[4]

2.5 A number of independent inquiries and investigations have sought to define or describe what constitutes *'collusion'* in this context. In his first inquiry report into alleged *'collusion,'* with paramilitaries and state security forces, Lord Stevens stated that *'collusion'* can be evidenced in many

[3] Dr Hannah Russell, *The Use of Force and Article 2 of the ECHR in Light of European Conflicts*, Hart Publishing, Oxford & Portland Oregon, 2017.
[4] Alf Lüdtke, *Everyday Life in Mass Dictatorship: Collusion and Evasions*, Palgrave Macmillan, 2015.

ways and *'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.'*

2.6 He further stated, *'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 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.'*[5]

2.7 *'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.'*[6]

2.8 Canadian Judge Peter Cory was asked to investigate allegations of *'collusion'* by members of the British and Irish security forces in Northern Ireland and to report on his recommendations for any further action, such as whether a public inquiry was required. Judge Cory's investigation was carried out in the context of six particular cases, one of which related to the murders of two RUC officers, Chief Superintendent Harry Breen and Superintendent Bob Buchanan, in March 1989. In his report, published in October 2003, he stated, '*How should collusion be defined? Synonyms that are frequently given for the verb to collude include: to conspire; to connive; to collaborate; to plot; to scheme. The verb connive is defined as to deliberately ignore; to overlook; to disregard; to pass over; to take notice of; to turn a blind eye; to wink; to excuse; to condone; to look the other way to let something ride.'*[7]

[5] Stevens Enquiry 3: Overview and Recommendations, Metropolitan Police Service, 2003, para 4.8.
[6] Ibid, para 4.9.
[7] Cory Collusion Inquiry Report: Chief Superintendent Breen and Superintendent Buchanan, The Stationery Office, 2003 para 2.55-2.56.

2.9 Judge Cory investigated allegations of *'collusion'* in the context of a number of other murders, to determine if there was sufficient evidence to warrant public inquiries into the deaths. In his 2004 report into the murder of Patrick Finucane,[8] Judge Cory reprised his earlier definition of *'collusion,'* adding that there must be public confidence in government agencies and that there can be no such confidence when those agencies are *'guilty of collusion or connivance'.*[9] For these reasons, he was of the view that any definition of *'collusion'* must be *'reasonably broad'.* He stated, *'army and police forces must not act collusively by ignoring or turning a blind eye to the wrongful acts of their servants or agents. 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.'*[10]

2.10 In his report into the murder of Robert Hamill, also published in 2004, Judge Cory defined *'collusion'* as, *'…substantially the same as that set out in the Finucane case. The only difference is that in the Finucane case more than one Government agency was involved while in this case only one agency, the police force, was involved.'*[11]

2.11 He further stated, *'In the narrower case how should collusion be defined for the purposes of the Robert Hamill case? At the outset it should be recognised that members of the public must have confidence in the actions of Government agencies, particularly those of the police force. There cannot be public confidence in a Government agency that is guilty of collusion or connivance in serious crimes. Because of the necessity of public confidence in the police, the definition of collusion must be reasonably broad when it is applied to police actions. That is to say police forces must not act collusively by ignoring or turning a blind eye to the*

[8] Cory Collusion Inquiry Report: Patrick Finucane, The Stationery Office, 2004.
[9] Ibid para 1.39.
[10] Ibid para 1.39.
[11] Cory Collusion Inquiry Report: Robert Hamill, The Stationery Office, 2004 para 2.222.

wrongful acts of their officers or of their servants or agents. Nor can the police act collusively by supplying information to assist those committing wrongful acts or by 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 important Government agencies.'[12]

2.12 Judge Cory then turned to consider whether the action or inaction of police either directly or indirectly contributed to the death of Mr Hamill. He stated, *'In this regard it is necessary to examine collusive acts which may have directly contributed to the killing by generally facilitating or encouraging or turning a blind eye…That is evidence may reveal a pattern or behaviour by a Government agency that comes within the definition of collusion. This evidence may add or form part of the cumulative effect which emerges from a reading of the documents. Both perspectives will be considered in determining whether the evidence indicates that there may have been acts of collusion by the police. However the aspect of a direct contribution by the police will have a greater significance of my consideration of what may constitute collusive acts in this case.'*[13]

2.13 *'The vital importance of the police force in the community as a whole and to the administration of justice cannot be over emphasised. The first contact members of a community have with the justice system is through police officers. As members of the justice system, police officers must act judiciously. They must also strive to enforce and apply the law fairly, evenly, without bias or discrimination. It can never be forgotten that the role of the police is to serve and protect the entire community not just one segment of it.'*[14]

[12] Ibid, para 2.226.
[13] Ibid, para 2.227.
[14] Ibid, para 2.228.

2.14 The Smithwick Tribunal, which considered the murders of Chief Superintendent Breen and Superintendent Buchanan, was headed by Judge Peter Smithwick and was prompted by the recommendations of Judge Cory in his 2003 report on the murders. At the first public sitting of the Tribunal, on 16 March 2006, Judge Smithwick offered the following definition of *'collusion'*: *'The issue of collusion will be considered in the broadest sense of the word. While it generally means the commission of an act, I am of the view that it should also be considered in terms of an omission or failure to act. In the active sense, collusion has amongst its meanings to conspire, connive or collaborate. In addition I intend to examine whether anybody deliberately ignored a matter, turned a blind eye to it, or to have pretended ignorance or unawareness of something that one ought morally, legally or officially to oppose.'*[15]

2.15 In her book, '*The Use of Force and Article 2 of the ECHR in Light of European Conflicts and Suspicious Deaths,'*[16] Dr Hannah Russell offered Sir Desmond de Silva's definition of *'collusion'* from his report into the murder of Patrick Finucane as the preferred definition:

I. *'Agreements, arrangements or actions, intended to achieve improper, fraudulent or underhand objectives'; and*

II. *Deliberately turning a blind eye or deliberately ignoring improper unlawful activity.'*

2.16 Previous Police Ombudsmen have relied on the Judge Cory and Judge Smithwick definitions of *'collusion,'* when applying them to the facts of particular murders of the 'Troubles'. Former Police Ombudsman, Al Hutchinson, described *'collusion'* as something that may or may not involve a criminal act. I broadly concur with their views. I am also mindful

[15] Report of the Tribunal of Inquiry into Suggestions that Members of An Garda Síochána or other Members of the State Colluded in the Fatal Shootings of RUC Chief Superintendent Harry Breen and RUC Superintendent Robert Buchanan on 20th March 1989, The Stationery Office, 2013.
[16] Dr Hannah Russell, *The Use of Force and Article 2 of the ECHR in Light of European Conflicts*, Hart Publishing, Oxford & Portland Oregon, 2017.

of the judgment of the then Lady Justice Keegan[17] at paragraph 44 of *Re Hawthorne and White's Application*. She stated, *'Collusion is another feature of the historical landscape. Whilst this term denotes sinister connections involving State actors it is not a criminal offence in itself. It has also been notoriously difficult to achieve a universal, accepted definition. In this case the definition adopted was that of Judge Smithwick which frames the concept in the broadest sense emphasising that it includes legal and moral responsibility.'*[18]

2.17 Further, in the matter of an application by John McEvoy for judicial review, Judge Humphries stated at paragraph 37, *'In the instant case, the investigation of the material relevant to the issue of collusion and referenced in the PONI report and the documentary will only be carried out long after the critical date. This will necessarily engage with the question as to whether there was state collusion in the attack and/or collusive behaviour in the carrying out of the original investigation.'*[19]

2.18 He continued at paragraph 42, '*The article 2 investigative obligation exists to protect the rights of individual victims but also to secure the wider public interest not only in the exposure of culpable conduct but also the maintenance of confidence in the rule of law. Allegations of collusion by security forces in the deaths of citizens bring this issue into particularly sharp focus. A failure by the state to investigate such allegations, promptly and effectively, can only serve to either reinforce the claims of collusion or, at best, signify a tolerance of collusive behaviours in the past.*

In this regard, see the decisions of the ECtHR in El-Masri v Macedonia [2013] 57 EHRR 25 at paras [191] to [193] and Al Nashiri v Romania [2019] 68 EHRR 3 at para [641].'[20]

[17] Appointed as The Right Honourable Dame Siobhan Keegan, Lady Chief Justice of Northern Ireland (September 2021).
[18][2018] NIQB 94, at para 44.
[19] [2022] NIKB 10, at para 37.
[20] Ibid, para 42.

2.19 I have carefully considered each of these definitions and am aware that there are areas of overlap and different emphasis. While these definitions are useful, I recognise that there is no definitive definition of *'collusion'.* I have identified a number of common features, which are listed as follows:

i. *'Collusion'* is context and fact specific;

ii. It must be evidenced but is often difficult to establish;

iii. *'Collusion'* can be a wilful act or omission;

iv. It can be active or passive (tacit). Active *'collusion'* involves deliberate acts and decisions. Passive or tacit *'collusion'* involves turning a blind eye or letting things happen without interference;

v. *'Collusion'* by its nature involves an improper motive;

vi. *'Collusion,'* if proven, can constitute criminality or improper conduct (amounting to a breach of the ethical Code of the relevant profession); and

vii. Corrupt behaviour may constitute *'collusion'.*

2.20 I am mindful that different Police Ombudsmen have applied varying definitions of *'collusion'* to the facts of each complaint or case. I do not intend to rehearse all of these definitions, but the current Police Ombudsman favours broad definitions encompassing *'collusive behaviours,'* by which is meant behaviours indicative, but not determinative, of *'collusion'* as reflected in the views of Lord Stevens and Judge Cory. This applies to acts and omissions that can encompass collaboration, agreements, or connivances. It can also include the more passive *'turning a blind eye'.*

2.21 In June 2016, Dr Michael Maguire, applying the Smithwick definition, found that *'collusion'* played a significant role in respect of police actions

concerning the murders of six men at the Heights Bar, Loughinisland, County Down, on 18 June 1994.

2.22 His public statement was challenged as being '*ultra vires'* by the Northern Ireland Retired Police Officers Association (NIRPOA). Following prolonged legal proceedings, the Northern Ireland Court of Appeal delivered its judgment on 18 June 2020. It was determined that the role of the Police Ombudsman, as provided for in Part Vll of the 1998 Act, was investigatory, and not adjudicatory, in nature. Decisions as to whether a police officer's actions amounted to criminality or misconduct were decisions for other forums, such as the criminal courts or a disciplinary panel.

2.23 Paragraph 40 of the judgment stated, *'It is clear that the principal role of the Ombudsman is investigatory. The complaint defines the contours of the investigation and in this case informed the terms of reference about which no complaint has been made. There is no power or duty created by the statute for the Ombudsman to assert a conclusion in respect of criminal offences or disciplinary misconduct by police officers. The Ombudsman is required to provide recommendations to the DPP if he considers that a criminal offence may have been committed. Such a recommendation is a decision which could form part of a PS. Once he makes such a recommendation he has no role thereafter apart from supplying information on request.'*[21]

2.24 The Court, in explaining the legal framework in the 1998 Act outlined at Paragraph 43, stated, '*That framework specifically excluded any adjudicative power for the Ombudsman in the determination of criminal matters or disciplinary matters. The confidence of the public and police force was to be secured by way of the independence, efficiency and effectiveness of the investigation coupled with an adherence to the requirements of the criminal law before any finding of a criminal offence*

[21] Re Hawthorne and White's Application for Judicial Review. [2020] NICA 33, para 40.

could be made against a police officer and the conduct of a disciplinary hearing with all the protections afforded within that system before disciplinary misconduct could be established. The thrust of the appellants' case is that the statutory scheme would be undermined if the Ombudsman was entitled to use section 62 as a vehicle for the making of such findings. We agree that the legislative steer is firmly away from the Ombudsman having power to make determinations of the commission of criminal offences or disciplinary misconduct but will address later how this affects the content of a PS.'[22]

2.25 At paragraph 55, the Court outlined the powers of the Police Ombudsman in respect of officers, where there was a question of criminality and/or misconduct, should a police officer have resigned or retired: *'There may well be circumstances, of which this appeal may be an example, where a police officer will have resigned as a result of which the officer would no longer be subject to any disciplinary process. By virtue of section 63(1) (e) of the 1998 Act the Ombudsman has limited powers in a PS to identify a person to whom information relates if it is necessary in the public interest. That is a strict test. We accept that a person can be identified by inference, a so-called jigsaw identification. We do not consider that the power to make a PS provides the Ombudsman with the power to make determinations in respect of retired officers. We accept, however, that the statutory scheme does enable the Ombudsman in respect of such officers to indicate what recommendations might have been made, what reasons there were for the making of such recommendations and whether disciplinary proceedings would have been appropriate.'*[23]

2.26 In relation to the Police Ombudsman's role in deciding on a case where there was a complaint by the family of *'collusion,'* the Court clarified at paragraph 63 as follows: *'Apart from the passages set out at paragraph 4.200, 9.9 and 9.40 the nine chapters of the substantive PS provide what*

[22] Ibid, para 43.
[23] Ibid, para 55.

the Ombudsman stated at paragraph 1.12, namely as comprehensive a narrative as possible. The determinations he made in the three offending paragraphs were not in our view decisions or determinations to which section 62 applied and overstepped the mark by amounting to findings of criminal offences by members of the police force. The remaining paragraphs were part of the narrative. We do, however, accept that in light of the families' complaint in the context of Article 2 it would have been appropriate for the Ombudsman to acknowledge the matters uncovered by him were very largely what families claimed constituted collusive behaviour.'[24]

2.27 It is the Police Ombudsman's view that *'collusion'* is conduct between at least two individuals and, in cases of state *'collusion,'* one of the individuals must be a representative or agent of government. The conduct, either by its nature or circumstances, is of a type demanding, requiring, or deserving of inquiry. Where the conduct forms part of a criminal or disciplinary offence it is, on its face, capable of amounting to proof of this. In such circumstances, the Police Ombudsman can recommend that prosecution and/or disciplinary proceedings are brought.

2.28 The Police Ombudsman's interpretation of the Loughinisland judgment is that, in the absence of determinations of criminality or misconduct by the appropriate authority, her role is limited to commenting on the matters raised in a complaint. This investigation, having established the detailed narrative based on the complaint, can conclude whether the evidence identifies *'collusive behaviours'* on the part of police, as alleged. Findings are not determinations of conduct amounting to either the commission of a criminal offence or professional misconduct.

2.29 These discrete behaviours may be indicative of *'collusion'* but do not, individually or cumulatively, amount to *'collusion'.* In such circumstances, where the evidence falls short of enabling such a recommendation, the

[24] Ibid, para 63.

Police Ombudsman's role, as one of the public authorities responsible for discharging the state's article 2 obligations, having given any persons who might be adversely affected the right to provide their comments, is to set out her findings on whether the actions of police (including inaction) were indicative of '*collusive behaviour*'. This will not include findings of criminal or disciplinary behaviour. By doing so, this provides some remedy to the complainant, state accountability, and the opportunity for lessons to be learned or past mistakes to be acknowledged.

2.30 My views, in respect of these issues, as they relate to the complaints that instigated this investigation, are outlined later in this public statement.

3 The Circumstances of the Bombing of La Mon House

La Mon House

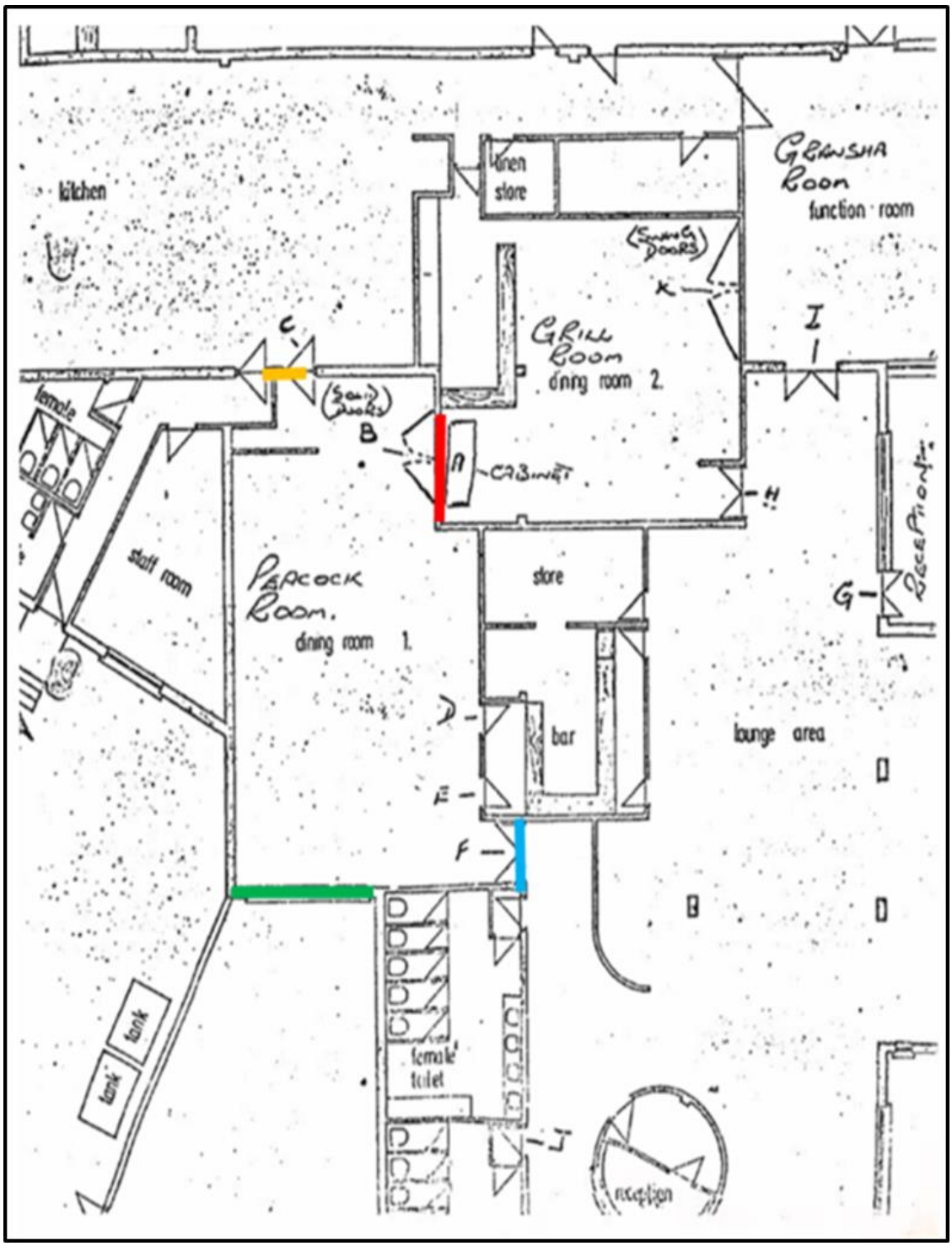
3.1 La Mon House is situated in rural surroundings at Gransha Road, Castlereagh, County Down, approximately a fifteen-minute drive from Belfast City Centre. On the evening of Friday 17 February 1978, in addition to casual diners, the restaurant was hosting two separate dinner dance and prize giving functions. A member of staff described it as, *'one of the biggest nights at the hotel that I remember.'*

3.2 The premises included a large banqueting room (the Gransha Room), a smaller dining room (the Peacock Room), a Grill Room, a kitchen, a cocktail lounge with bar, and a reception area.

3.3 The Northern Ireland Junior Motor Cycle Club was holding a function in the larger Gransha Room, with an estimated 350 guests, while the Irish Collie Club was hosting a dinner in the Peacock Room with 40 guests. All of those who lost their lives were in the Peacock Room at the time of the explosion.

3.4 A partial diagram of the La Mon House floor plan is reproduced on the next page. The Peacock Room was relatively small, approximately 40 feet long and 25 feet wide. The diagram indicates there were double doors to a separate Grill Room as marked in red. These doors were the designated fire exit from the Peacock Room. A door to a kitchen area is marked in yellow. At the end of the Peacock Room was a large picture window, marked in green, which directly faced a grassed area that looked towards the public car park. This window was dressed on the inside by a net curtain, which afforded privacy to patrons dining in the Peacock Room.

Diagram of the Peacock Room Floor Plan taken from RUC investigation papers.



The Bombing

3.5 On Friday 17 February 1978 at 6.40pm, a yellow Fiat 128 car, vehicle registration mark (VRM) AIW 4184, was hijacked in West Belfast. The driver of the car was instructed by the hijacker to drive to the nearby Kelly's Bar, at the junction of Springfield Road and Whiterock Road, where he was told to get out and wait inside the bar, while the hijacker drove off. The driver reported his car stolen at 11.10pm that same evening.

3.6 Police interviews later established that three PIRA members had travelled in the hijacked car from West Belfast to La Mon House.

3.7 The available witness evidence suggests that the bomb was placed at La Mon House between 7.45pm and 8.25pm on Friday 17 February, when approximately 500 people were on the premises.

3.8 The bomb was placed outside the Peacock Room's large picture window. It was attached to petrol-filled canisters that exploded when the bomb detonated, shattering the window. After planting the bomb, those responsible abandoned the yellow Fiat car close to La Mon House and were then driven back to Belfast in a different vehicle.

3.9 PIRA later stated that the warning they provided was *'totally inadequate*.' The first '*999'* telephone call was received by a civilian '*999'* telephone operator at 8.51pm. The records show that there was then a six-minute delay before the RUC were notified of this call at 8.57pm. The reason for the delay was attributed to an emergency telephone line being out of order. This issue is examined in further detail later in this public statement. A second warning telephone call was made to another civilian '*999'* telephone operator at 9.04pm. However, by this time, the bomb had exploded.

The Police Response

3.10 At 9.08pm, the first police officers arrived at La Mon House. By this time, a large fire had started, and the police officers were met with chaotic scenes as guests fled the burning building.

3.11 The police officers requested urgent assistance from other emergency services and made every effort to assist the victims, tend to the injured, and secure the scene.

3.12 Firefighters attempted to control the blaze; however, due to high winds, it spread quickly through the building. The Assistant Chief Fire Officer (ACFO) present later stated that, due to the severity of the fire and the gale force winds, firefighters operating the water jets had to kneel, and at times lie on the ground, to avoid being caught in the flames.

3.13 By 9.51pm, the entire premises were alight, and it was not until 1.30am on Saturday 18 February 1978 that the fire was deemed to be under control. The scene was then preserved for forensic examination.The following image shows the destruction caused by the bombing at La Mon House.



The Victims

3.14 The 12 people who were murdered at La Mon House were all members of the Protestant community. They were:

3.15 Gordon and Margaret Joan Crothers were a married couple, living in East Belfast, aged 31 and 28 years old respectively. Gordon was the director of an engineering firm, and Margaret was a mother and housewife.

3.16 Christine Lockhart was 33 years old and lived in Richhill, County Armagh, with her husband. Originally from Blackburn in England, she was a prize-winning dog breeder and had been married for 15 years.

3.17 Elizabeth and Ian McCracken were a married couple, aged 26 and 24 years old respectively. They had been married for 18 months and lived in Bangor, County Down. They both worked for the Northern Ireland Electricity Service: Ian as a sales representative and Elizabeth as a typist.

3.18 Daniel Magill was 37 years old and worked as a shipwright. He lived in Dundonald, County Down, with his wife who was injured in the bombing.

3.19 Sandra Morris was 27 years old and lived in North Belfast. She was married with two children. She was the sister-in-law of Carol Mills, who was also killed in the bombing. Carol was 27 years old, lived in North Belfast, and a joint funeral service was held for the two women.

3.20 Thomas Neeson was 42 years old and worked as a car salesman. He lived in Lisburn and was married with three children. He was the son-in-law of Sarah Cooper, who was also killed in the bombing. She was 62 years old and worked as a weaver.

3.21 Paul and Dorothy Nelson were a married couple, aged 37 and 34 years old respectively. Paul was a fitter, and Dorothy worked as a typist. They were married and lived with their two teenage daughters in Dundonald, County Down.

Memorial Service

3.22 On 22 February 1978, over 2500 people attended a memorial service, held at Belfast City Hall, in honour of the 12 victims. Similar services were held at other locations across Northern Ireland. Shops and factories closed to observe a two-minute silence in memory of those who had died, or been injured, in the bombing.

4 Initial Police Response

4.1 On Friday 17 February 1978 at 8.51pm, a male caller dialled '*999'* and informed Operator A, "*There are three bombs in La Mon House and one in the car park."* Police Officer 1, in the RUC Communications Centre in Belfast, was informed of the call at 8.57pm and immediately contacted the Operations Room at Newtownards RUC Station, passing on the information to Police Officer 2.

4.2 At 9.04pm, approximately four minutes after the bomb had detonated, a further '*999'* telephone call was made. A male caller informed Operator B, "*There are three bombs in La Mon and a car bomb."* Operator B contacted police and spoke with Police Officer 1 at the RUC Communications Centre, making him aware of the telephone call. In his subsequent witness statement, Police Officer 1 noted that he received this further telephone call from the '*999'* Operator at 9.03pm. He again contacted Newtownards RUC Station and relayed the information to Police Officer 2. Police Officer 1 then contacted two mobile patrols and sent them to the scene and had police roadblocks set up at Castlereagh Roundabout and Shaw's Bridge. He also sent two police vehicles, with public address equipment, to the scene, was in constant contact with Ambulance Control, and advised the military at Lisburn.

4.3 Police Officer 2 stated that he received a telephone call from RUC Communications Centre at 8.57pm with reference to La Mon House. He immediately informed Police Officer 3 and Police Officer 4, who were in the Comber patrol vehicle at the time, and instructed them to go immediately to La Mon House. Police Officer 2 then telephoned La Mon House and spoke to a male person [who told him that the bomb had just exploded]. He then contacted the emergency services and requested the Fire Brigade and as many ambulances as possible to make their way to

La Mon House. It was later established that the man he spoke to at La Mon House was Witness C.

4.4 At 9.06pm, police notified the Northern Ireland Fire Brigade of the bombing at La Mon House and four fire engines were dispatched to the scene.

4.5 When Police Officer 3 and Police Officer 4 attended the scene, La Mon House was fully ablaze as guests and staff exited the burning building. The police officers were unable to enter the building, due to the intensity of the smoke and flames, and immediately requested further assistance from the emergency services.

4.6 At 9.10pm, Police Officer 5, Police Officer 6, and Police Officer 7 arrived at La Mon House. As the senior police officer in attendance, Police Officer 5 took control of the scene. He managed the evacuation of guests and staff and supervised the movement of people from the car park, given the warning that a further bomb had been placed there. Police Officer 6 used his police vehicle as a temporary communications centre to ensure that senior police officers were kept updated and that police resources were effectively managed.

4.7 Police Officer 8, a Detective Inspector arrived at the scene at 9.25pm. He was appointed to lead the investigation of the bombing. In 1978, the term ‘Senior Investigating Officer’ (SIO) was not in use as it is today. However, Police Officer 8 was the senior officer investigating the murder, so I shall refer to him throughout this report as the SIO.

4.8 Police at the scene began to gather details of the casualties. They identified relevant witnesses, who were still at the scene, including guests and staff who had been at La Mon House at the time of the explosion.

4.9 Police Officer 8 directed Police Officer 9 to set up a Major Incident Room (MIR) at Newtownards RUC Station. The recording of information entering

the Incident Room was undertaken by a standardised manual procedure known as MIRIAM (Major Incident Room Indexing and Action Management). A dedicated '*Casualty Bureau*,'[25] to manage enquiries from the concerned relatives and friends of guests and staff, was also opened at Castlereagh RUC Station.

4.10 The Assistant Fire Chief Officer (ACFO) attended the scene and, at 9.51pm, reported to his authorities that *'the entire premises were alight'.*

4.11 In his subsequent witness statement, the ACFO stated that the prevailing wind conditions had caused the fire to spread quickly through the complex. Large sheets of flames, approximately 30 to 40 feet in length, had been caught by the wind, prior to *'rolling'* out of affected sections of the building at low level.

4.12 Firefighters directed water jets onto the burning sections of the building. However, the severity of the fire was so extreme that those firefighters operating the jets had to kneel, and in some cases lie on the ground, to avoid being caught up in the flames.

4.13 The ACFO stated that firefighters used breathing apparatus in an attempt to enter the premises via a side entrance and search for trapped people. However, they were driven back by the intense heat and flames.

4.14 By 11.30pm, the bodies of the 12 deceased had been recovered from the building. They were conveyed to the Ulster Hospital, Dundonald, and, following that, the Mortuary at Forster Green Hospital. Ambulances and police vehicles were used to convey another 23 people, many of them critically injured, to hospital.

[25] A Casualty Bureau brings specially trained staff and police officers under one roof to act as the focal point for information about a mass fatality incident to be received and assessed.

5 Intelligence

5.1 Police Ombudsman investigators reviewed all the available intelligence, held by the PSNI, relating to the bombing at La Mon House. This was to establish whether information existed that, if acted upon, could have prevented the bombing. This investigation also sought to establish whether relevant intelligence was shared by RUC Special Branch (SB) with detectives investigating the bombing and whether any individual was protected from the police investigation due to their status as an informant.

5.2 This investigation generated in excess of 80 enquiries relating to intelligence held by the PSNI that was considered to be relevant to the bombing of La Mon House. A substantial volume of sensitive information is held by the PSNI in relation to the bombing and individuals who may have performed roles in the attack.

5.3 It is important to clarify that, in general, intelligence is not initially treated as evidence by the police even if it would be presumptively admissible in later legal proceedings. Intelligence is information that has been assessed and graded as to its relevance and quality before a decision is taken as to how it can best be utilised. It can allow the SIO to initiate and develop lines of enquiry that are capable of progressing the overall investigative strategy. These lines of enquiry may, in turn, generate further evidential opportunities outside the intelligence gathering processes.

Pre-Incident Intelligence

5.4 This investigation identified no intelligence that, if acted upon, could have forewarned of, or prevented, the bombing.

Post-Incident Intelligence

5.5 An individual arrested by police and suspected to be a senior member of PIRA speculated to police that elements of the British State may have been responsible for the bombing in order to '*stir things up*' between the Protestant and Catholic communities. Statements attributed to PIRA followed later, in which they accepted responsibility but claimed the device had exploded earlier than intended.

5.6 The following paragraphs highlight intelligence, in which specific persons were named as being involved in, or responsible for, the attack at La Mon House. Any arrests that are referred to were made under prevention of terrorism legislation that existed at the time.

5.7 In late February 1978, the RUC received intelligence identifying PIRA Belfast as having carried out the bombing at La Mon House. Also in late February 1978, intelligence stated that the bombing at La Mon House had not been directed or sanctioned by Belfast PIRA leadership. Intelligence suggested that 1st Battalion PIRA had carried out the attack without first seeking permission from their higher leadership structure.

5.8 The intelligence received following the bombing further stated that the individuals involved had left Northern Ireland and relocated to the Republic of Ireland. The available police investigation papers indicate that at an early stage of the RUC investigation they were aware that at least some of those responsible for the bombing had absconded to the Republic of Ireland. It is therefore reasonable to conclude that this intelligence was disseminated to the SIO leading the investigation, Police Officer 8.

5.9 Person A had been previously identified from intelligence as an active PIRA member. Intelligence received by police, soon after the bombing, indicated that Person A planned the bombing at La Mon House. This had included instructing other PIRA members to hijack the vehicles involved and providing the Improvised Explosive Device (IED) to those that carried

out the bombing. This intelligence was marked as *'General Release'.* Person A was arrested immediately after the bombing at La Mon House but was later released without charge.

5.10 In mid-1978, police received further intelligence linking Person A to a number of similar terrorist attacks, which took place prior to the bombing at La Mon House. He was arrested again in September 1978 in respect of the attack and, during relevant police interviews, made admissions about his involvement in the bombing at La Mon House. Police Ombudsman investigators found no records regarding the dissemination of this intelligence. However, the interview notes relating to Person A do indicate that he was interviewed about the similar terrorist attacks. My assessment of this, given that Person A was questioned by police about the relevant terrorist attacks, is that this intelligence was disseminated.

5.11 Person B was identified, through intelligence, as being a PIRA member who was linked to a number of terrorist related incidents. In late February 1978, Person B was named in intelligence as having carried out the bombing at La Mon House along with Person D. After the bombing, both had relocated to the Republic of Ireland. Police Ombudsman investigators found no records regarding the dissemination of this intelligence.

5.12 Person B was not detained immediately after the bombing but was arrested in May 1980. During subsequent police interviews, he made admissions about his involvement in the bombing at La Mon House.

5.13 Person C was identified, through intelligence, as being an active PIRA member who was involved in bomb attacks, bomb making, weapons movement, and murder.

5.14 Person C was not detained in respect of the bombing at La Mon House but was arrested in 1978 in relation to an unrelated murder. During subsequent police interviews regarding that murder, he was questioned

about his involvement in the bombing at La Mon House but made no comment.

5.15 In late February 1978, intelligence identified Person D as being an active member of PIRA involved in terrorist activities, including bomb attacks and the possession of firearms and explosives.

5.16 This intelligence stated that Person D was involved in the bombing at La Mon House along with Person A and Person B. Further intelligence stated that, following the bombing, Person D was believed to be '*on the run'* in the Republic of Ireland. The intelligence was marked *'Limited Dissemination'* but was shared with the murder investigation team.

5.17 Person E was identified, through intelligence, as being involved in PIRA activities such as hijackings, rioting, punishment shootings, and attacks on members of the security forces. In June 1978, intelligence was received linking him to individuals involved in the bombing at La Mon House. Following the bombing, Person E was reported to have left Northern Ireland and relocated to the Republic of Ireland. This latter intelligence was marked *'Limited Dissemination'* but was shared with the murder investigation team and An Garda Síochána (AGS).

5.18 In September 1977, police received intelligence that Person F was an active PIRA member and explosives expert, who had been involved in a number of bomb attacks. In May 1978, further intelligence reported that Person F may have been involved in manufacturing the bomb that was detonated at La Mon House and was linked to other identified suspects. Police Ombudsman investigators found no records regarding the dissemination of this latter intelligence.

5.19 In August 1978, Person F was arrested under terrorist legislation. Police Ombudsman investigators found no record of the interviews that followed and, as such, it cannot be established what offences he was questioned

about and whether he was questioned about the matters outlined in the intelligence received in September 1977 and May 1978.

5.20 Person G was an active PIRA member and was a member of Belfast Brigade staff. In February 1977, intelligence linked him to a blast bomb attack on a shop.

5.21 In December 1977, intelligence linked him to the murder of a soldier in West Belfast. Person G was named as Operations Officer for 1st Battalion PIRA, with Person A as his Assistant.

5.22 In late December 1977, police received intelligence that Person G and Person A were planning to bomb a tyre depot in South Belfast.

5.23 In early February 1978, police received intelligence that all the bomb attacks in the Lisburn Road, Boucher Road, and Dunmurry areas were originating from the Turf Lodge area of West Belfast. Person G and Person A were *'giving all orders'* for 1st Battalion PIRA attacks. There was a spate of bombings in the Lisburn Road area during late 1977 and early 1978.

5.24 In July 1978, police received two pieces of intelligence that Person G had organised the bombing at La Mon House but had not been present.

6 The Police Investigation

6.1 Police Officer 5 coordinated a media appeal requesting relatives of those guests who had not yet been accounted for to contact police. This enabled the investigation team to compile a clearer picture of those who were present in the building at the time the bomb exploded.

6.2 Police conducted an examination of the premises, and its grounds, in order to identify and recover evidence. The search of the scene led to the recovery of personal items, including pieces of jewellery that were crucial in assisting in the identification of the deceased. Within six days, the RUC investigation team, with the assistance of forensic officers, had formally identified all 12 victims.

6.3 Over 100 detectives from the RUC's Criminal Investigation Department (CID), Special Branch, Belfast Regional Crime Squad, and Headquarters Crime Squad were assigned to the murder investigation.

The Warning Telephone Calls

6.4 At 8.51pm on Friday 17 February 1978, a '*999'* telephone call was received by Operator A from a male caller who stated, "*There are three bombs in La Mon House and one in the car park."* The caller then hung up.

6.5 Police Ombudsman investigators established, from the available documentation, that six minutes elapsed between the warning call being received by Operator A and the RUC Communications Centre in Belfast being informed. At 8.57pm, Operator A informed the RUC Communications Centre, who then notified the Operations Room at Newtownards RUC Station.

6.6 The delay was explored with Operator A by counsel during the criminal trial of Person A. Operator A explained that, had they been aware of the location of La Mon House, they would have contacted Newtownards RUC Station directly, instead of the RUC Communications Centre in Belfast. Additionally, the emergency telephone line to the RUC Communications Centre had been out of order at the time of the explosion, so it had been necessary to dial the normal telephone line.

6.7 At 8.57pm, Police Officer 1, who was on duty at the RUC Communications Centre in Belfast, received the call from Operator A. He immediately contacted the Operations Room at Newtownards RUC Station. When giving evidence during the criminal trial of Person A he stated, "*When the direct emergency line was not working, a light flashed on my desk when there was a normal call."* He stated he had no way of knowing if it was a '*999'* telephone call and conceded that it was possible the light could have been flashing for several seconds before he answered the call.

6.8 Police Officer 2, who was on duty in the Operations Room at Newtownards RUC Station, confirmed in his witness statement that he received a telephone call from Police Officer 1 at 8.57pm. He then directed Police Officer 3 and Police Officer 4 to attend La Mon House.

6.9 At 9.04pm, four minutes after the bomb had exploded, a second warning call was received by Operator B. Operator B recorded that a male caller stated, "*There are three bombs in La Mon and a car bomb."* Operator B then contacted the police but did not hang up the '*999'* call. At one point, another person came on the line, seeking to make a call. When Operator B asked this person where the call was being made from, they replied that it was from a pay phone at the Glenowen Inn, on the Glen Road in West Belfast. Police Ombudsman investigators found no documentation indicating that police conducted enquiries to identify and interview this second person or pursue other evidential opportunities at the Glenowen Inn.

6.10 Those members of PIRA that carried out the bombing were waved through a military vehicle checkpoint (VCP), at Finaghy Road North, on their way back to West Belfast from La Mon House. When Person B was later interviewed, he told police that, while they had initially waited in a short queue of cars, they were then waved through the VCP. It should be noted that the bomb had not yet exploded at this point nor had the bomb warnings been made.

Claim of Responsibility

6.11 On 20 February 1978, PIRA issued a statement, through the Irish Republican Publicity Bureau in Dublin, admitting responsibility for the bombing at La Mon House. The statement read as follows:

'The Irish Republican Army admits responsibility for the bombing operation in La Mon House in which 12 innocent people died. There is nothing we can offer in mitigation bar that our enquiries have established that a nine minute warning was given to the RUC. This was proved totally inadequate given the disastrous consequences. We accept condemnation and criticism from only two sources, from the relatives and friends of those who were accidently killed and from our supporters who have rightly and severely criticised us. Abroad and at home the British Government have had a field day with its unchallenged version of events, and that peace lies in the destruction of Irish republicanism. It has been the disastrous presence of British interference in Ireland and that continuing armed presence in six counties which is the root cause of unrest in our country. All killings and tragedies stem from British interference and their denial of Irish sovereignty. The Irish Republican Army will continue to resist the British with all the might that we can muster'.

6.12 On 9 May 1978, the following statement, attributed to an unidentified West Belfast PIRA member, was issued:

> *'The PIRA had not intended that the La Mon bombing should result in loss of life. However, the individual who had put the bomb in position, although experienced and well trained, had set the timing device to operate after five minutes instead of after fifteen minutes as intended. As a result the warning given to the police had proved inadequate. Following the La Mon incident the provisional leadership had issued orders that the bombing of commercial premises should cease and as yet no instructions had been issued authorising their resumption.'*

The La Mon House Scene

6.13 On 17 February at 10.35pm, Police Officer 10, a Scenes of Crime Officer (SOCO), attended La Mon House. He recovered a number of items from the grass area adjacent to the seat of the explosion. He also recovered pieces of distorted tin and metal from below the Peacock Room's picture window and parts of a Russian made '*Slava'* brand travel alarm clock. All of these items were exhibited and submitted for forensic examination.

6.14 On 18 February 1978 at 12.30am, a second SOCO, Police Officer 11, attended the scene at La Mon House. He established that the seat of the explosion had been near the Peacock Room's large picture window. The window sat on a ledge, approximately ten inches in depth and one foot above ground level.

6.15 A detailed forensic examination by a RUC Forensic Scientist established that the picture window's ledge had been damaged approximately midway along its length, and a shallow crater was present in the soft ground at this point. He concluded that the fire at La Mon House had resulted from the detonation of an Improvised Explosive Device (IED), of a type commonly encountered in Northern Ireland since 1977. This type of bomb became

known as a '*grille bomb,'* as they were frequently hung by hooks to grilles protecting the windows of premises.

6.16 However, in this instance the device had been placed outside the restaurant beneath the ledge of the Peacock Room's picture window. The bomb had been contained within a light brown leather holdall that included remnants of four tin containers, with at least one being identified as a '*Ford 6000 mile*' motor oil can, filled with petrol. The Forensic Scientist concluded, *'…it is notable that in this instance at least 4 containers were included. This represents an average 4 times the normal inflammable material used in such devices…During trials carried out by me in an attempt to simulate the effect of the device in this case I found that a fireball in excess of 60' diameter and 40' in height was produced on detonation.'*

The Yellow Fiat Car

6.17 On 18 February 1978, police were informed by a witness of an abandoned car close to La Mon House. Police officers attended Lisleen Road South at approximately 2.30am where they found a yellow Fiat car, which they established had been reported stolen.

6.18 This car, believed to have been used in the commission of the bombing, was seized and examined by Army Technical Officers (ATOs). It was preserved for forensic and fingerprint examination.

6.19 At 10.20am on the same date, Witness A attended Lisleen Road South and identified the Fiat as his own car that had been stolen from him the previous evening. In late February 1978, Witness A was arrested under terrorist legislation for his possible involvement in the bombing. During police interviews, he provided conflicting accounts but was able to provide detectives with the name of a friend who partially corroborated his version of events. Witness A provided a witness statement and was later released without charge.

The Red Volkswagen Golf

6.20 Police established, from interviews of suspects, that there were two cars used in the bombing at La Mon House. They were the yellow Fiat car used to take the bombers to La Mon House, which was later abandoned at Lisleen Road South, and a red Volkswagen Golf car that was used to pick up the PIRA bombing team and convey them from Lisleen Road South to West Belfast. This was first known to police in May 1978.

6.21 A red Volkswagen Golf car was observed driving into Ardmonagh Gardens, West Belfast, on Friday 17 February 1978 at 6.00pm. Person D was driving the car, and Person B was in the front passenger seat. At 6.30pm on the same date, Person E drove a yellow Fiat car into Ardmonagh Gardens. Both cars were later seen driving off at the same time.

6.22 Police Ombudsman investigators have been unable, due to the loss of the original RUC documentation, to establish what efforts the RUC investigation team made to trace, and identify, the red Volkswagen Golf or any individual connected to it.

Fingerprint Evidence

6.23 There were six fingerprints/palm marks recovered from the hijacked yellow Fiat car: three from the passenger door, two from the bonnet, and one from the interior mirror. One of the fingerprint marks contained insufficient ridge detail for comparison purposes. One of the palm print marks recovered from the bonnet was identified as belonging to a friend of Witness A, the registered keeper of the car.

6.24 The two remaining fingerprints have never been identified.

6.25 There were no fingerprint marks located on any of the items recovered at the scene of La Mon House that were submitted to the Department of

Industrial & Forensic Service Agency (DIFS) for examination. The police recovered no forensic evidence that assisted in the identification, or prosecution, of those suspected of the bombing.

House-to-House Enquiries

6.26 House-to-House enquiries were carried out by police in the vicinity of La Mon House and Lisleen Road South, where the yellow Fiat car was found. These enquiries were aimed at identifying witnesses who may have observed anything suspicious that could be connected to the bombing. Due to the loss of the original RUC MIRIAM records, Police Ombudsman investigators have been unable to establish what, if any, information was obtained from these house-to-house enquiries.

Post Mortem Examinations

6.27 On 18 February 1978, the Assistant State Pathologist for Northern Ireland carried out post mortem examinations on the 12 victims. He concluded that they had all died from burns, carbon monoxide poisoning, or a combination of both.

6.28 Police Officer 9 and Police Officer 10 were present at each examination, where the victims were photographed. The victims were identified through a combination of methods, such as hair samples, blood grouping, jewellery items and clothing.

6.29 On 25 July 1978, an inquest into the deaths of the 12 victims was held at the County Courthouse, Newtownards. The coroner returned an open verdict in respect of each victim. An '*open verdict'* is a verdict of a coroner's jury affirming that the person came to their death by means unknown to the jury, or came to their death at the hands of a person or persons unknown to the jury.

Forensic Examinations

6.30 Following his attendance at La Mon House on 18 February 1978, the RUC Forensic Scientist recovered the following samples from the scene, which he viewed as evidentially significant:

i. The remains of a light brown holdall with a zipped top;

ii. The remains of four metal cans with screw caps. Markings showed that at least one of them was a '*Ford 6000 mile*' oil can;

iii. The remains of an improvised timer/power unit, including parts of a plywood box, a clothes peg switch, and a Russian made '*Slava'* brand travel alarm clock;

iv. The remains of an improvised metal cased explosive charge; and

v. Tape ends from the adhesive tape, associated with the remains of the explosive device (these would later be re-examined by the Historical Enquiries Team).

6.31 Forensic evidence was also obtained from the yellow Fiat car found at Lisleen Road South. The following items were recovered from the car:

i. The driver seat cover;

ii. The passenger seat cover;

iii. Clothing from the rear seat; and

iv. A hat from the rear parcel shelf.

6.32 On 21 February 1978, a pair of yellow, rubber household gloves were found by a member of the public on the Knockbracken Road. They were forensically examined but nothing of an evidential value was found. The

location, where they were found, was approximately a five minute drive from La Mon House.

The Bomb

6.33 The improvised explosive device (IED)[26] planted at La Mon House consisted of a Timer Power Unit (TPU), four 5 litre oil cans containing petrol, a section of steel piping modified to hold a quantity of explosive, and a detonator. The Forensic Scientist described it as being significantly larger than other IEDs detonated by PIRA at the time.

6.34 The TPU consisted of a plywood box, containing an electrical circuit that provided the power and delay element in the system. The TPU, a Russian made '*Slava'* brand travel alarm clock, was capable of a delay setting of up to 58 minutes. This had been modified by inserting a bolt/nail through the lens that interrupted the movement of the clock hand. When the clock hand touched the bolt/nail, the circuit was completed and the bomb detonated.

6.35 The RUC Forensic Scientist concluded that the TPU was the same type that had been used in the following PIRA attacks:

i. Wilson's Public House, Crumlin, on 10 February 1978;

ii. Linen Hall Street, Belfast, on 14 February 1978; and

iii. Ballymac Restaurant, Lisburn, on 15 February 1978.

6.36 The RUC Forensic Scientist also concluded that the explosive material used in the bomb consisted of ammonium nitrate and aluminium trimmings that had been placed into a sealed steel container. The

26 The Forensic Scientist who examined the device refers to it both as an IED and an Improvised Explosive Incendiary Device. An Improvised Explosive Device (IED) is a home-made device containing explosives, made from commercially available components that is used in a manner other than intended by the manufacturer.

detonation shattered the steel container, puncturing the cans of petrol, which then projected petrol vapour into the surrounding area. This vapour was ignited by the detonation, creating a massive fireball, which created numerous seats of fire. Contrary to speculation, there was no evidence that an additive such as sugar had been mixed with the petrol (napalm effect).

6.37 This photograph is a view of the Peacock Room from the seat of the explosion. The frame of the picture window is in the foreground and the kitchen door entrance can be seen on the far left. The double door entrance to the Grill Room can be seen on the far back right.



Media Appeals

6.38 An appeal was made for anyone who had been at La Mon House on Friday 17 February 1978 and who had not yet come forward to do so or for anyone with information to contact Newtownards RUC Station through the confidential telephone system.

6.39 On 18 February 1978, the RUC investigation team released a photograph of the yellow Fiat car to local newspapers and made the following appeal:

> *"We want to hear from anyone who saw the Fiat registration number AIW 4184 between 6.30pm and 9.30pm last night."*

6.40 As a result of these two witness appeals, the RUC investigation received information about the movements of the yellow Fiat car, and a number of confirmed sightings enabled detectives to establish some of the car's movements, following its hijacking on the Springfield Road in West Belfast. On 21 February 1978, a police media appeal requested the driver of a red sports car, who was in the car park at La Mon House prior to the bombing, to contact them. A further media appeal asked for a man who had contacted police previously to contact them again.

6.41 On Sunday 19 February 1978, a RUC Crime Squad Officer addressed the congregation at Granshaw Presbyterian Church to appeal for information. RUC officers also stayed behind, after the service, to speak with those in attendance.

6.42 The media strategy included the production of tens of thousands of appeal leaflets, which showed the remains of one of the victims. These leaflets were distributed throughout Northern Ireland and displayed in shops and public places. The image was later withdrawn from the leaflets after the identity of the victim became known to the family.

6.43 The poster carried the following information:

> *'Just before nine o'clock on Friday evening, the 17th of February, a bomb exploded without warning at the La Mon House Hotel, Gransha Road, Castlereagh. The hotel was crowded with hundreds of people including children. At least twelve people were killed and thirty injured. This was horrifying and indiscriminate mass murder. Please help the police to put a stop to the slaughter and mutilation of men, women and*

children. If you have any information whatsoever about this terrible crime against the community, or the people responsible for it, ring the confidential telephone on Belfast 652155, or contact any police station. Any help you give will be treated with absolute confidentiality.'

6.44 The media reported that the Secretary of State for Northern Ireland at the time, Roy Mason, stated that there had been a '*very substantial response*' from the public to the media appeals.

6.45 Due to the absence of the original RUC MIRIAM records, Police Ombudsman investigators have been unable to fully establish what information was gathered from the media appeals or any subsequent enquiries that might have been conducted by police. However, a review of statements recorded by police during the original investigation reveals that 40 statements were recorded from individuals who were travelling in the vicinity of La Mon House on 17 February 1978. It is possible that these witnesses came forward or were identified through the media appeal. In respect of the second media appeal outlined above regarding the yellow Fiat car, Police Ombudsman investigators do not know exactly how successful this was; however, police recorded over 20 statements regarding this yellow Fiat car. It is possible that some, if not all, of these were as a result of the media appeal.

RUC Approach to Witnesses

6.46 The RUC investigation obtained almost 400 witness statements. These included statements from guests who escaped the Peacock room, staff from La Mon House, members of the bands who were due to provide the entertainment on 17 February, and guests attending the Northern Ireland Motorcycle Club dinner.

6.47 Police officers also recorded statements from witnesses who reported seeing the yellow Fiat car and from almost 40 people who were travelling in the vicinity of La Mon House at the relevant times. Statements were

recorded from paramedics, police officers, and experts who included forensic scientists, doctors, and fire officers. Statements were also recorded from the '*999'* operators as previously discussed in this public statement.

6.48 A number of key statements are outlined as follows. These include the 1978 statements from those individuals who have made complaints to this Office and other witnesses.

Witness A

6.49 At 6.40pm on Friday 17 February 1978, Witness A was driving his vehicle, a yellow Fiat car, along the Springfield Road in West Belfast. As he stopped the car next to a fish and chip shop, an unknown male opened the car door and '*said words similar to Irish Republican Army Provisionals, I'm taking this car*'.

6.50 The hijacker got into the front passenger seat of the car. Witness A told the hijacker that he had car parts that he needed to deliver to a friend who lived nearby. Witness A then drove to his friend's house with the hijacker, where he explained to his friend that his car was being hijacked.

6.51 Witness A and his friend attempted to talk the hijacker out of taking the vehicle, but as the hijacker was in possession of a gun, their efforts were unsuccessful. Witness A was instructed by the hijacker to drive the car to the nearby Kelly's Bar, at the junction of Springfield Road and Whiterock Road, where he was told to get out and wait inside the bar, while the hijacker drove off.

6.52 Witness A remained in the bar but, when his car was not returned, he walked back to his friend's house, arriving at approximately 7.45pm. Witness A and his friend then searched the area for his car, but when they were unable to find it reported the hijacking to police at 11.10pm that same evening. Police interviews later established that three members of PIRA

had travelled, in the hijacked car, from Monagh Drive in West Belfast to La Mon House.

Witness B

6.53 At 7.45pm, Witness B was driving country bound along the Ballygowan Road, when he became aware of a car approaching from behind at speed, with its full headlights on. As the car overtook him, Witness B stated, '*I saw the front seat passenger lean out and make the 'v' sign with his left hand and form his right in the shape of a gun and point it at me…*'. The car overtook him and then turned sharply left onto the road leading towards La Mon House. Witness B noted that the car was yellow in colour, with the VRM AIW 4184. He also stated that there were three people in the car.

Witness C

6.54 At 9.00pm, Witness C was sitting in the bar area of La Mon House watching television as the BBC snooker programme '*Pot Black*' commenced. As it did, he heard a dull thud and the bottles in the bar vibrated. Realising there had been an explosion, he went into the reception area, where he witnessed several injured women and other guests running from the Peacock Room.

6.55 Witness C heard the telephone ringing in reception and answered it. The caller said, "This is the police. Is that La Mon House?" Witness C told the police officer that a bomb had just gone off and to call the fire brigade and ambulance service.

Witness D

6.56 Witness D was the general manager of the restaurant on the night of the bombing. He arrived at the premises at 7.10pm that evening and, adhering to his usual routine, walked around to the main entrance from the car park, visually checking the outside of the building.

6.57 Witness D stated that, during this inspection, he checked the grassed area, facing the Peacock Room's large picture window, but noticed nothing out of the ordinary.

Witness E

6.58 Witness E, a Security Officer at La Mon House, stated that the cabinet, normally kept in the Peacock Room, had been moved on 16 February 1978, the day before the bombing, to allow room for a stage to be set up in the Peacock Room and to prevent guests moving from one room to another. Witness E is now deceased, so Police Ombudsman investigators have been unable to clarify the comments that he made in his witness statement.

Witness F (a complainant)

6.59 Witness F stated that she heard a bang and then saw flames all around her. She stated that she ran across the room to a door to the right of the bandstand. A man forced the door open, and she was able to make her escape. She was later taken to the Ulster Hospital, where she was treated for burns injuries.

Witness G

6.60 Witness G stated that he heard a thud and saw a yellow flame. He then saw sparks coming from the lights before they went out and the room was plunged into darkness. He stated that he ran towards the kitchen door, where he could see a light. When he reached the kitchen he saw a relative, and they decided to go back into the dining room to help people escape. He stated that they went to the bar area, where they forced open a double door. He was later taken to the Ulster Hospital, where he was treated for burns injuries.

Witness H

6.61 Witness N stated that, following the explosion, he made his way towards the kitchen with his wife but was pushed against double doors near the stage. He stated that he was able to force the left hand side door open and force his way through it. A barman forced the other double door open, and they then began to pull people from the dining room, including his wife.

Witness I

6.62 Witness I attended the Irish Collie Club function with his wife, and they sat at a table adjacent to the large picture window with five other guests. Witness I stated he had finished his main course, when '*suddenly a sheet of flame enveloped the table from the direction of the glass door. The lights in the room went out at the same time and there was thick choking smoke'*.

6.63 Given the intensity of the flames and smoke, he was unable to find his wife. He then followed other guests to the double doors at the side of the bandstand (leading to the Grill Room) but believed they were locked from the other side. He managed to partially force one door open with his foot, creating a space that some guests crawled through to get out of the Peacock Room.

6.64 Witness I was later conveyed to Ards Hospital, Newtownards, where he received treatment for burns. His wife was killed in the bombing.

Witness J

6.65 Witness J attended the Irish Collie Club function with her husband. They sat with family members and friends at a table, by the large picture window, close to the main entrance door. They were finishing their main course, when there was an explosion that threw Witness J and her husband from their seats.

6.66 As Witness J attempted to get up, a ball of flame hit her face and arms. She escaped through the entrance door, believing that her husband was behind her. When she realised that he was not, she tried to get back into the room but was unable to do so due to the intense smoke. Her husband and mother were killed in the bombing.

6.67 Police later showed Witness J a stainless steel wristwatch and a gold wedding ring that she identified as belonging to her husband. She confirmed that he had been wearing both of them that evening.

Witness K

6.68 Witness K later reported that at 8.25pm she saw a yellow Fiat car parked on Lisleen Road South, approximately 50 yards from its junction with Gransha Road, where La Mon House is located. Witness K was able to make out the letters AIW on the car's registration plate as she drove past it. She did not see anyone near the car or any other cars on the road at that time.

Witness L

6.69 Witness L also later reported seeing a parked yellow Fiat car on Lisleen Road South, when driving past at approximately 8.30pm. Witness L returned along Lisleen Road South at 10.30pm and noted that the same yellow Fiat car was still parked at the same location. On 18 February 1978, Witness L informed the police of the parked yellow Fiat car and travelled with police officers to the scene to identify the abandoned vehicle as the same car that he had observed the previous evening.

Witness M (Complainant)

6.70 Witness M stated that he saw the window and wall being blown inwards. The dining room began to fill with smoke, and balls of flame shot across the room. He stated that he stumbled and fell against some band equipment before managing to make it out of the dining room and into the

kitchen. He was later taken to the Ulster Hospital, where he was treated for burns injuries.

William McDowell (Complainant)

6.71 Mr McDowell was seated at his table, when he heard a '*thud'* followed by a flash and flames coming from the window at the far end of the dining room. He stated that he grabbed his wife's hand, and they made their way towards the door of the bar when the lights in the dining room went out. At that point, his wife tripped and fell causing him to lose sight of her due to the smoke in the room. He stated that he tried to kick double doors open near the stage, but they appeared to be locked.

6.72 Mr McDowell stated that he then saw a woman he knew and helped her before making his way towards the bar again, calling for his wife. He attempted to re-enter the dining room but was unable to do so due to the smoke and flames. He stated that he then saw his wife being carried out of the dining room by another guest. Mr McDowell stated that he was later taken to the Ulster Hospital with his wife, where he was treated for burn injuries.

Linda Harvey (now Basing – Complainant)

6.73 Mrs Harvey stated that she saw a ball of fire arcing across the dining room towards her. She managed to make her way out of the dining room into the kitchen. She was later taken to the Ulster Hospital, where she was treated for burns injuries.

Leonard Harvey (Complainant)

6.74 Mr Harvey stated that he was lifted from his chair and thrown against a wall. He saw a flash and the room then went black and began to fill with smoke. He stated that he ran diagonally across the room and broke down a door beside the bandstand, pulling a display cabinet away from the other side of it. He then re-entered the dining room and made his way to the

kitchen, when he heard his wife calling for him from there. He was later taken to the Ulster Hospital, where he was treated for burns injuries.

Mervarid Magill (Complainant)

6.75 Mrs Magill, her husband, and two other couples attended the Collie Club function. She stated that at approximately 9.00pm, just as she was finishing her main course, a '*sheet of flame came from the corner of the room'* she was facing. She fled the room through the kitchen door and then on out to the front of the hotel. Mrs Magill never saw her husband alive again.

Elizabeth McDowell (Complainant)

6.76 Mrs McDowell was a committee member of the Irish Collie Club and had travelled to La Mon House with her husband and friends. They had sat together at a table close to the stage.

6.77 After being served their main course, Mrs McDowell recalled seeing a flash of light and a flame rolling up the centre of the room before someone shouted, "Oh the bombers". The room was then plunged into darkness. She attempted to crawl towards the stage, with the help of her husband, but began choking from smoke inhalation. She then fell into a semi-conscious state and next recalled being outside the premises.

6.78 Mrs McDowell was conveyed to the Ulster Hospital at Dundonald, where she received extensive medical care. Mrs McDowell passed away in 2013.

James Mills (Complainant)

6.79 Mr Mills had travelled to La Mon House with his wife, and they were seated in the Peacock Room at a table adjacent to the large picture window. After finishing their main course, Mr Mills stated he felt an intense heat and saw *'a big ball of fire'* before the lights went out. He tried to get out of the room

but could not find his wife. He then saw a light coming from a door and was aware that he was being pulled from the room.

6.80 Mr Mills was conveyed to the Ulster Hospital at Dundonald, where he was admitted to the plastic surgery unit and treated for serious burns. He was discharged on 17 April 1978. His wife and sister were killed in the bombing.

Staff at La Mon House

6.81 A number of members of staff assisted police officers and firefighters at the scene. Police Ombudsman investigators reviewed their relevant statements and established that extensive action was taken to help guests exit the burning building: locating survivors; caring for and administering first aid to injured guests outside the building; and attempting to put out the blaze that originated in the Peacock Room.

RUC Approach to Suspects

6.82 From the outset, the RUC investigation team suspected that the bombing had been carried out by PIRA. Police Ombudsman investigators viewed documentation stating that, between 18 February and 24 February 1978, police carried out a series of coordinated arrests, under the then existing prevention of terrorism legislation, of suspected PIRA members, predominantly from the Greater Belfast area, in direct response to the bombing at La Mon House. This was as part of a '*disruptive lift*' directed by the then Chief Constable, aimed at arresting individuals and questioning them about the bombing at La Mon House and other republican terrorist attacks. Of the 35 people arrested, a number were suspected of being senior PIRA members. Although the available records indicate the police operation was primarily designed to arrest those responsible for the bombing and reassure the general public of a robust police response, it also was intended to disrupt PIRA activities.

6.83 As a consequence of the strategy adopted by the RUC, Special Branch had significant involvement in the interviews of many of those arrested. This included senior members of PIRA in Belfast among, of whom a number were suspected of directing and planning PIRA activities in the greater Belfast area. The arrests between 18 and 24 February 1978, resulted in some 300 police interviews of which Special Branch conducted two thirds. The Police Ombudsman's investigation was unable to locate contemporaneous records of these interviews. Statements of CID interviewing officers do reflect some of these interviews, including some of those in which persons arrested made no admissions, but there are no records of many other interviews. Nine of the arrested individuals were charged with offences under terrorism legislation, not directly related to the bombing, and the remainder were released without charge.

6.84 The interview process, which followed these arrests, lasted several days and involved the use of a significant number of police officers. However, in the absence of admissions or other corroborative evidence linking them to the attack, none of the arrested individuals were charged with the bombing at La Mon House.

6.85 It is now known that four suspects, who were believed to have been directly involved in the bombing, fled to the Republic of Ireland shortly after the attack. Police liaised with AGS in order to establish the whereabouts of these individuals who remained in the Republic of Ireland for various periods of time, ranging from a few months to a number of years. These individuals, and others suspected to be linked to the bombing, were, nevertheless, circulated as '*wanted*' by the RUC.

The Arrest and Interviews of Person A

6.86 Person A, who was subsequently linked through intelligence to similar bombings, was one of the initial 22 arrests made by the RUC on 18 February 1978, but he was later released without charge. In September 1978, he was arrested again and, during the course of several days of interviews, admitted being a member of PIRA. He also admitted that he had supplied the bomb used at La Mon House.

6.87 Person A stated that, on 17 February 1978, he was asked for a bomb, by a member of PIRA, which he refused to provide, as it was required for another attack. Later that evening, he was told to go to an address in West Belfast. He was met by seven men who were sitting in two cars, one yellow and one red. At this time he was ordered by Person G, who he described as *'high up'* in PIRA, to provide a bomb that would be used at La Mon House or he would be shot. Person A then went and retrieved the bomb from a nearby location, which he described as smelling of petrol, and gave it to one of the men in the back seat of one of the cars. He stated that the two cars then drove off.

6.88 During later interviews, he admitted to police that it was *'his team'* that had carried out the bombing, although he denied that he had personally accompanied them to La Mon House.

6.89 During the course of several interviews, Person A provided police with the names of the other individuals involved in the bombing. With one exception, they were all believed to be living in the Republic of Ireland.

6.90 Person A made a number of complaints at different times relating to how he was treated while in police detention. In February 1978, while in custody, he alleged that he had been physically and verbally abused but declined to make a formal statement of complaint. His allegations were investigated by the RUC's Complaints & Discipline (C&D) Branch, who interviewed two RUC officers under criminal caution and obtained witness

accounts from a number of other police officers. In May 1978, a file of evidence was submitted the Department of the Director of Public Prosecutions (DPP) who, later that month, directed '*No Prosecution*' against either police officer in respect of Person A's allegations.

6.91 Following his further arrest in September 1978, Person A alleged that, while in custody, he was assaulted by a number of police officers. Person A again declined to make a formal statement of complaint. His allegations were investigated by C&D who interviewed eight police officers under criminal caution. In December 1978, a file of evidence was submitted to the DPP, accompanied by a note that no direction should be issued until related criminal proceedings against Person A had concluded.

6.92 Person A was charged with the 12 murders at La Mon House, PIRA membership, and 36 other terrorist related offences. In January 1980, he appeared before a Diplock court[27] in Belfast and entered a '*not guilty*' plea, asserting that his admissions to the RUC were inadmissible in evidence, as they had been obtained by torture or inhuman or degrading treatment. He alleged, amongst other things, that he had been deprived of access to a solicitor, beaten, sexually assaulted, placed in stress-positions for prolonged periods, and subjected to psychological pressure. The trial judge held a *'voir dire'* over several days to determine the allegations. The law at the time required the prosecution to disprove allegations of ill-treatment. Police officers and medical experts were called, and Person A gave evidence over ten days. Although the judge '*thought little of [Person A]*' and that he was '*unreliable'* and '*untrustworthy'* he was credible in terms of '*explaining where the contents of the verbal and written statements came from him*'. The judge also concluded there was medical evidence that provided '*objective signs of ill treatment' and he was not 'impressed*' with the evidence of some officers.

[27] Diplock courts were criminal courts in Northern Ireland for non-jury trials of specified serious crimes (scheduled offences).

6.93 On 1 April 1980, the trial judge directed that Person A's admissions were inadmissible, as he was not satisfied, beyond reasonable doubt, that they had not been obtained by torture or inhuman or degrading treatment. As there was no other evidence implicating Person A in the bombing he was acquitted of the murder charges arising from the bombing at La Mon House.

6.94 Person A was subsequently sentenced to five years imprisonment for membership of PIRA following admissions that he made during interview about which he gave evidence during the '*voir dire'.*[28] He subsequently appealed the conviction, and the then Lord Chief Justice in allowing the appeal stated that the admissions should not have been admitted as evidence. Person A was released from prison in June 1981.

6.95 In April 1982, after a number of unsuccessful attempts by police to record a statement of complaint from Person A in respect of his allegation, the DPP directed '*No Prosecution*' against the eight police officers subject to investigation due to the lack of cooperation from Person A and his solicitor.

The Arrest and Interviews of Person B

6.96 In May 1980, Person B was arrested under then existing prevention of terrorism legislation. He was interviewed regarding membership of PIRA, the bombing at La Mon House, other explosions in the Belfast area, and the hijacking of vehicles in West Belfast. During police interviews, he initially admitted to a limited involvement in the hijacking of the yellow Fiat car, knowing that it was going to be used in a bombing. However, he denied any further involvement in the bombing. On 17 February 1978 at 3.00pm, he stated he was told that '*there was a job on*' and he and another man were ordered to get a car. He stated that between 6.00pm and

[28] A voir dire is a separate hearing in which the trier of law determines whether evidence is admissible and can potentially be entered into evidence in the trial. A voir dire can also be convened to determine the competence of a witness or to determine whether an expert witness is qualified to give evidence.

7.00pm he and the other man (who had a gun) went to Whiterock Road, where they saw a yellow Fiat car parking outside the shops on Springfield Road. He said that the other man hijacked the car and the driver was ordered to go into Kelly's Bar. He stated that he got into the car while the other man drove it to Monagh Drive. He stated that they went back to the car after 30 minutes and were joined by a third man – there was a large package on the back seat, which he knew was a bomb, and he knew then they were going on a *'bombing mission'*.

6.97 In subsequent interviews, Person B admitted that he had travelled as a front seat passenger in the yellow Fiat car with Person D, who was the driver, and Person C, who was sitting in the rear and who placed the bomb at La Mon House. Following this, Person B described abandoning the car near La Mon House and being picked up in a red car. They then returned to West Belfast, stopping twice on the way to make telephone warning calls.

6.98 In September 1981, Person B appeared at Belfast Crown Court and pleaded '*not guilty*' to all charges. However, during the course of the trial, he pleaded guilty to twelve charges of manslaughter and other offences, including causing explosions, possession of a firearm with intent, hijacking, and membership of PIRA.

6.99 Person B received 12 life sentences and substantial concurrent terms of imprisonment in relation to the other offences. In September 1995, he was released from prison on licence.

The Arrest and Interviews of Person C

6.100 In June 1978, Person C was charged with an unrelated murder. The statements of the RUC interviewing officers who interviewed Person C indicate that he was asked about his involvement in the bombing at La Mon House but made no comment. Police Ombudsman investigators were unable to locate the relevant interview notes.

6.101 In his investigation report, dated 16 January 1979, Police Officer 8 stated that he attempted to interview Person C in prison. He stated that this request was '*flatly refused'* by the prison authorities.

6.102 Police Ombudsman investigators made enquiries with the Northern Ireland Prison Service (NIPS) in respect of this matter. A response was received from NIPS, stating that, following a review of Person C's prison files, they had been unable to locate any RUC application to interview Person C in prison or any refusal by NIPS to allow the interview.

6.103 Police Ombudsman investigators reviewed a note written by Police Officer 6, dated 31 January 1979. In the note, he documented a visit to Crumlin Road Prison in Belfast, where he attempted to speak with Person C as a voluntary witness; however, Person C declined to speak with Police Officer 6. In late 1979, Person C was convicted of an unrelated offence and sentenced to life imprisonment. In June 1993, he was released from prison on licence.

The Arrest and Interviews of Person D

6.104 In September 1987, Person D was arrested on suspicion of offences unrelated to the bombing at La Mon bombing. Police Ombudsman investigators established that he was interviewed 23 times by police but were unable to locate the relevant interview notes. Therefore, this investigation has been unable to establish if he was asked about the bombing. He was subsequently released without charge.

The Arrest and Interviews of Person E

6.105 In June 1991, Person E was arrested on suspicion of serious terrorist offences unrelated to the bombing at La Mon House. Previous intelligence had linked him to individuals believed to have been responsible for the bombing at La Mon House. Police had information that Person E had been observed driving a yellow Fiat car in West Belfast on the evening of 17 February 1978.

6.106 Police Ombudsman investigators reviewed the RUC interview notes relating to Person E's arrest and detention. There is no record of him having been questioned about the bombing at La Mon House. The rationale for this omission was not documented in any of the available police records.

The Arrest and Interviews of Person F

6.107 Intelligence indicated that Person F was a member of PIRA and proficient in the assembly of explosive devices. The same intelligence linked him to the construction of the IED used in the bombing at La Mon House. Previous intelligence had linked him to individuals believed to have been responsible for the bombing.

6.108 In August 1978, Person F was arrested under prevention of terrorism legislation. There are no interview notes available, from which to ascertain if he was interviewed about the bombing at La Mon House.

6.109 During police interviews, one suspect stated that he believed the attack was a loyalist '*own goal*' or had been carried out by the British military in an attempt to '*stir up*' trouble between the Protestant and Catholic communities. He stated that the attack was a '*terrible act*' but did not believe that it was carried out by PIRA.

6.110 Original notes from the interviews of three persons are retained by PSNI. Notes from the interviews of other suspects cannot be located.

6.111 On 25 February 1978, police received an anonymous telephone call from a male, who stated that they needed to interview Person H about the bombing. The caller stated that Person H had connections with PIRA and to some of the people who were present at La Mon House at the time of the bomb. However, Police Ombudsman investigators found no evidence that Person H was spoken to in any capacity.

PSNI's HET Investigation

6.112 In January 2010, the HET investigation reported that adhesive tape, present on pieces of the TPU recovered from the scene at La Mon House, could be subjected to further forensic examination.

6.113 The HET requested that Forensic Services Northern Ireland (FSNI) examine the tape ends for the presence of DNA.[29] DNA was extracted from the tape end present on the TPU; however, when analysed, no profile was obtained due to an insufficient quantity of DNA.

6.114 The HET also requested a further forensic examination of the unidentified fingerprint marks found on the yellow Fiat car. Two of the fingerprint marks were identified as belonging to Witness N, who had not been mentioned in any documentation within the original RUC investigation. In December 2010, Witness N was spoken to by HET investigators. He stated that he did not know Witness A and could not explain why his fingerprint marks were found on the Fiat car. Witness A was also spoken to by the HET but could not provide an explanation as to how Witness N's fingerprint marks were present.

[29] Forensic science has advanced significantly since 1974 with the development of Deoxyribonucleic Acid (DNA) analysis. The first conviction in a murder case, reliant on DNA evidence, in the United Kingdom (UK) was the conviction of Colin Pitchfork in 1988 for the rape and murders of Lydia Mann and Dawn Ashworth. The UK DNA database was not established until 1995.

6.115 In 2017, following a request from PSNI's Legacy Investigation Branch (LIB), a search was conducted against suitable unidentified fingerprint marks, but no positive results were returned. As a result of the Northern Ireland Troubles (Legacy & Reconciliation) Act 2023 (the 2023 Act), PSNI's LIB investigation has now ceased.

7 The Police Ombudsman Investigation

7.1 Police Ombudsman investigators conducted a thorough investigation securing, and reviewing all the available evidence and intelligence. The purpose of this investigation was to answer the questions and concerns raised by the victims' families and to assess the quality of the RUC investigation. An investigation strategy was devised and implemented by the SIO that sought to address these questions and concerns, in addition to the issues raised in the relevant Terms of Reference. These are set out in Chapter 3 of this public statement.

7.2 The SIO was supported by a Deputy Senior Investigation Officer (DSIO) and a small, dedicated enquiry team. In total, 150 investigative actions were completed. This resulted in the review of significant volume of material including intelligence, some of which was repetitive or not relevant.

The RUC SIO: Police Officer 8

7.3 This investigation would have spoken to the RUC SIO in order to gather as much information as possible about the original RUC investigation. However, Police Officer 8 is deceased, having died a number of years before the Police Ombudsman's investigation commenced.

7.4 However, Police Officer 8 did make a statement for the purposes of the RUC investigation, and he co-operated with the HET investigation and provided an account to them. The following is a summary of those accounts.

Police Officer 8 - Statement

7.5 Police Officer 8 made a statement on the 17 July 1980. This statement predominately dealt with the arrest and interview of Person B.

7.6 Police Officer 8 was made aware of the arrest of Person B in May 1980, and he provided details of the interviews of Person B he conducted. He detailed the account provided by Person B about the hijacking of the car. Person B stated that he had been ordered to get a car by Person A and that he and Person D hi-jacked the vehicle. He stated that Person D had a gun with him. Person A denied any further involvement in the bombing at La Mon House. He said that, sometime after 9pm that night, three men told him and Person D that the job had been done. Person B stated that he had been '*ordered South*' and was taken to Dublin after the bombing.

7.7 Police Officer 8 told Person B that there were quite a number of people, who were relatives or had family connections to the deceased, who had suffered great loss. Police Officer 8 told Person B that he believed, '*that the bombs were intended to kill people because it was a very big bomb, it was planted at a window with only glass between it and the people sitting having a meal and that the persons planting it must have been able to see those people. That no adequate warning had been given and that when that warning was given, wrong information had been given. [Person B] sat very quiet for a period and appeared to be listening intently to what was being said to him. I told him that it was easy and did not take brave men to plant a bomb outside a window of a hotel and walk away and leave it without telling the innocent people on the other side of that window. I told him that the brave people were those people on the other side of the window who when the bomb exploded tried to get out themselves and tried to get other people out and that some who survived had all their clothes burned off their bodies and also the brave people were those who were not injured who tried to get in through the fire to rescue people who were still in the building. I told him that if the persons responsible had been*

there after the explosion and saw the state of the bodies of the persons who died, and I also told him the state of those bodies, then they could not have been proud of their evenings work. I told him I believed that the bombers intended to kill people but that I just could not understand why and I told him I believed that he was one of those bombers. During this time [Person B] sat with this head down and did not speak. I asked him was he involved in the bombing and he shook his head. I told him to consider what had been said to him and we terminated the interview.'

7.8 Later the same day, Police Officer 8 continued interviews of Person B before he was told by another officer that Person B had admitted his part in the bombing at La Mon House. After admitting his role in the bombing, Police Officer 8 asked Person B if he was stopped at an army checkpoint on the way back. Person B said yes, and it was under the bridge at Finaghy Road North. He said that there were three or four cars ahead of them, which were all stopped but the vehicle he was in was waved on. Police Officer 8 also asked him where the telephone calls were made from, and he said he thought it was in the area of Finaghy Road North and Andersonstown Road. He could not say if they were '*coin boxes,*' as he stayed in the car and Person C made the calls. Police Officer 8 also asked him what car he travelled back from the bombing in. Person B said it was a *'red foreign car, I don't know what sort'*.

7.9 Person B was also interviewed about his membership of PIRA. He stated that he had joined in December 1977 and had been sworn in by Person A. He also described Person C as a '*section leader*'. He referred to previous bombings that used grille bombs; that he was involved in, and attributed key roles, in these other bombings to Person A as the person who directed and/or planned them, and to Person C who put them in place.

Police Officer 8 – Account given to HET

7.10 Police Officer 8 stated that he attended La Mon House immediately after he was informed about the bombing. He stated that the investigation was based in Newtownards RUC Station where he set up an incident room. He also established the casualty bureau to assist with the identification of victims.

7.11 Police Officer 8 stated that he liaised closely with senior police colleagues in Special Branch and CID in West Belfast, as it was believed this was where those involved in the bombing were from. He said that the arrests in the days immediately after the bombing were as a direct response to the bombing at La Mon House and were driven by intelligence. Police Officer 8 stated that arrests followed in the weeks and months following the bombing, which included the second arrest of a suspect.

7.12 In respect of the warning telephone calls, Police Officer 8 said that from his recollection the issue of the warning calls was examined during the court trials but was never fully resolved. He stated that he did not believe that any delay between the '*999'* operator and the police made any significant difference to the outcome and the loss of life at La Mon House. He did not recollect one of the suspects being stopped at an army checkpoint but did say that he had a recollection that the bombers had tried to unsuccessfully make warning calls from telephones that were out of order and could not be used. He believed that this was the reason for the delayed warning. Police Officer 8 stated he did not believe the bomb targeted any specific function.

7.13 Police Officer 8 also stated that he had been closely involved with the arrests of suspects in the initial days of the investigation. He also stated there was liaison with AGS to locate and monitor the movements of suspects who had fled to the Republic of Ireland.

7.14 In respect of the missing MIRIAM records, Police Officer 8 stated that the documents would have been originally held in Newtownards RUC Station but may have moved due to police boundary changes.

7.15 Police Officer 8 stated that the investigation into the bombing at La Mon House was a priority for police and every effort was made to arrest and interview the suspects and to maintain the profile of the enquiry with the general public through the use of the media.

RUC Records

7.16 The RUC investigation was conducted using the MIRIAM card indexing system. This was a manual, paper-based enquiry management system, introduced in late 1975, that assisted police in the administration and recording of large volumes of information received into a MIR. It was the predecessor of the Home Office Large Major Enquiry System (HOLMES),[30] now used in all major crime investigations, which was introduced in the years following the 1981 Byford Report into failings identified during the '*Yorkshire Ripper*' Investigation.

7.17 The MIRIAM system enabled the investigation team to cross-reference documentation and information and link the results of enquiries to other relevant information. Information was recorded on message forms for the attention of the SIO, who, following an assessment of this documentation, allocated investigative tasks to staff, known as '*Actions'*. The results of these enquiries were recorded on action sheets and filed manually within the MIR.

[30] HOLMES was introduced in 1985 and is the acronym for Home Office Large Major Enquiry System. It is an administrative support system that was primarily designed to assist Senior Investigating Officers in their management of the complexity of investigating serious crime.

7.18 Despite extensive enquiries by both this Office and HET, Police Ombudsman investigators were unable to locate the original MIRIAM documentation. This documentation included card indexes, message forms, house-to-house forms, interview notes, and investigative action sheets. In an interview with the HET, Police Officer 8 stated that the original MIRIAM documents had been stored at Newtownards RUC Station in 1978. However, they may have been moved since then due to changes in policing boundaries.

7.19 Police Ombudsman investigators conducted enquiries with the PSNI to locate the missing documentation; however, these enquiries proved unsuccessful. This lack of original documentation has limited the extent to which this investigation has been able to fully clarify the information that was available to the RUC SIO and his subsequent decision making.

7.20 Police Ombudsman investigators reviewed two files of evidence prepared by the RUC for the Director of Public Prosecutions (DPP). These were comprehensive and detailed the main lines of enquiry, offering insight regarding the direction and progress of the police investigation.

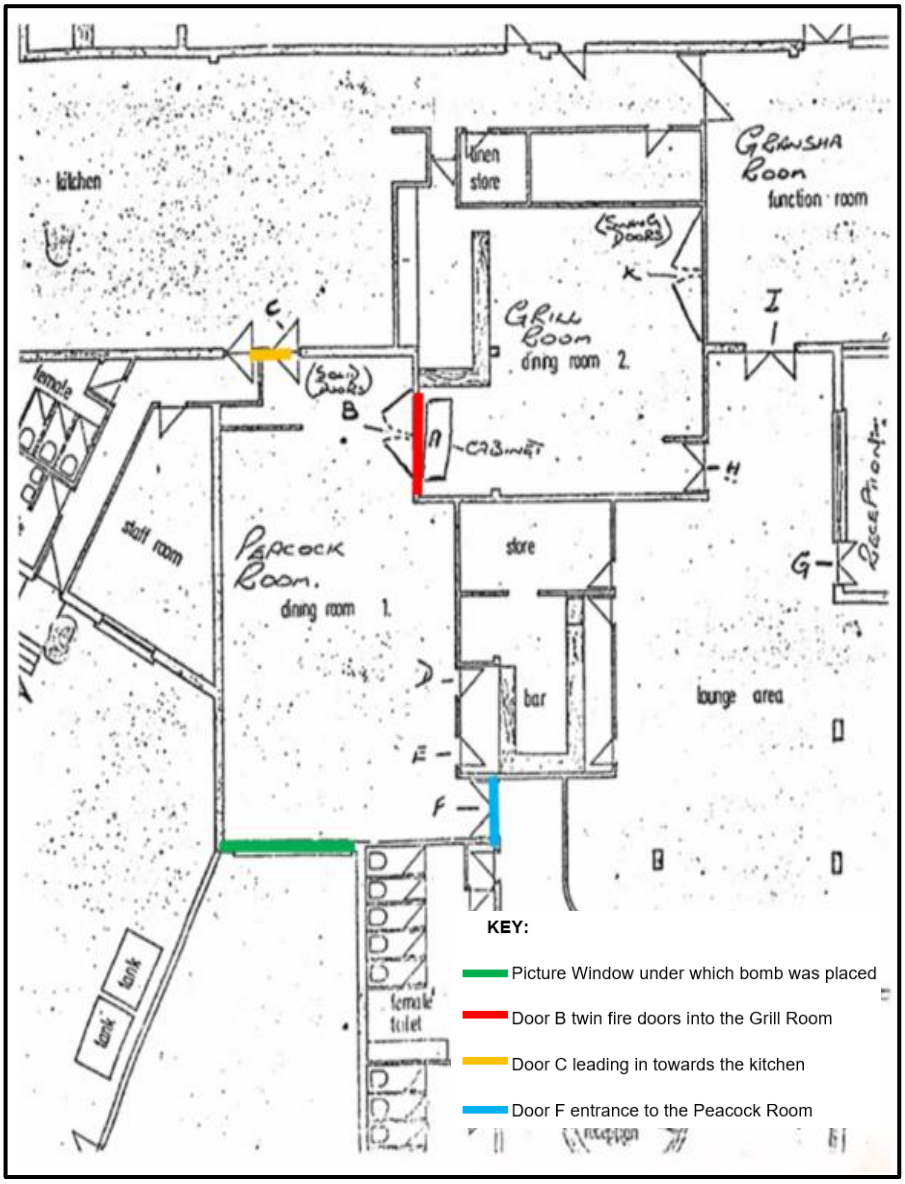
7.21 Police Ombudsman investigators recovered, and reviewed, notebooks and a journal belonging to the RUC SIO, Police Officer 8, in order to identify any information that might have assisted this investigation, but nothing of value was found.

Plan of the La Mon House Peacock Room

7.22 The 12 deceased victims were seated in the Peacock Room when the bomb exploded.

7.23 The following floor plan (reproduced for ease of reference from earlier in this public statement) shows the layout of the rooms inside the premises on 17 February 1978. It highlights the entrance and exit doors and the large picture window under which the bomb was placed.

Floor Plan (taken from original RUC investigation papers)



7.24 Guests entered the Peacock Room from the main entrance, through double doors (F) situated at right angles to the large picture window (highlighted in green). Although there was access to the kitchen, the only other exit doors from the Peacock Room were a set of double doors (highlighted in red). These were located near the kitchen end of the room, allowing access to, and from, the Grill Room (B). Two separate single doors provided access to the bar area (D & E).

7.25 The deposition and witness statement of the Divisional Fire Officer referred to the Fire Certificate issued to the premises in April 1977. It is noted that the Divisional Fire Officer annotated his original deposition to include the following:

> *'There were exits from the Peacock Room marked Dining Room 1 on the plan into the Reception Area (F), into the room marked Grill Room (B), into the area leading to the open yard (not designated). I would not regard the doors to the kitchen (C) as an exit – they were for the use of Kitchen staff. I would have expected the three exits mentioned to be available.'*

7.26 The witness statements of guests, who were in the Peacock Room at the time of the explosion, provided harrowing accounts of their attempts to escape, in the darkness, through the double doors into the Grill Room (B). Some of these witness statements evidenced that the exit doors into the Grill Room (B) were obstructed and this prevented guests from escaping through them after the explosion.

7.27 Witness E, who was the Security Officer at La Mon House, referred in his witness statement to a '*large wooden cabinet being placed in the Grill Room (A) across the 2 (two) swing doors (B).'*

7.28 Witness E stated that the cabinet, normally kept in the Peacock Room, had been moved on 16 February 1978, the day before the bombing, to allow room for a stage to be set up in the Peacock Room and to prevent

guests moving from one room to another. Witness E is now deceased, so Police Ombudsman investigators have been unable to clarify the comments that he made in his witness statement.

7.29 The extent to which the blocking of the fire exit contributed to the deaths and injuries of guests would have been a legitimate line of enquiry for the RUC investigation. Due to the absence of records, and the inability of this investigation to speak with the RUC SIO, it has not been possible to conclusively establish whether police explored this aspect.

7.30 The Fire Precautions Act 1971 was in place at the time of the bombing at La Mon House. My investigators established that, in April 1977, a Fire Safety Certificate, in compliance with the Fire Precautions Act 1971, was lodged by the Fire Service at Castlereagh Borough Council in respect of La Mon House.

7.31 The Fire Precautions Act 1971 stated:

(2) A fire certificate issued with respect to any premises may impose such
requirements as the fire authority consider appropriate in the circumstances—

a. *For securing that the means of escape in case of Fire with which the premises are provided are properly maintained and kept free from obstruction.*
b. *For securing that the means with which the relevant building is provided as mentioned in subsection (1)(c) to (e) above are properly maintained;*
c. *For securing that persons employed to work in the premises receive appropriate instruction or training in what to do in case of fire and that records are kept of instruction or training given for that purpose;*

7.32 Police Ombudsman investigators liaised with the Health and Safety Executive for Northern Ireland (HSENI), but it does not hold any records relating to the bombing at La Mon House. The HSENI stated that, before the commencement of the Police (Health and Safety) Northern Ireland Order 1984, it would have had minimal, or no involvement, with the police.

RUC Exhibits

7.33 The HET requested that Forensic Services Northern Ireland (FSNI) examine the tape ends for the presence of DNA.[31] DNA was extracted from the tape end present on the TPU; however, when analysed, no profile was obtained due to an insufficient quantity of DNA.

7.34 This investigation has established from FSNI that DNA technology has advanced further since 2010, and as such, further work on these tape ends should not be ruled out. However, any possibility of a successful outcome is predicated on a precise quantity of DNA present on the tape ends. There are, however, no guarantees of '*success'* when working with small quantities of DNA. Nonetheless, this offers a feasible line of enquiry that could still be pursued given the advances of forensic science. This also highlights the importance of retaining original exhibits.

RUC Arrests

7.35 This investigation has established that over 40 individuals were arrested in connection with the bombing at La Mon House. The majority of these arrests were within the first seven days of the police investigation. Further arrests, made between 1978 and 1991, were delayed due to suspects

[31] Forensic science has advanced significantly since 1974 with the development of Deoxyribonucleic Acid (DNA) analysis. The first conviction in a murder case, reliant on DNA evidence, in the United Kingdom (UK) was the conviction of Colin Pitchfork in 1988 for the rape and murders of Lydia Mann and Dawn Ashworth. The UK DNA database was not established until 1995.

having relocated from Northern Ireland to the Republic of Ireland after the bombing.

7.36 Among those who absconded to the Republic of Ireland were the three individuals named by Person A, during his police interviews, as having been involved in the bombing. They were, nevertheless, arrested by the RUC after they returned to this jurisdiction. Police Ombudsman investigators were unable to establish if the RUC considered the extradition of other identified suspects, who had relocated to the Republic of Ireland after the bombing.

7.37 The relevant extradition arrangements, at the time, between the United Kingdom and the Republic of Ireland were governed by the Extradition Act 1965. This stated, '*Extradition shall not be granted for an offence which is a political offence or is connected with a political offence*.' This investigation established that the courts in the Republic of Ireland rarely sanctioned the extradition of individuals accused of terrorist offences for this reason. It is my view, therefore, that no inference can be drawn from the failure of the RUC to pursue extradition proceedings in this case.

The Prosecution of Person A

7.38 The principal evidence of Person A's alleged role in the murders at La Mon House were confessions made to officers during police interviews. The trial judge noted there was no identification or forensic evidence connecting him to the crimes. At the start of his trial, the defence applied to exclude the confession evidence. The trial judge ruled the admissions made by Person A, during his interviews, were inadmissible, as he was not satisfied beyond a reasonable doubt that they had not been obtained by torture or inhuman or degrading treatment. In the absence of other evidence of his involvement in the bombing, the case against Person A was dismissed.

7.39 On 25 September 1978, Person A was arrested under the prevention of terrorism legislation that existed at that time. Police interviewed him on 11 occasions about his suspected involvement in terrorist activity, including the bombing at La Mon House.

7.40 Person A suffered from a heart condition and, upon his arrival at Castlereagh RUC Holding Centre, was seen by a doctor but refused to be examined. During the course of his subsequent police interviews, he became unwell and requested medication. Police provided Person A with his prescribed medication, and he was then taken to a cell to await medical examination.

7.41 During the course of this medical examination, Person A made a complaint to a police doctor that he had been assaulted by CID officers during his interviews. He alleged that he had been slapped, punched, and choked, causing him to fall to the floor with chest pains. The doctor noted no visible injuries to support these allegations and declared that Person A was fit to be interviewed, with the caveat that he suffered no further chest pains.

7.42 At 7.40pm on the same date, Person A was spoken to by an RUC Custody Sergeant regarding his complaint of assault but declined to make a written statement, stating that he would see a solicitor before saying anything further. He was informed that his complaint would be forwarded to the Chief Constable for investigation. At 8.10pm, Person A told police that he had taken '*a bit of a wobbler'* and that his heart caused him problems and restricted his breathing, particularly when he became annoyed.

7.43 At 9.45pm, Person A was examined again by a police doctor. This doctor requested that the original examining doctor be consulted the following morning, with a view to arranging an ECG[32] examination of Person A.

[32] An electrocardiogram (ECG) is a simple test that can be used to check your heart's rhythm and electrical activity. Sensors attached to the skin are used to detect the electrical signals produced by your heart each time it beats.

Person A was transferred to Musgrave Park Hospital the following day. An ECG was carried out that detected no abnormality, and he was returned to custody at Castlereagh the same day.

7.44 On 25 September at 11.53am, a police officer noticed that a knife was missing from Person A's meal, which was uneaten. He went into the cell and saw that Person A had the plastic knife in his hand. The officer asked him for the knife, but before he was able to take it from him, Person A used it to slash at his left forearm. This caused two slight scratches to Person A's arm. Following this, he was again examined by a police doctor. On this occasion, he made no further allegations and was treated for his self-inflicted injuries. However, he stated to the police doctor that he had been brutalised and was going to further injure himself.

7.45 On 28 September 1978, Person A made further allegations to the police medical officer. He alleged that he had been assaulted by a police officer, while in Castlereagh Holding Centre, who had kicked him on his right foot. A police doctor examined Person A and stated, in his subsequent report, that it was *'possible'* that the medical evidence corroborated the allegations made by Person A. Person A again declined to make a statement about this alleged assault.

7.46 Person A did not provide a formal witness statement of complaint to the RUC regarding his allegations. An investigation was conducted by the RUC's Complaints & Discipline (C&D) Branch. All of the RUC officers who interviewed Person A denied subjecting him to any torture or inhuman or degrading treatment.

7.47 The RUC C&D investigation into Person A's complaints was led by Police Officer 13 and Police Officer 14. Police Ombudsman investigators interviewed Police Officer 13, who confirmed that he investigated the complaints made by Person A but could not recall any further details. Police Officer 14 is deceased.

7.48 On 12 October 1978, police investigating the alleged assaults wrote to Person A's solicitor requesting an interview with him and a statement of complaint. On 20 October 1978, the solicitor replied stating that his client would not provide a statement prior to his trial; he would possibly do so afterwards and full details of his ill treatment would be given at trial.

7.49 On 13 December 1978, C&D submitted a file to the DPP concluding *'I find no evidence whatsoever in support of any criminal charges arising out of these complaints'* and recommending no prosecution. However, this was caveated with a note that stated it would be advisable to await any further allegations that may be put forward at, or following, the criminal trial of Person A.

7.50 In February 1979, Police Officer 14 submitted a report to his authorities, stating that the RUC officers subject to investigation had acted with propriety throughout their dealings with Person A. He subsequently wrote a letter to the RUC Legal Registrar stating:

> *'I am satisfied from the reading of the complaints file and within papers that the accused was given proper treatment at all times and that there was no impropriety on the part of any member during arrest, detention or interrogation.'*

7.51 Police Ombudsman investigators conducted enquiries with the PSNI but were unable to locate the relevant RUC C&D complaint files or confirm if they had been forwarded to the DPP for direction. Police Ombudsman investigators subsequently made enquiries with the PPS (formerly the DPP), who confirmed that they had received two files from the RUC in respect of the complaints made by Person A.

7.52 The first complaint file related to Person A's initial arrest and detention in late February 1978, where he alleged that he was assaulted by a number of RUC officers.

7.53 The second complaint file related to Person A's arrest and detention in September 1978, where he alleged that he was assaulted during police interviews by eight RUC officers.

7.54 Police Ombudsman investigators examined copies of the two files submitted to the DPP. On both occasions, the DPP directed '*No Prosecution*' in respect of the RUC officers subject to investigation

7.55 In January 1980, Person A appeared before a Diplock Court in Belfast charged with the murders at La Mon House, membership of PIRA, and 36 other terrorist related offences. The defence challenged the admissibility of all the alleged confessions under Section 8 (2) of the Northern Ireland (Emergency Provisions) Act 1978 on the grounds that, while in custody, Person A was subjected to torture or inhuman or degrading treatment in order to induce him to make the confessions. Alternatively, (2) that the confessions relied upon were obtained in such unfair, improper, and oppressive circumstances that the Court should, in the exercise of its discretions, exclude them.

7.56 A *voir dire* commenced, and Person A, along with various police officers and experts, gave evidence. Person A's evidence lasted 10 days. The judge noted that Person A alleged that he was, on occasion, refused access to a doctor and a legal representative. He also noted that he was physically assaulted, in that he was slapped, punched, stamped upon, and, on one occasion, his head and neck were squeezed in such a manner that he lost consciousness. He alleged that he was forced to squat in uncomfortable and exhaustive postures and, at times, was kicked and knocked over. He stated that an officer spat in his face and that he was indecently assaulted. Person A also stated that police officers led him to believe his wife had been arrested and that a woman he could hear crying and screaming was his wife. He also stated that police officers told him he would remain at Castlereagh until he confessed.

7.57 Person A did not allege ill treatment by all of the interviewing officers but alleged that seven other police officers, not on record who had not made statements at the preliminary inquiry, did. During the course of the *voir dire* he was able to identify three of these seven from detectives who had assembled in court. The other four police officers, whom he says ill-treated him, remain unidentified.

7.58 The Judge found Person A's evidence to be rambling, at times incoherent, and difficult to follow. He stated that there were numerous evasions, contradictions, and, at times, obvious lies and much exaggeration in the evidence. Nonetheless the Judge held that Person A, '*maintained a remarkable consistency in his evidence about the infliction of ill treatment*' and ruled, '*I do not think the written statements were dictated in the spontaneous and fluent manner the police evidence implied or that the verbal admissions all came at the time or in the manner police said they did*.'

7.59 In respect of the police witnesses, the Judge noted that all officers denied all allegations of ill treatment and impropriety or that any unauthorised policeman had entered the interview room at any time. The officers all corroborated each other. However, the Judge described them as impassive, controlled, and bland. He noted that there was little independent recollection of events and that the officers relied almost entirely on their notes of interviews. The jailers gave evidence that they saw or heard nothing improper, or even irregular, during Person A's custody.

7.60 The Judge stated, *'there is reasonable possibility on the evidence of three doctors that Person A showed some objective signs of ill treatment...although a considerable amount of the physical assault he described is not supported by the medical findings, but again there must be some allowance made for the technique of striking without marking'.*

7.61 The Judge acknowledged that Person A took a considerable risk in identifying officers who assaulted him, when none of them were on record as having interviewed him. He noted that Person A could not have known whether these officers were at Castlereagh Police Office at the relevant times. The Judge ruled that it was clear that each of the officers Person A identified, as those who ill-treated him, were free from assigned duties and in Castlereagh at the relevant time. In respect of the evidence from two of the officers who allegedly ill-treated Person A, the Judge stated that he was not impressed by their evidence, and in respect of two officers, stated that the evidence given was '*not at all convincing'*.

7.62 Person A identified another officer at court who had allegedly assaulted him physically and indecently during an interview. Although this officer denied that he ever interviewed Person A, or was in any room with him, his personal diary contained the following: '*Reported for duty at CID Office at Oaks and then to Castlereagh P.O and assisted and supervised interview of [Person A]*'. The Detective Sergeant said that these words were intended to signify duties at Castlereagh outside Person A's interview room and not any inside. The Judge held that he had '*considerable reservations about this explanation'*.

7.63 The Judge went on to find that, *'It is one thing for a suspect in custody to invent ill treatment and details of it. This can be done, rehearsed and presented often without too much trouble. But it is a very different and formidable venture to embark on, to choose as the perpetrators of that ill treatment on stated days and time not one but a number of detectives who are not on record and whose whereabouts at the time of the ill treatment alleged are unlikely to be known to the suspect. As I have said this is a strong array of points that the Crown faces in discharging their onus of proof and I do not think the conjectural theories advanced by [the prosecution] by way in answer were adequate to remove my disquiet about them and their implication*'.

7.64 The Judge also remarked that it may have been prudent to have Person A examined by a doctor after the admissions were made, given Person A made an '*untrue allegation of assault when he was arrested in February 1978'*. He stated that the officers also believed Person A suffered some form of heart condition. He said, '*In these circumstances I should have thought they might have protected their vulnerability by having Person A medically examined after interview no5 in which he made many verbal admissions about bombings and shootings or after Interview no 6 when he enlarged on these verbal admissions and incorporated them in four written statements; or after interview no 7 when he made more confessionals including verbal confessions and a written one about his complicity in La Mon*'. It was not until 6.30pm on 28 September 1978, that police sought to have him medically examined. The Judge continued, '*that they did not do so tends to add some weight to the defence suggestion that Person A had been marked as a result of ill treatment on the afternoon of the 26th and he was being kept from medical examination until these marks disappeared'*.

7.65 The Judge held that, '*it is at least reasonably possible that Person A did ask for a solicitor and a doctor contrary to what police say*…'

7.66 He went on to find that, '*Person A may well have fabricated the defence of ill treatment but in law I have to be sure that he had not. I am not sure. The ultimate burden of proof is not on Person A and the standard of proof is not the preponderance of probabilities. The cumulative effect of all the points I have set out with others, less strong that I have not, is that the Crown has not discharged the burden of proof which the law imposes in cases of this kind in that I cannot say that I am satisfied beyond reasonable doubt that the verbal and written statements challenged were not adduced by torture or inhuman or degrading treatment. I conclude in rejection of these statements the verbal confirmations by [Person A]…*' about his involvement in the La Mon House bombing.

7.67 The Judge characterised Person A in the following terms: *'I had the opportunity of observing and hearing him in the witness box for 10 days. I thought little of him as a man. I think he is of poor moral character, unreliable, untrustworthy, foxy, weak, although he liked to pose….as a tough guy'*.

7.68 Notwithstanding this, the Judge was of the view that, '*while I have commented adversely on Person A's lack of credibility on a number of matters nevertheless I thought he maintained a remarkable consistency in his evidence about the infliction of ill treatment during a long and searching cross examination by [the prosecution] I was very much struck by this, contrasting so vividly, as it did, with the obvious unreliability of other parts of his evidence*'.

7.69 The judge reached the conclusion that, *'all of the statements challenged [are] inadmissible in evidence.*'

7.70 During the course of the *voir dire,* Person A repeated admissions that he was a member of PIRA and was sentenced to five years imprisonment, based upon these. He subsequently successfully appealed the conviction for membership of a proscribed organisation. In delivering judgment, the then Lord Chief Justice stated that the admissions made during the *voir dire* could not be admitted as evidence. Person A was subsequently released from prison in June 1981. The DPP lodged an appeal against this ruling but, in June 1981, the Law Lords dismissed it and unanimously upheld that the conviction of Person A should be quashed.

7.71 Following Person A's release from prison in 1981, and in the context of allegations he made during the *voir dire* at his trial, police returned to him in an effort to speak with him about his allegations. Despite numerous attempts to contact him, with a view to obtaining a statement, he failed to engage with police.

7.72 It was appropriate that, following his trial and subsequent acquittal on appeal, police resumed their investigation of Person A's complaint of mistreatment and the additional allegations of malpractice he made during the course of his trial. This was particularly the case in view of the findings of the trial judge arising from the *voir dire.* Person A's decision not to engage with police left them with little alternative but to advise the DPP that no further evidence was available. On the 9 April 1982, the DPP directed 'no prosecution' in respect of the assault allegations stating, *'I note the further steps taken to investigate this matter as reported in the Chief Constable's minute of 10 March 1982. I also note the lack of response to date from [Person A] or his solicitor'*.

8 Concerns of the Victims' Families

8.1 Police Ombudsman investigators have examined the evidence and information contained within the available RUC documentation. They have also analysed the relevant intelligence reporting and conducted further enquiries, where necessary. This has assisted in answering the questions and concerns of the victims' families, which I will now address.

It is alleged that The RUC investigation was ineffective

8.2 It has been alleged by the families, who have made this complaint, that the RUC investigation was ineffective, which in part is due to:

I. Missing documentation;

II. Loss of exhibits; and

III. Lack of successful prosecutions

Missing Documentation

8.3 The investigation of complaints about historical matters is a challenging task due to the passage of time and unavailability of relevant documentation. The unavailability of RUC investigation management documents and associated material, pertaining to the bombing at La Mon House, has made it difficult to clarify the underlying rationale for certain investigative decision making.

8.4 Despite extensive enquiries by both this Office and HET, Police Ombudsman investigators were unable to locate the original MIRIAM documentation. The MIRIAM documents would have contained the message logs and the action sheets, along with associated house to house material, and would therefore have provided clarity as to the nature

of a range of enquiries conducted by the RUC during the investigation. Many interview notes, pertaining to the persons who were arrested by the RUC, are also unavailable.

8.5 Police Officer 8 stated to HET that the original MIRIAM documents had been stored at Newtownards RUC Station in 1978. However, they may have been moved since then due to changes in policing boundaries.

8.6 Police Ombudsman investigators established that the relevant documentation went missing between 1981 and 2005. This is based on the fact that the documents were available for court and that PSNI Murder Archives began collating all murder investigation papers together in one central storage facility in 2005 and have no record of ever having been in possession of the missing documentation. On the basis of all the information available, the MIRIAM documentation was last held at Newtownards RUC Station but may have been moved due to policing district boundary changes.

8.7 These records could have assisted with understanding the rationale for key decisions made, and actions taken, by RUC officers involved in the murder investigation. In turn, this would have enabled an assessment of whether all investigative actions and reasonable enquiries were completed. The failure to locate these records by successive enquiries reflects poor records management practices.

8.8 This is a recurring, systemic issue that the Police Ombudsman has commented upon in previous public statements. However, it remains frustrating that more detailed records do not exist in respect of the RUC investigation of the bombing at La Mon House.

Loss of Exhibits

8.9 The RUC investigation recovered numerous exhibits from the scene of the bombing, cars that were seized, clothing and samples from suspects, and samples for the purposes of identifying the deceased. On occasion, these exhibits were broken down and sub exhibited. For example, one item was exhibited as '*plastic bag containing remains of exploded bomb*'. This exhibit was later split, for court purposes, into individual items such as the plastic bag and each individual piece of the exploded bomb.

8.10 Once victims were identified, exhibits recovered for the purposes of their identification became less important to the investigation. However, a significant number of exhibits, which are now unaccounted for, had the potential to be evidentially important to any future police investigation. These items include but are not limited to: material from the scene, remnants of the bomb, items from the vehicles that were seized including tape lifts, clothing, and seat covers.

8.11 This investigation has not been able to account for the missing exhibits. However, it should be noted that in 1992 a PIRA bomb exploded outside the Forensic Laboratory in Newtownbreda, outside Belfast, demolishing it completely. It was reported to have been one of the largest bombs that PIRA ever detonated, comprising of an estimated 3000 pounds of home-made explosives. It is possible that some of the exhibits may have been at Newtownbreda; however, this investigation has been unable to establish if this was the case.

8.12 A forensic examination commissioned by HET in 2010 was able to extract DNA from tape attached to a remnant of the explosive device that remains available. Although the DNA recovered was insufficient to develop a full profile in view of further developments in forensic science, there may be value in a new examination of the tape. It also highlights the forensic opportunities that may have been lost from the loss of other exhibits.

Lack of successful prosecutions

8.13 The RUC made over 40 arrests between February 1978 and June 1991. These arrests included persons directly implicated in the bombing, through evidence or intelligence, and other individuals the RUC suspected to be senior members of PIRA. These arrests resulted in over 400 interviews.

8.14 Two individuals were arrested and charged with the murders at La Mon House along with other terrorist offences. In respect of Person B, he was charged with the murders. However, during his trial he pleaded guilty to 12 counts of manslaughter. The fact that Person B was convicted of manslaughter, rather that the 12 murders, is not a criticism of the RUC investigation; this was a matter for the court. Person B received the maximum possible sentence for each charge of manslaughter, equating to the sentence fixed by law for offences of murder: life imprisonment. The primary evidence against Person B was his own admissions about his role in the attack.

8.15 There was no identification evidence offered by independent witnesses that assisted the police investigation in linking suspects to the offences. There was no forensic evidence, at the time, to link any suspect to the bombing at La Mon House.

8.16 In respect of Person A, he was also charged with the murders at La Mon House and other terrorist offences. As with Person B, the primary, if not only, evidence linking him to the bombing were his own admissions of his role in the attack. However, as set out above, these admissions were excluded following an application to the judge during Person A's trial. This issue has been referred to in detail earlier in this public statement and I shall return to it in my conclusions.

The overall effectiveness of the investigation

8.17 The ability to provide a definitive view on the effectiveness and quality of the RUC investigation, and ascertain if all reasonable investigative lines of enquiry were pursued, has been hindered by not being able to review all of the documentation generated during the RUC investigation.

8.18 However, the initial RUC response to the attack was prompt; it was well managed and resourced within a fast moving and challenging environment. The SIO made swift arrests and ensured widespread coverage of the incident in the media, seeking witnesses to come forward. Almost 400 statements were recorded by the wider RUC investigation, which also incorporated other offences. A number of scenes were identified, that were subject of forensic examination, and exhibits were seized and forensically examined.

8.19 The available documentation reflects that RUC enquiries were generally comprehensive, leading to the prosecution of two individuals responsible for the bombing and the conviction of Person B for 12 counts of manslaughter. The circumstances surrounding the acquittal of Person A are subject of further commentary in the concluding chapter of this public statement.

8.20 The original MIRIAM documentation, including the card index, message forms, and action sheets could not be located within the PSNI estate, despite extensive enquiries by both this Office and HET. The absence of this material prevents reporting on the efficacy of the day-to-day management of the investigation. The assessment of this investigation is that this material was lost post the acquittal of Person A in 1980.

8.21 Nevertheless, the Police Ombudsman's investigation has identified a number of enquiries that do not appear to have been undertaken, as they would have resulted in additional documentation, outside of the investigation management records, such as forensic submission forms,

additional related reports, and witness statements. These types of documents are evident elsewhere in the investigation records.

8.22 In May 1978, police were aware of information linking a red Volkswagen Golf, containing Person B and Person D that was observed at Ardmonagh Gardens, West Belfast, on 17 February 1978 at 6:00pm. At 6:30pm, this car was seen leaving Ardmonagh Gardens with the yellow Fiat car linked to the bombing. There are no records that reflect enquiries having been undertaken in respect of the ownership and whereabouts of this vehicle.

8.23 Police Ombudsman investigators were unable to establish what, if any, enquiries were conducted by police in respect of the second warning call made from the Glenowen Inn, West Belfast, on 17 February 1978 at 9:04pm. This included whether a forensic examination was carried out at the relevant pay phone and whether a second individual, who spoke to the operator after the warning was issued, was ever traced, and spoken to, by police.

8.24 In June 1991, Person E was arrested on suspicion of serious terrorist offences unrelated to the bombing at La Mon House. However, previous intelligence had linked him to individuals believed to have been responsible for the bombing and also indicated that he absconded to the Republic of Ireland afterwards. Police also received information that Person E was driving a yellow Fiat car in West Belfast on the evening of 17 February 1978 and that he participated in the bombing.

8.25 Police Ombudsman investigators reviewed the RUC interview notes relating to Person E's arrest and detention. There is no record of him having been questioned about the bombing at La Mon House. The rationale for this omission was not documented in any of the available police records.

8.26 In September 1977, police received intelligence that Person F was an active PIRA member and explosives expert, In May 1978, further intelligence reported that Person F might have been involved in manufacturing the bomb that was detonated at La Mon House. Person F was also linked to other identified suspects. The Police Ombudsman investigation found no records regarding the dissemination of the intelligence to the RUC investigation team that was received in May 1978. Person F was arrested in August 1978; however, this investigation has not found interview notes relating to Person F and, as such, it is not known whether he was questioned about the bombing at La Mon House.

8.27 Police Ombudsman investigators were unable to identify what, if any, information was forthcoming from house-to-house enquiries and media appeals conducted by police, due to the lack of RUC documentation.

8.28 The same applied to interview notes of arrested suspects. With the exception of three suspects, all of the original interview notes cannot be located. It is not possible, therefore, to offer a definitive view on the quality and scope of the police interviews.

There was a lack of liaison between the RUC and the victims' families

8.29 In the past, issues of Family Liaison were significantly different to the current service provided to bereaved families. It was the responsibility of the SIO to engage with the family/families at an early stage of the investigation. However, after this engagement there was no structured contact system in place unless a significant development occurred. No formal or bespoke training existed. This changed following the murder of Stephen Lawrence in London on 22 April 1993. A public inquiry into Stephen's death highlighted significant failings in the police investigation, including the manner in which police communicated with the Lawrence family.

8.30 The inquiry, headed by Sir William MacPherson, stated, *'police services should ensure that at a local level there are readily available designated and trained Family Liaison Officers.'* He added that, where possible, such officers should be dedicated primarily, if not exclusively, to the role.

8.31 The MacPherson recommendations laid the foundation for modern day Family Liaison that today lies at the core of any SIO Investigation Strategy. The deployment of specialist trained officers to bereaved families is an important investigative tool ensuring that the SIO can communicate effectively, exchanging information with them in a timely, accurate, and emphatic manner.

8.32 This investigation established that, in addition to the MIR at Newtownards Police Station, the SIO set up a Casualty Bureau at Castlereagh RUC Station. This was for the purposes of co-ordinating the identification of victims and was supported by a dedicated team of police officers. The Casualty Bureau was responsible for liaison with family members and, in some cases, the collection of samples from them for comparison with samples from victims for the purposes of identification. Due to incomplete records, this investigation has been unable to definitively establish the extent of continuing communication between the RUC and the victims' families, or those representing them. However, I have found no evidence, or other information, to dissuade me that this concern raised by the victims' families is legitimate and justified.

Due to the involvement of the RUC's Special Branch in the investigation, *'collusion'* is suspected, principally in relation to the participation and protection of informants

8.33 The allegation of *'collusion'* has been raised by the families and their representatives and these concerns arise from the following:

I. The fact that Special Branch officers were involved in the early stages of the police investigation specifically in regard to interviewing suspects; and

II. Information contained in a Sunday Mirror newspaper article alleged a '*self-confessed MI5 agent, and another IRA informer had both been heavily involved in the La Mon operation*.' This information, combined with the fact that Special Branch officers were involved in the interviews of suspects, heightens the suspicion of *'collusion'*.

8.34 Police Ombudsman investigators sought to interview the journalist who wrote this article, with a view to establishing the evidence base for the allegation, but were unsuccessful in doing so.

8.35 Police Ombudsman investigators interviewed Police Officer 12, a former RUC Assistant Chief Constable (ACC), who stated that, from the early 1970s onwards, CID were under significant pressure, due to the high number of terrorist attacks, and lacked sufficient police officers to interview arrested suspects. Given this, it became common practice that police officers were often sourced from other RUC departments, including Special Branch, to carry out interviews. Although this investigation was unable to obtain an account from Police Officer 8, a Special Branch officer, who was involved in suspect interviews relating to the bombing of La Mon House, believed it was because of insufficient CID resources.

8.36 The Walker Report,[33] commissioned by the RUC Chief Constable in 1980, included a review of working relationships between CID and Special Branch officers during the criminal interview process. In addition to Special Branch officers being utilised for the above resourcing issues, the report also stated that it was good practice for Special Branch officers to support their CID colleagues during the interview process, where it was believed that an arrested suspect might provide intelligence to police. Although this report was commissioned two years after the bombing at La Mon House, it highlighted what Walker identified as good practice being in place at the time of the 1978 investigation.

8.37 Due to the families' concerns that informants may have been involved in the bombing at La Mon House, the Police Ombudsman included in the Terms of Reference for this investigation a consideration of whether the RUC were in receipt of information which, if acted upon, could have prevented the attack; whether an RUC informant was culpable in the bombing either by directing the attack or participating directly in it; and finally whether intelligence was withheld to the detriment of the investigation. Although this investigation has thoroughly examined these issues, the presumptive policy of neither confirm nor deny (NCND) applies as to whether any individual was an informant. I will not depart from the NCND policy in this instance.

8.38 This investigation has not identified any instance of malpractice in the handling, or relating to the participation and/or protection, of informants.

[33] The Walker Report – Interchange of Intelligence between Special Branch and CID, February 1981.

9 Relevant Law and Standards

Introduction

9.1 The Association of Chief Police Officers (ACPO) first published a *'Murder Investigation Manual'* in September 1998. This set out a framework for murder investigations and is designed to aid and guide the SIO throughout the investigation process. However, this was not in place at the time of the bombing at La Mon House.

9.2 It was not until 1984 that the RUC implemented the *'Major Investigation Incident Room Standardised Administrative Procedures'* (MIRSAP). This formalised management structures and processes within MIRs, acknowledging that it was essential for major investigations to have a structure of management that was immediately recognisable and understood by all police officers.

9.3 MIRSAP was designed to provide the SIO with '*an accurate record of all relevant information relating to the investigation, together with the enquiries made and results obtained.'* The system was also responsible for *'recording and linking all information…so that it may be readily retrieved to aid the SIO and their team to establish priorities. This will ensure that all enquiries are made efficiently, and the results analysed.'*

9.4 The recording of information entering MIRs was undertaken by a standardised manual procedure known as MIRIAM. In March 1988, the RUC introduced a computerised system known as HOLMES for the investigation of serious crimes. At the time of the bombing at La Mon House, none of these policies and procedures were in place.

Police Investigations

9.5 At the time of the 1978 investigation, there was no RUC Code of Ethics in place for police officers. However, the duties of a police officer were detailed in the RUC Code of Conduct and RUC Investigation Manual.

9.6 The relevant extracts from the RUC Investigation Manual relating to the investigation of murder, and other serious assaults, states that:

9.7 *'The principal points to be attended to in the investigation of a case of murder are:*

i. *Speedy communication of all information available.*

ii. *Arrangements for the pursuit of the criminal.*

iii. *Preservation of the scene until such time as it is examined.*

iv. *Examination of the scene.*

v. *Post-mortem examination.*

vi. *Interviewing and examination of suspects(s).'*

9.8 *'The principal duty of the police is to apprehend the culprit. If immediate action on the part of the person in charge of the sub-division is likely to achieve this, such action should be taken…'*

9.9 *'The preservation of the scene of a murder or serious assault for subsequent detailed examination is one of the most important duties of the police…it cannot be too strongly emphasised that any interference of the scene pending expert examination is likely to result in the destruction of valuable clues by even the best disposed.'*

9.10 *'The examination of the scene of a murder or serious assault is part of the investigation which, if conducted carefully, may yield clues of the utmost importance. It is essential, therefore, that it should be carried out by experience trained police under the best conditions obtainable as soon as possible after the discovery of the crime.'*

9.11 *'A detailed record in diary form of all duties carried out by all persons engaged in the investigation giving date, time, place and nature of the duty should be kept by the Officer-in-charge during all stages of the investigation.'*

9.12 The RUC Manual stated that, where a crime had been committed, police should immediately commence an investigation. Further, where no direct witness evidence existed, police were required to interview all individuals who might be able to provide relevant evidence. It emphasised that:

> *The primary duty of a Police Force is the preservation of the peace and the prevention and detection of crime'.*

Northern Ireland (Emergency Provisions) Act 1978

9.13 The Northern Ireland (Emergency Provisions) Act 1978 consolidated a number of statutes that had been enacted up until then dealing with the conflict in Northern Ireland that became known as The Troubles. It dealt with various investigative measures relating to the arrest, detention and investigation of individuals suspected of involvement in terrorist-related offences. Section 8 dealt with admissions by persons charged with terrorist offences and subsection (2) made provision for a trial judge to exclude any statement where there was an allegation it had been made as a result of torture or to inhuman or degrading treatment. Where such an allegation was made, the burden of proof was on the prosecution to satisfy the court that any admissions obtained by the person charged were not as a result of such treatment.

9.14 Section 8 of The Northern Ireland (Emergency Provisions) Act 1978 is relevant to the trial of Person A and is set out below:

Section 8 - Admissions by persons charged with scheduled offences

(1)In any criminal proceedings for a scheduled offence, or two or more offences which are or include scheduled offences, a statement made by the accused may be given in evidence by the prosecution in so far as—

(a) it is relevant to any matter in issue in the proceedings; and

(b) it is not excluded by the court in pursuance of subsection (2) below.

(2) If, in any such proceedings where the prosecution proposes to give in evidence a statement made by the accused, prima facie evidence is adduced that the accused was subjected to torture or to inhuman or degrading treatment in order to induce him to make the statement, the court shall, unless the prosecution satisfies it that the statement was not so obtained—

(a) exclude the statement, or

(b) if the statement has been received in evidence, either—

(i) continue the trial disregarding the statement; or

(ii) direct that the trial shall be restarted before a differently constituted court (before which the statement in question shall be inadmissible).

(3) This section does not apply to a summary trial.

9.15 The trial judge refers to this legislation when commenting on the admissibility of the confessional statements made by Person A.

Judges Rules

9.16 In 1972, the violence in Northern Ireland reached new levels. Following the events of '*Bloody Sunday*' on 30 January 1972, the United Kingdom (UK) Government imposed direct rule on 28 March 1972. A Commission was set up, chaired by Lord Diplock, to examine existing legal procedures for dealing with terrorist offences in Northern Ireland. Prior to the establishment of this Commission, the main means of dealing with terrorism related offences was by internment, under the Special Powers Act 1922.

9.17 The Diplock Commission made recommendations relating to new powers of arrest, search, and detention. It recommended a different standard of test in respect of the admissibility of '*confessional'* statements. These recommendations formed the basis of the Northern Ireland (Emergency Provisions) Act 1973 (the 1973 Act).

9.18 Prior to the 1973 Act, the admissibility of '*confessional'* statements depended on the prosecution proving beyond a reasonable doubt that the statement was a free and voluntary account. The accused could not be induced to make it by a promise of favour or by menace or threats. This rule, known as the common law test of admissibility, was the guiding one in all cases not tried under the emergency legislation.

9.19 The 1973 Act introduced the Diplock Commission's recommendation for a substantially modified test in respect of '*confessional'* statements. Section 6 of the 1973 Act stated that *'in any criminal proceedings for a scheduled offence a statement made by the accused may be given in evidence by the prosecution.'* Under section 6, a statement of this kind would only be excluded if '*prima facie*' evidence could be established that the accused had been subjected to *'torture or to inhuman or degrading treatment in order to induce him to make the statement.'*

9.20 The Court in R v McCormick stated that for treatment to fall within Article 3 of the ECHR it must be treatment of a gross nature. Therefore, it was the view of the Court that, if section 6 of the 1973 Act was construed in the same way as Article 3, then it was acceptable for an Interviewing Officer to '*use a moderate degree of physical maltreatment for the purpose of inducing a person to make a statement.*' However, the Court of Appeal in the case of R v O'Halloran stated that the Court found '*it difficult in practice to envisage any form of physical violence which is relevant to the interrogation of a suspect in custody and which, if it had occurred, could at the same time, leave a court satisfied beyond a reasonable doubt in relation to the issue for decision under section 6.*'

9.21 In such circumstances, the 1973 Act provided the court with the discretion to exclude a confession if it decided that it would be appropriate to do so in order to avoid unfairness to the accused, or otherwise, in the interests of justice. Although it is clear that this legislation deemed any violence on the part of an Interviewing Officer to be unfair, there was a difference between a '*moderate degree of physical maltreatment*' that was permitted and violence that was prohibited.

9.22 In October 1976, Home Office Guidance, appended with the Judges' Rules and Administrative Directions to Police, was adopted in Northern Ireland. These Rules and Directions were initially introduced in England and Wales in 1964. The Judges' Rules were '*concerned with the admissibility in evidence…of answers, oral or written*', and the Administrative Directions provided clarity to police as to how suspects should be treated during detention and questioning. They were guidance as opposed to legislation.

9.23 The Judges' Rules were underpinned by the following five core principles:

I. *That citizens have a duty to help a police officer to discover and apprehend offenders;*

II. *That police officers, otherwise than by arrest, cannot compel any person against his will to come to, or remain, in any police station;*

III. *That every person at any stage of an investigation should be able to communicate and consult privately with a solicitor. This is so, even if he is in custody, provided that, in such a case, no unreasonable delay or hindrance is caused to the progress of the investigation or the administration of justice in doing so;*

IV. *That when a police officer who is making enquiries of any person about an offence has enough evidence to prefer a charge against that person for the offence, he should without delay cause that person to be charged or informed that he may be prosecuted for the offence; and*

V. *That it is a fundamental condition of the admissibility in evidence against any person, equally, of any oral answer given by that person to a question put by a police officer and of any statement made by that person, that it shall have been voluntary, in the sense that it has not been obtained from him by fear of prejudice or hope of advantage, exercised or held out by a person in authority, or by oppression.*

9.24 The overriding consideration in assessing the admissibility of statements was principle V; namely, that the statement must be voluntary. I am of the view that the primary purpose of the Judges' Rules and Administrative Directions was the provision of guidance to police on how evidence should be collected and presented, so as to ensure its admissibility before the Court. Judges did not have a supervisory role in respect of police conduct

but advised how proceedings should be conducted in the courtroom. Although the Rules were formally adopted in Northern Ireland, their status remained unclear with some academics commenting that the Courts did not robustly and consistently apply them.

9.25 The Judges' Rules provided guidance to police officers regarding how after caution written statements were to be obtained. This included ensuring that the individual making the statement either wrote it themselves or told a police officer what to put in the statement. The Rules also provided guidance on the certification of statements.

9.26 In addition to the Judges' Rules, Appendix B of the Home Office Circular contained the '*Administrative Directions on the Interrogation and the Taking of Statements.*' These stated that '*a person in custody should be allowed to speak on the telephone to a solicitor or to his friends provided that no hindrance is reasonably likely to be caused to the processes of investigation, or the administration of justice by his doing so.*' The Administrative Directions also directed that those in custody should be informed of their right to speak with a solicitor, and that notices highlighting such rights '*should be displayed at convenient and conspicuous places at police stations and the attention of persons in custody should be drawn to these notices.*'

9.27 In 1977, Holding Centres were opened by the RUC at Castlereagh, Belfast, and Gough Barracks, Armagh, specifically for the interviewing of persons suspected of terrorist offences. The introduction of the Prevention of Terrorism (Temporary Provisions) Act in 1974 allowed police to arrest and detain, for up to seven days, with the approval of the Secretary of State. This constituted a move away from internment, with suspects being brought to court after questioning. However, the introduction of these Holding Centres led to many complaints of ill-treatment, similar to those made by Person A.

10 Conclusions

The Role of the Police Ombudsman

10.1 The role of the Police Ombudsman is set out clearly in Part VII of the 1998 Act. In the Loughinisland judgment,[34] the Court of Appeal ruled that the Police Ombudsman has no role in adjudicating on a complaint of criminality or misconduct. The decisions and determinations of these issues are matters for the Public Prosecution Service (PPS) and criminal courts in relation to allegations of criminality. In this instance, there was no evidence to justify a recommendation to the PPS that criminal proceedings be brought against any police officer. The main purpose of this public statement, therefore, is to address the questions and concerns of those victims' families who brought complaints to this Office.

10.2 In accordance with the statutory functions of the Police Ombudsman, I am also obliged to consider the question of disciplinary proceedings. However, due to the relevant police officers being deceased or retired, a misconduct investigation was not possible. This would normally include a misconduct interview, where the relevant officers would be asked to account for their decisions and actions after a misconduct caution. As stated by the Court of Appeal, it is not the role of the Police Ombudsman to determine whether or not police officers are guilty of misconduct. That is a matter for PSNI's Professional Standards Department (PSD) and the relevant police disciplinary panel in respect of serving police officers.

10.3 The investigation of complaints about historical matters presents unique challenges due to the passage of time and unavailability of relevant witnesses and documentation. However, Police Ombudsman investigators gathered substantial information during the course of this investigation. This included witness statements, police documentation,

[34] Re Hawthorne and White's application for Judicial Review. 2020 [NICA] 33.

and other material within the public domain. This Office is unable to compel retired police officers to assist in a witness capacity. However, a number of former police officers co-operated with this investigation. I am grateful for their assistance.

10.4 I am mindful of the context within which the original police investigation was conducted, and the rules and standards that existed in 1978, particularly relating to the requirements on those conducting murder investigations. There are now a range of legal instruments governing police actions and decisions, including the Human Rights Act 1998 and the Regulation of Investigatory Powers Act 2000. Most significantly, in terms of policing standards and practices, the Major Incident Room Standardised Administrative Procedure (MIRSAP) was introduced in 1981 and adopted by the RUC in 1984. The Murder Investigation Manual was introduced in 1998 and operated with the new standard programme for Senior Investigating Officers.

10.5 PSNI Crime Operations Department was established in 2004. PSNI have stated that, *'this department is headed by a single Assistant Chief Constable thereby ensuring consistency, transparency, and accountability across all investigative and intelligence functions within PSNI.'*

10.6 Although RUC regulations in 1973[35] provided for a Discipline Code for officers, the PSNI Code of Ethics was first introduced in 2003 and then amended in 2008.

10.7 At the time of the bombing at La Mon House, there was a less developed regulatory framework governing policing practices. Since 1978, dramatic changes have taken place within the political environment, legal frameworks governing policing in Northern Ireland, and police accountability mechanisms.

[35] Royal Ulster Constabulary: Discipline and Disciplinary Regulations 1973. No. 248 Schedule 1.

These changes include:

i. The Police (Northern Ireland) Act 1998 (the 1998 Act);

ii. The Good Friday Agreement 1998;

iii. The Human Rights Act 1998;

iv. The Patten Report 1999, which resulted in the creation of the PSNI;

v. The Regulation of Investigatory Powers Act 2000 (repealed in part by the Investigatory Powers Act 2016); and

vi. The creation of the Office of the Police Ombudsman for Northern Ireland in 2000, and the establishment of the Northern Ireland Policing Board (NIPB) in 2001.

10.8 In January 2014, this Office was notified of a complaint by Ulster Human Rights Watch (UHRW) on behalf of the victims' families. Subsequently, a number of the victims, survivors, and family members made statements of complaint that were accepted for investigation. A formal investigation was commenced in September 2021 to address the questions and concerns raised in the UHRW submission and statements of complaint.

10.9 The Police Ombudsman must act lawfully and fairly in the exercise of her functions as provided for under Part VII of the 1998 Act. In the Loughinisland judgment, the Court of Appeal unanimously ruled on the nature and scope of the powers of the Police Ombudsman under that legislation. This includes how the Ombudsman will address complaints about the actions of former police officers. In this regard, in June 2024, pursuant to paragraph 9 of schedule 3 of the Police (Northern Ireland) Act 1998, the Police Ombudsman delegated her authority to the undersigned to undertake her functions.

10.10 In that context, I have considered the questions and concerns raised by the victims' families in relation to the RUC investigation and also concerns about *'collusion'.* I have carefully assessed the evidence and other information gathered during this investigation and detailed my findings in respect of the complaints in this public statement.

The RUC investigation

10.11 On Friday 17 February 1978 at 8.51pm, a male caller dialled '*999*' and told the operator, "*There are three bombs in La Mon House and one in the car park.*" Due to a fault with a telephone line, there was a delay of six minutes in the warning being passed to the RUC Communications Centre at Belfast who received the information at 8.57pm. Details of the warning were quickly passed to the Operations Room at Newtownards RUC Station, where a police officer immediately tasked police to attend La Mon House and telephoned the premises to be told that the bomb had just exploded. Police then requested that the Fire Brigade and ambulances attend the scene. A second warning telephone call was made to '*999'* at 9.04pm, after the bomb had exploded.

10.12 The initial police response to the bombing was prompt and well managed. The first police officers to attend the scene displayed courage and professionalism in seeking to save lives and tend to the injured. Accounts taken from those present reflect similar efforts by staff and guests at the premises, all of whom were confronted with an extremely chaotic, distressing, and dangerous situation.

10.13 A Major Incident Room was established at Newtownards RUC Station. More than 100 detectives from both the RUC's Criminal Investigation Department (CID) and Special Branch (SB) were involved in the murder investigation. In the context of the significant pressures and challenges faced by the RUC at that time, I am of the view that the police investigation was well resourced and received direction from the highest levels of the RUC.

10.14 A Casualty Bureau was set up at RUC Castlereagh to deal with enquiries from relatives and friends of the deceased and injured. Within six days, police had formally identified all of the deceased. A comprehensive campaign appealing for information about the bombing included media announcements, the distribution of thousands of leaflets to members of the public, and enquiries with residents, businesses, and the congregation of a church local to La Mon House.

10.15 My ability to provide a definitive view on the effectiveness of the RUC investigation, including whether all appropriate lines of enquiry were pursued, has been hindered by the unavailability of certain documentation generated by the investigation. Investigation management records, such as index cards, message forms, and action sheets, but also scenes of crime examination notes, and many police notes, recorded contemporaneously during interviews of those arrested, cannot be located.

10.16 Other than to make the observation that these records are likely to have been lost or destroyed prior to 2005, at which time the PSNI Murder Archives commenced collation of all murder investigation papers to one central storage facility, it has not been possible to establish the circumstances in which these records were lost. The loss of these types of legacy records is not, however, unique to the police investigation of the bombing of La Mon House but is a systemic issue.

10.17 The whereabouts of a number of exhibits recovered by police in connection with the bombing are similarly unaccounted for, including remnants of the bomb. In 2010, the PSNI's Historical Enquiry Team (HET) submitted a number of items that had been retained to Forensic Science Northern Ireland (FSNI) for DNA examination. Although DNA was recovered, it was insufficient to develop a profile. FSNI have observed that developments in this science may provide for further DNA opportunities. In 1978, police officers would not have been aware of the future forensic

science opportunities that would be presented by DNA. Various terrorist attacks, including the 1992 bombing of the Forensic Science Laboratories at Newtownbreda, also resulted in the loss of a great deal of evidential material. The loss of exhibits relating to La Mon House is, however, unexplained.

10.18 Nevertheless, the majority of records generated by the RUC investigation of the bombing of La Mon House, including substantial files of evidence, remain intact and have been reviewed by the Police Ombudsman's investigation.

10.19 Following the bombing, the then Chief Constable of the RUC directed a '*disruptive lift'*, meaning that arrests were to be made to disrupt the activities of PIRA. These arrests were of possible suspects or persons who might have had knowledge of the bombing. The police operation that followed between 18 February and 24 February 1978 resulted in the arrest of 35 people, including individuals police believed had been responsible for a number of previous incendiary attacks on commercial premises and others suspected of being senior members of the Provisional Irish Republican Army (PIRA). The arrests were made under prevention of terrorism legislation. A small number of further arrests were also made by police later in 1978 and during subsequent years.

10.20 Victims and survivors of the bombing of La Mon House have expressed concern at the involvement of Special Branch (SB) in the interviews of the individuals arrested following the attack and whether, because of this, certain individuals may have been protected from the investigation. Although most interview notes are no longer available, the Police Ombudsman's investigation has had access to details of the dates, times, and duration of these interviews and by whom they were conducted. This confirmed that detectives from both Special Branch and CID interviewed most of those arrested following the bombing of La Mon House. It has been suggested to the Police Ombudsman's investigation that, due to the

number of individuals arrested following the bombing, Special Branch officers were employed to support their CID colleagues for the purposes of investigative interviewing. The prevailing practice of that time was also to afford Special Branch the opportunity to interview suspects when intelligence gathering opportunities were presented.

10.21 Of some 300 interviews conducted of suspects between 18 and 28 February, two thirds were undertaken by Special Branch detectives. The Police Ombudsman's investigation established that, although initial interviews of suspects were generally conducted by CID officers, there were occasions when Special Branch were the sole interviewers. The limited number of surviving interview notes reflect that where Special Branch were the first to interview suspects they were questioned about the bombing of La Mon House. This tends to support the suggestion that, in addition to their main function of intelligence gathering, Special Branch were deployed to the investigation to augment the available CID resources.

10.22 Although the majority of those arrested were subsequently released without charge, a number were charged with offences not directly related to the bombing of La Mon House. Person A was among those first arrested, but it was not until he was re-arrested in September 1978 that he made admissions to RUC interviewing officers about his role in the bombing of La Mon House, stating that he had supplied the bomb. He was charged with 12 counts of murder and other offences and remanded in custody. His trial commenced on 16 January 1980.

10.23 Person B was arrested in May 1980 and, during his detention, confessed to having been involved in hijacking the car used to convey the bomb to La Mon House. He also admitted being party to planting the bomb. Person B was charged with 12 counts of murder and other offences and remanded in custody. During the course of his trial, which commenced on

8 September 1981, Person B entered guilty pleas to 12 charges of manslaughter and was convicted accordingly.

10.24 Concern has been raised by bereaved families about a newspaper article published in 2012 concerning the alleged involvement of two individuals in the bombing of La Mon House, one of whom was named. The Police Ombudsman's Office applies the presumptive policy to '*neither confirm nor deny*' that any individual is or was an informant, but this investigation has not seen evidence or intelligence that would support the broader inference contained within the article of malpractice by police officer(s).

10.25 This investigation has identified a number of matters that do not appear to have been subject of scrutiny by the RUC investigation. If they had been, supporting documentation outside the categories of material lost would have been evident.

10.26 The accounts of survivors provide harrowing evidence of the designated fire exit from the Peacock Room having been obstructed by furniture in the adjoining room. In a statement to the RUC investigation, a member of La Mon House staff described the placement of the furniture as having resulted from it being moved out of the Peacock Room to make space for a temporary stage and to prevent guests from moving between different functions. There is no suggestion that sinister motives informed the decision to obstruct the door. However, the available police investigation material does not indicate that thorough enquiries were undertaken in respect of the obstruction of the fire exit.

10.27 There is no record of enquiries having been conducted in respect of the second warning call made on 17 February 1978 at 9:04pm from a public telephone at the Glenowen Inn on the Glen Road, West Belfast.

10.28 Information received by police in May 1978 indicated that, at 6.00pm on 17 February, a red Volkswagen Golf car, containing Person B and D, was seen at Ardmonagh Gardens, West Belfast. The same information also reported the car was seen leaving that location at 6:30pm, in convoy with a yellow Fiat car believed to have conveyed the bomb to La Mon House. Police Ombudsman investigators found no record that this line of enquiry was pursued by police.

10.29 Information was available to police, during the months following the bombing at La Mon House that implicated Person E who was understood to have relocated to the Republic of Ireland. He was arrested in 1991, but the Police Ombudsman's investigation has not identified any records that he was questioned about the bombing at La Mon House.

The Trials of Person A and Person B

10.30 In April 1980, the judge presiding over the trial of Person A, who had detailed serious allegations of mistreatment by police, ruled his confessions to be inadmissible. In the absence of other evidence implicating Person A in the bombing, this led to the dismissal of the case against him on all charges except for membership of PIRA, a proscribed organisation.

10.31 In excluding the confessional statements, the Judge found that Person A had '*maintained a remarkable consistency in his evidence about the infliction of ill treatment during a long and searching cross examination by [the prosecution]…I was very much struck by this, contrasting so vividly, as it did, with the obvious unreliability of other parts of his evidence'*.

10.32 The Judge expressed disquiet at the conduct of police officers throughout the interview process at RUC Castlereagh. He expressed concern about Person A's access to a solicitor and doctor stating, '*I think it is at least reasonably possible that [Person A] did ask for a solicitor and a doctor contrary to what police say'*. He continued that there was a

'*reasonable possibility on the evidence of three doctors that Person A showed some objective signs of ill treatment….although a considerable amount of the physical assault he described is not supported by the medical findings, but again there must be some allowance made for the technique of striking without marking'*.

10.33 In respect of the evidence from the officers who allegedly ill-treated Person A, the Judge stated that he was not impressed by their evidence. He was critical of a number of officers, including two whose evidence he described as *'not at all convincing'*.

10.34 The Judge stated '*I do not think the written statements were dictated in the spontaneous and fluent manner the police evidence implied or that the verbal admissions all came at the time or in the manner police said they did*.' He concluded that '*I cannot say that I am satisfied beyond reasonable doubt that the verbal and written statements challenged were not adduced by torture or inhuman or degrading treatment.'*

10.35 As a consequence of the prosecution not satisfying the court to the requisite standard of proof that Person A had not been subjected to torture or to inhuman or degrading treatment in order to induce him to make his confessional statements, the trial judge excluded the statements made by Person A under Section 8(2) of the Northern Ireland (Emergency Provisions) Act 1978. Having reached this decision, the trial judge did not need to consider whether there had also been any breaches of the Judges Rules and Administrative Directions in the obtaining of these confessional statements. As a consequence of the confessional statements being excluded, the case against Person A on all the charges relating to the bombing of La Mon House and other offences was dismissed.

10.36 Following the conclusion of the case against Person A, Police Officer 8 communicated the outcome of the trial to the Divisional Commander concerned. This included his assessment that '*at no time during the ruling which lasted nearly two hours did [the trial Judge] accuse any police*

officers of ill-treating [Person A]'. I am of the view that this report not only lacked candour but could have led to allegations of misrepresentation of the judgment. Other than to seek a statement of complaint from Person A, who declined to engage, the RUC Complaints and Discipline investigation, that had been suspended pending the outcome of the trial, did not further pursue Person A's allegations of ill treatment.

10.37 Person B's trial commenced on 8 September 1981. During the trial Person B pleaded guilty to 12 counts of manslaughter.

Intelligence

10.38 This investigation has reviewed significant volumes of intelligence relating to events preceding the bombing of La Mon House, the circumstances of the bombing and those suspected to have been involved. No intelligence seen by this investigation revealed an intention or plan to bomb La Mon House.

10.39 The intelligence is generally consistent in attributing the bombing of La Mon House to Persons A to G. It also indicates that senior members of PIRA, or persons associated with it, had adopted the position that the attack had not been sanctioned and that following the bombing at least some of those responsible had been directed to leave the jurisdiction.

10.40 This investigation has also examined whether all relevant intelligence was shared with detectives investigating the bombing and if any individual was '*protected'* from the RUC investigation due to their status as an informant.

10.41 This investigation has not identified evidence that any individual was protected from the police investigation of the bombing of La Mon House. Neither has it been established that any significant intelligence was withheld from the police officers investigating the bombing.

Overall Conclusions

10.42 The bombing of La Mon House by the Provisional IRA (PIRA) on the evening of 17 February 1978 resulted in the deaths of 12 members of the public and left numerous other victims and survivors with physical and emotional scars, which they carried throughout their lives.

10.43 During interview of a suspect, Police Officer 8 outlined a compelling case for the bombing having been intended to cause death and injury rather than being limited to damaging La Mon House. Police Officer 8 stated this intent could be seen from the time of day at which the bomb exploded, the inadequate warning provided, and the dimensions of the device. When interviewed by police, an individual suspected of being a senior member of PIRA speculated that British State forces may have been responsible in order to '*stir things up*' between the two communities. On 20 February 1978, the Secretary of State for Northern Ireland, Roy Mason, stated in Parliament, "*By its very nature this murderous attack was likely to cause extensive casualties, and those who planned it and carried it out cannot now pretend that they could not foresee the carnage that it would cause*".

10.44 The confidence of some victims and survivors in the RUC investigation has been undermined by the lack of prosecutions generally, the dismissal of the case against Person A, and only one conviction secured in respect of the bombing; public speculation that one or more individuals involved in the attack were informants, the implication being they were '*protected'* from the police investigation; the loss of certain RUC investigative material and general conduct of that investigation and poor levels of what is now known as Family Liaison. Understandably, these concerns caused the victims and survivors to seek redress, leading to calls for a public inquiry in response to which they were directed to the Office of the Police Ombudsman.

10.45 The role of the Police Ombudsman is confined to the examination of police conduct. The investigation of complaints by victims and survivors of the bombing of La Mon House has, therefore, focused exclusively on the RUC's investigation and handling of related intelligence. The Police Ombudsman's Office cannot perform the role of a public inquiry.

10.46 The Police Ombudsman's investigation has examined a considerable volume of intelligence, and I am satisfied that there was no intelligence that, if acted upon, could have prevented the bombing of La Mon House.

10.47 The evidence and intelligence viewed by the Police Ombudsman's investigation assigns responsibility for the bombing of La Mon House to PIRA and specifically to those who directed, enabled, and perpetrated the atrocity. It does not suggest the involvement of any state agency, as was initially suggested by an individual arrested by police shortly after the bombing and who was suspected to be a senior member of PIRA.

10.48 The substantial intelligence viewed by the Police Ombudsman's investigation consistently identifies Persons A to G as having been responsible for planning and carrying out the bombing at La Mon House. On the basis of the available information, including the timing of arrests, I am of the view that, with the exception of Person E, it is more likely than not that they were interviewed by police about the bombing at La Mon House. With the exception of Person A and Person B, none of these individuals made admissions, and in the absence of other evidence were not prosecuted in connection with the bombing.

10.49 I have also considered the circumstances surrounding the inadequate warning given to those present at La Mon House on the evening of 17 February 1978. It is my view that no responsibility in this regard can be attached to any person other than those who perpetrated the attack.

10.50 The judge presiding at Person A's trial found that the prosecution had failed to prove beyond reasonable doubt that Person A had not been

subjected to torture or to inhuman or degrading treatment during the recording of a number of his confessional statements. The judge held Person A's allegations had the '*flavour of possibility of truth. It leads me to the conclusion that I have not heard all that went on at Castlereagh from the police over those four days in September.*' This alleged ill treatment of Person A points to a violation of the rule of law by the police officers involved.

10.51 The nature of the conduct alleged by Person A and which concerned the court not only threatened to tarnish the integrity of the La Mon House bombing investigation, in that it failed to protect the rights of Person A, but also failed to serve the confidence and interests of the victims and survivors, the wider public, and the interests of justice.

10.52 A number of matters that should have been subject of scrutiny by the RUC investigation have been highlighted in this public statement. The apparent absence of enquiries in respect of these issues may have been clarified in documentation that is no longer available but on balance I am of the view that those enquiries were not undertaken. These enquiries relate to the red Volkswagen Golf believed to have conveyed the bombers away from La Mon House, the lack of enquiries at the Glenowen Inn from where the second '*999'* warning call was made, the failure to interview Person E about his involvement in the attack, and reaching an outcome regarding the circumstances in which the fire exit in the Peacock Room was obstructed. Investigative rigour should have been applied to these matters.

10.53 The families who brought complaints to the Police Ombudsman expressed concern at inadequate communication from the police investigation. The position with what is now known as Family Liaison within police investigations is in marked contrast to the arrangements that were in place in 1978. Significant developments in Family Liaison have taken place over the past 25 years. The frustration of the victims and

survivors of the bombing at La Mon House is understandable, and I acknowledge that their concerns in this regard are legitimate.

10.54 A range of RUC investigation material relating to the bombing of La Mon House, including case management records, interview notes of many individuals arrested following the bombing, and a number of case exhibits, cannot now be located. Legislation enacted to ensure criminal investigations and trials are fair, objective, and thorough, and that places an obligation on police to retain and disclose material gathered during their investigations did not come into effect until 1996. Nevertheless, the loss of documents, arising from the RUC investigation of the bombing of La Mon House, should not have occurred and could yet serve to undermine future investigation of the atrocity and prosecution of those responsible. In this respect the concerns of the victims and survivors are justified.

10.55 The substantial police investigation files, associated documentation, and intelligence records reviewed by this Office, together with explanatory accounts from a number of former police officers and other enquiries, leads me to conclude that there was earnest endeavour by the RUC to bring those responsible for the bombing of La Mon House to justice. The Police Ombudsman's investigation has not seen evidence or intelligence that any police officer sought to 'protect' any individual suspected to have been involved in the bombing from investigation or prosecution through the withholding of intelligence or otherwise. However, maintenance of the investigation did not maintain the same rigour. This manifested in the loss of investigative material and the failure to interview Person E in relation to the bombing at La Mon House when he was arrested in 1991.

10.56 I have taken into account the limitations on my powers to decide on a complaint of *'collusion,'* as outlined in the Court of Appeal judgment in Re Hawthorne and White. I am of the view, based on all available evidence

and information, that *'collusive behaviours'* were not a feature of the RUC investigation of the bombing of La Mon House on 17 February 1978.

10.57 The original investigation, though conducted with earnest effort, was compromised by issues surrounding the interviews of Person A that threatened to affect its integrity. The concerns of the victims and survivors regarding the failure of police to maintain the investigation effectively, as evidenced by the loss of documents, exhibits, and the absence of evidence that Person E was interviewed about the bombing at La Mon House are also justified. These issues have collectively diminished the confidence of some victims and survivors of the bombing of La Mon House.

10.58 Finally, I would like to thank the victims' families and survivors of the bombing at La Mon House for their patience in awaiting the outcome of this investigation.

Paul Holmes
Senior Director of Investigations
11 December 2024

Additional copies of this and other publications are available from:

Police Ombudsman for Northern Ireland
New Cathedral Buildings
Writers' Square
11 Church Street
Belfast
BT1 1PG

Telephone: 028 9082 8600

Email: info@policeombudsman.org

These publications and other information about the work of the Police Ombudsman for Northern Ireland are also available on the Internet at:

Website: www.policeombudsman.org