

Smithwick Tribunal of Inquiry

Statement of Ian Hurst

I make this statement of fact June 2011 with the full knowledge this statement can only be used today for the Tribunals private investigative process but not as part of any oral hearing or proceedings in public. I am disappointed that the Tribunal have not thus far been able to persuade HMG to make a full variation to my injunction since well before Christmas 2010. The Tribunal has indicated they want me to be treated in exactly the same way as any other witness is treated, that clearly is not happening and that is disappointing.

I remain available to assist this Tribunal in its investigations and to provide public evidence in Dublin and make the following statement with as much detail as possible given I might not be able to provide testimony in person. Thank you

I was born in the north of England. When I was 20 I joined the British Army. Within a few months of joining the Army 07 01 1980 I joined the Intelligence Corps at Templar Barracks, Ashford, Kent. When I left Templar Barracks I had graduated into the Intelligence Corps as a lance corporal and posted as requested to Northern Ireland. All Intelligence Corps soldiers are negatively vetted (NV) on entry into the Intelligence Corps – which allows regular access to secret material but only occasional access to Top secret.

In 1981 I was posted to 3SCT (Special Collation Team) based at HQNI. The unit manually typed RUC source documents (RIRAC) onto the Intelligence computer system 3702 and was also responsible for Vengeful the Vehicle Intelligence system.

Initialled:

A few months later I moved to 121 Intelligence cell to cover the Derry desk. 121 Int cell is the Intelligence unit within Head Quarters Northern Ireland (HQNI) that supported both General Office Commanding Northern Ireland (GOC) his G2 staff officers, MI5 detachment and HQNI FRU. Employment within HQNI 121 Intelligence required access to computer 3702 level 1 access and access to classified intelligence.

In early 1982 I applied to join FRU (Force Research Unit) as a collator in Derry, Having completed my FRU collator training course, I was posted to FRU North, based in Derry. FRU (N) is a very busy office that deals with Human Intelligence sources within the counties of Londonderry, Tyrone, Northern Fermanagh, Northern Antrim, Derry City. The following areas were also part of FRU (N) responsibilities (AOR) Donegal, Sligo shared with FRU (W). This office along with every other FRU office dealt with Agents both within Republican Paramilitaries and the general public who were in a position to supply information of Intelligence value.

FRU (N) in accordance with province wide FRU instructions recruited NO loyalist paramilitary members; this rule could only be deviated upon unless the person/agent was a former member of the British Army. A good example of that Policy was Willie Carlin & Brian Nelson who were handled by FRU (E) (N) respectively.

FRU is a force unit hence the name Force Research Unit. That means it is different to most British Army units operating within Ireland and during my service in the Intelligence Corps the following units were Force units and were active in NI:

- a. 22 (SAS) – RUC controlled
- b. 14 Coy – RUC controlled
- c. FRU - No direct RUC operational control

The major advantage of being a force unit was being outside the normal command structure thus we had more power and influence for operational matters and from a soldiers point of view we had increased pay and allowances. FRU was an Intelligence Corps unit but was manned (Handlers) with approximately 60% Intelligence Corps and 40% other unit members. FRU was in operation from 1980 until the early 1990s when its name was changed to the Joint Services Group.

In Aug 1984 my father became seriously ill and I was compassionately posted to an Intelligence & security detachment in the north of England to be close to him until his death. At this time I was promoted to the rank of sergeant. Subsequently, I was seconded to L Branch, Repton Manor, Templar Barracks involved in the resettlement of exposed agents like Willie Carlin and Mr Frank Hegarty (RIP). I was seconded for six months to Belize and returned to England in 1987. I then completed a current FRU handler course in Templar Barracks and was then posted to FRU West, based in Enniskillen. During late 1990 I was posted to Ministry of defence in London with a recommendation for promotion and considered suitable for commissioning. Whilst serving as a middle eastern desk Intelligence officer in the MOD defence Intelligence Staff (DIS) This post required that I was enhanced positively vetted (EPV) which allowed access to the highest grade intelligence available within the UK including Sig Int and Satellite Imagery. That vetting was completed in Northern Ireland over a 6 month period prior to me taking up employment at the ministry of defence (MOD)

Whilst serving in Northern Ireland towards the end of my last tour 1990 I met socially a Republic of Ireland citizen who I was intending to marry at some later date. The EPV Vetting review was conducted because of the self declared change in my circumstances i.e. potential partner resulted in me being advised that if I was to continue with the

relationship and I was to seek a return to Northern Ireland my vetting status would not allow a further FRU tour. That position was understood given the circumstances and in return I left by paying for my own release from the Intelligence Corps at just short of 12 years service, the cost was approx £600. I resigned from the Intelligence Corps with the highest exemplary testimony and with no regrets to marry my now wife.

FRU - Documentation

There are different forms and documents used for processing source intelligence.

Contact Form (CF) – Classified Secret

Contact forms are prepared after each meeting by a handler and it contains a narrative of all contact between agent and handler Including, Information of Intelligence value, Welfare, Security, Payment, Direction - etc – **The most important and protected document in FRU**

Normally 2 copies made - Originator unit & HQ FRU Lisburn

Military Intelligence Source Report (MISR) – Classified Secret

A graded source report designed for different recipients and their security clearance but based upon the same Information supplied by the agent to the Handler detailed in the CF which has had the Information refined into Intelligence by analysis and corroboration. Generally this report would be written in the third person so as to help disguise the source of the information from both the authorised recipient and a total loss or compromise.

Telephone Contact Form - Classified Secret

A transcript record of telephone contact which has been made or received with the agent and marked with tape storage details.

P Card system

There was also a set of cards called personality cards. This was known as the P-card system and was a card index maintained by the Army in respect of each intelligence source and each person of interest.

RUC intelligent Documents handled by FRU

RIRAC – Classified Secret

The document derived from an RUC SB50 and given to the Army was called both a RUCIRAC and a RIRAC. The military equivalent is MISR.

Classified Documents

All regulations regarding classified documents storage and physical security measures detailed in Manual of Army Security (MAS)

All FRU Intelligence documents are classified and dependent upon what classification the originator of document attributes to each document dictates what physical security measures are in place to provide safe custody of the document. The Physical security measures include a robust audit or accounting record:

The classified register of MISRs was/is known as MOD Form 102

The MOD Form 102 provides an audit trail for all documents and includes information like Title, originator, File/Folio, location, stored, Receipt by recipient, Authorised destruction/date etc – This register remains open and cannot be destroyed until 10 years after the last document recorded is destroyed.

The MODF102 controls the life of a classified document and is vital in tracing documents.

Master MODF102 – Classified secret

A further register to record all the units individual MODF102 registers used to record the classified documents

MOD F 24 – Classified secret

Receipt sent with classified document/tape etc to be returned to originator by recipient detailing information required to ensure safe custody of the classified document. Extremely important in regards to tracing documents or identifying distribution of classified documents.

Intelligence

Information provided by a source is not intelligence. Intelligence is only obtained once supplied information has been refined by analysis, and corroboration with other known information.

The highest grade of intelligence is A1. Essentially, this means that the intelligence is a known fact. The highest grade that a piece of intelligence can be attributed is B2. That is when the information supplied is corroborated and the source is usually reliable.

Briefly the FRU Handler/Agent sequence of events is recorded

- A. Source Meeting/Debrief
- B. Contact Form completed by Handlers
- C. MISRs constructed and disseminated depending upon clients level of access and intelligence
- D. Intelligence is exploited

The decision to disseminate Intelligence .i.e. MISR is normally taken by the Handlers/ Office boss and on occasions for sensitive subjects and situations - Ops officer HQ FRU – The Handler would normally

have a major influence on dissemination because they had the direct knowledge of both the current source security situation and relevancy.

A single MISR or MISR supplement may be disseminated to 50 or more recipients.

FRU handlers would have limited liaison with RUC handlers and the following is from experience how approximately the RUC document handling dissemination system worked. Although we received RUC product we had by design no real opportunity to fully understand each agencies document handling protocol

RUC received information from an agent, Handler would prepare a SB 50 The SB50 would then go to the handler's D/I who would disseminate to regional head of Special Branch (RHSB) (HSB) and others on distribution list from which the RUC would produce a RIRAC which was distributed to the Army at level 1 access only. Generally this would be written in the third person so as to help disguise the source of the information in the same way a MISR is disguised.

Background information regarding military classified documents

All classified documents in the army are recorded and regularly audited by specialist Intelligence Cops units. If there is no record of a document within the registry system then the document is fictitious. Intelligence documents are always classified and classified documents are recorded.

Classified documents are not destroyed unless for very good "operational" reasons and the occasion would be the exception rather than the rule. The document may be collated and then destroyed but the core original document will still be available.

Intelligence does not have a natural shelf-life.

The destruction of classified documents has to be authorised by a warrant officer (WO2) or higher and recorded and signed for within MODF102. As a sergeant, I could not authorise the destruction of documents but I could carry out the act.

Gardai / Freddie Scappaticci

Within 121 Int Cell you had access to all information available to the GOC (NI) including MISR, RIRACS, BOX 500, BOX 850, WIS, Prison Intelligence, etc.

As a collator within 121 you will certainly read all intelligence material generated on a daily basis concerning your own desk responsibility area but you also need to keep a handle on the 32 county situation so during regular periods of nightshift (Once weekly) when you are operating the Intelligence Cell on your own during periods (17:00 – 08:00) you need to have an experience of the other area desk responsibilities so you can answer or obtain information at short notice to service the HQNI Ops room or G2 staff. During silent hours 121 Int Cell duty operator had responsibility for answering the “Tout” phones for both HQNI rat hole (1) and HQNI MI5 Det approx (6/7) – The procedure was a small bank of lights indicated which line was being rung by the caller and that in turn related to a page within a file describing action to be taken i.e. Handler or any messages to be relayed to caller from Handler etc

I first came across the name Garda Owen Corrigan when I was in 121 Int cell. It is hard to put a frequency on how often his name came up but suffice to say it came up fairly regularly. It could come up three times in a week but not again for six months, though. Mr Corrigan

came up in the context of rogue Garda. "Rogue Garda" was a term used by the RUC and the Army took its lead from that. I believe that the RUC kept a file entitled "Rogue Gardai". The Guards were not high on the Army's list of priorities. A rogue Garda was someone who was not on our side in the context of passing information to the IRA. His was the Garda name that came up most. I saw reports that Corrigan was passing information to the IRA. I never saw anything suggesting that this was being done for financial gain. I do not know what information he was passing. His relationship with the IRA was through Scappaticci and others. I never saw any information directly connecting him with Mr Thomas "Slab" Murphy but Mr Patrick (Patsy) O'Callaghan would be somebody close to Murphy with links to Mr Corrigan.

There were others who might have been mentioned once and whom I cannot remember. I do remember seeing reports about Leo Colton. His name sticks because I thought the name Leo to be unusual. I do not remember when I saw information about Leo Colton. I also remember reports of a Garda named Corbett in the Donegal area. I remember his name because of Matthew Corbett and his puppets.

Dundalk Garda station was seen as a vipers' nest and Mr Owen Corrigan was at the centre of it. Dundalk also had a reputation of being protected from on high in Dublin Castle, in other words it had political cover. I remember having one conversation with Mr Stephen Noakes – Joint Intelligence Research Officer (JIRO) – civilian researcher attached to Northern Ireland Office (NIO) but stationed permanently on HQNI G2 staff during my tour within 121 Int Cell. Mr Noakes was responsible for advising the G2 staff upon political matters and clearly Garda infiltration has a major political dimension. 121 Int Cell supported Mr Noakes work on a daily basis and he was an ever present fixture within our p card system.

I can remember one specific conversation regarding Gardai

There was a sense that Dundalk Garda station was toxic in the same way Ballyshannon and Bundoran areas were playgrounds for terrorists with open caravan parks used for rest and recuperation for terrorist on the run (OTR). Being young and naive – I remember asking why the Irish government allowed Garda to pass information and for terrorists to use border towns openly without fear of arrest – His answer was clear but not fully understood at the time?

Political corruption.

Corrigan was small fry in the context of passing information to PIRA, both North and South, that said, because PIRA was extensively penetrated at all levels, most sources of the information to PIRA were readily identified but seldom compromised, sometimes for very good reasons. Indeed only this month one recent case has come to my attention from information sourced from the MOD of a former FRU (W) agent being targeted by PIRA in the early 90`s using information supplied by a social security employee in the North – incidentally that employee remains employed today in the same office .

PIRA would be able to obtain information from driver licensing, social security, councils, utilities far quicker than the FRU – To provide one example – If we wanted to check a southern vehicle owner we had to submit a written request via Military Intelligence Liaison Officer to obtain this information from the RUC – that process could take a week or more? PIRA could do that within hours – Obviously FRU handlers would with one eye on source security request our PIRA agents to

obtain this information privately rather than play the long game with the RUC.

In some ways Mr Corrigan was a victim of the whole thing, a small pawn in a big game of chess – most people who pass information to all sides of the conflict do it for a variety of motivations but all believing they will remain anonymous without understanding that all sources have a shelf life.

I do not know Mr Corrigan and have no personal animosity towards him. The fact that a Garda was passing information to the IRA did not bother me anymore or any less than in the same way members of the RUC/UDR/BA occasionally passed information to the IRA and regularly to members of various loyalist paramilitaries. It was a matter for HQNI and the RUC and way above my pay grade.

My concern as a handler was, for example, the possible compromise of an Army patrol's security especially in border areas when patrol reports were often leaked. The source of the compromise and what to do about it was a matter for my superiors in other words it was a strategic and not a tactical problem.

Neither Corrigan, nor Colton nor Corbett or Irish army soldiers working from Finner Barracks registered massively on the Richter scale, it was just a fact of life, indeed it was well within the rules of our game!

It would be both naive and wrong to assume that only the British had agents in organisations that would be of interest to those involved in this conflict (The troubles). Simply put:

British Intelligence community – had agents in An Gardai Siochana
An Gardai Siochana – Had agents in the North

PIRA had agents in RUC/An Gardai Siochana
Gardai Siochana/RUC Had agents PIRA etc

To provide one example, during 1999 when the Sunday times was publishing articles titled “MI5 Operate a network of Garda agents”

Rear Admiral David Pulvertaft CB D Notice Secretary 1999 composed a fax message dated 10 Aug 1999 To: Mr Martin Ivens acting editor of the Sunday Times upon London 0171 218 5857 – The covering letter for the fax is replicated below:

As requested by your secretary a few minutes ago, please find attached my letter to John Witherow dated 05 08 1999.

In view of the fact that the article in the Northern Ireland edition on 08 Aug under the title “ MI5 operated a network of Garda agents” contained “much damaging material” and you forecast a further article next Sunday, may I please call on you either this afternoon or tomorrow morning to fulfil my advisory role.

No doubt the Tribunal has already obtained documents from HMG agencies, Box 500 & D notice relevant to these matters.

Indeed further evidence of the relevancy of MOD D Notice unit being a potential witness to help the Tribunal was detailed during a recent recorded telephone conversation with the current D Notice Secretary Air Vice-Marshal Andrew Vallance CB OBE who was being challenged and questioned by myself in regards to why the D Notice committee had made a secret approach to the BBC's Director of Editorial Policy and Standards. The approach was for information contained in that evenings scheduled Panorama program. The Panorama program dealt with issues connected to when my computer had been compromised by a Trojan Virus applied by a former a FRU member and other

Private detectives working for News international looking for information upon Mr Freddie Scappaticci.

The following is a very short transcript extract:

Hurst: As far as I know at this point but let me re confirm at this point, there isn't anything that I have seen which has any connection or documents recovered which has any connection to Freddie Scappaticci?

Vallance: **Right, OK – That is my main concern**

Hurst: I understand that Sir.

That is the Intelligence game in a nutshell

Intelligence Game/ Assets

From a personal perspective and understanding, my role within the Intelligence community was to preserve life, not all life but simply put – save more lives than you would otherwise lose. In the context of the “Troubles” It would be wrong for me or indeed any person to suggest that all lives in every situation can be saved, they cannot. That said some people have the power to influence or prolong events and indeed the conflict. The following is an accurate approximation

1. As a rough guide you should expect 1 in 4 PIRA volunteers to be Agents of one agency or another.
2. As a rough guide you should expect 1 in 2 PIRA officer class to be Agents of one agency or another.

On 03 May 2011 Lord Stevens who had headed 3 separate investigations into state collusion in Northern Ireland and interviewed

Mr Scappaticci under caution made the following comments regarding these matters and refers directly to the murders of Mr Breen & Mr Buchanon

Lord Stevens of Kirkwhelpington: We were over there during a period of time in what were very difficult circumstances, physically and mentally, when RUC superintendents would be blown to bits by cars, and we actually had some threats against us. Yes, the rule of law must appertain wherever you are and whatever you are doing, and that rule of law must be absolutely locked into and deal with the processes as they stand at that time. What I am saying is that certainly what we discovered—and some of it may never see the light of day, I don't know—**as we have 100 tonnes of documentation** now over there—and that is not a matter for me, it is a matter for other people—is that there has to be a proper, transparent process and there has to be a meeting. There was the RUC, MI5 and the army doing different things. **When you talk about intelligence, of the 210 people we arrested, only three were not agents.** Some of them were agents for all four of those particular organisations, fighting against each other, doing things and making a large sum of money, which was all against the public interest and creating mayhem in Northern Ireland. Unquote

Agents deserve protection both during periods of service and upon compromise that said, it is not a blank cheque for either Handler or Agent to create in Sir Johns words Mayhem.

Freddie Scappaticci was deputy head of internal security in the IRA and Agent for the Force Research Unit. He was a British agent for over twenty years within the most sensitive of all units within any organisation – The security/Intelligence unit

The PIRA Security/Intelligence unit had a 32 county responsibility and reported directly to PIRA Northern command and PIRA GHQ – The Security unit came under the operational command of Northern Command PIRA ie 6 counties and the person in charge of that unit throughout the entire troubles was PIRA member Mr James Martin McGuinness MP. Mr McGuinness was the operational commander of Mr Scappaticci and directly involved in matters of life and death for persons rightly or indeed wrongly suspected of informing upon PIRA members. Mr McGuinness was also a key player in the long term strategic strategies used by PIRA and thus was involved in almost all major strategic decisions, Political Kidnaps, Human Bombs etc.

Briefly the role of the security unit is no different that within the British Army or indeed Irish army:

- a. vetting new members
- b. Investigate compromised operations
- c. Interview suspected members
- d. Remove potential threats
- e. Maintain Intelligence upon units/individuals
- f. Cultivate Intelligence sources

Loyalism used a similar unit during the 1980`s involving another FRU agent – Mr Brian Nelson – He collected/supplied intelligence details upon suspected members colluding with outside forces PIRA/RUC Like James Craig.

I first became aware of Mr Scappaticci by accident. 121 Int Cell provided out-of-hours telephone cover for HQ FRU (ie FRU based in Thiepval as opposed to the regions). One early evening I was on duty completing a project for my desk officer, the other person present was Sam Southam who was on 121 silent hour's duty operator, when a call came in from Donegal Pass RUC Station. Sam answered the

phone. The RUC Officer said that Alfredo Scappaticci had been arrested for drunk-driving and had requested a call to this number. He asked who we were. Sam explained that this was the military in Thiepval. Sam was aware that this was a major problem and passed the phone to me so that he could contact the Mr Colin Parr Commanding Officer FRU CO. I spoke to the RUC Officer and asked him not to do anything for the moment. The (CO) asked us to tell the RUC that he would be with them as soon as possible. He collected the Ops Officer and went to Donegal Pass. We were told that we should forget what had happened and should make no record of it. The next day we were called before the FRU Operations Officer (Ops Officer) Mr Anthony J Greenfield and it was very nicely made clear that this incident should not be referred to, even between ourselves.

Freddie Scappaticci was Mr Owen Corrigan's handler. I started to make a connection between Scappaticci and Corrigan when I saw several reports, my friend and colleague, David Moyles put bones on the flesh of the reports. Moyles was Scappaticci's long-term handler and he confirmed my suspicions. This was sometime after 1987 when I returned to FRU (W) as a handler and Dave Moyle's had also returned to HQNI FRU rat hole. Moyle's knew that I was one of a few people outside HQNI FRU who knew the identity of Steak Knife and was comfortable discussing most aspects of his Agent. The practice of discussing other Handlers and offices agents was not encouraged but in the real world that happened all the time and it was recognised the Intelligence Corps needed a social club bar with membership /access restricted to Intelligence Corps/FRU and Police – The bar was called the Green Fly. I had known Mr Moyle's since 1980 and considered him a friend both professionally and socially and a person I would play football with on at least weekly basis whilst in Northern Ireland.

In 2000 I met the Stevens team on three occasions. On the first occasion I met Vince McFadden, Ken Woodward and other senior

police officers at Heathrow police station. I was cautioned and had a taped interview regarding Brian Nelson and the FRU in general including classified document handling protocol etc at the end of meetings which I signed a statement. I was not allowed a copy of the statement by the police. This interview was to discuss Nelson. During a break in the interview, Vince McFadden and I went for a walk round the car park to get some fresh air. He then engaged me on a number of subjects relating to Scappaticci, one of which related to rogue Gardaí. Another related to Tom Oliver and Mr Notarantonio. I told him that I knew that he had meetings with rogue Gardaí. I told him that I knew this from David Moyles. I can say with absolute clarity the Mr McFadden raised Mr Scappaticci with me in the context of him being an agent, I believe that he was trying to ascertain the extent of any damage and it was my firm belief that he knew that Scappaticci was the agent known as Steak knife. After we went back in the taped interview began again and dealt with other topics concerning loyalism. Sir Hugh Order was present at the second meeting held at Heathrow police station along with Mr McFadden, Mr Woodward and a couple of others . There was a pep talk chat given by Sir Hugh Orde and he assured me that Lord Stevens was intending to deal with the Scappaticci issue and Sir Hugh Orde wanted me to give his team of detectives every assistance and assured me he was serious in wanting to investigate the Scappaticci case. He made it crystal clear that he knew all about Steak knife and Scappaticci but he needed handlers details etc in case paperwork went missing in a similar way Steven 1 & Stevens 2 investigations was frustrated due to delayed disclosure. Sir Hugh mentioned the question of rogue Gardaí and I brought up Corrigan's name. Sir Hugh was present at the Heathrow meeting for about 45 minutes.

I first met Kevin Fulton in Dublin 1999 at the request of Mr Liam Clarke Sunday Times journalist. I knew who Fulton was from his PIRA activities and from source reports and I knew that he had

worked for Scappaticci and John Joe Magee in the Newry/Dundalk areas.

I arranged for him to be interviewed by the Stevens Inquiry approx mid 2000, telling them that he had worked as PIRA security team driver. I told him (Fulton) that they (Stevens) would be interested in talking to him about internal security unit. It must be stressed that at this juncture in time Fulton did not know anything about Scappaticci involvement with FRU – Indeed Fulton did not know anything about Scappaticci role until the day Mr Scappaticci was exposed in the Sunday Tribune/ Scottish Sunday Herald.

The Stevens team were excited at face value with this development, DI Rick Turner told me they were pleased to access somebody who had worked on an occasional basis with Scappaticci.

Fulton had one on-tape interview under caution and one on-tape interview without caution with Steven's team in London. Obviously Scappaticci and Fulton were not wandering the Louth/Down countryside selling Avon cosmetics – not surprisingly Fulton declined to answer any formal questions upon caution but did provide background to the PIRA security units activities during the second not under caution interview.

Fulton was obviously confused by the Stevens team line of questioning; he understandably wanted to know why I had sent him to London on a wild goose chase! – I could not explain to Fulton the reason for his meeting but that it was very important

It must be stressed Fulton had no idea what Scappaticci's role was. He only discovered that he was a British agent about 24 hours before the Stake knife story broke in the Sunday Tribune.

I subsequently made “firm” inquiries with Stevens after leaks by well placed Journalists had suggested Stevens was avoiding the Scappaticci issue and to my disappointment was told by DCI Rick Turner that the “Boss doesn’t want to go down that route.” At that point I recognised to be careful with Stevens and that belief was reinforced when my personal details were sold to Newspapers by a former FRU officer in Nov 2000 and although he was arrested and charged with intimidating a witness – he was subsequently not charged – The reason given to me by DCI Rick Turner was! – “It was not in the public interest”. That decision obviously made me and my family reflect upon my co-operation with the Stevens investigations.

Within the same telephone call I politely requested DCI Rick Turner to stuff it up his arse – I had no further formal contact with Stevens from that day.

Gardai Meetings

At the request of the Sunday Times Ireland Editor Rory Godson I met with members of An Gardai Siochana special detective unit. I believe there were 3 meetings in total.

The meetings were always friendly and relaxed although it is true to say that I was threatened with arrest under the state`s official secrets act – that was slightly tongue in cheek and was laughed off by me with no offence taken. The major areas of concern to the Gardai were:

1. Garda Infiltration
2. Agents in other agencies operating in Eire
3. Tom Oliver
4. Kevin Fulton

When I was taken to the last meeting at Waterford police station Mr Basil Walsh and Mr Peter Maguire their first question was what I knew about Owen Corrigan and Tom Oliver and whether I could arrange a meeting with Fulton for them in the Republic of Ireland.

Walsh was aware of Corrigan's relationship with Scappaticci and commented that they knew that Corrigan was dirty but that every time something was done to try and eradicate the mess something happened to intervene.

I reported my meeting within a few hours of returning home to Jane Winters of British Irish Right Watch, a person I trust implicitly and who had an exchange of correspondence with Eire ministers on these matters. I make no complaint regarding the Garda officers; they acted at all times in the interest of the Irish state.

In respect of the 20th March 1989, my understanding from Moyle's is that the plan was to capture the two RUC Officers, interrogate them in a secure location south of the border and having extracted as much information from the police officers as possible from them, to kill them. It was a reasonable assumption for the IRA to make that they would be in possession of useful documents. An interrogation would be useful, however, in putting flesh on the documents. A divisional commander would not normally have knowledge of agents and certainly not of valuable agents. However, given his length and place of service it is likely that the officers knew at the very least the raw intelligence material, if not the source. My information about wanting to interrogate the two officers came from David Moyle's which I believe came from the post operation debrief undertaken by the security unit.

I have no information linking any specific Garda member to the deaths of Breen and Buchanan.

What I can say from experience is the following.

The murder of 2 very senior RUC officers Mr Breen & Mr Buchanon would be classed as “Spectacular” in other words it would create political difficulties and thus would require senior PIRA member’s approval at Northern command level. In the same way a province wide bombing campaign would or the use of Human bombs or the use of prestige weapons etc they all require sanction by PIRA operational leadership:

The following should also be considered

- a. Extensive prior planning in both logistics and intelligence. Weeks if not months
- b. The man power involved and deployed to cover multiple routes would exceed 25 persons not including safe houses etc
- c. Approximately 4/5 persons of the 20/25 could reasonably be expected to be Agents of any of the 4 major agencies. That amount of agents engaged in one incident generates a large volume of information of intelligence value which can be cross referenced to obtain a very accurate picture of events.

After every major incident a narrow window of opportunity always opens up (72 Hrs) for Intelligence agencies and local units to exploit the revulsion felt by the community and when information flows freely from the general public.

Recommendations to the tribunal

1. I would recommend the tribunal obtain direct access to each agency/unit’s registry system in the same way Sir John did during Stevens 3 to obtain access to the classified document registers that he had previously been informed did not exist.

2. I would recommend obtaining a statement from Sir John Stevens who has led 3 investigations into collusion involving persons relevant to this inquiry.

3. A definitive statement of fact should be obtained from HMG in regards to the role and status of Mr Freddie Scappaticci – HMG should be requested to confirm his paid role and activities both North and South of Ireland.

As previously explained to the tribunal on more than one occasion. You rarely have turkeys voting for an early Christmas, the tribunal cannot merely draft a letter to the North`s security forces requesting disclosure of documents and records and expect them to voluntarily hand classified documents over relevant to the tribunal. That is not the how the real world works.

A good example of HMG deception is to quote from Lord Stevens directly:

Quote: During my first Enquiry I asked to examine particular documents but received written statements that they did not exist. My latest Enquiry team has now recovered all these documents. The dates recorded on them show that they all existed at the time of my first request. Much of the effort of this Enquiry has had, yet again, to be spent building up its own intelligence database and in so doing discovering that it has not been given a full and proper disclosure.

Following three recent, major disclosures by the Army and the Ministry of Defence I am investigating whether the concealment of documents and information was sanctioned and if so at what levels of the organisations holding them. It has been necessary to interview the

same witnesses a number of times because of the failure to provide complete information at the first time of asking. Unquote.

During my meetings with Steven`s team I was astounded and disappointed to be informed that they had not obtained certain documents relevant to their investigations. The Stevens investigators did not fully understand how to identify and recover classified documents. That was easily remedied.

I understand the Tribunal has limited resources and skill sets to investigate these matters thoroughly but frankly that position will not wash in the final analysis. It will not be acceptable for the Tribunal to merely insert a sentence in a hastily prepared final report stating the Tribunal only received one or two documents from HMG but they suspect others existed but were not supplied. The Tribunal needs to learn from Sir Johns experience in these matters of investigating collusion and not make the same mistakes Stevens made during Stevens 1&2.

What any right minded person does not want to happen is a replication of the Stevens Investigations debacle i.e. a Smithwick One and then a Smithwick Two or Three because a full disclosure of relevant documents was not made by state agencies.

I make one final point in regards to Mr Scappaticci

Mr Scappaticci took judicial review proceedings in the Belfast High Court against the MOD to force them to arrest me to stop further breaches of the Official Secrets Act (OSA). I was a notice party to the proceedings. One of the reliefs sought was on the basis that I had been an employee of the MOD and that the material which they said I was seeking to publish “must have been confidential” and that it was “almost certainly a criminal offence to disclose it” as well as being in

breach of my “contractual duties of confidentiality”. If there was no truth in what I was saying how could it have been in breach of my duty of confidentiality to either Ministry of Defence (MOD) Or Mr Scappaticci?

Signed: _____

Date: