

**BBC Panorama response to the “Review of intercepted intelligence in relation to the Omagh bombing “<sup>1</sup>by the Intelligence Services Commissioner Sir Peter Gibson arising from transmission of Panorama: “Omagh - what the police were never told.”<sup>2</sup>**

**SUMMARY**

1. The failings of the intelligence gathering services (which for the purposes of this document include Special Branch) in helping to deliver the solemn promises by ministers that no stone would be left unturned in the efforts of the security forces to catch the perpetrators of the Omagh bombing lay at the core of Panorama as embodied in the title: “Omagh – What the police were never told.”
2. Yet this was not the issue on which the Intelligence Services Commissioner Sir Peter Gibson and the Northern Ireland Secretary concentrated.
3. A close reading of Sir Peter Gibson’s Review shows that **he has, in fact, provided confirmation of the heart of the programme** - that GCHQ *were* monitoring the mobiles of some of the bombers during the bomb run,<sup>3</sup> though he has avoided saying so in terms. Instead Sir Peter has criticised the way Panorama addressed a different issue: whether the intercepts could have helped prevent the bombing in the first place.
4. **Both Sir Peter and the Northern Ireland Secretary Shaun Woodward have misrepresented what Panorama said about the degree to which the bombing could have been prevented. No assertion that the bombing was preventable was made by the programme or anybody taking part in it.**
5. Sir Peter does not challenge Panorama’s allegation that the CID were never told about the fact that interception had taken place, or that they were never provided with intercepted telephone numbers used by some of those involved in the bombing. **But he does not deal with why the CID did not get this critical assistance.**
6. Sir Peter comments only on the “cautious way” Special Branch shared intelligence with the CID but says that **it was “not part of the terms of my Review” to investigate this or the reasons** for it, even though he also says his remit was to investigate the extent to which intercept intelligence was shared at each stage of the intelligence chain: from GCHQ to the CID via their interlocutors, Special Branch.<sup>4</sup>
7. **Sir Peter makes no criticism of GCHQ for the failure of the CID to be told that GCHQ had evidence in the form of telephone numbers which would have offered a paper trail to detectives desperate for early arrests.**

---

<sup>1</sup>[http://www.nio.gov.uk/Review\\_of\\_intercepted\\_intelligence\\_in\\_relation\\_to\\_the\\_omagh\\_bombing\\_of\\_15\\_august\\_1998.pdf](http://www.nio.gov.uk/Review_of_intercepted_intelligence_in_relation_to_the_omagh_bombing_of_15_august_1998.pdf)

<sup>2</sup><http://news.bbc.co.uk/1/hi/programmes/panorama/7611300.stm>

<sup>3</sup> Para 27 Gibson Review

<sup>4</sup> Para 8 Gibson Review

**Yet he implies that it was GCHQ's own non disclosure rules that denied this vital assistance to the detectives.**

8. Last summer reporter John Ware told the then head of the Omagh Bomb Inquiry that he had been told by credible sources that some of the mobiles used by the bombers had been monitored on the day of the bombing. In an email, the then Senior Investigating Officer Detective Chief Superintendent Norman Baxter responded: "As the current SIO I would be somewhat saddened if what you are saying from your research is true as it would mean that **the investigation on the 15th August was effectively sabotaged through the starvation of essential intelligence** which would have created immediate opportunities for executive police action to bring the culprits to justice, to search their homes and to recover vital evidence. This opportunity did not arise for many weeks and in the case of two key witnesses 9 months."<sup>5</sup> The core justification for Panorama can be expressed in no clearer terms.
9. **Sir Peter's heavily circumscribed Review raises virtually as many new questions as it claims to answer.**

#### **NON DISCLOSURE of INTERCEPT INTELLIGENCE**

*Key Panorama claims admitted or not challenged by Sir Peter Gibson or the government*

10. Panorama disclosed the new and important fact that GCHQ had been monitoring the mobiles of some of the bombers on their way to Omagh.
11. **The Northern Ireland Secretary Shaun Woodward appears to have acknowledged in terms that mobiles were being intercepted on the day of the bombing.**<sup>6</sup> By devoting the bulk of his 16 page report to GCHQ intercept procedures, most particularly those which applied on the day of the bombing itself ( with no denials that intercepts took place) we regard Sir Peter as having provided confirmation of this.
12. **Panorama said that the detectives hunting the bombers were never told that some of the bombers had been using mobile phones. Nor were they ever told there were telephone numbers – something the detectives came to suspect but were left to work out for themselves from laboriously trawling through telephone billing and cellsite analysis**<sup>7</sup> For the Omagh bombing and four main bombings linked to it, in total this process took nine months by which time the trail had gone cold and forensic and other evidential opportunities had long since been lost. **Again, this has not been challenged by Sir Peter or Mr Woodward.**

---

<sup>5</sup> e mail Norman Baxter to John Ware 1 June 2008

<sup>6</sup> "...if there is something to be taken from a Review of the way the intercept evidence was shared at the time, then we will look at that ....we will look at the use of the intercept evidence and how it was shared that day." On 15 October replying to a parliamentary question from MP Andrew McKinley, Mr. Woodward again referred to intercepts from the day of the bombing: "He will know that the Prime Minister has asked Sir Peter Gibson to conduct an urgent Review to consider the way in which the intercept evidence was shared and used that day." Northern Ireland Secretary Shaun Woodward interviewed BBC NI 18 Sept 08

<sup>7</sup> Identifying which mobiles were communicating with which base station (mast) and at what time

13. Sir Peter clearly implies that GCHQ procedures did not allow any disclosure which would have indicated that telephone interception was the source of intelligence: **“GCHQ’s permission had to be sought for the use of intelligence in a ‘sanitised’ form, that is without revealing its source, to carry out some authorised action.”** This, says Sir Peter, was to protect “GCHQ’s capabilities sources and methods.”<sup>8</sup>
14. However, Sir Peter does disclose that it would have been possible for Special Branch to *apply* to GCHQ for further disclosure and wider dissemination of any intelligence arising from intercepts. No such request was made, he says. Sir Peter admits that because of the terms of his reference, he has not investigated the reasons why Special Branch (South) acted in the “cautious way that it did, nor have I investigated the soundness of those reasons.”<sup>9</sup> **Yet that very issue lay at the heart of Panorama which caused the Prime Minister to order the Review in the first place.**
15. Sir Peter says he does not doubt that “Special Branch (South) took the (*cautious*) action it did for what it considered to be good operational reasons.”<sup>10</sup> **Again Sir Peter does not explain why he gives Special Branch the benefit of the doubt when, on his own admission, he did not investigate the “soundness of those reasons.”**
16. Panorama said: *“We’ve been told there were five telephone numbers in all.”* **Neither the Northern Ireland Secretary nor Sir Peter Gibson has challenged this.**
17. Panorama said: *“One source says the Special Branch got the intercepts within six hours of the bombing”* on Saturday 15 August 1998. We contend that **Sir Peter implicitly accepts this** when describing the events including the day of the bombing (15 August): “...written intelligence reports **were issued within hours of interception again** in broad accordance with procedures agreed between GCHQ and Special Branch (South).”<sup>11</sup>
18. **Sir Peter** implies that intercepts “on and after 15 August” were sent simultaneously to RUC HQ and Special Branch (South) who, we understand, tasked GCHQ to intercept a number of mobiles in the first place. According to Sir Peter, the normal procedure was the arrival first of a telephone briefing “almost immediately after a call...in near real time”, followed “within hours”

---

<sup>8</sup> Para 23

<sup>9</sup> Para 33 Gibson Review

<sup>10</sup> Ibid

<sup>11</sup> Para 27 Gibson Review: “Throughout 1998, before, on and after 15 August, GCHQ ensured that intelligence from any interception that might have been relevant to RUC Special Branch for its operational purposes was promptly being made available to them; this included near real time provision of information by telephone (that is almost immediately after a call had been listened to itself in near real time) in accordance with pre-agreed criteria. In addition, written intelligence reports were issued within hours of interception again in broad accordance with procedures agreed between GCHQ and Special Branch (South). I am satisfied that in the days surrounding 15 August, and on the day itself, to the extent that any relevant intelligence was derived from interception, it was shared with RUC HQ and Special Branch (South) promptly and fully, and done so with the latter in accordance with procedures agreed with Special Branch (South).”

by a “written intelligence reports” (which we believe are transcripts in note form).<sup>12</sup>

*What were the CID briefed and when?*

19. According to Sir Peter, Special Branch (South) “identified to the investigation team those persons it believed to have been involved in the bombing..” based on an “all source intelligence picture” (*presumably including intercept intelligence*) “on only two occasions.” He says the first briefing took place on 20 August, 5 days after the bombing.<sup>13</sup> We ourselves had identified a delay which was why, two months before transmission, we asked both the PSNI Chief Constable and the Home Office department dealing with press inquiries in respect of the intelligence services for an explanation. Both PSNI and the Home Office refused to engage in any sort of discussion, on or off the record. Nor does Sir Peter provide an explanation as to why it took five days before any briefing of CID took place. **However what Sir Peter says about what was briefed to the CID and when is not consistent with the recollection of some CID officers who John Ware knows Sir Peter has not interviewed; nor is it consistent with what he understands is in the official CID Inquiry log.**
20. John Ware has (obviously) not had access to the “very sensitive and highly classified material made available” to Sir Peter.<sup>14</sup> However he did ask his CID sources if there was any record of a Special Branch briefing on or around 20 August. He was told there was none.
21. In 1998, the Senior Investigating Officer was Detective Chief Superintendent Hamilton “Hammie” Houston. Prior to transmission Mr Houston was asked if he recalled a briefing from Special Branch (South) on or around 20 August. Although Mr Houston has made it clear he could not be sure at this distance, he did say: ”I would have felt it was a greater gap between the incident and meeting.”<sup>15</sup>
22. Although Sir Peter implies that Special Branch (South) received the GCHQ intercepts within hours of the bombing, the then head of Special Branch (South) has insisted he did not see them until Tuesday 18 August, three days after the bombing. This former officer has been quite categorical about that.<sup>16</sup>
23. The then overall Head of Special Branch has been equally categorical (to the former Assistant Chief Constable of Crime Ray White and others) that he knew nothing about the intercepts until he was informed of them by telephone by the head of Special Branch (South). According to HSB’s best recollection, this was also, at the earliest, Tuesday 18 August, three days after the bombing.<sup>17</sup>

---

<sup>12</sup> Para 27 Gibson Review

<sup>13</sup> Para 33

<sup>14</sup> Para 2 Gibson Review

<sup>15</sup> Contemporaneous note from confidential source

<sup>16</sup> Confidential sources

<sup>17</sup> Contemporaneous note from confidential source

24. The then Task Force Commander was Detective Chief Superintendent Eric Anderson. Part of Mr Anderson's remit was to liaise with Special Branch. While Mr Houston is uncertain when he was first briefed by Special Branch (South), Mr Anderson has had no record or recollection of a meeting on 20 August, the day when Sir Peter Gibson says the "Investigation Team" was briefed by Special Branch (South).<sup>18</sup> However, a record has existed of Mr Anderson's duties on 20 August and this showed that they included a meeting with Mr Houston. He is reported as having told Mr Anderson that he had been briefed that day - not by Special Branch (South) - but by Special Branch (North) Region in whose district Omagh was situated. According to this record, Mr Houston reported to Mr Anderson that Special Branch (North) had briefed that the dissident republican unit that had bombed Omagh "had not been involved before (*in previous bombings*). The unit was one of three based in Monaghan, Dundalk and South Armagh. Anyone could have been employed in those three units."<sup>19</sup> **If that was Special Branch (North)'s assessment to Mr Houston, based on what they had been briefed by Special Branch (South), it was self evidently wrong since Omagh was linked directly to a previous series of devastating car bombings, the most recent being Banbridge where a massacre had been narrowly averted two weeks prior to Omagh.**
25. A record has existed of Mr Anderson having a meeting with Special Branch (South) at 2.45pm on 29 October 1998 at Mahon Road, Portadown. Present were Mr Houston and a number of Special Branch officers from both regions including the respective heads of Special Branch (South) and North. Following that meeting Mr Anderson put in a written request for all possible intelligence available from previous linked bombings to be shared with the CID. We have been told no response was forthcoming.<sup>20</sup>
26. In respect of "names" of suspects which Sir Peter avers were given by Special Branch to the CID on 20 August, Mr Anderson has no recollection, nor has he had any record of having received any names of suspects on that day. A record has existed to show that on 20 August Mr Anderson had been told by Mr Houston that Special Branch (North) had briefed him that some names would be provided in the course of the next few days.<sup>21</sup> **In the event, the CID's own log shows no names of suspects from Special Branch having been entered into the CID system until 9 September.**<sup>22</sup>
27. Sir Peter implies that GCHQ procedures did not allow Special Branch (South) to disclose the fact that intelligence had been obtained through intercepts not just to the CID but "even within Special Branch." Any dissemination thereof needed GCHQ's authority "and a form of words agreed."<sup>23</sup> **Therefore, three questions arise:**

---

<sup>18</sup> Confidential source

<sup>19</sup> Contemporaneous note from confidential source

<sup>20</sup> Confidential source

<sup>21</sup> Confidential source

<sup>22</sup> Confidential source

<sup>23</sup> Para 23 Gibson Review

- **In accordance with GCHQ’s strict no-source disclosure rules “even within Special Branch” (as laid down by the GCHQ Director) did Special Branch (South) sanitise the intercept intelligence to Special Branch (North) by not informing the latter of the existence of telephone transcripts and the numbers of telephones used by some of those involved in the Omagh bombing?**
  - **If there was a 20 August briefing to CID, was that at the behest of Special Branch (South) and facilitated through Special Branch (North) - not a briefing given to the CID directly by Special Branch (South) itself as Sir Peter reports?**
  - **On what basis is Sir Peter satisfied names of suspects *were* passed on 20 August? Was this based on the recollection of the former head of Special Branch (South) and the head of Special Branch itself, both of whom were interviewed by Sir Peter? Whilst there is no suggestion that such recollections are not honestly held, they do not accord with the recollections of some CID officers we have interviewed, but who Sir Peter has not, or what we understand is in the CID log.<sup>24</sup>**
28. Sir Hugh Orde Chief Constable of the PSNI sheds no light on any of the above saying only that he “agree(s) with Sir Peter’s conclusion that such information as was available to other Agencies was being passed to Special Branch promptly.”<sup>25</sup> **Sir Hugh does not define in hours or days what he means by “promptly.”**
29. Sir Peter says Special Branch (South) “provided further details” to the CID on 9 September of those suspects he said had first been identified in the briefing which Sir Peter says took place on 20 August on the basis of “all source intelligence” (*presumably including intercept intelligence*). As stated, **John Ware’s own sources say the CID log records 9 September as the one and only briefing from Special Branch (South) to date. This was three and a half weeks after the bomb exploded.** Consistent with that position, a report by the Police Ombudsman for Northern Ireland states: “Intelligence in an incomplete form was not passed to the SIO until 9 September.”<sup>26</sup>
30. Panorama’s own research shows that on 9 September the deputy Senior Investigating Officer Detective Superintendent Brian McArthur wrote a report based on a verbal briefing by Special Branch (South) on 8 September at their base in Mahon Rd, Portadown.<sup>27</sup>
31. However, although Sir Peter says he has investigated “what intercept intelligence ...sharing there was by Special Branch and RUC HQ” with the CID,<sup>28</sup> **he does not address Panorama’s claim that the CID log shows**

<sup>24</sup> Contemporaneous note from confidential source

<sup>25</sup> Letter from Sir Hugh Orde to NI Secretary 20 January 2008

<sup>26</sup> Para 26.20 PONI The Omagh Bomb Review Report Confidential

<sup>27</sup> Current Situation” report of into the “Omagh Bomb Investigation”, Part 10 “Intelligence & Arrests” 1 December 1999

<sup>28</sup> Para 8 Gibson Review

**only one briefing and no names of suspects being briefed “until three and a half weeks after the bomb exploded.”<sup>29</sup>**

*Omissions from 9 September 1998 SB briefing of CID*

32. Although on 8 September the names of eight firm suspects had been provided to the CID, Mr McArthur’s note suggest sparse details were briefed to him. Four of the suspects were not ascribed any role other than being said to have “played a major role in the Omagh bombing.”<sup>30</sup>
33. One of the four was Colm Murphy, a long standing republican dissident whose mobile is demonstrated by cellsite analysis to have been used in the “scout car” during the bomb run and also by cellsite analysis and witness evidence to have been used by Seamus Daly, the man the Police have since become convinced was the “hands on organiser” in the “scout car”.<sup>31</sup> As stated, the CID was *not* told the bombers had used mobile telephones, or that any mobiles had been intercepted. Several detectives have told John Ware that because the Special Branch (South) briefing to the deputy SIO lacked this vital information, it was of little or no assistance during their interrogation of some of these suspects following their arrests on both sides of the border on 21 & 22 September. All were released without charge.
34. The Murphy mobile number was 0872425585. We have been told that shortly before Omagh, the Murphy 585 mobile had been unearthed by CID through cellsite analysis as having performed the same “scout/co-ordinator” role in the Banbridge bombing on 1 August as it went on to perform in Omagh 14 days later.<sup>32</sup> The source of this information told John Ware he knew the CID investigating Banbridge had Colm Murphy’s number by the time of the Omagh bombing “because of what they had found from the initial look at that inquiry ... The 585 number had come into play by Omagh.”<sup>33</sup>
35. A mobile registered in the name of Murphy’s wife Ann also features extensively in the attempted car bombing of Lisburn town centre on 30 April. The bomb was defused.<sup>34</sup> We have been told that in Lisburn a coded warning “the bricks are in the wall” or words to that effect were intercepted<sup>35</sup>. Special Branch sources have also told us that “the picture became clearer after Lisburn” and that some weeks later, but before Omagh, they got a “nugget” – that is, a key mobile phone number linked to the bombers operating from the Irish Republic and targeting towns in Northern Ireland through the Dundalk-Newry corridor.<sup>36</sup> On the day of the Omagh bombing the Murphy 585 mobile was in the scout car. This crossed the border at Aughnacloy ahead of the bomb car at around 13.29 making a 63 second call to the bomb car behind.<sup>37</sup> We have also been told that the words “Crossing the line..” or words to that effect

---

<sup>29</sup> Panorama transcript

<sup>30</sup> “Current Situation” report of into the “Omagh Bomb Investigation”, Part 10 “Intelligence & Arrests” 1 December 1999

<sup>31</sup> LKP5 “Cell site analysis linked to dissident republican activity in Northern Ireland”

<sup>32</sup> **Ibid p90**

<sup>33</sup> Confidential source

<sup>34</sup> LKP5 “Cell site analysis linked to dissident republican activity in Northern Ireland”

<sup>35</sup> Confidential source

<sup>36</sup> Confidential source and former ACC Ray White interview for Panorama “Omagh-what the police were never told”

<sup>37</sup> LKP5 “Cell site analysis linked to dissident republican activity in Northern Ireland”

were intercepted.<sup>38</sup> **Was the Murphy mobile one of the mobile numbers Special Branch (South) had tasked GCHQ to monitor, and was monitored, on the day of the bombing?**<sup>39</sup>

36. Even if the Murphy mobile was NOT intercepted on the day of the bombing, we believe that **both intercept and telephone billing evidence was available to the intelligence services within hours of the bombing to show that the Murphy mobile had been used on the bomb run.** At 12.50 a 23 second call was intercepted from a public call box (PCB) at Barney's filling station (approx 100 yards from the border near Jonesborough, South Armagh) to the Murphy 585 mobile. We understand that calls from this PCB were being intercepted.<sup>40</sup> The bomb run had been under way since 12.41, or thereabouts.<sup>41</sup> This call to the Murphy 585 mobile immediately followed two test bomb warning calls first to the Irish News at 12.46, then to the Samaritans at 12.49. (The Irish News had been called from another PCB in Jonesborough exactly two weeks earlier in a failed attempt to make a warning call prior to the Banbridge car bombing.) Following the call to the Murphy 585 mobile the caller made a 3<sup>rd</sup> test call to UTV at 12.52.<sup>42</sup> Telephone billing shows a total of six calls between 12.46 and 12.55, potentially offering an unusually good and rare opportunity for voice recognition which in most cases, is otherwise notoriously elusive. We have been told that the voice was assessed as belonging to the so called "Officer Commanding" the Real IRA, Liam Campbell, of Upper Faughert, Co. Louth. Campbell was also one of the eight suspects whose name was given to CID, but not until 9 September, according to the CID log.<sup>43</sup>
37. Irrespective of who the voice in the Barney's filling station PCB belonged to, telephone billing alone would have indicated that the PCB had been involved in the Omagh bombing. Not only had a test warning call been made from it to the Irish News (as in Banbridge) but also because the *actual* warning calls later made from others PCBs, were to both the Samaritans and UTV. Telephone billing from BT in respect of Barney's filling station PCB, and from both Vodaphone and Eircell in respect of the Murphy 585 mobile would have been immediately available to both the intelligence services and the police on both sides of the border. This was certainly self evidently the case on the Northern Ireland side, since the location of the two telephone boxes from which the *actual* telephone warning calls were made to UTV ( x 2 calls at 14.29 and 14.31 from PCB at McGeoughs Crossroads, Newry Road, Forkhill) and the Samaritans ( x1call at 14.31 from PCB at Loyes Crossroads, Newtonhamilton) *were* passed by Special Branch to the CID within hours of the bombing and arrangements made to remove the boxes for finger print testing that same night.<sup>44</sup> **We have been told the fact that the Barney's filing station PCB had been used to make test warning calls was not immediately disclosed to the CID. Is that correct?**

---

<sup>38</sup> Confidential sources

<sup>39</sup> Confidential source

<sup>40</sup> Confidential sources

<sup>41</sup> LKP5 "Cell site analysis linked to dissident republican activity in Northern Ireland"

<sup>42</sup> Confidential source

<sup>43</sup> Confidential sources

<sup>44</sup> Confidential sources

38. Telephone billing from Barney's filling station PCB would also have shown the CID that amongst the numbers the Murphy 585 mobile talked to on thirteen occasions during the bomb run and its immediate aftermath were two key mobiles. One of these mobiles was registered to Terence Patrick Morgan, and was used in the bomb car; the other was registered to a well known republican dissident Oliver Traynor and was used as a warning phone.<sup>45</sup>  
**What is the explanation for the location of the warning calls PCBs being disclosed to the detectives but not – apparently - the location of the test warning calls PCB ?**

*Were GCHQ's non disclosure rules responsible for the loss of evidential opportunities?*

39. The curious feature about Special Branch (South)'s briefing to the CID on 9 September, is that while both the name of both Campbell and Murphy *were* included in the list of eight named firm suspects, *no other* names linked to the Murphy phone on 15 August were included. There is no mention of Oliver Traynor or of Terence Morgan whose identification could have led the CID and Garda Siochana to the key suspects that weekend during what detectives call the "golden hours" - the immediate aftermath of a crime when forensic and other evidential opportunities are at their peak.
40. The CID did eventually identify Morgan through non classified cellsite analysis, having worked out for themselves that the bombers must have used mobiles to relay the warning calls to the PCBs at Forkhill and Newtonhamilton. Morgan was interviewed by the RUC in February 1999 five months after the bombing by which time the trail was going cold. He was not a member of a dissident republican group and proved to be the single most important witness to the investigation. Morgan admitted having loaned his mobile to Murphy the day before Omagh, at Murphy's request who, according to Morgan, did not explain to him why he wanted it. Morgan gave vital leads to several of the suspects the police now believe were directly involved in the bombing, notably Seamus Daly and Seamus McKenna.<sup>46</sup>
41. In his tape recorded interview with the RUC, Morgan disclosed some hours after the bombing, that he had been in the Emerald Bar, Dundalk, (which Murphy then owned) with Murphy and Seamus Daly and several others believed to have been engaged in the bombing, or to have had knowledge of it. Morgan said that when he first entered the bar Seamus Daly made an unsolicited comment to him in a bantering tone: "You drove that Yoke (car) to Omagh today" a comment which can bear no other meaning than that his (Morgan's) mobile had been involved in the bombing.<sup>47</sup> **Had Morgan's number – or even just his name - been given to the CID during the "golden hours", it seems likely that this lead alone would have led swiftly**

---

<sup>45</sup> LKP5 p72 "Cell site analysis linked to dissident republican activity in Northern Ireland"

<sup>46</sup> Transcripts of RUC interviews with Terence Patrick Morgan February 1999

<sup>47</sup> "Current Situation" report of into the "Omagh Bomb Investigation", paragraph 11.15 1 December 1999

**to the identification and arrest of Seamus Daly, Colum Murphy and others.**

42. Dennis O'Connor, an accountant, was the registered owner of a mobile to whom the Murphy 585 mobile also talked 25 minutes after the bomb exploded. Like Morgan, O'Connor could have – and later did - identify Seamus Daly as having made that call to him (about a business matter) from the Murphy phone. According to John Ware's sources, neither the names of O'Connor, Morgan, nor Traynor, were briefed to the CID, either before, on, or at any time after 9 September. Moreover, the detectives continued to be denied any pro active assistance from the intelligence services, even though they were aware, presumably, that detectives and police analysts were trawling through literally millions of telephone records in an attempt to identify the bombers through numbers<sup>48</sup>. As stated earlier, we contend that Sir Peter implicitly accepts some of the intercepted numbers had been known to the intelligence services through intercepts within hours of the bombing.<sup>49</sup> **Which of intelligence agency – GCHQ, MI 5 or Special Branch (South) - is ultimately responsible for the failure of the CID being provided with this basic assistance, both in the immediate aftermath of the bombing and later while detectives were trying to identify the bombers through their mobile numbers using telephone billing? Was it Special Branch because, as Sir Peter has said they were “cautious”? Or did this “caution” in fact owe more to GCHQ's dissemination policy at the time – the “strict conditions imposed by GCHQ” in Sir Peter's words – that appears to have prevented GCHQ from revealing that interception was the source of any intelligence disseminated to the CID and even some units of Special Branch? Sir Peter does not say. The Northern Ireland Secretary does not say. And neither makes any comment or criticism of GCHQ's “strict conditions” in place at that time.**<sup>50</sup>

*What exactly is Sir Hugh Orde saying?*

43. Only one comment has been made publicly on the suitability of the intelligence sharing regime in place during the Omagh investigation and it has come from the PSNI Chief Constable Sir Hugh Orde. In a letter to the Northern Ireland Secretary Sir Hugh writes: “**A dissemination policy *now* (my emphasis) exists which guides how intelligence is shared for the purpose of criminal investigation,** early investigative expertise is sought in cases of serious crime, and the Police Service of Northern Ireland has properly resourced these areas to operate to the highest national standards in respect of handling intelligence and the investigation of serious and organised crime.”<sup>51</sup> **In disclosing that a new “dissemination policy now exists..” is Sir Hugh here acknowledging that GCHQ's doctrine of total secrecy in 1998 preventing even detectives from knowing that the source of a piece of**

---

48 Panorama “Omagh- what the police were never told” interview with unnamed CID officer: “I mean, we were never handed a list of numbers and names and told: ‘Look, those are the names, those are the numbers. That's who you need to concentrate on.’ It was always left that ‘Look, go and find them’.

<sup>49</sup> See para 17

<sup>50</sup> Para 23 Gibson Review

<sup>51</sup> Letter from Sir Hugh Orde to NI Secretary 20 January 2008

**intelligence was intercept was, when applied to the Omagh CID investigation, an obstruction to justice? In which case, why cannot Sir Hugh say so in clear terms?**

*Sir Hugh Orde and how what he says conflicts with PONI*

44. Sir Hugh says all the intelligence available to the police in “the immediate aftermath of the bombing.. was insufficient to trigger immediate arrest or search operations against particular individuals - it was not the case in the hours following the attack, despite media speculation, that the perpetrators' identities were self-evident.”<sup>52</sup> **Panorama did not suggest the identities of the perpetrators were “self evident.” Is Sir Hugh denying that the evidential opportunities from intercept and telephone billing were not open to exploitation by the CID had they been informed of them in the way set out above?**
45. Moreover, it is not clear if by “police” Sir Hugh means Special Branch (South) and the CID, or just the CID. If he includes Special Branch (South) (as presumably he does) **his assessment seems to be squarely at odds with the findings of the former Police Ombudsman for Northern Ireland Nuala O’Loan who has said the delay in the CID being briefed about the available intelligence, and being briefed more fully, led to missed “evidential opportunities”.** Had there been “objective assessment of **all** (*their emphasis*) available intelligence” this would have “have produced other details by (Monday) 17 August 1998 of ‘firm suspects’ when maximum forensic opportunities were available. The individuals then identified could then have been subject to prompt and proper investigation.”<sup>53</sup>
46. The Ombudsman’s report does not refer directly to the GCHQ intercepted intelligence because she had no legal right to have access to it.<sup>54</sup> In fact her office was briefed about the material but was not permitted to refer to it. However, we understand that the **Ombudsman’s criticism about missed evidential opportunities was based on an assessment of all the intelligence available in respect of Omagh and previous linked bombings, and included the intercept intelligence from the day of the bombing itself.**<sup>55</sup>

*The 15-18 August: a “lost” weekend?*

47. Sir Peter says he is satisfied that “to the extent that any relevant intelligence was derived from interception” in the “days surrounding 15 August and on the day itself” it was “shared with RUC HQ and Special Branch (South) promptly and fully and done so with the latter in accordance with procedures agreed with Special Branch (South).”<sup>56</sup>
48. **However, Sir Peter does not explain how the then head of Special Branch has said he “knew nothing” about the intercepts until three days after the**

---

<sup>52</sup> Letter from Sir Hugh Orde to NI Secretary 20 January 2008

<sup>53</sup> Para 26.20 PONI The Omagh Bomb Review Report Confidential

<sup>54</sup> Para 13 Gibson Review

<sup>55</sup> Confidential sources

<sup>56</sup> Ibid

**bombing on Tuesday 18 August – even though Sir Peter has interviewed him.**<sup>57</sup> Presumably the HSB made clear to Sir Peter what he had already made clear to others, that he had been “literally on his knees begging for intelligence” as soon as he arrived at RUC HQ on the afternoon of the bombing.<sup>58</sup> We are satisfied from our own research that the then HSB has said “I was there till very late....midnight....I was on the phone to everyone... pushing everyone to come up with something....clamouring for anything we could get.”<sup>59</sup>

49. **Nor does Sir Peter explain how the head of Special Branch (South) only had first sight of the GCHQ intercepts on 18 August, according to his recollection.**<sup>60</sup> Even the then RUC Chief Constable Sir Ronnie Flanagan has said he knew nothing at all about the intercepts until May 2008 when John Ware told him about them.<sup>61</sup>

50. **Several media reports appear to have interpreted Sir Peter’s reference to intercepts being “shared with RUC HQ....promptly and fully”<sup>62</sup> as evidence that Panorama was wrong to say that the intercepts were not shared with the CID.**<sup>63</sup> A proper reading of Sir Peter’s report makes it clear that is manifestly NOT the case. By “RUC HQ”, Sir Peter was in fact referring to a unit called the “Intelligence Management Group” based at RUC HQ to which MI 5 and GCHQ officers were seconded and which was responsible for the “collation, analysis and distribution of all RUC intelligence”. One of the IMG’s roles was to “ensure that RUC intelligence was passed” to another unit called the “Assessments Group” (AsGp) staffed by MI 5 desk officers. They also assessed intelligence before “onward dissemination.”<sup>64</sup>

*Sir Peter Gibson’s interview with Panorama*

51. John Ware was interviewed by Sir Peter Gibson on 2 December at the Home Office. Sir Peter’s Private Secretary had said only that Sir Peter was “keen” to have a “discussion” about the programme.<sup>65</sup> In the event, several of Sir Peter’s questions required reference to John Ware’s detailed research. Some were technical but John had not brought with him his research papers because he had not been told in advance that they might be needed. **At the end of the two and a half hour interview John Ware asked if he could have access to the note of the questions and answers which Sir Peter’s Private Secretary had been taking so that he could do justice to the questions by submitting a written supplemental statement. Sir Peter refused this request. John Ware asked Sir Peter why he was adopting an adversarial approach. (Some former senior officers interviewed by Sir Peter reported a similar experience). When it became clear to John that Sir Peter was going to be**

---

<sup>57</sup> Confidential source

<sup>58</sup> Former HSB conversation with Ray White

<sup>59</sup> Confidential source

<sup>60</sup> Confidential source

<sup>61</sup> Sir Ronnie Flanagan 19 May 2008

<sup>62</sup> Ibid

<sup>63</sup> <http://www.timesonline.co.uk/tol/news/world/ireland/article5561619.ece>

<sup>64</sup> Para 20 Gibson Review

<sup>65</sup> E mail from David Payne, Home Office to Panorama 24 November 2008

**critical of the programme, John asked if he would reconsider his refusal to supply a note of the questions and answers. Again Sir Peter refused. John told Sir Peter he considered his refusal, not simply unjust but more importantly, not the most effective way of conducting an inquiry.** Sir Peter responded: “This is the way I wish to conduct my inquiry” before leaving the room. John did provide a written submission but one that had to rely as best he could from memory of Sir Peter’s questions.<sup>66</sup>

*What Panorama actually said about GCHQ*

52. In his Review Sir Peter complains that “Assertions were made in the Panorama programme that GCHQ did not pass its intercepted intelligence to the Investigation Team to help the enquiry.” What we reported was what senior Special Branch officers in the relevant positions at that time had told us.
53. **In his interview with Sir Peter, John Ware emphasised on a number of occasions that it was quite wrong to say Panorama had accused GCHQ of withholding anything. At no stage had his commentary asserted that.** John drew Sir Peter’s attention to the following passage: “*The question is: how much of GCHQ’s intelligence found its way to the detectives and when? The blunt truth is that none of the stories match up about who got what and when.*”
54. **John Ware told Sir Peter it was perfectly clear that his commentary had simply reflected the different positions of different parties as they were reported to him.** He drew Sir Peter’s attention to a second passage in his commentary: “*If the Special Branch are complaining about GCHQ then the CID make a similar complaint about the Special Branch. The detectives were pleading for intelligence. But their log records nothing until three and a half weeks after the bomb exploded. The Special Branch say the log is incomplete. They insist they briefed the detectives immediately. What is clear is that the detectives didn’t get everything. Special Branch says that’s because GCHQ wouldn’t allow the detectives to know there had been intercepts.*”

*Post bomb “chatter”*

55. Sir Peter’s complaint that assertions had been made against GCHQ is assumed to relate to the commentary that asked why the Special Branch only got “one feed” of intelligence from GCHQ during the entire investigation, this being intelligence derived from the intercepts the Branch got after the bombing which Sir Peter implies Special Branch (South) received on 15 August.<sup>67</sup>
56. The criticism that the Special Branch did not receive any further intercept intelligence, specifically none from “post bomb chatter”, came from former Assistant Chief Constable Ray White (who at one stage in his service had been a regional head of Special Branch). He told Panorama he had been struck by “*my Special Branch colleagues (who) would basically say: ‘We never got anything that, eh, would (have) resembled a feed, in relation to any activity*

---

<sup>66</sup> Letter to Sir Peter Gibson 8 December

<sup>67</sup> Para 27 Gibson Review

*post the Omagh Bombing as the detail of that atrocity was breaking* “ Mr White also said he was surprised because his speculation based on his previous Special Branch experience was that there must have been a lot of “post bomb chatter”:...*you can imagine the leadership of the organisation; eh, the panic, in a sense that they must have been in; the membership themselves: Who got it wrong? The blame game would have been going, eh, there might have been discussions: Well, who is the weak link in the chain here, who, if they are arrested, is likely to break?*”

57. An internal CID report into the Omagh bomb inquiry provides a solid foundation for Panorama’s exploration of the issue: “...apart from the above intelligence and that referred to previously (*a reference to Special Branch briefing on 9 September*) and recently from the Garda which purports to identify the two persons in the bomb car on 15<sup>th</sup> August 1998, the investigation received no other significant or substantiated intelligence during the whole of the lifetime of the investigation.”<sup>68</sup> **John Ware drew Sir Peter’s attention to this internal CID report but he makes no reference to it in his Review. Instead he cites “warm praise from the Head of Special Branch and the Regional Head of Special Branch South for the work done by GCHQ in Northern Ireland.”<sup>69</sup>**

58. Sir Peter clearly blames Special Branch – not GCHQ – for any lack of post bombing intercept intelligence. He says that Special Branch could have asked GCHQ for “material that might have existed” to disseminate to the CID but “the record shows no such request was made.”<sup>70</sup> **This is perhaps the single most extraordinary comment in his Review. Ministers from the Prime Minister down had promised that no stone would be left unturned in the efforts of the security forces to bring the bombers to justice. <sup>71</sup>Would any reasonable person really consider that faced with the deaths of 29 people and two unborn babies, not to mention the 250 maimed and otherwise injured, the entire intelligence gathering apparatus of Northern Ireland would need to be *prompted continuously* by Special Branch to collect intelligence to help the detectives identify the culprits? Or that GCHQ was so detached from the incident that it too needed to be prompted to release whatever intelligence material came its way?**

## **COULD OMAGH HAVE BEEN PREVENTED?**

*How Sir Peter Gibson and the Northern Ireland Secretary have misrepresented what Panorama said*

59. Both the Northern Ireland Secretary Shaun Woodward and Sir Peter have criticised the BBC for making what they say were “allegations” that the

---

<sup>68</sup> “Current Situation” report of into the “Omagh Bomb Investigation”, paragraph 10.10 1 December 1999

<sup>69</sup> Para 32 Gibson review

<sup>70</sup> Ibid

<sup>71</sup> “No stone will be left unturned until we bring these people to justice.” Sir Ronnie Flanagan BBC 16 August 1998; “I can assure the people of Omagh that we will do everything we can, leave no stone unturned to make sure that the people who did this are caught Northern Ireland Mo Mowlam ” 18 August 1998; “I can assure the house that the investigation to bring to justice those responsible is being pursued with the utmost intensity and with complete unity of purpose between the British Isles and the Irish authorities.” Tony Blair HoC 2 September 1998

bombing could have been prevented. “Very serious and damaging allegations have been made public, as a result of which expectations may have been raised amongst the families of the victims of the bombing” said Sir Peter.<sup>72</sup> He also said: “Allegations” had been made in both John Ware’s Sunday Telegraph article<sup>73</sup> and on Panorama that “vital intercept intelligence had not been passed to the police promptly to prevent the bombing.”<sup>74</sup> Mr Woodward has endorsed this criticism of Panorama to the House of Commons.<sup>75</sup>

**60. Nowhere did John Ware assert that the bombing could have been prevented and nowhere did he “allege” that “vital intercept intelligence had not been passed to the police promptly to prevent the bombing.”**

Everything said and written about this was *conditional* on whether GCHQ monitoring have been “live” – a question to which John Ware made clear he did *not* know the answer both in Panorama and in the body of his Sunday Telegraph article. In this article John only made the case that it was “possible the bomb itself could have been prevented” – the possibility being based on a series of questions about what GCHQ *could* have done, not assertions of what they *did* do.

61. Both Panorama and the Sunday Telegraph explored *whether* the bombing *could* have been prevented *if* monitoring had been “live.” Neither Sir Peter nor the Northern Ireland Secretary made a distinction (one made clear by Panorama) between the *assertions* by Panorama that at least one mobile being used by those involved in the bombing was being monitored by GCHQ on the day of the bombing, (not now denied), and the *question* which any reasonable person would consider flowed from that one central fact: *could* the bombing therefore have been prevented? The headline in the Sunday Telegraph posed the issue as a question – not an assertion - as did Panorama.<sup>76</sup>

62. Sir Peter seems to suggest that there were no circumstances in which the bombing have been prevented as a result of intercept intelligence in any event.<sup>77</sup> **Sir Peter’s reasoning for this raises as many questions as the answers he has presented.** (see para 88)

*The warning of 14 August 1998*

63. Before dealing with the events of 15 August we wish to clarify one other matter with which Sir Peter takes issue. He says: “There is no evidence whatever before me to make good the assertion in the Sunday Telegraph and the Panorama programme that, on 14 August, the Garda had warned the police of a likely attack.”<sup>78</sup> John Ware did *not* say the warning related to Omagh. He had two sources for this information which was that the Garda Siochana had

---

<sup>72</sup> Para 3 Gibson Review

<sup>73</sup> Sunday Telegraph 14 September

<sup>74</sup> Para 6 Gibson Review

<sup>75</sup> Written Ministerial Statement by Secretary of State Shaun Woodward 21 January 2008

<sup>76</sup> Sunday Telegraph headline: “Could a coded message intercepted by intelligence have prevented the biggest atrocity of the Irish Troubles, in which 29 people died?” 14 September

<sup>77</sup> Para 29 Gibson Review: “The conclusion reached by Special Branch, even immediately after the bombing, was that there was no locational material such as would have enabled the RUC to direct any response by the security forces or prevent the bombing. Any intelligence derived from interception as might have existed could not have prevented the bombing.”

<sup>78</sup> Para 28 Gibson Review

alerted RUC HQ to the fact that they had information that a device that might soon be crossing the border. John Ware's original and main source told him: "The warning was definitely considered to be a car. The RUC assessment was that it would be a bomb car, that it would target the same Newry corridor as previous attacks: Lisburn, Newry Banbridge." **It is not strictly true to say, as Sir Peter does, that there was no evidence "whatever before me." One of the witnesses before him was a source of this information. John Ware has been told that Sir Peter never asked him about the warning.**<sup>79</sup>

64. **There is a second reason as to why Sir Peter's assertion that there was "no evidence whatever before" him does not at all mean there is no evidence whatever for the claim reported by John Ware as it was reported to him.** The bomb car was stolen in the early hours of the 13 August at Carrickmacross, Co. Monaghan. **John has been told by reliable sources that one of individuals involved in the theft was an informant for the Garda Sciochana.**<sup>80</sup> No evidence to the standard required for prosecution has yet been produced that would prove this man knew the car had been stolen specifically for a bomb attack on Omagh. However the man did know that his clients were dissident republicans. It's important to stress that John Ware's information is entirely unconnected with the claims made by the sacked former Garda Detective Sergeant John White that the then head Garda Crime and Intelligence (the Irish Republic's equivalent of Special Branch) was prepared to let a bomb car cross into Northern Ireland for a "spectacular" to protect a different informant. There is no evidence known to John to support Mr White's claims that the Garda was prepared to let a car through knowing or suspecting that it would be loaded with explosives.<sup>81</sup>

#### *The Omagh families' expectations*

65. Because we were confident our sources were in a position to know that monitoring of one or more mobiles had taken place on the day of the bombing, it seemed not simply reasonable – but also manifestly in the public interest - to *ask if* the bombing could therefore have been stopped. John Ware put this very question to PSNI Chief Constable Sir Hugh Orde, to the government and to a senior officer at the Serious & Organised Crime Agency (SOCA) who we knew had had access to the GCHQ intercept material during an inquiry on behalf of the Northern Ireland Policing Board.<sup>82</sup> John spelled out in terms that we did not wish to raise the expectations of the families (the very charge Sir Peter Gibson has now levelled at us) if the evidence did not warrant the question being explored in the first place. As one of John's letters said: "What I want to avoid is a 'They-could-have-been-saved' headline when that is not a reasonable conclusion to have drawn in the circumstances. What I think the

---

<sup>79</sup> Confidential source

<sup>80</sup> Confidential source

<sup>81</sup> <http://news.bbc.co.uk/1/hi/programmes/panorama/7611255.stm>

<sup>82</sup> Included in the terms of Reference agreed on 16th May 2002 (between the NI Policing Board and the Chief Constable of the Police Service of Northern Ireland, Merseyside Police Authority and the Chief Constable of Merseyside Police in relation to the investigation into the Omagh Bomb) was para 6 which required Detective Chief Superintendent Phil Jones and Detective Chief Inspector Clifford Evans to "...scrutinise[ing] the current enquiry and the Omagh Bomb Review Report to ensure that all opportunities to gather evidence are maximised and that all recommendations relating to the Omagh investigation are fully addressed." To assist Jones and Evans in this task, they "should have access to all investigation relevant intelligence."

public and the Omagh relatives will find difficult to deal with is if we are required to leave the matter hanging in the air. Nor I suspect will they understand if the relevant agencies decline to clarify the matter.”<sup>83</sup> **However, that is what all three agencies declined to do. They refused any comment or even off the record background guidance.**

66. We therefore made our own assessment by using unclassified sources as to whether mobile phone technology in 1998 would have been capable of tracking the movement and direction of mobile telephones, provided GCHQ had been tasked to do this. As we explain (paras 79-82) we believe GCHQ did have the capability in 1998 to help the security forces disrupt bombers using mobile phones, provided the phones were switched on.
67. Like Sir Peter, the Northern Ireland Secretary has also suggested the BBC has raised the families’ expectations as to whether the bombing could have been stopped. <sup>84</sup> **We categorically reject this.**
68. Before transmission John Ware made a special trip to Omagh having invited all the relatives to a hotel where a room was booked in order to explain to them in detail the limits of our knowledge: what we believed to be fact, and what we still regarded as legitimate questions to be answered. **The families were left in absolutely no doubt that we were NOT claiming the bombing could have been prevented. The record of John’s briefing to the families speaks for itself.**<sup>85</sup>
69. **Although John Ware made all this clear during his interview with Sir Peter, and subsequently by e mail to the Northern Ireland Secretary, the government were nonetheless content for Sir Peter to retain in his report the unwarranted suggestion that Panorama had been the *cause* of “expectations “ having been “raised amongst the families of the victims of the bombing.”<sup>86</sup> We ask the government to withdraw this suggestion from the official record.**
70. We note that Michael Gallagher, spokesman for the Omagh Support and Self-Help Group has said: “On the contrary we believe the BBC and John Ware actually highlighted something that we had concerns for on both sides of the border for over a number of years. ...So we are grateful to John Ware and the BBC for the programme that was broadcast. He certainly didn’t raise our hopes but what he did do.... he did highlight to the wider public some of the concerns we have had for years.”<sup>87</sup>

*The government’s failure to clarify its position in advance of transmission*

---

<sup>83</sup> Letter from JW 1 July 2008

<sup>84</sup> “...it’s very important not to raise false expectations here... what we have said we will do is we will look at the use of the intercept evidence and how it was shared that day...I, I don’t believe that something has been concealed here Connor but what the prime minister is adamant about is that no stone will be unturned and we will go through it, we will go through it again because expectations have been raised and **we don’t want to do anything which would be cruel to the families**...they’ve been through enough.” Northern Ireland Secretary interview BBC NI 180908

<sup>85</sup> Recording of briefing 13 September, Silverbirch Hotel, Omagh

<sup>86</sup> The government appears to have had discretion over what Sir Peter published. Para 3: “ In the circumstances the Government has decided that it is necessary and lawful to publish the following summary of my review, justified by the exceptional and serious matters raised and the weight of public interest.”

<sup>87</sup> BBC News 24 21 January

71. If the government was concerned that Panorama might falsely raise the expectations of the families, it's important that the public be aware that the government had two months before transmission to ensure they had done everything they could to avoid this.
72. The programme was transmitted on 15 September 2008. On 12 July John Ware sent a 5 page e mail providing a detailed summary of his research to the PSNI having briefed Sir Hugh Orde in his office the previous day when he agreed in principle to be interviewed. On 22 July, John was informed that Sir Hugh would not, after all be participating. John responded with an email to the PSNI which said: "I trust that if he (or others in the PSNI in a position to know the facts), consider the overall thrust of my e mail of 12 July, or indeed any part of it, to be inaccurate, unfair, or otherwise lacking in context, this will be made known to the BBC at the earliest opportunity. It would clearly be in the public interest to do so."
73. On or around the 24 July 2008 the 'D' Notice Committee contacted the BBC following John Ware's contact with a former member of the Security Service. Lest the intelligence services were in any doubt as to the likely content of the programme, John sent a similarly detailed outline of the programme to the Home Office seeking a response and making it clear to the official handling this on behalf of the intelligence services that we did not wish to raise expectations if the facts did not justify the questions we were raising. John asked for an unattributable background briefing for guidance only. On 1 August came the Home Office response: "Our line on this matter is that we can neither confirm nor deny." The government could have made precisely the points to John in private as Sir Peter Gibson and the Northern Ireland Secretary have now both made in public. Of course Panorama would have represented the government's position fully and fairly. **Given the acute moral concern for the families expressed by both Sir Peter and the Northern Ireland Secretary, (and any other concerns which the government may have had about the contents of programme) why did not the government avail itself of this opportunity prior to transmission?**

*Could the bombing have been stopped?*

74. Former Assistant Chief Constable Ray White says his colleagues in Special Branch (South) were "adamant" they "expected live monitoring".<sup>88</sup> Sir Peter disputes this. Sir Peter does not deny phone numbers were given to GCHQ for monitoring but says that Special Branch (South) "did not identify to GCHQ any particular phone number as being of particular importance or relevance to a potential bombing (in Omagh or elsewhere)."<sup>89</sup> The reference to "potential bombing" is perhaps significant: as stated earlier, the key Murphy 585 mobile had become linked to the series of dissident bombings through cellsite analysis after Banbridge but before Omagh. Murphy was a well known and long standing dissident republican; Special Branch sources have told us that the "picture became clearer" after the car bomb attempt on Lisburn on 30 April

<sup>88</sup> e mail Ray White to John Ware 26 July 2008

<sup>89</sup> Para 28 Gibson Review

1998 (in which a mobile registered to Murphy's wife Ann was used<sup>90</sup>), and that some weeks before Omagh they got "a nugget" – a key mobile phone linked to the bombers. Special Branch sources have also told us they "knew what was coming after Banbridge" where a massacre was narrowly averted – meaning another car bombing in a major Northern Ireland town was inevitable. **Is Sir Peter saying that Special Branch (South) had *not* tasked GCHQ to tell them, when the Murphy mobile (or any other target mobile) was on the move across the border again?**

75. If this *is* what Sir Peter is saying, then it is certainly helpful to the wider understanding of what exactly did happen on 15 August for the implication is that questions about whether the single biggest atrocity of the Northern Ireland conflict could have been prevented should be directed not to GCHQ but to Special Branch (South): **did the Special Branch (South) fail to correctly prioritise the monitoring to "live"?** Since they were the tasking agency and GCHQ the service provider, prioritising monitoring was first and foremost Special Branch's call, not GCHQ.
76. On the other hand, for what reason following Banbridge and previous car bombings, other than trying to disrupt yet *another* car bomb with the threat of mass casualties was Special Branch (South) likely to have given GCHQ numbers to monitor – prioritised or not - in the first place? Preventing the next "bang" was how Special Branch saw its pre-eminent role, a fact to which Sir Peter himself alluded by quoting from the report by Her Majesty's Inspector of Constabulary Sir Dan Crompton who found "the majority of Special Branch work has concentrated on proactive disruptive operations."<sup>91</sup>
77. Former ACC Ray White says his colleagues in Special Branch (South) have insisted the purpose of providing GCHQ with numbers "was to be in live time and primarily for the purpose of triggering a pre arranged surveillance and interception plan should the intercepted material indicate that possible subversive activity was up and running in the direction of the Newry /Dundalk corridor."<sup>92</sup>
78. Sir Peter, by contrast, says he has found no evidence that "Special Branch believed that GCHQ could pinpoint the location of a particular mobile phone."<sup>93</sup> **Once again, neither Panorama nor their Special Branch sources ever said the Branch believed GCHQ at that time had "pinpoint" capability.** We merely reported what Special Branch sources had told us: namely their categorical insistence that live monitoring had been requested, and that they were "expecting" this in order to *disrupt* a further bombing, not, in Sir Peter's words, to "*pinpoint*" the position of the bombers.

### *GCHQ's tracking capability in 1998*

---

<sup>90</sup> LKP5 p98 "Cell site analysis linked to dissident republican activity in Northern Ireland"

<sup>91</sup> Para 15 Gibson Review

<sup>92</sup> E mail Ray White to John Ware 26 July 2008

<sup>93</sup> Para 28 Gibson Review

79. We stand by what we said in the programme and what our telecommunications contributor Greg Smith told us before Sir Peter’s Review (as he does since reading it) which was that the “accuracy” of an active mobile phone’s position was limited to within a cell area covered by the mast to which the mobile was in contact: *Ware: “How close to the mast, generally speaking?” Smith: “Well that depends on how the masts are laid out upon the landscape, could be a mile, two miles, it can be down to a couple of hundred metres.”*<sup>94</sup> As former ACC Ray White explained in the programme: “...the expectation of Special Branch - and I think they have made it quite clear - was that, eh, they were using that, or would have expected to use that number, as a trigger and live-time would have been the optimum way of using the number.”<sup>95</sup>
80. The whole point of the “trigger” – according to our Special Branch sources – was to disrupt the bombers. And, as Sir Peter has confirmed, GCHQ were in 1998 able to locate the general position of a mobile *within* a mast area: “Information on the location of a mobile telephone only existed within the mobile phone network in respect of ‘communications events’ – when a phone was switched on or off, or during a call, for instance – and even then would have been limited to information about the cell (the area covered by a particular mast) in which the phone was active.”<sup>96</sup> **We note that Sir Peter does not include in his examples of “communications events” the key “make-to-break” event that occurs when an active mobile moves out of range of one base station (mast) and into range of another. Would not this have provided not just locational information but also *directional* information?**
81. We understand that GCHQ was able to get both locational and directional information by reference to a mast, albeit at staggered intervals (e.g. every 10 minutes) by fax from a mobile communications service provider. We therefore believe that in 1998 it would have been possible to plot both location and direction of a target mobile – *provided*, of course, that the service provider had been asked for this information at regular intervals.<sup>97</sup>
- 82. Is Sir Peter suggesting that this capability available to GCHQ in 1998 would not have been sufficient to facilitate a Special Branch interdiction plan? Such a suggestion would surely be untenable since, presumably, the Special Branch are unlikely to have told us (and others) that they believed GCHQ capable in 1998 of providing intelligence for exactly this purpose if in fact they knew that GCHQ did not have that capability at that time.**

*The Panorama graphic*

83. Sir Peter makes much in his Review of the narrow issue of one graphic in the entire programme. He says: “The portrayal in the Panorama programme of the tracking on a screen of the movement of two cars, a scout car and a car

---

<sup>94</sup> Greg Smith Panorama

<sup>95</sup> Ray White Panorama interview

<sup>96</sup> Para 31 Gibson Review

<sup>97</sup> Confidential sources

carrying a bomb, by reference to two ‘blobs’ moving on a road map has no correspondence whatever with what intercepting agencies were able to do or did on 15 August.”<sup>98</sup> **Again, the Northern Ireland Secretary adopts Sir Peter’s criticism unreservedly.**

84. Sir Peter says he has relied upon “an independent expert from a mobile communications provider” to satisfy him that “in 1998 it was neither possible to track mobile phones in real time nor to visualise the location and movement of mobile phones *in the way that was shown in the Panorama programme.*”<sup>99</sup> (our emphasis). Whilst we acknowledge that GCHQ’s tracking to that degree of accuracy may not have been possible in 1998, “pinpoint” accuracy - the phrase used by Sir Peter but not by Panorama - does not accurately or fairly represent what was suggested in the programme, as our telecommunications consultant made clear. We do accept that looking at this graphic *alone*, without the context of the rest of the programme as a whole *might* give the *impression* that the location of a particular mobile phone could have been ascertained down to metres. However, we believe that when looked at in context it is clear this is not what we were saying.
85. **We believe it’s important that Sir Peter’s criticism over this graphic does not obscure the fundamentally important issue of whether or not the supply of live monitoring and positional information was possible in 1998. As stated, Sir Peter himself acknowledges that it *was* possible to the extent that a mobile could be located by a single mobile phone mast during a “communications event” for example, when a “phone was switched on or off, or during a call.”**<sup>100</sup>
86. Between the Irish border at Aughnacloy where the bombers crossed and Omagh there were, at the time, eight masts (not three as Sir Peter insisted to John Ware in his interview) which would have enabled the generally NNE direction of travel to be monitored albeit at intervals, if the mobiles in the bomb and scout cars were being monitored.<sup>101</sup> **Therefore, at the heart of the question as to whether the bombing could have been prevented, lies another question: whether or not Special Branch had clearly prioritised their tasking of GCHQ for “live” monitoring.** We, of course, never asserted that monitoring *was* live. Indeed every time we mentioned monitoring when exploring whether the bombing *might* have been prevented, we prefaced the commentary with such caveats as “*if monitoring had been ‘live’*” “on no fewer than six occasions.”<sup>102</sup>
87. The difficulty is that Sir Peter does not say in terms whether monitoring was “live” although he appears to indicate that it was not when he says “Special Branch did not identify to GCHQ any particular phone number as being of particular importance or relevance to a potential bombing.” As explained (paras 79-82), that is not to say that GCHQ was not capable of “live” tracking

---

<sup>98</sup> Para 31 Gibson Review

<sup>99</sup> Para 31 Gibson Review

<sup>100</sup> Para 31 Gibson Review

<sup>101</sup> “Vodafone Sites that fall within 20km of the A5 between Omagh and Aughnacloy” - part of exhibit RCG9 prepared for the RUC by Raymond Clive Green, of Security, Fraud and Risk Management for Vodafone.

<sup>102</sup> Panorama script pp 9,11,13,15,16,18

of a mobile. Sir Peter makes clear that GCHQ did engage in live monitoring when he said: “intercepts relating to the telephone numbers designated by Special Branch as having highest priority were monitored live.”<sup>103</sup> **Is Sir Peter saying that staggered live *tracking* limited to broad direction and location of the mast during live *monitoring* could not have been provided even if Special Branch had asked for it?**

*The unanswered question*

88. Sir Peter implies that, for some unspecified reason, that would not have been possible on this occasion: “The conclusion reached by Special Branch, even immediately after the bombing, was that there was no locational material such as would have enabled the RUC to direct any response by the security forces or prevent the bombing. Any intelligence derived from interception as might have existed could not have prevented the bombing.”<sup>104</sup> **It is not at all clear what Sir Peter means by this and on what he has based it. Is he saying**

- **That he is satisfied, having had access to all the relevant material, that the material which did exist was insufficient in any circumstances and in whoever’s hands, to have prevented the bombing?**
- **Or, is Sir Peter simply regurgitating the view of a Special Branch representative as expressed to him?**
- **Or is he saying that because Special Branch (South) had not identified any phone as being involved in a “potential bombing”, intercepts and positional data were not being gathered “live”?**

89. **The fact that Sir Peter has left something of a mystery hanging over this question is itself a mystery. We would welcome Sir Peter’s clarification to resolve the linguistic ambiguity in paragraph 29 of his report.**

*“Bricks are in the wall”*

90. Sir Peter says: “An allegation was made in the Panorama programme that GCHQ had intercepted a call in relation to the Banbridge bombing on 1 August from which, and from what was known to GCHQ on 15 August, it could have been deduced that a further attack was under way that day. My conclusion is that there was no information on or before 15 August that could reasonably indicate *by reference to the events of Banbridge* [our emphasis] that a further bombing attack was about to take place.”<sup>105</sup> **We note that Sir Peter confines his conclusion to Banbridge. He does *not* say there was *no* information available at Omagh that an attack would shortly take place by reference to *any* previous attack.**

---

<sup>103</sup> Para 22 Gibson Review

<sup>104</sup> Para 29 Gibson Review

<sup>105</sup> Para 30 Gibson Review

91. Sir Peter is referring here to the coded “Bricks in the wall” warnings that we said were intercepted at both Omagh and Banbridge signalling on both occasions that the car bombs were in place. **We note Sir Peter does not deny this phrase was captured at Omagh.** We do, however, acknowledge that the phrase could not have been “referenced” to the Banbridge bombing since **on this single point Panorama’s source has since said his recollection was mistaken, though his mistake is one that strengthens rather than detracts from the point we sought to make:** that the intelligence services had got onto the bombers much earlier than we had thought. Since transmission we have been told that the coded warning was actually used, not at Banbridge (as disclosed in good faith by our source) two weeks before Omagh but at the attempted car bombing in Lisburn bombing, three and a half months before Omagh. **Sir Peter makes no reference to Lisburn. If our source is correct, Sir Peter’s omission would appear to be misleading because the impression he has left is that whatever was uttered at Omagh it could never have been matched to a previous attack.**