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Local & National

Still no right to MI5 intelligence

O'Loan leaves Police Ombudsman office but is concerned about access to agency's data

Tuesday, November 06, 2007

By Chris Thornton

Nuala O'Loan left the Police Ombudsman's post yesterday without reaching an agreement with MI5 about access to their intelligence.

Mrs O'Loan finished the seven-year job without signing up to a formal protocol about getting access to the secret agency's joint operations with the PSNI.

She said MI5 has been "most helpful" with her investigations, but outlined her concerns about not receiving the type of documents she would have been legally obliged to receive from the PSNI under the old intelligence system.

MI5 took over the lead responsibility for national security work in Northern Ireland last month.

Before that, the PSNI had been in charge - meaning the Ombudsman was legally entitled to see national security intelligence if it related to an investigation.

That legal entitlement disappeared with the switch, because the intelligence is no longer contained in police documents.

In her final interview, Mrs O'Loan said she has been happy with MI5's cooperation, but has concerns that the lack of a legal requirement " doesn't become an excuse for cover-up".

"What I would like to achieve is the best possible progress towards the avoidance of any mechanism which would enable a cover-up by a badly motivated officer," she said. "That's not saying that MI5 themselves would be badly motivated, but simply somebody who might take advantage of a situation to withhold something or not to refer.

"In the past, MI5 has been most helpful, but I think there are those in the police who would say, 'You never know what you haven't got'. And if they don't know what they haven't got, we can hardly know what they don't know they haven't got. So there's that problem to it.

"Then there's another problem, which is if they give you information, what can you do with it? That's part of the debate."

Mrs O'Loan said she wanted to avoid the sort of situation that she uncovered with the report on the murder of Raymond McCord Jnr, where police had protected UVF killers from prosecution.

"Because that didn't happen 20 years ago. That stopped in 2003 because we did the McCord investigation. I think everyone has to be very clear about that because it could happen again," she said.

MI5 is expected to keep working on a formal agreement with Mrs O'Loan's successor, Al Hutchinson. A source in Whitehall said the working relationship between MI5 and the Police Ombudsman's office has

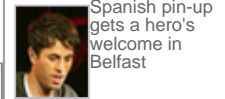
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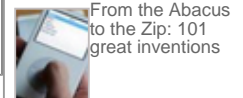
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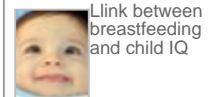
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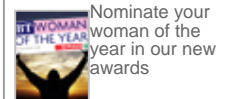
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