

KENOVA

KENOVA FINAL REPORT NORTHERN IRELAND LEGACY INVESTIGATIONS AND REVIEWS

**OPERATION KENOVA
STAKEKNIFE**

**OPERATION MIZZENMAST
MURDER OF JEAN SMYTH-CAMPBELL**

**OPERATION TURMA
MURDERS OF SERGEANT SEAN QUINN AND
CONSTABLES PAUL HAMILTON AND ALLAN McCLOY**

**OPERATION DENTON
THE GLENANNE SERIES**

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Preface

Investigating and reviewing events from decades ago is extremely complex, where evidence is often lost, contaminated, or diminished over time. This applies in all jurisdictions and to all crimes. To seek the truth and provide information to victims and families is harder still when the events under investigation occurred during the Troubles in Northern Ireland, where opposing perspectives are common and where achieving the trust of all communities is critical. Kenova has shown that it can be done. It requires investigative drive and a complete commitment to victims and families.

Nine years after being established, this Final Report captures the experience of Kenova and the issues that have arisen as we pursued evidence and answers. I have been the Officer in Overall Command (OIOC) for the last two years and it is a privilege to have been part of such an exceptional team and to submit this Final Report. However, the greatest privilege has been the opportunity to meet and listen to victims and families from the Troubles who consistently demonstrate dignity and grace in the face of appalling suffering from brutal terrorism, at times compounded by state failures to act legitimately or with empathy and care.

Kenova has from the outset put the interests of victims and families at the heart of its approach. We learned that an outcome through the criminal justice process may in fact not always be achievable or even what is desired. Kenova detectives prioritised listening and being responsive to questions unanswered for decades.

This authentic engagement with victims and families is a key factor which distinguishes Kenova and must be adopted if the reformed legacy arrangements are to succeed.

The quality of the people in the Kenova team has been remarkable, driven by the inspirational leadership of Jon Boutcher. His refusal to accept setbacks, to take no for an answer when seeking information or to defer to powerful vested interests enabled Kenova to conduct excellent, rigorous investigations and to submit detailed evidential cases to the Public Prosecution Service for Northern Ireland (PPSNI).

We recognise the courage and commitment of the police officers, soldiers and other members of the security forces who sought to uphold the rule of law in Northern Ireland during the enormously challenging times of the Troubles. Kenova benefitted from the personal experiences they shared.

The undertaking given by Kenova to issue public reports wherever possible was innovative, informing fellow citizens of what was found, even where criminal prosecutions did not result. It added time and complexity around issues of national security and individual confidentiality, but it was another key element in building trust and confidence in victims and families, and across wider society.

Gathering intelligence is essential to prevent terrorism, to save life and to investigate crime. The use of informants or agents has been and will remain an important source of such intelligence. In addition, the protection of those sources is vital for their safety and to ensure individuals in the future will provide intelligence to state authorities. The policy of NCND, to Neither Confirm Nor Deny, is well established and an important safeguard for those who provide intelligence.

Having spent my life in policing and justice, I support NCND and know its value. Although the policy's definition and use require review, Kenova has no intention to undermine NCND. However, NCND must be exercised in a proportionate and necessary manner and should not be an absolute bar to providing truth and justice. It cannot be used to protect agents who commit grotesque serious crime, leaving victims and families ignored and their demands for information and answers dismissed.

As this Final Report makes clear, we in Kenova believe there is a compelling ethical case for the UK government to derogate from the NCND policy regarding the agent Stakeknife's identity. It is in the public interest that Stakeknife is named.

We may have completed this report far earlier had MI5 not discovered fresh material relating to Stakeknife in the spring of 2024. These revelations, which continued over a number of months during 2024, were extremely disappointing given that the investigation into Stakeknife had been completed and decisions not to prosecute already taken by PPSNI. The circumstances regarding the new MI5 material are set out fully in this report.

I would reiterate how shocked we were within Kenova to learn of this new material and how desperately disappointed we were to then explain to victims and families that we had not received all relevant material, despite past assurances. The new material revealed that MI5 had greater and earlier knowledge of Stakeknife than we had previously been told. PPSNI's view was that the material would not have altered prosecution decisions, although investigative opportunities were undoubtedly lost as a consequence of MI5's late disclosure of relevant material.

The very fact that material owned and held by MI5 was not timeously disclosed understandably undermined the confidence of communities that state authorities had cooperated fully with Kenova. The Director General of MI5 shared this concern, and he therefore committed resources to establish and disclose all the material it held. Notwithstanding the Director General recognising and addressing the issue, it was a significant failure on the part of MI5.

Once Kenova had been established it quickly built a reputation for integrity and investigative excellence. Accordingly, Kenova was subsequently tasked by the Police Service of Northern Ireland

(PSNI) to conduct additional independent investigations and reviews, beyond its initial commission regarding the conduct of the agent Stakeknife. These additional elements were made up of Operations Mizzenmast, Turma and Denton and details are included in this Final Report.

There was a common theme to the background of all these different operations - an absence of basic facts being available to victims and families over decades. Inevitably, given these significant information gaps, uninformed speculation arose, and various hypotheses were formulated to address the unanswered questions. At times, this served to increase the harm caused to the survivors.

The Kenova team worked intensely to seek answers, provide explanations and pursue justice. At times some of our findings did not align with what victims and families expected. However, our duty was to seek the truth relentlessly and then share as fully as we could with those who deserved to hear it and who had endured the traumatic attacks.

Operation Denton differed from the other Kenova operations in that it was a review rather than a criminal investigation. However, in addition to reviewing previous investigations and materials, the Denton review also discovered new information on what had become known as the Glenanne series. These were vicious sectarian murders and attacks in the 1970s on members of the Catholic community in both Northern Ireland and Ireland, a number of which involved deplorable collusion with loyalist terrorists on the part of some serving police officers and members of the military. There is no doubt that collusion took place, much of it long established publicly before Denton was initiated, and our findings showed it manifested itself in various corrupt ways and beyond any identifiable distinct group. The extent of involvement in sectarian attacks by some members of the security forces was shocking, but we did not see any evidence that it occurred at a political or strategic level.

Kenova has now completed its work. What about the future?

I consider that Kenova greatly influenced the joint framework from the governments of Ireland and the UK issued in September 2025. Both governments had been told by victims and families, and groups who support them, that the approach, ethos and experience of Kenova represented best practice. Investigations must be rigorous, independent and have access to all information; victims and families must be central to all policies and actions; there should be no immunity for those who committed murder; a robust disclosure regime must exist; oversight and governance must accompany investigations and information recovery; victims focus groups and advisory boards should be established to assist legacy work.

The manner in which both governments give effect to the framework will be paramount and both have made commitments to provide funding and legislative time for implementation. They have

also committed to share information across borders and to ensure their respective state agencies comply with requests for information. In the UK, the government has introduced the Northern Ireland Troubles Bill, which will repeal the 2023 Legacy Act and establish a reformed Legacy Commission and a joint Independent Commission for Information Retrieval.

The Northern Ireland Troubles Bill does not reflect all elements of Kenova. Ensuring investigators have access to all information must be enabled through the Bill. It will therefore be critical how the Bill is amended and then implemented, including whether sufficient resources and investigative powers are allocated to the reformed Legacy Commission.

Nevertheless, in my view, this new legislation and the shared approach from the UK and Irish governments should be welcomed as a foundation for progress. It is right to build on the existing structures, as for many victims and families affected by the Troubles time is of the essence.

Addressing legacy matters from the Troubles in Northern Ireland in a fair and transparent manner is vital to give justice and answers for what happened in the past. It is also a vital enabler for today, to ensure the legitimacy of policing and other state agencies now and in the future.

Kenova has made a substantial contribution to how legacy matters should be approached. In particular, its focus on victims and families must be retained in the reformed institutions and practices going forward. It is those victims and families that we in Kenova have sought to serve and to whom our work is dedicated.

Sir Iain Livingstone QPM
Officer in Overall Command
November 2025

Acknowledgements

We are indebted to the family members of the victims whose cases we have investigated and reviewed for their support, patience and insight. Many provided testimony and evidence to us that they had not felt able, or not been given the opportunity, to provide to previous investigations or inquiries. We are extremely grateful for this level of trust.

Victim advocacy groups, non-governmental organisations and legal representatives have, over many years, helped families to attempt to come to terms with their loss and find out how and why their loved ones died and who was responsible. These groups provided great guidance and challenge to us as we progressed our work.

Any investigation is only as good as the information available to it. We are grateful to the UK Cabinet Office, Northern Ireland Office (NIO), Ministry of Defence (MOD), MI5, Police Service of Northern Ireland (PSNI), Office of the Police Ombudsman for Northern Ireland (PONI) and the Irish government and An Garda Síochána (AGS) for their assistance in giving us unprecedented access to material, some of which was extremely sensitive.

There is no model for setting up an independent inquiry and also no infrastructure in place to provide the back-office support required. Kenova is grateful for the support and assistance provided by other agencies. The Metropolitan Police Service (MPS) and National Counter Terrorism Policing Headquarters provided accommodation and access to secure computer systems. The Metropolitan Police Forensic Science Service hosted the Kenova forensic capability allowing access to existing facilities which considerably reduced costs. MPS and a number of other UK police forces released experienced detectives on secondment to Kenova at a time of national staff shortages. Bedfordshire Police entered into a 'lead force arrangement' with the Police Service of Northern Ireland (PSNI) to provide human resource, procurement, finance, communications and media support to Kenova. This essential support enabled all back-office functions to be managed effectively and independently of PSNI who provided funding, but did not exercise any direction or control.

There is also no model for governance and review of an independent police investigation such as Kenova which also seeks to issue public reports on key findings. As a result, innovative structures were put in place through the establishment of independent groups; the Kenova Governance Board, Independent Steering Group, and Victim Focus Group. In addition, the Kenova Professional Reference Group provided a peer review mechanism to the Officer in Overall Command, testing his thinking and helping to identify solutions to problems. Members of these groups were all highly experienced and distinguished individuals who gave their time for free and travelled to meetings from their homes across the US, Canada, Australia, Europe and the UK. The level of challenge,

insight and advice given by these groups was integral to the rigour and integrity of the Kenova investigations. The members of the groups are listed below and our thanks go to every individual involved.

Kenova Independent Steering Group:

Michael Downing: Chief Security Officer, Oak View Group/Prevent Advisors, previously Deputy Chief Los Angeles Police Department (LAPD), USA.

Nick Kaldas AO, APM: Assistant Commander in Chief of Abu Dhabi Police. Formerly Chair of the Royal Commission into Defence and Veteran Suicides (Australia), previously Chief of Investigations for various United Nations bodies and Deputy Commissioner New South Wales Police, Australia.

John Miller: Chief Law Enforcement and Intelligence Analyst for CNN, formerly Deputy Commissioner Intelligence and Counter Terrorism New York Police Department (NYPD), previously FBI Assistant Director and Chief of Counter Terrorism and Criminal Intelligence Bureau LAPD, USA.

Baroness Nuala O’Loan DBE: Member of the Independent Review of the Human Rights Act, Chair of the Daniel Morgan Independent Panel, previously the first Police Ombudsman for Northern Ireland.

Kathleen O’Toole: Former Chair of the Commission on the Future of Policing in Ireland, previously Seattle Chief of Police and Boston Police Commissioner USA, member of the Independent Commission on Policing in Northern Ireland (the Patten Commission).

Kenova Victim Focus Group:

Levent Altan: Executive Director of Victim Support Europe.

Mary Fetchet: Co-founder of Voices of September 11th (9/11), now Voices Centre for Resilience, testified before the 9/11 Commission and United States Congress on victim issues multiple times.

Alan McBride: Former Coordinator of the WAVE Trauma Centre, founder member of Healing Through Remembering, member of the Northern Ireland Human Rights Commission.

Maria McDonald BL: Irish barrister, founding member of the Victims’ Rights Alliance.

Sue O’Sullivan: Former Federal Ombudsman for Victims of Crime (Canada), Chair of the International Network Supporting Victims of Terrorism and Mass Violence (INVICTM).

Judith Thompson: Former Commissioner for Victims and Survivors for Northern Ireland, chaired the Forum for Victims and Survivors.

Kenova Governance Board:

Harold Good OBE: Methodist minister. Independent witness to the decommissioning of Provisional IRA (PIRA) weapons, former member of the Northern Ireland Human Rights Commission, Founder member of Healing Through Remembering and President of the Methodist Church in Ireland in 2001.

Father Martin Magill: Parish Priest, St John the Evangelist Parish, Falls Road, Belfast.

Bertha McDougall OBE: Member of the Board of the Victims and Survivors Service (2013 to 2023), Commissioner for Victims and Survivors for Northern Ireland (2008-2012) and Interim Commissioner for Victims and Survivors for Northern Ireland (2004-2006).

Monica McWilliams: Emeritus Professor Ulster University, Delegate to the Good Friday Agreement Negotiations, Member of the Northern Ireland Legislative Assembly (1998-2003), Chief Commissioner of the Northern Ireland Human Rights Commission (2005-2011) and Member of the Independent Reporting Commission on Measures to End Paramilitarism (2017 to date).

Professional Reference Group:

Sir David Thompson QPM DL: Former Chief Constable West Midlands Police.

Martin Hewitt CBE QPM: Currently serving as UK Border Security Commander, previously chair of the National Police Chiefs' Council.

We are grateful to the National Police Chiefs' Council Homicide Working Group for its reviews of Operations Kenova and Denton, to Alyson Kilpatrick BL for her review of our compliance with article 2 of the ECHR, and to the Victim Focus Group for its review of our approach to victims. Each of these reviews was detailed and insightful, helping to ensure Kenova's work was conducted as effectively as possible with a focus on compliance with human rights and support for victims and families.

Explanatory note

This is the Final Report covering the Kenova Group of cases building on the Operation Kenova Interim Report published in March 2024 ('the Kenova Interim Report').¹

A full Glossary of the abbreviations used is set out at the end of this report.

In this report:

- (1) 'Kenova' and 'the Kenova Group of cases' refer compendiously to Operation Kenova, Operation Mizzenmast, Operation Turma and Operation Denton;
- (2) 'Operation Kenova' refers to the investigation into allegations surrounding the activities of the alleged agent 'Stakeknife';
- (3) references to Kenova's 'stakeholders' refer to persons or organisations that have an interest in and can either affect or be affected by its work;
- (4) references to the 'Troubles' refer to the period of conflict in and relating to Northern Ireland between 1968-1998 and uses of the term 'legacy' refer to the legacy of that conflict;
- (5) references to 'security forces' refer compendiously to the police, the British Army and the security and intelligence services, including MI5 and MI6;
- (6) references to the 'Force Research Unit' of the Army or 'FRU' refer to the military human intelligence unit which operated in Northern Ireland under that and other names during the course of the Troubles;
- (7) the terms 'agent', 'informant', 'informer' and 'covert human intelligence source' or 'CHIS' should be treated as synonymous, and for convenience, the term 'agent' is generally preferred; and
- (8) the codename 'Stakeknife' refers to the alleged agent referred to in the Operation Kenova terms of reference ('ToR'), although the spellings 'Stake Knife', 'Steakknife' and 'Steak Knife' have been used elsewhere.

As was set out at paragraph 1.15 of the Kenova Interim Report, Kenova has no power to adjudicate upon or determine legal rights or obligations or questions of civil or criminal liability. Nothing in this report purports to be or should be treated as decisive of any such matters. The findings, conclusions and recommendations set out in this report are based on the information and materials available to Kenova as a result of its work and represent the collective professional opinions and assessments of the Officer in Overall Command and senior leadership team.

¹ <https://www.psnj.police.uk/about-us/our-publications/operation-kenova-interim-report>, <https://www.kenova.co.uk/publication-of-kenova-interim-report>.

Part A: Introduction

1. Background

- 1.1 This is the Final Report into the work of the independent Northern Ireland legacy investigations and reviews known as the Kenova Group of cases.
- 1.2 Operation Kenova was commissioned by Sir George Hamilton, the then Chief Constable of the PSNI, following directions issued by the Director of Public Prosecutions for Northern Ireland (DPPNI) to PSNI under section 35(5) of the Justice (Northern Ireland) Act 2002. Kenova commenced in June 2016 and from then until October 2023 Kenova operated under the direction and control of Jon Boutcher, first, as Chief Constable of Bedfordshire Police and, from August 2019, as full-time Officer in Overall Command (OIOC). Following Mr Boutcher's appointment as Chief Constable of PSNI in October 2023, Sir Iain Livingstone, former Chief Constable of Police Scotland and a founding member of the Kenova Governance and Independent Steering Groups, took over as OIOC.
- 1.3 In their role as OIOC, both Mr Boutcher and Sir Iain maintained complete operational independence from PSNI throughout the course of Kenova's work.
- 1.4 While OIOC of Kenova, Mr Boutcher decided that because of the time required for Operation Kenova prosecution decisions to be made by the Public Prosecution Service for Northern Ireland (PPSNI) he should report publicly on his key strategic and thematic findings. His Interim Report relating to Operation Kenova was completed on 4th October 2023 and published by PSNI on 8th March 2024. This Final Report builds on the Interim Report and summarises all aspects of Kenova's work, including Operations Mizzenmast, Turma and Denton.²
- 1.5 Most of the Operation Kenova prosecution decisions were still pending when the Interim Report was prepared and so care had to be taken not to include anything that might prejudice PPSNI's decision making or any subsequent criminal proceedings. As a result, that report focused on strategic issues and recommendations intended to assist legacy inquiries in the future. Final prosecution decisions in relation to the Operation Kenova files were announced in December 2023 and February 2024, thereby allowing this Final Report to give more detail in relation to all of Kenova's work. This, of course, has been subject to any views or

² <https://www.psnipolice.uk/about-us/our-publications/operation-kenova-interim-report>, <https://www.kenova.co.uk/publication-of-kenova-interim-report>.

concerns of victims and families, a security checking process and sub judice considerations relating to the ongoing Operation Turma prosecution.

- 1.6 This Final Report also: reflects new information not available to Kenova when the Interim Report was produced, particularly relating to MI5's awareness and involvement in the handling of the agent Stakeknife; provides updates on the progress made in relation to the recommendations contained in the Interim Report; and details lessons learned during the course of Kenova which will hopefully be of use to those charged with conducting similar inquiries in the future.
- 1.7 The Interim Report detailed Kenova's structure, recruitment, operating model and the challenges it faced in setting up such a complex series of independent investigations. It is not the intention of this report to repeat the same level of detail, but certain key points are summarised with additional material included at Annexes A and C below.
- 1.8 The contents of this report have been subject to legal and security restrictions and it has not been possible to deal with the full facts surrounding the agent Stakeknife and the late Frederick Scappaticci in as full detail as hoped. This has been a source of disappointment and regret for those involved with Kenova and these feelings will be shared by victims, families, and many in wider society.

2. The Kenova Group of Cases

Operation Kenova

- 2.1 Independent police investigation established in June 2016 into allegations that an alleged security force agent known as Stakeknife committed various offences during the Troubles and related allegations made against members of the security forces, other government agencies and the Provisional Irish Republican Army (PIRA). Subsequently the unsolved murders of Joseph Mulhern, John Bingham, Thomas Oliver and Caroline Moreland were also passed to Operation Kenova to investigate. See Part B below.

Operation Mizenmast

- 2.2 Independent police investigation established in June 2019 into the murder of Jean Smyth-Campbell who was shot dead as she sat in a car on the Glen Road in West Belfast on 8th June 1972. See Part C below.

Operation Turma

- 2.3 Independent police investigation established in September 2019 into the murders of Royal Ulster Constabulary (RUC) Constables Paul Hamilton and Allan McCloy and Sergeant Sean Quinn at Kinnego Embankment, Oxford Island, near Lurgan, County Armagh on 27th October 1982. See Part D below.

Operation Denton (also known as 'the Barnard Review')

- 2.4 Overarching thematic review established in February 2020 into the terrorist and criminal activities of the so called 'Glenanne Gang', with attacks carried out on both sides of the Irish Border from 1972-1978. The Denton review considered numerous bomb and shooting attacks resulting in some one hundred and twenty-seven murders. The purpose of the review was to consider the alleged activities of the group, the deficiencies of previous investigations and the extent of any state collusion beyond that which had already been established. See Part E below.

3. Kenova Interim Report

- 3.1 The Kenova Interim Report was finalised and submitted to PSNI in early October 2023 and published by it on 8th March 2024. The Interim Report: puts the work of Kenova in its historical context in terms of the Troubles and the investigations and inquiries established to deal with their legacy; details the organisation, management, operation and governance of and the challenges faced by Kenova; sets out interim findings on various strategic themes and issues arising out of Operation Kenova in connection with the conduct and accountability of the security forces, the handling of the agent Stakeknife and the place of Frederick Scappaticci as a critical person of interest; and draws together various conclusions and recommendations arising out of Kenova's work up to December 2022.
- 3.2 This Final Report fully endorses and therefore will not seek to duplicate or summarise the contents of the Interim Report. The two reports should be read together for a comprehensive understanding of the work of Kenova. The only qualification is that this report reflects new information which was belatedly disclosed by MI5 and which revealed that it had a greater awareness and involvement in the handling of the agent Stakeknife than previously stated. It would appear that MI5 only became fully aware that it held additional material regarding Stakeknife in March 2024. As soon as it did know, MI5 informed Kenova and took steps to make the material available.

- 3.3 For an overview of the Interim Report, reference should be made to the statement made by the former OIOC of Kenova and current Chief Constable of PSNI, Mr Boutcher, at the press conference launching its publication on 8th March 2024:³

During the Troubles, the security forces operated in a uniquely challenging environment. When provided with secret intelligence about the plans and intentions of the Provisional IRA, and other such groups, they had to assess risks and consequences with limited information, guidance or training. They did so under exceptionally stressful conditions and extreme time pressures and were sometimes presented with dilemmas that had no 'right answer' because protecting one individual would expose another. Mistakes were inevitable. However, a lack of regulation, oversight and leadership were also important factors. In particular, the absence of an effective legal and policy framework governing the use of agents during the Troubles was a very serious failing: it put lives at risk, it left those on the frontline exposed and let down and it fostered a maverick culture for some where agent handling was sometimes seen as a high-stakes 'dark art' and was practised 'off the books'.

This was combined with the evolution of a situation whereby intelligence and investigatory functions were seen as separate and the security forces repeatedly withheld and did not action information about threats to life, abductions and murders in order to protect agents from compromise. As a result, murders that could and should have been prevented were allowed to take place with the knowledge of the security forces and those responsible for murder were not brought to justice and were instead left free to re-offend again...

- 3.4 In regard to the agent Stakeknife, Mr Boutcher went on to say the following:

'Stakeknife' was the code-name for an Army agent within the IRA's Internal Security Unit whose true identity has been the subject of public claims, speculation and litigation for some 20 years. While Stakeknife was undoubtedly a valuable asset who provided intelligence about the IRA at considerable risk to himself, claims that he was responsible for saving 'countless' or 'hundreds' of lives are hugely exaggerated. Most importantly, these claims belie the fact that Stakeknife was himself involved in very serious and wholly unjustifiable criminality whilst operating as an agent, including murders. Indeed, the claims about countless lives being saved by Stakeknife are inherently implausible and should have rung further alarm bells: any serious security and intelligence professional hearing an agent being likened to 'the goose that laid the golden eggs' - as Stakeknife was - should be on the alert not least because the comparison is rooted in fables and fairy tales. To address speculation to the contrary, I now make clear Stakeknife was one individual.

³ <https://www.psnipolice.uk/latest-news/operation-kenova-interim-report-published>,
<https://www.kenova.co.uk/video-interim-report-publication-press-conference>.

We cannot know every occasion when information provided by Stakeknife was used to avoid or prevent harm, but Kenova has recovered and reviewed some 90% of the written intelligence reports attributable to him and my estimate of the number of lives saved in reliance on this information is between high single figures and low double figures and nowhere - nowhere - near hundreds. Crucially, this is not a net estimate because it does not take account of the lives lost as a consequence of Stakeknife's continued operation as an agent. From what I have seen, I think it probable that this resulted in more lives being lost than were saved. Most fundamentally, even if it were possible accurately and reliably to say that a particular agent within a terrorist group did more good than harm, the morality and legality of agents doing any harm - with the knowledge of or on behalf of the state - is something that we would never ever allow today.

- 3.5 The recommendations made in the Kenova Interim Report and the steps taken to address them are set out in Part F below.

4. Subsequent events

The 2023 Legacy Act

- 4.1 A Postscript to the Interim Report explains that it was completed in late 2022 and therefore does not address the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 ('the 2023 Legacy Act') which was enacted on 18th September 2023.⁴ However, since that time much has changed. Following the general election of 2024, the King's Speech of 17th July 2024 announced the intention to repeal and replace the 2023 Legacy Act. On 19th September 2025, the governments of Ireland and the UK published a joint framework to address legacy matters from the Troubles. The main undertaking of the joint framework is a shared recognition that the 2023 Legacy Act is not fit for purpose. The framework seeks to be consistent with the intention and detail of the 1998 Good Friday Agreement, as well as what was agreed but subsequently not implemented in the 2014 Stormont House Agreement. The main changes to be made are: an end to the immunity scheme for those who committed crimes during the Troubles; the reintroduction of a right to pursue civil remedies; a move to reintroduce inquests into Troubles related deaths under certain circumstances; significant reform to the Independent Commission for Reconciliation and Information Recovery (ICRIR) which was established by the 2023 Legacy Act, with it to be renamed as the Legacy Commission; establishment of a joint governmental Independent Commission for Information Retrieval; improved governance and accountability; and the

⁴ Kenova Interim Report, Part F.

establishment of a statutory Victims and Survivors Advisory Group. A dedicated unit is to be established within AGS to act as a central point of contact for cross-border cooperation on Troubles related cases. Both governments have agreed to commit funding and resources to legislate where required and to share information across boundaries. Many of the reforms build on the experience and knowledge gained through Kenova and the feedback from victims and families. On 14th October 2025, the UK government introduced the Northern Ireland Troubles Bill to implement the proposed changes.

- 4.2 With effect from 1st May 2024, Part 3 of the 2023 Legacy Act prohibited the continuation or commencement of any Troubles related criminal investigation, civil action, inquest or police complaint, subject to exceptions made for certain ongoing criminal and civil proceedings.⁵ Accordingly, Kenova had no power to investigate any matter falling within the ToR of Operations Kenova or Mizzenmast after 1st May 2024, but it was able to prepare and complete its investigation reports, including family reports and this Final Report.

Late discovery of further MI5 material

- 4.3 On 8th April 2024, MI5 informed Kenova that it had found a significant quantity of previously undisclosed material relating to the agent Stakeknife ('the further MI5 material'). In a letter to the Secretary of State for Northern Ireland (SoSNI) dated 6th August 2025 in regard to the further MI5 material, Sir Iain Livingstone outlined the serious public concern that resulted from its discovery and the impact on Kenova victims and families. Sir Iain underlined that the material had come to light eight years after the establishment of Operation Kenova, two months after the final Kenova prosecution decisions, one month after publication of the Kenova Interim Report and three weeks before the entry into force of Part 3 of the 2023 Legacy Act.
- 4.4 MI5 stated that: the further material had been found in "mid-March" 2024 - within days of the Kenova Interim Report being published - as a result of ongoing work to organise and digitise MI5's Northern Ireland legacy archive; related emails "strongly indicate" that the material was transferred from Stormont to London in 2004 for disclosure to the Stevens Inquiry; there was no record of the material being received in London and no copies were held in the Stevens archive; and work was ongoing to assess its content.

⁵ Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (Commencement No. 2 and Transitional Provisions) Regulations 2024, reg.3.

- 4.5 On 7th May 2024, following the entry into force of Part 3 of the 2023 Legacy Act, Kenova was given access to what turned out to be the first tranche of further MI5 material ('Tranche 1') and it was established that this was new material relating to Stakeknife which covered almost the entirety of the period during which he operated as an agent.
- 4.6 MI5 confirmed that additional steps were being taken to search for further material and the following additional tranches were subsequently found and provided:
- (1) 'Tranche 2' - notified to Kenova on 21st May 2024- contained duplicates of material previously disclosed;
 - (2) 'Tranche 3' - also notified to Kenova on 21st May 2024 - contained relevant new material;
 - (3) 'Tranche 4' - also notified to Kenova on 21st May 2024 - contained duplicates of material previously disclosed;
 - (4) 'Tranche 5' - notified to Kenova on 19th October 2024 - contained a small number of documents including minutes of contemporaneous meetings about Stakeknife;
 - (5) 'Tranche 6' - notified to Kenova on 25th October 2024 - contained numerous handwritten reports possibly relating to other such meetings.
- 4.7 The steps taken and conclusions drawn by Kenova consequent upon the above and an overview of the further MI5 material are detailed below, but it should be noted that the timing of these disclosures, coupled with the effect of Part 3 of the 2023 Legacy Act, meant that Kenova was prohibited from investigating their contents. Insofar as this report contains comments about the further material and the possible implications of its late discovery, these are based solely on a paper review of its content. There has been no scope for Kenova to undertake follow-up enquiries, witness interviews or any other investigation activity.
- 4.8 A letter from DPPNI to Sir Iain dated 27th June 2024 also confirmed, "it will not be possible for the PPS to re-visit prosecution decisions and review same on foot of any new material received by Operation Kenova on 20 May 2024 or thereafter".
- 4.9 For the avoidance of doubt, the question whether the previous non-disclosure of this material involved the commission of any criminal offences by those responsible for locating them and making them available fell outside Operation Kenova's ToR and was therefore not addressed.⁶

⁶ In theory, situations of this kind could involve assisting an offender, concealment of evidence, misconduct in a public office or perverting the course of justice.

- 4.10 Following the late discovery of the further MI5 material, further Regulations were made under the 2023 Legacy Act extending the deadline for Kenova's work to be completed.

Identification of Stakeknife

- 4.11 In the Kenova Interim Report, Mr Boutcher said:⁷

The truth about the identity of Stakeknife will have to be confirmed at some time, but I am not able to address it in this interim report and will have to leave this to my final report. That report will confirm the truth and set out the full facts and I am confident that publication will benefit and not harm the public interest. For now, it suffices to say that Mr Scappaticci was and still is inextricably bound up with and a critical person of interest at the heart of Operation Kenova.

- 4.12 In this regard, the Interim Report also underlined that publication of the full facts should help the parties to the ongoing civil proceedings being brought in the Northern Ireland High Court against PSNI, the Ministry of Defence (MOD), MI5, the Northern Ireland Office (NIO) and Frederick Scappaticci in connection with various Stakeknife-related allegations "come to a sensible resolution and settlement".⁸
- 4.13 Kenova is unable to confirm Stakeknife's identity in this Final Report because the government has refused to authorise it to do so. This position was most recently reaffirmed in a letter to OIOC Sir Iain Livingstone from SoSNI dated 13th August 2025, discussed further below. During the security checking process for the Interim Report, the then OIOC Mr Boutcher sought express written clarification of the government's position at that time and it was confirmed that Kenova should not expressly or impliedly identify the agent in the Interim Report or any family meeting or report. This was confirmed in a letter from MI5 dated 14th August 2023 which also said "MI5 and other departments and agencies with an interest in the maintenance of the [NCND] principle" would oppose the identification of Stakeknife in Kenova's Final Report. A further letter from the Cabinet Office dated 15th September 2023 stated that the identification of Stakeknife would breach Information Handling Protocols and Memoranda of Understanding between Kenova and the government and implied that it might also breach the Official Secrets Act 1989.

⁷ Kenova Interim Report, §2.5.

⁸ Kenova Interim Report, §40.8.

- 4.14 Mr Boutcher stressed the public interest in the identification of Stakeknife at the press conference to publish the Interim Report on 8th March 2024:

Stakeknife's identity has been disclosed to Kenova subject to obligations of confidentiality which I remain bound by and I cannot make his name public without official authority. Thus far, the government has refused to give such authority and so Stakeknife is not named in this interim report. However, this position in my view is no longer tenable. I expect the government to authorise Kenova to confirm Stakeknife's identity in the final report. This authorisation will not require any unique departure from its 'neither confirm nor deny' policy in connection with the identification of state agents. The policy historically has allowed for exceptions.

I completely agree that state agents need to be protected by a cloak of anonymity and secrecy, otherwise they will not come forward, but this cannot confer immunity or a right to act with impunity and no agent can lawfully be given an absolute assurance of perpetual anonymity 'come what may'. The existing strict application of NCND amounted to a de facto immunity from criminal investigation and thus prosecution of agents suspected of serious crimes including multiple murders. Where an agent has been the subject of suspicions resulting in their relocation, or has died or has been the subject of allegations or findings of serious criminality, the strength of the case for protecting their identity or suggesting its confirmation might damage national security is in my view considerably weakened. Society and the courts will generally support NCND based on the very reasonable assumption that the agent and security agencies have acted properly and within the rule of law. Where this is not the case, NCND should fall aside. Security agencies argue that to step away from NCND will put agents lives at risk, prevent recruitment and retention of those agents. Yet it is those agencies that in these cases failed to protect agents who risked their lives for the state. That irony should not be lost on anyone and it should be remembered that not all those accused of being agents were agents.

There are striking similarities between the case of Stakeknife and that of Brian Nelson - another Army agent who was active in Northern Ireland at around about the same time, who was falsely claimed to have saved countless lives, who was responsible for very serious criminality and who was officially identified as an agent. If the government fails to recognise that this case is indeed an exception and refuses to authorise publication of the final unredacted Kenova report, including the identity of Stakeknife, its reasons will rightfully be questioned in the media, Parliament and, most likely, the courts.

- 4.15 Sir Iain Livingstone as OIOC wrote to SoSNI on 17th December 2024 to seek permission to identify Stakeknife in this Final Report and also the Kenova family reports. His letter set out the reasons for doing this and for allowing an exceptional, but far from unprecedented, departure from the government's 'neither confirm nor deny' (NCND) policy. Sir Iain's letter concluded:

NCND is clearly important in protecting sources of information and encouraging those with information to come forward and become agents. The Stakeknife case is perhaps a clear example of where blanket application undermines confidence in communities, provides protection to no-one, and an exception would have no effect on future recruitment of agents or undermine the public interest. Indeed the public interest would be best served by naming Stakeknife. I ask for your permission to include the true identity of Stakeknife in the individual reports we are providing to the families of victims and in the Kenova final report.

- 4.16 On 10th April 2025, Sir Iain wrote again to SoSNI offering to discuss the issue in person. His letter said:

My letter to you of 17th December 2024 set out in detail the reasons why I believe that, in this specific case, a departure from NCND is justified and concludes with my request to name Stakeknife. I do, of course, appreciate that this is a difficult decision and you will need all the facts before you. I therefore reiterate an offer I previously made to colleagues in the Cabinet Office to personally brief you - and other Ministers if that would be helpful - on why I believe Stakeknife should be named. This will allow me to give you my own considered view on behalf of Kenova, but more importantly would also allow the voices of the families of victims to be included in the deliberations.

- 4.17 On 13th August 2025, SoSNI replied to Sir Iain's letters of 17th December 2024 and 10th April 2025. It was, in essence, a holding reply promising a substantive reply following the judgement being issued in the Thompson Supreme Court appeal. In his letter SoSNI stated:

Thank you for your letter regarding the request to name 'STAKE KNIFE' in your final report and for your patience while the matters are considered. These are very serious matters indeed with cross-cutting implications for the UK Government that require very careful consideration.

The Government's long-standing policy of neither confirming nor denying (NCND) the existence of agents remains in place at this time in relation to this case.

Due to ongoing litigation relevant to the NCND policy, namely the Thompson Supreme Court appeal, a substantive and final response to your request will be provided after judgment has issued in that case.

Part B: Operation Kenova - Stakeknife

5. Terms of reference

5.1 The Operation Kenova ToR required it to investigate whether there was evidence of the commission of criminal offences:

- (1) by the alleged agent known as Stakeknife including, but not limited to, murders, attempted murders or unlawful imprisonments;
- (2) by members of the security forces in respect of the alleged agent known as Stakeknife (regard in this context will be given to the article 2 ECHR rights of victims and associated responsibilities of those forces);
- (3) by any other individual in relation to the cases connected to the alleged agent;
- (4) by any persons in respect of allegations of perjury connected to the alleged agent.

5.2 These ToR were underpinned by four mandatory requests for information made by DPPNI to Chief Constable of PSNI under section 35(5) of the Justice (Northern Ireland) Act 2002, and a number of additional murder files, which have together been referred to Operation Kenova for action:

(1) Request 1 - 26th January 2009 - Lynch case

Following the Northern Ireland Court of Appeal's decision to quash convictions against eight individuals in *R v Morrison & others* [2009] NICA 1, a section 35(5) request was made in relation to the conduct of security force personnel in the underlying case relating to the abduction and false imprisonment of Alexander Lynch in 1990.

(2) Request 2 - 29th January 2013 - Fenton case

The Northern Ireland Court of Appeal formally quashed the convictions against Veronica Ryan and James Martin in *R v Ryan & another* [2014] NICA 72. In advance of this, a section 35(5) request was made in relation to the conduct of security force personnel in the underlying case relating to the abduction, false imprisonment and murder of Joseph Fenton in 1989.

(3) Request 3 - 11th August 2015 - Stakeknife

In June 2015, PONI reported to DPPNI on a set of Stevens Inquiry papers provided by the PSNI Historical Enquiries Team (HET) in 2012 and the Northern Ireland Attorney General also raised concerns about a murder case. In consequence, a further section 35(5) request was made in relation to the full range of offences alleged to have been committed by the alleged agent Stakeknife and any related criminal activity on the part of security force personnel.

(4) Request 4 - 22nd October 2015 - perjury

A section 35(5) request was also made in relation to a case involving related allegations of perjury, perverting the course of justice and misconduct in public office in 2003.

(5) Additional murder files - Bingham, Moreland, Mulhern and Oliver cases

The PSNI Serious Crime Branch reopened the investigation into the 1993 murder of Joseph Mulhern in 2011 and forwarded an interim report to DPPNI in January 2016. This case was also transferred to Operation Kenova on its establishment for continued investigation together with the above section 35(5) requests. Additionally, investigations into the murders of John Bingham, Caroline Moreland and Thomas Oliver were subsequently passed to Kenova by agreement between the OIOC and Chief Constable of PSNI.

- 5.3 All the above matters were transferred to Operation Kenova pursuant to a cross-border 'lead force arrangement' made between PSNI and Bedfordshire Police under section 98 of the Police Act 1996.

6. Strategy

Initial engagement

- 6.1 At the commencement of each investigation, Kenova staff embarked on a comprehensive and far reaching programme of engagement. In addition to the launch of the original investigation at a press conference hosted by the then OIOC, Mr Boutcher, and the Chief Constable of PSNI, Sir George Hamilton, in Belfast on 10th June 2016, engagement was undertaken with a range of victim advocacy groups, non-governmental organisations, solicitors and other key stakeholders. This activity was designed to publicise the ToR of Operation Kenova as widely as possible and it resulted in numerous referrals into the investigation by victims, families and those advocating on their behalf.
- 6.2 Throughout this period of engagement, assurances were provided to victims and families that they would be placed at the heart of all that Kenova sought to achieve with an emphasis on openness and transparency. To reinforce this commitment, a website was launched containing up to date information on the investigation, its ToR, the composition of the investigative team and its governance structures, all underlining the integrity and operational independence of Kenova.⁹ The website was regularly updated with all progress made in connection with the Kenova investigations.

⁹ Umbrella website <https://www.kenova.co.uk>, linking to <https://www.opkenova.co.uk>, <https://www.opmizzenmast.co.uk>, <https://www.opturma.co.uk> and <https://www.thebarnardreview.co.uk> (Operation Denton).

Kenova Executive Group and Weekly Tasking Meetings

- 6.3 To ensure there was a clear accountability process for all investigative decisions, two distinct forums were created, the Weekly Tasking Meeting and the Kenova Executive Group (KEG). This model was set up to take best practice from both a traditional Gold Group process for major enquiries and critical incidents and the Executive Liaison Group format used to manage counter terrorism investigations.
- 6.4 The Weekly Tasking Meeting was chaired by the Operation Kenova Senior Investigating Officer (SIO) and was attended by the Forensic Coordinator, Investigating Officers (IOs) and Intelligence Manager. Where necessary, Case Officers would also attend to update on progress on their individual investigations. Its aim was to formulate operational activity before presentation to the KEG. The SIO was provided with operational, intelligence and forensic updates and cases recommended for consideration from all Kenova investigations and used this to prioritise resources and staff to those investigations that required them the most.
- 6.5 Through the KEG, the strategic investigative policy was set and cascaded down to the SIO's and IO's to manage the investigations within their remit. It also allowed the OIOC to consider the strategic implications of any action taken. The KEG was the ultimate decision making forum for operational activity across all of the Kenova cases.
- 6.6 As well as discussing the status of cases referred by the SIO, all executive action proposed for investigations was discussed prior to commencement. This included the arrest and interview of suspects, searching of premises, proactive operations, media appeals and the submission of case papers.
- 6.7 Every case referred to Operation Kenova underwent an initial assessment of the information provided and was then presented to the OIOC at a KEG meeting where they were then allocated to one of four distinct categories:
- (1) Cases within the ToR. These cases were those that had been identified, because of intelligence or evidence, as falling within the ToR. These cases received a full investigation.
 - (2) Cases under Consideration. This category contained a larger volume of cases where families or third parties came forward and suggested a link with the Operation Kenova ToR. A thorough review of all available information and evidence was conducted to see if they came within the ToR. These cases were regularly reviewed against new information as it came available.

- (3) Cases under Review. This was a group of cases that previous legacy inquiries had examined. They were reviewed partly because the victims appeared to have been murdered for being suspected agents. There was no known or suggested link to the Operation Kenova ToR but they were examined further to establish if there was any links.
 - (4) Additional Cases. These were transferred to Kenova by the Chief Constable of PSNI with the agreement of the OIOC.
- 6.8 The main investigative process commenced in early 2017 and within a few months Operation Kenova teams had initiated investigations into eleven allegations of murder and 12 allegations of abduction or assault. As this work progressed and workloads increased, all new referrals were subject to a review, before being considered for a full investigation. This review work was undertaken by the Investigation Development Team (IDT - see below) and a grid system of all cases was produced.
- 6.9 All cases referred to Operation Kenova were fully assessed and were subject to the same robust review process at regular intervals. Cases could be moved from one category to another depending on the outcome of a review or, for instance, if the initial investigations could find no links with the ToR. However, it was far more common for cases to be moved from 'under review' or 'under consideration' to 'cases within the ToR' due to new information or intelligence being recovered. A decision to move a case from one category to another would be made by the OIOC through the KEG process.
- 6.10 In total, Operation Kenova considered 107 case referrals. Forty-seven cases were accepted through the KEG process as being within its ToR, allocated to an Investigation Team and afforded 'full investigation' status. The offences investigated included murder, abduction, serious assaults and firearm offences, however, full investigations were also conducted into allegations of perjury, conspiracy to pervert the course of justice, misfeasance in a public office and possession of extreme pornographic material.
- 6.11 Four further cases were also subject to a full investigation, having been transferred to Operation Kenova at the request of the Chief Constable PSNI.

Investigation Development Team (IDT)

- 6.12 The IDT was headed by an IO who was supported by three investigators and the Kenova Intelligence Unit. The work of the IDT was regularly to review cases categorised as 'Under Consideration' or 'Under Review'. Initial scoping of these cases had determined that there was no discernible link to the Operation Kenova ToR, but the IDT conducted a thorough

review of each to ensure that their allocation was correct. Regular searches of the Operation Kenova Counter Terrorism Home Office Large Major Enquiries System (CT HOLMES) database were also conducted to ascertain if any new information or intelligence had been received that could elevate a case to full investigation.

- 6.13 The IDT's findings were presented to the SIO on a regular basis through the Weekly Tasking Meeting and at the KEG meetings where decisions could be made as to the current or future status of each investigation. This process ensured that no case submitted to Operation Kenova was overlooked and all received a regular review. Of all the cases referred to Operation Kenova, sixty remained either Under Consideration or Under Review and despite being constantly monitored by the IDT, no further evidence or information became available to warrant them being moved to full investigation status.

7. Process

Family engagement

- 7.1 Many families, for a number of reasons, did not or could not fully engage with the original RUC investigations. Equally, it is evident that the RUC's engagement with families was at times inadequate in terms of empathy and quality. Many families were never given even the most basic and uncontroversial information about what happened to their loved ones. There are many reasons for this, including the dangerous operating environment at the time for the police to meet families. However, as families will testify, and as has been demonstrated repeatedly through previous legacy inquiries, there was a strong culture within the security forces to withhold information. This in turn fed conspiracy theories of wrongdoing and collusion by the security forces thereby distracting focus from the activities of the terrorists responsible. This resulted in a major and adverse impact on public confidence.
- 7.2 An early and key policy adopted by Operation Kenova was to invest heavily in building confidence and trust with victims, families and the wider community. This led to the development of effective and enduring relationships. The OIOC made personal contact with families at the start of each investigation with a view to reassuring them of Operation Kenova's independence, listen to any concerns they had and gain a better understanding of their previous experiences. Families had regular contact with SIOs, Family Liaison Coordinators (FLC) and Family Liaison Officers (FLO), and all families had access to the OIOC when required.¹⁰ Similarly, contact was maintained with solicitors, non-governmental

¹⁰ Annex A below, §§ 13-15.

organisations and support groups representing the families. As a consequence of building trust and confidence, many families felt empowered to provide Operation Kenova with vital new information and evidence in a significant number of Operation Kenova investigations.

Case review

- 7.3 In the first instance, Kenova was reliant on PSNI archives to access much of the original material, including the original investigation papers, forensic files and exhibits and the intelligence records linked to each case. Other organisations which had previously conducted reinvestigations, such as PONI, also held investigation files that were often relevant.
- 7.4 It was vital to establish clarity in relation to events leading up to each offence, ascertain how and where it was committed and what information and intelligence was available after the event. The initial case review process involved the gathering of material from the following repositories:
- (1) **PSNI/RUC Murder Boxes.** Contained remaining investigation files in homicide cases.
 - (2) **PSNI/RUC Investigation Records.** Files linked to offences of serious assault and abduction.
 - (3) **Historic Enquiry Team (HET) Files (Murder Only).** Information held within the PSNI Historical Enquiries Analytical Database (HEAD) and the original HET paper files.
 - (4) **Intelligence Files.** Intelligence from RUC and PSNI records linked to the actual offence, the victim and named suspects.
- 7.5 Although a few of the original RUC investigations were found to be of a poor standard, most were effectively managed, considering the environment in which they were conducted. However, as mentioned later, a consistent theme was the lack of sharing of significant intelligence between RUC's Special Branch (SB) and Criminal Investigation Department (CID).
- 7.6 In the operating circumstances at the time, trying to complete the most basic tasks at a murder scene could often pose a high degree of danger to the officers attending. This meant that there were times when only cursory scene examinations could be undertaken before the RUC had to withdraw. Even the retrieval of a victim's body from a murder scene was fraught with danger as it was not uncommon for bodies to be booby trapped.
- 7.7 Investigation files were also lost through terrorist activity at police premises, destroyed legitimately or simply mislaid when moved between different locations within the PSNI/RUC estate.

- 7.8 Despite these challenges the majority of the investigation files confirmed that crime scene logs were maintained, forensic searches were carried out at scenes along with photography and mapping. Where possible, house to house enquiries were conducted and exhibits obtained from scenes or post mortems were submitted for forensic examination.
- 7.9 Similarly, the contents of HET files varied in the amount of information they contained. Some included final reports that were presented to the families of victims, and some had little more than open-source records or newspaper cuttings. It is important to note that the HET was reliant on others to provide them with information and evidence.
- 7.10 As Operation Kenova progressed, a better understanding was developed as to where relevant information could be sourced. Within the PSNI alone there were thirty-one separate databases containing information or intelligence that could be relevant to the investigations. In addition to this, the liaison teams embedded within MOD and MI5, began to uncover material that had not previously been available to the original RUC investigations or those undertaking subsequent legacy enquiries. Relevant information was also sought from other public bodies such as the State Pathologist Office and Public Records Office for Northern Ireland.
- 7.11 It would have been easy to get overwhelmed by the amount of information that could be linked to each investigation which further underlined the value and vital role of CT HOLMES and the Weekly Tasking and KEG meetings.

Forensic review

- 7.12 The Kenova forensic strategy is set out in further detail at Annex A below. The forensic process began with a detailed review of the forensic file and the forensic disciplines relevant to each case. This process would establish:
- (1) what material had previously been recovered;
 - (2) what was submitted for examination;
 - (3) what examinations were undertaken;
 - (4) where exhibits were stored, to establish the last known whereabouts of exhibits and where possible identify new forensic opportunities.
- 7.13 The detailed file reviews scrutinised previous findings, identifying opportunities for contemporary verification where needed and sometimes revealed original and additional material from the previous examinations that could be subjected to contemporary forensic examinations. Suitability for this was dependent upon previous examinations and subsequent storage and retention to ensure integrity of any subsequent findings.

- 7.14 The findings of the initial file review were presented to the Deputy SIO who would then work in conjunction with the Forensic Coordinator to establish if further opportunities existed against individual case contexts and whether scientific knowledge and technology could be advanced through re-examination or re-analysis.
- 7.15 It also included original finger mark material and, more recently, DNA samples that could now be subject to re-assessment, further enhancement, direct comparisons with individuals and biometric database interrogation. Additional material could arise from previous forensic examinations where samples were recovered during the examination process, including, tapings, microscope slides and DNA extracts. There was always the possibility that these items could be re-purposed, utilising contemporary techniques not previously available.
- 7.16 Upon completion of the forensic review, any new opportunities were summarised and audited for governance and oversight to ensure any activity being commissioned was compliant with the Operation Kenova ToR. In addition, it was important to ensure that potential forensic evidence was relevant, robust and reliable. This was especially important when considering continuity, integrity and potential findings.
- 7.17 Throughout the course of Operation Kenova, the main challenge in respect of the forensic strategy was tracing and recovering original exhibits linked to the original cases. As already stated, there were obvious repositories within the PSNI estate that could be searched. However, it became clear that over the course of many years, as had been seen with investigation files, exhibits had been legitimately destroyed, destroyed due to terrorist activity or lost when transferred to other storage facilities.
- 7.18 Searching for exhibits meant visiting other police stations within the PSNI estate, for instance where the original investigations had been undertaken, including buildings long since closed, in the hope that exhibits returned to individual officers after forensic examination might still be in existence. In some instances, Operation Kenova investigators encountered chaotic storage facilities, including property held in insecure portacabins much of which was unlabelled, making recovery of exhibits even more challenging.
- 7.19 One common theme seen during the review of original case files was the frequency with which unexamined exhibits were returned from the laboratory to the submitting officer. In most cases, the reason for this was documented as 'no suspect had been identified' and therefore, if an examination was conducted, there was not anything or anyone to compare against. The sheer number of submissions that the forensic laboratory was dealing with at the time meant that cases had to be prioritised and cases where there were no suspects, even those of murder, were put to one side.

- 7.20 This position should be looked at in conjunction with the number of cases seen by Operation Kenova where RUC SB were in possession of the names of potential suspects but failed to pass on this information to their CID colleagues. Withholding this vital information undoubtedly led to missed forensic opportunities in the identification and prosecution of those involved in many of the cases reinvestigated.
- 7.21 Despite the passage of time, Operation Kenova obtained DNA profiles from bullet casings, victims' clothing and other material, all still held within the Forensic Science Northern Ireland archives. New techniques were used to enhance finger marks found on tapings used to cover victims' eyes and bindings used to tie their hands and legs. A firearm, long believed to have been destroyed, was recovered and examined as were original 'confession tapes' which had been retained by family members.
- 7.22 So called 'confession tapes' were audio recordings, purportedly made by victims, confessing to being agents for the security forces. They were used by PIRA to justify its execution of victims and were passed to families after the event. Some families listened to the content of the tapes and subsequently held on to them, others chose not to listen to them and immediately destroyed them. Some of the families spoken to by Operation Kenova, doubted that the voice on the tape was that of the victim.
- 7.23 It is important to state that victims who participated in making these tapes would have been subjected to brutal torture and threats by PIRA over the course of many days prior to the recordings being made. Some would have mistakenly believed, or even been told, that making such a confession would save their lives and some would have been so traumatised by their treatment at the hands of their interrogators that they would have confessed to anything.
- 7.24 Original finger marks were compared to a new list of 'persons of interest' compiled by Operation Kenova from its own investigations and from previous investigations such as the Stevens Inquiry and reviews by the HET.
- 7.25 Operation Kenova recovered two hundred and eighty-two exhibits for scientific examination and sixty-three exhibits were submitted for fingerprint examination for evidential purposes. Notable forensic successes included:
- (1) Establishing that a firearm used in a murder was also linked to a non-fatal punishment shooting which had not previously been reported. This information enabled Operation Kenova investigators to identify and trace the victim of the punishment

shooting and obtain a statement identifying a named suspect. The same firearm was also linked to another murder where the same suspect had been implicated.

- (2) Blood found at the scene of a murder was re-examined and DNA of a potential suspect was identified. Enquiries revealed that this suspect is deceased.
- (3) Four bullet casings linked to one murder were traced and after an initial assessment were subject to a forensic examination called Direct Ammunition Recovery Technique. One of the casings produced a very low level mixed profile of DNA. Despite this, the scientist conducting the examination concluded that it would be enough to compare it to a reference profile. Biometrics were obtained from a suspect but the comparison with the DNA profile was negative. To date the profile remains unidentified.
- (4) Low level DNA profiles of potential suspects were obtained from clothing worn by victims at the time their bodies were recovered. To date these suspects remain unidentified.
- (5) An envelope and letter sent by a victim to his family while being held by PIRA were traced and examined. The gummed area of the envelope produced a positive DNA result and subsequently led to the identification of a suspect whose details were held on the National DNA Database. This positive DNA result formed part of the evidential package submitted to DPPNI.
- (6) A suspect was identified from tapings taken from the inside of a pair of gloves originally recovered from the scene of one of the offences investigated. The findings formed part of the evidential package submitted to DPPNI.

Witness enquiries

7.26 The Kenova witness strategy is set out in further detail at Annex A below.¹¹ Where possible, Operation Kenova traced and contacted witnesses whose details were contained within the original investigation files. Despite the threat of recriminations, many witnesses still came forward providing relevant information to the investigation teams which opened up further lines of enquiry. This process led to investigators identifying and contacting persons who had not previously made statements or even spoken to the original investigation teams. This included those who, for various reasons, had previously only shared information with family members, close friends or a solicitor.

¹¹ Annex A below, §§ 31-41.

- 7.27 In many cases, by far the best people to provide background information about a victim and events surrounding each case were family members. For some families, this would have been the first opportunity they had to give relevant details to an investigatory body. During their testimonies, they provided investigators with new leads in respect of witnesses, usually acquired during enquiries they had made themselves about the death of a loved one. Sadly, many families believed that the authorities were unable or perhaps unwilling fully to investigate all of the circumstances linked to a case.
- 7.28 Family members detailed conversations they had had with senior members of paramilitary organisations who, at times, gave them chilling details of how and why a victim was murdered. In some cases, they provided Kenova with the victim's personal effects, delivered to them by paramilitaries after a murder had been committed and with audio tapes and statements containing 'confessions' that the victim had purportedly made prior to their death.
- 7.29 Attempts were made to engage with all potential witnesses and although many of those linked to paramilitary organisations declined to assist Kenova, all were approached in an effort to assist the families find the truth. Many used their legal representatives to issue statements on their behalf that they were unwilling to offer any assistance. In most cases, they cited an ignorance of the matters under investigation.
- 7.30 Where available, the original investigating RUC detectives were traced and interviewed as were their senior officers. Many original notebooks and diaries had been retained and officers were able to refer to them during interview. PSNI also still retains a large collection of original police notebooks and journals which were also utilised during interviews.
- 7.31 It is also important to highlight that part of the Operation Kenova Witness Strategy included the OIOC and other members of the senior management team interviewing senior members of the government, the security forces and those who had led previous legacy investigations and enquiries.
- 7.32 Over the course of the Operation Kenova investigation, over two thousand, four hundred and sixty-six written witness statements were obtained and three hundred and fifty-two witness testimonies were audio recorded.

Intelligence review

- 7.33 Through its access to a multitude of intelligence repositories, Operation Kenova was able to examine various intelligence databases, held by different organisations, including PSNI, MOD and MI5. This allowed investigators to identify sensitive intelligence files relating to a majority of the cases under investigation.

- 7.34 In each case, Operation Kenova detectives:
- (1) examined whether there was any pre-event intelligence that PIRA was planning to abduct or murder a victim and, if there was, what if any action was taken by the security forces;
 - (2) examined all post-offence intelligence material to establish whether suspects linked to each case and known to the security forces were ever identified to the RUC CID.
- 7.35 The records contained intelligence derived from a number of different sources including agents and members of the public (sometimes anonymously) or as a result of security forces operational activity. It is important to acknowledge that intelligence is not evidence, and not all intelligence can be converted into evidence. At times, intelligence can be wrong, sometimes it is no more than gossip or rumour and may even be given maliciously. Equally, the grading of intelligence can be subjective, inaccurate and susceptible to human error.
- 7.36 Notwithstanding the above caveats, it was very clear to the Kenova team that intelligence about criminal offences should have been passed to investigating teams. While security forces do have a duty to protect the identity of their agents, time and again Operation Kenova found evidence that source protection outweighed the need to divulge relevant information to investigation teams.

8. Accessing information

PSNI

- 8.1 Kenova maintained a dedicated permanent staff presence in Northern Ireland throughout the course of all its investigations and reviews. The main function of these operatives was to liaise with current PSNI staff, establish independent access to historical material, computer systems and intelligence databases, and engage with PSNI units responsible for managing highly sensitive material.
- 8.2 From the outset, PSNI agreed and facilitated this unprecedented access providing secure office facilities within Northern Ireland exclusively for use by the Kenova team.
- 8.3 Kenova staff quickly established that during the course of the Troubles information and intelligence sharing arrangements evolved over time between the RUC and organisations such as MOD and MI5. Thousands of reports containing covert intelligence, weapons intelligence and broader intelligence assessments were passed by these bodies to the RUC

which, save for a short period in the 1970s, retained primacy for dealing with all Troubles related national security matters within Northern Ireland.

- 8.4 The vast majority of this material has been retained by PSNI in its high-security registry section. These files were initially stored primarily as paper records, although some had been converted to microfiche due to pressure on storage space. As the Troubles progressed, the use of information technology became more common place and significant amounts of intelligence was subsequently stored on high security electronic databases.
- 8.5 To ensure Kenova was not wholly reliant on any PSNI staff to assist with this vital collection and recovery process, bespoke training was provided to Kenova staff in the use of the many different databases that held relevant intelligence and information. This unparalleled level of direct access enabled Kenova to maintain a high level of operational independence providing reassurance to families and the wider community and ensuring that the most comprehensive recovery process of material retained by the PSNI was undertaken for each case.
- 8.6 The team in Northern Ireland developed an excellent understanding of the processes and procedures adopted by the RUC in respect of the collection, assessment and dissemination of intelligence and information. This knowledge led to the recovery of material not identified or recovered by previous inquiries.
- 8.7 An example of this related to an intelligence database used by the Army during the Troubles known as MACER. When the military deployment to Northern Ireland ended on 31st July 2007, control of MACER was handed to PSNI as a closed archive used principally to service historic investigations, inquiries and inquests. Although PSNI now owned the system, unknowingly they did not have access to all the information stored in it. Kenova was given access to MACER by PSNI at the beginning of its investigation in 2016. In 2017 Kenova staff became aware that MOD staff had separate access to MACER. To test that they had full access to the system, Kenova staff carried out searches using PSNI logins and then repeated the searches using MOD logins. This showed significant additional hits using the MOD logins which were completely invisible using the PSNI logins. No satisfactory explanation for this was provided. As a result, Kenova staff received MOD logins enabling them to access records that had not been available to previous inquiries. This discovery led to the Chief Constable of PSNI having to apologise to the Chief Coroner for Northern Ireland for his inadvertent failure to disclose documents for the purposes of inquests.¹²

¹² Kenova Interim Report, ch.30.

- 8.8 Previous legacy investigations had relied on the RUC and then PSNI to provide them with the information and intelligence relevant to the investigations they were undertaking. A review of some of these investigations by Kenova staff has conclusively shown that vital information and intelligence was withheld.
- 8.9 For example, the majority of the cases investigated by Operation Kenova had previously been the subject of a review by the HET. Therefore, at the beginning of each investigation one of the first documents used as a point of reference was the report authored by the HET. It was established that during its case reviews, the HET would make a formal written request to PSNI and MOD for any information and intelligence relevant to the case. Both would respond to each request and send back information they assessed as relevant. In practice, these requests should have provided the HET with a full intelligence picture due to the fact that both police and military databases would be searched. However, there was no process in place for the HET to independently determine if it had actually received all relevant material, it simply had to presume that it had and rely upon PSNI and MOD. If the HET went on to produce a final report, two reports would be produced - one containing sensitive information and another for families with the sensitive information redacted. The Kenova team in Northern Ireland reviewed every HET file relevant to its investigations and, by examining the content of the sensitive files, it was established that in many cases significant intelligence which should have been passed to the HET was missing. It is difficult to comprehend how this happened. However, it further emphasised the need for Kenova staff to have the ability to conduct their own enquiries and make decisions as to what was relevant and not rely on the organisation holding the material to make that decision.
- 8.10 As mentioned earlier, it is widely accepted that, over the passage of time, an unknown number of documents and exhibits were destroyed because of terrorist incidents or lost when police stations were closed and files and exhibits moved elsewhere for storage. It is also important to note that before the awareness of DNA and how it could be used forensically to identify people, blood-stained clothing was often destroyed for health and safety reasons. The documentary records in respect of exhibits returned to police stations was also very limited. Therefore, another aspect of work undertaken by Kenova was the identification of storage areas within the PSNI estate where relevant material might be held and then conducting searches of those areas in an attempt to retrieve long forgotten files and exhibits. Such searches were time-consuming and required significant resource allocation but often proved successful. The process highlighted the somewhat chaotic circumstances of the storage of some files and exhibits held by PSNI, an issue that it is fully aware of and has been looking to address for some time.

- 8.11 In addition to this recovery process, Kenova undertook a significant digitisation process in respect of relevant paper and microfiche records held by PSNI. Utilising IT systems not previously available in Northern Ireland, many thousands of pages of documents were successfully converted into digital searchable files and transferred onto the Kenova CT HOLMES database.
- 8.12 One of the most challenging aspects of this work was extracting documents that had been converted to microfiche. In the late 1980s, the RUC commenced a project to convert paper documents to microfiche. However, due to cost and time constraints, this project was phased out around 1989. Over the years, the microfiches have begun to deteriorate, and the only way to preserve their content was to print each individual page onto paper. This was a laborious process and the quality of the printing was sometimes extremely poor, rendering some documents unreadable.
- 8.13 Kenova therefore sourced an IT system that could convert the microfiche into readable PDF documents which were then transferred securely to the CT HOLMES account in London. This ensured that vital information was preserved in a searchable and usable format, not only for Kenova but for any future legacy inquiries.
- 8.14 This digitisation process protected the integrity of the original record, reduced security concerns regarding producing paper copies and minimised the potential for loss of material that alternative manual movement processes presented. It also enabled, for the first time, a comprehensive search capability which could be run and re-run as new documents were uploaded onto CT HOLMES. This process also meant that numerous search parameters could be set and changed. This was a first for Northern Ireland legacy investigations and reduced the risks of important information being missed through the handling and dissemination of vast paper datasets which had occurred during previous legacy work.
- 8.15 Kenova personnel in Northern Ireland also had direct access to current PSNI IT intelligence databases and records. This allowed them to conduct research and investigations into individuals and their associates. In addition, direct communication with PSNI officers who had access to the most sensitive intelligence ensured Kenova had as comprehensive an intelligence picture of individuals as possible.

MOD

- 8.16 MOD was a key stakeholder in many of the Kenova investigations. The recovery of MOD documents proved challenging as they were stored across various locations in the UK and were often poorly catalogued or presumed missing or destroyed. It was critical to ensure,

therefore, that interrogation of military archives was robust, effective and that Kenova did not accept negative responses without further investigation and challenge. This included where previous investigations or reviews had concluded certain material no longer existed. This approach led to some notable successes.

8.17 The first step taken by Kenova was to secure an agreement for full cooperation from the Army General responsible for Home Command. This was implemented by MOD through a dedicated team of lawyers and military personnel to service Kenova requests for information. In addition, Kenova established a dedicated team of investigators to form a liaison team whose principal objectives were to:

- (1) discover material relevant to Kenova Investigations and reviews;
- (2) identify potential witnesses, suspects or persons of interest;
- (3) convert relevant intelligence material into evidence where possible.

8.18 Kenova made it a key pillar of its approach not to passively accept initial responses. The liaison team insisted on personally visiting every relevant archive facility and familiarised themselves with MOD databases, retrieval systems and registries. They learned how material was uploaded onto these and the reliance placed on pre-set index forms completed by military personnel at the time the documents were dispatched to the archive. These forms were supposed to describe the entire contents of the containers holding the original documents and MOD was entirely reliant upon them when conducting searches for Kenova. An initial inspection of a number of archived material boxes revealed that the indexing forms did not actually reflect their contents. By fully understanding this archiving process, Kenova staff were able to identify and challenge the obvious frailties of this system. This in turn led to discussions with senior MOD officials and to MOD then commissioning a project ensuring its material was thoroughly re-indexed in order to allow more accurate and meaningful searches in future.

MI5

8.19 At the outset of Kenova, an Information Sharing Protocol and Memorandum of Understanding was agreed with MI5 specifying that all material relevant to Kenova would be made available and Kenova would be informed of any such material acquired by MI5.

8.20 During the early stages of Kenova, it was the responsibility of officers from MI5 to determine what material was relevant before providing it to Kenova. After a few months, Kenova liaison officers were established at MI5's Thames House headquarters and they undertook to shoulder some of the administrative burden from the MI5 archivists when reviewing relevant

documents. It is recognised that MI5 was not under any obligation to afford this level of access. However, by doing so, it allowed the liaison officers to determine the relevance of each document prior to making a formal request for release.

- 8.21 Some of the most sensitive documents were viewed and assessed within the confines of Thames House but others were securely transferred to the Kenova office for uploading onto the CT HOLMES account. The National Police Chiefs' Council (NPCC) Homicide Working Group's thematic peer review of Kenova assessed this process as effective and one that could serve as a model for any future legacy investigation unit.
- 8.22 Issues regarding the working relationship between MI5 and Kenova are further detailed below.

Other government bodies

- 8.23 Kenova secured access to records held by the Cabinet Office, NIO and Treasury. Following reviews of reports by Kenova staff, senior civil servants and politicians who held office during the 'Troubles' were also interviewed. The purpose of these interviews was to establish what governance and oversight mechanisms existed during that period and ask questions about the level and extent of the government's knowledge of and influence over security force operations in Northern Ireland.

An Garda Síochána

- 8.24 Several of the investigations conducted across the Kenova group of offences had links to paramilitary activity carried out in the Republic of Ireland. Operation Kenova investigators recovered overwhelming evidence that some victims were lured to the Republic on false pretences and then abducted and interrogated at premises situated close to the border. Once their fate was determined, the victims were invariably moved back across the border to Northern Ireland, where they were murdered and their bodies left by the roadside. On occasions bodies were found so close to the border that bullet casings linked to the murder were recovered by An Garda Síochána (AGS) officers in the Republic of Ireland, a few meters away from the deceased's body situated in Northern Ireland.
- 8.25 Kenova had no legal jurisdiction within the Republic of Ireland, but cross border police cooperation was and is commonplace during criminal investigations. Where more formal arrangements are required, then the most common course of action is the use of International Letters of Request under Mutual Legal Assistance arrangements. A number of these were submitted to AGS during the course of the Kenova investigation. A Protocol and Agreement on Information Sharing were also entered into with AGS governing Kenova

travel to and witness meetings in the Republic of Ireland. These provided “efficient and effective mechanisms to coordinate any requests emanating from the Kenova team” and were designed to be flexible and helped foster a constructive and collaborative working relationship between the two organisations. Across the Kenova group of cases, AGS assisted with access to records and forensic exhibits and gave considerable help in making contact with witnesses and persons of interest.

- 8.26 Part E of this Final Report addresses challenges faced securing access to information and intelligence held by the AGS relevant to Operation Denton, which was an independent review rather than an investigation.

9. Stakeknife

Facts about Frederick Scappaticci and his alleged role as Stakeknife

- 9.1 The following information is derived from the Kenova Interim Report, the official statements made in connection with its publication, the announcement of DPPNI’s Kenova prosecution decisions and the High Court judgment sealing Scappaticci’s will:

(1) Stakeknife

Well placed Army agent within the Internal Security Unit of PIRA; a single individual rather than a group; has not been an active source of intelligence for decades; provided valuable, high quality intelligence; occasionally ignored handlers and acted outside tasking; strong evidence of involvement in very serious and unjustifiable criminality; operation as an agent likely to have cost lives.¹³ The final two PPSNI decision summaries dated 6th and 29th February 2024 both refer to an Army agent within PIRA’s Internal Security Unit as ‘the Source’ and make clear that he was operating as an agent over a sustained period of time.¹⁴

(2) Frederick Scappaticci

Alleged to have been a senior member of the Internal Security Unit of PIRA; strong evidence of involvement in very serious and unjustifiable criminality; publicly alleged to be or have been Stakeknife in May 2003; swore affidavits dated 21st May 2003, 6th August 2003, 3rd February 2004 and 26th June 2006, the first of these claimed

¹³ See esp. Kenova Interim Report, §§2.1, 2.6, 41.8, 63.1, 63.7-63.10 and 63.13.

¹⁴ See respectively: <https://www.ppsni.gov.uk/publications/operation-kenova-summary-further-decisions-not-prosecute> (§6ff); and <https://www.ppsni.gov.uk/publications/operation-kenova-summary-decisions-not-prosecute-29-february-2024> (§7ff).

he was not Stakeknife and had not been an agent and one of them contained a statement which Kenova considers he knew to be false or did not believe to be true; moved to England and changed name in 2003 and thereafter changed name and location on more than one occasion; a critical person of interest at the heart of Operation Kenova and subject of arrest, interviewed under caution and files submitted to DPPNI; convicted for possession of extreme pornography in 2018. Scappaticci died 20th March 2023 aged 77 years without ever being charged with or convicted of any Troubles related offences and he always denied any wrongdoing or involvement with the security forces.¹⁵ On 13th April 2023, PPSNI announced a 'no decision' outcome on 10 (out of 28) Operation Kenova files following the death earlier that year of the only suspect named within them.¹⁶

Public claims that Stakeknife was Frederick Scappaticci

- 9.2 The first public claims about a FRU agent codenamed Stakeknife operating within PIRA during the Troubles appeared in articles by Liam Clarke published in The Sunday Times in August 1999.¹⁷ Mr Clarke's source was a former member of FRU, then referred to as 'Martin Ingram' and later identified as Ian Hurst and the claims resulted in MOD obtaining injunctions against Mr Hurst and The Sunday Times in the High Court in London. Public orders and a judgment of Mr Justice Blofeld dated 12th April 2001 made in those proceedings made clear that Mr Hurst had been a member of FRU and had disclosed information obtained by him as a result of his service as such. However, it does not follow from this that every claim made by Mr Hurst subsequent to his service is accurate.
- 9.3 The proceedings against Mr Hurst and The Sunday Times were respectively settled in June and July 2000 with Mr Hurst giving undertakings to the Court prohibiting further disclosures by him, subject to certain provisos.¹⁸ In 2009, MOD reactivated the proceedings against Mr Hurst with a view to bringing contempt of court proceedings against him following the publication of the book "Stakeknife: Britain's Secret Agents in Ireland" which he co-authored with Greg Harkin. However, this proposed course of action was later abandoned.
- 9.4 The first public claims that Stakeknife was Scappaticci appeared over the weekend of 10-11th May 2003, first, on the US website Cryptome, secondly, in the Irish media and, finally, in

¹⁵ Kenova Interim report, §§2.2-2.4, 2.9, 64.4, 65.2-65.4, 65.13-65.16, 65.23.

¹⁶ PPSNI statement dated 13th April 2023: <https://www.ppsni.gov.uk/news/pps-issues-decisions-final-operation-kenova-files>. This should be read with: "note to editors", §4 at <https://www.ppsni.gov.uk/news/pps-issues-decisions-final-operation-kenova-files>; "note to editors", §4 at <https://www.ppsni.gov.uk/news/pps-issues-further-decisions-files-submitted-operation-kenova>; and "note to editors", §4 at <https://www.ppsni.gov.uk/news/pps-issues-decisions-files-submitted-operation-kenova>.

¹⁷ See esp. The Sunday Times, "The British spy at heart of IRA" by Liam Clarke, 8th August 1999.

¹⁸ Provisos were included at the outset and added by amendment allowing Mr Hurst to consult professionals and speak to various public inquiries and police investigations including, in due course, Operation Kenova.

the UK media via the Sunday People and Sunday Tribune newspapers. The Sunday People articles were written by Mr Harkin and, while the claims were not attributed to Mr Hurst, they were assessed by government as having originated from him via an intermediary.¹⁹ The claims were then repeated in the major UK newspapers and by other national and international media from 12th May 2003 onwards. On 18th May 2003, various newspapers reported that Mr Hurst had issued a statement denying that he was the source of the claims but stating that they were accurate.²⁰

- 9.5 Mr Hurst and Mr Harkin repeated the claim that Scappaticci was Stakeknife in their “Stakeknife” book which was published in February 2004. A personal introduction and specific chapters were attributed to each author separately and other chapters were described as jointly written.
- 9.6 Consequent upon the above disclosures, Scappaticci brought two unsuccessful judicial reviews against the government in the Northern Ireland High Court. First, the challenge to the NIO’s refusal to issue a statement denying that he was Stakeknife which is referred to in the Kenova Interim Report and was dismissed by Lord Chief Justice Carswell on 18th August 2003.²¹ Secondly, a challenge to MOD’s failure to attempt to prevent the publication of the “Stakeknife” book which was dismissed by Mr Justice Weatherup shortly after it was issued in February 2004.
- 9.7 In terms of additional assertions that Frederick Scappaticci was Stakeknife:
 - (1) In July 2003, the journalist Sylvia Jones reported that a senior RUC officer had informed her and others working on The Cook Report that Scappaticci was a “very very important” Army agent in PIRA who should be protected and not identified.²² This information was given to the programme makers in confidence in August 1993 after they met Scappaticci who had come forward to discuss a previous Cook Report on Martin McGuinness. Scappaticci’s interview with The Cook Report, in which he implicated Mr McGuinness in the murder of Frank Hegarty was made public after the publication of allegations that he was Stakeknife.

19 The intermediary was assessed as having been Peter Keeley a self-declared but unconfirmed state agent who subsequently wrote a book “Unsung Hero: How I Saved Dozens of Lives as a Secret Agent inside the IRA” under the pseudonym ‘Kevin Fulton’. This was published in 2006 and included a foreword by Mr Hurst stating that he had first been introduced to Mr Keeley by Liam Clarke in 1999.

20 For example, The Sunday People, “Former FRU handler says Scappaticci IS Stakeknife” by Greg Harkin, 18 May 2003.

21 Kenova Interim Report, §§2.3, 48.4 and 65.8; In the matter of an Application for Judicial Review by Freddie Scappaticci [2003] NIQB 56: <https://www.judiciaryni.uk/judicial-decisions/2003-niqb-56>.

22 The People, “Scappaticci told me IRA secrets before cop told me he was an agent called Stakeknife” by Sylvia Jones, 20 July 2003.

- (2) In April 2012, Mr Hurst, posing as a journalist working for Channel 4, tricked retired General Sir John Wilsey into agreeing that Stakeknife was Scappaticci during the course of a secretly recorded telephone call. General Wilsey had served in Northern Ireland, including as General Officer Commanding from 1990-1993, and later became Commander in Chief of UK land Forces and then Land Command. In 2000, he published a book “The Ulster Tales: A Tribute to Those Who Served, 1969-2000” which included a chapter entitled “The Source Handler’s Tale” about the recruitment of an Army agent in PIRA referred to as ‘Kerbstone’. The chapter refers to Kerbstone being recruited in the late 1970s and being, “the Security Forces’ biggest intelligence breakthrough at the time and, arguably, the Army’s most single contribution to the whole campaign” and to him moving “in the IRA from its fringe to a position where he was privy to its innermost secrets”. During the telephone conversation with Mr Hurst, General Wilsey accepted that Kerbstone was Stakeknife and referred to him as “the golden egg”, “our best agent”, “probably the military’s most valuable asset” and “our most important secret”.
- (3) Operation Kenova established that Scappaticci told his wife and a female associate that he was Stakeknife.

9.8 None of the above means that the identity of Stakeknife has been officially confirmed or that Scappaticci’s status as an agent has been officially confirmed or denied, but it does explain why the claims about this have been seen as authoritative and credible and are almost universally treated as true. This is particularly the case within the community most affected by Stakeknife. Kevin Winters, one of the solicitors representing Kenova families, told the BBC, “The dogs in the street know that Fred Scappaticci is the agent Stakeknife”.²³

9.9 As set out in the Kenova Interim Report, the belief that Scappaticci betrayed the republican movement by acting as an agent and the knowledge that he did so by volunteering to speak to The Cook Report put Scappaticci’s life at risk and he was subsequently resettled in England under a new identity at public expense.²⁴

Sealing of Frederick Scappaticci’s will

9.10 A postscript to the death of Scappaticci is the recent decision of the High Court in London to order that his will be sealed under section 124 of the Senior Courts Act 1981 and rule 58 of the Non-Contentious Probate Rules 1987 on the basis that its public inspection would be undesirable or inappropriate. The reasons for this decision are set out in the judgment of the

²³ BBC News, “Dogs in the street know Scappaticci is Stakeknife” by Brian Rowan, 7th March 2024.

²⁴ Kenova Interim Report, §2.4.

Chancellor of the High Court, Sir Julian Flaux, in the case *Johnson v HM Attorney General* [2025] EWHC 1943 (Ch).²⁵ The following points can be noted:

- (1) Frederick Scappaticci:
 - (a) changed his name to Frank Cowley by deed poll in January 2020 and the precise date of his death - which was withheld from the Kenova Interim Report at the request of the government - was confirmed as 20th March 2023 (paragraph 1);
 - (b) moved to England and changed his name in 2003 following the publication of articles alleging he was an agent and subsequently had to relocate at short notice several times over the years as a result of death threats (paragraph 10);
 - (c) was living in England when he was arrested by Kenova in 2018 and he subsequently changed his name and relocated again (paragraphs 13 and 18).
- (2) The order sealing the will was applied for by one 'Michael Johnson' who "is prepared to act as the Deceased's Personal Representative provided that the will is sealed and that his true identity is not disclosed" (paragraph 3). This implies that 'Michael Johnson' was not the applicant's true identity, but there is no suggestion that an order was made under Part 39.2(4) of the Civil Procedure Rules granting anonymity or permitting the use of a pseudonym.
- (3) This is the first case where such an order has been applied for in connection with the will of someone who was not a senior member of the Royal Family (paragraphs 24-25).
- (4) Counsel for the applicant submitted that: "it would be difficult if not impossible to address the provisions of the will or the position of the applicant at a public hearing" (paragraph 41); the applicant's life would be at risk "if the will and its provisions were open to inspection" (paragraph 43); and the risk of reprisals against the applicant and those named in the will through being seen as "guilty by association" engaged their Convention rights under articles 2-3 and 8 of the ECHR (paragraph 47).
- (5) Counsel for the Attorney General supported the application and: submitted that the will is "essentially in standard form" and does not contain "anything unusual

²⁵ <https://www.bailii.org/ew/cases/EWHC/Ch/2025/1943.html>.

or intimate” and “the likely level of public interest in the will itself was minimal” (paragraph 52); and accepted that the applicant’s Convention rights were engaged (paragraph 55).

- (6) The judge found: “There is nothing in the will, which is in fairly standard form, which could conceivably be of interest to the public or the media” (paragraph 57); the interests of openness were outweighed by “the need to protect the applicant and those named in the will from the real risk of serious physical harm or even death because they might be thought to be guilty by association with the Deceased” (paragraph 60); and “publication would breach the applicant’s rights under articles 2, 3 and 8 of the ECHR” (paragraph 61).

The case for official identification of Stakeknife

- 9.11 The Kenova Interim report addressed the importance to the work of the security forces of secret intelligence and therefore the recruitment, retention and protection of covert agents. This in turn requires that actual and potential agents are given reliable and trustworthy assurances about their anonymity, safety and security and an NCND approach is invariably taken to related questions. That said, agents must act within the law, they are not immune from the rule of law or law enforcement, they cannot be given absolute or unqualified assurances of anonymity and confidentiality ‘come what may’ and it is essential that their handlers make these conditions clear.
- 9.12 As already mentioned, the Northern Ireland High Court upheld the government’s maintenance of an NCND approach to the allegation that Scappaticci was or had been an agent in the judicial review claim brought by him in 2003.
- 9.13 The Kenova Interim Report identified a number of circumstances capable of justifying a departure from NCND:²⁶

If an allegation or suspicion that an individual is or has been an agent leads to them being abducted, tortured, beaten or murdered and/or to them having to relocate or be relocated (possibly under a new identity), the impact of official confirmation or denial of their agent status on the recruitment and retention of other agents is likely to be radically different. Fear of ‘the worst coming to the worst’ can undoubtedly deter other actual or potential agents from cooperating. However, fear of the truth being confirmed following the occurrence of the absolute worst case scenario is unlikely to carry as much weight. Furthermore, if the belief that an individual was an agent has become widespread and

²⁶ Kenova Interim Report, §48.12(3)-(4).

they are deceased or have left their former life altogether, there may come a point when maintaining NCND becomes futile and untenable or, at least, where the public interest in its maintenance may be more readily outweighed by the public interest in it being set aside.

Northern Ireland legacy cases pre-date the peace process, the end of the Troubles and the entry into force of RIPA provisions governing the authorisation and use of covert human intelligence sources (CHIS) and the oversight of the Investigatory Powers Commissioner and Tribunal. These provisions have even more recently been amended by the Covert Human Intelligence Sources (Criminal Conduct) Act 2021 on the authorisation of criminality. More generally, the social and legal landscape has changed and the security forces have been reformed. As a result, the public interest equation has inevitably shifted and a relaxation of NCND is likely to be justified in a number of these cases, particularly in connection with alleged agents who have died or been relocated or who are the subject of allegations or findings of very serious criminality.

- 9.14 The Interim Report also set out examples of circumstances where there have been exceptional departures from NCND, particularly in connection with agents accused of very serious wrongdoing and in cases where the lapse of time or compassionate considerations justifies a different approach.²⁷ In this regard, the FRU agent Brian Nelson and the RUC SB agents Declan Casey, William Stobie, Kenneth Barrett and Gary Haggarty have all been officially identified as agents in the context of Troubles-related criminality.²⁸ Equally, there have been official denials of agent status in connection with those wrongly accused or suspected of being agents including Seamus Morgan, Brian McNally and Jean McConville.²⁹ It has not been suggested that these departures from NCND were unjustified or that they inhibited the recruitment or retention of agents or the supply of secret intelligence more generally, although such arguments may have been articulated in material not seen by Kenova.
- 9.15 Kenova's position is that the circumstances of the Stakeknife case are exceptional and there should now be official confirmation of his identity, including official confirmation or denial of the claim that he was Frederick Scappaticci.

²⁷ Kenova Interim report, §48.9.

²⁸ Kenova Interim Report, §48.9(1) and chs 55 and 59 (Nelson and Stobie); De Silva, "The Report of the Patrick Finucane Review", December 2012, HC-802, chs 6 and 23 (Nelson and Barrett); Hansard HL, 15th June 1993, vol.546, col.1555, statement of NIO minister and Daily Mirror, "We work within the law", statement of Chief Constable RUC Sir Hugh Annesley, 16th June 1993 (Casey); R v Haggarty [2018] NICC 1, §179 and R v Smyth [2023] NICC 29, §5 (Haggarty).

²⁹ Kenova Interim Report, §§12.22 and 48.9(4); Belfast News Letter, "Victim of 'Provo justice' is buried", 9th March 1982 and Belfast News Letter, "Farm murder was sectarian, coroner told", 11th September 1982 (Morgan); Belfast News Letter, "Victim of IRA buried", 30th July 1984 and "Lost Lives: The Stories of Men, Women and Children who Died as a Result of the Northern Ireland Troubles", 2nd ed., 10th May 2001, §2641 (McNally); PONI, "Report into the complaint by James and Michael McConville regarding the police investigation into the abduction and murder of their mother Mrs Jean McConville", 18th July 2006, p.15 and press statement "No evidence Jean McConville was an informant", 7th July 2006 (McConville).

- 9.16 In cases such as Stakeknife, where there is compelling evidence that an agent has engaged in very serious and unjustifiable criminality, there should ordinarily be a prosecution. If this is not achievable, the facts should be exposed as far as possible, not only in the wider public interest but also so that victims and families can have some truth and justice and a greater opportunity to bring legitimate related civil claims against the state. In addition to the perjury allegations, Operation Kenova submitted a number of files to PPSNI which contained strong evidence of serious criminality on the part Scappaticci, including involvement in abduction, torture and murder. Scappaticci died in March 2023 before prosecution decisions on these files had been taken. However, had he had been prosecuted the question whether or not he was acting as a state agent would doubtless have been a key issue in the proceedings.
- 9.17 An additional consideration of public interest is that the full facts surrounding Stakeknife cannot be set out, let alone judged, without confirming whether or not he was Frederick Scappaticci:
- (1) The unauthorised and unofficial claims that he was Stakeknife put Scappaticci's life at risk, he was resettled in England under a new identity. The convictions in the Lynch and Fenton cases referred to above were quashed by the Northern Ireland Court of Appeal following a referral from the Criminal Cases Review Commission.³⁰
 - (2) Notwithstanding the protection he was afforded while still alive, the risk to Scappaticci was used to justify the grant of an injunction in 2006 preventing public speculation about his new identity or whereabouts and it has more recently been relied upon to justify the sealing of his will. Scappaticci also brought unsuccessful judicial reviews against the NIO and MOD in the Northern Ireland High Court and the Smithwick Inquiry in the Irish High Court on the premise that he was not Stakeknife.
 - (3) As a result of Scappaticci's first judicial review, the ongoing refusal to confirm or deny whether or not he was an agent is at the heart of an important judicial legal authority relied upon in support of the government's NCND policy.³¹
- 9.18 The refusal to confirm or deny whether Scappaticci was Stakeknife is having a profound and severe impact on victims and families, legitimate public discussion and debate, media freedom, open justice and public confidence in state authorities and the criminal justice system. Conversely, the ongoing secrecy is fuelling grievance, conspiracy theories and human suffering.

30 See R v Morrison & others [2009] NICA 1 and R v Ryan & another [2014] NICA 72 which resulted in requests for information made by DPPNI to the Chief Constable of PSNI under section 35(5) of the Justice (Northern Ireland) Act 2002 and respectively dated 26th January 2009 and 29th January 2013. The provision of responses to these was ultimately delegated to Kenova.

31 Kenova Interim Report, §§2.3, 48.4 and 65.8; Kenova Interim Report, §§2.3, 48.4 and 65.8; In the matter of an Application for Judicial Review by Freddie Scappaticci [2003] NIQB 56: <https://www.judiciaryni.uk/judicial-decisions/2003-niqb-56>.

9.19 Furthermore, Kenova considers that official confirmation or denial that Frederick Scappaticci was or was not an agent would not create or increase any risk or cause any damage to the public interest:

(1) Risk to Scappaticci or those associated with him

Scappaticci is deceased and so cannot be put at risk. If there was any risk to those associated with him, this already exists as a result of the pre-existing and widespread belief that he was Stakeknife - it would not be increased by confirmation and it could only be decreased by denial.

(2) Risk of inhibiting the recruitment or retention of agents

It is highly unlikely that an actual or potential agent would be deterred from providing intelligence if and only if Scappaticci's status as an agent was officially confirmed or denied. Any such individual would know that Scappaticci was credibly alleged to have been an agent and had to be resettled under a new identity as a result. This can only stand as a stark reminder of the fact that absolute secrecy cannot be guaranteed and agents run the risk of identification, particularly where they commit serious crime. Confirmation or denial of Scappaticci's status now, decades after relevant events and in circumstances where he is deceased and a police investigation has found evidence that he committed crimes of the worst possible kind, is unlikely to prompt anyone to think "that could happen to me". Even if this were to happen, it is even less likely that such an individual would think, "I am happy to run the risk of compromise, provided I know the authorities will never officially confirm or deny the truth". Furthermore, there is no evidence to suggest that potential sources have been deterred by the official statements made confirming or denying the agent status of, e.g. Brian Nelson, Declan Casey, William Stobie, Kenneth Barrett, Gary Haggarty, Seamus Morgan, Brian McNally and Jean McConville.

9.20 The history of Kenova's requests for government permission to identify Stakeknife are set out above including, most recently, the letters from Sir Iain Livingstone to SoSNI dated 17th December 2024 and 10th April 2025 and SoSNI's reply dated 13th August 2025. In both letters, Sir Iain also offered to meet the Secretary of State and other Ministers if necessary to outline the position of Kenova and the families who are desperate to know the truth. No response to these offers was received.

- 9.21 The policy of NCND is clearly of significant importance in protecting sources of intelligence and encouraging those with intelligence to come forward and act as agents. However, the Stakeknife case is a clear example of where its dogmatic blanket application undermines confidence in communities, provides protection to no one, and an exception would have no effect on future recruitment or retention of agents. Indeed, the public interest would be best served by naming Stakeknife. The brother of one of the victims whose murder was investigated by Operation Kenova and featured in a recent BBC podcast powerfully stated, “For me personally and I am presuming for a lot of families, NCND has ended any hopes of truth”.³²

Recruitment of Stakeknife

- 9.22 Operation Kenova established that the Army’s cultivation and recruitment of Stakeknife began in the late 1970s and he thereafter continued to operate as an agent into the 1990s. The motivation for him first wanting to become an agent appears to have been linked either to a risk that he was facing criminal prosecution or a desire for financial gain. His ‘Military Source Record Document’ lists a number of other reasons for his continuing to work for the security forces. These include a wish for the armed conflict to end, dissatisfaction with the PIRA hierarchy (a theme that was to continue throughout his time as an agent) and a desire to protect his family. On first being approached by Army agent handlers, Stakeknife is reported as saying that he had wanted to assist the security forces for some time but did not know how to go about making contact.
- 9.23 Senior officers from within RUC SB were fully aware of the recruitment and identity of Stakeknife. The Army had to seek RUC clearance before recruiting any agent in order to avoid any compromise or conflict between existing security force agents. MI5 staff were also aware of the agent and his identity from the outset, an important fact underlined by the disclosure to Kenova of the further MI5 material.
- 9.24 Once the screening process was completed, the agent had his first meeting with his handlers. Over the course of his time as an agent he was assigned various pseudonyms including that of Stakeknife. He was also allocated a variety of other code names and numbers.

Active operation of Stakeknife

- 9.25 By way of background, Annex B below sets out the history, role and structure of the FRU during the Troubles.

³² BBC “Cover” Podcast, Series “Stakeknife”, Episode 10 “Frank”, 1st February 2025.

- 9.26 The handling of Stakeknife was originally undertaken by the 39 Brigade Research Office (BRO) but due to the high levels of information he was providing and his access to key PIRA personalities, a dedicated sub-unit was soon established in its headquarters specifically to deal with his intelligence.³³ This sub-unit was based in secure accommodation which was established in the period after his recruitment and known colloquially as 'the Rat Hole'. According to statements from former FRU personnel, the only purpose of the 'Rat Hole' was to provide an environment whereby Stakeknife's handlers could manage him separately from other Army agents. His handling was directly overseen by the FRU Commanding Officer supported by an Operations Officer. MI5, at FRU request, provided an administrative support officer to maintain an accurate filing record of FRU intelligence, including that derived from Stakeknife. FRU handlers were assigned to Stakeknife from anywhere between one to four years and one was assigned for a total of seven years albeit with a break for one year.
- 9.27 The Rat Hole was not staffed 24/7, but a phone line dedicated solely to Stakeknife was established and staffed round the clock within the Intelligence Section thus providing him with the ability to pass intelligence at any time of the day or night.
- 9.28 A bespoke intelligence database, known as 'Bog Rat 3970' or 'Osbourne', was created for exclusive use within an existing system to handle Stakeknife's reports. Although Army personnel have described this unique system, Operation Kenova was unable to locate or recover any physical evidence of its existence.
- 9.29 Stakeknife's intelligence was passed to RUC SB and MI5 in various formats, including Military Intelligence Source Reports (MISR) or MISR Supplements. These often used his numerical codenames and they were frequently entered into computerised military intelligence databases. In addition, Operation Kenova recovered another military document called a Special MISR Supplement which was used to record intelligence from agents deemed to be of special significance. The intelligence was still attributed to the agent, but these Supplement documents were generated using a manual typewriter rather than a computer and, when cross-referenced, much of the intelligence they contained was not uploaded onto the computerised intelligence database. In fact, some of the documents had specific instructions that the intelligence should not be uploaded onto such systems.
- 9.30 MISRs and MISR Supplements were delivered direct to RUC SB on a daily basis. Special MISR Supplements were passed directly from FRU headquarters to the Deputy Head of SB who would then pass them on to the relevant SB department.

³³ Further background on Army agent handling in Northern Ireland during the Troubles in general and the work of FRU in particular is set out in Annex B below.

- 9.31 There was also a period when intelligence was being passed using a document called a Digest of Army Source Intelligence Supplement. These were transmitted via TELEX and distributed to various agencies including the RUC SB and MI5. They contained multiple pieces of intelligence from multiple sources with no apparent attribution. However, further analysis by Operation Kenova revealed that various number codes typed next to each section were in fact attribution codes. When the content of the intelligence was further cross-referenced, Operation Kenova was able to establish that the agent had been assigned a variety of additional five figure code numbers, separate from those that were already known. It is assessed that the use of several different code numbers was intended to prevent the agent's true identity being revealed through a 'jigsaw' or 'mosaic' effect.
- 9.32 Over the period of a decade or so when Stakeknife was most active, the number of reports produced attributed to him remained constant and on average he was being met by his FRU handlers every seven to eight days. However, by the early 1990s the number of meetings and reports had dropped off and it was assessed that his position and influence within PIRA had weakened. By the time he stopped providing information later that decade, he was providing intelligence that was considered more political or strategic than operational or tactical.
- 9.33 By this time, Stakeknife was beginning to voice concerns about the way he was being treated and the significant period of time he had spent as an agent was taking its toll. He made it clear that he was unhappy that two of his long-term handlers had been reassigned to other work and asked for them to be reinstated, a request that was ultimately refused. He was also concerned that once the peace process was concluded, he would be passed to the RUC to continue working as agent.
- 9.34 Despite his apparent reluctance, the Army was keen for Stakeknife to continue operating as an agent. He was told during various meetings that his work remained unfinished and that his valuable input would be sorely missed. He was asked for and continued to provide his opinions on a variety of topical issues, including developments within the Sinn Féin and PIRA leadership relevant to the peace process.
- 9.35 It is clear that the Army was not only willing to continue massaging the agent Stakeknife's ego, e.g. telling him that if he decided to stop working "the loss would be felt throughout the intelligence world", it was also willing to ensure he was very well rewarded financially. Kenova understands a number of financial incentives were offered both during and beyond the period of time Stakeknife was operationally active. These ranged in value from roughly the equivalent of an average wage to lump sums of tens of thousands of pounds, including to assist with the purchase of property.

Intelligence recovered

- 9.36 During the course of its investigation, Operation Kenova recovered a myriad of documents held by the security forces which relate to the handling of Stakeknife and his reporting, including documents not obtained or seen by previous legacy investigations. This has allowed a picture to be built of the agent and his activities based on fact rather than supposition.
- 9.37 Part of the work undertaken by Operation Kenova was to recover as much of the reporting that his Army handlers attributed to him in the period of well over a decade when he was active as an agent. This undertaking was not quite as straightforward as originally thought. It might have been expected that the Army would have retained a record of his reporting given his apparent importance; one military report refers to Stakeknife as, "One of the most productive long term agents run by any agency in Northern Ireland".
- 9.38 In this regard, numerous contemporaneous documents were generated:
- (1) Agent debriefs normally took place at 'Debrief Centres' (DBC) and were usually recorded on audio cassette tapes. Once a debrief was completed, the handler would return to Military Intelligence (G2) at the Army's Northern Ireland headquarters at Thiepval Barracks, Lisburn (HQNI) and immediately give an oral debrief to the FRU Operations Officer and Commanding Officer.
 - (2) Former FRU staff stated that audio tapes from the DBC would then be transcribed, a task that was originally undertaken by staff from the MI5 Secretariat. However, this changed in the mid-1980s when the FRU Commanding Officer took control of all Army agent material and the tapes from DBC were thereafter typed up by staff from FRU.
 - (3) A copy of each complete transcript was then placed on the agent's personal file which contained all the intelligence and information acquired from them, including transcripts and MISRs and, occasionally, collateral information from other agencies. Also included in these files were the contact forms which were created for every physical meeting with an agent.
- 9.39 Notwithstanding the above, MOD stated that most of the original documentation containing Stakeknife's intelligence had been destroyed, albeit that some copies had been retained on a computerised intelligence database.

- 9.40 This should be considered in contrast with the documentation recovered by the Stevens Inquiry when it was investigating the activities of other Army agents, including Brian Nelson. The Stevens team was able to locate and seize original documents from MOD, including some of the original notes made by the agent handlers during their many debriefs with Mr Nelson. These documents would prove to be a vital tool in the evidential chain that was used to successfully prosecute him and others.
- 9.41 Operation Kenova has been able to assess that similar original documents relating to Stakeknife were in existence at the time Lord Stevens began his investigation into Stakeknife. In a military document dated February 2001, a list of documents supplied to Stevens in relation to Stakeknife includes '2 x files containing CF's' (contact forms). It is unclear what happened to these as the number recovered by Operation Kenova from the Stevens files was tiny when compared to the agent's total output. They may have been returned to MOD when the Stevens Inquiry disbanded, but what is clear is that at some point in the post-Troubles era, similar original documents linked to Stakeknife and other agents were destroyed.
- 9.42 Fortunately, further enquiries revealed that a majority of the reporting attributed to Stakeknife was passed to RUC SB and other agencies in various written formats and these reports are still in existence. Although they could not be described as 'originals', they allowed investigators to build a comprehensive record of the agent's reporting. However, the absence of original documents was a considerable evidential problem when developing and reporting a case for potential prosecution.
- 9.43 From the outset of his deployment, the amount of intelligence attributed to Stakeknife was vast. Operation Kenova recovered three hundred and seventy-seven intelligence reports attributed to him over an eighteen month period at the start of his career as an agent. In one eleven day period, it is recorded that he contacted his handlers by phone on two occasions and was met on a further four occasions. In total, three thousand, five hundred and seventeen separate reports containing intelligence attributed to Stakeknife were recovered. Some of these contained only a single line of intelligence or very mundane information, e.g. sightings of individuals in the street, individuals seen talking in various drinking establishments or snatches of overheard conversations. However, much of it was valuable and many reports contained multiple strands of intelligence over many pages.
- 9.44 It must be acknowledged that the complete reporting picture was not recovered, e.g. intelligence passed orally over the phone may not have been recorded and would now be impossible to recover. Reports may have been misfiled or inadvertently destroyed.

- 9.45 There are other gaps in the reporting schedule which can be explained. For example, towards the end of 1980's, the FRU Commanding Officer decided to stop sharing intelligence attributed to the agent with RUC SB, accusing it of using it to identify a suspect involved in the murder of a police officer without permission and claiming that this could have led to the compromise of another agent's identity. This withholding of intelligence was eventually rescinded. FRU's mistrust of the RUC SB lasted for several months and although other intelligence was passed on by other FRU detachments, there is no trace of any reporting attributed to Stakeknife being relayed.
- 9.46 There are, however, gaps in the intelligence record that cannot be explained. Operation Kenova has seen reports where Stakeknife is attributed with providing intelligence about a particular event but on further examination a corresponding report cannot be located.
- 9.47 Although Stakeknife was undoubtedly prolific, the true value of an agent's intelligence must be measured by reference to how effectively it is used. Operation Kenova assesses that there were mechanisms in place to share all military intelligence and to action exploitable or life-saving intelligence. However, there is clear evidence that these mechanisms were overlooked at times and vital intelligence and information was not shared with those who could have used it effectively to protect life.
- 9.48 One 1987 document passed from the Army to RUC SB outlined arrangements for the dissemination of intelligence using MISRs and included the dissemination markings with which each type of MISR would be routinely marked. MISRs would be marked as 'Limited Dissemination', MISR Supplements as 'No Downward Dissemination' and Special MISR Supplements and extracts from other sensitive debriefs as 'No Dissemination'. Other reporting attributed to Stakeknife and seen by Operation Kenova was also marked by the Army as 'No Action to be Taken Without Reference to the Originator'.
- 9.49 Kenova investigators were informed by RUC SB personnel that once they received the intelligence their hands were tied due to these restrictive markings. However, Army personnel are generally clear that responsibility for the exploitation of intelligence was a matter for RUC SB. A military directive issued in 1991 stated, "the FRU are not responsible for the exploitation of intelligence, which remains an RUC (SB) responsibility".
- 9.50 There have always been mechanisms in place for intelligence provided by sources to be passed to the relevant authorities in ways which protects the identity of the source. The entrenched position adopted by both the Army and RUC SB resulted in vital intelligence that could have been used to save lives and identify suspects being quietly filed away

rather than being acted upon. Time and again, it would appear that protecting the agent outweighed protecting the life of a victim or protecting the right of their families to see justice for the crimes committed against their loved ones.

Deactivation and resettlement of Stakeknife

- 9.51 Towards the latter part of Stakeknife's deployment, his position became more precarious and there was a real possibility that his true identity would be revealed by way of numerous media reports which were linking unnamed high ranking PIRA personnel with the security forces. The Army therefore began to discuss his possible relocation and resettlement and consulted the government body responsible for this - MI5's Central Resettlement Unit (CRU) - around options for moving Stakeknife away from Northern Ireland.
- 9.52 There was also concern that allegations being aired in the media would lead to an RUC investigation and assurances were sought from RUC SB that the agent would not be vulnerable to the allegations being made. The CRU was clear that although MI5 could not prevent Stakeknife being interviewed as part of a criminal investigation, it would provide him with independent legal representation, who MI5 assessed would probably advise Stakeknife to exercise his right to silence.
- 9.53 It is also apparent that the Army anticipated that Stakeknife could be vulnerable in the future to third party claims made against him for crimes he committed whilst being a member of PIRA. Options were discussed that would serve to obscure the ownership of Stakeknife's assets to protect the assets from any potential claims. Operation Kenova has not found evidence that such steps were taken, but the fact that they were being discussed indicates an awareness within the security forces that Stakeknife was involved in serious criminality whilst an agent and liable to be the subject of related allegations and claims
- 9.54 The first attempt to resettle the agent Stakeknife on the mainland was short-lived and an abject failure. His handlers described his behaviour as cavalier and said that he was not only putting his own life at risk, but the lives of those charged with looking after him.
- 9.55 After a short period, and without any consultation with his handlers, Stakeknife returned to Northern Ireland. It was only due to the fact he was seen driving a vehicle in Belfast that the CRU became aware he had left Great Britain. Neither the Army nor MI5 appeared capable of effectively controlling Stakeknife, an individual who at one point described himself as 'a special case'.

- 9.56 Prior to his permanent resettlement in the mid 2000's, Stakeknife remained living in Belfast, although there were attempts to persuade him to move to other, safer areas of Northern Ireland. He was offered money to purchase property and consideration was given to five and six figure financial incentives to cover a pension or annual salary.
- 9.57 Operation Kenova was unable to ascertain how much money the agent was paid in total. However, it is well documented that when he was finally resettled in Great Britain he was accommodated in a detached property, with a car and was able to enjoy a social life with people who had no idea of his past life. It is also known that he had limited contact with members of his family. There is no evidence that he participated in any paid employment after his move to Great Britain.
- 9.58 When the resettlement of Stakeknife was originally being considered in the 1990's, there was communication within the Army about arranging a 'Farewell Dinner', including a list of those who would attend and a likely venue. There is no evidence that this event took place, but the fact it was even considered demonstrates a significant breach of the demarcation that should exist between an agent and their handlers.
- 9.59 It is Operation Kenova's view that checks and balances that should have been in place to manage the agent effectively were ignored through an apparent perverse sense of loyalty to Stakeknife and these blurred lines allowed him to continue to commit serious criminal offences for which he was never brought to justice.

Further MI5 material

- 9.60 In regard to new information, the further MI5 material referred to above also disclosed two incidents when Stakeknife's FRU handlers took him out of Northern Ireland for a holiday when they knew he was wanted by the RUC for conspiracy to murder and false imprisonment. For these purposes, Stakeknife was flown by military aircraft and given military identification. MI5 was aware of the FRU's operational activity at the time. This issue is discussed further in chapter 12 below.

10. Evidential challenges

- 10.1 PPSNI highlighted a number of challenges facing reliance on the material submitted by Operation Kenova within its case files.³⁴ These were structural challenges of a kind which will inevitably arise in any case concerned with security and intelligence and the possible misconduct of agents and their handlers. Whilst the material obtained by Operation Kenova has helped shape a fuller public narrative and has been invaluable in preparing family reports, it is recognised that there is a higher threshold in terms of information that could be used to bring criminal prosecutions. Kenova recognises that there were numerous evidential challenges pertaining to that material which had an impact on the ability of PPSNI to use it as the basis for prosecutions. These challenges related to the admissibility of statements and intelligence records and witness evidence.
- 10.2 Notwithstanding these challenges, which are outlined further below, it is reasonable to expect and indeed require that where crimes are alleged against those acting for or on behalf of the state, they will be pursued by law enforcement bodies to the fullest extent possible.

Intelligence as evidence

- 10.3 Intelligence reports pointing to the commission of offences, suspects and victims are invaluable to any investigation. At times, the amount of intelligence available to Operation Kenova enabled it to identify that the security forces were fully aware that an offence was going to take place, even down to the date and time it would occur. Intelligence also named suspects, pinpointed locations where offences were committed and identified the vehicles used. However, when dealing with intelligence passed from an agent to their handler, it can be difficult to connect the various records together into a strong evidential chain.
- 10.4 In general, documentary intelligence reports are not as reliable or powerful as witness testimony when it comes to building a prosecution case. The PPSNI prosecution decisions on Kenova cases cited various reasons why this type of evidence is problematic including: issues identifying those who provided the intelligence; their expectation that their assistance would not be revealed, let alone admitted in evidence; issues with accuracy and completeness and the limited purpose of intelligence reports, particularly in circumstances where the contents could be 'sanitised' to protect their source; and difficulties calling the source of the intelligence in order to test its reliability.

³⁴ PPSNI statement dated 6th December 2023, §§4.1-6.3: <https://www.ppsni.gov.uk/news/pps-issues-decisions-files-submitted-operation-kenova>.

- 10.5 Notably, the use of intelligence reports raises significant issues in respect of the rules applying to reliance on hearsay evidence during criminal proceedings, especially when it is a key part of a prosecution case and may have been documented on a second or third hand basis. PPSNI also highlighted the fact that Operation Kenova was unable to recover the original Army agent files (including the contact forms) pertaining to Stakeknife and was reliant on copies passed to the RUC SB and MI5.³⁵ As PPSNI said, “the available intelligence may have been recorded in a report, but that report may have been derived from an earlier report which itself was based upon an original record, neither of which are available”.³⁶
- 10.6 At the very start of the investigation, Kenova sought independent legal advice from senior counsel on the challenge of converting intelligence product into admissible evidence. In an attempt to strengthen the quality of admissible evidence Kenova obtained witness statements from former FRU staff who dealt with the process of creating MISRs, including those generated after meetings between Stakeknife and his handlers. One of the witnesses was able to identify their handwriting on relevant MISRs relating to the agent. The MISRs were completed very soon after the agent meetings and were checked by the handlers for accuracy before being submitted to senior officers within FRU to decide if they should be shared with the RUC SB.
- 10.7 Operation Kenova also obtained witness statements from former handlers of Stakeknife, and other FRU handlers. They provided evidence in respect of their training and stated that any information taken from an agent always needed to be accurate. They were taught not to embellish or diminish the information they were receiving in any way. The information on a MISR had to be accurate, but the intention was that the information shown would not identify its source. The handlers were trained to create timeous records of the meetings (often from actual audio recordings) while the account of the discussion was fresh in their memories.
- 10.8 Whilst MISRs formed the bulk of the recovered records, Operation Kenova also recovered and presented two verbatim transcripts of extended conversations between Stakeknife and his handlers. These had been recorded on a portable cassette recorder at the time and the audio tapes had then been typed out word for word, albeit that the tapes were not available and, according to MOD, had been destroyed. Although other such recordings and transcripts would have been produced at the time, MOD said it was unable to recover eight rolls of microfiche believed to contain copies.

³⁵ As mentioned above, the Stevens Inquiry had access to a large number of Stakeknife contact forms, but for some reason these were not retained by MOD and so were unavailable to Kenova.

³⁶ PPSNI statement dated 6th December 2023, §4.5: <https://www.ppsni.gov.uk/news/pps-issues-decisions-files-submitted-operation-kenova>.

- 10.9 One final option explored by Operation Kenova was seeking a decision by PPSNI absolving some or all of Stakeknife's handlers from the risk of prosecution for offences such as Misconduct in a Public Office. This would have enabled the handlers to potentially provide evidence incriminating Stakeknife in serious criminality a number of the intelligence reports clearly showed that his handlers were aware that lives were at risk but failed to act appropriately resulting in the loss of life or serious injury to others. Kenova assesses that Stakeknife was often very frank with his handlers concerning his direct involvement in serious criminality including murder and these confessions were recorded by the handlers in MISRs and other specially designed forms, in accordance with the training they had received. If the handlers had been able to provide evidence for the prosecution identifying MISRs they had created, then an application could have been made to have the documents accepted as evidence.³⁷ However, PPSNI concluded it would not be possible to absolve any of the handlers of Stakeknife from the threat of prosecution when they had already been designated as suspects, interviewed under caution and reported for prosecution decisions.
- 10.10 There is no doubt that had Operation Kenova been able to access the original notes and audio recordings that were made at the time Stakeknife was meeting his handlers, this would have strengthened the evidence submitted to PPSNI.

Bad character evidence

- 10.11 Although the most common type of evidence referred to when presenting evidence of bad character is previous convictions, it can include other evidence of reprehensible behaviour provided this is not linked to the offence for which the defendant is being prosecuted.
- 10.12 Evidence of bad character would only have been admissible in this case if it fell within one of seven 'gateways' set out in the Criminal Justice (Evidence) (Northern Ireland) Order 2004. One of these includes the ability for the prosecution to adduce evidence which is relevant to the issue whether the defendant has the propensity to commit offences of the kind for which they have been charged. However, it will not be admitted if it appears that to do so would have such an adverse effect on the fairness of the proceedings that it ought not to be or if the prosecution is using it to try and enhance a weak case.
- 10.13 PPSNI recognised that a number of the suspects included in the files had previous convictions, which they were asked to consider as evidence of bad character. However,

³⁷ Even if they were accepted, they would still have to be declared hearsay as the MISRs were copies, created from original contact forms which were not retained.

it decided that all the civilian suspects were either members of or associated with PIRA and a previous conviction linked to involvement with PIRA made it no more likely that they committed an offence than anyone else in the same position. Accordingly, the available bad character evidence would not have had any real probative value and so added little to the evaluation of the prospects of a successful prosecution.

Witness evidence

10.14 Operation Kenova was able to gain the trust of many potential witnesses and as a result obtained witness statements from persons who had never before given evidence to investigators, as well as obtaining fresh statements which contained new or additional information from those who had previously cooperated with investigators. On some occasions the witness evidence was of what others had told them and so was hearsay evidence. In other cases, witnesses purported to give accounts which implicated suspects in criminal offending. However, both Operation Kenova and PPSNI identified various issues with some of these accounts. For example, some witness statements were inconsistent with accounts they had provided previously and two identifications were made on the basis of purported voice recognitions several decades after the relevant events. In addition, there were other witness accounts for which Operation Kenova could find no corroboration. Taken together, these types of issues made it difficult for the evidential threshold required for prosecutions to be met in some instances.

11. Alleged criminality

Overview

11.1 This chapter summarises the thirty-two “cases” investigated by Operation Kenova and the twenty-nine “files” which it submitted to DPPNI on those cases:

- (1) The cases comprised those falling within the Operation Kenova ToR together with the murders of John Bingham, Caroline Moreland, Joseph Mulhern and Thomas Oliver. Some cases related to a single incident, offence or victim, some embraced more than one offence or victim and some related to conduct or other matters which were connected in another way.
- (2) While some files related to a single case, some dealt with more than one, e.g. where a primary offence of murder was committed and there was also evidence that agent handlers had failed to pass on relevant information which could have saved the victim’s life. Accordingly, the overall number of cases set out below does not match the number of files submitted.

- 11.2 The majority of the files named the agent Stakeknife as a suspect in connection with more than two dozen offences. A further thirty-seven individuals were also named as suspects, including sixteen serving or former members of the security forces (twelve FRU officers, two RUC officers and two MI5 officers), a former PPSNI prosecutor and twenty civilians alleged to have been members of PIRA. The allegations made included murder, conspiracy to murder, false imprisonment, conspiracy to pervert the course of justice and misconduct in a public office.
- 11.3 Although 'no prosecution' decisions or 'no decision' outcomes were ultimately arrived at on every case, DPPNI acknowledged that all of the investigations were extensive and complex and estimated that the files submitted comprised over sixty thousand pages.

Cases investigated

- 11.4 The tables below give an overview of the relevant cases broken down into the following categories by reference to the Operation Kenova ToR: (1) Stakeknife allegations; (2) security forces allegations; (3) civilian / PIRA allegations; (4) perjury allegations; and (5) other allegations. The material has been summarised in bullet form to aid ease of understanding, but in each case there will invariably be additional context to the underlying information. References to Frederick Scappaticci have been included when his involvement is part of the publicly known factual matrix and should not be construed as an indication that he was or was not Stakeknife.

1. Stakeknife allegations: Whether there is evidence of the commission of criminal offences by the alleged agent STAKEKNIFE including, but not limited to, murders, attempted murders or unlawful imprisonments

Case	Offence	Summary of material presented
1.	<p>Conspiracy to Murder</p> <p>Conspiracy to Unlawfully Imprison</p>	<ul style="list-style-type: none"> • PIRA ISU conducted investigation after suspicions raised that victim was an alleged agent for RUC SB. • Stakeknife fully involved in investigation and informed FRU handlers that: victim had been abducted and taken to the Republic of Ireland for interrogation; he (Stakeknife) would be involved in the interrogation and would have access to a firearm; and highly likely victim would be shot if found guilty. • Victim's ordeal during interrogation set out in detail in FRU records of Stakeknife debriefings. • Stakeknife played a central role in securing an alleged confession from the victim and was involved in his 'court martial'. • FRU handlers were aware that consideration was being given to murder of victim. • During the abduction/interrogation, RUC SB was supplied with information as to victim's whereabouts and who was involved. • FRU was aware of the escalating threat to the victim, as was RUC SB. • RUC SB failed to pass on any information to AGS (so it could attempt a rescue), apparently in mistaken belief victim would not be shot. • RUC SB in possession of significant information about those involved in the abduction, interrogation and murder and failed to pass any of it on to RUC CID Investigation Team.

<p>2.</p>	<p>Conspiracy to Murder</p> <p>Conspiracy to Unlawfully Imprison</p>	<ul style="list-style-type: none"> • Stakeknife provided FRU handlers with information that: victim suspected of being an alleged agent; and he (Stakeknife) was involved in a PIRA ISU investigation into these suspicions. • FRU supplied RUC SB with information provided by Stakeknife that a plan was in place to lure the victim to the Republic of Ireland, then abduct and interrogate him. • RUC SB made no attempt to warn victim of threat. • Stakeknife provided FRU handlers with information that victim had allegedly admitted being an agent and had been sentenced to death - intelligence report dated three days before the victim's body was discovered. • Stakeknife involved in interrogation of victim. • RUC SB passed intelligence to AGS that victim being held at an address in the Republic of Ireland, but AGS went to wrong address and PIRA ISU escaped with victim who was killed the following day. • Information supplied by Stakeknife named those involved in the conspiracy to abduct, interrogate and court martial the victim, but this was not shared with RUC CID Investigation Team.
<p>3.</p>	<p>Conspiracy to Murder</p> <p>Conspiracy to Unlawfully Imprison</p>	<ul style="list-style-type: none"> • Stakeknife provided his FRU handlers with significant information about the planned abduction, including the date and time and where the victim would be held; the interrogation, including the names of those involved; and the murder. • This information was not passed to RUC SB until after the murder had occurred. • Stakeknife played an active role in extracting an alleged signed confession from the victim and actively sought an execution decision from members of PIRA Army Council.

		<ul style="list-style-type: none"> • The weapon used to murder the victim was previously used in a number of other offences. • The information received in relation to this murder was never shared with the RUC CID Investigation Team.
4.	<p>Conspiracy to Murder</p> <p>Conspiracy to Unlawfully Imprison</p>	<ul style="list-style-type: none"> • Stakeknife provided information on a number of occasions that the victim was suspected by PIRA ISU of being an alleged agent in the months leading up to his murder. • Stakeknife was actively involved in the investigation into allegations the victim was an agent. • Prior to the abduction, Stakeknife provided information which resulted in the area where the victim was held being declared 'Out of Bounds' (<i>Note: Authority was required to enter the area effectively meaning there would be no security force presence</i>). • Stakeknife was fully aware of where the victim was to be held during his interrogation. • Stakeknife provided his FRU handlers with a detailed report of the interrogation and claimed that the victim eventually 'confessed' he was an agent for the RUC • Stakeknife provided further information which resulted in the 'Out of Bounds' warning being lifted the day after the murder. Stakeknife provided further information which resulted in the 'Out of Bounds' warning being lifted the day after the murder. Stakeknife was involved in the interrogation and claimed he called his FRU handlers just prior to the victim being shot.
5.	Conspiracy to Murder	<ul style="list-style-type: none"> • A key suspect had been involved in an altercation with the victim prior to his murder. • The firearm used in the murder of the victim was previously in the possession of a key suspect.

		<ul style="list-style-type: none"> • A key suspect told a witness the victim had been shot in the head and then bludgeoned to death. • A key suspect was named in intelligence as being involved in the murder. • Stakeknife provided his handlers with a detailed account of the events surrounding the victim's abduction, interrogation and murder. This was corroborated by forensic and witness testimony. • Stakeknife played a role in the murder of the victim and information about this was not dealt with appropriately by his FRU handlers.
6.	Conspiracy to Murder	<ul style="list-style-type: none"> • Stakeknife was involved in the initial interrogation of the victim who had 'surrendered' for debriefing after being arrested. • Stakeknife suspended victim from PIRA on suspicion he had spoken to RUC SB. • Stakeknife informed senior PIRA member of the suspension, leading to the victim's abduction, interrogation and murder. • Stakeknife was fully aware of the date and time the victim would be 'lifted' and passed details to his FRU handlers. • Witness testimony that Stakeknife gave details of where the victim had been held and details of the injuries inflicted upon him.
7.	<p>Conspiracy to Murder</p> <p>Conspiracy to Unlawfully Imprison</p>	<ul style="list-style-type: none"> • After the victim's murder, his family received a letter through the post. The handwritten letter was a confession by the victim that he was an agent for the RUC. • The letter was retained by the family and handed to Kenova and DNA testing identified a known PIRA member from the gummed flap of the envelope.

		<ul style="list-style-type: none"> • Kenova arrested and interviewed the suspect and submitted a file to DPPNI. • There was intelligence that the victim was suspected of being an agent and could be in danger • The victim was warned about the threats in general terms. • The threats against the victim were not acted upon appropriately by the RUC. • Stakeknife was involved in the initial investigation into allegations that the victim was an agent and provided information to his FRU handlers that: the victim was a suspected agent and the reasons why this was the case; and the plan to abduct the victim and how this would be carried out.
8.	Conspiracy to Murder	<ul style="list-style-type: none"> • Stakeknife provided very detailed information to his FRU handlers about: the victim's abduction and interrogation; the name of one of those involved; the involvement of two unnamed others; and the victim being held in the Republic of Ireland and being likely to be brought back to Northern Ireland and shot. • Some of this information was passed back to RUC SB but graded as 'Not for Downward Dissemination' and therefore not acted upon. • Both FRU and RUC SB were aware that the victim's life was in danger but failed to pass this on.
9.	Conspiracy to Murder	<ul style="list-style-type: none"> • Stakeknife was involved in the abduction and interrogation of the victim five months before he was abducted for a second time and murdered. • While the victim was being held, RUC SB were in possession of intelligence which clearly indicated that his life was in danger. • The intelligence was graded as 'Not for Downward Dissemination' and therefore not acted upon.

		<ul style="list-style-type: none"> • Stakeknife was involved in the court martial of the victim which authorised his execution. • Although RUC SB was in possession of multiple intelligence reports that the victim was dead, the RUC never informed the family and continued to treat the matter as a missing persons enquiry.
10.	Conspiracy to Murder	<ul style="list-style-type: none"> • A key suspect was in possession of bugging devices that were taken from the victim during his interrogation. • Witness testimony stated that Scappaticci said that the victim had been shot in the head. • Stakeknife informed his handlers that the PIRA ISU was investigating a suspected agent three days before the victim was abducted and murdered. • Information given to a witness by a named suspect about the victim's actual murder mirrors a description given in the book "Killing Rage" some years later.³⁸
11.	Conspiracy to Murder	<ul style="list-style-type: none"> • Stakeknife informed his FRU handlers that the victim was suspected by PIRA ISU of being an alleged agent and an investigation was being carried out. • Stakeknife was involved in this investigation and provided his FRU handlers with accurate details of the victim's impending abduction including the date, time and an address where he would be taken. • Stakeknife was involved in the interrogation of the victim and this was known to his FRU handlers. • RUC SB was informed that the victim was to be abducted and provided with the date, time and location it would happen, but it decided that the victim would not be harmed and made no attempt to warn him that he was in danger.

³⁸ Collins, "Killing Rage" (1998).

		<ul style="list-style-type: none"> • Security force personnel were carrying out surveillance at the first address the victim was taken to after his abduction but were stood down and no intervention was planned or conducted. • During the original murder investigation, RUC CID identified the address and planned to search the premises, but it was prevented from doing so by senior RUC SB officers. • Other vital intelligence connected to this murder was withheld from the RUC CID Investigation Team severely hampering its pursuit of those involved.
12.	Conspiracy to Murder	<ul style="list-style-type: none"> • Reliable intelligence linked Scappaticci to the early stages of the victim's interrogation. • A witness stated Scappaticci had said the victim had been shot for being an alleged agent and had made a taped confession.
13.	Conspiracy to Murder	<ul style="list-style-type: none"> • Stakeknife was involved in an extensive PIRA ISU investigation into allegations that the victim was an alleged agent. • The weapon used to kill the victim was previously used in a number of other offences including murder and a punishment shooting. • A key suspect implicated in another murder where the same firearm was used. • The same key suspect was involved, with others, in a punishment shooting in which the same firearm was used. • Stakeknife provided his handlers with a detailed account of the abduction and interrogation of the victim. • Members of FRU failed to deal correctly with intelligence received from the agent Stakeknife in respect of this murder.

14.	Conspiracy to Murder Conspiracy to Unlawfully Imprison	<ul style="list-style-type: none"> • Witness testimony that Stakeknife admitted he was present when the victim was murdered. • Witness testimony that Stakeknife had been with the victim on PIRA operations on at least two occasions.
15.	Conspiracy to Murder Conspiracy to Unlawfully Imprison	<ul style="list-style-type: none"> • Victim abducted and unlawfully imprisoned but rescued by RUC pursuant to information provided by Stakeknife who also provided information outlining his involvement in the offence. • Witness testimony that a key suspect was involved in the interrogation.
16.	False Imprisonment	<ul style="list-style-type: none"> • Victim was instructed to attend meeting with PIRA ISU to be interrogated. • A Key suspect was involved in the abduction and false imprisonment of the victim and part of the interrogation team. • Stakeknife did not warn his FRU handlers about the planned abduction and interrogation but gave them detailed information after the event.
17.	Conspiracy to Murder Conspiracy to Unlawfully Imprison	<ul style="list-style-type: none"> • Stakeknife informed his FRU handlers four weeks prior to the offence that the victim was likely to be abducted and interrogated. • Witness testimony that a key suspect was involved in the interrogation of the victim. • Both newly and originally obtained forensic evidence linked a key suspect with the scene of the abduction and interrogation.
18.	Conspiracy to Kidnap False Imprisonment Unlawful Wounding	<ul style="list-style-type: none"> • Stakeknife informed his FRU handlers of the intention of PIRA ISU to abduct and interrogate the victim. • FRU handlers were aware of the date and place the abduction was to take place. • Stakeknife provided other information which implicated him as taking an active role.

		<ul style="list-style-type: none"> • Witness testimony naming several key suspects as being present during the abduction and stating that one of the suspects assaulted the victim during the interrogation.
19.	<p>Conspiracy to Murder</p> <p>Conspiracy to Unlawfully Imprison</p> <p>Unlawful Possession of Firearms</p>	<ul style="list-style-type: none"> • Witness testimony that a key suspect was involved in the abduction and interrogation of the victim. • Witness testimony that members of the FRU and RUC SB attempted to cover up the role played by Stakeknife. • Witness testimony that FRU provided the agent with a false alibi when his involvement in the offence became clear. • RUC received information that Stakeknife had been recognised at a venue where firearms were known to be stored. • Witness testimony that Stakeknife was involved in the storage and movement of firearms. • RUC SB failed to inform RUC CID of the whereabouts of Stakeknife even though he was implicated in various offences. • FRU handlers continued to meet the agent knowing his was implicated in various offences and wanted for serious offences.
20.	<p>Conspiracy to Kidnap</p> <p>False Imprisonment</p> <p>Unlawful Wounding</p>	<ul style="list-style-type: none"> • Stakeknife informed his handlers of the address where the victim was being held and who was involved in the interrogation. • Witness testimony that several key suspects were involved in the interrogation of the victim.
21,22, 23.	Conspiracy to Kidnap	<ul style="list-style-type: none"> • Case involving a number of victims who were abducted and held at similar times at the same venue.

	<p>False Imprisonment</p> <p>Unlawful Wounding</p>	<ul style="list-style-type: none"> • Stakeknife was known to be actively involved in a PIRA ISU investigation into whether one of the victims was an agent. • Stakeknife is known to have persuaded one of the victims to accompany him to an 'interview' fully aware the victim was to be abducted. • Stakeknife's FRU handlers were aware that this victim was suspected of being an agent. • Stakeknife supplied his FRU handlers with the exact address where this victim was being held, who was interrogating him and that the victim was being assaulted. • FRU handlers were aware that Stakeknife had committed an offence and were concerned he could be implicated in any future police investigation. • FRU handlers encouraged Stakeknife not to get too involved especially if a decision was made to kill the victim. • FRU considered Stakeknife was more important than the victim. • FRU handlers advised Stakeknife as to the best course of action to take to try and distance himself from the offences.
24.	<p>Grievous Bodily Harm</p> <p>Unlawful Possession of a Firearm</p>	<ul style="list-style-type: none"> • Witness testimony that several key suspects broke into the victim's house. • Witness testimony that a key suspect fired one of eight shots into the victim's kneecaps, ankles and elbows. • Firearm used in this offence linked to two other murder offences. • A Key suspect was implicated in the two other murder offences linked to the firearm.

25.	False Imprisonment	<ul style="list-style-type: none"> • Witness testimony that Stakeknife was involved in the unlawful imprisonment and interrogation of the victim.
26.	Conspiracy to Murder Conspiracy to Unlawfully Imprison	<ul style="list-style-type: none"> • Victim held captive for approximately two weeks, was repeatedly beaten, had his fingers broken and was threatened with a gun. • Witness testimony that Scappaticci held a gun to the head of the victim. • Independent intelligence report partly corroborates the witness testimony.
27.	False Imprisonment	<ul style="list-style-type: none"> • Statements from two victims allege that Scappaticci was involved in their false imprisonment.

2. Security forces allegations: Whether there is evidence of the commission of criminal offences by members of the Army, MI5 or other government agencies in respect of the cases connected to the alleged agent STAKEKNIFE

Case	Offence	Summary of material presented
28.	Misconduct in a Public Office Conspiracy to Pervert the Course of Justice Concealing an Arrestable Offence 6 x Former FRU Officers	<ul style="list-style-type: none"> • Stakeknife circulated as wanted for involvement in conspiracy to murder and unlawful imprisonment. • FRU handlers met Stakeknife when they knew he was wanted for an arrestable offence. • FRU informed RUC SB they were continuing to meet with Stakeknife whilst he was wanted for an arrestable offence. • Collaboration between RUC and FRU prior to Stakeknife's eventual arrest and evidence FRU handlers 'schooled' him about what to say during subsequent interviews.

	2 x Former RUC Officers	<ul style="list-style-type: none"> • RUC 'Wanted' circulation cancelled five days before his arrest. • FRU in possession of victim statement prior to any court hearing (with knowledge of the RUC) and used this to manufacture a potential defence for Stakeknife. • Evidence manufactured to explain forensic evidence found at the scene. • Stakeknife found a willing participant to provide alibi evidence and statement taken by one of the accused RUC officers. • Person making the statement later admitted it was untrue. • RUC falsely claimed in report to DPPNI that victim was an unreliable witness and did not want to testify. • No record that Stakeknife's role in the original offence was communicated to DPPNI when prosecution decision taken.
29.	<p>Misconduct in a Public Office</p> <p>6 x Former FRU Officers</p>	<ul style="list-style-type: none"> • Withheld or delayed vital information provided by Stakeknife. • In some cases, this resulted in the deaths of individuals whose lives could have been saved. • From the information itself, it was obvious Stakeknife was involved in serious criminal offences. • Made no attempt to terminate use of Stakeknife as an agent, raise any alarms with the RUC or even admonish the agent.

3. Civilian / PIRA allegations: Whether there is evidence of the commission of criminal offences by any other person in respect of the cases connected to the alleged agent STAKEKNIFE	
See Case 2	Named Suspects x 2 Conspiracy to Murder and False Imprisonment.
See Case 3	Named Suspect x 1 Conspiracy to Murder. Named Suspect x 1 False Imprisonment.
See Case 4	Named Suspects x 4 Conspiracy to Murder and False Imprisonment.
See Case 5	Named Suspect x 1 Conspiracy to Murder.
See Case 6	Named Suspect x 1 Conspiracy to Murder.
See Case 7	Named Suspects x 2 Conspiracy to Murder, False Imprisonment, Preparation/ Instigation Terrorist Related Offence, Membership of a Proscribed Organisation.
See Case 9	Named Suspects x 3 Conspiracy to Murder and False Imprisonment.
See Case 14	Named Suspect x 1 - Conspiracy to Murder and False Imprisonment.
See Case 15	Named Suspect x 1 - Conspiracy to Murder and Unlawfully Imprison.
See Case 16	Named Suspects x 2 - False Imprisonment.
See Case 17	Named Suspect x 1 - Conspiracy to Murder and Unlawfully Imprison.
See Case 20	Named Suspect x 1 - Conspiracy to Kidnap and Wounding.
See Case 21	Named Suspect x 1 - Conspiracy to Kidnap and Wounding.

4. Perjury allegations: Whether there is evidence of the commission of criminal offences by any person in respect of allegations of perjury connected to the alleged agent STAKEKNIFE

Case	Offence	Summary of material presented
30 (i)	Perjury	<ul style="list-style-type: none"> Four affidavits were sworn by Scappaticci between 2003 and 2006, one denied he was Stakeknife, and one contained a false statement.
30 (ii)	Conspiracy to Pervert the Course of Justice Misconduct in a Public Office	1 x MI5 Officer <ul style="list-style-type: none"> Allegedly aware of the existence of all four affidavits and police investigation into an allegation of perjury but did not disclose the existence of three further affidavits. 1 x MI5 Officer <ul style="list-style-type: none"> Allegedly omitted important information when briefing those considering proceedings in which two of the affidavits were sworn and also from own affidavit sworn in connection with those proceedings.
30 (iii)	Misconduct in a Public Office	PPSNI Prosecutor <ul style="list-style-type: none"> Took 'no prosecution' decision following original perjury investigation but not afforded all relevant information by MI5 and took decision after consultation with senior colleagues.

5. Other allegations: Murders investigated by Operation Kenova at the request of the Chief Constable of PSNI

Case	Offence	Summary of material presented
31.	Murder John Bingham	<ul style="list-style-type: none"> FRU handlers were aware of the identities of those involved in the murder shortly after it was carried out. FRU handlers failed to pass the relevant intelligence to the RUC SB. An intelligence report containing the names of the suspects was removed from the relevant Army file. One of the suspects involved in the murder was a FRU agent. One of the suspects involved had been observed on a number of occasions in the area near to the scene in the days leading up to the attack.

32.	Murder Caroline Moreland	<ul style="list-style-type: none"> • A prominent member of Belfast PIRA was involved in the abduction and murder of the victim. • The vehicle used to abduct the victim was driven by the suspect's brother. • The victim was taken to the Republic of Ireland and held at an address linked to a known PIRA sympathiser.
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Files submitted

11.5 A total of twenty-nine Operation Kenova files were submitted to DPPNI in six tranches as follows:

- (1) February 2020 - eight files plus one additional murder file;³⁹
- (2) June 2020 - five files;
- (3) May 2021 - ten files;
- (4) November 2021- two files;
- (5) February 2022 - one file;
- (6) December 2023 - two files.

11.6 For the avoidance of doubt, related DPPNI announcements refer to twenty-eight Operation Kenova files because PPSNI processed the additional murder file referred to at (1) above - relating to the death of John Bingham - as part of a separate workstream.

11.7 The tables below contain a breakdown of the offences covered by the abovementioned files:

1. Stakeknife allegations

Offences	Submitted to DPPNI
Conspiracy to Murder Only	8
Conspiracy to Murder Conspiracy to Unlawfully Imprison	10

³⁹ Save for the additional murder file, the first tranche of Operation Kenova files was originally scheduled to be delivered to DPPNI in October 2019. However, on the agreed day, MI5 informed all parties that the security accreditation for the PPSNI building in Belfast had lapsed and would need to be renewed before any papers could be delivered. Consequential upgrades to the building and staff training delayed this first submission to February 2020 and the additional murder file was submitted at the same time. See Kenova Interim Report, §§44.11-44.12.

False Imprisonment Only	3
Conspiracy to Kidnap False Imprisonment Unlawful Wounding	5
Grievous Bodily Harm	1
Unlawful Possession of a Firearm	2

2. Security forces allegations

Offences	Submitted to DPPNI
Misconduct in a Public Office Conspiracy to Pervert the Course of Justice	6 x Former FRU Officers 2 x Former RUC Officers
Concealing an Arrestable Offence	5 x Former FRU Officers
Misconduct in a Public Office	6 x Former FRU Officers

3. Perjury allegations

Offences	Submitted to DPPNI
Perjury	1 x civilian
Conspiracy to Pervert the Course of Justice Misconduct in a Public Office	2 x MI5 Officers
Misconduct in a Public Office	1 x Former PPSNI Prosecutor

4. Other allegations

Offences	Submitted to DPPNI
Murder of John Bingham	3 x civilians / PIRA
Murder of Caroline Moreland	3 x civilians / PIRA

Prosecution decisions

11.8 PPSNI's prosecution decisions on the twenty-nine Operation Kenova files were issued between 2020 and 2024 as follows: ⁴⁰

- (1) 29th October 2020: 'no prosecution' decisions announced on one perjury file relating to four suspects.⁴¹
- (2) 13th April 2023: 'no decision' outcome announced on ten files relating to one suspect following his death earlier that year.⁴²
- (3) 6th December 2023 and 6th and 29th February 2024: 'no prosecution' decisions announced on seventeen files relating to incidents between 1979-1994:⁴³
 - (a) 6th December 2023 - five files - fifteen suspects - eight civilian / PIRA, six FRU and one RUC;⁴⁴
 - (b) 6th February 2024 - six files - four suspects - two civilian / PIRA and two FRU;⁴⁵
 - (c) 29th February 2024 - six files - twelve suspects - seven civilian / PIRA and five FRU.⁴⁶

One civilian originally reported as a suspect in fourteen of these seventeen files had died by the time these decisions were taken; this individual was alleged to have been a member of PIRA who was suspected of involvement in the abduction or murder of individuals accused of being agents.⁴⁷ In addition, two other civilians alleged to have been members of PIRA and one former RUC officer, also reported as suspects, had also died by the time the above decisions were taken and so were not the subject of any formal determination. ⁴⁸

40 PPSNI statement dated 29th February 2024: <https://www.ppsni.gov.uk/news/pps-issues-decisions-final-operation-kenova-files>.

41 PPSNI statement dated 29th October 2020: <https://www.ppsni.gov.uk/publications/public-statement-pps-issues-four-decisions-connection-operation-kenova-files>.

42 PPSNI statement dated 13th April 2023: <https://www.ppsni.gov.uk/news/pps-issues-decisions-final-operation-kenova-files>. This should be read with: "note to editors", §4 at <https://www.ppsni.gov.uk/news/pps-issues-decisions-final-operation-kenova-files>; "note to editors", §4 at <https://www.ppsni.gov.uk/news/pps-issues-further-decisions-files-submitted-operation-kenova>; and "note to editors", §4 at <https://www.ppsni.gov.uk/news/pps-issues-decisions-files-submitted-operation-kenova>.

43 PPSNI summary of decisions dated 6th December 2023, §2.2: <https://www.ppsni.gov.uk/publications/operation-kenova-summary-decisions-not-prosecute>.

44 PPSNI statement dated 6th December 2023: <https://www.ppsni.gov.uk/news/pps-issues-decisions-files-submitted-operation-kenova>.

45 PPSNI statement dated 6th February 2024: <https://www.ppsni.gov.uk/news/pps-issues-further-decisions-files-submitted-operation-kenova>.

46 PPSNI statement dated 29th February 2024: <https://www.ppsni.gov.uk/news/pps-issues-decisions-final-operation-kenova-files>.

47 PPSNI summary of decisions dated 6th December 2023, §§1.4-15 and 2.4-2.5: <https://www.ppsni.gov.uk/publications/operation-kenova-summary-decisions-not-prosecute>. This should be read with PPSNI summary of decisions dated 29th February 2024, §5 and fn.1: <https://www.ppsni.gov.uk/publications/operation-kenova-summary-decisions-not-prosecute-29-february-2024>.

48 PPSNI summary of decisions dated 6th December 2023, §§1.5 and 2.4: <https://www.ppsni.gov.uk/publications/operation-kenova-summary-decisions-not-prosecute>.

- (4) 1st April 2024: 'no prosecution' decision taken on the additional John Bingham murder file which named three civilian suspects who were all alleged to have been members of PIRA, but which did not involve any alleged connections to the agent Stakeknife and was therefore dealt with separately by PPSNI. No public statement was made in respect of this decision, but the family of the victim were informed of the reasons for it by letter.

11.9 In regard to the numbers of suspects, the totals within (1)-(4) do not match the overall totals given above because certain individuals were named as suspects within more than one file and were the subject of more than one prosecution decision.

Keeping families informed

11.10 As explained earlier in this report, a close relationship was maintained with all the Kenova families and they were each regularly updated on any developments regarding their particular cases together with more general updates regarding the progress of Kenova.

11.11 Following the PPSNI decisions not to prosecute in any of the Operation Kenova cases all families were met personally and were briefed as fully as possible on the findings in their particular cases. The families of those cases which came within the ToR whose loved one was murdered were additionally given a commitment that they would be provided with an individual written report of the findings in their cases. All these family reports were also required to go through a security checking process.

11.12 Initial drafts of three family reports were shared with the Cabinet Office in the spring of 2024 and, following feedback, all family reports were then completed. The first tranche of family reports was submitted for security checking in August 2024, the final tranche in October 2024.

11.13 In January 2025, Sir Iain Livingstone wrote to the Cabinet Office as he was frustrated that nothing had been heard regarding progress on security checking of these family reports. He stated that he intended to share the reports with families even if security checking approval had not been obtained as the delay was excessive. The Cabinet Office replied requesting that the reports were not shared and stating that security checking would not take place until a decision had been made by Ministers regarding Sir Iain's request to name Stakeknife.

11.14 Senior members of Kenova had regular meetings with Cabinet Office staff. This was the first time that it had been indicated that security checking would need to wait until a decision had been made regarding the naming of Stakeknife. It was particularly confusing as a number of

the reports concerned murders in which there was no allegation that Stakeknife was even involved. Sir Iain wrote to all the families who were expecting a family report to explain the delay and the efforts that had been made to speed up the process. This delay added to the frustration many families have had to endure over so many years in hearing the truth about what happened to their loved ones.

- 11.15 Sir Iain wrote again to the Cabinet Office suggesting that the reports should be reviewed on the basis that Stakeknife would not be named and if that position changed subsequently he would update families accordingly. In addition, to ensure that Ministers received the most comprehensive briefing, and the views of families were represented, he also offered to meet with ministers and set out the reasons why there should be a departure from NCND in relation to the naming of Stakeknife.
- 11.16 On 2nd May 2025, the Cabinet Office replied that, on the basis suggested by Sir Iain, the family reports should be reviewed on the assumption that approval to name Stakeknife would not be forthcoming and security checking was now complete. Reports were finally provided to families later that month.

12. MI5

Challenges

- 12.1 From day one of Kenova, the team was acutely aware that gaining full access to intelligence and information relevant to its cases was going to be a challenge. During interviews with those who had conducted previous legacy inquiries, concerns that vital intelligence and information was deliberately withheld by the security forces, for whatever reasons, were repeatedly expressed.⁴⁹
- 12.2 Information access arrangements and dedicated points of contact were therefore established between Kenova and MI5 at the outset as set out above and in chapter twenty-nine of the Kenova Interim Report. However, like many previous legacy inquiries, Kenova then faced significant difficulties and friction securing access to relevant material held by MI5, notwithstanding that the MI5 role during the Troubles was primarily supportive of the RUC and Army.⁵⁰

⁴⁹ Kenova Interim Report, §§49.4 and 60.5-60.9.

⁵⁰ Kenova Interim Report, ch.8. See also, §67.5.

- 12.3 Chapter 41 of the Kenova Interim Report addressed these difficulties, introducing them as follows:⁵¹

Kenova's relationship with MI5 has endured some extremely fractious spells and the process of extracting information from it has sometimes felt like a hard-fought uphill battle. Given that MI5 had very little involvement in running security force agents in Northern Ireland during the course of the Troubles and Stakeknife himself was run by the FRU, this may appear surprising and it has certainly troubled me.

- 12.4 Specific difficulties between MI5 and Kenova included: a missing MI5 file⁵²; an institutional position and internal 'scoping note' based on false assumptions and myths about Stakeknife⁵³; unnecessary reclassification of documents as 'Top Secret' preventing electronic processing⁵⁴; giving state-funded solicitors representing former security force personnel unorthodox and greater access to MI5 files⁵⁵; last-minute 'lapsing' of PPSNI security accreditation delaying submission of Kenova files by four months⁵⁶; claims that witness statements made by Service personnel belonged to MI5 and could not be disclosed to DPPNI without its permission⁵⁷; and incorrect assertions that it had been unlawful for Kenova to tell stakeholders that it had recovered information from MI5 which had been withheld from previous legacy inquiries⁵⁸.
- 12.5 In addition, it also emerged that MI5 personnel knew and had used the combination code for a secure safe used by Kenova liaison officers working at its Thames House headquarters to store classified material. This only came to light when one member of MI5 staff said that they had retrieved a file from the safe. The combination had to be changed as a result, thereby eroding an element of trust that Kenova thought had been established.

51 Kenova Interim report, §41.1.

52 Kenova Interim Report, §41.6. This file in fact went missing on two separate occasions before being relocated in December 2023, after the Kenova Interim Report had been completed and submitted. The file itself was one of five volumes making up the personal file of a Kenova subject of interest, it was first reported missing when that file was requested in 2018 (despite the fact that extracts from the volume in question had been quoted in the MI5 'scoping note' referred to in the Kenova Interim Report, §§41.5 and 41.8), it was said to have been located but then went missing again in 2020 and it was finally relocated and provided in December 2023.

53 Kenova Interim Report, §§41.5 and 41.8.

54 Kenova Interim Report, §§41.10 and 41.15.

55 Kenova Interim Report, §41.10.

56 Kenova Interim Report, §§41.15 and 44.11-44.12.

57 Kenova Interim Report, §41.22.

58 Kenova Interim Report, §§41.14 and 41.16-41.19.

- 12.6 By the time the Interim Report was substantively completed in late 2022, MI5 had commissioned and accepted the recommendations made by an external review of its relationship with Kenova and it appeared that the above difficulties had been largely overcome⁵⁹. Indeed, in the Interim Report Mr Boutcher stated as follows:

*I should make clear that these [difficulties] have related to matters of process, not outcome, and that I do not believe anything has been intentionally withheld or that there has been a deliberate attempt to frustrate my investigation.”*⁶⁰

*“I would reassure families and stakeholders and others reading this report that, although some engagement between MI5 and Kenova was not as I would have liked, we now have a constructive relationship in which MI5 responds in full to our requests for information.”*⁶¹

- 12.7 At least some of the above must now be qualified in the light of the late discovery and revelation of the further MI5 material referred to above and addressed in further detail immediately below.

Further MI5 material

- 12.8 The revelation of the further MI5 material in April 2024 and its provision to Kenova the following month was the culmination of several incidents that were capable of being negatively construed as attempts by MI5 to restrict the investigation, run down the clock, avoid any prosecutions relating to Stakeknife and conceal the truth.
- 12.9 The timeline pertinent to the late discovery of the further MI5 material is outlined above and, crucially, it will be seen that it was disclosed and provided to Kenova by MI5 after (1) the death of Frederick Scappaticci, (2) the announcement of the Kenova prosecution decisions, (3) the publication of the Interim Report and (4) the entry into force of Part 3 of the 2023 Legacy Act. As a result, Kenova had no power to investigate the contents of the further material or whether its prior non-disclosure involved the commission of any criminal offences.

⁵⁹ Kenova Interim Report, §§41.24-41.26.

⁶⁰ Kenova Interim Report, §41.6.

⁶¹ Kenova Interim Report, §41.26.

- 12.10 The OIOC, Sir Iain Livingstone, informed the Kenova oversight boards, DPPNI, families and other stakeholders about the further MI5 material and expressed his great concern around the circumstances. He subsequently met SoSNI on 30th July 2024 to discuss the matter and sent a letter dated 6th August 2024 which was published on the Kenova website together with a press release and answers to a set of ‘Frequently Asked Questions’.⁶² Sir Iain’s letter to SoSNI stated:

It is of great concern that further material continues to be given to Operation Kenova by MI5 nearly eight years after Operation Kenova commenced; after all the DPPNI determinations in the prosecution reports have been made; following the publication of the Operation Kenova Interim report; and a matter of weeks before the introduction of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.

- 12.11 Further to this, Sir Iain provided DPPNI with a report detailing the content of the further material on 17th September 2024. The two met to discuss the ramifications on 25th September 2024 and a further report was subsequently submitted to DPPNI. The DPPNI described the late discovery of the further MI5 material as “an extremely unfortunate development” which “can only have served to undermine the confidence of families”.
- 12.12 In October 2024, MI5 commissioned retired Metropolitan Police Assistant Commissioner Helen Ball QPM to conduct a second external review of its approach to Kenova with a specific focus on the circumstances concerning the belated discovery and disclosure of the further material. She was given access to classified information, files and locations and consulted twenty members of staff from MI5 and five members of staff from Kenova. In line with her terms of reference Ms Ball did not consult with any retired members of MI5 staff including some who had responsibility for management of the relevant files and the interface with Kenova while they were still serving. Ms Ball completed her review in January 2025, her full findings were shared with Kenova in February 2025 and an unclassified summary was provided to Kenova by MI5 and published on the Kenova website in April 2025.⁶³
- 12.13 Ms Ball stated that she had researched the history of each set of material in some detail so that she could understand where it was located when MI5 identified it, how it got to that location and how it was indexed. She also noted that she had tracked the specific information contained within the further material identified in 2024 and found that much of it had in fact been disclosed to Operation Kenova during the original disclosure exercise.

⁶² <https://www.kenova.co.uk/concerns-raised-after-fresh-material-disclosed-by-mi5>.

⁶³ <https://www.kenova.co.uk/report-into-undisclosed-mi5-files-published>.

Ms Ball concluded: “I have not seen evidence of a deliberate attempt to withhold material identified in 2024. Therefore I have concluded that none of the material was deliberately withheld from Operation Kenova at either an individual or an organisational level”. Kenova does not have any reason to gainsay this, but, as already mentioned, it was not able to carry out its own investigation into the non-disclosure, Ms Ball was conducting a review rather than an investigation and she did not speak to former members of MI5 staff who had been involved. That said, it is right to note that MI5 found and voluntarily made the further material available in a way that was hardly consistent with a concerted attempt to conceal or cover-up the truth.

- 12.14 Ms Ball made six recommendations. Two related to MI5’s management of legacy material and the need for it to complete its archiving work and the searchable database of the information it holds. The third recommendation advised that MI5 should engage “strongly” with Kenova on its family and final reports and the fourth stressed the need to maintain a constructive relationship with ICRIR going forward. The fifth recommendation was that an accurate timeline of MI5’s knowledge of and engagement with those running Stakeknife should be created to assist Kenova’s analysis. The sixth recommendation provided a checklist to support MI5’s approach to future legacy investigations and inquiries.
- 12.15 MI5 subsequently produced and provided Kenova with a classified timeline of its knowledge of Stakeknife and a note of additional points on its role during the Troubles. Some of these additional points related to Stakeknife in particular and others were more general:
- (1) While MI5 did not take the lead for intelligence on Irish republican terrorism in Great Britain until 1992 and in Northern Ireland until 2007, it was responsible for PIRA’s activities in the Republic of Ireland (where Kenova investigations suggest alleged criminality took place) and continental Europe, in part because of PIRA’s operations (e.g. threats to the British Army in Germany) and fund raising from abroad. The overseas remit of MI5 meant that it gave FRU advice and assistance when its agents travelled outside the UK, as Stakeknife did.
 - (2) MI5’s interest in more strategic intelligence of the kind referred to in paragraph 8.6 of the Interim Report was partly met through the submission of requests for information to the RUC and Army and these could be and were directed towards specific agents being run by them, including Stakeknife.
 - (3) MI5’s provision of specialist and technical support to RUC agent running operations, as referred to in paragraph 8.8 of the Interim Report, also extended to those of FRU on the same basis.

Updated findings

12.16 The Kenova Interim Report stated:

*During the Troubles, MI5 advised and assisted the FRU generally, was copied into its intelligence and even conducted a supportive review of its handling of Stakeknife in particular. However, MI5 was not responsible for how Stakeknife was targeted or run and could not sensibly be criticised for the conduct or operation of the FRU or any of its agents. Indeed, MI5 came onto Kenova's radar in a largely tangential way because it retained a vast amount of FRU and RUC Special Branch intelligence product when others did not.*⁶⁴

12.17 On 1st April 2024, after MI5 had discovered the further material and a week before this was notified to Kenova, a former Director General, Baroness Eliza Manningham-Buller, appeared on a podcast in her personal capacity and was asked about Stakeknife.⁶⁵ She described the agent as “a disgraceful case” and a “bad operation”, claimed MI5 was not aware of Stakeknife at the time and only became aware when it subsequently became responsible for his resettlement and said “I hope that had it been our operation, we would have aborted it very early on”.

12.18 After being approached by The Sunday Times in August 2024, following publicity about the discovery and contents of the further MI5 material, Baroness Manningham-Buller was quoted as saying: “I did not have knowledge of the agent known as Stakeknife who was run by the army when he was in place. This was in line with ‘need-to-know principles’. It is now clear to me that MI5 had some limited knowledge earlier than I had previously understood... As has been made clear previously, MI5 was not responsible for how ‘Stakeknife’ was recruited and run as an agent”.⁶⁶

12.19 While it is correct to say that FRU, rather than MI5 or RUC SB, was ultimately responsible for the recruitment and operation of Stakeknife, and there is no evidence of him being co-handled by multiple security forces, MI5's knowledge was not “limited”. On the contrary, the further MI5 material demonstrates that it had a much greater awareness and involvement in the running of Stakeknife throughout the entirety of his operation as an agent than previously thought.

⁶⁴ Kenova Interim Report, §41.2.

⁶⁵ “The Rest is Politics” Podcast, Episode 67, “A Tale of Two Spies: The Former Heads of MI5 and MI6 on the Iraq War, double agents and the IRA”, 1st April 2024.

⁶⁶ The Sunday Times, “MI5 instructed Stakeknife the killer spy - then claimed ignorance” by Glen Keogh, 25th August 2024.

12.20 Kenova's updated assessment of MI5's involvement with Stakeknife includes:

- (1) MI5 was aware of Stakeknife's recruitment from the outset and knew about his identity, role within PIRA and its Internal Security Unit and involvement in the abduction and interrogation of suspected agents who were then murdered. At one point when Stakeknife was wanted by the RUC in connection with an abduction and interrogation, MI5 was aware of his whereabouts and the fact that he was continuing to meet his FRU handlers.
- (2) MI5 was involved in briefing and tasking Stakeknife via the FRU throughout his operation as an agent and it received debriefs on all his intelligence and was involved in discussions with FRU and RUC SB about his role, importance and use. MI5, at FRU's request, provided an administrative support officer to maintain an accurate filing record of FRU intelligence, including that derived from Stakeknife.
- (3) MI5 supported Stakeknife's operation through the provision of specialist technical support to the FRU.
- (4) Stakeknife provided intelligence of both a strategic and a tactical nature, for which the former engaged MI5's wider responsibilities and would have been of value to it.
- (5) There were occasions when both MI5 and RUC SB offered or sought to take over the running of Stakeknife from FRU.
- (6) MI5 expressed concerns and reservations about Stakeknife in the early and later stages of his operation as an agent. At an early point, MI5 noted that the RUC had described Stakeknife as "*an unreliable, mercenary petty criminal*" and that "although well placed, SK has frequently failed to give advance warnings of PIRA activities, and a very large proportion of plans on which he reported seemed to come to nothing".
- (7) The review of Stakeknife conducted by MI5 towards the end of his deployment and referred to in paragraph 41.2 of the Kenova Interim Report was recommended by MI5 and accepted by CO FRU, prompted by concerns about Stakeknife's security. MI5 also advised FRU about Stakeknife's possible relocation and resettlement following PIRA ISU involvement in the abduction and interrogation of one victim.

- 12.21 In addition, Kenova found no evidence of MI5 personnel escalating any concerns about Stakeknife or his handling to more senior personnel within MI5 or any other member of the security forces.⁶⁷
- 12.22 In this regard, the main representative of MI5 in Northern Ireland and principal security adviser to SoSNI - the Director and Coordinator of Intelligence (DCI), was personally briefed by the FRU Commanding Officer every four to six weeks on all of the FRU's most significant cases, one of which was Stakeknife.
- 12.23 The DCI was also supported by the Assistant Secretary Political (ASP) and Deputy ASP (DASP). They ensured routine, day to day liaison between MI5 and the Army and provided security advice to FRU in respect of its agent handling. MI5 administrative staff also provided support to the ASP and maintained the filing system within the FRU. The role of the DASP was to ask questions and give feedback on FRU reporting and, where possible, advise on future taskings, especially at the strategic level. Having access to the FRU intelligence output also enabled the DASP to direct material to the appropriate branches within MI5.
- 12.24 It is also significant that former FRU personnel, including those who were handlers of Stakeknife, took up roles within MI5 after leaving the military, including that of ASP and DASP.
- 12.25 Accordingly, there were roles and forums in place between FRU and MI5 which could and should have captured any significant concerns about the conduct or activities of agents, including their involvement in serious criminality, and ensured that these were addressed.
- 12.26 Against this background, the further MI5 material not only undermines any claims that the Service had a peripheral role in connection with Stakeknife, but it also supports the evidence of former FRU personnel that MI5 was closely involved with his handling. One former FRU Commanding Officer has stated on numerous occasions that: everything done in respect of Stakeknife was done with MI5's knowledge and consent; and MI5 had an influential role, particularly through the involvement of its ASP. The newly revealed files support this account, especially considering that the Commanding Officer met and briefed the MI5 DCI every four to six weeks as set out above. MI5 had automatic sight of all Stakeknife intelligence and therefore was aware of his involvement in serious criminality.

⁶⁷ See Annex B below for further information on the organisational structures and systems in place in Northern Ireland around the handling of FRU agents and their intelligence.

- 12.27 In regard to evidence of criminal offences, the further MI5 material corroborates the material included in Kenova's submissions to PPSNI, but it does not appear to contain anything likely to have changed the ultimate outcome of its prosecution decisions. In particular, it does not indicate any new murders that were not previously known about or grounds for escalating any 'under review' or 'under consideration' Operation Kenova cases to full investigative status. Having reviewed the Kenova reports on the further MI5 material referred to above, DPPNI set out the following in a letter to Sir Iain Livingstone dated 5th September 2025:

In the circumstances we can confirm that we have no basis to believe that, had any of that material been available to the PPS at any earlier stage, the prospects of conviction of any of the reported individuals would have been enhanced. Indeed, one of the strands of evidence that undermined the prospect of a conviction in respect of any of the reported FRU personnel was that which indicated that 'both the RUC SB and MI5 were aware of the fact that the FRU was running an agent within PIRA ISU' - see, for example, paragraph 86 of the PPS Public Statement dated 6 December 2023. It appears to us that the additional material now available provides further support for that proposition insofar as it pertains to MI5.

- 12.28 As mentioned earlier in chapter nine, the further MI5 material also disclosed two incidents when Stakeknife's FRU handlers took him out of Northern Ireland on holiday when they knew he was wanted by the RUC for murder. MI5 was aware of this at the time. For these purposes, Stakeknife was flown by military aircraft and given military identification. Had this information been available to Kenova previously, both trips could and would have been raised with the relevant FRU personnel during their interviews and they may have formed the basis for submissions to DPPNI regarding the offences of assisting or harbouring a wanted offender and/or misconduct in a public office. DPPNI's letter dated 5th September 2025 commented on this as follows:

Whilst we would not express any definitive view in the absence of a report containing the relevant evidence and information, there would be obvious and significant challenges to a prosecution. These would include the fact that those involved were clearly acting with the authority of more senior FRU personnel and where senior officers within FRU, MI5 and RUC SB were fully aware that FRU continued to meet and engage with the agent whilst he was wanted.

- 12.29 The previous unavailability of this material is deeply regrettable because it contains additional information that could have been put to witnesses, generated new lines of enquiry and enriched Kenova's understanding of the factual background. Accordingly, the unavailability of this material to Kenova represents a lost opportunity whose impact can never be fully known.
- 12.30 The updated findings set out above do not negate any of the fundamental points made in the Kenova Interim Report, but they do qualify and supplement some points made in chapters 8, 41 and 67. As explained, these points relate to MI5's role in Northern Ireland generally and in connection with Stakeknife in particular and the fact this was greater than previously claimed.
- 12.31 The belated discovery and disclosure of the further MI5 material represents a serious organisational failure on its part. There can be little doubt that these new revelations have eroded the trust Kenova worked so hard to develop with families and stakeholders and their confidence in the willingness of the security forces to help victims and families discover the truth of what happened to them and their loved ones.

Part C: Operation Mizenmast – Murder of Jean Smyth-Campbell

13. Terms of reference

- 13.1 Operation Mizenmast was an independent investigation into the death of Jean Smyth-Campbell conducted at the request of PSNI.
- 13.2 On the night of Thursday 8th June 1972, Jean was shot dead in the passenger seat of a car on or near Glen Road in West Belfast. The person or persons responsible were not identified at the time and have still not been brought to justice. An inquest held into Jean's death on 9th November 1972 recorded an open verdict.
- 13.3 In 2007, a HET review known as Operation Richland found that the original RUC investigation had been "relatively basic" but "must be judged in the context of the times" and described Jean's death as a random killing where no further investigative lines of enquiry could be identified.
- 13.4 In 2014, the research organisation Paper Trail discovered contemporaneous military logs in The National Archives suggesting that a covert Army unit, the Military Reaction Force (MRF), had been using firearms in the area around the time Jean was shot. The possibility of Army involvement in her death had not previously been considered and a subsequent judicial review brought by one of Jean's surviving sisters, Margaret McQuillan, resulted in a ruling by the Northern Ireland Court of Appeal that there should be an independent reinvestigation in accordance with article 2. The Court ruled that this should look into whether, first, "*a possible cause of the shooting dead of Ms Smyth-Campbell was a shot discharged by a soldier*" and, secondly, the failures of the HET review "*were or were not benign*".⁶⁸
- 13.5 PSNI appealed this ruling on a legal issue but nevertheless accepted that an independent reinvestigation should take place. On 20th June 2019, the then Chief Constable of PSNI, Sir George Hamilton, formally announced that he had commissioned Kenova to conduct an independent investigation with the following ToR and that this would be completed regardless of the outcome of the appeal:⁶⁹

⁶⁸ Re Application for Judicial Review by Margaret McQuillan [2019] NICA 13: <https://www.judiciaryni.uk/judicial-decisions/2019-nica-13>.

⁶⁹ On 15th December 2021, the Supreme Court allowed PSNI's appeal and overturned the decision of the Court of Appeal on the basis that article 2 could not be relied on in connection with Jean's case because of the lapse of time between her death and the entry into force of the Human Rights Act 1998. However, it is important to note that, first, there was no dispute that the newly-discovered military logs represented evidence which was sufficiently weighty and compelling to warrant a fresh investigation and, secondly, the Supreme Court found that the Court of Appeal had been entitled to conclude that a reinvestigation by the PSNI Legacy Investigation Branch was not sufficiently independent and effective for the purposes of article 2. See *In re McQuillan* [2021] UKSC 55: <https://www.supremecourt.uk/cases/uksc-2020-0028.html>.

“Operation Mizzenmast will fully investigate the circumstances surrounding the death of Ms Jean Smyth-Campbell:

- (a) Operation Mizzenmast will review the 2006-2008 HET process to establish whether the reasons for the failure were or were not benign.*
- (b) If Operation Mizzenmast identifies matters which indicate that former or current police officers may have committed criminal or misconduct offences, they will be formally and expeditiously referred to the Deputy Chief Constable of the PSNI who will refer the matter to the Office of the Police Ombudsman via the statutory requirements of the Police (Northern Ireland) Act 1998.*
- (c) Any matters falling outside the parameters set out here will be brought to the attention of the Chief Constable PSNI by the Officer in Overall Charge (OIOC) for consideration. The Chief Constable PSNI will, if necessary, consult with the DPP or the Police Ombudsman as to the appropriate basis on which to address these additional matters.*

At the conclusion of Operation Mizzenmast or any related criminal proceedings a public report will be prepared by the investigation team for publication by the Chief Constable of the PSNI.

This report will set out the general narrative of the investigation and findings which have been reached as a consequence thereof. It will also seek to identify any learning which is applicable to contemporary policing.”

14. Factual background

- 14.1 At the time of her death, Jean Smyth-Campbell was 24 years old and living with her parents, a number of her siblings and her six-year-old daughter at the Campbell family home at 4 Tardree Park in west Belfast.
- 14.2 On the evening of Thursday 8th June 1972, Jean and her partner, John Carlin, went for a drink at the Glenowen Inn public house, 108-116 Glen Road, Belfast. Various other work colleagues joined them during the course of the evening, including Billy Armstrong (now deceased), an elderly man who lived not far away in Shaws Road.

- 14.3 Jean, Mr Carlin and Mr Armstrong left the Glenowen Inn together at approximately 23:30 hrs and got into Mr Carlin's green Austin 1100 registration number 6214 KZ. It was dark by this time, but the weather was clear. Mr Carlin was the driver and throughout the journey Jean sat in the front passenger seat.
- 14.4 After driving to Shaws Road and dropping Mr Armstrong off at its junction with Lenadoon Avenue, Mr Carlin and Jean continued up Shaws Road to its junction with Glen Road, turned left and drove a short distance west to the bus terminus on the left or south side of Glen Road, just beyond what was then the Oliver Plunkett School (now St Oliver Plunkett School). The bus terminus was and still is little more than a semi-oval layby or turning circle set back from and below Glen Road behind a pear-shaped grass island.
- 14.5 They drove clockwise around the island and back out in the opposite direction, possibly after a brief pause. In other words, they turned right out of the bus terminus and onto Glen Road to head back east towards the city centre and Jean's home. As the car was leaving or had just left the bus terminus, one or more gun shots were fired at and into the vehicle, hitting Jean in the head and killing her instantly.
- 14.6 The precise sequence of events from the point that Mr Carlin turned into the bus terminus and then began to exit onto the Glen Road was the subject of the investigation undertaken by Operation Mizzenmast. The investigation raised three hundred and sixty-three actions, recovered or created eight hundred and fifteen documents, took sixty-three witness statements and submitted a file to DPPNI on 13th December 2022. On 15th March 2023, DPPNI confirmed that there was insufficient evidence to provide a realistic prospect of conviction against two named civilian suspects. He did not identify any other lines of enquiry and commented that the investigation appeared to have been thorough.
- 14.7 Jean's family have been instrumental in campaigning tirelessly to find out the truth about what happened to her. As with all Kenova investigations, they remained at the forefront of Operation Mizzenmast, were given direct access to the OIOC and investigation team and were provided with regular updates.

15. Previous investigations

- 15.1 Operation Mizzenmast is clear that both the original RUC investigation of 1972-1973 and the subsequent HET review of 2006-2009 missed vital investigative opportunities that should have been exploited. Crucially, neither considered or explored the possibility that the Army might have been involved in or might hold potentially useful information about Jean's death. Their failure to obtain any relevant military logs was further exacerbated by the fact that the Army and PIRA had been engaged in an exchange of gunfire, and the MRF had also been active, in the vicinity of and at the time of Jean's death.
- 15.2 Between 2015 and 2019, the PSNI Legacy Investigation Branch enquired into allegations of MRF misconduct in the 1970s (Operation Everson) and, as part of this, bullet fragments recovered from the car in which Jean was shot were re-examined. It concluded that she was most likely killed by a Lee-Enfield .303in rifle (No 4 Mk 1 and short magazine). This finding was an integral part of the evidential conclusions reached by Operation Mizzenmast on the completion of its investigation. In June 2019, the Legacy Investigation Branch reported that it had excluded Jean's death from the ToR of its enquiry into the MRF, on the basis she was more likely to have been shot by PIRA, having been mistaken for a member of the security forces, than by members of the MRF or regular Army.

16. Reinvestigation

Facts

- 16.1 From the extensive work carried out during the course of its investigation, Operation Mizzenmast established the following key facts:

(1) Jean was shot around 23:40-23:45 hrs

This is based on the statement of Mr Carlin, RUC Scenes of Crime Department reports, the post mortem report and evidence relating to the timing of various post-shooting incidents. Immediately after Jean had been shot, her body was moved from Mr Carlin's car to a passing taxi and transported to Andersonstown Police Station and Mr Carlin went immediately to Jean's home to inform her family. Police and military reports show that Jean's body arrived at the police station (1.5 miles away) between 23:47 and 23:50 hrs and Mr Carlin arrived at her home (a similar distance away) around 23:55 hrs.

(2) Jean was shot on the Glen Road

Although some records refer to Jean being shot on Shaws Road, it is clear that she was shot on the Glen Road in the vicinity of the bus terminus and the Oliver Plunkett School. This fact is supported by the statements of Mr Carlin and the taxi driver, Mr Brown, and RUC records.

(3) A single bullet hit Mr Carlin's car and killed Jean

Members of Jean's family recall that Mr Carlin's car was very badly damaged and 'riddled' with bullet holes. This assertion was further supported by some of the contemporaneous records seen by Operation Mizenmast. However, the majority of the contemporaneous records refer only to a smashed window and a single bullet: Mr Carlin's statement only refers to a "single bang"; RUC Scenes of Crime Department reports refer to a single bullet and state "no other bullet holes or bullet strike marks were found on the outside or inside of the car"; the post mortem report refers to "a high velocity bullet" and "a single gunshot wound of the head"; police photographs taken of the car on the night of the shooting show that the only damage was to its rear offside window and front nearside quarter light window; these photographs were subject to forensic examination which concluded that they had not been doctored or tampered with; and archive video footage from UTV and the BBC taken in daylight on 9th June 1972 shows the same damage.

(4) The bullet was .303in calibre and fired from a Lee-Enfield rifle

The pathologist who carried out the original postmortem concluded that Jean's injuries were caused by a high velocity bullet and not a medium or low velocity bullet. He further commented "the nature of the wounding is not that which would be expected from the passage of a medium velocity 9mm round, whether fired from a pistol or a sub-machine gun". At the request of Operation Mizenmast, the postmortem results were reviewed by a Home Office Registered Consultant Forensic Pathologist, who agreed with the original findings. Analysis of bullet fragments recovered from Mr Carlin's car showed that they were likely to have been from a .303in calibre round manufactured between 1910-1943 and fired from a bolt action Lee-Enfield rifle. This was the conclusion of two experts, one from the Forensic Service of Northern Ireland and an independent firearms expert instructed by Operation Mizenmast.

(5) Military personnel in the area at the relevant time were not using .303in firearms

Mizzenmast made extensive enquiries in respect of the types of firearms issued to and used by members of the British Army in Northern Ireland in 1972 and, in particular, their use of .303in calibre ammunition and weapons. In summary, all these enquiries supported the conclusion that .303in rifles were not in general use by military personnel in West Belfast in June 1972. Such rifles were replaced as a standard issue weapon for regular troops in the mid-1960's and, although they were used by more specialist snipers on an occasional basis until 1972-1973, the type of bullet which killed Jean was phased out by the Army during the Second World War. There was no evidence to support the suggestion that military personnel might have carried an inferior non-standard issue bolt action rifle loaded with thirty-year-old cartridges for the specific purpose of murdering a civilian and blaming it on PIRA.

(6) PIRA used .303in firearms in the relevant area in 1972

PIRA's use of Lee-Enfield .303in rifles in Belfast in the early 1970s is well-established. It was also confirmed during the search of military logs and other intelligence reports. Furthermore, there is overwhelming evidence from military records that members of PIRA were in the area at the time that Jean was shot and were actively engaging regular Army soldiers stationed nearby.

Various hypotheses

16.2 A number of hypotheses have been proffered in relation to the events of the night in question and possible responsibility for Jean's murder. During the Mizzenmast investigation, these were all tested against the latest forensic science techniques, Computer Aided Ballistic Modelling, military and police records, interviews with former Army and RUC personnel and the arrest and interview of two named civilian suspects. As a result, the following hypotheses were considered:

(1) Jean was shot by a member of the MRF on mobile patrol

Although the MRF was active on the night Jean was shot and did report firing a 9mm submachine gun from a car on the Glen Road 100 metres from the bus terminus, this was two hours later and Jean was killed by a bolt action Lee-Enfield .303in rifle. This type of rifle was not and would not have been issued to or used by the MRF as it was wholly unsuited to use on covert mobile vehicle patrols.

(2) Jean was shot by a regular soldier in an observation post 500 metres away

As mentioned above, there was an exchange of gunfire between, on the one hand, members of the 2nd Field Regiment, Royal Artillery stationed in a nearby observation post known as 'Key Point Red 19' or 'KP19' and, on the other, PIRA members in the surrounding area. However, the relevant soldiers were not using and did not have access to Lee-Enfield .303in rifles. In addition, Computer Aided Ballistic Modelling has established that a bullet fired from the observation post could not have reached Mr Carlin's car directly, by way of a ricochet or travelled along the required trajectory.

(3) Jean was shot by a member of PIRA in or near Glenveagh Park

There was an exchange of gunfire between a soldier in KP19 and a PIRA member in the garden of 43 Glenveagh Park around the time Jean was shot, but a bullet fired from that vicinity (or the vicinity of 43 Glenveagh Drive) could not have reached Mr Carlin's car or travelled along the required trajectory.

(4) Jean was shot by a member of an Army foot patrol

The theory that Jean may have been shot by a soldier on foot patrol on the Glen Road or in Bunbeg Park either because she was mistaken for a member of PIRA or in the crossfire of a wider gun battle. 2nd Field Regiment logs do show that between 23:22 hrs and 23:43 hrs, an army unit call sign C12 was deployed to that area due to KP19 coming under fire from a gunman close to 43 Glenveagh Park. It is likely that this call sign referred to an armoured vehicle. The exact location of the C12 unit cannot be established but the logs suggest that it would have been in an area close to the bus terminus. However, for this hypothesis to be viable, the occupants of C12 would have needed to use firearms and ammunition not being officially issued by the British Army at the time and then not report doing so. Furthermore, Mr Carlin did not mention any foot patrol.

Conclusions

- 16.3 Jean was most likely killed while a passenger in Mr Carlin's vehicle on the Glen Road between the bus terminus north of Bunbeg Park and the Oliver Plunkett School at around 23:40-23:45 hrs on Thursday 8th June 1972 by an unknown member of PIRA.
- 16.4 The suspected murderer was on foot in or near Bunbeg Park, to the rear of the car and down the slope to the south of Glen Road and facing or moving north from the Bunbeg Park area towards or onto the bus terminus. He or she fired a Mk VII .303in bullet from a high velocity bolt action Lee-Enfield .303in rifle towards and into the car as it was driving east along the Glen Road away from the bus terminus.
- 16.5 The bullet entered the car through the rear offside window and travelled diagonally from right to left (as viewed from behind the car) and in a forwards and upwards direction towards the front nearside passenger seat and quarter light window and struck the right side of Jean's head from behind killing her instantly:
- (1) It is known that PIRA had access to and used high velocity bolt action Lee-Enfield .303in rifles and ammunition in West Belfast in June 1972.
 - (2) Members of PIRA were using high velocity rifles against KP19 from various positions to its south and east on the night in question, including Glenveagh Park which leads to Bunbeg Park.
 - (3) Military personnel in KP19 reported hearing a number of shots being fired in the Bunbeg Park area around the time Jean was killed, and not all of these were fired in the direction of KP19.
 - (4) Given that the shots from Glenveagh Park and Bunbeg Park were heard around the same time, i.e. approximately 23:40-23:45 hrs, it follows that they were fired at almost exactly the same time that Jean was killed.
 - (5) Computer Aided Ballistic Modelling concluded that the fatal shot could have been fired by someone positioned in the area on the southern edge of the bus terminus or from either of the two alleyways that lead up to it from Bunbeg Park.
 - (6) While inconclusive and impossible to test, an RUC SB intelligence report of 1975 and an anonymous letter to the victim's support organisation, Relatives for Justice, in 2015 named three PIRA members who were active in the area at the time Jean was shot as being responsible.

- (7) There are also indications that Mr Carlin's car may have been mistaken for an Army vehicle by PIRA: it had no front number plate and had been poorly resprayed, giving the appearance of an incognito or disguised vehicle; and the performance of 180° U-turn in the bus terminus could have been interpreted as evasive action. Indeed, on the night of the incident, Mr Carlin himself commented that his car may have been mistaken for a military vehicle and he would later repeat this when speaking about the incident to his daughter.
- 16.6 In August 2021 a meeting, chaired by OIOC Kenova Mr Boutcher, was held between the investigation team, members of Jean's family, their solicitor and representatives from Paper Trail. The investigation team gave a detailed update in respect of investigative findings including input from forensic experts in the fields of ballistics, photography and pathology.
- 16.7 In November 2022, Mr Boutcher met with Jean's family and their representatives again to outline Mizzenmast's findings. In January 2024 the Mizzenmast investigation was completed. After clearing government security checking and without any changes being requested or made, a draft report was shared with the family in March 2024. The Mizzenmast team worked thereafter with Jean's family and their legal representatives to ensure that the family's point of view was reflected in the final report.
- 16.8 As the above assessment makes clear, based on the steps taken in this investigation, it is not possible to state beyond reasonable doubt who fired the fatal shot. Whilst this review has uncovered extensive fresh evidence that was never before investigated, it is not possible at this juncture, to state without equivocation who was responsible for firing the fatal shot.
- 16.9 Jean's family having read this report and having had personal access to all relevant experts believe that the evidence in fact supports the theory that it is more likely to have been a member of the British Army who killed Jean rather than a member of the PIRA. The family remain dismayed that key British Military documents that could have helped them in finding the truth had been destroyed including the MRF and 2nd Field Regiment records. Jean's family at this time have requested that the full report is not made public. Discussions with them about a potential route to publication are ongoing.

Part D: Operation Turma – Murders of Sergeant Sean Quinn and Constables Paul Hamilton and Allan McCloy

17. Terms of reference

- 17.1 On 27th October 1982, three RUC officers, Sergeant Sean Quinn and Constables Paul Hamilton and Allan McCloy, were killed in an explosion at Kinnego Embankment, Oxford Island, near Lurgan, County Armagh. This attack was carried out by PIRA.
- 17.2 In November and December 1982, six men were killed and one injured in three separate shootings involving officers of the RUC. This series of shootings became the subject of an inquiry led initially by Deputy Chief Constable John Stalker and then by Chief Constable Colin Sampson, widely known as the 'Shoot to Kill' inquiry.
- 17.3 In a case linked to one of the above incidents, the conviction of Martin McCauley was overturned in September 2014 pursuant to a referral to the Court of Appeal made by the Criminal Cases Review Commission. McCauley had been arrested after the security forces entered a weapons dump at which he was present in November 1982. During the incident, McCauley was shot and injured and another suspect, Michael Tighe, was shot and killed. In allowing McCauley's appeal, the Lord Chief Justice stated that the destruction of a recording of the relevant events and the misleading of DPPNI by members of the security forces *"amounted cumulatively to grave misconduct"*.
- 17.4 The overturning of McCauley's conviction, together with the identification by the Criminal Cases Review Commission of new information relating to the circumstances in which the recording was destroyed, led to a referral to the Chief Constable of PSNI by DPPNI under section 35(5) of the Justice (Northern Ireland) Act 2002. This referral highlighted potential criminality on the part of suspects not investigated as part of the previous Stalker / Sampson inquiry.
- 17.5 The Chief Constable of PSNI in turn asked the Chief Constable of Police Scotland to carry out a full investigation into these matters and this took place under the auspices of Operation Klina which commenced in early 2015. The allegation that an RUC officer had misled DPPNI was referred to PONI under section 55(4A) of the Justice (Northern Ireland) Act 2002.

- 17.6 As well as reporting to DPPNI under its ToR, Operation Klina also provided a report to the Chief Constable of PSNI and DPPNI in December 2018 identifying matters outside its ToR which might nevertheless be considered for potential further investigation. This related to the existence of outstanding investigative opportunities relating to the murder of the three RUC officers at Kinnego Embankment; a failure to disclose information within the RUC which may have assisted its contemporaneous investigation; the conduct of senior RUC officers in their assistance to the Stalker / Sampson inquiry; and the potential criminal conduct of another person connected to these incidents.
- 17.7 On 5th September 2019, the then Chief Constable of PSNI, Simon Byrne, asked the OIOC Kenova, Jon Boutcher, to lead an independent investigation into the deaths of the three RUC officers at Kinnego Embankment. This was established as Operation Turma and given the following ToR:

“Initial investigative remit

- *Op Turma will fully investigate the murder of three police officers in an explosion at Kinnego Embankment near Lurgan on 27 October 1982.*
- *Whether there is evidence of the commission of criminal offences by any person(s) connected to these events. Where this is conduct by a police officer it will fall for PONI to investigate - and therefore be outside the remit of the Operation.*

Ancillary matters

- *Any matters falling outside these parameters will be brought to the attention of the Chief Constable of the PSNI by Chief Constable Jon Boutcher (Retired) for consideration. The Chief Constable of the PSNI will, if necessary, consult with the DPP or the Police Ombudsman as to the appropriate basis on which to address these additional matters.”*

18. Police investigation

- 18.1 The original investigation in 1982 was conducted by the RUC CID. At the time of the explosion, the area where it occurred had been designated as ‘Out of Bounds’ (OOB) to police as it was known to be hostile, and a security operation was taking place.
- 18.2 At 10:45 hrs on 27th October 1982, a male from Ardmore Road, Derryadd, Lurgan contacted Lurgan RUC to report that a battery had been stolen, and diesel has been syphoned, from

his bulldozer which was parked overnight at Ballynacor Dump, Lurgan. Sergeant Quinn sought permission to enter the OOB area to attend the call. This request was relayed to RUC SB and permission was subsequently granted.

- 18.3 At approximately 14:15 hrs on the same day, two RUC detectives were on duty within the vicinity of Oxford Island, Lurgan when they heard an explosion followed by a cloud of smoke and rubble. They immediately went to the area and arrived at a large crater on the Kinnego Embankment. Approximately forty yards on the southern side of the crater they could see the remains of an unmarked police armoured Cortina registration number PIJ 5638. The vehicle was extensively damaged and contained three males who appeared to be dead and still in their seats. One of the detectives recognised the three males as Constable McCloy (driving seat), Sergeant Quinn (front passenger seat) and Constable Hamilton (rear seat passenger).
- 18.4 The scene was secured by the Army and RUC and enquiries were conducted to identify witnesses. A number of witnesses had seen males on the Embankment at various times in the days leading up to the explosion, the first sighting being on 25th October 1982. Two people were seen riding away from the scene on a motorcycle immediately after the explosion. The motorcycle was identified as having been stolen on 26th October 1982 and subsequently recovered later on 27th October 1982 in Francis Street, Lurgan along with two crash helmets.
- 18.5 Once the Army Ammunition Technical Officer had attended and declared the scene safe, a search was conducted, and a number of significant exhibits were seized, and photographs taken.
- 18.6 On 28th October 1982, an article was published in the Irish News about the murders stating, *"The North Armagh Brigade of the Provisional IRA later claimed responsibility for the explosion. Also we take this opportunity to once again warn civilians to stay clear of any occupation forces"*.
- 18.7 During the course of the RUC investigation, ten people were arrested. No person was charged with murder although two of those arrested were subsequently charged with, and convicted of, withholding information contrary to section 5(1) of the Criminal Law Act (Northern Ireland) 1976. This conviction related to the two motorcycle helmets used by the two suspects making good their escape from the scene following the explosion.

19. Inquest

- 19.1 On 4th March 1983, an inquest in Armagh found that Sergeant Quinn and Constables Hamilton and McCloy *“died of multiple injuries caused when the police car they were travelling in was blown up.”*
- 19.2 Since then, the apparent links between the murders at Kinnego Embankment and the subsequent ‘Shoot to Kill’ deaths of Gervaise McKerr, Eugene Toman, Sean Burns, Michael Tighe, Seamus Grew and Roddy Carroll caused the then Senior Coroner, Mr John Leckey, to ask the Attorney General to direct that fresh inquests be heard into all the deaths together. To date, despite various procedural hearings, substantive evidential inquest hearings have not taken place.

20. Stalker / Sampson

- 20.1 In May 1984, Deputy Chief Constable of Greater Manchester Police, John Stalker, was appointed to investigate the three shooting incidents known colloquially as the Shoot to Kill cases. The explosion at Kinnego Embankment was not one of these incidents, but the importance of this event became apparent to Mr Stalker.
- 20.2 The Stalker inquiry gathered a significant amount of material and information that had not been made available to the original RUC CID team investigating the events at Kinnego Embankment. This only became apparent due to thorough questioning of senior officers in RUC SB and subsequent enquiries into what was gleaned from them. Mr Stalker formed the view that the events at Kinnego Embankment were so interrelated with his ToR that he had to report on them.
- 20.3 On 18th September 1985, Mr Stalker submitted an interim report to the Chief Constable of the RUC, Sir Jack Hermon regarding the “Shoot to Kill” cases and the Kinnego Embankment incident. During his investigation, Mr Stalker and his team spoke to a vast number of officers from all disciplines of the RUC and he was critical of the suppression of information which prevented its CID from having full knowledge of the surrounding circumstances. He concluded that if the CID had been provided with the full picture, a number of persons could have been charged with serious criminal offences.

- 20.4 On receipt of the report, Sir Jack Hermon had it critiqued by his own staff prior to delivering it to DPPNI in February 1986. Mr Stalker was highly critical of this deferment. It is not known what determination DPPNI made in respect of the recommendations made, but it is a matter of record that none of the suspects mentioned by Mr Stalker was ever arrested or charged. In May 1986, an allegation of inappropriate association was made against Mr Stalker and he was replaced by the Chief Constable of West Yorkshire Police, Colin Sampson. However, Mr Sampson did not conduct any further investigation into the Kinnego Embankment incident.

21. HET review

- 21.1 The PSNI HET engaged with the three families of the murdered officers over a period of time and subsequently commenced an investigation in 2013, including gathering the exhibits which were still in existence. However, there was no submission of these exhibits for further scientific examination and no report was produced by the HET prior to it being disbanded.

22. PONI investigation

- 22.1 In April 2019, pursuant to the observations made by Operation Klina, PONI commenced an investigation under section 55(6) of the Police (Northern Ireland) Act 1998. It was agreed that this would run in parallel with Operation Turma and if any evidence of misconduct by serving or former RUC or PSNI police officers was uncovered it would be referred to PONI for investigation. No such referrals were made by Operation Turma to PONI.

23. Reinvestigation

- 23.1 Following the commencement of its investigation in 2019, Operation Turma immediately contacted the families of the three RUC officers and a dedicated FLO was appointed. Mirroring the experience of many other families during the Troubles, it was established that they had received very little information about the circumstances around their loved one's murders or the subsequent RUC investigation. Operation Turma ensured that the families were kept fully informed of the progress made and the investigation team would wish to pay tribute to the bravery, resilience and determination of the families.

- 23.2 A comprehensive review was conducted of all the relevant information from the previous investigations and inquiries resulting in the identification of five hundred and fifty-nine lines of enquiry. In addition, one thousand, eight hundred and fifty documents were obtained, and two hundred and thirty-six statements were taken. Due to pending criminal proceedings, only limited information about the facts uncovered can be provided in this report.
- 23.3 Witnesses were revisited and re-interviewed and new witnesses identified. As a result of the forensic review, exhibits that had been seized from the scene in 1982 were found to still be in existence. Using new forensic techniques not available to the original investigation team, many of the exhibits were subject to further testing which provided evidential results. This included the recovery of DNA from material seized during the original search of the scene, which identified several individuals.
- 23.4 After the submission of preliminary information in April 2021 and a full evidential file in May 2022, PPSNI announced on 8th April 2024 a decision to prosecute Martin McCauley for the murders of the three officers.
- 23.5 On 26th July 2024, an extradition warrant was issued for McCauley. The investigation was formally handed over to PSNI Legacy Branch in September 2024 and on 30th January 2025 McCauley was extradited from the Republic of Ireland to Northern Ireland. He appeared at Craigavon Magistrates' Court and was subsequently granted bail. Martin McCauley remains on court bail.

Part E: Operation Denton - The Glenanne Series

24. Terms of reference

24.1 Operation Denton (also known as the ‘Barnard Review’) was an independent review of a series of sectarian gun and bomb attacks committed by loyalist terrorists against members of the Catholic community in Northern Ireland and the Republic of Ireland primarily between 1972-1978. Those who carried out the attacks were referred to as the ‘Glenanne gang’ and the attacks became known as the ‘Glenanne series’.

24.2 The review was formally established in March 2020 pursuant to a judgment of the Northern Ireland Court of Appeal that PSNI had promised to carry out such a review and could not go back on that promise (‘the Barnard judgment’).⁷⁰ The Applicant in the case, Edward Barnard, had lost his thirteen year old brother, Patrick, when he was killed along with three others on 17th March 1976 in a bomb attack which appeared to form part of the Glenanne series. The Barnard judgment was delivered on 5th July 2019. To ensure independence, the then Chief Constable of PSNI Simon Byrne, asked OIOC Kenova, Jon Boutcher, to conduct the review.

24.3 Following consultation with victims, families and other stakeholders, the ToR were set as follows:

“The Barnard Judgment held that clear and unambiguous assurances had created a legitimate expectation of a review meeting the following conditions (paragraph [62]):

- (i) an independent police team comprising officers who had not served in Northern Ireland or been members of the security forces and having the practical independence equivalent to that required under Article 2 of the European Convention on Human Rights (“ECHR”) will analyse the cases referred to as the Glenanne Series;*
- (ii) the precise identification of the composition of the Glenanne Series will be for that independent police team to establish having regard to the purpose of the analysis;*

⁷⁰ Re Application for Judicial Review by Edward Barnard [2019] NICA 38: <https://www.judiciaryni.uk/judicial-decisions/2019-nica-38>.

- (iii) *the purpose of the analysis will be to consider whether the review of the cases as a whole suggests that there were wider issues of collusion beyond those already established;*
- (iv) *the outcome of the analysis will be published...*

The Review Team will then conduct a detailed analysis of the information and materials collected as the basis for an open report satisfying the conditions set out in the Barnard Judgment which will be published by PSNI ("the Report").

Without prejudice to the above, the Report will set out:

- (i) *a narrative of the Review;*
- (ii) *the origins, composition, activities and accomplices of the Glenanne Gang;*
- (iii) *findings on each case found to fall within the Glenanne Series, including the Hillcrest Bar attack;*
- (iv) *any deficiencies in any previous investigations into or official responses to each of those cases;*
- (v) *the extent of any State collusion.*

The OIOC will retain full editorial control over and be solely responsible for the content of the Report and PSNI will be responsible for its publication."

- 24.4 Operation Denton placed victims and families at its very heart. Every effort was made to facilitate positive engagement, answer questions and establish the truth of what happened. Victims and families who have engaged with Operation Denton have been met by members of the review team, to share the detailed findings and relevant information relating to their specific case, as well as the thematic findings of the review.
- 24.5 What follows is a summary of Operation Denton and its thematic findings. A comprehensive report under the above ToR has been submitted to PSNI and its publication is currently under consideration by PSNI.

25. Factual background

- 25.1 The term and notion of a single ‘Glenanne gang’ had over many years become synonymous with attacks committed by loyalist paramilitaries and members of the security forces against the Catholic communities of Northern Ireland and the Republic of Ireland between 1972-1978. Its use was well established when Operation Denton was commissioned.
- 25.2 The attacks associated with the Glenanne series ranged from a series of offences carried out by a relatively small group, allegedly operating out of a farmhouse near the mid-Armagh village of Glenanne, through to in excess of one hundred shootings and bombings resulting in death or serious injury to hundreds of victims. The latter offences were committed by a much broader group than those who frequented the farmhouse near Glenanne. It became apparent to the Denton review team that the Glenanne label had become applied to a much wider and more extensive network far beyond any connections to the original farm.

26. Approach and methodology

- 26.1 Operation Denton differed significantly from the other Kenova cases in that it was conducted as a review in accordance with the Barnard judgment, and not a criminal investigation. That said, its work was underpinned by the principles and strategic approach of Kenova, including robust governance and stakeholder engagement.
- 26.2 Furthermore, the extent of the work undertaken far exceeded a desk-top review of already available material. A rigorous approach was applied to the gathering and assessment of material, including sensitive intelligence not previously accessed and engagement with other information holders, extending to individuals believed to be involved in the commission of the offences in question.

27. Access to information

- 27.1 As well as access to all relevant material held by PSNI and AGS, extensive research and assessment was conducted across many repositories and archives maintained by government departments and the security forces. The review also benefited from access to material held in the Republic of Ireland facilitated by the Irish Department of Foreign Affairs.

- 27.2 A dedicated liaison team worked with the above bodies and developed a detailed understanding of the type of records each possessed. This ensured the review remained focused on relevant requests for information and material.
- 27.3 Assessment was also made of relevant material held in The National Archives. This included 'open' and 'closed' documents and 'closed and retained' records. The last two categories usually relate to files which contain sensitive material of a personal or national security nature.
- 27.4 The implications of the distinction between an investigation and a review came into sharp focus in 2022 when the Commissioner of AGS considered there was a legal impediment to the sharing of information between AGS and Operation Denton. Legal advice provided to him indicated that there was no legal framework in place to allow sharing of information because Operation Denton was being conducted as an analytical review and not a criminal investigation.
- 27.5 A request was made to the Irish Department of Justice for the enactment of secondary legislation providing a statutory basis for AGS to disclose information and intelligence to Operation Denton. Pursuant to this, the Irish government approved the information sharing on 21st June 2022, issued a formal directive to AGS under section 25(1) of the An Garda Síochána Act 2005 on 23rd June 2022 and issued the Data Protection Act 1988 (Section 2B) Regulations 2022 on 12th July 2022. These measures allowed AGS to provide information to Operation Denton with lawful authority.

28. Engagement with information holders

- 28.1 The Operation Denton team's personal engagement with victims and families, witnesses and others with relevant information was critical to the achievement of Denton's objectives.
- 28.2 In particular, Denton engaged with groups and individuals from across all sections of Northern Ireland society who might have relevant knowledge. The purpose of this engagement was to capture different views, perspectives and experiences of people who lived through the relevant events including some who had never previously been afforded the opportunity to speak or be heard.

28.3 Key individuals were categorised as follows:

(1) Subjects of interest (SOI)

Anyone suspected, arrested, interviewed or convicted in relation to an offence within the ToR, or anyone assessed as being associated with such individuals. A dedicated team developed an engagement strategy, underpinned by legal advice which included a staged approach involving identification, preparation, first contact, agreement, consultation and eventual engagement. Denton recognised that SOI could present self-serving accounts which were inevitably subjective. The information from SOI was therefore treated with caution. Nevertheless, the SOI information gathered was of undoubted value to the review when assessed alongside other information sources. Most SOI would only provide an account anonymously. Some stated that if it would help specific bereaved families, then their participation in the process could be revealed in a carefully planned way. SOI engaged to varying degrees. Some invested fully, meeting officers repeatedly and providing hours of commentary, while others spoke in hushed tones on a street corner. Even negative engagements provided relevant information. Very rarely did SOI say absolutely nothing or reject engagement outright. The information provided can be divided broadly into two specific areas: case specific information and contextual themes. A number of SOI spoke about specific cases within the ToR and, in doing so, provided essential context, confirmed facts, dispelled myths, provided new information and answered questions posed by survivors or bereaved families.

(2) Persons with information (PWI)

Anyone who may have relevant knowledge about offences within the ToR, as well as those able to provide information or contextual comment around the themes which emerged through the review work. Examples include, but are not limited to, the families of deceased SOI, community leaders, journalists, authors, public figures, as well as members of the security forces at the time. Whilst a number of PWI chose to remain anonymous, the information and context each provided, proved invaluable in terms of informing the findings of the review.

28.4 The review has engaged extensively with a broad range of cross-community groups, including advocates as well as victim and family representatives. Particular support, material as well as insight has been provided by groups such as the Pat Finucane Centre (PFC) and Justice for the Forgotten (JFF), as well as others.

29. Parameters

- 29.1 To establish which cases would fall within the ToR, the start point was a detailed analysis of a number of sources of material. Each source had previously considered or referred to cases which were allegedly linked to the Glenanne series. Those key sources are set out and summarised below.
- 29.2 Operation Denton drew at the outset on the significant work previously undertaken by others. However, as the review progressed, original material such as case papers, intelligence, first-hand accounts from victims, families, SOI and PWI became the primary sources of material for its research and analytical work and, ultimately, its findings.

30. Arrests of RUC officers - 1978

- 30.1 The events leading up to the arrests of a number of RUC officers in 1978, following the kidnap of Father Hugh Murphy earlier that year, was the catalyst for identifying some officers involved in the most serious terrorist offences, including murder.
- 30.2 On 17th June 1978, two RUC officers, Hugh McConnell and William Turbitt, were ambushed and murdered by a PIRA gang in South Armagh. The following day, Fr. Murphy was kidnapped from his home address in Ahoghill, Antrim. In December 1978, as part of a major RUC investigation, Police Sergeant (PS) James 'Gary' Armstrong and PC William McCaughey, were arrested along with the latter's parents, for involvement in this offence.
- 30.3 Mr McCaughey admitted his involvement in the kidnapping of Fr. Murphy as well as a number of other offences. He further implicated a number of RUC officers, including Police Sergeant John Weir, as well as Ulster Volunteer Force (UVF) members, in a number of further offences. This was the catalyst for the arrest of a wider police group in December 1978 and the RUC subsequently pursued loyalist paramilitaries and others connected to many of the atrocities committed between 1972-1978 within Mid Ulster and beyond.
- 30.4 Throughout 1979 and 1980, the RUC made a series of arrests of a number of significant terrorists who had been suspected of involvement in crimes examined as part of this review. The investigation resulted in a number of convictions for murder and serious terrorist offences.

31. Affidavit of John Weir - 1999

- 31.1 In 1999, former RUC PS John Weir swore an affidavit to support journalist and author, Sean McPhilemy in two libel cases in the UK and USA relating to a television documentary titled "The Committee".
- 31.2 Mr Weir served with the RUC between 1970-1980, including the Special Patrol Group in Armagh between 1972-1974. In 1980, he was convicted of murdering William Strathern at Ahoghill, Antrim in April 1977.
- 31.3 The affidavit implicated James Mitchell, a member of the RUC Reserve who owned a farmhouse at Glenanne, from which, Mr Weir alleged, a number of operations had been carried out, including the 1974 Dublin and Monaghan bombings. His affidavit also referred to a number of RUC officers, Ulster Defence Regiment (UDR) members and loyalist paramilitaries and described their involvement in a series of attacks and murders north and south of the border, a number being linked to Mr Mitchell's farm. Mr Weir's allegations were the subject of inquiries by both the RUC and AGS.

32. Operation Nantucket - 1999-2003

- 32.1 Operation Nantucket was an RUC inquiry which examined allegations of collusion between members of the RUC, UDR and loyalist paramilitary groups. As a result of the RUC investigation, a number of individuals were interviewed in relation to the Dublin and Monaghan bombings in 2000-2001. All denied any involvement.

33. Pat Finucane Centre Study - 1999-2004

- 33.1 Research for work undertaken by the PFC began in 1999. It had been approached by a number of families of victims of an attack at Donnelly's Bar at Silverbridge which took place in December 1975. The families' concerns related to allegations and rumours regarding collusion between paramilitaries and the security forces.
- 33.2 The PFC study entitled "A Case to Answer" was published in 2004 and it claimed:
- (1) the state had been "manipulating and directing" the nature of the conflict in Northern Ireland for political and military purposes and as part of a counter-insurgency strategy;

- (2) members of the security forces and senior loyalist paramilitaries had been working together to commit a series of attacks in South Armagh and beyond;
- (3) this group had used Mr Mitchell's farm in Glenanne, first, as a weapons and munitions store in the early 1970s, secondly, as a 'staging post' around the time of the Dublin and Monaghan bombings in 1974 and, thereafter, as a 'centre of operations';
- (4) the state had a role in "actively encouraging or directing" individuals within the group and its failure to end their activities and bring them to justice had been suppressed.

34. Barron Review - 2003-2006

- 34.1 An Independent Commission of Inquiry into the Dublin and Monaghan bombings was established by the Irish government and commenced its work on 1st February 2000. Interim and final reports were presented at different points to the Irish Taoiseach and the Joint Committee on Justice, Equality, Defence and Women's Rights. There were four Joint Committee interim reports, four Barron Commission reports and four Joint Committee final reports relating to the Dublin bombings in 1972 and 1973, the Dublin and Monaghan bombings in 1974, the bombing of Kay's Tavern, Dundalk in 1975 and the murder of Seamus Ludlow in 1976.

35. Cassell Report - 2004-2006

- 35.1 In 2004, the PFC commissioned Professor Douglas Cassell of the Northwestern University School of Law, Chicago, USA, to convene an international panel of inquiry. It was to inquire into alleged collusion by members of the security forces in Northern Ireland in the mid-1970s, particularly the activities of the Glenanne gang.
- 35.2 The panel published a number of key findings, stating that in twenty-four of the twenty-five cases examined evidence suggested collusion between members of the RUC and UDR and, furthermore, there was evidence that senior officers in command within the RUC were aware of this, failed to prevent or investigate it and appeared to condone what was happening.
- 35.3 The panel also commented on the limited number of cases which had been referred to PONI, noted its lack of jurisdiction to investigate the activities and criminal involvement of UDR members and stated that the HET did not meet international standards for investigation.

36. McEntee Reports - 2005-2007

36.1 After considering the findings of the 2003 Barron Report, the Irish government established a Commission of Investigation under Patrick MacEntee SC QC to address outstanding issues. Its ToR were to undertake a thorough investigation and report on the following specific matters considered of significant public concern:

- (1) why the AGS investigation into the Dublin and Monaghan bombings was wound down in 1974 and did not follow up on a number of specific leads;
- (2) missing documentation and whether systems currently in place were adequate to prevent a recurrence of documentation going missing.

37. HET review - 2006-2009

37.1 The role, governance and work of the PSNI HET were addressed in the Barnard judgment.

37.2 Previously, as part of a wider piece of work, the HET had completed reviews into a number of deaths in the south border area of Northern Ireland between 1972-1978. As a result, it produced a Glenanne series report which considered in some detail twelve specific cases. Central to the conclusions of the report was the assertion that a loyalist terrorist gang had operated out of Mr Mitchell's farm in Glenanne.

37.3 The report concluded that there had been collusion between members of the RUC and UDR and the loyalist paramilitaries in question. This was uncovered by various RUC investigative teams, which arrested and successfully prosecuted a significant number of those individuals, for direct involvement in murders, as well as other serious terrorist crimes.

38. South Border Security Situation Report - 2009-2013

38.1 The work undertaken by the HET in connection with its Glenanne series report featured within a wider exercise intended to address a number of outstanding cases. Families had been provided with individual reports explaining the circumstances of each case, providing an evaluation of the standard of each investigation and conclusions.

- 38.2 Over a period of time, the HET decided that in order to link cases involving collusion and provide families meaningful context it would be necessary to complete an overarching report, originally referred to as the 'Glenanne Overarching Report' and later renamed the 'South Border Security Situation Report' (SBSSR).
- 38.3 The SBSSR remained in draft form and incomplete. It is this report which was specifically referred to in the Barnard judgment. In developing the work, the HET worked closely with the PFC in setting out the structure and content of the report. The HET reviewed eighty-nine incidents involving loyalist terrorists which had taken place between July 1972 and June 1978 including those referred to within the PFC "A Case to Answer" study and the Cassell report. However, cases in the Republic of Ireland were outside PSNI jurisdiction and were not individually reviewed.
- 38.4 PSNI then decided to suspend this work. This led to significant frustration on the part of some families, the author of the report and the PFC about the likelihood of the report ever being completed. The ultimate result was the Barnard judgment which directed that the work be completed.

39. "Lethal Allies" - 2013

- 39.1 This book, published in 2013, was written by ex- journalist Anne Cadwallader, who at the time was working as a caseworker for the PFC. It is based upon research over a number of years involving the PFC, JFF, as well as victims and families. It describes and examines in detail a series of attacks and murders carried out by loyalist terrorists, mainly the UVF, including members of both the RUC and UDR throughout the early to mid-1970s.
- 39.2 "Lethal Allies" was a significant publication and was recognised as such, being considered by the Northern Ireland Court of Appeal during the Barnard proceedings.

40. PONI investigation - Operation Newham - 2016-date

- 40.1 In 2016, following on from the HET's Glenanne series report, PONI initiated Operation Newham. By that point, his office had received fifty complaints from victims, families and representative groups in relation to the attacks. The majority of complainants from Northern Ireland were represented by the PFC, whilst a number of victims from the Republic of Ireland were represented by JFF.

- 40.2 When comparing the PONI ToR for Operation Newham with the mandate from the Barnard judgment and the subsequent Operation Denton ToR, there are clear overlaps in terms of cases being reviewed or investigated. In terms of time periods, suspects, offenders, victims, modus operandi, role of the security forces and potential collusion, Operation Newham and Operation Denton have been looking at broadly the same cases.
- 40.3 Operation Newham has yet to report its findings.

41. The Barnard judgment - 2017-2019

- 41.1 In 2017, following the disbandment of the HET, as well as the PSNI decision not to complete and publish an overarching thematic report regarding the Glenanne series, a judicial review was launched. As already mentioned, the proceedings were brought by Mr Barnard citing the failure or refusal of the HET to conduct an article 2 compliant investigation into the murder of his thirteen-year-old brother Patrick, during the Hillcrest Bar attack on 17th March 1976.
- 41.2 The Court of Appeal judgment contains detailed commentary on the background, set-up, development and eventual disbandment of the HET. The Barnard judgment directed that PSNI complete and publish the work relating to the Glenanne series and it accordingly commissioned Operation Denton.

42. Analysis and findings

Victims and families

- 42.1 Victims and families sit at the very heart of Operation Denton. Every effort has been made to facilitate positive engagement, answer questions and establish the truth of what happened. For many, providing an account to Operation Denton has been the first time that they have positively engaged with an investigatory body.
- 42.2 The review focused on ninety-eight incidents resulting in one hundred and twenty-seven deaths. A dedicated Family Engagement Team was created to make contact and engage with victims and bereaved families. It was staffed by experienced and skilled detectives who employed a blend of traditional, as well as bespoke police family liaison techniques. The aim of every interaction was to reassure, build trust and garner material. Survivors and families were referred into Operation Denton by various means, for example, victim advocacy

groups, legal representatives, direct contact, third party referrals, as well as through the review team's proactive tracing. The intention being to give a voice to everyone who wished to be part of the process.

42.3 This involved meeting every family and providing them with a comprehensive overview of the work and the approach being adopted. Following initial engagement, subsequent contact focused on capturing people's accounts. Each family, dependent on their wishes, then entered into a cycle of continued contact. This pattern of communication focused on building and maintaining positive relationships. Where appropriate, new engagement meetings to provide significant case specific updates were provided.

42.4 Understandably, some families did not want to engage with the review team and a handful could not be traced. However, the team met and spoke with one hundred and seventeen families, capturing a total of one hundred and forty-seven separate accounts. These accounts, taken from mothers, fathers, wives, husbands, sons, daughters, brothers and sisters are all moving, compelling, emotive and hugely impactful. Every account obtained from a survivor or member of a bereaved family is unique. However, a number of prevalent questions and common themes emerged. The majority of survivors and bereaved families simply want to know the truth about:

- (1) Who committed the attacks?
- (2) Who orchestrated them?
- (3) Why their family was targeted?
- (4) Why the truth has been suppressed?
- (5) If there was collusion, what did it involve?

42.5 At the conclusion of the review, each family will have been provided with a detailed individual oral briefing, delivering case specific findings regarding the death of their loved one and where possible, answering their questions. The welfare of those we engaged with was an overriding priority.

42.6 Summary of findings in relation to victims and families:

Most feel that they have endured years of being ignored, disregarded and belittled. They want their loved ones recognised as individuals and the full impact of their loss and pain publicly acknowledged.

- (1) The majority of attacks reviewed by Operation Denton were deliberate sectarian attacks on members of the Catholic community.
- (2) A number of individuals targeted were publicly affiliated with the Social Democratic and Labour Party and many were popular, well-respected advocates for their communities, known for helping and supporting others.
- (3) Many did not receive an adequate response from the authorities in terms of the level of compassion and care provided. For many, providing an account to Operation Denton was the first time they had a positive experience with state authorities.
- (4) Lack of information provided to families contributed to a void of knowledge and awareness which was sometimes filled by poorly informed speculation.

Previous investigations

- 42.7 Operation Denton reported on the findings of each case reviewed, as well as setting out any deficiencies in previous investigations or official responses. In doing so, the review outlined the operating environment within which the security forces as well as the wider criminal justice system operated throughout the period examined.
- 42.8 Due to the volume of incidents taking place on a daily basis, Troubles-era investigations into the most serious of crimes including murders and bombings, were often led by Detective Constables, having to move from one incident to another. Some senior officers of the time considered that it took until the 1980s until there were sufficient resources, investigative capabilities and operational capacity to deal with the evolving threat.
- 42.9 During the 1970s, the RUC lost a number of officers who were murdered, as well as many who were attacked and seriously injured both on and off-duty. Officers were shot, vehicles were blown up and premises, including home addresses were attacked. Those working within the security forces were often living within the very communities affected by the outrages and tragedies taking place. The constant danger and stress placed upon them affected them and their families.
- 42.10 Summary of assessment of previous investigations:
- (1) In the majority of cases, the initial attendance of the emergency services at crime scenes was prompt. At the scenes of murders, uniformed responders supported by experienced detectives, scenes of crimes officers, photographers, mapping officers and where appropriate, specialist forensic experts were deployed.

- (2) Often the military also attended the scenes to offer support. There were times when due to security and safety considerations, attendance at some scenes had to be delayed.
- (3) In most cases reviewed by Operation Denton, there was an initial impetus in progressing lines of enquiry. However, in a number of cases, that soon waned. The capacity and at times capabilities of the RUC to exhaustively pursue investigations to meaningful conclusions was lacking. In some cases, lead investigating officers did not always receive relevant intelligence.
- (4) There were major shortcomings in the way that many victims and bereaved families were dealt with by the RUC in relation to initial liaison, care and on-going communication. Many victims and families were badly let down.
- (5) The anger and frustrations of many families have been compounded over subsequent years through having to deal with an inability or reluctance on the part of the security forces to provide answers to their legitimate questions.
- (6) There were successful investigations resulting in early and timely convictions of those involved in the most serious crimes, including members of the security forces. There were also a number of operations, sometimes several years after the attacks and murders had taken place, resulting in convictions.
- (7) The sharing of information and sensitive intelligence between the security forces operating within Northern Ireland and those in the Republic of Ireland was severely restricted by jurisdictional constraints and operational practice. Many of these limitations were evident following the attacks in Dublin and Monaghan in 1974.
- (8) Appropriate charges against individuals or groups of co-accused defendants based on the evidence available appear to have been made in most cases and court verdicts and sentences were in the main consistent. However, in a number of cases, legitimate questions were raised in relation to the charging of certain individuals, information made available to the courts, the sentences handed out and, in one particular case, the comments of the trial judge.
- (9) Following the detailed assessment of forensic and ballistic records as well as available material across each of the incidents reviewed, there are no realistic opportunities for the exploitation of new or further forensic examinations of material.

Series of cases reviewed

42.11 In total, one hundred and twenty-seven cases were initially considered for examination as part of Operation Denton. The parameters applied to identifying those cases were intentionally broad, taking into account a wide range of sources and factors, focusing on the activities of those responsible and not being overly reliant on others, such as the strict geography of offending. Following an assessment of relevant material as well as available intelligence relating to each case, a total of ninety-eight were identified for review as cases within the ToR. Of these, eighty-eight took place in Northern Ireland and ten in the Republic of Ireland.

42.12 Each case review considered and examined:

- (1) RUC investigation files, court papers, subsequent reviews and civil proceedings material;
- (2) HET material;
- (3) information from victims, families, SOI and PWI;
- (4) analysis of links and associations between SOI;
- (5) material including sensitive intelligence obtained from the security forces;
- (6) ballistic and forensic links between incidents and individuals.

42.13 Summary of findings in relation to cases reviewed:

- (1) An easily defined discrete 'Glenanne gang' did not exist. The term has evolved over time to become a convenient shorthand construct, used widely to group together the horrific activities of a broader network of paramilitary groups, primarily the wider UVF and Mid Ulster UVF acting with corrupt members of the security forces, including the RUC and UDR.
- (2) It is therefore not possible to describe a clearly defined 'Glenanne series' of offences.
- (3) Glenanne Farm was one of a number of farms and other premises utilised by the UVF to store explosives and ammunition as well as plan operations.
- (4) Within the cases reviewed, other farms and locations were more active as 'centres of operations', as well as locations for bomb making or storage.
- (5) There were two main UVF units based in Portadown, operating within Mid Ulster and beyond. The vast majority of offences were committed by one of the groups in particular whose membership included a number of security force members.

- (6) That specific group also controlled and influenced a number of smaller groups within the Mid Ulster UVF including the areas of Lurgan, Moy, Dungannon, Moygashel and Loughgall.
- (7) The attack patterns of the cases reviewed reflect those of the wider UVF at the time and were committed in line with the sectarian policies and strategies of its leadership based in Belfast.
- (8) Attacks, particularly those which occurred in Mid Ulster, were often part of a larger coordinated series which were taking place throughout Northern Ireland and the Republic of Ireland.
- (9) A number of UVF members had prior British military conflict experience and training. Mid Ulster UVF, over time, developed the capability to construct explosive devices and had access to material and component parts.
- (10) Whilst aligned to the overarching UVF direction, Mid Ulster UVF operated at times with considerable autonomy within its local geographic area. Mid Ulster UVF also committed attacks in counties Tyrone, Armagh and Down in Northern Ireland, as well as being involved in terrorist attacks in the Republic of Ireland.

42.14 Part 2 of the Operation Denton Final Report sets out in brief detail a summary of each case reviewed. Within each summary a very brief and hopefully respectful reference has been made to each of the victims tragically killed. They, as well as their loved ones, remained the main focus of those who were involved in the review work.

Collusion

42.15 The position adopted by Operation Denton in relation to the term 'collusion' is in line with that applied across the broader series of investigations set out within the Operation Kenova Interim report. It is worth reinforcing this position as regards Operation Denton. Where we have found culpable acts and omissions on the part of the security forces or those in authority, including what was known at the time within government, the review addressed them. If the term 'collusion' needs to be used, the review has not shied away from using it, but neither has it done so too readily. Where it has been fairer to do, we have simply sought to find facts and let them speak for themselves.

42.16 Operation Denton considered whether the review as a whole suggested wider issues of collusion beyond those already established within individual cases. It also sought to establish the extent of any state collusion within the context of the review's ToR. The review did not

seek to define state or organisational collusion, which could cover a broad spectrum of acts or omissions by individuals, groups, organisations or authorities. However, where appropriate, the review commented on the extent, nature and character of collusion between individuals or groups who by definition of their role represented the state. This included allegations against members of the security forces and allegations of state collusion involving high level governmental action or strategy.

- 42.17 The review found in a number of individual cases, clear evidence of the active involvement of members of the security forces with loyalist paramilitary groups. This collusion involved extremely vicious and serious criminal activity, including bombing attacks and murder. Further, security force intelligence assessments indicate that paramilitary groups were regularly supplied with intelligence by members of the security forces and that UVF members and sympathisers existed within the UDR, the RUC and RUC Reserves and the Territorial and Army Volunteer Reserve (TAVR). These cases and assessments undoubtedly evidence collusion.
- 42.18 In order to examine whether there was evidence of collusion at a higher organisational level within the security forces or government, an assessment process involving access to an extensive range of repositories and archives across government departments, the military estate, and the security forces was established. The sources included the National Archives of the UK and Ireland, the restricted archives of PSNI, MOD, MI5, the Cabinet Office, Foreign Commonwealth and Development Office, Northern Ireland Office, other intelligence services and the AGS, as well as a number of independently held collections. This material included information and intelligence classified up to and including 'Top Secret'.
- 42.19 Examples of collusion between individuals within the security forces and loyalist groups within Northern Ireland are a matter of public record. It is clear from the assessment of sensitive operational material that in the planning and undertaking of pro-active operations targeting loyalist paramilitary groups, the British Army was concerned about the risk of RUC officers having close associations with loyalist paramilitaries. This was particularly evident during the earlier phases of the period reviewed. The working relationship between the Army and the RUC, specifically SB, did improve over a period of time.
- 42.20 Summary of findings regarding collusion:
- (1) A number of cases involved members of the security forces who were arrested and convicted of serious terrorist offences. This represents clear evidence of collusion with loyalist paramilitaries by state actors.

- (2) Paramilitary groups were being supplied with intelligence by corrupt members of the security forces. UVF members or sympathisers existed within certain organisations, particularly the RUC, RUC Reserves, Territorial and Army Volunteer Reserve (TAVR) and UDR.
- (3) A number of police officers, not convicted of criminal offences, did have inappropriate relationships with members of the Mid Ulster UVF. There were also a number of police officers and members of the UDR who held extreme views and were sympathetic towards those involved in loyalist terrorist activity.
- (4) It is likely that in some parts of the RUC there was a culture of permissiveness and that some higher ranks were aware of, or had suspicions about, criminal and terrorist activities or sympathies of colleagues. However, the review has found no evidence which indicates that the RUC at an organisational level was involved or complicit with the activities of extremists or terrorists.
- (5) In a number of cases, intelligence or information regarding the involvement of prominent loyalist paramilitaries in offences appears not to have been adequately acted upon.
- (6) Whilst there was clear collusion between some members of the UDR and RUC with loyalist paramilitaries, the review has not discovered any material which indicates that the security forces systematically collaborated with prolific offenders, or that any individuals or groups were organisationally 'protected' by the security forces. However, Operation Denton recognises that if it were the case, it is unlikely there would be records either made or retained which would reflect this.
- (7) Some former members of the security forces have made allegations that the British Army and RUC consistently worked with and provided support to loyalist paramilitaries on a regular basis. However, their serious allegations of state collusion are generally based on limited first-hand knowledge, relying mainly on hearsay information and speculation.
- (8) No material examined provides evidence of high-level state collusion, or an intent on the part of the leadership of the British Army or UK government to collaborate with loyalist paramilitaries. In addition, no material has been discovered which evidences or implies a deliberate strategy on behalf of the security forces or the UK government to either not pursue or actively support the activities of loyalist terrorist groups.

- (9) There is evidence of the UK government directing the British Army to take action against both republican and loyalist paramilitaries. However, for periods, there were inconsistent policies applied when dealing with loyalists and republicans, including criteria for arrests, as well as a policy which allowed the UDA to patrol and police what were seen as its areas, whilst the security forces focused their activities on nationalist areas. The clear disparity between the numbers of nationalist or republicans detained between 1971 and 1975 under Interim Custody Orders (otherwise known as internment) when compared with unionists or loyalists further served to confirm the view of some of a biased approach adopted.⁷¹

Dublin and Monaghan attacks

- 42.21 As already mentioned, Operation Denton was a review and therefore not commissioned to re-investigate the Dublin and Monaghan bombings. The approach to its review mirrors that adopted with each of the other cases examined within its ToR, including accessing material held by PSNI, MOD, MI5, other government departments and the AGS.
- 42.22 The brutality of the Dublin and Monaghan attacks and the trauma inflicted on victims and families endures today. The original AGS investigation quickly pointed the security forces towards the actions of extreme loyalists based in Northern Ireland, primarily members of the UVF. Despite a number of previous inquiries, reviews and investigations nobody has ever been brought to justice in relation to the atrocities.
- 42.23 During the course of the review work carried out by Operation Denton with regard to the Dublin and Monaghan bombings, strong views have been expressed alleging collusion on the part of the British state. Operation Denton recognised the strength of these views and the good faith with which they are held. As is clear from section 8 of the Operation Denton Final Report, wherever the review established collusion in terrorist attacks and activity, it was identified and condemned unequivocally, and the nature of it was explained. Accordingly, the review team has been particularly rigorous in seeking evidence of collusion relating to the Dublin and Monaghan attacks, whether prior to, during, or after the attacks by the UVF.
- 42.24 Legitimate questions have been raised around the lack of information and intelligence recovered during the Denton review relating to key elements, such as the bombs used in the attacks. This absence of intelligence has been presented as indicative of collusion. In addition, the poor investigative response in the days following the attacks and the lack of information made available to victims and families thereafter, have contributed to assertions

⁷¹ Total detained 1,981: nationalist/republican 1,874; and unionist/loyalist (107) (source, the CAIN Archive).

and beliefs in collusion existing. However, with regard to the Dublin and Monaghan attacks, no evidence of collusion was found by the Operation Denton team, albeit that this cannot be categorically excluded. This is an important matter of legitimate public interest and it is therefore important that the Operation Denton findings are clear.

42.25 Summary of findings:

- (1) The UVF was responsible for the 1974 Dublin and Monaghan bombings.
- (2) UVF Brigade staff, based in the Shankill area of Belfast, planned, resourced and carried out the attacks.
- (3) The UVF was independently capable of carrying out the attacks and possessed the necessary materials, knowledge and expertise without any support from the security forces.
- (4) The Mid Ulster UVF provided the Belfast UVF with operational support to attack Monaghan.
- (5) In the aftermath of the attacks, the RUC and Army were in possession of intelligence which identified a number of those believed to have been involved.
- (6) There was no specific intelligence which, if acted upon, could have prevented the 1974 Dublin and Monaghan bombings.
- (7) No new information has been discovered by Operation Denton which would confirm or contradict a view that the Glenanne farm may have played a role in the attacks.
- (8) The review has not identified any evidence or intelligence which would indicate that British security forces colluded with the UVF to carry out the attacks in Dublin or Monaghan, nor has any evidence of state collusion been identified.

42.26 Based upon the examination and analysis of material including sensitive information and intelligence, there do not appear to be any realistic opportunities from an investigative or forensic perspective, to warrant any form of criminal re-investigation into these attacks. In the absence of any new and compelling evidence coming to light, or admissions of guilt from those suspected of involvement in the attacks, the prospect of any successful criminal justice outcome by way of prosecution in the future is extremely unlikely.

Part F: Conclusion

43. Update on recommendations made in Kenova Interim Report

Overview

43.1 The Kenova Interim Report was published on 8th March 2024 and made ten recommendations aimed at improving society's approach to the legacy of the Northern Ireland Troubles. The recommendations made were as follows:

- (1) Establish, on a statutory basis and with express statutory powers and duties, an independent framework and apparatus for investigating Northern Ireland legacy cases.
- (2) Subject all public authorities to an unqualified and enforceable legal obligation to cooperate with and disclose information and records to those charged with conducting Northern Ireland legacy investigations under a new structure.
- (3) Enact legislation to provide procedural time limits enforced by judicial case management to handle cases passing from a new legacy structure to the criminal justice system.
- (4) Review and reform the resourcing and operating practices of PPSNI in connection with Northern Ireland legacy cases.
- (5) The longest day, 21st June, should be designated as a day when we remember those lost, injured or harmed as a result of the Troubles.
- (6) Review, codify and define the proper limits of the NCND policy as it relates to the identification of agents and its application in the context of Northern Ireland legacy cases pre-dating the Good Friday Agreement.
- (7) Review the security classification of previous Northern Ireland legacy reports in order that their contents and (at the very least) their principal conclusions and recommendations can be declassified and made public.
- (8) PPSNI should pay due regard to the views, interests and well-being of victims and families when considering the public interest factors relevant to prosecution decisions in Northern Ireland legacy cases.
- (9) The UK government should acknowledge and apologise to bereaved families and surviving victims affected by cases where an individual was harmed or murdered

because they were accused or suspected of being an agent and where this was preventable or where the perpetrators could and should have been subjected to criminal justice and were not.

- (10) The republican leadership should issue a full apology for PIRA's abduction, torture and murder of those it accused or suspected of being agents during the Troubles and acknowledge the loss and unacceptable intimidation bereaved families and surviving victims have suffered.

43.2 The UK government had the power and means to implement the majority of the recommendations. Accordingly, senior members of Kenova have had regular meetings with their counterparts in the Cabinet Office with a view to understanding progress against the recommendations. In addition to this, Sir Iain Livingstone wrote to key individuals about specific recommendations within their areas of responsibility as follows:

- (1) letter to the Minister of Justice of Northern Ireland dated 28th January 2025 regarding recommendations three and five;
- (2) letter to DPPNI dated 28th January 2025 regarding recommendations four and eight;
- (3) letter to SoSNI dated 18th December 2024 regarding all recommendations and requesting updates on those relating specifically to the UK government, namely, one, two, five, six, seven and nine.⁷²

43.3 Substantive replies were received from the Minister of Justice on 20th February 2025, DPPNI on 25th February 2025 and SoSNI on 13th August 2025.

Recommendations 1-2: a new statutory framework for legacy

43.4 As already mentioned, the 2023 Legacy Act established the ICRIR with effect from 1st May 2024. However, the Act was challenged in the Northern Ireland High Court in the Dillon case, ICRIR had been found to be incapable of discharging the state's investigative obligations under articles 2-3 of the ECHR and a number of the Act's key provisions had been declared incompatible with Convention rights and the Windsor Framework.⁷³ Following the general election of 2024, the new government accepted some aspects of the High Court decision, but continued an appeal against others. On 20th September 2024, the Northern Ireland Court of Appeal endorsed the High Court decision and made a number of additional declarations

⁷² <https://www.kenova.co.uk/kenova-lead-requests-updates-on-interim-report-recommendations>.

⁷³ In the Matter of an Application for Judicial Review by Martina Dillon & others - NI Troubles (Legacy and Reconciliation) Act 2023 [2024] NIKB 11: <https://www.judiciaryni.uk/judicial-decisions/2024-nikb-11>.

of incompatibility, some of which the government has also now accepted.⁷⁴ An analysis of the somewhat complicated litigation history is set out in a report of the Parliamentary Joint Committee on Human Rights dated 28th February 2025.⁷⁵

- 43.5 On 19th September 2025, the governments of Ireland and the UK published a joint framework to address legacy matters from the Troubles. The main undertaking of the joint framework is shared recognition that the 2023 Legacy Act is not fit for purpose. The framework seeks to be consistent with the intention and detail of the 1998 Good Friday Agreement, as well as what was agreed but subsequently not implemented in the 2014 Stormont House Agreement. The main changes to be made are: an end to the immunity scheme for those who committed crimes during the Troubles; the reintroduction of a right to pursue civil remedies; a move to reintroduce inquests into Troubles-related deaths under certain circumstances; significant reform to ICRIR which was established by the 2023 Legacy Act, with it to be renamed as the Legacy Commission; establishment of a joint governmental Independent Commission for Information Retrieval; improved governance and accountability; and the establishment of a statutory Victims and Survivors Advisory Group. A dedicated unit is to be established within AGS to act as a central point of contact for cross-border cooperation on Troubles-related cases. Both governments have agreed to commit funding and resources, to legislate where required and to share information across boundaries. Many of the reforms build on the experience and knowledge gained through Kenova and the feedback from victims and families. On 14th October 2025, the UK government introduced the Northern Ireland Troubles Bill to implement the proposed changes.

Recommendation 3: transfer of cases to criminal justice system

- 43.6 In her letter to Sir Iain dated 28th January 2025, the Minister of Justice of Northern Ireland did not undertake to legislate to provide procedural time limits for the handling of cases transferring from ICRIR to the criminal justice system, but did confirm that tackling delays in the justice system in Northern Ireland was one of her priorities. She described the Northern Ireland Executive's "Speeding up Justice" programme which intends to reduce demand and enable cases to be dealt with more quickly. Without specifically mentioning legacy cases, she stated that over the past two years there had been a sixteen percent improvement in the time it took for a case to be dealt with from when it was first reported to police.

⁷⁴ In the Matter of an Application for Judicial Review by Martina Dillon & others - NI Troubles (Legacy and Reconciliation) Act 2023 [2024] NICA 59: <https://www.judiciaryni.uk/judicial-decisions/2024-nica-59>.

⁷⁵ Joint Committee on Human Rights, "Proposal for a Draft Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (Remedial) Order 2024", February 2025, First Report of Session 2024-25, HC 569, HL Paper 8, §§18-74.

Recommendations 4 and 8: review and resourcing of PPSNI

43.7 DPPNI gave a detailed response which took issue with aspects of chapter 44 of the Kenova Interim Report and also responded to the relevant recommendations made. The main points made in connection with recommendation four were:

- (1) The PPS Central Casework Unit considers that it works with PSNI in much the same way that the Crown Prosecution Service Counter-Terrorism Division works with police in England and Wales, but the benefits that can be derived from a close collaborative approach may, depending upon the circumstances of the case, be significantly reduced when the matters under investigation occurred thirty - forty years ago. The Operation Kenova investigation involved an extensive review of a vast amount of material, including historical intelligence records with significant admissibility challenges. The scope for developing new lines of enquiry, case-building and collaborative working were therefore more limited. The counsel who provided advice to PPSNI on Operation Kenova files were experienced treasury counsel accustomed to working with the Crown Prosecution Service.
- (2) Skilled and experienced prosecutors, and counsel based in England, were identified in advance of initial file submissions to work on the Kenova cases. The prosecutors directly involved dedicated the majority of their time between 2020 and 2024 to this work. They also held conferences with the Kenova team and issued advice and directions which resulted in the receipt of additional materials and reports. DPPNI said he was satisfied that no alternative approach to investigator and prosecutor engagement could have overcome the significant evidential challenges that led to the 'no prosecution' decisions arrived at. He also made the point that the engagement between investigators and prosecutors on Operation Turma, where the main evidential issues were around DNA, did lead to a case that met the evidential test for a prosecution.
- (3) There were nevertheless lessons to be learned from Kenova. Operational issues in relation to suspect strategy, continuity of forensic exhibits, and the deployment of evidence in interviews would all benefit from further discussion and agreement. Differences in respect of court and disclosure processes between Northern Ireland, on the one hand, and England and Wales, on the other, are other areas that would benefit from engagement between PPSNI and investigators responsible for legacy cases. PPSNI learning from working with Operation Kenova in all of these areas is being included in a draft Memorandum of Understanding and potential training events with ICRIR subject to structural constraints on funding and resources.

- (4) PPSNI did not have sufficient resources to progress the Operation Kenova decisions more quickly and Kenova's perception that there was a queue of legacy cases being dealt with by PPSNI "as resourcing and demand allow" was understandable but not accepted. DPPNI stated in particular, "The failure to implement properly funded and politically agreed mechanisms for dealing with the past have undoubtedly hampered my ability to successfully present a case for sufficient prosecutorial resources for legacy casework. In particular a separate Legacy Unit within the PPS (which did not also have to deal with current day casework) should have been established, had funding to do so been made available."
- (5) DPPNI detailed funding bids since 2014 for a dedicated Legacy Prosecution Unit and expressed frustration at not being adequately funded to support legacy prosecution work:

In short, I must report that to my great disappointment there appears to be no progress as regards this recommendation from the point of view of us being appropriately funded. Whether the reason be uncertainty over future legacy arrangements or a political standoff between the Assembly and Westminster as regards who should 'match fund' the PPS resourcing remains unclear to me...

I am determined that PPS will not be forced into a position of engaging in prosecutorial advice work or otherwise considering legacy cases without the resourcing issue being addressed. To do so would be irresponsible given the problems that have been caused to date by PPS not being properly resourced for legacy work. It would not just be building in delay and further distress to the families of victims, but also be extremely unfair to my staff who try their best to progress this work expeditiously while also dealing with serious and complex cases already before the courts. We are currently dealing with 12 requests for review of prosecution decisions taken on legacy cases prior to the new legislation being introduced on 1 May last year. We are simply unable to progress these reviews expeditiously given the number of other complex and resource intensive cases currently being dealt with by Central Casework section, many of which are presently at trial or still requiring considerable prosecutor input as they are live in the Crown Court.

- 43.8 In regard to recommendation eight, DPPNI pointed out that the PPSNI Code for Prosecutors already states that prosecutors are required to take into account the views of victims and, in appropriate cases, family members in deciding the public interest test. His view is that this recommendation may be more applicable to ICRIR as it engages at a much earlier stage with families to discuss what they want out of any investigation. That said, DPPNI remarked that the head of ICRIR, Sir Declan Morgan, has recently stated that it has to be borne in mind that there are article 2 obligations that apply and, where evidence exists of serious criminality, there is a legal duty to pursue the potential for a prosecution.

- 43.9 The Minister of Justice also explained that the “Speeding Up Justice” programme includes a workstream scoping how PSNI, PPSNI and defence counsel can work better together to expedite the most serious cases more efficiently, ensuring cases are in a good state of readiness when they come before the court. At present, early engagement between PSNI and PPSNI includes initiatives to improve the quality and timing of information sharing.

Recommendation 5: the longest day as a day of reflection for the Troubles

- 43.10 The Minister of Justice of Northern Ireland explained that she had been updated by the First and Deputy First Ministers who advised that the new “Strategy for Victims and Survivors of the Troubles/Conflict 2024-2034” received executive endorsement in October 2024.⁷⁶ This has been developed around three interlinked strategic pillars - Needs, the Past and the Future which remain unchanged from the previous strategy. The strategy includes a commitment in relation to the Day of Reflection on 21st June as follows:

Work with statutory, third and faith sectors to recognise and promote the Annual Day of Reflection on 21st June each year which aims to acknowledge the deep hurt and pain caused, allows reflection and provides a commitment to a peaceful society.

- 43.11 The Home Office Victims of Terrorism Unit launched a consultation in March 2025 to understand public support for a “National Day for Victims and Survivors of Terrorism” and how this could be commemorated.⁷⁷ It has recently been announced by the UK government that an annual national day to honour all victims and survivors of terrorism will be inaugurated on 21 August 2026, a date on which the United Nations has established as International Day of Remembrance for victims of terrorism.

- 43.12 Although SoSNI’s letter to Sir Iain Livingstone dated 13th August 2025 did not refer to the Northern Ireland Executive’s strategy document or the then ongoing Home Office consultation, it did confirm that the government is “open to” the suggestion contained in recommendation 5 regarding the Troubles:

Designating a day to remember all of the victims of the Troubles is something that would carry significant weight. However, our initial view is that this is not something that should be decided solely by the UK Government. It may be more appropriate for this to be done in collaboration with the Northern Ireland Executive who can consider the views of all communities in Northern Ireland to ensure that the day chosen has cross-community support.

⁷⁶ <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/victims-and-survivors-strategy.pdf>.

⁷⁷ <https://www.gov.uk/government/consultations/national-day-for-victims-and-survivors-of-terrorism>.

Recommendations 6-7: review NCND and classification of previous reports

- 43.13 No substantive progress has yet been made on these recommendations, and it is unclear whether and when this may change. SoSNI's letter dated 13th August 2025 stated:

NCND is an important protection in particular where disclosure of information might otherwise cause damage to national security through the compromise of recruitment and retention of CHIS, but it also covers a broad range of other sensitive national security activities. You will be aware that the Government has appealed the Thompson judgement to the Supreme Court and judgment is expected imminently. We would expect the judgment to provide some clarity on the use of NCND and the role of the courts. Specifically on the issue of past reports, these are owned by many different bodies, including the UK Government and the PSNI. The Government already follows a procedure for the declassification of historic material via the Public Records Act.

Recommendation 9: government apology

- 43.14 SoSNI's letter dated 13th August 2025 stated that the UK government, "will not consider a state apology while litigation remains ongoing and ahead of a final report that is yet to be published". Kenova understands that this reference to litigation relates to the outstanding Stakeknife civil claims against the estate of Frederick Scappaticci and various public authorities.⁷⁸

Recommendation 10: republican leadership apology

- 43.15 The First Minister of Northern Ireland and Vice President of Sinn Féin, Michelle O'Neill, issued the following statement following the publication of the Kenova Interim Report on 8th March 2024:⁷⁹

The report from the Kenova inquiry has been published today. My heartfelt thoughts are first and foremost with all those families whose loved ones were killed, and whose anguish, hurt, and loss continues to be felt deeply. The injustices and tragedies of the past have left a deep legacy of suffering and trauma in our society. We must never forget those who have died or been injured, and their families. I am sorry for all the lives lost during the conflict, without exception. Regrettably, the past cannot be changed or undone. Neither can the suffering, the hurt or the political violence of the conflict be disowned by Republicans, or any other party to the conflict. People's

⁷⁸ Kenova Interim Report, ch.40.

⁷⁹ <https://sinnfein.ie/news/the-hurt-and-pain-of-the-past-must-never-be-repeated-we-must-build-a-better-future-oneill/>.

lives from every section of the community were trespassed upon during the conflict by British State forces, republicans, loyalists and unimaginable grief, hurt, pain and suffering was inflicted. I will never ask any mother, father, wife, husband, son, daughter, brother or sister to forget the past or to move on. While thankfully the conflict is long over, the legacy of our past remains unresolved. Intergenerational trauma continues to impact so many families today. Today I represent the Good Friday Agreement generation. A generation born into conflict, but who are now in a position, because of that Agreement 26 years ago to build the future in a time of peace. This is something we can never take for granted. The hurt and the pain caused must never again be repeated. We must find ways to help people heal. As a republican, and a Sinn Féin leader, and also as First Minister, I am wholeheartedly committed to healing the wounds of the past. To building this better future that we all deserve.

- 43.16 This statement was generally welcomed. Whether more needs to be said to meet recommendation ten is primarily for victims and families to consider as well as wider society.

44. Lessons learned

Overview

- 44.1 There is no template for setting up an independent investigation such as Kenova. No pre-existing infrastructure was in place, and, in many ways, it had to be set up from scratch. To help understand the inevitable challenges faced in doing this, Mr Boutcher and the Kenova team read reports into previous legacy inquiries and where possible met with those who had conducted them.
- 44.2 During the course of Kenova, important lessons were learned. This chapter summarises key points which are intended to assist those investigators who may come later. Some of the lessons relate specifically to legacy investigations in Northern Ireland, others have a wider application.

- 44.3 Mr Boucher first described the learning from Kenova when he gave evidence to the Northern Ireland Affairs Committee in 2020⁸⁰ and the “Outcomes and Findings” section of his Interim Report provides greater detail.⁸¹ Further, in February 2025, members of the Kenova team met for a formal post-investigation debrief and this allowed the capture of learning from across all of the Kenova cases. Some of the key issues raised are summarised below.

An investigation is only as good as the information available to it

- 44.4 A legacy investigation can only be effective if it actively searches for relevant information rather than rely on what is available at the outset or what is simply given to it. It is for investigators to decide on the relevance of information, not those holding the information. Information sharing agreements must be agreed with all organisations holding potentially relevant records at the earliest stages of the investigation. These agreements should cover access to and handling of information and make appropriate provision for its onward use by the investigation.
- 44.5 The appointment of ‘Single Points of Contact’ for each organisation holding information within the scope of the investigation ensures a better understanding of how and where information is located. Due to their knowledge of the investigation, such individuals should then be well placed to work collaboratively on the identification of and access to potentially relevant material.

The truth can be uncovered.

- 44.6 Kenova has shown that it is possible to find the truth of what happened for many victims and families. However, this requires an absolute commitment to examining the events thoroughly, dedication to and openness with families and a firm determination to challenge those who seek to oppose the process.
- 44.7 In the majority of Kenova cases, information was discovered that was not previously known to families. This was a result of identifying and accessing all information from wherever held, re-interviewing witnesses or those with information, and ensuring all exhibits were reviewed and examined using all available modern forensic capabilities.

⁸⁰ Kenova Interim Report, ch.31 and Appendices 11 and 26-27; House of Commons Northern Ireland Affairs Committee, “Addressing the Legacy of Northern Ireland’s Past: the Government’s New Proposals (Interim Report)”, 21st October, Third Report of Session 2019-21, HC 329, oral evidence session: <https://committees.parliament.uk/oralevidence/800/html/>.

⁸¹ Part D, Section 3, chs 63-75.

A realistic approach to prosecutions

- 44.8 Kenova's experience is that victims and families are entirely realistic about the practicability and utility of prosecutions. Most simply want to be acknowledged, listened to, and know the truth of what happened. Some do want a criminal justice outcome should the evidential threshold required for a prosecution be achieved. Some have serious concerns about the potential negative community reaction and personal consequences of a prosecution in their particular case. In cases where people were targeted on the basis that they were suspected of having been state agents, their families continue to be unfairly stigmatised and prosecutions could re-trigger some backlash for these families.

False and misleading information is often passed to families

- 44.9 Many families whose loved ones were murdered during the Troubles have not, over many years, been given even the most basic and uncontroversial information by the authorities about what happened. There are many reasons for this, including the dangerous operating environment for the police to engage with them at the time. However, as families will testify, and as has been demonstrated repeatedly during Kenova and through previous legacy investigations, there was also a default police and security force culture of withholding information.
- 44.10 In addition to the lack of information given to families, many have been contacted through a variety of means by people who claim to know what happened in their particular case and who then give them false or misleading information. These unhelpful interventions come from all sections of the community and media, including private individuals, legacy commentators, and retired members of the security forces and paramilitaries. Kenova investigators have established that such information is often wrong, and at times wildly so. On occasions, people pass information on in good faith, e.g. simply being something they have heard. In many instances examined by Kenova, the person passing on the information had no direct knowledge of the events. This can cause huge harm and upset to victims and families who are left to speculate on the veracity of the information provided.

Governance and review

- 44.11 The Chief Constable of PSNI was and is accountable to the Northern Ireland Policing Board for the delivery of Kenova. However, the direction and control of the investigation vests in the OIOC who has full operational independence, albeit acting at all times with and under the authority of the Chief Constable. As a result, it was identified at an early stage by both PSNI and Kenova that a bespoke structure was required to provide governance and oversight of Kenova.
- 44.12 The Independent Steering Group (ISG) was created to ensure meaningful independent scrutiny, advice and challenge to the investigations. The Victim Focus Group (VFG) ensured the highest level of service delivery for victims and families. The Kenova Governance Board (KGB) provided independent scrutiny of the Kenova structure, business functions and operational delivery. The Governance Board was established later than the ISG and VFG as the Kenova case load expanded. An important learning point is that it would have been better practice if the Governance Board had been set up earlier as it could then have discharged governance arrangements from the outset. It is noteworthy that an important section of the Troubles Bill introduced to the UK Parliament in October 2025 seeks to implement more rigorous governance of the reformed Legacy Commission. Effective governance is a key element in ensuring independent and trusted investigations.
- 44.13 The independent reviews into Kenova's compliance with article 2 of the ECHR by Alyson Kilpatrick BL, the review by the National Police Chiefs' Council Homicide Working Group on the strategic approach to the investigations and the VFG's review into Kenova's approach to victims' rights all provided challenge to the investigations and independent validation of the Kenova approach and work. These external reviews also provided assurance to families that everything possible was being done to meet the Kenova ToR.
- 44.14 Legacy investigations in Northern Ireland have an additional challenge in that interested parties affiliated to those being investigated are part of the stakeholder community whose views influence and inform the trust and confidence of victims and families. Although interested parties can provide a particular perspective, they can also seek to challenge legacy investigations they perceive as a threat to their narrative of the Troubles. Not only did the above level of governance and review provide challenge and advice to Kenova and assurance to victims and families, but it also helped protect against those who would seek to disrupt and undermine the work of Kenova.

Expert evidence

- 44.15 Kenova made use of the most up to date forensic techniques, discovered information not available to other inquiries and had access to the country's top forensic scientists, pathologists and firearms experts. Kenova detectives and the experts who supported them drew on their extensive experience of investigating terrorism and other serious crime and then presenting their findings to experienced prosecution teams.
- 44.16 In addition to developing the best evidential cases, a key part of Kenova's role was to explain to families the investigation findings. The feedback from some families was that the findings, particularly the detailed forensic findings were at times difficult for a lay person to comprehend fully. An important lesson was to consider how best to present the findings to families in an accessible way and opportunities for further dialogue can be vital to ensuring that all concerned have been able to digest and assimilate all relevant details.

Completion of public facing reports

- 44.17 Much of the material reviewed by legacy inquiries is highly classified. As discussed in the Interim Report this has resulted in many of the reports produced being classified as Secret or even Top Secret. This has a number of consequences, one of which is that victims and families do not get to see the result of the inquiry into their loved one's death. This adds to the suspicion that something is being covered up and can create conspiracy theories or lead to false and misleading information being disseminated. It also prevents public scrutiny into the progress against recommendations. Kenova found that in many cases recommendations made in previous reports were not addressed and the lack of public reporting was a significant factor that precluded this being pursued.
- 44.18 Public facing legacy reports require careful drafting and checking and this can be time consuming and delay publication. The intention to deliver public reports has also been subject to challenge. However, it is vital to allow the public and importantly victims and families to understand as much as possible about the findings and conclusions reached. Stakeholder awareness that the extent and nature of their engagement will be public knowledge can also act as a driver towards cooperation and information sharing.

Formulating terms of reference

- 44.19 Terms of reference for investigations and inquiries are traditionally agreed between the sponsoring organisation and the person who will be leading the process. The ToR for Operation Kenova were initially co-authored by the Chief Constable of PSNI and OIOC of Kenova. When they were announced publicly there was legitimate feedback from families and those representing them that they had not been consulted, and it became clear that an opportunity to secure trust, confidence and engagement had been lost. It is vital that inquiry ToR are accepted and supported by families if the process is to be effective and command respect. Consultation with families and stakeholders was important learning for Kenova and was then followed when establishing ToR for the additional Kenova Group of cases.

45. Kenova archive and websites

- 45.1 Following the completion of Kenova's work, its files and exhibits have been returned to and retained by PSNI as the commissioning body for Kenova.⁸² The administrative dissolution of Kenova and the archiving of its material is well developed and PSNI will retain control of the archive for the future. Under Information Handling Protocols and Memoranda of Understanding agreed between Kenova and the UK government at the outset of the operations, materials classified "Top Secret" and obtained from MOD and MI5 have been returned to those bodies for secure storage.
- 45.2 The hosting of the Kenova websites will be transferred to PSNI for updates and maintenance.
- 45.3 Kenova has demonstrated a rigorous and ethical approach to Northern Ireland Troubles investigations that should be the foundation for future practice.

Sir Iain Livingstone QPM
Officer in Overall Command
November 2025

⁸² Kenova Interim Report, §40.4.

Glossary

The following abbreviations are used in this report:

2023 Legacy Act	Northern Ireland Troubles (Legacy and Reconciliation) Act 2023
Article 2	Article 2 of the ECHR (the right to life)
ACOS	Assistant Chief of Staff
AGS	An Garda Síochána
ASP	Assistant Secretary Political
BRO	Brigade Research Office(s)
CHIS	Covert Human Intelligence Source
CID	Criminal Investigation Department
CLF	Commander Land Forces
CRU	Central Resettlement Unit
DASP	Deputy Assistant Secretary Political
DBC	Debrief Centre(s)
DCI	Director and Coordinator of Intelligence
DPPNI	Director of Public Prosecutions for Northern Ireland
ECHR	European Convention on Human Rights
FLC	Family Liaison Coordinator
FLO	Family Liaison Officer
G2	Military Intelligence
FRU	Force Research Unit
HET	PSNI Historical Enquiries Team

HOLMES	Home Office Large Major Enquiry System
ICRIR	Independent Commission for Reconciliation and Information Recovery
IDT	Investigation Development Team
IO	Investigating Officer
ISG	Independent Steering Group
ISU	Internal Security Unit
IT	Information Technology
JFF	Justice for the Forgotten
KEG	Kenova Executive Group
KFT	Kenova Forensic Team
MACER	a joint Police and Army database
MI5	Security Service
MI6	Secret Intelligence Service
MIR	Major Investigation Room
MISR	Military Intelligence Source Reports
MOD	Ministry of Defence
MRF	Military Reaction Force
NCND	Neither Confirm nor Deny
NCTPHQ	National Counter Terrorism Policing Headquarters
NIO	Northern Ireland Office
NIPB	Northern Ireland Policing Board
NPCC	National Police Chiefs' Council
OIOC	Officer in Overall Command

PFC	Pat Finucane Centre
PIRA	Provisional Irish Republican Army
PONI	Police Ombudsman for Northern Ireland
PPSNI	Public Prosecution Service for Northern Ireland
PS	Police Sergeant
PSNI	Police Service of Northern Ireland
PWI	Person(s) with Information
RIPA	Regulation of Investigatory Powers Act 2000
RUC	Royal Ulster Constabulary
SBSSR	South Border Security Situation Report
SIFT	Specialist Investigation Forensic Team
SIO	Senior Investigating Officer
SOI	Subject(s) of Interest
SoSNI	Secretary of State for Northern Ireland
SMIU	Special Military Intelligence Unit
SMT	Senior Management Team
TAVR	Territorial and Army Volunteer Reserve
ToR	Terms of Reference
UDA	Ulster Defence Association
UDR	Ulster Defence Regiment
UVF	Ulster Volunteer Force
VFG	Victim Focus Group

Annex A: Organisation and operation of Kenova

Set up and management

1. Although Kenova was by no means the first investigation into offences committed during the Troubles, there was no pre-existing template for setting up such a body. Every aspect had to be developed from scratch. This included recruiting suitably experienced and accredited staff, locating secure accommodation, and procuring an IT system able to hold classified records. Although PSNI provided the funding, to ensure independence, back-office functions such as recruitment, financial management, procurement, media and communications support had to be provided from elsewhere. All this had to be put in place before the investigations could begin.
2. The strategy for Kenova was:
 - to provide effective, efficient and independent investigations that were article 2 compliant;
 - to apply transparency wherever possible with a focus upon, and due consideration towards, the victims of the offences being investigated and their families;
 - to apply an equal and fair approach towards all, treating everyone with courtesy and respect.
3. The vision of Kenova was:
 - to be trusted by victims and their families;
 - to establish the truth of what happened;
 - to gain the confidence of the communities and stakeholders;
 - to be unwavering in the search for the truth with each agency, department, political party, other organisation or individual despite opposition.

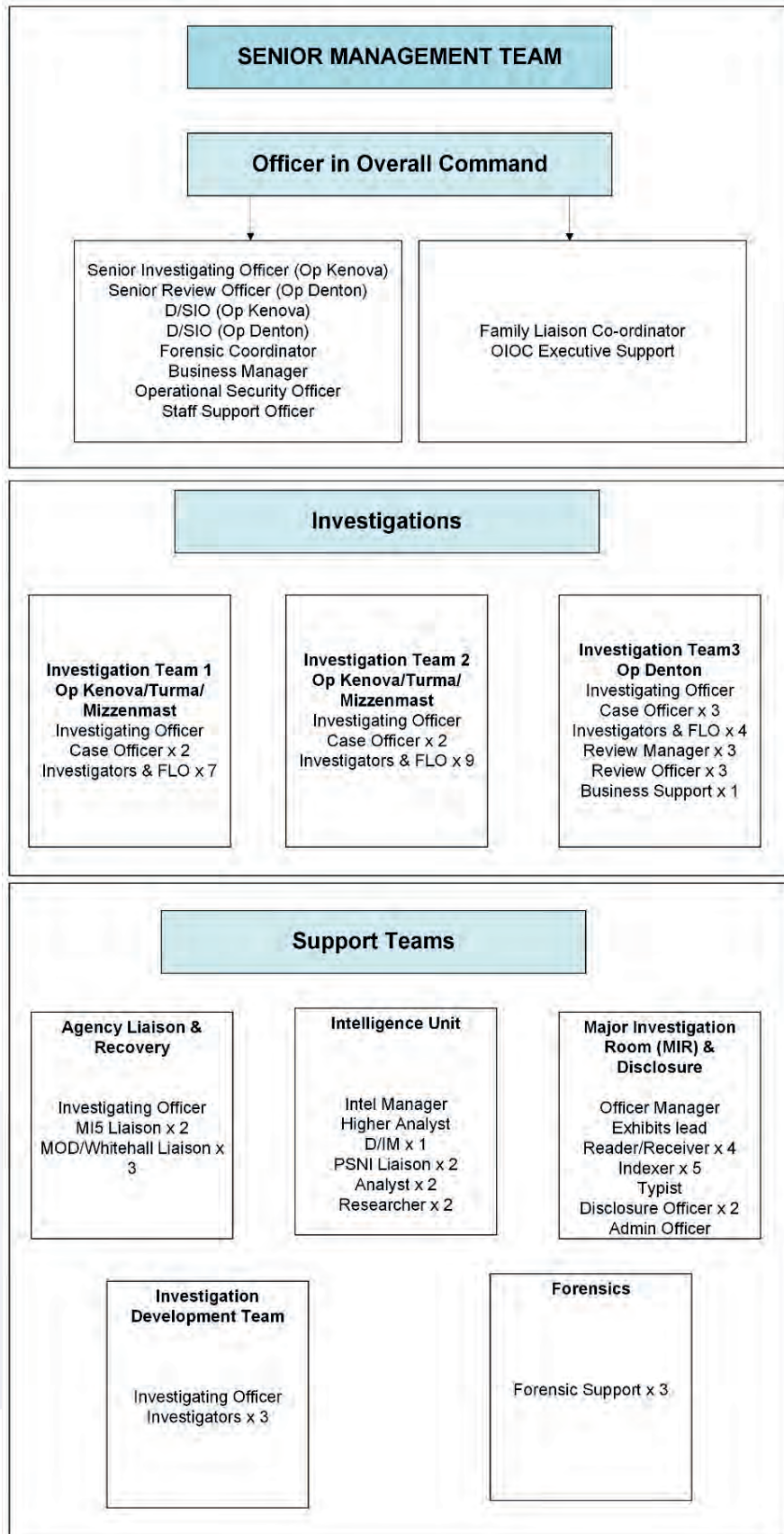
Accommodation and IT

4. It was decided to base Kenova in London. This allowed the team easy access to MOD, MI5 and the wider Whitehall stakeholder community. The transport links to London were also key to facilitating recruitment of staff, ensuring as wide a catchment area as possible from which to recruit. It was also considered that being outside of Northern Ireland might help reassure those suspicious of PSNI influence and that it would minimise the level of media intrusion. The National Counter Terrorism Policing Headquarters (NCTPHQ) allowed Kenova to use office space with the requisite security accreditation. It also provided access to CT HOLMES used for managing sensitive police enquiries. This system is accredited to handle material classified at up to 'Secret'. Additional arrangements were also made for the handling of material of a higher classification.
5. In addition to London, a small office was also established within the PSNI estate on the outskirts of Belfast. Staff from the Kenova Intelligence Unit were permanently based there along with two officers deployed as liaison officers to PSNI. Staff visiting from London also used the office as a base. Although owned by PSNI, access to this suite of offices was strictly monitored and only staff from Kenova were issued with entry passes.
6. Both the offices in London and Belfast complied with government protocols in respect of the handling and storage of sensitive information and intelligence up to 'Top Secret'. This included physical documents and access to records held on the different PSNI computer databases to which Kenova Intelligence Unit staff had unparalleled access.
7. During the initial stages of the Kenova investigations a large amount of documentation was physically moved from various locations in Northern Ireland to the Kenova offices in London and Belfast. Strict security protocols were established between Kenova and PSNI to ensure the safe transit of this material. Although this process was at times manpower intensive, it afforded the opportunity for all documents to be uploaded onto the Kenova CT HOLMES account, enhancing the access required by the investigation teams working from London.
8. As the investigations progressed, more emphasis was placed on converting the documents recovered in Northern Ireland to a digital format. Once the documents had been converted, they could be sent using secure technology, reducing the need to physically move them and thus further ensuring their security.

Staff structure and recruitment

9. Initially it was estimated that between fifty and seventy staff would be required. This included experienced investigators, family liaison officers, forensic and exhibit officers, and staff to run the major incident room using CT HOLMES IT system. It was decided not to recruit former members of the RUC, PSNI, MOD or MI5. This was to demonstrate Kenova's independence and authenticity and to avoid any concerns about bias or conflict of interest. At this time there was a national shortage of experienced investigators, the Metropolitan Police Service alone estimated that it was eight hundred detectives short of what it needed. Therefore, forces were reluctant to release staff to Kenova. It was an immensely frustrating period, but eventually sufficient retired and serving officers were recruited. Budget allocation allowed for the recruitment of up to ninety staff but at its peak in March 2021 the actual number, excluding the OIOC, was eighty-five.
10. From the outset, a robust tasking and coordination process was developed, so as more cases were added to the Kenova group of inquiries, staff could be moved from one aspect of the work being undertaken to another depending on the priorities at the time. All investigations were carefully monitored on a weekly basis to ensure that they were adequately staffed. For example, as the work on Operation Denton increased, staff from other investigation teams were redeployed onto that inquiry. These staff had acquired a clear understanding of the challenges required to undertake Northern Ireland legacy investigations and the investigative systems that were already well established. This redeployment negated the need to recruit new inexperienced staff who would have required a period of training and 'bedding in', potentially delaying the progress of new work.
11. Additionally, staff from Investigation Teams 1 and 2 also completed the Operation Mizenmast and Operation Turma investigations.

Op Kenova Staff Structure March 2021



Senior Management Team

12. Initially headed by one Senior Investigating Officer (SIO) and supported by one Deputy SIO. At the outset of Operation Denton, a Senior Review Officer was appointed. The Senior Management Team (SMT) also included the Forensic Coordinator, Higher Analyst, Business Manager (Finance and HR), Operational Security Officer and SMT Support Officer.

Family Liaison Coordinator

13. The roles of the Family Liaison Coordinator (FLC) and Family Liaison Officers (FLO) were a central aspect of securing the trust and confidence of Kenova families. For nearly all of the Kenova families and surviving victims this was an investigative approach that they had never previously encountered. The FLC was the direct liaison between the SIO, the investigation teams and the FLO, ensuring that all appropriate information relating to the investigation was shared between them and the family. The FLC monitored this flow of information and ensured that the FLO were fully aware of progress in the investigations and any difficulties encountered. Regular reviews of the FLO log and risk assessments were carried out by the FLC and the case officers and where necessary the FLC would research support groups and services within Northern Ireland to match the family needs.

Family Liaison Officers

14. The FLO made initial contact with the families and surviving victims and was present during subsequent meetings with the OIOC, SIO or investigation teams. They built a rapport, provided care and support and, crucially, managed expectations. This ensured that the trust and confidence, the mainstay of the Kenova strategy, was maintained throughout. FLO provided families with regular investigative updates and ensured that they were the first to know about any significant operational developments, prior to release into the public domain. Too often in the past, families only found out about progress in investigations concerning their loved ones, including in some cases outcomes of inquests, through media reports. The FLO contributed to each investigation by gathering evidence and information and documented all requests made by the families, forwarding requests to the SIO and Investigating Officer (IO) for consideration.

Investigation Teams

15. Comprised of three teams each headed by an IO, all of whom were former Detective Inspectors with previous experience working on major investigations and in counter terrorism. Each IO was supported by two case officers (generally serving Detective Sergeants seconded from

other forces) and a team of investigators (serving or former Detective Constables) some of whom also acted as FLO. The number of investigators assigned to a team depended on the workload. Once the Operation Denton case review was established, one team was allocated to work solely on that operation.

Investigation Development Team

16. Unique to Operation Kenova investigations, the IDT was headed by an IO supported by three investigators and the Intelligence Unit of analysts and researchers. Headed by the Intelligence Manager and Higher Analyst, this unit had a permanent presence in both London and Northern Ireland. The team was made up of experienced researchers and analysts who had previously worked within the police intelligence field or were still serving in such roles.

Major Investigation Room / CT HOLMES Team

17. The Deputy SIO had overall responsibility for the Major Investigation Room (MIR) and was supported by the MIR Office Manager. All the staff working within the MIR were experienced working with HOLMES either within major crime or counter terrorism. Made up of readers/receivers and indexers this team had responsibility for processing the vast amount of sensitive information and intelligence accumulated during the course of all the enquiries undertaken. They were supported by administration staff and typists. Also working alongside this team were the disclosure officers and exhibits leads.

Forensic Team

18. The Forensic Coordinator worked directly to the Deputy SIO on all investigations. The forensic capability was further supported by the Metropolitan Police Forensic Science Service, the Forensic Science Service for Northern Ireland, the Scottish Police Authority Forensic Services and private sector provider Eurofins. The Forensic Coordinator was supported by three permanent members of staff.

PSNI Liaison

19. Working permanently in Northern Ireland, the PSNI liaison officers were two serving Detective Sergeants who worked on behalf of the various IOs and the Intelligence Manager. They forged a positive working relationship with PSNI staff and became cognoscente with the working practices required for policing in Northern Ireland.

MI5 Liaison

20. Although not permanently based at MI5, these Kenova staff were allocated accommodation, equipment and facilities on its premises to assist them in processing requests generated by Kenova investigations for information.

Agency Liaison and Recovery

21. Headed by an IO, the main responsibility of this team was to identify and recover intelligence and information held by MOD and other Whitehall departments, including the Cabinet Office, Home Office and NIO.

Managing the Investigation

22. The investigative approach for Kenova was underpinned by a set of key principles:
- an unwavering focus towards victims and their families;
 - unfettered access to information;
 - transparency and openness;
 - an unbiased and fair approach to everyone.

Forensic strategy

23. The forensic strategy provided a consistent methodology for the forensic activity undertaken by Kenova and was centred upon the exploitation of advances in forensic techniques and technologies not previously available during the original investigations or previous legacy investigations.
24. The Forensic Coordinator, a member of the Senior Leadership Team, wrote and developed the Kenova Forensic Strategy and set Forensic Objectives. A critical component in support of this process and the specific requirements of Kenova to deliver effective, efficient and independent investigations, was the creation of a unique team of forensic specialists and experts.
25. Headed by the Forensic Coordinator, the Kenova Forensic Team (KFT) was a group of nominated investigators responsible for managing forensics and exhibits across all Kenova investigations.

26. The KFT was in turn supported by the Specialist Investigation Forensic Team (SIFT). Again, headed by the Forensic Coordinator, the SIFT was a dedicated forensic team located within the Metropolitan Police Service. Staff from the Metropolitan Police, Eurofins scientific test laboratories and a forensic pathologist made up the team. Further support was provided by the Forensic Service of Northern Ireland and Scottish Police Authority Forensic Services. They conducted examinations and analysis and delivered their findings, complying with the recognised national standards and regulatory requirements of the office of the Forensic Science Regulator. This approach maximised the available opportunities for the use of cutting-edge use of forensic techniques.
27. The Forensic Coordinator worked in partnership with the Deputy SIO who retained overall responsibility for the Investigative Strategy. The forensic objectives were set out as follows:
- (1) Through the process of forensic pathology, identify causation factors and secure evidence of this capable of being used in court.
 - (2) Through the examination of historical medical records, secure evidence of injuries suffered (non-fatal) and secure evidence capable of being used in court.
 - (3) Link suspects to crime scenes (including cadavers).
 - (4) Link victims to crime scenes (where not previously exploited).
 - (5) Link weapons to incidents and suspects.
 - (6) Link suspects to exhibits in possession of PSNI (historic investigation exhibits).
 - (7) Link suspects to exhibits made available for the first time to Kenova.
28. For these objectives to be met, Kenova sought information and records from investigative and forensic repositories in Northern Ireland including:
- PSNI/RUC Photographic Branch.
 - PSNI/RUC Fingerprint Branch.
 - PSNI CIFEx / RUC Data Reference Centre and Weapons and Explosives Reference Centre.
 - PSNI Forensic Folder.
 - State Pathologist Department.
 - Commercial Forensic Service Providers in the UK.

29. Where necessary, Kenova actively searched all other potential repositories of forensic material across a range of forensic disciplines including pathology, biology, ballistics, fingerprint units and police archives and consulted forensic services within the UK and the Republic of Ireland.
30. Despite the cases undertaken going back over fifty years, Kenova conclusively showed that a robust forensic strategy, working in parallel with each investigation and utilising forensic techniques not previously available, can play a vital role in legacy cases. It can assist in helping families understand what happened to a loved one, and in some cases result in the identification of suspects.

Witness strategy

31. The fundamental principle that underpinned the Kenova Witness Strategy was that *“all witnesses will be treated equally, with respect and total professionalism”*.
32. Although many years have passed since original investigations were undertaken, there remains a lasting reluctance in certain communities within Northern Ireland in relation to assisting the police with Troubles-related enquiries. Witnesses remain wary of coming forward and providing evidence of offences for fear of being ostracised by their friends and neighbours or being subject to threats and even physical assault.
33. Terrorist organisations were responsible for killing and seriously assaulting many who lived within these communities and went to extreme lengths to ensure that everyone was fully aware of the adverse consequences if they provided even the most basic assistance to the police.
34. Although the overarching purpose of the Witness Strategy was achieving best evidence from those who were identified and traced, consideration was always given to their sensitivities, fears or concerns following cooperation with Kenova. Where necessary, steps were taken to safeguard their information and identity. As previously stated, face to face meetings between the OIOC, members of the Kenova SMT with the families of victims further enhanced this approach and identified witnesses who had never previously been spoken to by police or had originally been reluctant to engage with them due to fear of reprisals.
35. To assist in identifying potential witnesses, a three-stage process was implemented. The first stage was communication with stakeholders such as solicitors, non-governmental organisations, and other prominent community figures, including the clergy and political parties, in an effort to foster positive relationships and offer reassurance and confidence in

the various Kenova investigations. The second stage included the introduction of the IO and FLO, and the third stage covered the post interview strategy and management of witnesses in accordance with their needs and the effective mitigation of any identified risks.

36. As well as tracing civilian witnesses, contact was made with retired security force personnel from the Army, RUC, MI5 and subject matter experts such as pathologists, medical professionals and civil servants. This work was assisted using retired staff associations and veterans' groups, utilising their own organisational legal teams to support these witnesses where required.
37. Witness identification was also conducted through the review of historical cases and previous legacy investigations. Targeted media appeals were conducted as well as house to house enquiries and letter drops. These types of appeals were always carried out with the permission of the victim's families and, where necessary, community impact statements were completed, and prior consultation was undertaken with local councillors and other community organisations.
38. As with all legacy investigations, the age, health and memory of each witness had to be taken into account. It was essential that, where possible, they had access to any original account they had previously given, and access to other material such as original photographs and plans. However, the passage of time also provided real scope to obtain witness testimony that had either not previously been obtained or had been withheld.
39. Written and audio recorded witness testimony was recovered by suitably trained staff from the investigation teams, who were cognisant of the legislation covering witness interviews, especially those deemed to be vulnerable or at risk. They were supported by the FLC and a bespoke Witness Liaison Coordinator, who also took responsibility for developing risk assessments where necessary. This included ascertaining who else, if anyone, should or would be made aware of their engagement with the investigation teams.
40. Kenova also had to take into account those occasions where witnesses, implicated themselves in crimes whilst giving testimony, for instance, where they admitted membership of proscribed organisations. No witness was ever offered immunity from prosecution. Where offences were indicated, the interview teams would ensure that the IO was made fully aware of the circumstances during debriefing, and then legal advice was sought as to how the matter should be progressed.

41. The Witness Strategy was a fundamental element in establishing one of Kenova's lessons learned - legacy cases can be investigated successfully and the truth can be uncovered. Witness testimony over the group of Kenova investigations provided information not previously disclosed to the authorities. Over the course of all Kenova investigations, one thousand, four hundred and twenty-seven witnesses provided written or oral statements to investigators.

Suspect strategy

42. The police powers of arrest in Northern Ireland are set out in article 26 of PACE (Northern Ireland) Order 1989. This provides, *"If an offence has been committed a constable may arrest without a warrant ... (b) anyone who he has reasonable grounds for suspecting to be guilty of it"*. One of the article 26(5) reasons must also be present to satisfy the necessity requirement. In relation to offences investigated by Operation Kenova the most relevant of these was article 26(5)(e), namely: *"to allow the prompt and effective investigation of the offence"*. However, the article goes on to state that, *"In considering the individual circumstances, the constable must take into account the situation of the victim, the nature of the offence, the circumstances of the suspect and the needs of the investigative process"*.
43. Persons who were suspected of involvement in offences investigated as part of Operation Kenova were classified as 'subjects of interest' (SOI). This included those previously linked to proscribed organisations and former members of the security forces, including police officers, soldiers and MI5 officers.
44. In order to comply with the spirit of the above article, decisions in relation to any executive action proposed against an SOI was based upon their unique circumstances and not made based upon their former status or employment. Where possible, a low-key, considered approach was adopted, taking into account the age of all individuals and the length of time that had passed since the incidents under investigation had occurred.
45. The Operation Kenova approach was to conduct pre-arranged interviews with all SOI in order to provide reassurance, level the playing field and apply a non-discriminatory approach. It was also believed that this tactic provided an incentive to all SOI to speak about their circumstances.

46. In line with article 26, all SOI were informed prior to their interview that:
- to properly investigate their suspected involvement in the offence, they must be interviewed under caution at a police station, but their arrest for this purpose would not be necessary if they attended voluntarily;
 - if they attend voluntarily, they would be entitled to free legal advice before, and to have a solicitor present;
 - the date and time of the interview would take account of their circumstances and the needs of the investigation;
 - if they did not agree to attend voluntarily at a time which met the needs of the investigation, or having so agreed, failed to attend, or having attended, failed to remain for the interview to be completed, their arrest would be necessary to enable them to be interviewed.
47. The above ensured that those SOI who declined to cooperate with a request to attend voluntarily were then subject to arrest, prior to any interview commencing. This included those who voluntarily attended a police station for interview under caution, then made the decision to leave before the interview had been concluded.
48. All decisions in respect of executive action to be taken against SOI were made after consultation between the SIO and OIOC, through the KEG process. These decisions were clearly recorded within the minutes of the meetings and further recorded in the relevant decision logs. This ensured an open and transparent approach was applied to all SOI.
49. In total, twenty-two SOI were arrested and interviewed under caution and twenty-four attended voluntarily and were interviewed under caution.

CT HOLMES

50. HOLMES is an information technology system that is predominantly used in cases of murder, terrorism and other large-scale investigations. Kenova staff were able to secure the use of the CT version of HOLMES which has the required security clearance to hold sensitive documents. The main advantage of using CT HOLMES was to provide IOs with the capability to conduct multiple and effective word-search based enquiries across the entirety of the Kenova dataset. The system was managed by highly experienced staff, seconded from various police forces throughout the UK, all of whom had worked within the HOLMES environment for many years.

51. Using CT HOLMES across the group of Kenova investigations, over twenty thousand active lines of enquiry were raised, and two thousand, four hundred and sixty-six statements were taken which are now included on the evidential account. In addition, a further fourteen thousand, four hundred and nine 'other documents' were recovered, and are now also held on the system.

Governance

52. To ensure independent scrutiny and challenge of Kenova, a number of governance groups were set up. The groups were made up of people of international standing with huge experience in their respective fields. All gave their time for no payment other than reimbursement of necessary expenses:

- **Kenova Governance Board.** Oversaw Kenova's business functions as well as the roles of the ISG and VFG. The Board comprised members of the Kenova SMT and independent non-executive members. The non-executive members had significant knowledge and experience of Northern Ireland and legacy matters.
- **ISG.** Made up of renowned senior law enforcement leaders, including the first Police Ombudsman of Northern Ireland, the ISG provided oversight advice and challenge providing reassurance to families that the investigations were being as conducted as thoroughly and comprehensively as possible.
- **VFG.** Comprised internationally respected practitioners with significant experience of working with victims of serious and traumatic crime and of bereavement support. The VFG provided independent advice regarding the engagement with families, intermediaries and non-governmental organisations representing the interests of victims and families to ensure the highest level of service delivery possible.
- **Kenova Remuneration Committee.** Set up to provide independent oversight of recruitment, terms and conditions of service and remuneration of Kenova staff.
- **Kenova Professional Reference Group.** A group of senior police chief officers formed to work as a 'critical friend' to the OIOC to test thinking and help identify solutions to problems as they arose.

Independent reviews

53. Mr Boutcher decided that independent examination of the work of Kenova was essential to reassure PSNI, the Northern Ireland Policing Board (NIPB), governance groups and, most importantly, victims and families that the work was conducted as well as it could be:

- **NIPB review of ECHR compliance.** In 2017, the then human rights advisor to NIPB (now Chief Commissioner of the Northern Ireland Human Rights Commission) Alyson Kilpatrick BL was tasked by NIPB to assess the compliance by Kenova with the Human Rights Act 1998. In her 2017 Human Rights Annual Report, Ms Kilpatrick said that from the outset Kenova sought full compliance with article 2 of the ECHR with clear mechanisms in place to ensure independence and avoid any conflicts of interest. She also praised the setting up of a website, appointment of independent legal advisers and the establishment of the ISG and VFG.
- **Article 2 compliance review.** To review and monitor the performance of Kenova with respect to the ECHR over the longer term, Ms Kilpatrick was subsequently asked by Mr Boutcher to conduct a comprehensive examination. Ms Kilpatrick published her first interim report in February 2020 commenting that Kenova *“appears to be an exemplar of one which is commanded and controlled with every aspect of Article 2 firmly in mind”*. In January 2021, Ms Kilpatrick produced a second interim report in which she said she remained entirely satisfied of Kenova’s article 2 compliance. In her final report submitted in August 2021, she stated *“Kenova really is an exemplar of what such an investigation can and should be. It is the best I have seen in all of my experience.”*
- **NPCC Homicide Working Group reviews.** Senior members of the NPCC Homicide Working Group and NCTPHQ were asked by the OIOC to conduct reviews into Kenova’s strategic approach and management of CT HOLMES across all its work. Their reports were completed in January 2021. The reviews praised the structures and operating model of Kenova, describing the approach as an innovative hybrid of homicide and counter terrorism investigative practices. They also highlighted the priority given to victims, families and survivors and the quality of the investigations.
- **VFG review.** The VFG conducted an independent review of Kenova’s approach to victims’ rights. It published its findings in August 2021. The review praised Kenova’s approach to supporting victims and made recommendations which might support any future unit set up to carry out legacy investigations in Northern Ireland or elsewhere in the future.

Annex B: British Army Intelligence, the Force Research Unit and the Troubles

1. This Annex contains a contextual overview of the history and work of the Northern Ireland Army unit which handled Stakeknife and other agents during the Troubles, namely, FRU. Further background can be found in the Kenova Interim Report, the De Silva Report and the PPSNI statement as to the Kenova prosecution decisions taken on 6th February 2024.⁸³
2. Army personnel were deployed to Northern Ireland in 1969 under the rubric 'Operation Banner' and initially took the lead in security matters. In 1976, this responsibility was passed back to the RUC, a clear statement that the government did not consider the situation in Northern Ireland as war or armed conflict but a matter of law and order, with paramilitaries regarded as criminals and not combatants.
3. HQNI was based at Thiepval Barracks, near to Lisburn and three separate Brigades were established at various locations in Northern Ireland, with 39 Brigade (Belfast) covering the East region, 8 Brigade (Derry/Londonderry) covering the West region and 3 Brigade (Portadown) covering the South.
4. After an escalation in violence between 1970-1971, which resulted in both the Army and RUC suffering heavy losses, the Army decided that too little was known about PIRA and they needed to acquire intelligence that could not then access.
5. The first iteration of an intelligence unit was the formation of 'Covert Bomb Squads', whose remit was to collate, develop and act upon intelligence related to terrorist bombing activity. These units were made up of a combination of police and military personnel.
6. These were later re-modelled into the MRF, which was given the sole responsibility of covering Belfast. Staffed exclusively by military personnel, it worked undercover and had a surveillance capability.

⁸³ Kenova Interim Report, chs 5-9 and 67; De Silva, "The Report of the Patrick Finucane Review", December 2012, HC-802, chs 2-4; PPSNI statement dated 6th February 2024, §§10-25: <https://www.ppsni.gov.uk/news/pps-issues-further-decisions-files-submitted-operation-kenova>.

7. Within the MRF, a unit dedicated to the recruitment of agents was established and known colloquially as the 'Fred Force'. The agents recruited were local civilians (or 'Freds') who had volunteered or been persuaded to cooperate with the security forces. Although this process seems at first to have been 'ad hoc', a draft set of instructions for managing agents was promulgated in July 1973 (it specifically refers to a controlled source as a 'Fred').
8. In 1971, the Army established a Special Military Intelligence Unit (SMIU) to support its colleagues in RUC SB. The SMIU was made up of Military Intelligence Officers and Field Intelligence NCOs and was deployed to all regions of Northern Ireland. Until the formation of the BRO in 1977, the SMIU retained responsibility for running Army agents.
9. The BRO were attached to each Brigade and took over the management of all new and existing Army agents. A further coordination cell was based at HQNI and staffed by Military Intelligence Officers and MI5 officers.
10. The work of the BRO in respect of agent handling was governed by a set of orders entitled "Source Control and Handling in Northern Ireland", which were promulgated on 1st July 1977. These orders superseded all previous instructions which were ordered to be destroyed. It clearly set out the role of the military as being "in support of the civil power and the RUC at all times". The directive was also clear in instructing that all "Army source handling operations are to be closely coordinated with RUC SB" and the intelligence gained "is to be passed to RUC SB through SMIU".
11. A further directive, to be read in conjunction with the 1977 document, was promulgated in June 1981, and stated that all operations were to be conducted within the law and that all members of the 'Military Research Organisation' (the overarching name for all military intelligence units) remained subject to military and civil laws at all times. The 1981 directive set the structure and content of the directives subsequently issued for FRU from 1982 onwards.
12. FRU was formed in January 1982 in an attempt to combat PIRA more successfully. Operations to recruit agents had evolved significantly between 1971-1981 and the formation of FRU offered a more centralised method of control and tasking of agents across Northern Ireland and a more consistent application of standard operating procedures.

13. FRU sub-units were based at various locations across Northern Ireland and took responsibility for particular geographical areas. Although their names and titles changed over the years, in general, FRU was made up of (in ascending order):

- Handlers. Met and received information from agents, transcribed the recordings of each meeting and completed contact forms. Pre-1986, the role of transcribing audio cassette tapes and administration of agent files rested with MI5 staff based at HQNI. In 1986, on the direction of CO FRU, this work and all files were transferred to FRU personnel.
- Field Source Controllers. Responsible to the Detachment Commander for all aspects of source handling operations mounted through their offices.
- Operations Officer (Deputy to CO FRU). Responsible for: maintaining a continuous review of Army source operations casework; advising on the credibility of source information and the action that could be taken without compromising a source; tasking of sources; and liaison with other source handling agencies. The Operations Officer decided what information was transposed onto intelligence documents - known as MISRs - and shared with other agencies.
- Detachment Commander. Responsible for control of handlers in relation to their agents and the tasking of agents as required. Had control of all agent records and reports within their office and were responsible for its administration. Responsible for the co-ordination of all matters concerning handling, controlling and recruiting of sources and for liaison with Regional Heads of RUC SB.
- Commanding Officer. CO FRU was responsible to the Commander of Land Forces (CLF), through the Assistant Chief of Staff (ACOS G2) for the command, control and coordination of all research operations 'Province-wide'. CO FRU was to be consulted where the exploitation of source intelligence might lead to the compromise of a source. Approach plans for the recruitment of potential sources were submitted to CO FRU who was also responsible for the physical security of handlers. CO FRU had a directing role in relation to executive action in connection with handlers, their sources and the information they received. CO FRU would receive daily briefings from the Operations Officer and would in turn brief his superiors, ACOS G2 and, less frequently, CLF.

14. The following also played a role:
- Research Officer. Responsible for the maintenance of detailed source records at HQNI; provided advice on the handling of cases, particularly those of operational security; identified leads for development; and was the link between the Army and civilian agencies outside the province.
 - Assistant Secretary Political (MI5) (ASP). Represented the DCI within the Army. Responsible for providing advice to ACOS G2 on policy in regard to the handling of human sources by the Army as well as operational advice on their security and, where appropriate, resettlement. This was normally done through CO FRU. ASP was to be kept generally informed on the status of current sources on a regular basis and was also consulted where the recruitment or retention of a source offered a possibility of political embarrassment or adverse publicity.
15. With respect to agent handling in general, it is widely accepted that the legislation and regulations that were in place during the course of the Troubles were wholly inadequate, especially when dealing with agents engaging in criminal acts as part of their cover work.⁸⁴
16. The only government directive in place at the time and which only covered England and Wales was issued by the Home Office in 1969, entitled, "Informants Who Take Part in Crime" (HO Circular 97/1969). There is some dispute as to whether the Army adopted the principles set out in this Circular in place of anything else available. In DPPNI's public statement of 6th February 2024 regarding Kenova prosecution decisions, he said: "A 1992 Review of Agent Handling conducted by Sir John Belloch suggested that these guidelines were viewed by the Army as applicable to military agent handling in Northern Ireland". However, this was disputed in the De Silva Report of December 2012 which included extracts of a statement taken from a former CO FRU, "The Army Concept of Operations was directed by the directive and instructions and not by these guidelines to which no reference was made. The guidelines were directed at the police and were certainly not drafted in contemplation of the terrorist situation in Northern Ireland."⁸⁵

⁸⁴ Kenova Interim Report, chs 11 and 67.

⁸⁵ Kenova Interim Report, ch.61.

17. CO FRU was referring to the various directives that were issued over a number of years by CLF in respect of agent handling. These directives were promulgated as a series of Standing Orders, it was an offence under military law not to follow instructions issued in these orders and there was an expectation that personnel should have read or been aware of the content of each directive.
18. In their statements to Operation Kenova, former FRU personnel confirmed that they were indeed aware of the directives and instructions and the importance placed on abiding by them.
19. Directives pertinent to the work of FRU were promulgated in March 1982 and July 1986 and updated in February 1991. They included "Instructions for Source Control and Handling in Northern Ireland" and were to be read in conjunction with each other. However, to some extent these directives caused further confusion, as they clearly stated that the primary aim of operations was the penetration of terrorist groups, while also stating that it was unlawful for any person to authorise an illegal act. This is especially relevant given that being a member of almost all paramilitary organisations in Northern Ireland was a criminal offence, a pre-requisite if agents were to effectively penetrate terrorist groups.
20. Although the directives contained much the same content, each contained some new instruction, such as how intelligence from agents should be disseminated, the concept of operations and the legal basis on which the directives were to operate. For example, the 1982 Directive contained the following: "Where the exploitation of source intelligence might lead to the compromise of a source, CO FRU is to be consulted and the requirement for the protection of the source recognised throughout the planning and execution phases. The interests of Special Branch are to be most carefully considered at all times".
21. Each directive was very clear around a number of points:
 - all FRU operations were to be conducted within the law;
 - all members of FRU remained subject to military and civil law at all times;
 - it was unlawful for any person to authorise an illegal act;
 - where there was any possibility of a source becoming involved in criminality, ACOS G2 was to be informed so that preventative measures could be taken.

22. A further directive was promulgated in 1986 and was almost identical with the 1982 version. However, with regard to the section titled "Dissemination of Intelligence", RUC SB was specifically mentioned: "Exploitable intelligence is normally only passed initially to the relevant RUC Special Branch TCG (Tasking and Coordination Group) after consultation with HQ FRU. Further dissemination of such intelligence is not to be undertaken without the agreement of the RUC Special Branch and HQ FRU".
23. This edict meant that tight controls were implemented in respect of the intelligence generated by agents such as Stakeknife. Some interpreted this as being the default position and that protecting the identity of the agent outweighed utilising the intelligence they provided. However, some former FRU personnel strongly refute this and stated to Operation Kenova that their role was to gather intelligence and share it with RUC SB, which they did. They stated that it was the responsibility of SB to decide how to exploit the intelligence and crucially who it should be shared with. This was at odds with the intelligence reports attributed to Stakeknife and seen by Operation Kenova, all of which contained clear FRU instructions that further dissemination could only take place after consultation with FRU, further supporting the notion that agent welfare came before the welfare of victims.
24. In 1988, CO FRU issued his own directive (1/88), which detailed a reorganisation of FRU, making it a fully operational, self-sufficient unit, independent from other military intelligence units in G2. This also included specific responsibility for handling the agent Stakeknife, who was referred to in the Directive by one of his code numbers. Responsibility for him was included as part of the role description for the Second in Command Operations Officer. In addition to that role, the Field Source Controllers HQ Cell was given primary responsibility for running the agent and for being the primary handler. The role included responsibility for any other agent operations which developed in the proposed Stakeknife network and for supporting recruitment operations and the day to day running of the HQ Cell.
25. In addition to these directives, clarity around the complex legal issues that presented themselves when agents were involved in criminality was sought, principally by RUC SB. As a result of interviews with former members of FRU, it appears that until 1994 legal advice was not sought or available for agent handling at an operational level and that Army lawyers only became involved in operations after a significant event such as a shooting.

26. This chimes with the conclusion reached by De Silva, *"Advice and guidance on the legal implications of specific agent-running operations did not appear to have been available to the FRU in the 1980s; and FRU handlers received no training on legal issues prior to being sent to Northern Ireland"*.
27. FRU evolved over the years and was headquartered at Thiepval along with a separate FRU detachment. All other FRU detachments handled multiple sources at any one time, under the supervision of a Detachment Commander, supported by an Operations Officer.
28. The final directive seen by Operation Kenova (promulgated in April 1991) included the caveat *"it is unlawful for any person to authorise an illegal act"* and an instruction that FRU personnel must comply with the guidelines produced by the RUC. It is important to note that the guidelines in question were in fact draft guidelines produced by a Working Group made up of personnel from the RUC, MI5 and NIO, who convened on three occasions between 1989-1990. The guidelines never received ministerial approval but were nevertheless adopted by the security forces. The proposed guidelines received a very lukewarm response from the government and were described as *"unpromising territory for ministerial approval"*.
29. In 1991, FRU changed its name to the Joint Support Group after its existence became public during the Brian Nelson investigation and subsequent criminal proceedings.
30. In April 2007, the renamed FRU was relocated back to the mainland but an electronic archive (MACER/LYNX), containing reports remained in Northern Ireland, under the control of HQNI G2 Historical Inquiries Team and PSNI.
31. The De Silva Report recognised that during the Troubles the most valuable agents were those who were positioned deep within paramilitary organisations and by the very nature of the work they undertook they were exposed to some degree of criminal activity. The report describes the fact that, *"No agent could choose to opt out of discussions about planned terrorist acts without drawing immediate suspicion and thereby exposing themselves to potential interrogation and execution"*. It went on to highlight the need for a detailed legal and policy framework and the abject failure of the government to provide guidance and regulation.

32. Although the military directives seen by Operation Kenova cover all aspects of source handling, it is important to mention that until 1991, apart from advising personnel to seek the advice of ACOS G2, none made any direct reference to the legal position that should be adhered to regarding agents participating in criminal activity. Thereafter, the unsanctioned guidelines adopted by the RUC and MI5 were highlighted. However, MI5 legal advisers provided input on agent matters including on Stakeknife. The evidence obtained by Operation Kenova in respect of the activities of Stakeknife clearly shows that he was constantly engaging in serious criminal activity, with both the knowledge and support of the security forces.

Annex C: Kenova by numbers

1. The number of documents and exhibits generated during the course of Kenova was significant and is a reflection of the length the team went to in order to seek out the truth for the victims and families affected by the events linked to each of the Kenova cases:
 - **3,987** exhibits were recovered;
 - **218** forensic examinations were conducted;
 - **2,466** statements were recorded;
 - **352** witness and family taped accounts recorded;
 - **22** subjects of interest were arrested and interviewed under caution;
 - **24** subjects of interest voluntary attended a police station and were interviewed under caution;
 - **20,020** actions were raised through the CT HOLMES account across the group of Kenova cases;
 - **46,869** documents were uploaded to the CT HOLMES account (each of which could consist of one page or many hundreds of pages).
2. Total costs from June 2016 to October 2025, **£47,532,386**.

