



**Public Statement by the Police Ombudsman pursuant to
Section 62 of the Police (Northern Ireland) Act 1998**

Relating to a public complaint

**INVESTIGATION INTO POLICE CONDUCT
RELATING TO THE CIRCUMSTANCES OF THE
MURDERS OF MR SEAMUS MORRIS AND MR
PETER DOLAN ON 8 AUGUST 1988**

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Executive Summary

At approximately 11:20am on Monday 8 August 1988, James Patrick Morris, known to his friends and family as Seamus, was murdered as he walked along Etna Drive in North Belfast. He was shot a number of times from a passing car, which had been stolen a short time earlier in the Shankill Road area. The car then continued to nearby Brompton Park, where the gunman opened fire on a passing Guinness delivery lorry. Peter Dolan, who was sitting in the lorry's front passenger seat, was shot and died from his injuries a short time later.

Mr Morris was 18 years old at the time of his murder. He was single and lived at home with his parents, two brothers, and two sisters. He was a student at Millfield College, now Belfast Metropolitan College, in Belfast, where he was training to become a bricklayer. His college class that day had been cancelled, so he had been walking to a local snooker hall with his brother at the time of the attack.

The car used in the attack, a red Vauxhall Cavalier taxi, had been hijacked earlier that morning by three men from outside Heather Street Social Club, off the Shankill Road in West Belfast. It was found abandoned at Oregon Street, North Belfast, a short time after the attack. A witness observed three men get out of the car and run off. When later searched by police, a number of discharged cartridge cases were found in the car.

At approximately 1:45pm on 8 August 1988, an anonymous male caller phoned the British Broadcasting Corporation's (BBC) switchboard. He stated, "*The Protestant Action Force claim responsibility for the two deaths this morning and there will be more.*"

At approximately 10:12am on 9 August 1988, a second anonymous telephone call was made to the Samaritans. The male caller stated, "*The execution of the two nationalists yesterday was carried out by a three man active service unit of the Protestant Action Force in direct retaliation for the murder of the two workmen in Belleek and an assault rifle and a Browning automatic pistol were used.*"

The Protestant Action Force (PAF) was widely recognised as a cover name for the Ulster Volunteer Force (UVF), when the latter organisation did not want to directly link itself to paramilitary attacks.

The Complaint

The family of Mr Morris first met with investigators from this Office in July 2013, indicating that they wished to make a complaint regarding the actions of police before, and after, his murder. In November 2013, there was another meeting with members of the Morris family to discuss their complaint. In September 2015, a further meeting with the family took place, where they raised a number of questions and concerns. Following this meeting, they submitted a letter of complaint, listing a number of specific allegations. These were as follows:

- I. The family alleged that police provided them with no updates regarding Mr Morris' murder. However, on the day a named person was shot dead a police officer phoned the mother of Mr Morris and said "*we got him,*" indicating that it was the deceased person who had murdered Mr Morris;
- II. Police knew the identity of the murderers but did nothing about it. Nobody was arrested and police protected an informant;
- III. A Royal Ulster Constabulary (RUC) Special Branch informant authorised all of the attacks carried out by 'B' Company UVF. Therefore, RUC Special Branch would have been aware of the attack on 8 August 1988 in advance;
- IV. Police took 20 minutes to attend despite there being police stations near the scene of the attack;
- V. The family wish to know if a Tactical Co-Ordinating Group (TCG) operation was in place at the time of the attack;
- VI. Why was the VZ58 rifle used in the murders destroyed in the mid-1990s?
- VII. Mr Morris' younger brother was asked to identify his brother's body; and
- VIII. Police officers laughed and joked in front of the family at the hospital.

The final two allegations did not form part of this investigation, as they related to misconduct matters, which could not be progressed by the Police Ombudsman. I am obliged to consider the question of disciplinary proceedings. This would normally include a misconduct interview, where the relevant police officers would be asked to account for their decisions and actions after a misconduct caution. However, due to the relevant police officers being retired, a misconduct investigation was not possible. Mr Dolan's family did not make a complaint to this Office.

This complaint was initially linked to a thematic investigation, into the conduct of police officers, relating to a number of murders and attempted murders during the period 1988 to 1998, including the murders at Sean Graham Bookmakers on 5 February 1992. However, during the course of that Police Ombudsman investigation, it became apparent that a weapons link between Mr Morris' murder and the murders at Sean Graham Bookmakers was incorrect. At that juncture, a decision was taken to separate this complaint from the thematic investigation.

The delay between the complaint being made by the Morris family and the conclusion of this investigation has been 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 investigations, which date back decades.

The Police Ombudsman Investigation

Police Ombudsman investigators conducted a comprehensive investigation aimed at identifying and securing all the available evidence and other information relevant to the family's complaint. The Police Ombudsman investigation sought to answer all the questions and concerns raised by the family, in addition to assessing the overall 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 Investigating Officer (DSIO) and a small, dedicated enquiry team. The Police Ombudsman investigation generated over 120 investigative actions.

The RUC investigation was conducted using the card indexing MIRIAM (Major Incident Room Indexing and Action Management) 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. In total, 140 investigative actions were allocated during the course of the RUC investigation. This allowed my investigators to review its quality and scope. My investigators also reviewed over 300 pieces of intelligence held by the Police Service of Northern Ireland (PSNI).

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

At the conclusion of the Police Ombudsman investigation, my predecessor, Dr Michael Maguire, considered whether it was necessary to submit a file of evidence to the Director of Public Prosecutions (DPP). As there was no evidence that any identifiable police officer may have committed a criminal offence, Dr Maguire decided that a file would not be submitted. I am unable to consider the question of disciplinary proceedings, relating to any potential misconduct, as all of the relevant police officers are now retired.

My investigators obtained and reviewed all the available investigation papers held by PSNI, in addition to other documentation relating to police actions taken in respect of the murders. This included witness statements, serious crime logs, records of house-to-house enquiries, search records, property registers, station registers, conference notes, message forms, custody records, some police notebooks and journals, and suspect interview records. My investigators found no policy logs in the available RUC investigation documentation.

My investigators liaised with Forensic Science Northern Ireland (FSNI) and PSNI in an attempt to identify and locate original exhibits seized by police during the original RUC investigation. Unfortunately, none could be located.

As part of a wider investigation into the activities of loyalist paramilitaries, this Office established, in 2014, that the VZ58 rifle (serial number R17155) believed to have been used in the murders of Mr Morris and Mr Dolan had not been destroyed but was on display at the Imperial War Museum (IWM) in London. In 1995, it had been donated to the museum by the RUC. In 2016, this Office asked PSNI to carry out forensic examinations of all VZ58 rifles in their possession, including the weapon recovered from the Imperial War Museum, and compare these against ballistic evidence recovered from the scene of the murders of Mr Morris and Mr Dolan.

My investigators obtained and reviewed RUC investigation files relating to other terrorist attacks referred to this public statement to identify links and further develop investigative opportunities regarding the murders of Mr Morris and Mr Dolan. They reviewed relevant legislation and applicable RUC policies and procedures to gain a better understanding of the unique circumstances that police operated within during the relevant period.

My investigators liaised with the Ministry of Defence (MOD) regarding any material that it might hold but obtained no information that assisted this investigation. They also obtained and reviewed documentation from the Public Prosecution Service (PPS), the Coroners Service for Northern Ireland (CSNI), and the Public Record Office of Northern Ireland (PRONI).

The review of the available RUC investigation papers identified a number of specific police officers who performed key roles during the original RUC investigation. Following this review, my investigators liaised with PSNI to locate original journals and notebooks belonging to these identified officers. However, PSNI were unable to locate any of this documentation. The absence of this documentation has impeded the fullest investigation of the matters raised by the Morris family, as it deprived my

investigators of the opportunity to ascertain the rationale for decisions made by senior police officers during the early stages of the RUC investigation.

Conclusions

I have considered the questions and concerns raised by Mr Morris' family. I have carefully assessed the evidence and other information gathered during this investigation. I have also considered allegations of '*collusion*' raised by the family but am unable to comment on these in light of the judgment of Scoffield J, referred to in this public statement. My findings are as follows:

Failure to Conduct Thorough Enquiries

My investigators found no record that enquiries were conducted in Flax Street to identify potential witnesses. This was the most likely route taken by the murderers after the attack. Although maps and photographs from the period indicate that this was a predominantly industrial area in 1988, this remained an investigative opportunity that was overlooked. There remained a possibility that, had police enquiries been conducted in this area, a witness may have been identified who held information relevant to the murder investigation.

Identification of Suspects

Conor Morris witnessed his brother's murder and provided a witness statement to police. He described the front seat passenger as having black hair, that was '*not too long,*' and a '*bushy*' moustache. He was of medium build, approximately 30 years old, and not '*too*' tall. He could not describe the driver or rear seat passenger.

Despite this, my investigators found no record that police considered showing Conor suspect photographs or asking him to attend an Identification Parade. I am of the view that this was a missed investigative opportunity, as Conor may have been able to identify suspects, which would have allowed police to carry out arrests and searches in an effort to bring the murderers to justice.

Handling of Exhibits

During the course of the RUC investigation, a number of exhibits were seized by police and submitted for forensic examination. These examinations proved negative. Police failed to properly manage and store key evidence, in particular a cigarette butt, which could have been significant due to later advancements in forensic technology. This mishandling potentially limited future investigative opportunities.

The hijacked car, used by the murderers, was returned to Witness B's father a number of weeks after the attack. Car seats and mats recovered from the car were returned 17 months after the murders. The whereabouts of the cigarette butt, recovered from the hijacked car, is unknown. If this had still been in the possession of police, it could have provided investigative opportunities, given advancements in DNA technology since the time of the murders.

It is known that one of the fingerprint marks recovered from the vehicle used in the murders was later attributed to Person Y in 2008. From the available documentation it appears that, in 1988, these fingerprint marks had been compared to a list of 499 loyalist paramilitaries, with negative results. Person Y appears on that list. I have been unable to establish why he was not identified in 1988 as the person who left the relevant fingerprint mark on the hijacked vehicle.

Police subsequently destroyed a number of the recovered weapons. There are, therefore, no further evidential opportunities in respect of these weapons. I am of the view that the disposal of weapons linked to undetected murders and other serious crimes ought not to have occurred. I am critical of this blanket policy approach to the destruction of weapons used in unsolved crimes.

Gunshot Discharge Residue Tests

Person J and Witness B were arrested on suspicion of the murders on 11 August and 16 August 1988 respectively. A review of the Custody Record of Person J gave no indication as to whether his clothing was seized for comparison against exhibits recovered from the vehicle. As Witness B was the user of the vehicle evidence such

as fibres, seat covers and mats from the vehicle would not link him to the murder. However, the clothes of Person J and Witness B should have been tested for GDR, in the case of Witness B this may have eliminated him at an early stage in the investigation had they have been negative. There is no evidence that consideration was given to this by the RUC SIO, Police Officer 5. My investigators found no evidence of tests for GDR.

Person J

Person J was arrested on 11 August 1988 in respect of the murders of Mr Morris and Mr Dolan, a murder in 1987, possession of firearms, and UVF membership. Due to the absence of documented policy decisions, my investigators were unable to establish the rationale for the arrest of Person J. However, I have concluded that it was most likely in response to anonymous information provided on 9 August 1988, which specifically named him as being involved and having prior possession of the weapons used in the murders. His house was later searched, as was the house of a relative, but nothing was seized by police.

Person J was interviewed 25 times, while in custody, and denied his involvement with the UVF and involvement in the murders. He provided an account to police of his movements on the morning of 8 August 1988, which included the identity of a person he was with, in and around the time of the murders, and an address he was visiting at the time. It should be noted that the address was only a few minutes walk from the scene of the murders.

Although no intelligence directly implicated Person J in the murders, there was intelligence that linked Person J to the storage of weapons in February 1988 from the loyalist arms importation. Intelligence also linked Person J to the UVF and specifically to the UVF 'team' at the 'North Belfast Social Club'. A weapon had also been found in Person J's home in January 1988, although a third party was convicted for its possession. It is clear that the SIO investigating the murders knew of the intelligence linking Person J to the storage of the imported weapons as it had been cited on the application to have Person J's detention period extended.

Although Police Officer 5's focus was understandably on the murders of Mr Morris and Mr Dolan, my investigation found no evidence that the intelligence concerning Person J's possession of these weapons was further developed. This information presented police with an important line of enquiry in relation to the acquisition and distribution of weaponry from the loyalist arms importation

My investigators found no evidence that the alibi account provided by Person J was verified. There were no actions raised to speak to the person he stated he had been with and no other enquiries were made to establish if he had been at the given address at the time of the murders. The address was a short walk from the scene of the murders. I consider this a significant failing by the SIO, Police Officer 5.

In the absence of documented policy decisions, I am unable to establish if any consideration was given to seizing clothes or shoes during the search of Person J's house that could have been examined against evidence from the vehicle used in the murders; any such items could also have been examined for GDR. I consider this a failing by Police Officer 5.

The Complaints about '*Collusion*'

It is my view, based on the available evidence and other information, that there were a number of failings in the RUC investigation of Mr Morris' murder. The Morris family also complained that RUC officers '*colluded*,' either directly or indirectly, in his murder.

I must act lawfully and fairly in the exercise of my functions as provided for under Part VII of the 1998 Act. The Court of Appeal in *Re Hawthorne and White* had ruled that the Police Ombudsman cannot make a determination of criminality or misconduct on the part of any police officer. However, the Court identified that, in respect of a complaint about '*collusion*,' the Police Ombudsman may acknowledge whether the matters '*uncovered*' by an investigation are '*very largely*' what Mr Morris' family claimed constituted '*collusive behaviour*'.

I have taken into account the limitation on my powers to make a determination of '*collusion*' as clarified in the Court of Appeal judgment. In light of the judgement of Scofield J in *Re Fitzsimons and JR217*, to the effect that I am unable to express a view in relation to potential collusive behaviours on the part of former police officers, I am unable to comment further on the family's complaint of '*collusion*'. This judgement is the subject of an appeal to the Court of Appeal in Northern Ireland.

This investigation has found no evidence that police were in possession of specific intelligence which, if acted on, could have forewarned of, or prevented, the murders of Mr Morris and Mr Dolan. Likewise, intelligence was shared by RUC Special Branch with police investigating the murders, who then conducted further enquiries in respect of a number of identified individuals.

Firearms used in the Murders of Mr Morris and Mr Dolan

My predecessor, Dr Michael Maguire, and I have previously reported on the circumstances in which loyalist paramilitary groups acquired VZ58 assault rifles, semi-automatic pistols, and other munitions from an importation of firearms to Northern Ireland in late 1987.

These investigations, which described the acquisition and use of the imported weapons, focused on complaints relating to attacks by the UVF at Loughinisland in South Down, the UDA in the North West, including at the Rising Sun Bar, Greysteel, and the UDA/UFF in South Belfast, including at Sean Graham Bookmakers.

Both Dr Maguire and I have acknowledged the success of police in arresting three men at Mahon Road, Portadown, on 8 January 1988 in possession of weaponry from the importation, all of whom were subsequently convicted. An additional portion of the imported firearms were recovered by police at Flush Road, North Belfast, on 4 February 1988.

Despite the recovery of these firearms, it is evident that loyalist paramilitaries obtained a significant number of VZ58 assault rifles, 9mm semi-automatic

handguns, and other munitions from the importation. These firearms were later used by loyalist paramilitaries in at least 80 murders.

I have been critical of the absence of intelligence and other records relating to the RUC operation that led to the arrests at Mahon Road. The lack of a concerted effort by police to bring those responsible for the importation and distribution of these imported firearms to justice has also attracted my criticism.

During the 12 months following the arrests at Mahon Road there were 105 murders in Northern Ireland, of which 11 were attributed to the UVF. Eight of the UVF murders involved the use of VZ58 assault rifles, six of which occurred in Belfast. Another four non-fatal attacks in Belfast, in which VZ58 assault rifles were discharged, occurred during the same period. As a result of extensive enquiries by this Office, it has been established that the use of VZ58 assault rifles during 1988 and 1989 can be exclusively attributed to the UVF.

According to intelligence received by police in late February 1988, a quantity of the imported firearms were removed from the Flush Road consignment prior to police recovering the remaining weapons. The intelligence indicated that Persons N, O, AA, GG, and HH had been involved and that the firearms had been moved to the named 'North Belfast Social Club'. On a further unspecified date, the weapons were moved to storage in the Shankill and Ballysillan areas, including at premises under the control of Person J. Based on the available evidence and intelligence, I have concluded that the VZ58 assault rifle used in the murders of Mr Morris and Mr Dolan was removed from the Flush Road cache.

Police also had information indicating that the 'North Belfast Social Club' had been used for paramilitary displays, storage of firearms, meetings of senior members of the UVF's North Belfast 'B' Company, and other serious crime. Among others, Persons A, I, N, O, and AA were referenced as being active at the 'North Belfast Social Club'. Persons I and AA were implicated through intelligence as being involved in the murders of Mr Morris and Mr Dolan.

During the six months prior to the murders of Mr Morris and Mr Dolan the following intelligence was, therefore, available to the RUC:

- The identities of active members of North Belfast UVF;
- That Belfast UVF had acquired weaponry from the loyalist arms importation;
- That the UVF had temporarily stored the firearms at the 'North Belfast Social Club';
- That VZ58 assault rifles from the importation had been used by the UVF in a number of murders and other attacks in Belfast, including in North Belfast;
- That the UVF used the 'North Belfast Social Club' as a venue for meetings; and
- That members of the UVF engaged in criminal activities, including the storage of firearms at the 'North Belfast Social Club'.

My investigation has not identified evidence that police initiated an investigative response or implemented disruptive tactics in relation to this intelligence, or to other information concerning UVF activities at the 'North Belfast Social Club,' prior to the murders of Mr Morris and Mr Dolan.

Incorrect Linkage of the Weapons

The incorrect linkage of the VZ58 assault rifle, used in the murders of five individuals at Sean Graham Bookmakers on 5 February 1992, to the murders of Mr Morris and Mr Dolan was a matter of concern to the family. In my investigation into police conduct relating to the attack at Sean Graham Bookmakers, it was established that this weapon was not the one used in the murders of Mr Morris and Mr Dolan or an earlier attempted murder in March 1988.

My Office informed PSNI of this finding and they subsequently confirmed this to be correct.

My Office requested that PSNI re-examine ballistic evidence from all recovered VZ58 rifles against ballistic evidence recovered during the RUC investigation of the murders of Mr Morris and Mr Dolan. Following these checks, PSNI informed my investigators that VZ58 rifle R16838, recovered in North Belfast in late September 1988, was the weapon used in the murders of Mr Morris and Mr Dolan.

Previous examinations of VZ58 rifle R16838 by both WERC and NIFSL in 1988 had linked this weapon to three murders at the Avenue Bar in May 1988. My investigation established that this link was also incorrect. Neither WERC nor NIFSL made the correct link to the murders of Mr Morris and Mr Dolan and the attempted murder in March 1988.

This misattribution of weapons to murders, by WERC and/or NIFSL, was highlighted to PSNI by the Police Ombudsman as a potential systemic issue. However, it is not known the extent to which murder investigations involving the use of VZ58 assault rifles may have been misdirected in consequence of these errors.

Overall Conclusions

I believe that Mr Morris and Mr Dolan were the innocent victims of a campaign of sectarian violence mounted against the nationalist community. Loyalist extremists were responsible for their murders. However, given the investigative failings and omissions identified, I believe that Mr Morris' family were failed by police in their search for accountability for the murders of their loved ones.

In light of the above, I am of the view that an identified number of the family's complaints about investigative failings are legitimate and justified. Although the family have complained about '*collusion*' between the security forces and those who murdered Mr Morris and Mr Dolan, I am not permitted to express any view of my own on this issue, in consequence of a recent High Court judgment. The detailed narrative outlined in this public statement of the circumstances of Mr Morris' murder must be read in the context of that judgment and in light of my obligations under Article 2 of the European Convention to provide an independent and fulsome

investigation of the family's complaints. I thank them for their patience in awaiting the outcome of this protracted investigation

1.0

Introduction

- 1.1. At approximately 11:20am on Monday 8 August 1988, James Patrick Morris, known to his friends and family as Seamus, was murdered as he walked across Etna Drive in North Belfast. He was shot a number of times from a passing car, which had been stolen a short time earlier in the Shankill Road area. The car then continued to nearby Brompton Park, where the gunman opened fire on a passing Guinness delivery lorry. Mr Dolan, who was sitting in the lorry's front passenger seat, was shot and died from his injuries a short time later.
- 1.2. Mr Morris was 18 years old at the time of his murder. He was single and lived at home with his parents, two brothers, and two sisters. He was a student at Millfield College, now Belfast Metropolitan College, in Belfast, where he was training to become a bricklayer.
- 1.3. My predecessor, Dr Michael Maguire, received a complaint from the Morris family in July 2013. This consisted of questions and concerns regarding the circumstances of Mr Morris' murder and the subsequent Royal Ulster Constabulary (RUC) investigation. It included an allegation that members of the security forces '*colluded*' with paramilitaries in Mr Morris' murder.
- 1.4. The RUC (Complaints etc) Regulations (the 2001 Regulations) allow the Police Ombudsman to consider public complaints, which are outside the normal time, namely made within 12 months of the alleged conduct, if they '*should be investigated because of the gravity of the matter or the exceptional circumstances.*' Dr Maguire was of the view that the complaint made by Mr Morris' family met the '*grave or exceptional*' definition. Therefore, the complaint was accepted for investigation.

- 1.5. The investigation generated over 120 investigative actions, including interviews of former police officers, and other witnesses. A number of former police officers either declined, or were unable, to assist.
- 1.6. As part of this investigation, my investigators reviewed over 300 pieces of intelligence held by the Police Service of Northern Ireland (PSNI), in addition to the original RUC investigation papers. Other material was reviewed from the Coroners Service for Northern Ireland (CSNI).
- 1.7. At the conclusion of this investigation, Dr Maguire considered whether it was necessary to submit a file to the Director of Public Prosecutions (DPP). As there was no evidence that any identifiable officer may have committed a criminal offence, Dr Maguire decided that a file would not be submitted. I am unable to consider the question of disciplinary proceedings, relating to any potential misconduct, as all of the relevant police officers are now retired.
- 1.8. In this public statement, I am critical of the actions (including inaction) of the Senior Investigating Officer (SIO) who investigated the murders initially. He was deceased at the time of my investigation. I have provided an opportunity for a former RUC officer, whose actions are subject to criticism, to respond. I have considered his response and incorporated this into the public statement, where I consider it appropriate.
- 1.9. This document is a public statement detailing the reasons for actions, decisions, and determinations in respect of this complaint and related matters. The investigation conducted by my Office into the allegations made by Mr Morris' family is also detailed in this public statement.

2.0

Background to the complaint

- 2.1. At approximately 11:00am on Monday 8 August 1988, Witness A, who worked at a North Belfast taxi firm, received a telephone call. The male caller, who stated that his name was 'Thompson,' ordered a taxi from the Heather Street Social Club, off the Shankill Road, to take him to the Shankill Housing Estate. Witness A dispatched a taxi, driven by Witness B, to Heather Street to collect the fare.
- 2.2. Witness B drove to Heather Street in a red Vauxhall Cavalier car, which belonged to his father. He parked outside Heather Street Social Club and sounded the car horn but, receiving no response, got out and rang the club's doorbell. As he was doing so, he observed two masked men emerge from an entry beside the Social Club.
- 2.3. Witness B told police that one of the men was 5'6" tall, of medium build, wearing a black jacket, blue jeans, and a dark navy-blue balaclava. The man produced a black-coloured revolver and stated they were taking Witness B's taxi. He had a Belfast accent. He then thrust the revolver into Witness B's stomach and asked if the keys were in the car.
- 2.4. The man told him to walk to Woodvale Park and remain there for ten minutes. Witness B stated that he followed these instructions before walking to a newsagent where he phoned police to report the incident.
- 2.5. At approximately 8:30am that morning, Mr Morris and one of his brothers, Conor, attended Millfield College where they were both enrolled on a bricklaying course. They waited until 9:45am, when they were informed that the course had been cancelled for the day. They returned home for a brief period before Mr Morris arranged to meet a friend at midday. He and his brother Conor decided to play snooker for 30 minutes before he was due to

meet his friend. On their way to the snooker hall, they stopped to talk to Witness D outside a shop at Brompton Park.

- 2.6. At approximately 11:20am, Mr Morris and his brother started to cross Etna Drive, when their attention was drawn to a car travelling towards them. This was later established to be Witness B's stolen taxi. Although it was an unmarked taxi, witnesses referred to it simply as a car.
- 2.7. As the car, containing three men, drew up alongside Mr Morris and his brother, a gunman opened fire through its open rear window. Mr Morris sustained a fatal head injury. The stolen car then continued to the end of Etna Drive before turning right onto Brompton Park.
- 2.8. Witness E was employed as a lorry driver with the Arthur Guinness Company. At approximately 11:20am, he was making deliveries in the Brompton Park area, accompanied by his delivery assistant, Mr Dolan. He was driving along Alliance Avenue, nearing its junction with Brompton Park, when he heard a *'burst of shots.'* Witness E stated that the car then drove past his lorry, and that shots were discharged from the car.
- 2.9. Mr Dolan, who was seated in the lorry's front passenger seat, was shot once in the groin. Two local residents administered first aid to him at the scene before Witness E decided to drive him to hospital. On their way there, Mr Dolan was transferred from the lorry to an RUC landrover, which took him to the Mater Hospital, where he was pronounced dead at 11:45am, shortly after his arrival.
- 2.10. At approximately 11:30am, Witness F observed three men alight from a parked car at Oregon Street, North Belfast, before running off. The car was Witness B's stolen car. Witness F informed Witness G what she had seen. Witness G then looked into the rear of the car, where he observed a number of discharged cartridge cases. He then contacted police.

- 2.11. At approximately 1:45pm on 8 August 1988, an anonymous male caller phoned the British Broadcasting Corporation's (BBC) switchboard. He stated, "*The Protestant Action Force claim responsibility for the two deaths this morning and there will be more.*"
- 2.12. At 10:12am on 9 August 1988, a second anonymous call was made to the Samaritans. The male caller stated, "*The execution of the two nationalists yesterday was carried out by a three man active service unit of the Protestant Action Force in direct retaliation for the murder of the two workmen in Belleek¹ and an assault rifle and a Browning automatic pistol were used.*"
- 2.13. The Protestant Action Force (PAF) was widely recognised as a cover name for the Ulster Volunteer Force (UVF), when the latter organisation did not want to directly link itself to paramilitary attacks.
- 2.14. The inquest into the death of Mr Morris was held on 31 May 1989. Depositions were heard from his brother, Conor, in addition to Witnesses B and D. Evidence was also heard from Police Officer 1, a Detective Inspector, who stated, "*No one has yet been made amenable.*" No verdict was given. The cause of death was recorded as '*bullet wound of head.*' To date, no individual has been charged with, or prosecuted for, Mr Morris' murder. Police Officer 1 also stated that neither Peter Dolan nor Seamus Morris were members of any paramilitary organisation.

¹ William Hassard and Frederick Love were murdered by PIRA gunmen outside Belleek, County Fermanagh, on 4 August 1988.

3.0

The Scope and Terms of Reference of the Police Ombudsman Investigation

- 3.1. The family of Mr Morris first contacted this Office in May 2013, indicating that they wished to make a complaint regarding the actions of police before, and after, his murder. There has been a delay in concluding the investigation and issuing this public statement. This has been mainly due to the lack of resources available to my Office to investigate, and report on, historic cases. It is a matter of public record that successive Police Ombudsmen have raised the issue of chronic underfunding for legacy investigations during their time in office.
- 3.2. Mr Morris' family believed that his murder was linked to the murders of five people at Sean Graham Bookmakers, Ormeau Road, Belfast, on 5 February 1992, as they had been led to believe the same VZ58 rifle had been used in both attacks. In February 2022, my Office released a public statement relating to the murders at Sean Graham Bookmakers and a number of other loyalist paramilitary murders, and attempted murders, in South Belfast during the 1990-1998 period.
- 3.3. In November 2013, there was a further meeting with members of the Morris family to discuss their complaint. In September 2015, a further meeting with the family took place, where they raised a number of questions and concerns. These were as follows:
 - I. The family alleged that police provided them with no updates regarding Mr Morris' murder. However, on the day a named person was shot dead, a police officer phoned their mother and said "*we got him*", indicating that it was the deceased person who had murdered Mr Morris;

- II. Police knew the identity of the murderers but did nothing about it. Nobody was arrested and police protected an informant;
- III. An RUC Special Branch informant authorised all of the attacks carried out by 'B' Company UVF. Therefore, RUC Special Branch would have been aware of the attack on 8 August 1988 in advance;
- IV. Police took 20 minutes to attend, despite there being police stations near the scene of the attack;
- V. The family wish to know if a Tactical Co-Ordinating Group (TCG)² operation was in place at the time of the attack;
- VI. Why was the VZ58 rifle used in the murders destroyed in the mid-1990s?
- VII. Mr Morris' younger brother was asked to identify his brother's body; and
- VIII. Police officers laughed and joked in front of the family at the hospital.

3.4. Allegations VII and VIII did not form part of this investigation, as they related to misconduct matters which could not be progressed by the Police Ombudsman. I am obliged to consider the question of disciplinary proceedings. This would normally include a misconduct interview, where the relevant police officers would be asked to account for their decisions and actions after a misconduct caution. However, due to the relevant police officers being retired, a misconduct investigation was not possible.

3.5. This complaint was initially linked to a thematic investigation into the conduct of police officers relating to a number of murders and attempted murders in the South Belfast area, during the period 1988 to 1998, including the murders at Sean Graham Bookmakers. However, during the course of that Police Ombudsman investigation, it became apparent that a weapons link

² The de Silva report stated, *'The Tasking and Co-Ordinating Group (TCG) was a permanent unit under SB command...The focus of the TCG was the exploitation of intelligence to frustrate terrorist groups. They brought together the RUC SB intelligence and operational resources from the RUC and the Army to mount counter-terrorism operations. This included, for example, exploiting intelligence by means of covert surveillance or the use of overt army or police units. The TCG received information from all three organisations involved in intelligence gathering in Northern Ireland and from a variety of technical sources.'*

between Mr Morris' murder and the murders at Sean Graham Bookmakers was incorrect. At that juncture, a decision was taken to separate this complaint from the thematic investigation.

- 3.6. In late September 2015, a relative of Mr Morris' submitted an eight page letter of complaint. This contained a number of specific allegations, responses to which are detailed later in this public statement.
- 3.7. In early June 2016, the solicitor acting for Mr Morris' family forwarded information to my investigators that they received from a journalist. The information alleged that three named persons were responsible for the murders of Mr Morris and Mr Dolan.
- 3.8. The journalist also named three individuals who he alleged were informants, one of which he stated was involved in the murders of Mr Morris and Mr Dolan.
- 3.9. Mr Dolan's family did not make a public complaint to my Office.

Terms of Reference

- 3.10. This investigation has sought to answer the family's questions and concerns and assess the quality of the RUC murder investigation. A significant part of this investigation has been determining the origin, use, and destruction of the weapon used to murder Mr Morris and Mr Dolan and establishing how the incorrect weapons linkage was initially made. As set out at paragraph 3.5 this case was extracted from the thematic investigation concerning the activities of South Belfast UDA, on which I reported in February 2022. The following Terms of Reference were set for the thematic investigation at that time, and hence points V-VII refer to South Belfast UDA. However, once the incorrect weapons link was established the focus of this investigation moved to North Belfast UVF.

3.11. Informed by the complaint, the investigation was given the following terms of reference:

- I. Establish if a member of the RUC, or agent of the RUC, may have been culpable in any of the murders, or other incidents, consolidated within this investigation, 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 prevented any of the murders or other incidents;
- III. Establish if the RUC investigation of the murders, or other linked incidents, were adversely impacted upon by the non- dissemination of intelligence or otherwise obstructed;
- IV. Establish if all reasonable lines of enquiry were pursued by the RUC in respect of the dissemination of intelligence and, if not, assess the quality of the wider RUC investigation with a particular emphasis on suspect strategies, intelligence, and forensic (including ballistic dimensions) opportunities;
- V. Establish if the RUC had agents in positions of leadership within the UDA/UFF³ and/or other paramilitary groups linked to that organisation who may have influenced, or had knowledge of, the activities of the South Belfast UDA/UFF or had access to information relevant to their activities;
- VI. Establish if the RUC had access to intelligence from other agencies, relating to the activities of the South Belfast UDA/UFF and/or other paramilitary groups linked to that organisation, on which they failed to act;
- VII. Identify missed investigative opportunities by the RUC, including strategic linking of murders and other relevant incidents, that may have impacted on the continued operation of the South Belfast

³ Whenever it carried out a terrorist attack, the Ulster Defence Association (UDA) used the cover name of the Ulster Freedom Fighters (UFF) when claiming responsibility. The UFF were proscribed in November 1973, but The UDA itself was not proscribed as a terrorist organisation until August 1992. I consider that the UDA and UFF were the same organisation. For the purposes of this public statement, it shall be referred to as the UDA/UFF.

UDA/UFF and paramilitary organisations linked to that group and whether, if such opportunities had been acted on, subsequent murders may have been prevented; and

VIII. If criminality, serious misconduct, or other failings by any members of the RUC are evidenced, identify individual accountability, extending to RUC senior management, where such conduct was of a repeated, serious, or widespread nature.

3.12. This investigation sought to address the complaint made by Mr Morris' family. The original RUC investigation papers were secured during this investigation and are retained by my Office.

Definitions of Collusion

3.13. 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*⁴'. 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, silence⁵.

3.14. A number of independent inquiries and investigations have sought to define or describe what constitutes '*collusion*'. In his first inquiry report into alleged '*collusion*' between paramilitaries and state security forces including in the commission of serious criminal offences, Lord Stevens stated that '*collusion*' can be evidenced in many 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.*'

⁴ Dr Hannah Russell, *The Use of Force and Article 2 of the ECHR in Light of European Conflicts*, Hart Publishing, Oxford & Portland Oregon, 2017.

⁵ Alf Lüdtke, *Everyday Life in Mass Dictatorship: Collusion and Evasions*, Palgrave Macmillan, 2015.

- 3.15. He further stated that: *'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.'*⁶
- 3.16. *'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.'*⁷
- 3.17. Canadian Judge Peter Cory was asked to investigate allegations of collusion by members of the British and Irish security forces in Northern Ireland in the commission of serious criminal offences, 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'*.⁸
- 3.18. 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 Finucane⁹, Judge Cory reprised his earlier definition of *'collusion,'* adding

⁶ Stevens Enquiry 3: Overview and Recommendations, Metropolitan Police Service, 2003, para 4.8.

⁷ Ibid, para 4.9

⁸ Cory Collusion Inquiry Report: Chief Superintendent Breen and Superintendent Buchanan, The Stationery Office, 2003 para 2.55-2.56.

⁹ Cory Collusion Inquiry Report: Patrick Finucane, The Stationery Office, 2004.

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'*.¹⁰ For these reasons, he was of the view that any definition of *'collusion'* must be *'reasonably broad.'* He stated that *'army and police forces must not act collusively by ignoring or turning a blind eye to the wrongful acts of their servants or agents. 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'*.¹¹

3.19. 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.'*¹²

3.20. 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 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*

¹⁰ Ibid para 1.39

¹¹ Ibid para 1.39

¹² Cory Collusion Inquiry Report: Robert Hamill, The Stationery Office, 2004 para 2.222.

*condoning, or even encouraging, state involvement in crimes, thereby shattering all public confidence in important Government agencies.*¹³

3.21. 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 that *'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.'*¹⁴

3.22. *'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.'*¹⁵

3.23. The Smithwick Tribunal into 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*

¹³ Ibid, para 2.226

¹⁴ Ibid, para 2.227

¹⁵ Ibid, para 2.228

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.’¹⁶

3.24. In her book, ‘*The Use of Force and Article 2 of the ECHR in Light of European Conflicts and Suspicious Deaths*¹⁷,’ 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.*’

3.25. 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 which may or may not involve a criminal act. I broadly concur with their views. I am also mindful of the judgment of the then Lady Justice Keegan¹⁸ 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*

¹⁶ 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.

¹⁷ Dr Hannah Russell, *The Use of Force and Article 2 of the ECHR in Light of European Conflicts*, Hart Publishing, Oxford & Portland Oregon, 2017.

¹⁸ Appointed as The Right Honourable Dame Siobhan Keegan, Lady Chief Justice of Northern Ireland (September 2021).

*the concept in the broadest sense emphasising that it includes legal and moral responsibility.*¹⁹

3.26. In the matter of an application by John McEvoy for judicial review, Mr Justice 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.'*²⁰

3.27. 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].'*²¹

3.28. I have carefully considered each of the definitions and I am aware that there are areas of overlap and also different emphasis. While these definitions are useful, I recognise that there is no definitive definition of *'collusion'*, and where consideration of the issue by me is required I am constrained by the provisions in Part VII of the Police (Northern Ireland) Act 1998. However, I have identified a number of common features, as follows:

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

¹⁹[2018] NIQB 94, at para 44.

²⁰ [2022] NIKB 10, at para 37.

²¹ Ibid, para 42

- 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*' may by its nature involve an improper motive but in the context of police conduct, these would be issues for a court or a properly constituted disciplinary panel to adjudicate on.
- VI. If proven, collusion can constitute criminality or improper conduct (amounting to a breach of the ethical Code of the relevant profession). I am not empowered to adjudicate on whether any evidence of collusion amounts to either a criminal or disciplinary offence; and
- VII. Corrupt behaviour may constitute '*collusion*.'

3.29. In the context of my role as Police Ombudsman, I am mindful that different 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 I am in favour of broad definitions encompassing collusive behaviours, by which I mean behaviours indicative, but not determinative, of collusion in the criminal or disciplinary sense. This applies to acts and omissions which can encompass collaboration, agreements, or connivances. It can also include the more passive '*turning a blind eye*.'

3.30. In June 2016, my predecessor, 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, on 18 June 1994.

3.31. 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 VII 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.

3.32. 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.'*²²

3.33. 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 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*

²² Re Hawthorne and White's Application for Judicial Review. [2020] NICA 33, para 40

*determinations of the commission of criminal offences or disciplinary misconduct but will address later how this affects the content of a PS.*²³

3.34. 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.’*²⁴

3.35. 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 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*

²³ Ibid, para 43

²⁴ Ibid, para 55

*for the Ombudsman to acknowledge the matters uncovered by him were very largely what families claimed constituted collusive behaviour.*²⁵

- 3.36. It is my 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. Collusion or collusive behaviours by police officers in the absence of a correlation to the commission of a criminal or disciplinary offence is no more than conduct, either by its nature or circumstances, that 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, I can recommend prosecution and/or disciplinary proceedings are brought or subsequently report on my reasons for making such recommendations.
- 3.37. My interpretation of the Loughinisland judgment is that, in the absence of determinations of criminality or misconduct by the appropriate authority, my 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 collusion or ‘*collusive behaviours*’ on the part of police, as alleged. Findings as to the existence of evidence of collusion or collusive behaviours particularly where no is no relationship with a criminal or disciplinary offence are not determinations of conduct amounting to either the commission of a criminal offence or professional misconduct (I have made appropriate recommendations where I am satisfied that there is evidence to support this) but that there was some evidence of collusion, ‘*collusive behaviour*’ or behaviours, falling short of the commission of a crime or disciplinary offence to justify bringing criminal or disciplinary proceedings.
- 3.38. Discrete collusive behaviours may be indicative of ‘*collusion*’ but do not, individually or cumulatively, amount to collusion and even then, in the absence of the identification of a criminal or disciplinary offence may provide

²⁵ Ibid, para 63

evidence to be considered by others in deciding whether to institute criminal or disciplinary proceedings. Where the evidence falls short of enabling a recommendation, I consider my 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 my findings, on whether the actions of police (including inaction) were indicative of collusion or '*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.

3.39. Following the Loughinisland judgment, a further challenge was brought by the NIRPOA to the limits on what can say in a public statement issued under section 62 of the Police (Northern Ireland) Act 1998. On 6 February 2025, Mr Justice Scofield handed down judgment in *Re: Fitzsimons and others' Application* [2025] NIKB 7. Scofield J held:

- A finding of collusion, even where no related criminal offence is identified, 'almost certainly represents a finding that police misconduct has occurred' and is 'highly likely' to amount to a finding a criminal offence has been committed.
- The Court of Appeal in the Loughinisland case did not make it permissible for me to make findings of collusive behaviour but I was entitled to set out 'certain facts' as part of my narrative
- I could confirm in appropriate cases that my investigation 'supported the occurrence of facts upon which the complainants relied, and which founded their belief that there was collusion
- However, I was not permitted to express 'any qualitative view of my own on this issue
- I may 'nonetheless...provide a narrative which includes a measure of fact-finding'
- In article 2 cases a 'more fulsome explanation of the investigation and its results' is permissible

- A public statement provides an avenue for me to explain what I have done and why, the referrals and recommendations I made (or would have in certain circumstances) and the reasons for those but does not allow me to 'make or publish determinations in substance as to allegations of misconduct or criminal conduct'.

3.40. I have, after careful consideration and consultation with my Chief Executive and legal team, determined that I should appeal the decision in *Re: Fitzsimons and others' Application*. However, until such time as this appeal is determined I will attempt to follow the ruling of Scoffield J in that case.

3.41. My views, in respect of the complaints made by Mr Morris' family, are outlined later in this public statement.

4.0

Relevant Law and Standards

- 4.1. In 1984 the RUC implemented the 'Major Investigation Incident Room Standardised Administrative Procedures' (MIRSAP). This formalised management structures and processes within Major Incident Rooms, acknowledging that it was essential for major investigations to have a structure of management, which was immediately recognisable and understood by all police officers.
- 4.2. 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.*'
- 4.3. The recording of information entering Major Incident Rooms was undertaken by a standardised manual procedure known as MIRIAM (Major Incident Room Indexing and Action Management).²⁶ In March 1988, the RUC introduced a computerised system known as HOLMES (Home Office Large Major Enquiry System),²⁷ for the investigation of serious crimes.
- 4.4. My investigators established that MIRIAM procedures were implemented during the investigation into the murders of Mr Morris and Mr Dolan. An SIO and DSIO were appointed and a Major Incident Room (MIR) was set up at Antrim Road RUC Station. Investigative actions were raised and allocated to individual police officers.

²⁶) Major Incident Rooms was undertaken by a standardised manual procedure known as MIRIAM was a paper-based enquiry management system that pre-dated the computerised HOLMES system.

²⁷ 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.

- 4.5. My investigators reviewed RUC conference notes, which documented that Police Officer 5 requested the investigation be managed on the computerised Home Office Large Major Enquiry system (HOLMES), rather than the paper-based MIRIAM system. However, he was informed by his authorities that this was not possible. My investigators found no recorded rationale for this decision.
- 4.6. The Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1988²⁸ applied at the time of this investigation. These regulations detailed that Offence 4 – ‘Neglect of Duty’ was committed where a police officer without good and sufficient cause:
- I. *‘Neglects or omits to attend to or carry out with due promptitude and diligence anything which it is his duty as a member to attend to or carry out;*
 - II. *Fails to work his beat in accordance with orders, or leaves the place of duty to which he has been ordered, or having left his place of duty for an authorised purpose fails to return thereto without undue delay...’*

In accordance with my statutory functions, I am obliged to consider the question of disciplinary proceedings in respect of police officer misconduct such as Neglect of Duty. However, due to the relevant police officers now being retired, a misconduct investigation was not possible. This would normally include a misconduct interview, where the relevant police officers would be asked to account for their decisions and actions after a misconduct caution.

- 4.7. At the time of the murder in 1988, 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 (RUC Manual).

²⁸ The Regulations were made on the 15 January 1988 and came into operation on the 29 February 1988. They therefore applied at the time of this incident.

- 4.8. The relevant extracts from the RUC Manual, relating to the investigation of murder and other serious assaults, stated that:

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

- (1) Speedy communication of all information available.*
- (2) Arrangements for the pursuit of the criminal.*
- (3) Preservation of the scene until such time as it is properly examined.*
- (4) Examination of the scene.*
- (5) Post-mortem examination.*
- (6) Interviewing and examination of suspect(s).'*

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

- 4.10. *'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.'*

- 4.11. *'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 experienced trained police under the best conditions obtainable as soon as possible after the discovery of the crime.'*

- 4.12. *'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.'*

- 4.13. At the time of the murders of Mr Morris and Mr Dolan there was no RUC Code of Ethics in place for police officers. However, the overarching duty of police was, and remains, to protect life and property. When considering matters of police conduct in this public statement, I have applied the relevant standards of the time.

RUC Force Order regarding the Weapons and Explosives Research Centre (WERC)

- 4.14. The family have sought details about the involvement of WERC in relation to the murder weapons in this case. The role of WERC and related Force Orders were examined by my investigation. In a report to the Coroner, at the Roseann Mallon inquest, dated 5 December 2013, PSNI explained that the Weapons and Explosives Research Centre was a unit within 'E' Department (Special Branch) of the RUC, established in 1981. The relationship between WERC and NIFSL was formally defined in RUC Force Order 1/91, titled '*Weapons and Explosives Research Centre.*' This Force Order set out the functions and structure of the unit and placed a dual responsibility on WERC, as both a police controlled ballistics unit and an investigative agency, which primarily focused on terrorist orientated weapons and explosive matters. WERC also had a responsibility to monitor and assess the use of radio and ancillary equipment being used by paramilitary groupings in Northern Ireland. This force order was in place when VZ58 rifle R17155 was recovered by police, examined by WERC and NIFSL, and incorrectly linked to the murders of Mr Morris and Mr Dolan.
- 4.15. The PSNI report also explained that '*The primary function of WERC was to examine all exhibits from crimes involving the use of firearms, including bullets and cartridge cases, recovered firearms, and other ancillary items. The purpose was to build an intelligence picture around which particular firearms were being used in various incidents...The work was done to evidential standards, but reported as intelligence. The said intelligence*

*provided investigative leads for CID in respect of individuals or small groups suspected of being involved in the said crimes.*²⁹

Guidance and Legislation on Police Recruitment and Management of Informants

- 4.16. When considering the family complaints about the use of police informants in the murders of Mr Morris and Mr Dolan, I have considered the relevant legislation and guidance available to the RUC at the time. The events examined, as part of this investigation, pre-date the Human Rights Act 1998, which came into force on 2 October 2000 and the Regulation of Investigatory Powers Act 2000 (RIPA), which commenced on 24 September 2000. These pieces of legislation, together with the Investigatory Powers Act 2016 and The Covert Human Intelligence Source (Criminal Conduct) Act 2021, now provide a statutory framework within which police operate and, in particular, in respect of their recruitment and management of informants.
- 4.17. Prior to that, the guidance on the use of informants was largely unchanged from that provided by the Home Office Circulars of 1969 (*'Informants who take Part in Crime'*) and the later Home Office Circular 35/1986 (*'Consolidated Circular to the Police on Crime and Kindred Matters'*).
- 4.18. The Home Office Circulars were circulated primarily to deal with future crimes and allow for the use of participating informants provided:
- I. *'neither the informant nor the police can counsel, procure or incite the commission of a crime;*
 - II. *the informant's role remains minor; and*

²⁹ Between 1988 and 1994, in the East Tyrone area, there were 12 terrorist incidents that were linked together through ballistic intelligence. WERC had identified that ammunition cartridges found at the scenes of the said 12 incidents had been fired from the same weapon – this was incorrect. These 12 incidents ought to have been linked to the VZ58 weapon that was used to murder Roseann Mallon on the 8 May 1994, instead, police investigating Ms Mallon's murder were told that the weapon had no links to any other incident. Ms Mallon was 76yrs old and was fatally injured when gunmen opened fire on a house she had been visiting at the time.

III. *his involvement is designed to frustrate the crime and arrest the principals.'*

- 4.19. It is now widely accepted that this guidance was never intended, nor sufficiently adequate, to deal with the terrorist situation, which existed in Northern Ireland between 1969 and 1998.
- 4.20. RUC Special Branch did not adopt the Home Office guidelines because they believed that they were inadequate to address the issues concerning the handling of informants within paramilitary organisations. I have previously reported on the efforts of the RUC between 1987 and 1993 to address the issue of informant management in Northern Ireland.
- 4.21. Correspondence from the RUC to the Northern Ireland Office (NIO), dated 21 January 1987, stated that *'The [Home Office] Guidelines take no cognizance at all of the special problems relating to Northern Ireland. They were, of course, drawn up to deal with 'ordinary' criminals in a mainland context, rather than for coping with terrorists. Given our special situation the restrictions placed upon us by virtue of the guidelines are unrealistic if we are to continue paramilitary penetration/source protection.'*³⁰
- 4.22. It is evident that most senior police officers, including the Chief Constable, knew that colleagues involved in the authorisation and management of informants felt exposed and vulnerable. This was why clarity, in the form of appropriate legislation and/or guidance, was sought from the British Government.
- 4.23. Senior Government figures, up to ministerial level, were aware of the issues. The RUC were becoming increasingly frustrated by the perceived lack of enthusiasm to progress these issues.

³⁰ Letter from the RUC to the NIO, 21 January 1987 Para 4.16 The late Sir Desmond de Silva QC Report.

- 4.24. However, an internal NIO minute to the Permanent Under Secretary, dated 18 May 1987, stated, *'As we may well wish to see a rather different method for reviewing the guidance, it will suit us if the process set in train by the RUC makes fairly slow progress, but it would not be wise to take any steps at this juncture to halt it; we should simply desist from hastening it.'*³¹
- 4.25. These frustrations were shared by their colleagues in the military and Security Service. A note from the Prime Minister's Office to the NIO, dated 13 May 1988, stated that the Director General of the Security Service had raised the need for agent-handling guidelines with the Prime Minister.³²
- 4.26. In March 1992, following revelations concerning Brian Nelson's role as a state informant, Sir John Blelloch carried out a review,³³ which looked at the recruitment and handling of military informants in Northern Ireland. This also took account of the practices and procedures adopted by RUC Special Branch and the Security Service.
- 4.27. His Terms of Reference indicated that, where appropriate, any recommendations should also apply to the RUC. The review's findings were summarised in an internal minute from the Security Service Legal Advisor, dated 25 March 1992. It stated, *'Blelloch has indicated that the Home Office Guidelines are unacceptable in a counter-terrorist context and that the NIO Working Group Guidelines... are about as good as can be achieved. He has indicated that he would not wish to advocate different procedures if they entailed legislation as he believed legislation would be politically unobtainable. Blelloch has also indicated that he is not sure that Ministers (particularly the Home Secretary) will approve the Guidelines for fear that they may involve them in allegations of conspiratorial criminality. He is, however, prepared to endorse the Guidelines in his report.'*

³¹ NIO submission, Deputy Under Secretary to Permanent Under Secretary, 18 May 1987 as referred to in de Silva paragraph 4.38, p76.

³² Cabinet Office file, Anglo-Irish relations, Prime Minister's Office to Private Secretary NIO, 13 May 1988 as referred to in the late Sir Desmond de Silva QC report Para 4.48, p79.

³³ The Blelloch Review, de Silva, P83-84.

- 4.28. Sir John Blleloch's report was circulated by the then NIO Permanent Secretary, Sir John Chilcott, on 15 July 1992. He issued a range of recommendations for the more effective management and handling of informants in Northern Ireland. However, he concluded that the issue regarding appropriate legislation, and/or guidance, was one he was not able to resolve.
- 4.29. He stated, *'Nothing has emerged in the context of this new review of agent handling [reference to NIO Working Group Guidance summarised below] to suggest that the content of the draft Guidelines...should be revised. The problem is one of the status of the document and, specifically, the extent of Ministerial approval. The need to clarify this status seems to the review team to be a matter of some urgency now, and, moreover, one that will not go away...'*³⁴
- 4.30. A NIO Working Group devised a revised set of guidelines which, by March 1992, had been adopted by the RUC. They stated at paragraph 4: *'The Informant must clearly be instructed that his employment or continued employment as an Informant does not carry with it immunity from criminal prosecution. In particular, he should be warned that he should not expect to avoid criminal proceedings if he is detected committing or having committed any physical assaults, or attacks on property causing serious damage, or acts of extortion. Moreover, no police officer will counsel, incite or procure the commission of such a criminal offence. However, subject to Paragraph 5 below, an officer may employ a person as an Informant whom he believes to be engaged in criminal activities, provided that at the time of employing him he is satisfied that;*
- I. The Informant is likely to be able to provide information concerning offences involving risk of death or injury to persons, serious damage to property, extortion, or offences connected with financing terrorism;*

³⁴ The Blleloch Review, The late Sir Desmond de Silva QC Report, paragraph 4.63 – 4.65, p83 & 84.

- II. *The required information cannot readily be obtained by any other means; and*
- III. *The need for the information that may be obtained by the employment of that person as an Informant justifies his employment notwithstanding the criminal activities on which he may be engaged.*

*The employment of an Informant believed to be engaged in criminal activity must be specifically authorised by an officer not below the rank of Assistant Chief Constable. It must be reviewed...'*³⁵

- 4.31. This guidance made reference to the responsibilities of both informants and those police officers tasked with their management. It outlined the circumstances in which an informant could be recruited and that any participation in crime had to be authorised by an Assistant Chief Constable. Although this guidance did not contain the detail which the RUC sought, and was not supported by legislation, it was adopted by police in Northern Ireland.
- 4.32. Following this, a number of high level reviews urged resolution of the issue. In 1992, Sir Nicholas Lyell QC, the then Attorney General, wrote a significant response regarding information and source liability. Sir John Chilcott chaired an Inter-Departmental Working Group (IWG) in late 1992. He summarised its conclusions to the Secretary of State on 14 July 1993. *'The present situation is not satisfactory. The existing law appears to leave the Agents, Handlers, and others involved in the intelligence process, including Ministers, unduly exposed. This has practical drawbacks (in terms of our ability to run agents, who are vital to our work against terrorism) as well as political and ethical ones. There is much that can be done, and should be done on a non-statutory basis to improve matters...the Bletloch recommendations will help...so will further elaboration of the existing schemes of guidance and regulation within agencies, based around a*

³⁵ The late Sir Desmond de Silva QC report, paragraph 4.55, p81.

common core understanding both of the law and of best practice. Nonetheless, a stable and satisfactory way forward which is fair to Agents, Handlers and others could only be achieved by new legislation.’³⁶

4.33. In his 2012 report on the Patrick Finucane Review, the late Sir Desmond de Silva QC stated, *‘It is absolutely clear that there was no adequate Agent handling guidance or direction whatsoever in the late 1980s. The 1969 Home Office Guidelines had not been designed for a counter-terrorism situation and had, rightly, been discarded...In such circumstances the UK Government had a duty to provide an effective statutory framework and clear policy direction. The issue was considered at Cabinet level and Government Ministers were clearly aware that Agents were being handled in Northern Ireland without reference to any adequate guidelines because no such framework existed. Ministers nonetheless continued to place a high priority on pursuing an intelligence led approach to the terrorist threat. What was required was a clear statutory recognition that agents must be run at the heart of terrorist groups; some recognised limits as to the extent to which agents could become involved in criminal enterprises; and a rigorous regulatory framework to prevent abuse.’³⁷*

4.34. The problem became less of a priority following the 1994 republican and loyalist paramilitary ceasefires and was partially resolved by the introduction of the Human Rights Act in 1998 and RIPA in 2000. The late Sir Desmond de Silva summed up the unique circumstances faced by security forces in Northern Ireland as having represented a *‘...wilful and abject failure by the UK government to put in place adequate guidance and regulation for the running of agents.’³⁸*

³⁶ The late Sir Desmond de Silva QC Report paragraph 4.71, p86.

³⁷ Ibid 4.86, Page 90.

³⁸ The late Sir Desmond de Silva QC Report, paragraphs 4.86 to 4.89, p90 – 91.

5.0

The Origins, Use, and Recovery of the Weapons Used in the Attack

- 5.1. As part of this investigation the origins, use, recovery, and disposal of the weapons, believed to have been used in the murders of Mr Morris and Mr Dolan, have been examined.

The Loyalist arms importation

- 5.2. In June 2016, my predecessor, Dr Maguire, issued a public statement concerning the murders of six people at the Heights Bar, Loughinisland, County Down, on 18 June 1994. Part of this public statement detailed his investigation and findings relating to police actions associated with the loyalist importation of weapons and ammunition into Northern Ireland in December 1987 by the UDA/UFF, UVF, and Ulster Resistance.
- 5.3. I previously referred to this loyalist arms importation in a public statement relating to the police handling of loyalist paramilitary murders and attempted murders in South Belfast during the 1990-1998 period, where I stated:

'In his public statement regarding the Loughinisland murders, Dr Maguire stated that, by June 1987, the RUC had received intelligence indicating that a loyalist coalition of the UDA/UFF, UVF, and Ulster Resistance had finalised plans for the importation of a large quantity of weapons into Northern Ireland. The consignment consisted primarily of VZ58 assault rifles ('AK47s') and Browning type 9mm semi-automatic pistols. By late October 1987, Persons C and D, two members of Ulster Resistance, were reported to have told associates that they would not have to wait much longer for the weapons.'

Police were aware that the UDA/UFF leadership held a meeting on 4 January 1988, where a senior member stated that the arrival of weapons from the arms importation was imminent.

Police were aware on 7 January 1988 that loyalist paramilitaries had taken possession of weapons which included VZ58 assault rifles and 9mm pistols.

On the evening of 7 January 1988, police followed a senior UDA/UFF member and Person E from Belfast UDA/UFF Headquarters to Portadown. They were joined there by Person D who is believed to have played a central role in the importation. At that time, he was under military surveillance.

Persons D, E, and the senior UDA/UFF member then met with other senior loyalist paramilitaries at a location in the Portadown area, where they discussed the distribution of the weapons. Person E assumed responsibility for taking possession of the UDA/UFF share of the weapons.

On the morning of 8 January 1988, a three-vehicle convoy, consisting of Person E and two other individuals, drove from Belfast to a car park in Tandragee, where they met a fourth individual. Police surveillance teams had followed the convoy from Belfast to the car park in Tandragee. The four individuals then exited the car park in their respective vehicles, whereupon police became 'unsighted' as to their whereabouts a short time later'.

5.4. Dr Maguire's investigation established that Person E and the other individuals drove to a farm near Markethill, County Armagh, owned by James Mitchell. Once there, they loaded their vehicles with weapons from the arms importation.

5.5. In his public statement, Dr Maguire was of the view that there had been an unexplained failure by police not to search the farm which 'permitted the prompt undetected removal of the remaining weapons.' He concluded that

the proximity of the Mitchell farm to Tandragee, combined with intelligence held by police about previous loyalist paramilitary activities at that location involving James Mitchell, should have resulted in police searching it.

- 5.6. *Shortly before midday on 8 January 1988, the police surveillance teams located Person E and the first two individuals again, travelling in the same three-vehicle convoy towards Portadown. They were stopped by police at Mahon Road, Portadown, where Person E and his two associates were arrested.*
- 5.7. *When their vehicles were searched, police recovered 61 VZ58 assault rifles, 30 Browning type 9mm pistols, 150 hand grenades, and a significant amount of ammunition.*
- 5.8. *Police described Person E as a senior Belfast UDA/UFF member. He was subsequently convicted of various firearms offences and imprisoned, as were the other two individuals.*
- 5.9. *On 4 February 1988, police searched a property at Flush Road, North Belfast. They recovered 38 VZ58 assault rifles, 17 Browning pistols, 100 hand grenades, a RPG7 rocket launcher, and a quantity of ammunition.*
- 5.10. *Police subsequently received intelligence, following the Mahon Road arrests, that James Mitchell had received a 'tip-off' that police intended to search his farm. This resulted in the remaining firearms being moved to another location.*
- 5.11. *In late 2018, my predecessor, Dr Michael Maguire, established that PSNI had failed to disclose certain sensitive material relevant to a number of matters he was investigating. Among this undisclosed material was information concerning the identity of a police officer who was alleged to have been responsible for the 'tip off' received by James Mitchell that had prompted removal of imported firearms from his farm.*

- 5.12. This information was received by PSNI in 2016, many years after the named police officer's death. In 2023, the 'Belfast Telegraph' newspaper published an article stating that in 2016 police received information that a police officer was responsible for the 'tip off' to James Mitchell. The article did not name the officer involved.
- 5.13. My investigations did not identify any additional intelligence or evidence to corroborate the allegation that the named police officer was the source of the 'tip off,' nor, as alleged, that he was personally associated with James Mitchell and involved with the UVF.
- 5.14. In his public statement concerning the Loughinisland murders, Dr Maguire referred to an RUC Special Branch report, dated 11 February 1988, which stated, *'The arrests and seizures (at Mahon Road) were brought about as the result of a covert operation mounted from Special Branch HQ over a period of months and culminating with the above arrests on 8 January. Over a protracted period a secret, reliable and well-placed source within the higher echelons of the UDA had been reporting the existence of a major arms acquisition operation being conducted by the UDA on behalf of that organisation, the UVF and Ulster Clubs (Ulster Resistance).'*³⁹
- 5.15. Police received intelligence in February 1988 that referred to a weapons find at Flush Road, Belfast. A substantial number of weapons were recovered by police at this location. This weapons find has been well documented in previous public statements issued by this Office.
- 5.16. The relevant intelligence indicated that a number of kit bags, full of weapons, were removed from Flush Road to a named North Belfast Social Club (hereafter referred to as the 'North Belfast Social Club'), where they were distributed to the Shankill and Ballysillan areas. Those involved were said to include Persons N, O, AA, GG, and HH.

³⁹ Police Ombudsman Public Statement 'Investigation into Police Handling of Loyalist Paramilitary Murders and Attempted Murders in South Belfast in the period 1990-1998,' Paras 5.4 – 5.17.

- 5.17. The recovery of 99 VZ58 assault rifles and other weapons and ammunition at Mahon Road and Flush Road, represented a partial success for the security forces. This prevented a number of weapons, imported into Northern Ireland in December 1987 by loyalist paramilitaries, from being used to carry out sectarian attacks.
- 5.18. At Dr Maguire's request, PSNI reviewed the use and recovery of VZ58 assault rifles in Northern Ireland. In 2018, PSNI reported their findings to my Office. In addition to confirming that police recovered 61 VZ58 rifles at Mahon Road, Portadown, on 8 January 1988, and 38 further VZ58 rifles at Flush Road, Belfast, on 4 February 1988, PSNI reported the following:
- I. 144 VZ58 rifles (in total) have been recovered by police in Northern Ireland since 1988;
 - II. 124 of the above VZ58 rifles were not linked to any incident; and
 - III. 18 further VZ58 rifles have been discharged but have not been recovered by police.

Therefore, at least 162 VZ58 rifles were imported into Northern Ireland by loyalist paramilitaries, of which 38 were used in various incidents, including murder, between 1988 and 2005.

- 5.19. The PSNI report established ballistic links between the use of VZ58 rifles and the murders of 70 people, in addition to the attempted murders of numerous other individuals.
- 5.20. It is possible that some, if not all, of the 18 VZ58 assault rifles used by loyalist paramilitaries between 1988 and 2005, but not seized by police, and other VZ58s that were neither used nor recovered, may have been destroyed during the decommissioning of paramilitary weapons. This

process was overseen by the Independent International Commission on Decommissioning (IICD).⁴⁰

- 5.21. My predecessor, Dr Maguire, established that the individuals responsible for the importation and distribution of these weapons (VZ58 rifles and 9mm Browning pistols), which were later used in at least 80 murders,⁴¹ were never subject to police investigation. His investigation also established that a number of these individuals were, or subsequently became, police informants.

The weapons used in the murders of Mr Morris and Mr Dolan

- 5.22. I am of the view, based on the evidence and intelligence reviewed during this investigation, that a VZ58 assault rifle, which formed part of this importation, was used in the murders of Mr Morris and Mr Dolan on 8 August 1988. A 9mm Browning pistol was also used in the attack but it was not possible to conclusively link this to the importation.
- 5.23. In 1992, a VZ58 rifle, serial number R17155, was recovered in East Belfast and linked by WERC to these murders. However, this linkage was incorrect and the details of this error are set out below.

⁴⁰ The IICD published their final report on 4 July 2011 (their official remit having come to an end on 8 February 2010). On the same day, the Northern Ireland Office issued a ministerial statement observing that, between September 1997 and February 2010, the IICD provided a *'mechanism, entirely independent of government, to execute the decommissioning of paramilitary arms in a manner that rendered them permanently inaccessible or unusable...The IICD did not provide the British and Irish governments with an inventory when they submitted their final report...(but) made arrangements for the safe retention of the records of decommissioned arms by the United States Department of State in Washington.'* This ended a process during which the UVF and Ulster Political Research Group (UPRG), on behalf of the UDA, had announced, in June 2009 and January 2010 respectively that they had decommissioned their weapons.

⁴¹ At least 63 VZ58 rifles, 34 Browning 9mm pistols, RGD-5 hand grenades, and an unknown quantity of ammunition reached loyalist paramilitaries. These weapons were used in at least 80 sectarian murders in Northern Ireland throughout the late 1980s and 1990s, including a number of the attacks referred to in this public statement.

Incorrect linkage of VZ58 R17155 to the murders of Mr Morris and Mr Dolan

- 5.24. On 6 February 1992, a Weapons and Explosives Research Centre (WERC)⁴² report linked the VZ58 used in the attack at Sean Graham Bookmakers, Ormeau Road, Belfast, on 5 February 1992, to an attempted murder in March 1988 and the murders of Mr Morris and Mr Dolan. These links were confirmed in a number of subsequent WERC reports.
- 5.25. On 18 February 1992, VZ58 rifle R17155 was examined by a Northern Ireland Forensic Service Laboratory (NIFSL) scientist. He concurred with the earlier WERC reports that the rifle had been used in the Sean Graham Bookmakers attack but was unable to ‘*conclusively link*’ it to the murders of Mr Morris and Mr Dolan and an attempted murder in March 1988.
- 5.26. Research undertaken by my investigators led to the discovery of VZ58 rifle R17155, at the Imperial War Museum (IWM), London. The IWM assisted my investigators in the recovery of the weapon and it remains in the possession of my Office. It was established that the IWM took possession of the weapon from the RUC in 1995.
- 5.27. A subsequent independent examination, commissioned by my Office, established that the VZ58 rifle R17155 used in the Sean Graham Bookmakers attack was not used in the murders of Mr Morris and Mr Dolan or the attempted murder in March 1988.
- 5.28. The PSNI prepared a report for the inquest of Ms Mallon that set out the role of WERC and possible explanations for the incorrect linkages made on VZ58 rifles that were relevant to Ms Mallon’s murder.

⁴² The Weapons and Explosives Research Centre was a unit within the RUC’s ‘E’ Department (Special Branch) and was established in 1981. The relevant RUC Force Order in place at the time of the attacks was Force Order 1/91,⁴² entitled ‘*Weapons and Explosives Research Centre.*’ The Force Order set out the functions and structure of the unit and placed a dual responsibility on WERC, as both a police controlled ballistics unit and an investigative agency, to primarily focus on terrorist orientated weapons and explosive matters. WERC also had a responsibility to monitor and assess the use of radio and ancillary equipment, which was used by the various terrorist factions in Northern Ireland.

The report stated, *'A number of factors contributed to this incorrect linkages, namely –*

- I. the difficulty in working with the Chinese manufactured steel cased ammunition which failed to reproduce the transfer of identifiable marks on the cartridge cases in a consistent manner.*
- II. The workload in the 1980's and 1990's was significant in comparison to the staffing levels. The work had to be completed within tight time constraints due to pressure from CID and the volume of work.*
- III. The microscopes used in the early 1990's were not as sophisticated as the microscopes used in 2013, which have improved optics and better lighting.'*

5.29. In respect of the Roseann Mallon inquest, the Coroner stated:

'Several factors were put forward including the pressure of work at that time, the availability at that time of less effective microscopes and the difficulty of comparing the marks made on the ammunition, which was of Chinese lacquered steel rather than the more normal brass, with the characteristics of the weapon. However it was pointed out that a feature of the weapon used in the present case was that it produced a distinctive firing pin mark on the softer metal in the base of the bullet cases. It appears that this significant feature was not adverted to by those carrying out the examinations at WERC. As a result not only did WERC erroneously declare that the weapon used in the present case had no prior history but also erroneously attributed those prior shootings to another rifle recovered in 1993.'

5.30. The independent forensic scientist commissioned by my Office to conduct the ballistics examination stated that, *'Comparison microscopes, their optics and the lighting systems they use to illuminate fired cartridge cases and bullets for comparison purposes, have evolved and have been improved over the years and became more efficient. Digital imaging used on modern*

microscopes has also vastly improved the demonstration of findings to be peer reviewed. It is therefore not uncommon that results that were previously made inconclusive are now possible to be categorised into inconclusive, eliminations, or identifications’.

- 5.31. As a result of concerns over possible systemic failures on the part of WERC, in regard to misattribution of weapons, my Office requested that PSNI check all recovered VZ58 rifles against ballistic evidence recovered during the RUC investigation of the murders of Mr Morris and Mr Dolan. The PSNI later confirmed that VZ58 rifle R16838 was used in the murders.

VZ58 Rifle Serial Number R16838: used in the murders of Mr Morris and Mr Dolan.

- 5.32. On 28 September 1988, Person L was stopped on the Ballysillan Road, North Belfast, by the security forces, carrying a blue sports bag that contained:

- I. A VZ58 rifle - serial number R16838;
- II. A .357 Rugar revolver; and
- III. Various quantities of ammunition.

This was just over seven weeks after the murders of Mr Morris and Mr Dolan.

- 5.33. A WERC report, dated 11 October 1988, reported that VZ58 rifle R16838 was used in the murders of three men at the Avenue Bar, Belfast, on 15 May 1988, in addition to a further murder on 18 August 1988. This report contained no reference to the murders of Mr Morris and Mr Dolan.

- 5.34. A forensic scientist at NIFSL also examined VZ58 rifle R16838 but only linked it to the three murders at the Avenue Bar. Their relevant forensic report contained no reference to the murders of Mr Morris and Mr Dolan.

- 5.35. On 11 October 2019, my investigators interviewed the NIFSL forensic scientist, who had initially examined VZ58 rifle R16838. He outlined the steps that he took when a weapon was submitted to NIFSL for forensic examination. He could not specifically recall this examination but stated that, with the exception of the development of digital screening, the principles of ballistics comparison work had not markedly changed since 1988. He stated that WERC, not NIFSL, maintained a database of weapons comparisons. WERC weapons examinations resulted in an intelligence report being produced. If the information was required for evidential purposes in related criminal proceedings, then a NIFSL scientist would conduct a further examination and prepare a witness statement.
- 5.36. Independent forensic scientist, Andre Botha, a Forensic Firearms & Toolmarks expert, was consulted in 2020 as part of this investigation. He examined a number of discharged cartridge cases recovered from the scene of the murders of Mr Morris and Mr Dolan. He compared these against cartridge cases test-fired from VZ58 rifles R16838 and R16102. He concluded that, *'There was sufficient agreement of class and individual characteristic markings to determine that they had been fired in the assault rifle, VZ P 58 serial no. 16838.'* This was the VZ58 rifle recovered following the arrest of Person L in North Belfast on 28 September 1988.
- 5.37. VZ58 rifle R16838, and related ammunition, was the subject of a disposal order on 3 August 1995. The PSNI confirmed that the rifle was disposed of on 20 September 1995.

VZ58 R16102 – The Avenue Bar murders

- 5.38. Mr Botha was also asked to ascertain which VZ58 weapon could be attributed to the Avenue Bar murders. He examined a number of discharged cartridge cases, recovered from the scene of the Avenue Bar murders, and

compared them against cartridge cases test fired from VZ58 rifles R16838 and R16102 .

- 5.39. He concluded that, *'There was sufficient agreement of class and individual characteristic markings to determine that they had been fired in the assault rifle, VZ58 serial no. R16102.'* Therefore, VZ58 rifle R16102 was used in the murders at the Avenue Bar. This VZ58 rifle was recovered by the security forces during the search of an address at Rockview Street, South Belfast, on 6 October 1988.
- 5.40. These findings by Mr Botha demonstrated that VZ58 rifle R16838 was not correctly linked to an attempted murder in March 1988 or the murders of Mr Morris and Mr Dolan; it was also incorrectly linked to the murders at the Avenue Bar by WERC and NIFSL in 1988.

Person L

- 5.41. Person L was arrested for possession of the VZ58 R16838 weapon and interviewed 46 times by police between 28 September and 5 October 1988. He declined to answer questions regarding the Avenue Bar murders or the murder on 18 August 1988. He agreed to take part in an Identification Parade, which was viewed by five witnesses. One of these witnesses identified Person L as having been involved in the Avenue Bar attack and he was subsequently charged with possession of firearms and ammunition with intent, for which he later received a significant prison sentence.
- 5.42. The failure to correctly link VZ58 rifle R16838, at the point it was recovered by police in 1988, to the murders of Mr Morris and Mr Dolan deprived RUC investigators from developing lines of enquiry and interviewing suspects. Equally, the incorrect link made between this weapon and the murders at the Avenue Bar may also have hindered that police investigation.

- 5.43. I conclude that all the VZ58 assault rifles discussed in this report (VZ58 rifles R17155, R16838, and R16102) arrived in Northern Ireland in late 1987 as part of a loyalist arms importation. Based on all available information and evidence, I am satisfied that VZ58 rifle R16838 was used in an attempted murder in March 1988 and the murders of Mr Morris and Mr Dolan.

Browning 9mm parabellum calibre Hi power self-loading pistol used in the murders of Mr Morris and Mr Dolan

- 5.44. On 8 August 1988, a discharged 9mm cartridge case was recovered from the front passenger seat of the stolen car used in the murders of Mr Morris and Mr Dolan. Subsequent forensic examinations established that it had been fired from a Browning 9mm pistol that had no history of previous use. It was subsequently linked to the following attacks:
- a. A murder in March 1989;
 - b. An attempted murder in April 1989;
 - c. A punishment shooting in May 1989; and
 - d. A murder on 2 September 1989.
- 5.45. On 2 September 1989, the relevant Browning 9mm pistol was recovered following a sectarian murder on the Crumlin Road, Belfast. It was forensically established that it had been used in this murder. At the time of the murder the gunman, Person A, was shot dead by military personnel, who were in the immediate vicinity at the time. The getaway driver, Person M, was arrested a short distance from the scene. He was interviewed by police about the murders of Mr Morris and Mr Dolan but denied any involvement.
- 5.46. The serial number of the Browning 9mm pistol had been removed prior to its recovery by police. It was subsequently destroyed by the RUC in 1995, at the conclusion of criminal proceedings relating to the murder on 2 September 1989. My investigators reviewed the relevant disposal order but

were unable to identify the signature of the senior police officer who approved of the weapon's disposal.

5.47. As there was no serial number on the weapon, it is not possible to conclude whether it formed part of the loyalist arms importation.

6.0

The RUC Investigation

Background

- 6.1. On the morning of 8 August 1988, Mr Seamus Morris and his brother, Conor, were on their way to play snooker. They had been scheduled to attend a bricklaying course that morning but it had been cancelled. Later as they walked along Etna Drive, North Belfast, they stopped to speak to Witness D. At the same time, Mr Peter Dolan was making deliveries with Witness E in a Guinness lorry in the vicinity of Ardoyne Avenue and Brompton Park. At approximately 11:20am, gunmen opened fire from a stolen car that was travelling down Etna Drive towards the junction with Brompton Park. Mr Morris and Mr Dolan both died as a result of gunshot injuries sustained in the attack.

Initial Police Response

- 6.2. The first reports of gunfire were confirmed at 11:21am by a police call sign,⁴³ based at Oldpark RUC Station. An Inspector, Police Officer 10, stated that he arrived at the scene at 11:25am. Police Officer 11 stated he heard gunfire at 11:15am and then made his way to the scene. The police officer who opened the Crime Scene Log did so at 11:35am and noted that the first police officers arrived at 11:30am. It is also reported in police documentation that officers intercepted the Guinness lorry that was carrying Mr Dolan at 11:32am. There was a prompt police response to this incident. Police at the scene stated that they were met by a hostile crowd, numbering around 200 people. The SIO policy book refers to a hostile crowd of '500 people'.

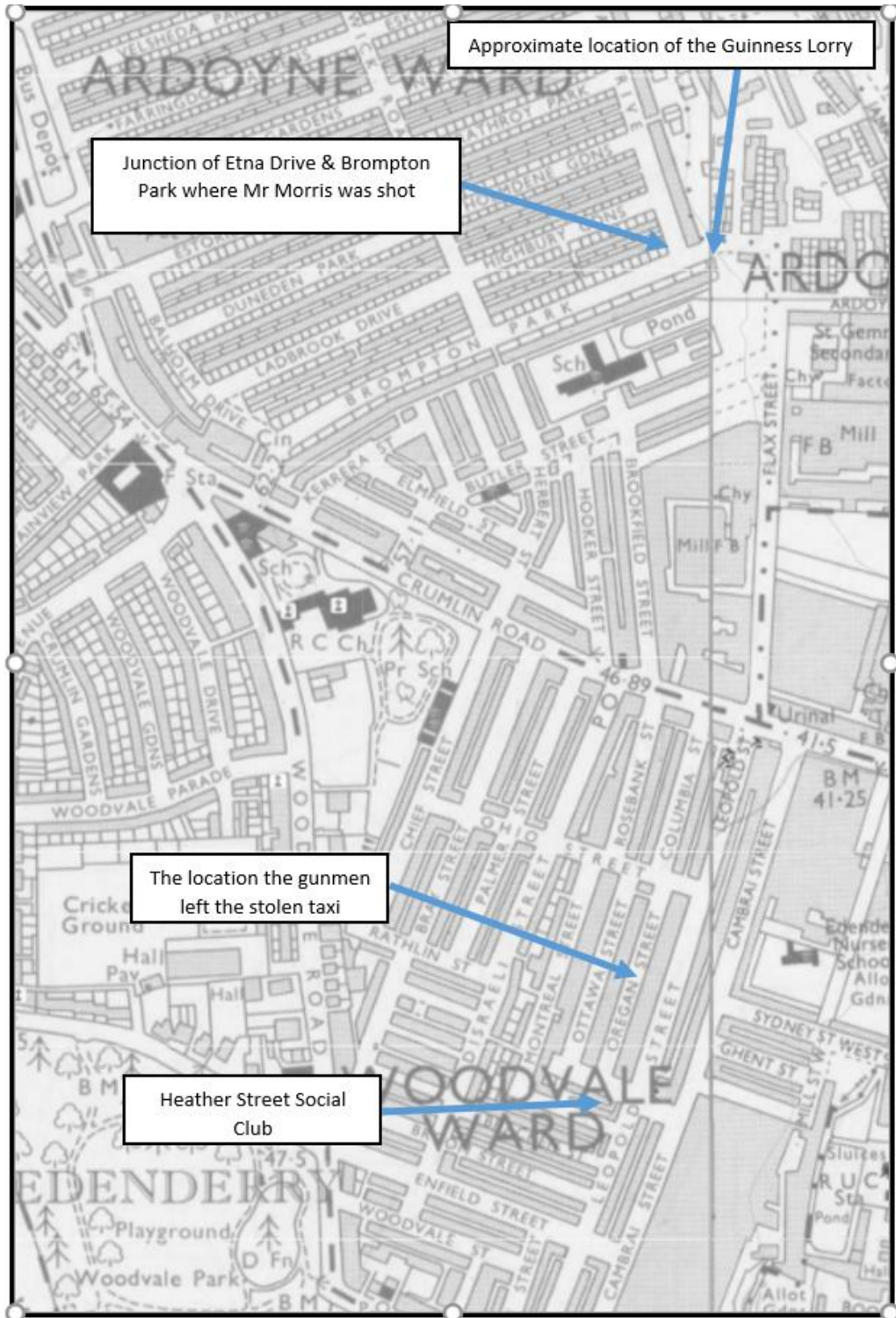
⁴³ A police call sign is a unique identifier assigned to a police officer or vehicle while they are patrolling on foot or in police vehicles. For example each vehicle on patrol is allocated a unique call sign, usually their station code followed by a number.

- 6.3. Police Officer 4, an Inspector, secured the scene. Various RUC agencies attended, including Scenes of Crime, Photography, and Mapping. A number of senior police officers and the army also attended, including Police Officer 5, a Detective Superintendent, and Police Officer 6, a Chief Inspector. The scene was secured, searched, and forensically examined.
- 6.4. An incident room was established at Antrim Road RUC Station in North Belfast. The investigation was carried out on MIRIAM, (Major Incident Room Indexing and Action Management) a paper, action-based system designed to manage the investigation and allow an overview of the available evidence and intelligence. In total, 140 investigative actions were generated during the course of the RUC investigation. The available RUC investigation papers recorded that Police Officer 5 was initially the SIO in charge of the investigation until Police Officer 1 replaced him on 23 August 1988, having returned from a period of annual leave.
- 6.5. The final investigative action was allocated on 18 August 1988. On 19 August 1988, incident room staff were redeployed to another murder committed the previous day. Therefore, Police Officer 1, upon his return from annual leave, had no incident room staff. When interviewed by my investigators, he stated that he could not recall the murders of Mr Morris and Mr Dolan. My investigators found no policy logs in the available RUC investigation papers. PSNI do not retain any police journals or notebooks belonging to Police Officer 1.
- 6.6. My investigators reviewed RUC conference notes, which documented that Police Officer 5 requested the investigation be managed on the computerised Home Office Large Major Enquiry System (HOLMES), rather than the paper-based MIRIAM system. However, he was informed by his authorities that this was not possible. My investigators found no recorded rationale for this decision.

- 6.7. My investigators reviewed the available RUC documentation and established that a number of lines of enquiry were pursued by police. Crime scenes were identified and forensically examined. A number of items were recovered, exhibited, and submitted for forensic examination. Witness statements were recorded from individuals, who witnessed the murders or observed the murderers leaving the scene and abandoning the stolen car in Oregon Street. House-to-house enquiries were conducted at a number of locations in the Ardoyne area.
- 6.8. My investigators identified and reviewed handwritten notes of daily RUC case conferences, which were maintained from 8 August 1988 until 19 August 1988. They could find no records of case conferences after this date. Therefore, there are no records that case conferences took place after Police Officer 1 assumed responsibility for the RUC investigation on 23 August 1988.

Map of the Area

6.9.



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Post Mortem Examination

- 6.10. Mr Morris was pronounced dead on 8 August 1988 at 11:30am at the Mater Hospital, Belfast. A post mortem examination was carried out the following day at Belfast City Mortuary. The examination concluded that Mr Morris died as a result of a *'bullet wound of the head.'*
- 6.11. On 8 August 1988 at 11:45am, Mr Dolan was pronounced dead at the Mater Hospital. A post mortem examination was carried out the following day at Belfast City Mortuary. The examination concluded that Mr Dolan died as a result of a bullet wound to his pelvis.

RUC Approach to Witnesses

- 6.12. The RUC implemented a number of strategies to secure witnesses to the murders. This included routine House to House enquiries, media appeals, and individuals identified through police enquiries.

House-to-House Enquiries

- 6.13. My investigators reviewed the available RUC conference notes and established that house-to-house enquiries were discussed on three occasions. Nine police officers were assigned to these enquiries at various stages during the investigation. On 8 August 1988, it was recorded that Police Officer 7, a Detective Sergeant, was in charge of house-to-house enquiries in the Heather Street area. On 9 August 1988, it was documented that house-to-house enquiries were to continue in the Heather Street and Bracker Street areas. House-to-house was also conducted on Leopold Street. On 15 August 1988, it was recorded that a Detective Sergeant and Detective Constable were to complete outstanding house-to-house enquiries later that evening. A total of 12 actions were raised, in respect of house to house enquiries, during the course of the RUC investigation.

Heather Street/Oregon Street

- 6.14. House-to-house enquiries were conducted in the Heather Street area, where Witness B's car was hijacked, as well as in the vicinity of Oregon Street, where it was later abandoned. Over 180 houses were visited, during these enquiries, although approximately 80% of the properties were noted as vacant/derelict.
- 6.15. My investigators found no record that house-to-house enquiries were conducted in Flax Street, the probable route taken by the murderers after the attack. However, maps and photographs from the period indicate that this was a predominantly industrial area in 1988. No witnesses were identified, despite police conducting extensive house-to-house enquiries in other areas.
- 6.16. House-to-house forms were completed by the police officers tasked to conduct these enquiries. As a result, two individuals were identified with information relevant to the murder investigation. Witness statements were recorded by police from both of these individuals.

Brompton Park and Etna Drive areas

- 6.17. House-to-house enquiries were conducted in Brompton Park and Etna Drive. These were both residential areas with high occupancy rates. The available RUC documentation indicated that police visited 38 addresses, all in the location where Mr Morris and Mr Dolan were murdered. There was no information gathered that helped progress the police investigation. However, the police action for house to house in Brompton Park notes as complete with the exception of three houses. There is no indication that these houses were revisited.

CCTV/Passive Data

6.18. My investigators found no record that any CCTV evidence was recovered during the RUC investigation. The murders were committed in a predominantly residential area. In 1988, It is likely that CCTV opportunities in the area would have been limited. There was a surveillance mast at Oldpark RUC Station at the time of the murders, but my investigators found no record that there were recording cameras attached to it.

6.19. My investigators reviewed the available RUC investigation papers and established that an RUC incident card in respect of the murders noted the following:

11:28am on 08/08/88

DO87 – this is believed to have occurred in Brompton area involving a Guinness lorry’

‘DO161 watching vehicle on camera’ (referring to the Guinness lorry moving away from the scene).

The available papers contained no evidence that police saw the murders from the camera, nor is there any indication that they witnessed the gunmen leaving the scene. Oldpark RUC station is no longer in existence.

6.20. An action was raised to check with the military in relation to any possible sightings of the Vauxhall Cavalier. This did not provide any useful information to progress the police investigation.

Media Appeals

6.21. In addition to the house-to-house enquiries conducted, the SIO also made witness appeals in the media. On 9 August 1988, witness appeals were made in the Belfast Telegraph and Irish News newspapers, asking that

witnesses with relevant information contact the RUC incident room or confidential telephone line.

- 6.22. My investigators have been unable to establish from the original police records how successful these media appeals were. It is possible that they may have contributed to the anonymous information that was received during the investigation; however, this cannot be concluded definitively.
- 6.23. There is no record, within the available RUC investigation papers, that police considered conducting a reconstruction, in an effort to identify additional witnesses. There were no investigative actions raised regarding a potential reconstruction.
- 6.24. The police investigation also identified witnesses from the scene who witnessed the attack, those who had phoned police to report suspicious behaviour, and those who were identified through subsequent police enquiries. There were also a number of statements recorded from police officers, expert witnesses, and paramedics. The most significant of these witness accounts are summarised below.

Conor Morris

- 6.25. Conor Morris was 17 years old at the time of his brother's murder. He and his brother had made their way to a bricklaying course they were on, leaving their house at 08:30am. They waited until 09:45am and left when the tutor did not turn up. They returned home for a while before Seamus arranged to meet a friend at midday. Seamus and Conor left the house to go and play snooker before Seamus met his friend. He stated that they walked from their house to the bottom of Brompton Park, where his brother went into a shop. Conor waited outside the shop, talking to Witness D.
- 6.26. Conor stated that when Seamus came out of the shop they began to walk across Etna Drive, when a car drove towards them from the direction of

Alliance Avenue. They stopped in the middle of the street to allow the car, which he described as brown-coloured and moving slowly, to pass. He stated the car '*drew up right beside us*'. He then heard gunfire and ran to the other side of the street. When he looked back, he saw his brother lying on the ground.

- 6.27. Conor stated that the car then turned onto Brompton Park, heading towards Flax Street. He saw that his brother was bleeding from a head wound and ran home to tell his mother what had happened.
- 6.28. He stated that there were three people in the car, two in the front and one in the back, seated behind the driver. He added that, when he turned to look at his brother, he observed the barrel of a gun sticking out of the car's rear window. He described it as a long barrelled weapon but shorter than a rifle.
- 6.29. He described the front seat passenger as having black hair, that was '*not too long,*' and a '*bushy*' moustache. He was of medium build, approximately 30 years old, and not '*too*' tall. He could not describe the driver or rear seat passenger.
- 6.30. My investigators found no record that police considered showing Conor suspect photographs or asking him to attend an Identification Parade.

Witness D

- 6.31. At approximately 11:20am on 8 August 1988, Witness D was delivering items to an address in Brompton Park. He met Mr Morris and his brother, whom he both knew, and spoke to them before going into a nearby shop to buy a drink. As he left the shop, Mr Morris and his brother were crossing Etna Drive and had stopped to let an approaching car pass. The car was travelling along Etna Drive in the direction of Brompton Park. Witness D described the car a '*brown red Vauxhall Cavalier saloon,*' which had been indicating to turn right but then stopped alongside Mr Morris and his brother.

- 6.32. Witness D stated that there were three men in the car, two in the front and one in the back. He stated that the male in the rear of the car pointed at him but he could not see his face, as it was obscured by the car's doorpost. At this point, he estimated that he was standing approximately ten feet from the car. By now, Mr Morris and his brother were standing in the middle of the street. Witness D stated that the male in the rear of the car then spoke to the driver before winding down his rear window and pointing a rifle out of it.
- 6.33. Witness D stated that the male in the rear of the car fired the rifle towards him. He ran into the shop, emerging when the gunfire had stopped. He then heard another burst of gunfire and saw Mr Morris falling to the ground. The car then turned onto Ardoyne Avenue, where the gunman fired again at a *'beer lorry,'* before continuing towards Flax Street.
- 6.34. Witness D stated that he ran over to Mr Morris, who was bleeding from a head wound. He stated that Mr Morris was not moving, and he knew that he was dead. He ran to the *'beer lorry'* and was told that a first aider was in attendance. Witness D then returned to his delivery work.
- 6.35. Witness D stated that the driver of the car had shaggy brown, shoulder length hair and was broadly built. His view of the rear seat passenger was obscured by the doorpost, and he did not see the front seat passenger. However, he was certain that none of the three men were wearing masks. He added that he did not know if he would recognise the driver of the car again.
- 6.36. Witness D stated that the previous week he had been standing at the junction of Brompton Park and Etna Drive, when a silver Cavalier car approached him. It was travelling from the direction of Ardoyne Avenue and contained two men, whom he stated were strangers to the area. He described one of them as having long dark hair and a beard.

6.37. Witness D stated that a few days before the murders he saw a white car, which was possibly a Renault 5 with a French registration mark, driving down Flax Street. He stated that the driver of this car was very similar in appearance to the driver of the car involved in the murders of Mr Morris and Mr Dolan.

Witness E

6.38. Witness E was working as a driver for the Arthur Guinness company on 8 August 1988, accompanied by Mr Dolan. At approximately 11:20am, they had finished making a delivery and were travelling along Ardoyne Avenue. As they approached its junction with Brompton Park, Witness E heard a burst of gunfire. He stated that a car then drove onto Ardoyne Avenue from Etna Drive. He could not describe the car.

6.39. Witness E stated that he observed two men in the car and described the front seat passenger as wearing a hood. He stated that shots were being fired from both sides of the car. He stated that Mr Dolan and he ducked down in the cab of the lorry, as the gunfire continued. Mr Dolan then told him that he had been shot.

6.40. Witness E stated that he got out of the lorry and asked someone to phone an ambulance. He stated that people climbed into the lorry to administer first aid but, as they waited for the ambulance to arrive, he decided to drive Mr Dolan to hospital. Witness E stated that Mr Dolan had lost a lot of blood and, as he drove through the Ardoyne area, a police landrover stopped him. It was at this point that Mr Dolan was transferred from the lorry into the police landrover and conveyed to hospital by police officers. The man and woman who had been giving first aid also went with Mr Dolan in the police landrover.

Witness F

- 6.41. At 11:30am, Witness F stated that she observed two men get out the front seats of a car parked on Oregon Street. She described the driver as having short dark hair. He was wearing dark glasses, a black shirt, and black leather type gloves. The front seat passenger was also wearing dark glasses and leather type gloves. She stated that the men then ran off towards Heather Street.
- 6.42. Witness F stated that a third man then got out of the rear passenger seat of the car. She described him as wearing a short, light grey type jacket. As he got out of the car, he placed his hand inside the jacket, causing her to think that he might be carrying a gun. Witness F then told Witness G what she had seen and asked that he contact police.
- 6.43. Police Officer 1 raised an action for Witness F to view suspect photograph albums in an attempt to identify the three men she had observed getting out of the car. However, Witness F informed police that she had not seen the three men sufficiently enough to be able to identify them from photographs. The only additional detail she was able to provide was that she did not now believe any of the three men were carrying anything when they got out of the car.

Witnesses from Heather Street Social Club

- 6.44. A review of the available RUC investigation papers established that Police Officer 1 raised a number of actions to record witness statements from individuals who had been in Heather Street Social Club on the morning of 8 August 1998. Police subsequently recorded statements from four witnesses, in addition to obtaining a verbal account from a fifth individual. None of the witnesses heard a car horn on the morning of the murders, although two of the witnesses stated that they heard the doorbell ring. Police also conducted

enquiries with a Person who was expected to be at the club but who wasn't. This did not progress the investigation.

- 6.45. The police investigation also identified street cleaners who were in the area at the time of the murders. These persons were traced and spoken to by police. They each stated that they saw nothing and all declined to make a formal statement.

Identification Procedures.

- 6.46. There were no identification parades in this investigation.
- 6.47. The police action that was raised to take a statement from Witness D was updated with a note that the driver of the silver Cavalier (which the witness had seen the week before the murders) reminded the witness of a known loyalist who is named in the action. The action was also updated with the note that the witness would look at photographs. Witness D was shown a number of photographs but he was unable to recognise the perpetrators.

The RUC Approach to Suspects

- 6.48. Police conducted a search of the Heather Street social club on the day of the murders. This did not recover any evidence. Police established that advertising, relating to the North Belfast taxi firm that Witness B worked for, was prominently displayed beside public payphones in the Social Club.
- 6.49. Oregon Street was also searched by police following recovery of the stolen car. This action was closed with negative results.
- 6.50. Following receipt of anonymous information police conducted two searches of residential properties with negative results. The 'North Belfast Social Club' was also searched by police on 11 August 1988 with negative results.

6.51. An action was also raised to ascertain if any persons known to police drove a silver coloured Cavalier as a result of Witness D's statement. The collator returned one possible person used the vehicle as a taxi and highlighted another Cavalier which had been stopped at a VCP in late July 1988. Both owners were researched by police resulting in no further action.

Witness B

6.52. Witness B was initially treated as a witness and a statement was recorded from him on 8 August 1988. At a case conference later that day, it was agreed that police officers would speak to him again to assess the '*credibility*' of his account. At the time of the murders, Witness B had only recently started work with the North Belfast taxi firm as a part time taxi driver.

6.53. Witness B had been driving his father's red Vauxhall Cavalier. He was tasked to collect a fare by the name of 'Thompson,' who had asked to be collected at Heather Street Social Club and dropped off in the Shankill Housing Estate. When Witness B arrived at the club, two masked men approached him from a nearby entry.

6.54. One of the men produced a black-coloured revolver and told Witness B they were taking his car. Witness B was told to walk to Woodvale Park and remain there for ten minutes. He complied with these instructions, before going to a local newsagents and phoning police to report what had happened.

6.55. On the morning of 11 August 1988, police conference notes recorded that '*[Witness B] is to be looked at further as there is a suspicion that he might not be telling the truth.*' Notes made during a later meeting on the same date added that '*The distinct impression coming through was that the taxi driver was not telling the truth and that he should be looked at further and if necessary an arrest should be made.*' On 12 August 1988, a decision was made to arrest Witness B.

- 6.56. On 16 August 1988, Witness B was arrested under terrorist legislation and interviewed about the murders of Mr Morris and Mr Dolan. There was no detailed rationale, contained within the original police files, regarding the arrest of Witness B. The decision to arrest Witness B was recorded in an RUC Policy Log entry, dated 12 August 1988. This stated that the arrest was to take place on 16 August 1988, with relevant planning to take place on 15 August 1988. My investigators were unable to establish why this occurred four days after the original decision was taken to arrest Witness B.
- 6.57. Witness accounts, obtained from persons in the Heather Street Social Club at the time, stated that they did not hear a car horn. They stated that they did not order the taxi, which may have provided a rationale for the SIO's decision to arrest Witness B. Witness B was interviewed eight times by police. He denied being involved in the murders and maintained his original account. He was released without charge on 17 August 1988.
- 6.58. The case conference notes for 17 August 1988 stated that *'The message coming through from the interviews is that possibly he is telling the truth.'* RUC Special Branch informed the murder investigation team that they held no information about Witness B. There was no intelligence linking him to the murders or any other paramilitary activity.
- 6.59. Witness A, the desk clerk at the North Belfast taxi firm, confirmed that a taxi had been ordered on 8 August 1988 and the fare was allocated to Witness B. A member of staff at the relevant newsagents confirmed that Witness B telephoned police, later that day, from their premises. These accounts corroborated the version of events provided by Witness B.
- 6.60. Following the initial interview of Witness B, an action was raised on 12 August 1988 to show him suspect photographs. He was shown a number of photographs but was unable to identify any individual.

6.61. My investigators were unable to establish which photographs of suspects were shown to Witness B. However, the general RUC practice at the time was to keep records of photographs only when there was a positive identification.

Person J

6.62. On 11 August 1988, Person J was arrested under terrorist legislation on suspicion of the murders of Mr Morris and Mr Dolan and a sectarian murder in November 1987. His house was searched but nothing of any evidential value was recovered. Police also searched the house of one of his relatives however nothing of any evidential value was recovered. Person J was interviewed 25 times by police but denied being involved in the murders. On 15 August 1988, he was released without charge.

6.63. During police interviews, Person J was asked about his movements on the day of the murders of Mr Morris and Mr Dolan. He stated that he was in bed until 11:00am, before getting up and going to a relative's house for breakfast. He denied that that he was a member of the UVF.

6.64. Person J made no response when challenged by police that the UVF used his home as a 'safe house' to store weapons. On 29 January 1988, police had recovered a Browning pistol during a search of Person J's house. The weapon was forensically examined and linked to a gun attack on police in West Belfast in August 1984.

6.65. During police interviews at the time, Person J stated that he had no knowledge of this weapon, claiming that it belonged to another man who had been staying at his property at the time. The other man was arrested and admitted responsibility for the weapon, stating that he had been hiding it for two men who he would not identify. The two men had told him that they knew he was staying at Person J's house and that the weapon would be

safe there. The other man was charged and subsequently imprisoned in respect of possession of the firearm.

- 6.66. Person J stated that he socialised in two Belfast bars, one of which was the 'North Belfast Social Club'. He denied holding firearms for the UVF or having been involved in other paramilitary activities. He stated that he had once been approached and asked to join the UVF but had refused. He would not name the individuals who had approached him.
- 6.67. On 12 August 1988, police submitted a written application seeking to extend the period of time that they could detain Person J in custody. My investigators obtained and reviewed a copy of this application. It stated that Person J was connected to the UVF and had stored weapons at his home address, which had formed part of the December 1987 loyalist arms importation.
- 6.68. Person J informed police that he was at home in bed until 11:00am on 8 August 1988, before leaving to have breakfast at a relative's house. This was the only alibi he provided. My investigators found no record that police traced and interviewed this relative. Therefore, this investigation has been unable to establish when Person J arrived at the relative's house. The car was hi-jacked at approximately 11:00am and the murders occurred at approximately 11:20am. The route taken by Person J to his relative's house is approximately a minute's walk from the scene of the murders.

Arrest linked to the Browning pistol used in the murders of Mr Morris and Mr Dolan.

Person M

- 6.69. In early September 1989, Person M was arrested on suspicion of another murder. Following that murder, police recovered a 9mm calibre self-loading Browning Hi power pistol. It was forensically examined and linked to the

murders of Mr Morris and Mr Dolan, in addition to the murder in early September 1989.

- 6.70. During police interviews, Person M admitted that he was a member of the UVF, detailing a number of paramilitary attacks that he had been involved in. He denied having been involved in the murder of Mr Morris and Mr Dolan.

Family Liaison

- 6.71. In the past, Family Liaison was significantly different to the service offered to bereaved families today. It was the responsibility of the SIO to engage with the family at an early stage of the investigation. However, after this engagement there was no structured contact system in place unless a significant development occurred.
- 6.72. My investigators found no records detailing contact between police and the Morris family following the murder. However, the Morris family have stated that Mrs Morris was contacted by police after the murder of Patrick McKenna in September 1989, indicating his involvement in Mr Morris' murder. The family also stated that Mrs Morris rang police every week to get an update. Although this does indicate a degree of contact between the police and the family it is not recorded in police documentation and by today's standards would still be insufficient.

The Weapons used in the Attack

- 6.73. All the evidence, and other information, regarding the weapons used in these murders is contained at chapter 5 on this public statement.

The RUC Forensic Strategy

Etna Drive/Brompton Park

- 6.74. Following police attendance at the scenes of the murders, a Serious Crime Scene Log was opened at 11:30am and closed at 1:20pm. Various RUC agencies attended the scenes including Scenes of Crime Officers (SOCO), Photography, and Mapping. A number of senior police officers also attended, including Police Officers 1, 5, and 6.
- 6.75. At 12:15pm, a SOCO identified three bullet strike marks on the Brompton Park side of 1 Etna Drive. He recovered a bullet fragment from a pathway at the side of this address. A second bullet fragment was recovered from the middle of the road in Brompton Park. A short distance away, a further bullet fragment was located. A fourth item was recovered from the roadway in Brompton Park. Later that day, a police officer handed the SOCO a cartridge case, which he had recovered from the scene. All of these items were submitted to the Northern Ireland Forensic Science Laboratory (NIFSL) for further examination.
- 6.76. The Arthur Guinness lorry was taken to Oldpark RUC Station, where it was forensically examined by a SOCO. He identified three bullet entrance holes at the front of the lorry. Two of the bullets had entered via the front windscreen, and the third went through the radiator grille into the front passenger footwell. At 7:10pm on 8 August 1988, a police officer handed him a bullet that had been recovered from Mr Dolan's clothing at the Mater Hospital.

Oregon Street

- 6.77. At 12:40pm on 8 August 1988, a SOCO examined Witness B's Vauxhall Cavalier, which had been abandoned by the perpetrators in Oregon Street.

A number of items were recovered from the vehicle. These included 20 discharged cartridge cases, mats, seat covers, and a cigarette butt.

The following fingerprint marks were also recovered from the vehicle:

- I. fingerprint mark from outside on rear driver's side door window;
- II. fingerprint mark from outside on front driver's side door window;
- III. fingerprint mark from interior rear view mirror; and
- IV. three fingerprint marks from outside on front passenger's side door window.

6.78. All the above exhibits were submitted to NIFSL for examination. The fingerprints were submitted to RUC Fingerprints Branch. Police asked that the cigarette butt and car seat covers/mats recovered from Witness B's car be examined and compared *'with future suspects with a view to establishing trace extract.'*

6.79. Early arrests were anticipated and further details were to be obtained from Police Officer 1, if required.

6.80. On 31 August 1988, NIFSL corresponded with Police Officer 1 stating that the cigarette butt and car seat covers/mats were being returned to police as *'no examination could usefully be carried out by the Biology Department in relation to these items as there is nothing to compare them with.'*

6.81. A review of the Custody Record of Person J gave no indication as to whether his clothing was seized for comparison against the seized car seat covers and mats. There is no evidence that his clothes were examined for gunshot discharge residue. Similarly, there is no indication that the clothing of Witness B was seized for elimination purposes.

6.82. The car was returned to Witness B's father a few weeks after the murders. The car seat covers and mats were returned to him in January 1990, 17

months after the murders. By then, the possibility of obtaining clothing, fibres, and traces of gunshot discharge residue (GDR) would have been extremely unlikely. My investigators were unable to establish what happened to the recovered cigarette butt.

- 6.83. PSNI retain no notebooks or journals for Police Officer 1.
- 6.84. My investigators reviewed Tennent Street RUC Station's Property Register for the relevant period, but there were no references to any exhibits recovered during the murder investigation. There were no Property Registers available for Oldpark RUC Station.
- 6.85. My investigators found no evidence that tests for gunshot discharge residue were conducted. This would have been particularly relevant to the clothes of anyone involved in the murders.

Fingerprint Examinations

- 6.86. The recovered fingerprint marks were compared against elimination prints provided by Witness B and his father, the owner of the car. The fingerprint marks lifted from the interior rear view mirror and exterior rear driver's side door window were identified as belonging to Witness B.
- 6.87. It was common practice that fingerprint marks were compared against those contained within the 'Belfast Protestant Political Collection.' These were fingerprint impressions of 499 suspected loyalist paramilitaries that had previously been collated by police.
- 6.88. The relevant RUC Fingerprint Branch report, dated 11 August 1988, documented that the fingerprint marks recovered from Witness B's car were compared against those contained on the 'Belfast Protestant Political Collection' list. The results were all negative. PSNI's Identification Bureau

were unable to provide my investigators with a list of the names contained on the 'Belfast Protestant Political Collection' list.

- 6.89. My investigators reviewed the available RUC investigation papers and identified a document titled *'List of possible suspects whose fingerprints have been checked against marks found on driver's window of hijacked taxi EIB 1323.'* It related to a different Vauxhall Cavalier car, VRM EIB 1323, which was not the VRM of the stolen car used in the murders of Mr Morris and Mr Dolan.
- 6.90. VRM EIB 1323 related to a hijacked taxi that had been used in an earlier sectarian murder in North Belfast in May 1988. This murder was also attributed to loyalist paramilitaries and involved the use of two .38Spl/.357 Magnum calibre revolvers. Neither weapon had a history of previous use.
- 6.91. This document was included in the RUC investigation papers, as the taxi drivers in both murders had been told by their hijackers to go to Woodvale Park and wait before reporting the theft of their cars to police.
- 6.92. Police attempted to link the two attacks, given that both of them were committed in North Belfast by loyalist paramilitaries, in addition to the Woodvale Park connection. My investigators found no other evidence or intelligence to connect the murders of Mr Morris and Mr Dolan with the earlier murder in May 1988.
- 6.93. In late April 2008, police established that one of the outstanding fingerprint marks on the outside of the taxi's front passenger door window belonged to Person Y. Intelligence, at the time of the murders, indicated that he was a leading UVF member.
- 6.94. At approximately 8:00pm on 9 August 1988, Person Y was observed sitting in a parked car at Enfield Drive, in the company of Persons N, V, and CC. This was close to Oregon Street, where Witness B's car had been

abandoned by the murderers. Police were aware that all four individuals had links to the UDA. At the time, Person V told police that he was only sitting in the vehicle, which belonged to Person II, who had previously been sighted with senior UDA/UFF members and other suspected criminals. Police took no further action in respect of this sighting.

- 6.95. Person Y was one of the names on the EIB 1323 list, which suggested that the names on this list were not compared against the outstanding fingerprint marks recovered from Witness B's car. My investigators reviewed all the intelligence held by police relating to Persons Y, N, V, and CC to ascertain if there was any information linking them to the murders of Mr Morris and Mr Dolan. There was no information linking these individuals to the murders.
- 6.96. Prior to coming into force of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, PSNI's Legacy Investigation Branch informed my investigators that the fingerprint match, relating to Person Y, was to be reviewed. They were unable to provide a timeframe for the completion of this investigation, due to other investigative commitments.
- 6.97. Person J's fingerprints were compared against the fingerprint marks recovered from Witness B's car, with negative results.
- 6.98. The fingerprint mark on the outside front window of the driver's door was checked against a number of individuals at the time of the original investigation and it remains unidentified. It is noteworthy however that the PSNI did identify another unidentified fingerprint mark in 2008, evidencing that unidentified prints are subject of ongoing examination and review.

RUC Message Forms

- 6.99. During the course of the RUC investigation, 18 'Message Forms' were completed. Message forms were used to capture and record information coming into the enquiry. They contained information from various sources such as police officers, phone calls from members of the public, and intelligence disseminated by RUC Special Branch. My investigators reviewed the 18 messages and confirmed that actions were raised in respect of them all. The most relevant are set out below.
- 6.100 Message 5 was from an anonymous caller. They stated that Persons I, Z, and AA, were all suspected UVF members from the North Belfast Social Club and were involved in the murders. An intelligence report, contained within the RUC investigation papers, also linked Person I to the murders. Police Officer 1 raised actions to have the three individuals researched. This research confirmed that Persons I, Z, and AA were believed to be active UVF members with links to the 'North Belfast Social Club'. Police searched this social club on 11 August 1988 but nothing was found relevant to the murder investigation.
- 6.101 Message 6 was from an anonymous caller who made two calls. The caller stated that police should go to Person J's house and others, suggesting they would know who carried out the murders. They also said the weapons used in the murders would be at Person J's property.
- 6.102 Arising from these two anonymous calls an action was raised for a police officer to speak to Witness H. This witness denied making the anonymous calls. My investigators found no rationale, within the available RUC investigation papers, as to why these anonymous messages caused police to speak to Witness H.
- 6.103 Message 10 was from an anonymous caller. They stated, *"I wish to give information about what happened in the Ardoyne yesterday. You should*

question Person EE and Person FF. Four actions were raised as a result of this information. Police researched Persons EE and FF, establishing that both were believed to be active UVF members. Person FF had previously been arrested under terrorist legislation during the first half of 1988.

- 6.104 Message 11 was from an anonymous caller. They stated that one of the weapons used in the murders was at an identified address in Belfast and that a named individual was involved. An action was raised to research this information. This established that the address provided by the anonymous caller was inaccurate, although a person with the same surname lived at another address on the same street. Therefore, police took no further action in respect of this matter. My investigators reviewed all intelligence held by police regarding Person FF, a UDA member in the early 1970s, who had the same surname as the one provided by the anonymous caller. There was no intelligence linking Person FF to the murders of Mr Morris and Mr Dolan.
- 6.105 Message 12 was from an anonymous caller. They stated that UVF members gambled in an identified Belfast bar every Saturday, adding that Person N may have been involved in the murders. An action was raised to research Person N. Intelligence indicated that Person N had been a UVF member since 1970 and held a senior position. There was no intelligence linking him to the murders of Mr Morris and Mr Dolan.
- 6.106 On 9 August 1988, police received an anonymous telephone call from a male who sounded *'drunk.'* The caller stated *"Go up to (Person J's) on the Woodvale and the other ones. They will know about the killings in the Ardoyne."* The same individual later called back to say *"the guns that were used were in (Person J's) house at...he had them in the coal place that's underneath the fire and also in the garden, the back garden. Also you may search the people you searched on Friday afternoon. That's all."* The caller stated that they would call back again, but did not.

- 6.107 On 12 August 1988, police received another anonymous call. They stated that the individuals involved, and weapons used, in the murders were at an identified Belfast address. Police searched the relevant address on 15 August 1998, after researching its occupants. They had no links to any paramilitary organisation and nothing of note was found during the search.
- 6.108 On 15 August 1998, police received a telephone call from an anonymous male. He stated that the guns and ammunition used in the murders had been hidden at an identified address, belonging to a named individual, in North Belfast. Police searched this property on 16 August 1998, but nothing of note was recovered. My investigators found no record of any actions raised to trace the individual named by the anonymous caller.
- 6.109 On 16 August 1998, police received an anonymous telephone call from a male. He stated that Persons P and S committed the murders along with two other individuals, identified by a nickname and first name only. Police raised actions to research these four individuals, establishing that the nickname provided by the anonymous caller referred to Person O. Intelligence indicated that Persons O, P, and S were UVF members. Police were unable to identify the fourth individual.
- 6.110 My investigators, when reviewing the available RUC investigation papers, identified intelligence that Persons I and Q were involved in the murders. Actions were raised to research these individuals. The relevant documentation viewed by my investigators did not identify the source of the intelligence.

7.0

Intelligence Available to the RUC Prior to and Post 8 August 1988

- 7.1. My investigators examined all the intelligence held by police relating to the murders of Mr Morris and Mr Dolan. This was to establish whether information existed which, if acted upon, could have prevented the murders, and/or assisted, the subsequent police investigation. This investigation also sought to establish whether relevant intelligence was shared by RUC Special Branch with detectives investigating the murders.
- 7.2. 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 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 Senior Investigating Officer (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.

The Walker Report

- 7.3. In January 1980, the then Chief Constable commissioned a report on the exchange of intelligence between SB and CID. The resulting report, the Walker Report,⁴⁴ set out guidelines aimed at managing this exchange of intelligence.
- 7.4. SB were to be made aware of all military and CID informants. Informants who were providing CID with intelligence on terrorism were to be handled

⁴⁴ Walker Report 'Report on the Interchange of Intelligence between Special Branch and CID, and on the RUC Units involved, including those in Crime Branch C1(1) (1980) <<https://caj.org.uk/2018/07/02/ruc-walker-report-1980/>>

from then on by SB. There were, however, instances where SB and CID would jointly manage an informant.

- 7.5. The Walker Report stated that the charging of an informant/agent must be the result of a conscious decision by both SB and CID, in which the balance of advantage had been carefully weighed. The report outlined how all proposals to effect arrests, other than those arising directly out of an incident, had to be cleared beforehand with SB to ensure that no police or military informants were involved. The recommendation was made that all arrest lists were to be cleared by Regional Heads of SB.
- 7.6. The report detailed how CID officers needed to be alert to the possibility of recruiting as agents the individuals they were arresting and interviewing. When, and where, the opportunity arose, SB were to be involved at an early stage. It was also noted that it was important to ensure that information provided by the individual was handled in such a way that their value as an agent was not put at risk at an early stage.
- 7.7. The report also set out that the security situation required the RUC to seize every opportunity to acquire intelligence on subversive organisations. This relied on essential and close co-operation between SB and CID.
- 7.8. It further identified that SB, with its extensive knowledge of terrorism, had an essential role to play in suspect interviews. If it seemed that an individual had intelligence of value, CID officers should, wherever possible, consider delaying charging the suspect and allow SB the opportunity to speak to them.
- 7.9. This led to a number of recommendations such as, *“if a CID officer decides that an individual is not going to make an admission, he should arrange for the interview to be taken over by Special Branch”* and *“...if an individual has made an admission and the CID officer considers he may have intelligence of value to give, Special Branch should be allowed to question the individual*

on more general matters. It is important that CID should not proceed immediately to a charge whenever an admission has been obtained.”⁴⁵

- 7.10. It was acknowledged in the report that SB must resist the temptation to be over protective of their intelligence and that the true value of intelligence would be obtained when that intelligence was passed on to other sections of the RUC for action. The report detailed that *‘the whole system of intelligence and intelligence based operations will only work properly if those who need to know are informed; and they are all confident that security will be maintained.’* I have focused on the intelligence that was known to SB both pre and post each of the murders detailed in this public statement and whether that intelligence was disseminated to those who needed to know it, such as the CID teams investigating the murders.

Pre-Incident Intelligence

- 7.11. My investigators reviewed all the available intelligence held by police relating to the murders of Mr Morris and Mr Dolan. They identified no intelligence, received prior to 8 August 1998 that could have forewarned of, or prevented, the murders of Mr Morris and Mr Dolan. My investigators found no intelligence indicating that either Mr Morris or Mr Dolan were under threat of attack from loyalist paramilitaries.
- 7.12. In February 1988, police received intelligence that referred to a weapons find at Flush Road, North Belfast. A substantial number of weapons were recovered by police at the location, and this find has been well documented in previous public statements issued by this Office. The intelligence indicated that a number of kit bags, full of firearms, were removed prior to 4 February 1988, to the ‘North Belfast Social Club’. Persons N, O, AA, GG and HH were reported to have been involved. The firearms were then distributed to the Shankill and Ballysillan areas.

⁴⁵ Ibid at para 16 (b) and (c)

Post-Incident Intelligence

- 7.13. On 9 August 1988, police received intelligence that senior Belfast UVF members had met in a loyalist club on the afternoon of 7 August 1988, the day before the murders of Mr Morris and Mr Dolan. Persons F, N, O, and P were reported to have attended this meeting. A number of matters were discussed. There was no information to suggest that an attack was planned for the following day. However, PIRA and republican targeting was discussed and commanders were urged to continue their campaign. This intelligence was marked by Special Branch as NDD (No Downward Dissemination).
- 7.14. On 10 August 1988, police received intelligence that the UVF murdered Mr Morris and Mr Dolan. It stated that the gunmen had been told to target PIRA suspects but, if that was not possible, to shoot anyone in the Ardoyne area. This intelligence was marked as Limited Dissemination.
- 7.15. Shortly after the murders, Special Branch received information that Person J stored a large volume of weapons at a named address sometime after 29 January 1988. Police believed that these weapons had been removed from the batch of weapons recovered at Flush Road on 4 February 1988. These had originated from the loyalist arms importation.
- 7.16. On 11 August 1988, police received intelligence that a member of the public had informed Ardoyne PIRA that a partially identified individual was believed to have been in a car involved in the murders. Ardoyne PIRA were reported to know who this individual was and the registration numbers of three cars that they believed were involved in the murders. Police concluded that the partially identified individual was Person Q.
- 7.17. In mid-August 1988, police received further intelligence that the UVF were responsible for the murders of Mr Morris and Mr Dolan. Afterwards, Persons N and O were observed in a parked car watching the police recovery of

Witness B's car in Oregon Street on 8 August 1988. There was a third unidentified male in the driver's seat of the car. This intelligence was also marked No Downward Dissemination.

- 7.18. In addition to viewing the intelligence that was directly related to the murders my investigators also viewed intelligence on all persons identified, either through intelligence or anonymous information, as either having been involved in the attack, linked to the weapons used in the attacks, or subsequently arrested. This additional intelligence is summarised below.

Suspects who were arrested or linked to the scene

- 7.19. My investigators reviewed the available RUC investigation papers, but there was no documentation identifying specific individuals as suspects. However, my investigators viewed intelligence on both Witness B and Person J, who had been arrested on 11 August 1988, on suspicion of the murders. There was no intelligence implicating Witness B in the murders or any paramilitary activity. There was no intelligence implicating Person J in the murders; however, he was linked through intelligence to the UVF. Person J was also linked to the storage of weapons that were part of the loyalist arms importation detailed above.
- 7.20. My investigators reviewed all the intelligence held by police regarding Person O. Intelligence linked him to the UVF. He was linked to a murder and attempted murder that occurred prior to the murders of Mr Morris and Mr Dolan. Following the murders of Mr Morris and Mr Dolan, Person O was seen in a car with Person N and a third unidentified individual, observing police recovering Witness B's car from Oregon Street. There was no intelligence linking either of them directly to the murders of Mr Morris and Mr Dolan.

Suspects who were linked to weapons.

- 7.21. A Browning 9mm pistol was recovered from the scene of a murder in 1989. The murder was carried out by Person A (deceased) and Person M. This Browning 9mm pistol was linked to the murders of Mr Morris and Mr Dolan. My investigators reviewed all the intelligence held by police regarding Person A and Person M. Although both were regarded as active UVF members at the time, there was no intelligence linking them to the murders of Mr Morris and Mr Dolan. Person M was interviewed by police about the murders of Mr Morris and Mr Dolan and his house was searched but no evidence was found.
- 7.22. My investigators reviewed all the intelligence held by police regarding Person W. He was listed as a UVF member and was arrested following a murder in West Belfast in March 1989, which involved the same Browning pistol linked to the 9mm cartridge case found in Witness B's car. However, there was no intelligence linking him to the murders of Mr Morris and Mr Dolan.
- 7.23. My investigators also viewed intelligence on Person L who was found in possession of the VZ58 that is linked to the murder of Mr Morris and Mr Dolan. There was no intelligence to link him to the murders. PSNI's Legacy Investigation Branch was investigating Person L in respect of the murders of Mr Morris and Mr Dolan, but this investigation was not concluded and has now ceased.

Individuals named in anonymous information

- 7.24. Police received anonymous telephone calls following the murders of Mr Morris and Mr Dolan, naming a number of individuals as having been involved. The information contained within these anonymous telephone calls is detailed in Chapter 6 of this public statement. My investigators reviewed all the intelligence held by police relating to these named

individuals but found no further intelligence, other than the original message, linking them to the murders of Mr Morris and Mr Dolan.

8.0

The Police Ombudsman Investigation

- 8.1. My investigators conducted a comprehensive investigation aimed at identifying, and securing, all the available evidence and other information in relation to the family's complaints. This was to ensure that the questions and concerns raised in the Morris family's complaint could be comprehensively answered. An Investigation Strategy was devised and implemented by the Police Ombudsman Senior Investigating Officer that sought to address these questions and concerns, in addition to the issues raised in the relevant Terms of Reference, which are set out at chapter 3 of this public statement.
- 8.2. The Police Ombudsman SIO was supported by a Deputy Senior Investigation Officer (DSIO) and a small, dedicated enquiry team that included Investigation Officers, an analyst, and administrative staff. Where required, independent experts were consulted, and commissioned, during the course of this investigation. In total, 120 investigative actions were raised and allocated during the investigation. This resulted in over 290 documents and over 300 pieces of intelligence being collated and reviewed.
- 8.3. At the conclusion of these enquiries, a detailed investigation report was forwarded for my consideration, which has subsequently formed the basis of this public statement. Various elements of this investigation, and its findings, are detailed throughout the public statement and are summarised below to explain the structure and scope of the Police Ombudsman investigation.

RUC Documentation

- 8.4. This investigation obtained and reviewed all the available RUC investigation papers held by PSNI, in addition to other documentation relating to the actions taken in respect of the murders. My investigators also obtained and

reviewed documentation from Forensic Science Northern Ireland (FSNI), the Public Prosecution Service (PPS), the Coroners Service for Northern Ireland (CSNI), and the Public Record Office of Northern Ireland (PRONI).

- 8.5. Information was also obtained through open source research. This included newspaper articles, television reports, published books, and other media reporting at the time of the murders, in addition to archive material.
- 8.6. The review of the available RUC investigation papers identified a number of police officers who performed specific roles during the original RUC investigation. Following this review, my investigators liaised with PSNI to locate original journals and notebooks belonging to these identified officers. However, PSNI were unable to locate any of this documentation. The absence of this documentation has impeded the fullest investigation of the matters raised by the Morris family, as it deprived my investigators of the opportunity to ascertain the rationale for decisions made by Police Officer 1 and Police Officer 5 during the early stages of the RUC investigation.

RUC C6 Book

- 8.7. Each police station had a 'C6' book which was similar to a large ledger. The book recorded incidents, patrols, out of bounds areas and other similar activity. The RUC C6 Register at Tennent Street RUC Station recorded that a member of the public contacted police to report the car had been abandoned at 11:31am in Oregon Street. At 11:36am, Witness B made the '999' telephone call. This was also supported by a staff member working at the Newsagents.
- 8.8. RUC documentation reviewed by my investigators included witness statements, serious crime logs, records of house-to-house enquiries, search records, property registers, station registers, conference notes, message forms, custody records, and suspect interview records. My investigators obtained and reviewed scene photographs and maps, in addition to forensic, fingerprint, and post mortem reports. My investigators also visited the scene

of the murders and a number of other locations to familiarise themselves with the area and attempt to identify other investigative opportunities.

8.9. They obtained and reviewed RUC investigation files relating to other terrorist attacks referred to this public statement to identify links and further develop investigative opportunities regarding the murders of Mr Morris and Mr Dolan. My investigators reviewed relevant legislation that applied to the actions of police at the time and applicable RUC policies and procedures to gain a better understanding of the unique circumstances that police operated within during the relevant period.

8.10. My investigators liaised with the Ministry of Defence (MOD) regarding any material that it might hold but obtained no documentation that assisted this investigation.

The Morris Family

8.11. Throughout this investigation, my investigators have liaised with the Morris family and provided updates on the progress of enquiries at key stages of the investigation. This included meeting with the family and their legal representatives on a number of occasions and obtaining a written account that detailed their specific questions and concerns. The family's account was considered by the SIO when devising his Investigation Strategy.

Exhibits obtained by the RUC

8.12. My investigators liaised with FSNI and PSNI in an attempt to identify and locate original exhibits seized by police during the original RUC investigation. Unfortunately, none could be located. The absence of these exhibits, particularly the cigarette butt represents a lost opportunity for the PSNI to fully investigate these murders. I am of the view that the failure to retain these exhibits is a matter of concern that I will comment on in the concluding chapter of this public statement.

Ballistic Evidence

8.13. As part of a wider investigation into the activities of loyalist paramilitaries, this Office established, in 2014, that a VZ58 rifle (serial number R17155), believed to have been used in the murders of Mr Morris and Mr Dolan, had not been destroyed but was on display at the IWM in London. In 1995, it had been donated to the museum by the RUC.

8.14. In 2016, this Office asked PSNI to carry out forensic examinations of all VZ58 rifles in their possession, including the weapon recovered from the Imperial War Museum, and compare these against ballistic evidence recovered from the scene of the murders of Mr Morris and Mr Dolan. This confirmed that VZ58 rifle R17155 was used in the murders at Sean Graham Bookmakers on 5 February 1992 but not the murders of Mr Morris and Mr Dolan. A different VZ58 rifle, serial number R16838, was used in the murders of Mr Morris and Mr Dolan. This weapon had been recovered in North Belfast on 29 September 1988, resulting in the arrest of Person L. It was disposed of on 20 September 1995.

Independent Expert

8.15. In light of this, my investigators commissioned an independent expert, Andre Botha to examine the available ballistics evidence. He examined a number of discharged cartridge cases recovered from the scene of the murders and compared these against cartridge cases test-fired from VZ rifle R16838. This examination confirmed that VZ58 rifle R16838 was the weapon used in the murders of Mr Morris and Mr Dolan.

8.16. The forensic scientist concluded that *'There was sufficient agreement of class and individual characteristic markings to determine that they had been fired in the assault rifle, VZ P 58 serial no. 16838.'* The relevant forensic examinations are covered in greater detail in chapter 4 of this public

statement. My investigators have updated the families of the outcome of these ballistic examinations.

Witnesses Enquiries

Police Officer 5

- 8.17. Following a review of the available RUC documentation, my investigators established that Police Officer 5 initially led the murder investigation until he was replaced by Police Officer 1 on 23 August 1988. At the time of my investigation Police Officer 5 was deceased and we were unable to obtain any journal or notebook that had belonged to him.

Police Officer 1

- 8.18. Police Officer 1 assumed SIO responsibility for this murder investigation on 23 August 1988, upon his return from a period of annual leave. Police Officer 1 was written to requesting his co-operation with this investigation. He contacted my investigators in receipt of this letter. He was asked about the his role in this murder investigation however he informed investigators that he could not recall the murders of Mr Morris and Mr Dolan and could provide no information that would assist this investigation. In light of this, a decision was taken by the Police Ombudsman SIO not to record a witness statement from Police Officer 1. My investigators requested any journals or notebooks belonging to Police Officer 1, however, none could be located by police.

Police Officer 16

- 8.19. Police Officer 16 was written to by my investigators in an effort to speak to him about the fingerprints in this case. This officer did not co-operate with my investigation.

Police Officer 17

8.20. Police Officer 17 was written to by my investigators with a view to trying to establish what forensic examinations were conducted on VZ58 R16838. Police Officer 17 requested that the weapon recovered on 28 September 1988 be examined by Forensic Scientist 1 against the ballistic evidence gathered from the Avenue Bar shooting in May 1988. He stated that he didn't remember that particular request however it would have been 'regular procedure' to request the comparison of recorded weapons against shootings that had taken place. Police Officer 17 had no recollection of the murder of Mr Morris and Mr Dolan.

Statement – Andre Botha

8.21. My investigators commissioned an independent examination of relevant ballistic evidence in this investigation.

8.22. In March 2020 Mr Botha was asked by my investigators to examine the following items:

- I. 6 x 7.62mm casings and two x 7.62 bullets from VZ58 R16838
- II. 5 x 7.62mm spent casings from and one bullet from VZ58 R16102
- III. 20 x 7.62mm spent cases from the murder of Mr Morris and Mr Dolan
- IV. 24 x 7.62mm spent cases from the murders at the Avenue Bar.

8.23. In Mr Botha's opinion the 5 x 7.62mm casings and one bullet from VZ16102 matched the 24 x 7.62mm spent cases recovered from the murders at the Avenue Bar.

8.24. He also opined that the 6 x 7.62mm casings and two bullets from VZ58 R16838 matched the 20 x 7.62 spent cases from the murder of Mr Morris and Mr Dolan.

8.25. He also stated that in his experience hard lacquer coating is very resistant to the transfer of marks to it by firearm components during the firing process. He also stated that digital imaging used on modern microscopes had vastly improved. Mr Botha stated *'it is therefore not uncommon that results that were previously made inconclusive are now possible to be categorised into inconclusive, eliminations or identifications.'*

Intelligence

8.26. This investigation reviewed intelligence on upwards of 40 individuals which includes, those named in Special Branch intelligence as being linked to the murders, all those named in anonymous information received by police, all those linked to the weapon and all individuals named by the family in their complaint. This did not result in any intelligence being viewed that progressed this investigation. Additionally intelligence was requested on the murders, a number of addresses and clubs, vehicles and reporting on the hierarchy of the UVF to establish if there was any relevant intelligence. The Steven's database was reviewed with negative results. My investigators also viewed the intelligence on other murders that were potentially linked by weapons in an effort to establish all relevant intelligence on the murders of Mr Morris and Mr Dolan. However aside from the intelligence already set out in Chapter 7 of this report there was no further intelligence viewed that progressed my investigation.

8.27. No police officers were interviewed under criminal caution during the course of this investigation, as there was no evidence to recommend that any identifiable officer may have committed a criminal offence. Therefore, no file of evidence was submitted to the Director of Public Prosecution for direction.

9.0

Complaints, Questions, and Concerns Raised by Mr Morris' Family

9.1. In November 2013, members of Mr Morris' family met with my investigators. They raised a number of questions and concerns regarding the police investigation and other matters relating to his murder. Many of the questions, concerns and complaints made by the family have been answered earlier in this public statement. It is not my intention to rehearse all of the information and evidence that has been previously discussed in this report. Many of the concerns of the family can be grouped under the following headings;

- I. Family contact with the police.
- II. Ineffective police investigation.
- III. Informant related issues.
- IV. Concerns about weapons.
- V. Handling of property.

Complaints about family contact

9.2. The family stated that they did not receive updates from the police regarding the investigation. The family stated on the day that a named person was shot dead, approximately a year after the murder of Mr Morris murder, their mother, now deceased, received a telephone call from a police officer. The Police Officer told her '*We got him,*' adding that it was the named person who had murdered Mr Morris. The family were unable to identify the police officer who spoke to their mother on the telephone.

9.3. My investigators reviewed the available RUC investigation papers but found no record that a dedicated police officer was allocated to communicate with

the Morris family. There is no record of any contact between the RUC investigation team and the family within the available RUC investigation papers. However, the family indicated to my investigators that Mr Morris' mother phoned police every week, and would have spoken to the same person. The family also indicated that the phone calls were possibly made to Oldpark RUC Station.

- 9.4. In the past, Family Liaison was significantly different to the current service provided to bereaved families. It was the responsibility of the SIO to engage with the family at an early stage of the investigation. However, after this, there was no structured contact system in place unless a significant development occurred. No formal guidance 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.
- 9.5. The inquiry, headed by Sir William MacPherson, stated '*That Police Services should ensure that at a local level there are readily available designated and trained Family Liaison Officers.*'⁴⁶ He added that, where possible, such officers should be dedicated primarily, if not exclusively, to the role.
- 9.6. The MacPherson recommendations laid the foundations for modern-day Family Liaison that nowadays lies at the core of any SIO Investigation Strategy. The deployment of specialist trained officers to bereaved families is an important investigative tool. It ensures that the SIO can communicate effectively with them and provide, as well as acquire, information in a timely, accurate, and empathetic manner.

⁴⁶ The Stephen Lawrence Inquiry (1999), 378.

Ineffective Police Investigation

- 9.7. The family raise a number of queries listed below relating to the hijacking of the vehicle.
- 9.8. In respect of the Initial telephone call ordering the taxi to Heather Street the family raised the following matters.
- I. Whose name was on the call?
 - II. What enquiries did the RUC make in relation to the North Belfast taxi firm receiving a telephone call to collect a fare from Heather Street Social Club?
 - III. Was the call received from a regular customer?
 - IV. Whose name was on the call?
 - V. Was a call to attend a social club, at 11:00am on a Monday, not unusual?
 - VI. The Morris family wish to know if the phone call to police to report the hijacking was made prior to police finding the vehicle.

These matters are addressed earlier in this public statement with the exception of Point V upon which I cannot comment as it is a subjective statement. However, the police documentation indicates that there were a number of people in the club at that time and statements were recorded from them; it is not the case that the Heather Street Social Club was empty.

The family also make allegations about the police action at the scene and these are set out below.

- 9.9. The family alleged that that it took police officers over 20 minutes to attend the scene, despite police having stopped a beer lorry in Flax Street. Further, there were nearby RUC stations at Flax Street, Tennent Street, and Oldpark.

9.10. This allegation is answered earlier in this report and I am satisfied that there was a prompt police response to this incident.

The family also have a number of concerns and questions about the RUC approach to suspects which are set out below:

9.11. In respect of suspects the family ask:

- I. If anyone was arrested.
- II. Where did the evidence relating to two men running away from the taxi come from;
- III. Following the murders of Mr Morris and Mr Dolan, police received anonymous information linking a number of individuals to the attack. Of these, why did police arrest only one of these persons
- IV. The Morris family alleged that police knew the identity of Mr Morris' murderers but did nothing about it. They stated that no one was ever arrested and, therefore, police did not investigate the matter properly.

Each of the above matters are answered earlier in this report.

Disposal of Property and missing paperwork.

9.12. The family allege that the car used in the murders was returned to its owner a few weeks afterwards, even though no arrests had been made, therefore disposing of evidence. They also asked what the RUC Protocol for the disposal of evidence (i.e. the getaway vehicle) was in 1988.

9.13. In 1988 the RUC Code contained no guidelines on when an item that had been seized in a murder investigation could or should be disposed of. The relevant RUC Force Orders have a section on property but not in the context of exhibits or evidence in a murder investigation. Although the Police and

Criminal Evidence Act was introduced in 1984 it was not implemented in Northern Ireland until 1989.

- 9.14. The vehicle was examined by a SOCO on the day of the murders. A number of items were recovered from the vehicle. These included 20 discharged cartridge cases, mats, seat covers, and a cigarette butt.
- 9.15. On 31 August 1988, NIFSL corresponded with Police Officer 1 stating that the cigarette butt and car seat covers/mats were being returned to police as *'no examination could usefully be carried out by the Biology Department in relation to these items as there is nothing to compare them with.'*
- 9.16. Although the car was returned to its owner within a few weeks of the murders police had had the vehicle forensically examined and retained a number of items from the vehicle. They also lifted and retained fingerprint marks from the vehicle. There is no evidence that the gunmen or the vehicle came into direct contact with Mr Morris or Mr Dolan and as such the vehicle offered limited forensic opportunities.
- 9.17. However, although the mats and seat covers were disposed of the following year the whereabouts of a cigarette butt, recovered from the hijacked car, remains unknown. If this had still been in the possession of police, it could have provided investigative opportunities today, given advancements in DNA technology since the time of the murders.
- 9.18. The hijacked car, used by the murderers, was returned to Witness B's father a number of weeks after the attack. Car seats and mats recovered from the car were returned 17 months after the murders.

Witness and CCTV issues.

- 9.19. The family raise a concern about Oldpark RUC station had a mast, from which 60% of the Ardoyne area could be seen.

9.20. This matter is addressed earlier in this public statement.

Forensic Complaints

9.21. The family raise concerns about the forensic evidence available to police investigating the murders:

- I. Was there any forensic evidence recovered from the Vauxhall Cavalier, i.e. fingerprints/fibres?
- II. The family asked what specific safeguards were taken for the then developing science of DNA, regarding the getaway vehicle, prior to its return to the owner?
- III. Were there statements on the RUC murder file in this regard?

These issues are addressed earlier in this report.

Weapons

9.22. The family have numerous questions and concerns about both the VZ58 and the Browning 9mm pistol that were used in the attack. These are set out below. It should be noted that HET did not produce a report in relation to these murders. Any reference to an HET report, by the family refers to the HET report on the murders at Sean Graham Bookmakers in February 1992.

VZ58 Rifle

9.23. Many of the following concerns relate to the role of WERC. It is important to note that WERC employees who examined weapons were not police officers but scientists. My Office has no remit to investigate the actions of individual civilian staff who worked in that department. Many of the same concerns relate to the incorrect reporting of the weapons use in the Sean

Graham Bookmakers' HET report. It is also not within the remit of my Office to investigate matters pertaining to the then PSNI's Historical Enquiries Team (HET). However this public statement will provide as much detail as is known to my investigators.

- 9.24.
- I. Given the findings at the Roseann Mallon Inquest, the family fear that WERC had a 'nefarious engagement' in the murder of Mr Morris, given the inaccuracy recorded in the HET's Sean Graham Bookmakers report.
 - II. Why did the HET report contain a false history for the weapon used in the Sean Graham Bookmakers murders?
 - III. Why were the family not informed by HET about the inaccurate weapons history?
 - IV. What was the precise role of WERC in the circumstances by which HET were misled?
 - V. What was the involvement of WERC?
 - VI. The family requested a precise chronology of the documentation that was examined that led to the above false conclusions?
 - VII. Was the VZ58 used in the murders of Mr Morris and Mr Dolan ever recovered? Was it subsequently used in any terrorist attacks?
 - VIII. Was the VZ58 rifle used in the murders, part of the South African loyalist arms importation?
 - IX. Were the bullets of Chinese origin? If so, the Morris family believe that the Chinese origin is an issue which WERC will rely upon to explain their false reporting in this case?
 - X. Did WERC gain access to the weapon used in the murders of Mr Morris and Mr Dolan?
 - XI. The family alleged that the weapon used to murder Mr Morris was destroyed in the mid-1990s. They stated that the weapon was linked to the Sean Graham Bookmakers murders.
 - XII. The Morris family want to know if the '*intelligence source*' referred to was WERC or an informant?

- XIII. The Morris family want to know what was the nature of the 'intelligence source' referenced in the relevant HET report
- XIV. What is the serial number of the VZ58 used in the murder of Seamus Morris?

9.25. The information that is known to my investigators is previously referenced in this report and I am satisfied that the earlier narrative addresses the concerns of the family. However I would reiterate that it was my Office that located, recovered and had the VZ58 in question independently examined. This led to the discovery that an incorrect linkage was made in 1992; therefore HET would not have been aware that there was an incorrect linkage when they published their report on the Sean Graham Bookmakers' murders.

9mm Browning Pistol

- 9.26.
- I. Was the Browning 9mm pistol linked to the murders of Mr Morris and Mr Dolan used in any subsequent incidents?
 - II. The family have questions about who provided the Browning 9mm for the murders and how and when the Browning 9mm pistol was recovered.
 - III. Was this the Browning 9mm pistol stolen from Malone Road UDR Camp?
 - IV. What was the heritage of the discharged cartridge cases recovered from the stolen taxi?

All of the information that is known to my investigators about the origin and use of the Browning 9mm pistol is previously referenced in this public statement with the exception of IV. There is no evidence that this particular Browning was stolen from Malone Road UDR or that it was part of the Loyalist arms importation.

- 9.27. I acknowledge that the RUC were faced with significant challenges in relation to the secure storage of the many weapons recovered during the 'Troubles'. I am of the view, however, that the disposal of the VZ58 rifle and the Browning 9mm pistol used in undetected murders should not have occurred.
- 9.28. The 'intelligence source' referred to WERC examinations conducted in 1992, which are detailed earlier in this public statement.

Allegations and concerns and concerns around linked cases.

- 9.29.
- I. The Morris family believe that the murders at The Avenue Bar and attempted murder of a person on 6 March 1988 should all provide evidential leads for tracing weapons and individuals involved in matters relating to their complaint. Three individuals were convicted of the Avenue Bar murders. One of them was also convicted of the murder of Billy Kane on 15 January 1988. The Police Ombudsman's Office should identify and question these individuals.
 - II. The Morris family believe that the soldiers involved in the shooting of Person A should be questioned to find out what briefing they received regarding the prior activities of Persons A and M, and the weapon used to murder Mr McKenna.
- 9.30. This investigation reviewed the two murders and attempted murder referred to by the family. Police Ombudsman investigators examined the intelligence linked to these cases and sought further intelligence on those persons believed to have perpetrated the attacks. Additionally, my investigators also spoke with a senior police officer in respect of requests to examine weapons against one of the linked attacks. However, no information progressed my investigation.

9.31. I am satisfied that my investigators have reviewed sufficient police material including intelligence that is linked to the murders referred to in their complaint. The MOD do not fall under the remit of this Office.

Misconduct matters

9.32. The family alleged that there was a police presence at the hospital on the day of the murders. However, police officers showed no sense of dignity and were laughing and joking. They also alleged that police officers, who called to their home to speak to Conor, laughed at him.

9.33. These allegations did not form part of this investigation as they related to misconduct matters which cannot be investigated by the Police Ombudsman and do not meet the grave or exceptional criteria⁴⁷. I am obliged to consider the question of disciplinary proceedings. 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. However, due to the relevant police officers being retired, a misconduct investigation was not possible.

Informant related issues.

- 9.34.
- I. The family have made a number of allegations that named and unnamed individuals were RUC Special Branch informants who were either involved in the murder or were aware that it was going to take place. The family are concerned that a diligent RUC investigation was not conducted, to ensure that informants were protected and that this murder could not have taken place without the involvement of informants.
 - II. The Morris family also believe that an individual supplied information to military intelligence that resulted in a murder. They wish to know what information this individual been supplying

⁴⁷ www.legislation.gov.uk/nisr/2001/184/pdfs/nisr_20010184_en.pdf

military intelligence in August 1998 and if this individual forewarned of the murders of Mr Morris and Mr Dolan?

III. Did WERC mislead the Coroner to assist, or contribute, to a wider intelligence agenda, with regards the protection of intelligence assets?

9.35. My investigators reviewed all the available intelligence held by police relating to the murders of Mr Morris and Mr Dolan. They identified no intelligence, received prior to 8 August 1998 that could have forewarned of, or prevented, the murders of Mr Morris and Mr Dolan.

9.36. Consistent with my presumptive policy to Neither Confirm nor Deny (NCND), the Police Ombudsman will neither confirm nor deny if an individual was, at any time, an informant. This investigation has not identified any evidence that any person was protected during the police investigation.

10.0

Procedural Fairness

Introduction

- 10.1. In concluding this public statement, I am mindful of the need to ensure procedural fairness to those who may be affected by its content. Mr Justice McCloskey (as then) in the High Court in *Re Hawthorne & White* provided guidance to this Office as to what was generally required. In particular, I have considered relevant passages from that judgment which I outline here for ease of reference, highlighting the requirements of procedural fairness in this context:

[113] In my judgment, it matters not that the police officers thus condemned are not identified. There is no suggestion that they would be incapable of being identified. Further, and in any event, as a matter of law it suffices that the officers condemned by the Police Ombudsman have identified themselves as the subjects of the various condemnations. Procedural fairness, in this kind of context, cannot in my view depend upon, or vary according to, the size of the readership audience. If there is any defect in this analysis it is of no consequence given that the overarching purpose of the conjoined challenge of the second Applicant, Mr White, belongs to the broader panorama of establishing that reports of the Police Ombudsman couched in the terms considered exhaustively in this judgment are unlawful as they lie outwith the Ombudsman's statutory powers.

[114] The somewhat different challenge brought by Mr White, imbued by corporate and broader ingredients, gives rise to the following conclusion, declaratory in nature. Where the Police Ombudsman, acting within the confines of his statutory powers, proposes to promulgate a "public statement" which is critical of or otherwise adverse to certain persons our fundamental requirements, rooted in common law fairness, must be

observed. First, all passages of the draft report impinging directly or indirectly on the affected individuals must be disclosed to them, accompanied by an invitation to make representations. Second, a reasonable period for making such representations must be permitted. Third, any representations received must be the product of conscientious consideration on the part of the Police Ombudsman, entailing an open mind and a genuine willingness to alter and/or augment the draft report. Finally, the response of the individual concerned must be fairly and accurately portrayed in the report which enters the public domain.'

10.2. This process, sometimes called 'Maxwellisation', involves four fundamental requirements as outlined by Mr Justice McCloskey:

- I. That all passages of the draft public statement impinging directly or indirectly on the affected individuals must be disclosed to them, accompanied by an invitation to make representations;
- II. A reasonable period for making such representations must be permitted;
- III. Any representations received must be conscientiously considered, entailing an open mind and a genuine willingness to alter and/or augment the draft report; and
- IV. The response of the individual concerned must be fairly and accurately portrayed in the statement that is published.

The 'Maxwellisation' Process

10.3. In order to give the officers concerned a fair opportunity to respond to any proposed criticisms in this public statement, correspondence was forwarded on 18 January 2024 from this Office to Police Officer 1 with extracts from the draft public statement that impinged directly or indirectly on him, seeking his comments. As is standard practice in my Office, a period of 30 days, from receipt of that correspondence, was provided in order for Police Officer 1 to respond.

10.4. On 1 March 2024 Police Officer 1 telephoned the Police Ombudsman SIO in regard to the letter sent to him on 18 January 2024. Police Officer 1 apologised stating he had no memory of the case and could not recall any details whatsoever. It was explained to him that he was not appointed the SIO on the murders until the 23 August 1988 as he had been on annual leave but unfortunately this did not prompt his memory of the incident. On that basis he confirmed that he had no comments to make in respect of the letter sent to him on 18 January 2024.

11.0

Conclusions

The Role of the Police Ombudsman

- 11.1. My role as Police Ombudsman is set out clearly in Part VII of the 1998 Act. In the Court of Appeal judgment in *Re Hawthorne and White's* application,⁴⁸ the Court ruled that the Police Ombudsman had no role in adjudicating on a complaint of criminality or misconduct. The decisions and determinations of these issues are matters for the 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 raised by Mr Morris' family who made this complaint.
- 11.2. In accordance with my statutory functions, I am also obliged to consider the question of disciplinary proceedings. However, due to the relevant police officers being 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 my role 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.

⁴⁸ *Re Hawthorne and White's Application for Judicial Review*. [2020] NICA 33.

Retention of Journals and Notebooks

- 11.3. The investigation of complaints about historical matters is challenging due to the passage of time and unavailability of relevant witnesses and documentation. In particular, the unavailability of some relevant RUC Special Branch records, in respect of informants and covert operations, has caused difficulties during this investigation. These relate to understanding the rationale for key decisions made, and actions taken, by RUC officers.
- 11.4. PSNI were unable to locate the journals and notebooks of Police Officer 1 and 5, who led the murder investigation relating to Mr Morris and Mr Dolan. This made it challenging for my investigators to assess the rationale for a number of key decisions made during the RUC investigation. It has also meant that I cannot establish what consideration Police Officer 5 gave to information received by the murder investigation team. Police Officer 1 has confirmed to my investigators that he does not recall this murder investigation and Police Officer 5 was deceased at the time of the relevant enquiries. The issue of the non-availability of police officers' notebooks and journals was highlighted by the Coroner at paragraph 54 - 56 of the Roseann Mallon Inquest. Given the fact that Police Office 5 was deceased at the relevant time, and the passage of time has undermined Police Officer 1's ability to recall matters relating to these murders, the absence of police journals and notebooks has impeded this investigation.
- 11.5. I am mindful of the context within which the original police investigation was conducted and the rules and standards that existed in 1988, particularly relating to the use of intelligence. There are now a range of legal instruments governing police actions and decisions, including the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 as amended (which broadly codified existing practices in relation to use and conduct of informants), and more recently the Covert Human Intelligence Source (Criminal Conduct) Act 2021. Most significantly, in terms of policing structures and practices, PSNI's Crime Operations Department was

established in 2004. PSNI have stated that *'this department is led by a single Assistant Chief Constable thereby ensuring consistency, transparency, and accountability across all investigative and intelligence functions within PSNI.'* The PSNI Code of Ethics was introduced in 2003 and amended in 2008.

11.6. At the time of Mr Morris and Mr Dolan's murders, there was a less developed regulatory framework governing policing practices. Since 1988, dramatic changes have taken place within the political environment, legal frameworks governing policing in Northern Ireland, and police accountability mechanisms. Those changes include:

- I. The Police (Northern Ireland) Act 1998;
- 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);
- VI. The creation of the Police Ombudsman for Northern Ireland in 2000;
- VII. The creation of the Northern Ireland Policing Board (NIPB) in 2001;
- VIII. The formation of PSNI's Crime Operations Department in 2004;
- IX. PSNI's Code of Ethics, launched in 2003 and amended in 2008;
- X. Investigatory Powers Act 2016; and
- XI. The Covert Human Intelligence Source (Criminal Conduct Act 2021).

11.7. Mr Morris' family met with investigators from my Office in November 2013. At this meeting, they raised a number of questions and concerns regarding the actions of police before, and after, Mr Morris' murder. In September 2015, a family member submitted an eight page letter of complaint,

expanding on these questions and concerns. This investigation has sought to address the complaints made by Mr Morris' family.

- 11.8. In that context, I have considered the questions and concerns raised by Mr Morris' family. I have carefully assessed the evidence and other information gathered during this investigation. I have also considered allegations of 'collusion' raised by the family but am unable to comment on these in light of the judgment of Scofield J, referred to earlier in this public statement. My findings are as follows:

Missed Investigative Opportunities

- 11.9. Central to the family's complaint are allegations that police failed to thoroughly investigate the murder of Mr Morris. In relation to the complaint about the lack of an effective investigation into the murders, I conclude that the RUC investigation was inadequate in a number of respects.

Failure to Conduct Thorough Enquiries

- 11.10 My investigators found no record that enquiries were conducted in Flax Street to identify potential witnesses. This was the most likely route taken by the murderers after the attack. Although maps and photographs from the period indicate that this was a predominantly industrial area in 1988, this remained an investigative opportunity that was overlooked. There remained a possibility that, had police enquiries been conducted in this area, a witness may have been identified who held information relevant to the murder investigation.

Identification of Suspects

- 11.11 Conor Morris witnessed his brother's murder and provided a witness statement to police. He described the front seat passenger as having black hair, that was 'not too long,' and a 'bushy' moustache. He was of medium

build, approximately 30 years old, and not 'too' tall. He could not describe the driver or rear seat passenger.

11.12 Despite this, my investigators found no record that police considered showing Conor suspect photographs or asking him to attend an Identification Parade. I am of the view that this was a missed investigative opportunity, as Conor may have been able to identify suspects, which would have allowed police to carry out arrests and searches in an effort to bring the murderers to justice.

Handling of Exhibits

11.13 During the course of the RUC investigation, a number of exhibits were seized by police and submitted for forensic examination. These examinations proved negative. Police failed to properly manage and store key evidence, in particular a cigarette butt, which could have been significant due to later advancements in forensic technology. This mishandling potentially limited future investigative opportunities.

11.14 The hijacked car, used by the murderers, was returned to Witness B's father a number of weeks after the attack. Car seats and mats recovered from the car were returned 17 months after the murders. The whereabouts of the cigarette butt, recovered from the hijacked car, is unknown. If this had still been in the possession of police, it could have provided investigative opportunities, given advancements in DNA technology since the time of the murders.

11.15 It is known that one of the fingerprint marks recovered from the vehicle used in the murders was later attributed to Person Y in 2008. From the available documentation it appears that, in 1988, these fingerprint marks were compared to a list of 499 loyalist paramilitaries, with negative results. Person Y appears on that list. I have been unable to establish why he was not

identified in 1988 as the person who left the fingerprint mark on the hijacked vehicle.

11.16 Police subsequently destroyed a number of the recovered weapons. There are, therefore, no further evidential opportunities in respect of these weapons. I am of the view that the disposal of weapons linked to undetected murders and other serious crimes ought not to have occurred. I am critical of this blanket policy approach to the destruction of weapons used in unsolved crimes.

Gunshot Discharge Residue (GDR) Tests

11.17 Person J and Witness B were arrested on suspicion of the murders on 11 August and 16 August 1988 respectively. A review of the Custody Record of Person J gave no indication as to whether his clothing was seized for comparison against exhibits recovered from the vehicle. As Witness B was the user of the vehicle, evidence such as fibres, seat covers, and mats from the vehicle would not link him to the murder. However, the clothes of Person J and Witness B should have been tested for GDR; in the case of Witness B this may have eliminated him at an early stage in the investigation had they have been negative. There is no evidence consideration was given to this by the RUC SIO, Police Officer 5. My investigators found no evidence of tests for GDR.

Person J

11.18 Person J was arrested on 11 August 1988 in respect of the murders of Mr Morris and Mr Dolan, a murder in 1987, possession of firearms, and UVF membership. Due to the absence of documented policy decisions, my investigators were unable to establish the rationale for the arrest of Person J. However, I have concluded that it was most likely in response to the anonymous information provided on 9 August 1988 which specifically named him as being involved and in possession of the weapons that were

used in the murders. His house was searched, as was the house of a relative, but nothing was seized by police.

- 11.19 Person J was interviewed 25 times while in custody and denied his involvement with the UVF and his involvement in the murders. He provided an account to police of his movements on the morning of 8 August 1988, which included the identity of a person he was with, in and around the time of the murders and an address he was visiting at the time. It should be noted that the address was only a few minutes walk from the scene of the murders.
- 11.20 Although no intelligence directly implicated Person J in the murders, there was intelligence that linked Person J to the storage of weapons in February 1988 from the loyalist arms importation. Intelligence also linked Person J to the UVF and specifically to the UVF 'team' at the 'North Belfast Social Club'. A weapon had also been found in Person J's home in January 1988, although a third party was convicted for its possession. It is clear that the SIO investigating the murders knew of the intelligence linking Person J to the storage of the imported weapons as it had been cited on the application to have Person J's detention period extended. Although Police Officer 5's focus was understandably on the murders of Mr Morris and Mr Dolan, my investigation found no evidence that the intelligence concerning Person J's possession of these weapons was further developed. This information presented police with an important line of enquiry in relation to the acquisition and distribution of weaponry from the loyalist arms importation.
- 11.21 My investigators found no evidence that the alibi account provided by Person J was verified. There were no actions raised to speak to the person he stated he had been with and no other enquiries were made to establish if he had been at the given address at the time of the murders. The address was a short walk from the scene of the murders. I consider this a significant failing by the SIO, Police Officer 5.

11.22 In the absence of documented policy decisions, I am unable to establish if any consideration was given to seizing clothes or shoes during the search of Person J's house that could have been examined against evidence from the vehicle used in the murders, and any such items could also have been examined for GDR. I consider this a failing by Police Officer 5.

The Complaints about Collusion

11.23 It is my view, based on the available evidence and other information, that there were a number of failings in the RUC investigation of Mr Morris' murder. The Morris family also complained that RUC officers '*colluded*,' either directly or indirectly, in his murder.

11.24 I must act lawfully and fairly in the exercise of my functions as provided for under Part VII of the 1998 Act. The Court of Appeal in *Re Hawthorne and White* has ruled that the Police Ombudsman cannot make a determination of criminality or misconduct on the part of any police officer. However, the Court identified that, in respect of a complaint about '*collusion*,' the Police Ombudsman may acknowledge whether the matters '*uncovered*' by an investigation are '*very largely*' what Mr Morris' family claimed constituted '*collusive behaviour*'.

11.25 In Chapter 3 of this public statement, I carefully considered the various definitions of '*collusion*' offered by the then Lady Justice Keegan, Lord Stevens, Judge Peter Cory, Judge Peter Smithwick, Sir Desmond de Silva, and a number of former Police Ombudsmen. While these definitions are informative, I acknowledge that there is no universally agreed definition of '*collusion*'. I have, however, identified a number of common features which I summarise 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 very nature involves an improper or unethical 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.*’

11.26 I am mindful of the comments made by Judge Cory in his report into the murder of Robert Hamill. He stated that the public must have confidence in the police. Police must act judiciously and always strive to apply the law fairly, evenly, and without bias and discrimination. Their role is to serve and protect the entire community.

11.27 I am also mindful of the judgment of the then Lady Justice Keegan at paragraph 44 of *Re Hawthorne and White*’s application when she stated:

*‘Collusion is another feature of the historical landscape. Whilst this tone 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.’*⁴⁹

11.28 I have taken into account the limitation on my powers to make a determination of ‘*collusion*’ as clarified in the Court of Appeal judgment. In light of the judgement of Scofield J in *Re Fitzsimons and JR217*⁵⁰, to the effect that I am unable to express a view in relation to potential collusive

⁴⁹ [2018] NIQB 94, at para 44.

⁵⁰ [2025] NIKB 7

behaviours on the part of former police officers, I am unable to comment further on the family's complaint of collusion. This judgement is the subject of an appeal to the Court of Appeal in Northern Ireland.

11.29 This investigation has found no evidence that police were in possession of specific intelligence that, if acted on, could have forewarned of, or prevented, the murders of Mr Morris and Mr Dolan. Likewise, intelligence was shared by RUC Special Branch with police investigating the murders who then conducted further enquiries in respect of a number of identified individuals.

Firearms used in the murders of Mr Morris and Mr Dolan

11.30 My predecessor, Dr Michael Maguire, and I have previously reported on the circumstances in which loyalist paramilitary groups acquired VZ58 assault rifles, semi-automatic pistols, and other munitions from an importation of firearms to Northern Ireland in late 1987.

11.31 These investigations, which described the acquisition and use of the imported weapons, focused on complaints relating to attacks by the UVF at Loughinisland in South Down, the UDA in the North West, including at the Rising Sun Bar, Greysteel, and the UDA/UFF in South Belfast, including at Sean Graham Bookmakers.

11.32 Both Dr Maguire and I have acknowledged the success of police in arresting three men at Mahon Road, Portadown, on 8 January 1988 in possession of weaponry from the importation, all of whom were subsequently convicted. An additional portion of the imported firearms were recovered by police at Flush Road, North Belfast, on 4 February 1988.

11.33 Despite the recovery of these firearms, it is evident that loyalist paramilitaries obtained a significant number of VZ58 assault rifles, 9mm

semi-automatic handguns, and other munitions from the importation. These firearms were later used by loyalist paramilitaries in at least 80 murders.

11.34 I have been critical of the absence of intelligence and other records relating to the RUC operation that led to the arrests at Mahon Road. The lack of a concerted effort by police to bring those responsible for the importation and distribution of these imported firearms to justice has also attracted my criticism.

11.35 During the 12 months following the arrests at Mahon Road there were 105 murders in Northern Ireland, of which eleven were attributed to the UVF. Eight of the UVF murders involved the use of VZ58 assault rifles, six of which occurred in Belfast. Another four non-fatal attacks in Belfast in which VZ58 assault rifles were discharged occurred during the same period. As a result of extensive enquiries by this Office, it has been established that the use of VZ58 assault rifles during 1988 and 1989 can be exclusively attributed to the UVF.

11.36 According to intelligence received by police in late February 1988, a quantity of the imported firearms were removed from the Flush Road consignment prior to police recovering the remaining weapons. The intelligence indicated that Persons N, O, AA, GG, and HH had been involved and that the firearms had been moved to the named 'North Belfast Social Club'. On a further unspecified date, the weapons were moved to storage in the Shankill and Ballysillan areas, including at premises under the control of Person J. Based on the available evidence and intelligence, I have concluded that the VZ58 assault rifle used in the murders of Mr Morris and Mr Dolan was removed from the Flush Road cache.

11.37 Police also had information indicating that the 'North Belfast Social Club' had been used for paramilitary displays, storage of firearms, meetings of senior members of the UVF's North Belfast 'B' Company, and other serious crime. Among others, Persons A, I, N, O, and AA were referenced as being

active at the 'North Belfast Social Club'. Persons I and AA were implicated through intelligence as being involved in the murders of Mr Morris and Mr Dolan.

11.38 During the six months prior to the murders of Mr Morris and Mr Dolan the following intelligence was, therefore, available to the RUC:

- The identities of active members of North Belfast UVF;
- That Belfast UVF had acquired weaponry from the loyalist arms importation;
- That the UVF had temporarily stored the firearms at the 'North Belfast Social Club';
- That VZ58 assault rifles from the importation had been used by the UVF in a number of murders and other attacks in Belfast, including in North Belfast;
- That the UVF used the 'North Belfast Social Club' as a venue for meetings;
- That members of the UVF engaged in criminal activities, including the storage of firearms at the 'North Belfast Social Club'.

11.39 My investigation has not identified evidence that police initiated an investigative response or implemented disruptive tactics in relation to this intelligence, or to other information concerning UVF activities at the 'North Belfast Social Club,' prior to the murders of Mr Morris and Mr Dolan.

Incorrect Linkage of the Weapons

11.40 The incorrect linkage of the VZ58 assault rifle used in the murders of five people at Sean Graham Bookmakers on 5 February 1992 to the murders of Mr Morris and Mr Dolan was a matter of concern to the family. In my investigation into police conduct relating to the attack at Sean Graham Bookmakers, it was established that this weapon was not the weapon used in the murders of Mr Morris and Mr Dolan or an attempted murder in March 1988.

- 11.41 My Office informed PSNI of this finding and they subsequently confirmed this to be correct.
- 11.42 This Office requested that PSNI re-examine ballistic evidence from all recovered VZ58 rifles against ballistic evidence recovered during the RUC investigation of the murders of Mr Morris and Mr Dolan. Following these checks, PSNI informed my investigators that VZ58 rifle R16838, recovered in North Belfast in late September 1988, was the weapon used in the murders of Mr Morris and Mr Dolan.
- 11.43 Previous examination of VZ58 rifle R16838 by both WERC and NIFSL in 1988 had linked this weapon to the murders at the Avenue Bar in May 1988. My investigation established that this link was also incorrect. Neither WERC nor NIFSL made the correct link to the murders of Mr Morris and Mr Dolan and the attempted murder in March 1988.
- 11.44 This misattribution of weapons to murders, by WERC and/or NIFSL, was highlighted to PSNI by the Police Ombudsman as a potential systemic issue. However, it is not known the extent to which murder investigations involving the use of VZ58 assault rifles may have been misdirected in consequence of these errors.

Overall Conclusions

- 11.45 I believe that Mr Morris and Mr Dolan were the innocent victims of a campaign of sectarian violence mounted against the nationalist community. Loyalist extremists were responsible for their murders. However, given the investigative failings and omissions identified, I believe that Mr Morris' family were failed by police in their search for accountability for the murders of their loved ones.

11.46 In light of the above, I am of the view that an identified number of the family's complaints about investigative failings are legitimate and justified. Although the family have complained about collusion between the security forces and those who murdered Mr Morris and Mr Dolan, I am not permitted to express any view of my own on this issue, in consequence of a recent High Court judgment. The detailed narrative outlined in this public statement of the circumstances of Mr Morris' murder must be read in the context of that judgment and in light of my obligations under Article 2 of the European Convention to provide an independent and fulsome investigation of the family's complaints. I thank them for their patience in awaiting the outcome of this protracted investigation.

Marie Anderson

POLICE OMBUDSMAN FOR NORTHERN IRELAND

10 April 2025