



**British Irish
RIGHTS WATCH**



DYING FOR THE TRUTH

**SUBMISSION TO THE UNITED NATIONS SPECIAL RAPPORTEUR ON FREEDOM OF
OPINION AND EXPRESSION CONCERNING THE MURDER OF MARTIN O'HAGAN**



NOVEMBER 2001

1. INTRODUCTION

- 1.1 British Irish RIGHTS WATCH is an independent non-governmental organisation and registered charity that monitors the human rights dimension of the conflict and the peace process in Northern Ireland. Our services are available to anyone whose human rights have been affected by the conflict, regardless of religious, political or community affiliations, and we take no position on the eventual constitutional outcome of the peace process.
- 1.2 This report to the Special Rapporteur on Freedom of Opinion and Expression concerns the murder on 28th September 2001 of Northern Ireland journalist Martin O'Hagan. He was 51 years old and married with three children.
- 1.3 It has been widely reported that he was the first journalist to be murdered as a result of the conflict in Northern Ireland. This is not strictly accurate. On 4th July 1970 a freelance journalist, Uglik Zbigniew, was shot and killed by a British soldier during a curfew on the Falls Road in Belfast, while he was photographing the rioting. It is, though, the case that Martin O'Hagan was the first reporter to be killed because of the conflict, and British Irish RIGHTS WATCH believes that he was murdered because of what he wrote. It is especially poignant that he died during a period of nominal ceasefire, and that his death signalled the formal end of that ceasefire.
- 1.4 British Irish RIGHTS WATCH is disturbed by reports that the police investigation into Martin O'Hagan's death is compromised by a conflict between the imperatives of that investigation and a desire on the part of the Police Service for Northern Ireland (formerly the RUC¹) to protect an informer who may have been involved in the murder.

2. BACKGROUND

- 2.1 In 1971 Martin O'Hagan was interned without trial and spent over a year in the Official IRA compound in the prison at Long Kesh. In 1973 he was jailed for 7 years for transporting guns for the Official IRA. He was released from jail in 1978. He renounced violence and began to work as a journalist.² Throughout his career he exposed the activities of both republican and loyalist paramilitaries, including their involvement in drugs trafficking.
- 2.2 In 1984 the news editor of the *Sunday World* newspaper, Jim Campbell, was shot and seriously injured by loyalist UVF paramilitaries about whom he had been writing exposés³. In 1987, Martin O'Hagan took began to work for the *Sunday World*⁴.
- 2.3 In 1989, some months after RUC Chief Superintendent Harry Breen and Superintendent Bob Buchanan were murdered by the IRA, Martin O'Hagan was abducted by the IRA. His name was on a contact list found by the IRA on the RUC men's bodies. He knew C/S Breen, who

worked at Armagh RUC station. Martin O'Hagan convinced the IRA that he was not a police informer and they released him.

- 2.4 In 1991, Martin O'Hagan worked with Ben Hamilton and Sean McPhilemy of Box Productions on a TV programme for Channel 4's *Dispatches* series called *The Committee*. The programme alleged that a number of prominent loyalists, members of the security forces and businessmen had targeted several people for murder. Sean McPhilemy later went on to write a book by the same title, which expanded considerably on the allegations made in the programme. Both the programme and the book have given rise to considerable controversy, and many of those named in the book as having been alleged members of "the Committee" have hotly denied the allegations.
- 2.5 In 1992, Martin O'Hagan exposed Billy Wright as the leader of the "Ratpack", a gang of loyalist murderers. He dubbed Billy Wright "King Rat". Billy Wright threatened Martin O'Hagan's life, saying, "What happens to me or my family will happen to you and yours tenfold."⁵ As a result of these threats, Martin O'Hagan left Northern Ireland and went to live in the Republic of Ireland. He returned to Northern Ireland in 1994.
- 2.6 On 27th December 1997, Billy Wright was murdered in the Maze prison by members of the republican group, INLA. Following the loyalist ceasefire in 1994, Billy Wright founded a dissident loyalist group, the Loyalist Volunteer Force (LVF). In 1998, after his death, the LVF, under the cover name of the Red Hand Defenders, claimed responsibility for a bomb attack on the *Sunday World's* Belfast office, accusing the paper of demonising loyalist people⁶.
- 2.7 Because of the threats against him, Martin O'Hagan had been carrying a gun for his personal protection, but in December 1988 he voluntarily handed in his weapon and requested that his firearm certificate be cancelled⁷.
- 2.8 On 17th September 2001, Martin O'Hagan was warned by his closest loyalist contact that he was being followed by the LVF⁸. The loyalist told him, "We have you clocked [we have spotted you] walking up and down this street"⁹. Eleven days later he was killed.
- 2.9 On the day he was murdered, according to National Union of Journalists member John Ley, Martin O'Hagan left a branch meeting saying that he had to rush back to his office at the *Sunday World* as he was "working on something tricky"¹⁰. Martin O'Hagan had a reputation as a fearless investigative journalist who was prepared to "dig the dirt" on controversial stories that many other journalists would not touch and that not even his own newspaper was always prepared to print. Since his death it has been suggested that he was working on a number of such stories, including:
 - heroin trafficking between Northern Ireland, south-west Scotland and the north of England¹¹
 - the killing by the LVF of human rights lawyer Rosemary Nelson¹²

- a collusion story involving a former loyalist UDA prisoner, and a senior RUC detective, now retired¹³.

2.10 Just six hours before Martin O'Hagan was murdered, the Secretary of State for Northern Ireland, John Reid MP, warned the UDA that he was on the brink of declaring them in breach of their ceasefire. He said that he had been about to specify their ceasefire as being at an end, but had received a last minute indication that they would cease their violence. However, he was keeping the situation under continuous review.¹⁴ On 12th October 2001, John Reid declared the ceasefires of both the UDA and the LVF to be at an end¹⁵.

3. THE MURDER

3.1 On the evening of 28th September 2001, Martin O'Hagan and his wife Marie went to their local bar, the Carnegie Inn, known as Father Joe's, at around 8:30pm. It has been reported that a casually dressed stranger was seen in the pub. He spent the evening playing the poker machine, from where he was in a position to watch Martin O'Hagan. He was not consuming alcohol. The O'Hagans left shortly after 10:00 pm. The stranger then made a telephone call from the payphone.¹⁶

3.2 Martin O'Hagan was killed at c. 10:30 pm as he walked home from the pub with his wife. They were yards from their home in Westfield Gardens, Lurgan. A gunman pulled up beside him in Tandragee Road and shot him four times. At least 7 shots were fired. Martin O'Hagan asked his wife to call an ambulance, but died at the scene.¹⁷ It was reported that he had named one of his assailants by the nickname "Mackers"¹⁸, but the RUC later dismissed reports that he had named one of his killers¹⁹. A burnt out silver Ford Orion was found in nearby Glenavon Lane on the Mourneview estate²⁰.

3.3 On 29th September 2001 the murder was claimed by the Red Hand Defenders. In a telephone call to the BBC newsroom in Belfast the group claimed he was murdered "for crimes against the loyalist people".²¹ The Red Hand Defenders is a name of convenience used by two different loyalist factions, the UDA and the LVF. On 1st October 2001, The Chief Constable of the RUC said that the police investigation was focussing on the LVF²².

3.4 However, it has been alleged that two high ranking members of the LVF had a series of meetings with UDA personnel on the Shankill Road, Belfast, in the days leading up to the murder²³. The LVF leaders met with the UDA's C Company in the Lower Shankill Road and discussed Martin O'Hagan's coverage of their activities²⁴.

3.5 On 3rd October 2001 it was revealed that the weapon used to murder Martin O'Hagan was the same as that used to kill Graham Marks²⁵. Graham Marks was killed on 11th April 2001 at his home on the Protestant Tullyhugh estate in Tandragee, Co Armagh. He was a UVF man shot by the LVF in a loyalist feud. He was shot by a single gunman using an

automatic weapon. A burnt out silver Audi was used in the attack. The gun used was a German make²⁶.

- 3.6 Several journalists have alleged that Martin O'Hagan's murder was ordered by LVF leader Mark "Swinger" Fulton²⁷. However, he has denied any involvement²⁸.
- 3.7 Colleagues of Martin O'Hagan's at the *Sunday World* have alleged that one of three Lurgan-based LVF leaders murdered him because he was getting information from a UVF source, as a way of sending a message to the UVF, with whom the LVF is engaged in a longstanding feud. They claimed that those involved in the murder celebrated it in a loyalist pub an hour after the event. One of those present was the third member of the LVF hierarchy, said to be third in the pecking order. He had swung a punch at Martin O'Hagan during a Craigavon court case in September 2001 and had threatened him. They describe him as a drug baron. They say that the gun used in the murder was obtained by a runner from Dungannon who has a string of minor convictions from two LVF brothers in Antrim town. He also supplied the weapon used in the murder of Richard Jameson, which sparked off the feud. They say they have passed the names of these people, and the name of the person who set the car used in the murder alight, to the RUC.²⁹ According to another paper, there were at least six people involved in the murder. Citing police sources, they say the gun was picked up on the day of the murder in Antrim. It was provided by two brothers from north Belfast, who moved out of the city because of the LVF/UVF feud. One of these men was responsible for the murder of Ciaran Heffran in 1998. The gun was taken by car to Lurgan by a Dungannon-based loyalist, where it was passed to a an LVF family. Two brothers from this family used a stolen car to carry out the murder.³⁰
- 3.8 On 9th October 2001 the RUC searched a house in Lurgan, believed to be on the loyalist Mourneview estate. No-one was arrested.³¹
- 3.9 On 14th October 2001, a Lurgan man was detained by the RUC in connection with the murder. He was released the next day without charge.³² BIRW understands that this man was the loyalist who warned Martin O'Hagan before his death that the loyalists were watching him.
- 3.10 On 11th November 2001 it was reported that graffiti had appeared on the Mourneview estate naming a local LVF man of being a police agent. A newspaper article quoted the Northern Ireland editor of *Sunday World*, Jim McDowell, as accusing MI5, the intelligence agency, of blocking the progress of the police investigation in order to shield an informant within the LVF.³³

4. **CONCLUSION**

- 4.1 The Special Rapporteur is respectfully requested to communicate this report to the British government and to ask them for a progress report on the police investigation. We also request that he specifically enquires

whether there is any truth in the allegation that the police investigation is being hampered by the need to protect an informant, and, if so, whether it is the Special Branch of the Police Service for Northern Ireland or the intelligence service MI5 that is responsible for any impediment.

4.2 British Irish RIGHTS WATCH will continue to monitor the aftermath of this brutal murder and to keep the Special Rapporteur informed.

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1 We have referred to the police service as the RUC in this report, because that
2 was their name at the time of the events described
3 *Guardian*, 1.10.2001
4 *Sunday Business Post*, 30.9.2001; *Guardian*, 1.10.2001
5 *Irish Times*, 29.9.2001
6 *Independent*, 5.10.2001, *Observer*, 30.9.2001
7 *Irish Times*, 1.10.2001
8 Letter to BIRW from Minister of State for Northern Ireland, Jane Kennedy MP,
9 22.10.2001
10 *Sunday Business Post*, 30.9.2001
11 *Observer*, 30.9.2001
12 *Belfast Telegraph*, 29.9.2001
13 *Irish Examiner*, 8.10.2001
14 *Sunday Business Post*, 7.10.01
15 *Sunday Times*, 7.10.2001
16 *BBC TV News*, 28.9.2001; *Daily Telegraph*, 29.9.2001
17 *Telegraph*, 13.10.2001
18 *Sunday World*, 7.10.2001
19 *Times*, 29.9.2001; *Belfast Telegraph*, 29.9.2001; *BBC TV News*, 1.10.2001;
20 *Independent*, 5.10.2001; *Observer*, 30.9.2001; *Sunday World*, 7.10.2001
21 *Observer*, 30.9.2001
22 *Belfast Telegraph*, 1.10.2001
23 *Belfast Telegraph*, 29.9.2001; *Observer*, 30.9.2001
24 *Belfast Telegraph*, 29.9.2001; *Sunday Herald*, 30.9.2001
25 *RTE News*, 1.10.2001; *Guardian*, 1.10.2001; *BBC TV News*, 1.10.2001
26 *Sunday World*, 30.9.2001 and 7.10.2001
27 *Guardian*, 1.10.2001
28 *Telegraph*, 3.10.2001
29 *Sunday World*, 7.10.2001
30 *Guardian*, 1.10.2001; *Irish Times*, 1.10.2001; *Sunday People*, 7.10.2001
31 *Belfast Telegraph*, 1.10.2001
32 *Sunday World*, 7.10.2001
33 *Observer*, 11.11.2001
Irish News, 10.10.2001
Irish News, 14.10.2001
Observer, 11.11.2001