



TIME IS RUNNING OUT

A Report into the Threats Against William Frazer & State Failures to Protect Article II Rights in this Case

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1. INTRODUCTION

William Frazer is Northern Ireland's highest profile victims' advocate and Director of the largest victims group – FAIR, *Families Acting for Innocent Relatives*. He has been a fearless and at times controversial figure as he expresses the views, provides a voice and represents the interests of victims of terrorism. Since 1998 he has taken centre stage during times of transition in Northern Ireland, often speaking out when others were too afraid, often saying that which others thought but were too intimidated to speak. He has provided a beacon of hope for victims of terrorist groups.

His position is often at variance to the prevailing political tide, as those he works for are victims of groups which are now at the heart of the political process. Mr Frazer himself lost his father and four close family members to PIRA terrorism, and epitomised the often forgotten victims who still demand truth and justice, whatever the consequences.

His empathy for victims makes William an able advocate with a caring attitude towards victims and a passion for justice. The majority of his work involves ordinary help and care for victims of which over 3000 are directly helped by FAIR with up to ten thousand benefiting from a network of support groups (NITVT) which he chairs. The bulk of the work is providing welfare, training, rehabilitation, medical and mental interventions as well as working towards commemoration of the past and conflict resolution through the Living Memorial Project.

However, it is the Human Rights and Justice Advocacy aspect of his work which has brought William Frazer into the public domain. His honest forthright advocacy of victims' rights in the face of a political process which seeks to accommodate those who were involved in the murder and injury of those FAIR represent has made him a contentious figure. A hero to some, he has become a hate figure to others.

Such polarised opinion has led to an alarming number of threats and a campaign of harassment and intimidation emanating from a number of sources. Primarily, but not exclusively Republican terrorist groups have threatened to murder Mr Frazer on numerous occasions. This in itself is worrying however the response of the Police and State is the most concerning feature of this case. They have on numerous occasions refused to take the necessary steps to secure his rights and life.

Mr Frazer's work has set him on a collision course with both mainstream Republicans, so called Dissident Republicans and criminal elements within

Loyalism. He is also at variance with the Government and the prevailing political agenda of the moment. His work to bring terrorists to justice for their crimes, and his role in issues such as a Civil Action against the accepted former PIRA Army Council member Thomas Slab Murphy, as well as other prominent Republicans; the exposure of PIRA- British State Collusion such as the Scappittici Affair; his advocacy Role and FAIR's Research work in up to 150 Historical Murder Enquiries; his Name and Shame Tactics which have exposed prominent Republicans, as well as an ongoing Counter-Terrorism Role which exposes Dissident Activity, and aims to disrupt the criminality which funds their operations.

His work has an International Dimension, where he has taken his case to Washington, London and Brussels with a host of other countries such as Colombia where he worked with authorities there to bring the Colombia Three to justice. Exposing the Human Rights abuses and Criminal Activities of Republican Terrorist groups has led to Millions of Pounds of Revenue being denied to these groups. Their fund raising activities have been disrupted and their Propaganda efforts set back. As a result Mr Frazer has become a figure of hate in such circles, and has lived under death threat for almost a decade. At the present time this threat is at an all time high as we believe Dissident Republicans who have shown themselves willing and able to murder would rate Mr Frazer as a high profile target.

His murder would serve to silence their most vocal and successful opponent, and act as a warning to others. It would disrupt the victims sector where he is a pivotal feature; would end present legal action in his name, as well as other initiatives he is involved with, and would be calculated to provoke a reaction from certain elements of disaffected loyalism and unionism. The end result would be to destabilise the peace process at this particular time and in short to put an end to the career of their nemesis.



2. THE NATURE AND EXTENT OF THE THREAT

Mr Frazer first came to public prominence as a victims campaigner in 1998, leading opposition to prisoner releases, and other issues which concerned victims. His role instantly brought him to the attention of terrorists. Both his stand against ordinary crime, such as drugs, whilst working as a bar and club owner and member of the local business community, then as a champion of victims of terrorism ensured that those criminal and terrorist elements in society marked him for dangerous attention.

He was threatened in the street, and at his place of work on numerous occasions however the first time he was made officially aware was when an Inspector Walkinshaw visited Mr Frazer's home where he informed him of a specific threat on his life. The information had come from Special Branch sources and was of a sensitive nature. It outlined the facts that someone using a false name would contact Mr Frazer purporting to wish to meet him thus luring him to a situation where Mr Frazer would be attacked and probably kidnapped, interrogated and murdered. As the visit was official and on the record, we pressed to police that any details they furnished could now be committed to paper. Our objective is to use this as evidence of the threat to Mr Frazer's life and to support his application to be included in the Key Persons Protection Scheme.

Mr Frazer has over the past ten years received multiple death threats delivered via various media from a range of sources. Primarily republican in origin they have included phone calls to the office, messages left and e-mails sent to the group's website and threats made through other people including the Samaritans and local police. He has been verbally and physically assaulted in the street and at events, and has been the victim of at least one kidnap bid and numerous other threats which have occasioned the police attending the scene. The threats have included detailed threats to the person of Mr Frazer and have been specific in both intent and motive. For the aforementioned reasons Mr Frazer has been brought to the attention of paramilitaries and extremists who because of his public profile wish to harm him.

He has been physically attacked and threatened, a fact that can be verified by a journalist, a camera man, a national TV film crew, two academics, election workers, FAIR staff and others who on over ten occasions have witnessed actual attacks whilst accompanying him on visits to South Armagh where Mr Frazer was working or conducting interviews, conflict resolution study tours or facilitating the media. His car has been attacked while in the area on four occasions and his movements followed. Mr Frazer feels he is presently being targeted with terrorists even going as far as executing a number of dry run attacks. These allegations can be substantiated by both neighbours and local police. One more than two occasions cars have been observed acting suspiciously in Mr Frazer's cul de sac. Individuals have been

seen taking stock of Mr Frazer's property and when challenged by neighbours have fled. On two occasions Mr Frazer or a neighbour has been able to give chase to these individuals and one occasion where they lost the car it was later found burnt out in a Republican area of Lurgan. These incidents and others of an equally serious nature was reported to the police in Armagh, Newry and centrally.

ATTACKS IN SOUTH ARMAGH

Mr Frazer has been targeted at an outreach centre in Newtownhamilton where several prominent Republicans were involved. One of those involved - a Mr Loughran was later arrested in the Irish Republic on terrorist related charges connected with dissident groups along with a Mr Grew another well known republican. They were clearly targeting Mr Frazer and were seen observing these movements on a number of occasions by several local people. The police were informed about one such incident where his car with three individuals were seen acting suspiciously. The police said due to poor visibility they were unable to pick up the vehicle registration plate.

On number occasions Mr Frazer has been threatened and verbally abused and threats to harm and kill him have been issued directly and indirectly. His work, family and social commitments take him on an almost daily basis into South Armagh where he has been involved in counter-terrorist and anti crime initiatives. Mr Frazer stood as an Independent Candidate in a number of Northern Ireland Assembly Elections. As he was canvassing his campaign bus was stopped and threats issued to stop his election activities and to leave the area or he and the occupants of the bus would be burnt in it. Mr Frazer's young son was present and heard the threats and was deeply traumatised by it, as were other election volunteers. In another election campaign his car was sabotaged with an expensive Public Address system vandalised and destroyed, as well as election material torn down and destroyed. Election workers were also intimidated. This demonstrates the anti-democratic nature of those who seek to harm Mr Frazer, as he was not standing on a party political manifesto, but on a victims platform

Another example of one such attack happened when William Frazer accompanied by two academics from the mainland who were conducting a study on the peace process and conflict resolution, were attacked. An attempt was made by two vans to 'run me off the road'. On failing this they tried to 'box' WF's vehicle in and on taking evasive action his vehicle was attacked by persons lying in wait at the side of the road. Large boulders were thrown at his car and caused extensive damage to the vehicle. Had they been successful in getting WF stopped, one can only imagine what may have happened to him and the passengers with him, as there was another gang armed with iron bars and pick axe handles waiting for his car to crash or lose control after the initial ambush. Police failed to establish ownership of the vehicles by the registration numbers taken at the time of the incident.

The NIO refused to pay compensation despite all three victims making statements. It was only when Mr Frazer investigated the matter himself and exposed the owners of the vehicles used in the attack as prominent Republicans that a cheque was issued.



In the second example which Mr Frazer and Police sources confirm to have been a kidnap attempt as threatened in numerous death threats. The entire horrific incident is detailed in a newspaper article the day after the attack. The PSNI is investigating reports that a gang of men tried to abduct victims campaigner Willie Frazer in south Armagh on Wednesday.

Mr Frazer and a cameraman were travelling into Crossmaglen yesterday around noon from Castleblaney when they reported that a dark Volkswagen Passat blocked the road in front of them.

Mr Frazer said the driver shouted out to him "Are you lost?" To which Mr Frazer replied they weren't and that they were going on. "You are going nowhere," was the response. With that, a white van appeared from another side road and rammed the side of Mr Frazer's car. They reversed back but several other cars blocked the way behind, and soon there were up to 20 men around the car. The attackers soon had the doors open and were trying to drag Mr Frazer out of the car, but he was fighting to stay inside.



"I could see the white van with both of the back doors open," said Mr Frazer and they were shouting 'get him out'. I have no doubt they intended to kidnap me." The cameraman, who declined to be named, said he calmed his attackers down by insisting he was "just a cameraman". However his broadcast quality camera was taken, and when he protested he was simply ignored. Meanwhile, Mr Frazer said they punched and kicked him viciously and when they couldn't get him fully out of the car, they repeatedly slammed the door on his leg. As a desperate last resort Mr Frazer reached into his coat and shouted: "Get back or I'll shoot. With that they all scattered like rats," he said. "Within 20 seconds there was not a sign of any of

them on the road.....The police were there 60 seconds after we phoned them," he said. Police and Customs officers were in the area carrying out raids on illegal fuel plants and he thinks his attackers presumed he was involved.¹

Mr Frazer makes it clear that he has informed the police of his belief that this was an abduction attempt or attempted murder. The scale of the attack and the skill of those involved adds weight to various sources with whom we have spoken with. They are consistent in their claims that Republicans want to kidnap Mr Frazer in the hope of extracting information from him about his sources, as well as making an example of him.

"This was a well orchestrated attack which involved up to ten vehicles and over 15 individuals who were able to descend on our car at a relative blind spot in the road. The attack was made all the worse by the fact they felt confident to carry it out with police less than a mile away in both directions. Clearly they hoped to carry out the attack while the police were involved in other operations. The orchestrated nature of the attack mirrored other attacks in the past and bore shocking similarities to the attack upon the two corporals where vehicles were used to block them in which a crowd dragged them from the vehicle and left them for a PIRA team to kill. The men involved in the attack were well practiced in this drill and I was under no illusions about their intentions."²

In another worrying example of Police failure Mr Frazer was visiting the scene of an arson attack upon an Orange Hall near Darkley in South Armagh. After meeting with local MLA and Ulster Unionist Party Deputy Leader Danny Kennedy MLA and conducting a number of interviews with the media Mr Frazer stopped further up the road to get a better view of the damage. He was accosted and verbally assaulted by an individual who appeared to be a Volunteer worker with the Cross Fire Trust, a group which helps ex-offenders and drug addicts. In the course of this attack the individual threatened to burn Mr Frazer's family home just like the Orange Hall had been. He threatened to kill Mr Frazer and his family, which was witnessed by a colleague of Mr Frazer.

Mr Frazer reported this matter at once to the police, and while attending a PSNI station immediately after the incident was unable to stay and make a statement due to a work commitment. When he did return to make his statement, the officer, who had previously tried and failed to press criminal charges against Mr Frazer, as he tried to defend himself in a previous attack, allowed him to make a statement before then charging him with an offence. This officer who appears to have a vendetta against Mr Frazer was reported to the Police Ombudsman for failing to discharge his duty. The worrying

¹ **Frazer in 'dissident' abduction scare, Belfast Newsletter**, 27 November 2008

² Interview with William Frazer December 2009

situation appears to have developed in this case where an officer who was involved in the investigation of two separate assaults on Mr Frazer where different individuals threatened to kill him ended with Mr Frazer being counter-charged. Mr Frazer contested both charges and while one was pushed to trial he was acquitted and his name cleared, in the other case the PPS refused to prosecute. It is our firm conclusion that this officer known as PSNI Officer 'A' has a clear problem with Mr Frazer, his attitude and approach was born out of dislike and was most unprofessional. It led to malicious accusations, aimed either to blacken Mr Frazer's name and professional reputation, or to force him to drop his complaints against the real perpetrators or to force him to stop going into South Armagh.

STORMONTGATE INCIDENT

At the heart of the State's refusal to protect William Frazer sits the most worrying aspect of this case. The evidence we have seen clearly points to a State involvement in the threat to Mr Frazer, with erroneous intelligence prepared by the state being passed through an agent. One Dennis Donaldson to Sinn Fein/PIRA. This was then used to target Mr Frazer and forms part of the terrorist information which continues to be used in threats to his life. In what is the most shocking example of state collusion since the Brian Nelson affair we see the threat to William Frazer emanating from mainstream Republicanism via an agent of the state. To all intents and purposed the British Government briefed Sinn Fein/PIRA with false information which has led directly to the threat on his life.

The episode is linked to what has been termed Stormontgate, the name given to the controversy surrounding a Provisional Irish Republican Army spy-ring based in Stormont. This operated at the very heart of the Devolved Assembly with Sinn Fein officials employed by Sinn Fein Government Ministers tasked to steal information under the guise of working in the newly devolved Government of Northern Ireland. The term was coined in October 2002 after the arrest of Sinn Féin's Northern Ireland Assembly group administrator Denis Donaldson, his son-in-law Ciarán Kearney, and former porter William Mackessy for intelligence-gathering on 4 October 2002.

Ten days following the arrests devolved government in Northern Ireland collapsed. The raid involved "scores" of PSNI officers who entered the building to remove computer equipment from the Sinn Féin offices. The raid provoked international headlines and was at the time alleged by those implicated as a political policing decision. Two computer disks were allegedly quietly returned later. Thousands of documents were reportedly discovered by the police in Donaldson's Belfast home.

The Police Operation was know was Operation Torison and Mr Donaldson, 55, from Aitnamonagh Crescent who was Sinn Fein's head of administration at Stormont, and his son-in-law Mr Kearney, 34, of Commedagh Drive had been

accused of having documents likely to be of use to terrorists. Mr Mackessy, 47, from Wolfend Way was charged with collecting information on the security forces. PSNI stated

"The background to this case is that a paramilitary organisation, namely the Provisional IRA, was actively involved in the systematic gathering of information and targeting of individuals,.....Police investigated that activity and a police operation led to the recovery of thousands of sensitive documents which had been removed from government offices. A large number of people were subsequently warned about threats to them."

The Northern Ireland Office said the case was "solely a matter for the prosecuting authorities and not for the NIO. It is also a matter of record that it was the actions of paramilitaries in gathering and removing these documents and the damage that was done to political confidences as a result that led to the suspension of the NI Assembly,"

Amongst these documents, which were clearly for the purposes of intelligence gathering and targeting of prominent unionists and members of the security and prison services were found documents relating to William Frazer. A Police Message used to convey a threat Ref No. OH/O/129/03 was delivered to Mr Frazer. It stated that

" During a search of premises in Belfast on 4 October 2002 Police took possession of a quantity of documents. Examination of the documents has revealed information relating to you. The following is a copy of the extract

" In fact the UPJM is just another initiative involving William Frazer and others with DUP links."

This information is believed to have been gathered and held by the Provisional Irish Republican Army. You are advised to seek advice and take steps to protect your personal security."

It was not signed or dated which is a most unusual feature however police have confirmed they did issue it. Therefore information first collated by the Government, which was stolen by individuals under the instruction of Sinn Fein/PIRA one of which later turned out to be a British Agent was used by the PIRA to target Mr Frazer, and has subsequently been passed on and forms the basis of current so-called Dissident threats. William Frazer again tried to take such steps as he felt necessary but was once more snubbed by the state.

Then to add insult to injury on 8 December 2005 the charges against all three men were dropped by the Northern Ireland Public Prosecution Service. Lawyers for the service said that

"The director has concluded that having regard to the materials placed before him and his duties as a public authority under the Human Rights Act 1998 that the prosecution for the offences in relation to the accused are no longer in the public interest."

Mr Justice Hart said that the proper course of action was to return verdicts of not guilty and told the men they were "free to go".

Sinn Féin claimed that the prosecutions had been politically motivated and were dropped because of lack of evidence. Some unionists suggested that dropping the charges was a "reward" for the final act of decommissioning by the Provisional IRA announced on 26 September 2005. In response William Frazer wrote to the Director of Public Prosecutions, the Chief Constable and Secretary of State on 13 December 2005 to complain of the decision. It demanded answers and a meeting and addressed the ongoing threat to his life as well as incredulity over the dropping of the case. The failure to inform him as a victim was also raised, under Principle 6 (a) UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985. In a response from the NIO on 17 January 2006, which confirmed that the evidence existed but it was not deemed to be in the public interest. However the Government rejected Mr Frazer's case.

Mystery surrounded the DPP decision as to why so suddenly and so inexplicably the charges were dropped. Then on 16 December 2005, Sinn Féin president Gerry Adams announced to a press conference in Dublin that Donaldson had been a spy in the pay of MI5 for over twenty years. This was confirmed by Donaldson in a statement to broadcast media outlet RTÉ shortly afterwards.

In his statement Donaldson described the alleged Sinn Féin spy ring in Stormont as "a scam and a fiction".³ Adams has asserted that both the planned leaking of Donaldson's name as an informer and the original Stormontgate allegations were engineered by the security forces to discredit Sinn Féin and cause a crisis in the peace process. The affair had been investigated by Nuala O'Loan, the Northern Ireland Police Ombudsman, who ruled that the raid was not politically motivated. O'Loan found that the

"decision to seek a warrant authorising a search of a specific desk in the Sinn Féin offices was reasonable, proportionate and legal"

but was critical of the number of vehicles used and the scale of the police operation.⁴ Normally the Ombudsman's office is given access to all relevant

³ Mystery of Sinn Féin man who spied for British, Angelique Chrisafis, The Guardian, Saturday 17 December 2005

⁴ Ombudsman statement for 01 August 2004

codenames and reports relating to informants. Yet O'Loan was unaware that Donaldson was by his own admission, an informant. Following the public unmasking of Donaldson, O'Loan stood by her 2004 judgment on the search. **There were immediate calls for an inquiry into the entire affair, and William Frazer supported those.** Both the Irish and British governments have ruled out inquiries into the controversy. Tánaiste (deputy prime minister) of Ireland, at that time, Mary Harney said: "I think the last thing we probably need right now is some form of inquiry which may not get very far" British Secretary of State for Northern Ireland Peter Hain described the unfolding scandal as turbulent, but said that inquiries "cost hundreds of millions of pounds. I am not going down that road when it is quite clear that it is not in the public interest to do so"

In a final tragic twist to this tale Donaldson after debriefed by republicans about the extent of his work for British intelligence, was murdered on 4 April 2006 at house he had been using as a retreat near Glenties, County Donegal. Donaldson's death is now the subject of an ongoing murder inquiry, with the firm suspicion resting on the PIRA perhaps using the cover of a Dissident Group.

DISSIDENT THREAT

The republican, from the border counties, says he was one of the Real IRA's intelligence officers, but grew disillusioned with the organisation over what he claimed were its deepening links with Islamic terrorists.

He said that he wanted to absolve himself of his past involvement with the group by warning those it was targeting.

Reliable sources say that the security services have verified that the man was a member of the Real IRA but that the relationship between British intelligence and the man, whose name cannot be published for his own safety, has now broken down.



On the run, he has been moving around various safe locations and is now living in fear of his life.

He claims that the Real IRA wanted to murder Mr Frazer and had asked him to do research on him. "Last year there was a conversation in a pub where someone said about him 'That ****'s going round stitching people up and he hates Catholics'," he said. "There are people in South Armagh – including Provos – who don't care what happens, they just want to take him

down.” He also says that he told his handler of an attempt to kill Ian Paisley Jnr: “Mr Paisley’s son (Ian Jnr) was the main one. There was also a recruitment officer for the PSNI.” Mr Paisley told the News Letter that he was “aware of the allegation” but declined to comment further. Declan Ganley, the prominent Irish businessman and Libertas founder, was also on the target list, the dissident republican claims. “I called him and he thanked me for it because I thought they (MI6) were taking too long to contact him,” he said. Mr Frazer said that his group was “demanding that the information provided be acted upon”

We are unaware of a situation where a victim has been able to hand over the individual responsible for targeting him to the police and security services, who confirm his story and yet do nothing to protect the target. Imagine if Brian Nelson had undergone a similar experience and approached Pat Finucane with details of the operation to kill him. What would be the reaction of the world if Mr Finucane had done his civic duty and handed the informer over to the state only to find they did nothing.

In conclusion Mr Frazer feels that there is a tangible threat to his life and that the state is aware of such a threat. In such a case there is an obligation to provide more than general protection to protect life and when the state is in a position to control or limit an identifiable threat to a citizen its failure to do so would require a ‘satisfactory’ and convincing explanation’. In terms of the specific criteria, Mr Frazer feels that his death or injury as a result of a terrorist attack at this time would undermine the democratic framework of the government in that an attack by republicans on one of the most prominent victims in Northern Ireland would create a backlash within the unionist community losing what faith they have left in the process. Such an outrageous attack upon someone of Mr Frazer’s profile would rouse feelings of anger and offer an excess for loyalists unhappy with the political process to return to violence. Reprisals would flow in a tit-for-tat manner which given the current policing problems would damage the rule of law irreparably.

Such an attack would as one unionist politician said is akin to the murder of Pat Finucane or Rosemary Nelson. While the Nationalist community has been able to channel their outrage and anger in a positive direction aimed at ensuring an inquiry and legal redress the unionist/loyalist community does not have the same appetite for Human Rights litigation and the capacity for such positive action. We fear a knee jerk reaction would follow with paramilitaries ignoring calls for no retaliation and using the attack on Mr Frazer to strike at key republican targets. Despite such possible scenarios Mr Frazer feels that the existence of sufficient knowledge and resources to prevent a death would create a positive obligation on the state to act without discrimination. Failure to do so will be challenged at the highest levels under the ECHR.

3. OBLIGATIONS OF THE STATE

The failure of the police to act effectively and the position of the state in regard to the threat to Mr Frazer is chillingly similar to their position to another local public figure whose activities polarised opinion and provoked a violent reaction from paramilitaries. The person in question was Rosemary Nelson, and the parallels in both cases are frighteningly similar, we are acting now to ensure that the result of both cases is not the same.

It is alleged in the case of Rosemary Nelson that a deadly train of events were set in motion and allowed to continue unchecked by the police. Her clashes with the police were both public and bitter with her position as legal representative for notable Republican Paramilitaries placing her in direct confrontation with police officers. It is cited as the reason for their unwillingness to discharge their duties as is alleged. While we do not wish to pre-empt the outcome of the Inquiry into her death we do note the similarities.

- Both individuals acted in a public advocacy role which often brought them into conflict with the state and police in particular.
- Their client base while mixed was publically perceived to be predominantly from one community.
- Both represented those often at the margins of society who were not politically acceptable to represent.
- Both worked in interface areas where terrorist activity of a dissident nature was prevalent.
- Both had been public spokespersons and advisors in campaigns for issues which polarise society.
- Both worked in areas of transitional justice that often challenged traditional policing and establishment policy and procedures.
- Both had suffered a litany of death threats which were not treated satisfactorily when present to the police.
- Both were victims of malicious whispering campaigns which alleged their support for more extreme elements or groups.
- Both found themselves victims of police assessments based on such malicious innuendo and lies, and were treated accordingly.
- Both continually tried to get a proper and proportionate police and state response to their situation
- Both had independent verification and representation top this effect.
- Both took action against the police for harassment and malpractice, and sought legal remedy to the states failure to provide security.
- Both were targeted by dissident terrorist groups which acted upon innuendo and misinformation as well as sectarian motivations.
- Both were public figures in interface areas whose work and public persona made them controversial figures and figures of hate in certain groups.

- The police and state were well aware of this and the actual threat to their lives, yet did not act to provide adequate security.
- One was murdered outside her homethe other has survived numerous attempts on his life and lives under constant death threat.

We present this report in the hope that these chillingly similar situations do not end in the same tragic way. A train of events are in motion in the case of William Frazer, that train is gathering speed and at every point above it has taken the same sinister direction as Rosemary Nelson. We demand action now before that train reaches the same deadly destination.

As we all know after the murder of Mrs Nelson calls came for an Inquiry into what many claimed was collusion. These were first looked into by the Cory Reports and their finding were such that an Inquiry was set up. While we do not wish to make any statements on the claims, they are instructional in any assessment of Mr Frazer's situation.

Therefore we will examine this case in line with the established definition of Collusion as laid down by Judge Cory in his work.

Definition of collusion

4.27 How should collusion be defined? Synonyms that are frequently given for the verb to collude include: to conspire; to connive; to collaborate; to plot; and to scheme.

4.28 The verb connive is defined as to deliberately ignore; to overlook; to disregard; to pass over; to take no notice of; to turn a blind eye; to wink; to excuse; to condone; to look the other way; to let something ride; see for example the Oxford Compact Thesaurus Second Edition, 2001.

4.29 Similarly the Webster dictionary defines the verb collude in this way: to connive with another: conspire, plot.

4.30 It defines the verb connive

1. to pretend ignorance or unawareness of something one ought morally, or officially or legally to oppose; to fail to take action against a known wrongdoing or misbehaviour – usually used with connive at the violation of a law.

2. (a) to be indulgent, tolerant or secretly in favour or sympathy;

(b) wink at youthful follies;

(c) to cooperate secretly: to have a secret understanding.

4.31 How should collusion be defined for the purposes of this inquiry? Again it is essential that I observe that members of the public must have confidence in the actions of government agencies whether they be the Northern Ireland Office (NIO), the Secretary of State or the police force. There cannot be public confidence in any government agency that is guilty of collusion or connivance with regard to serious crimes. Because of the necessity for public confidence in government agencies the definition of collusion must be reasonably broad when it is applied to such agencies. That is to say that they must not act collusively by ignoring or turning a blind eye to the wrongful acts of their servants or

agents or by supplying information to assist those servants or agents in their wrongful acts or by encouraging others to commit a wrongful act.

4.32 Any lesser definition would have the effect of condoning or even encouraging state involvement in crimes, thus shattering all public confidence in governmental agencies.

4.33 In determining whether there are indications of state collusion in the murder of Rosemary Nelson it is important to look at the issue from two perspectives. First, it must be seen whether the documents indicate that the action or inaction of the government agencies might have directly contributed to the killing of Rosemary Nelson. Secondly, it is necessary to examine collusive acts which may have indirectly contributed to the killing by generally facilitating or encouraging terrorist activities. That is, the evidence may reveal a pattern of behaviour by a government agency that comes within the definition of collusion. This evidence may add to and form part of the cumulative effect which emerges from a reading of the documents. In this case it will be important to consider whether the documents reveal that government agents or agencies turned a blind eye to threats which were being made against the life of Rosemary Nelson. It must be determined whether the failure of governmental agencies to protect Rosemary Nelson, in light of the threats that they were aware of, constituted collusion. If the Government knew that Rosemary Nelson's life was in danger, yet took no steps to ensure her safety, this could constitute collusion. State sponsored protection was available to individuals on a discretionary basis. Obviously if this protection could have saved Rosemary”

Therefore when we examine the facts we must bear in mind that this is even more important than the Cory Inquiry or the present ones and that this case of Frazer is more important than Finucane, Nelson, Wright or any other current inquiry. It is not more important because of the person involved but because that person is alive – action in such matters to preserve life is a hundred times more important than retrospective investigations into what led to a death. Therefore we demand that similar attention, resources and public concern is taken in this case.

STATE INVOLVEMENT IN TARGETTING

Mr Frazer expressed concern that not only were his details stolen by a member of Sinn Fein/IRA who turned out to be a British Agent, but that those details were wildly inaccurate. It has long been Mr Frazer's belief that a fatally flawed intelligence picture has been drawn of him, either because of the naive use of flawed sources or the malicious attempt by source or handler to blacken his name.

This would appear to be the basis for the NIO-PSNI assessment that he is an unfit person to hold a weapon. To date the state has refused to disclose the nature of this slur nor the information on which it is based. However in February 2010 a police source came forward to expose the nature and use of this erroneous information on Mr Frazer. The Police source had been an officer involved in an arrest operation against Mr Frazer at the Leeds Castle political Talks.

Whilst involved in a lobbying exercise at the negotiations Mr Frazer was speaking with a colleague and preparing for an interview with the media when he was approached by a number of police from Kent Constabulary. They asked him to leave the hotel and the grounds of the hotel. When Mr Frazer asked what he had done they could not provide an answer and he refused.

He offered no resistance and did not break the law at any time however he was arrested and manhandled into a police van which took him to Maidstone Police Station. Here after being detained without charge he was released without explanation. A number of local politicians one of which was his solicitor had to leave the Talks to attend the Police Station and expressed their concerns about such an abuse of his rights.

Mr Frazer took a complaint and the original IPCC casework manager for this case was Nick Boyd and the reference was 2006/012373. That did not provide closure for Mr Frazer who continued to express his concerns about such an act of political policing. Then in February 2010 an officer involved in the Incident Sergeant 'A' contacted Mr Frazer and exposed what really happened at the incident in question and established that there was no wrong-doing on Mr Frazer's part.

The following is a section from his correspondence

I just wanted to make you aware of the basic details surrounding your arrest as I note there has been a public PDF made available making me the scape goat!!

I was the acting Sgt, I had attended a briefing, if you could call it that. We were given a description of you and the fact that you wanted to pass over an envelope to Gerry Adams that could contain a white powder. I was told that this would not happen under any circumstances. I had just taken over shift when you were spotted inside the hotel. I attended and as you are aware I used my mobile to ascertain exactly what it was you had done wrong as you were leaving the hotel. I was told that you would be arrested to prevent a BOP as Adams was just arriving and you mustn't meet. I asked for a senior officer to come down as you were not causing a disturbance until you were arrested. The senior officers including the ACC refused to attend as I now know they had weak intel. I was wanting to release you outside the main hotel gate as there would have been no chance of you coming back in but we were ordered by the officer in command to take you to Maidstone. Even the chances of a breach had stopped on leaving the hotel. The arrest wasn't helped by lack of transport/lack of communication equipment and the lack of senior management decision and typical Kent Police sloping shoulders. I got commended for my actions on the day as I had done what I had been briefed to do (stop any contact by yourself with Adams) in public I got used as a scape goat. I don't believe you got treated fairly by management and you should have been released at the hotel gate. The intel we had was either

wrong or the senior officers had lied to me about having it in the first place as no one would back it up when it was acted on. I feel very strongly about this hence contacting you. Obviously I was not aware of what had been printed in the press as I was busy working. I was only made aware of this today when reading the public PDF. I remember you saying "Sorry guys for kicking up, I'm just doing my job like you are." I hope you still feel like this.

It has very serious implications for Kent police, and whoever provided such wildly inaccurate information. One must also remember the context of these talks. The UK as a whole was at a heightened state of terrorist alert which led to the regrettable incidents such as the killing of Jean Charles de Menezes a Brazilian man shot in the head seven times at Stockwell tube station on the London Underground by the London Metropolitan police, after he was misidentified as a terrorist. This is an shocking example of how flawed Police Intelligence can in circumstances of heightened alert led to tragedy.

Imagine the scenario where Mr Frazer had as was often his habit at such public events handed a letter of protest or a petition to Gerry Adams or indeed any senior politician. The police and most worryingly an armed response unit which is attached to such operations seeing such an act would on the basis of the above briefing. One can only shudder at the potential for tragedy if this had happened, Mr Frazer is well known for his forthright approach, and his ability to challenge Republican leaders face to face; any armed police team or close protection unit on the basis of the above briefing and seeing Mr Frazer approach a prominent Republican with an envelope would have only acted in one way!

While the possible outcome is frightening the fact that this erroneous briefing was prepared around a known habit of Mr Frazer at such times and events leads us to conclude that it was prepared with the purpose of at least disrupting Mr Frazer's activities and legitimate protest, and allowing Gerry Adams to evade his attention; or at worst calculated to lead to his death! It is concerning that such a tactic was well known to the authorities, and when we see it used as the basis of a false intelligence briefing to the police we are into the area of state collusion in the murder of a leading victims campaigner.

In this regard we see a situation which is worse than the allegations that the state prepared and passed intelligence linking Pat Finucane to the PIRA to his killers. In the Finucane case where he was already well known to loyalists, any such intelligence was not passed to the police with the intention that they took action and possibly deadly action to end his work. At no time did any state information lead to the arrest or the authorisation of deadly force by the police or other agents of the state in the Finucane case – however that is exactly what we see here.

Other Similarities between Nelson and Finucane Cases

Another example of such similarity was used as a reason by Judge Cory to recommend an Inquiry in to Collusion in Mrs Nelson's case. He stated *"It could be found that, like the RUC, the Northern Ireland Office appears to have largely disregarded the cumulative impact of letters sent by numerous agencies from 1997 onwards These letters not only expressed concern about Mrs Nelson's safety; in many instances, they provided the details of threats she had received. Further, it could be found that although the NIO had knowledge of the threats to Rosemary Nelson it apparently did not take any action to protect her. Rather, all requests that Mrs Nelson be enrolled in a state protection scheme were denied."*

This is a mirror image of the Frazer situation where they have ignored the cumulative effect of almost a decade of evidence, petitions and supporting material.

b. The NIO's mishandling of documents that were directly pertinent and vitally important to the safety of Rosemary Nelson may also indicate a level of neglect or disregard that could be found to be collusive. The NIO did request that the RUC conduct threat assessments. There is every indication that this was an error, and not a deliberate or sinister act. Nonetheless, the importance of the death threat ought to have been clear to NIO officials – it was literally a matter of life and death - and it could be found that greater care ought to have been taken to ensure its delivery. This is particularly so since the NIO had already received several pleas to protect Rosemary Nelson and knew that her safety was considered by others to be a serious issue. It could be found that the NIO has never provided a satisfactory explanation for its failure to enclose the attachments, its failure to ensure that the documents reached the RUC, or how the documents eventually reached the RUC files. The lack of care that was demonstrated with respect to the enclosures could be found to be collusive in that the NIO failed to properly process what it knew was a vitally important document, or on the basis that it is part of a cumulative pattern of careless conduct capable of constituting collusion.

The mishandling of documents actually led to a situation where erroneous NIO documents were stolen by Republicans and used in PIRA targeting and intelligence gathering. This is much worse than the allegations in the Nelson case. We have clear proof that the Government produced flawed intelligence documents which a British Agent and senior member of Sinn Fein/IRA then stole. That has and continues to be used by Republican terrorists to target William Frazer. As in the Nelson case this is a matter of life or death and it could be found that greater care ought to have been taken. In short we believe that part of a cumulative pattern of careless conduct capable of constituting collusion.

c. The NIO failed to question the threat assessment it received from the RUC, This could be found to be particularly troubling because the NIO was aware of specific threats against Rosemary Nelson.

Again the background and pattern of threat in this case is similar which should have prompted the state to treat it differently their failure is we believe collusion

d. It could be found that by failing to provide protection for Rosemary Nelson, the NIO failed to take steps that could well have saved her life. The NIO's conclusion that Rosemary Nelson did not qualify for enrolment in the KPPS may have flowed from its application of the strict criteria of the scheme. However, it could be found that the NIO had knowledge that Rosemary Nelson, a high profile solicitor engaged in high profile cases for unpopular Nationalist clients, had received repeated threats including an explicit handwritten death threat in the post. This could be found to be sufficient to make the issue of her safety a priority. Even if the KPPS was not available, the NIO had a discretion to offer a package of protection without regard to the RUC threat assessment. Its failure to take any action to protect Rosemary Nelson could be found to be troubling when it is considered against the background of the earlier murder of Patrick Finucane. By disregarding a significant body of evidence of threats against Rosemary Nelson, it could be found that the NIO engaged in conduct that was collusive in nature.

Again the chilling similarity in these cases should prompt the state and indeed all readers to act. The fact that they still continue to deny public figures such as William Frazer adequate protection given his work, is the closest thing we have to State Sanctioned Killings in a Western Democracy. Their actions and omissions in this respect are effectively sealing individual's death warrants this is a clear case of collusion

4.196 Carelessness or negligence might be found to constitute collusion either by the careless or negligent act or omission itself or taken together with other acts or omissions which would indicate a pattern of conduct. That is to say the act or omission itself might indicate that an entity such as the RUC or NIO was turning a blind eye to dangerous or threatening acts or was condoning those acts or was looking the other way and thus would come within the definition of collusion. Similarly it could be taken as indicating indulgence or tolerance of the dangerous or threatening acts or as a failure to take action against known wrongdoing. As well as the act or failure to act could be taken to form a pattern of conduct that comes within the definition of collusion. Further, individual negligent acts may indicate an uncaring attitude or evidence of collusive acts. For example they may indicate that something has been deliberately or knowingly ignored, overlooked, disregarded or passed over. It follows that the negligent acts of the RUC and the NIO will have to be carefully considered to determine whether they constitute acts of collusion.

The above reasoning by Judge Cory is particularly relevant and insightful in this matter, therefore we can reach no other conclusion that the state is guilty of collusion in the case of William Frazer. Add to this the layer of Institutionalised Collusion evidenced by the Leeds Castle Intelligence Briefing, the Stormontgate Scandal, and the reliance on flawed Intelligence. The question really is was this down to incompetence or malevolence the one clear fact is that whatever the answer it is collusion.

We are calling for a full review of this case first by the Ombudsman in particular reference to the Police role, secondly by the Human Rights Community in particular the Northern Ireland Human Rights Commission who have previously assisted in this case into the entire case from 2000 to the present time. Thirdly we ask that this matter be addressed by the Government both by way of internal NIO Investigation into their role and also in Stormont as a matter of urgency. We will also be taking immediate legal steps where necessary for example by way of Judicial Review and will be calling upon interested parties to support and witness such actions

The terms of these reviews we wish to see all documentation, policies and processes involved examined to see whether they indicate that the action or inaction of the government agencies might directly contribute to the threat to the life of William Frazer. Secondly, it is necessary to examine collusive acts which may indirectly contribute to the level of threat by generally facilitating or encouraging terrorist activities. That is, the evidence may reveal a pattern of behaviour by a government agency that comes within the definition of collusion. This evidence may add to and form part of the cumulative effect which emerges from a reading of the documents. In this case it will be important to consider whether the documents reveal that government agents or agencies turned a blind eye to threats which were being made against the life of William Frazer. It must be determined whether the failure of governmental agencies to protect William Frazer, in light of the threats that they were aware of, constitute collusion. If the Government know that William Frazer's life is in danger, yet take no steps to ensure his safety, this could constitute collusion. State sponsored protection is available to individuals on a discretionary basis, an obviously if this protection could protect William Frazer, it must be done. However refusal to issue him with a personal Protection Weapon, or to include him on the Key Persons Protection Scheme, or to provide other interventions at his place of work, car, or indeed consider relocation are all issues of extreme concern.

The obligation on the state is to protect life and it was fully outlined in a successful judicial review, the details of which we have included in Appendix 1, where Mr Frazer took his plight to the Courts.

In conclusion we see a State Collusion in the ongoing threat against William Frazer in the following areas.

STATE INVOLVEMENT IN TARGETTING

The intelligence and other files that have been prepared by the state on Mr Frazer, are based on flawed and uncorroborated partisan sources and information. From what little has been exposed in the public domain it is worrying in its flawed information and implications. At least defamatory and geared to undermine his professional reputation at worst it is feeding both police and Republican terrorists with misinformation which is designed to make Mr Frazer a target.

STATE INVOLVEMENT IN CHARACTER ASSASINATION

The initial design of such flawed intelligence may have been to blacken Mr Frazer's reputation, to undermine his professional standing as a victims worker. Further given his close working relationship with the police it was designed to undermine his standing and to ensure that he was not treated fairly or given credibility. This has however developed to such an extent that the Police and state as a whole are not treating him properly and issues such as the issue of a Personal Weapon, proper security and investigation of his complaints are all affected.

STATE REFUSAL TO PROSECUTE

It is shocking that to date no one has been prosecuted for the litany of death threats and attempts on Mr Frazer's life. Indeed when one individual Dennis Donaldson was arrested for passing information on Mr Frazer to the PIRA he was not prosecuted as it turned out he was a British Agent and had been acting under the authority of the state. In other local cases where Mr Frazer had been attacked and threatened he ended up being charged and taken to court in an attempt to stop him taking action against his attackers.

STATE REFUSAL TO PROVIDE ADEQUATE PROTECTION

Despite taking that matter to court and winning a significant ruling in a Judicial Review the state still refuses to provide adequate protection to Mr Frazer. He has been attacked and threatened on numerous occasions and has had numerous death threats which usually initiate certain procedures including the issue of a PPW and other security steps. Again the flawed intelligence which we have been refused sight of is being used to deny him this.

STATE REFUSAL TO PROVIDE INFORMATION

Despite the life threatening nature of these matters the state still refuses to divulge their real reasons or the basis of their decisions. Vital and we believe flawed intelligence will not be shown and as such Mr Frazer cannot mount a proper legal challenge to many of these injustices. It is vital to see the information and be able to challenge it.

AN ENEMY OF THE STATE?

Such is the level of state collusion we must ask has Mr Frazer been classified as a de facto enemy of the state and stripped of his most basic rights as a British Citizen. His treatment at the hands of the state would be more in keeping with that of a terrorist suspect, or failed asylum seeker. It would appear that the authorities have a very different view of Mr Frazer and this has led to the treatment he has suffered.

STATE SANCTIONED DEATH SENTENCE

The shocking conclusion of our research is that the logical and frightening conclusion of this case will be the state sanctioned murder of Mr Frazer. Such is the level of collusion, complicity and sheer complacency that his murder is inevitable unless radically steps are taken to provide him with adequate protection. Any view of this case leads to one conclusion- the state has failed and continues to fail; when they are made aware of such failure and refuse to act the murder of Mr Frazer will be a de facto - STATE KILLING ?

4. **TAKING A HIGH PROFILE**

The central reason for the threat to Mr Frazer's life aside from the inclination of terrorists themselves is his public profile which draws him to their attention. As outlined below it is clear that Mr Frazer is under serious threat of death or injury as a result of terrorist attack. Recent worrying developments have prompted various applications for protection from the state as there is now an identified, validated and objectively defined threat as verified by the PSNI. Where such verification is from the state's own agents the onus is higher in relation to prevention and protection for the individual at risk. These obligations are derived from Article 2 of the European Convention on Human Rights, namely that when the state is aware of objective and measurable threats to an individual protection such as that offered under the KKP Scheme would constitute a component of general rather than specialised protection, which would be in the form of a personal protection weapon.

William Fredrick Frazer, DOB 08/07/1960 who has resided at 24 Trandragee Road, Markethill, BT60 1TF for over ten years. Mr Frazer works from an office at 18 Mowhan Road, Markethill, BT60 1RQ. The home number is x-directory and would not be freely available however, both mobile and office numbers are carried on FAIR promotional, press and information material. It is a number given to the wider community for victims to contact if they require help and is obtainable in the telephone directory, yellow pages, our internet site and those of government bodies like the Victims Unit, Community Relations Council amongst others. It is also printed in government and voluntary sector information material which advertise our services.

Mr Frazer has since 1999 worked for FAIR (Families Acting for Innocent Relatives) which is a victim's support group based in South Armagh. In the six years previous to that he owned a Public House and Night-club in Tandragee. It was during this time and due to his stand against drugs that he first came to the unwholesome attention of local paramilitaries who dealt in drugs. It is a central belief of our investigators that a number of these individuals were also police informers, and for financial gain or revenge fabricated allegations about Mr Frazer. His stand against the main drug dealing faction the local UVF made him a hate figure, which manifested itself in a whispering campaign linking him to a rival group. This was best evidenced by poor professional relations with the PUP a political front for this paramilitary group.

It is our contention that this vendetta by UVF members who were also informers laid the basis for erroneous PSNI assessments of Mr Frazer. This we believe is the basis for the Chief Constables' position that he is an 'unfit person' to hold a weapon. We wish to challenge this slur and the erroneous basis on which it is made. It will be interesting to see in the face of Judicial disclosure whether this matter will be cited in the most recent refusal. The

level of threat against Mr Frazer from these criminal loyalist elements is most frighteningly demonstrated by the murder of two young men who had spend a night socialising in Mr Frazer's club. This is of course the shocking murder in Tandragee of David McIlwaine and Andrew Robb in February 2000.

The young men were murdered during a loyalist feud and there has been clear evidence from that case of UVF members who were informers and criminals. Both British Irish Rights Watch and Relatives for Justice have investigated this case with the latter concluding

“ Emerging media reports, from a number of credible sources including UTV, BBC, Belfast Telegraph, the Sunday Times and Sunday Tribune, began raising questions about the killings – and some media cited that a senior UVF agent, involved in a series of killings, had been involved. This theme has consistently been raised in the media including via ‘security sources’⁵

The family engaged representatives of the Progressive Unionist Party (PUP) and the UVF leadership in Belfast. The UVF admitted that several of their members were responsible but that the killings were not sanctioned. The family asked the UVF hand over those responsible to the authorities making a public statement.

The UVF told the family that they were carrying out an internal investigation. A key suspect, UVF member Noel Dillon, was found dead in his home on January 14th 2005 shortly after being questioned by the UVF. According to the PSNI no foul play is suspected and suicide has also been ruled out.

The UVF have kept in contact with the family and have informed the McIlwaine's that there is an agent of the State within their ranks who was at the heart of the killing. However, whilst both these men may have played a part in the killings principle suspects, including senior UVF commander John Sinton, who was not detained.”⁶

However it is from Republican Terrorists that the main threat to Mr Frazer emanates. In 1998 Mr Frazer became involved in victims work having lost five members of his close family including his father to republican terrorism. He first came to public notice when he was interviewed after the last bomb attack in Markethill during the peace talks. He started as he has gone on with a frank and forthright condemnation of terrorism.

In the Referendum elections he stood as an Anti-Agreement candidate in Newry and Armagh. During the election campaign his profile grew as he attacked the Agreement on specifically anti-terrorist issues. He vocally

⁵ UTV Insight programme by Darwin Templeton – several articles by Belfast Telegraph's Chris Thornton – Articles by Susan McKay Sunday Tribune, Liam Clarke Sunday Times – Articles by Andersonstown News & Daily Ireland.

⁶ Relatives for Justice Summary of the Case, <http://www.relativesforjustice.com/david-mcilwaine.htm> 2009

opposed the destruction of the RUC and appeared subsequently on platforms alongside prominent Anti-Agreement politicians during the 'Save the RUC' rallies. He also opposed the release of prisoners and spoke consistently and with brutal honesty about the crimes of those who were to be released.

As FAIR developed as a support group for local victims in South Armagh area Mr Frazer proved to be an able advocate for the raw emotion and anger of innocent victims. During this time he led a campaign which did untold damage to the cause of terrorists particularly those of a republican variety. He has produced press statements each week since then keeping the atrocities of the IRA to the fore. In terms of propaganda value and damage to the process of legitimising terrorists Mr Frazer has been unique in his efforts to counter this trend. Speaking as a victim for victims he could and has said what others only think. He has exposed disparities in funding, the continued gangsterism of the paramilitaries, the drugs trade they engage in, the breaches of the cease-fires. He has been outspoken in his assessment of the immoral and illegal direction of the peace process, the smuggling rackets in the area and finally most recently those terrorists who were responsible for mass murder in the area over thirty years.

Mr Frazer has proven to be a figurehead rallying the cause of victims across the province. He is Chairman of Northern Ireland Terrorists Victims together an umbrella group. Mr Frazer has been a focus for opposition to the inclusion of terrorists in government being at the fore-front of such campaigns as the Long March, calls for inquiries into terrorist cease-fires and most recently Human Rights investigations into the past and present activities of terrorists with a view to changing individuals with war crimes. His most public role was a spokesman and leader of the Love Ulster Campaign, where he represented victims interests. The culmination of this movement was a parade in Dublin in February 2006 which led to the worst riots there when Dissident Republicans attacked the parade, police and others. Specific Threats were made to Mr Frazer at this time, and the Gardai investigated the attempted murder of members of the parade whose bus was attacked on its way home. Mr Frazer had to be escorted to the border by an armed Gardai Special branch close protection unit detailed to protect him, Jeffrey Donaldson and Danny Kennedy MLA

As an out spoken and fearless advocate of Human Rights he is viewed amongst nationalist and republican terrorists and extremists in a similar way as loyalists would have viewed Nelson and Finucane. Mr Frazer has picked up the case and continued the work of others for example Edgar Graham and Robert Bradford MP both of who were murdered for just such activities. With a public profile as high as it is many ordinary protestant and unionist people approach Mr Frazer to represent them and work on their behalf, he has mediated in connection with Drumcree and facilitated press coverage of this issue. He has as a local community worker been working for peace in the

local area particularly around the time of the loyalist feud. He has also been called to mediate and advise in interface areas like North Belfast where he has spoken up on behalf of the victims of violence around Glenbryn.

His public profile is higher than many politicians as much of what he does is newsworthy and followed intently by the press. Few weeks pass without some form of media coverage and his face has become a recognisable feature in the political sphere in the province. He has also been linked to high profile stories like the murder of the two young men in Tandragee who were at his club that night; the investigations around fraud and criminality in South Armagh, his hunger-strike and other public efforts to keep Sein Fein/IRA out of government, his often lone protests against prominent republicans, his protest at the Maze the day prisoners were released, his tours of the border areas given to journalists and his present campaign to convict the mass-murder gang responsible for along the border. Most recently he has become an international personality and victims representative speaking at conferences and events in Spain, Colombia, Israel, United States amongst other places. At present his central role in a Victims Case against Libya. He has also featured and attacked in republican organs like An Phoblacht and the Anderstown News along with terrorists web-sites. As a group FAIR generates much publicity much of which draws the spotlight further on Mr Frazer.

This level of public exposure is best shown in today world by looking at internet activity and interest. A GOOGLE search for William Frazer brings up in the top two ranking places william frazer and william frazer fair. The first name produced 1,360,000 search results and the latter specifically mentioning him in relation to his work brought up 1,540,000 to put this in perspective the acting First Minister at present is Peter Robinson MLA which a google search produces 94,100 and Deputy Martin McGuinness MLA gets 301,000 results. The www.victims.org.uk website run by Mr Frazer has attracted 2,739,332 hits in 2009 alone, since its creation in 1999 we can safely say over 15,000,000 which for a Northern Ireland community based website on an issue specific appeal is staggering. Some further facts are crucial in understanding the type of public interest there is in Mr Frazer. One example is the Keyphrases used on search engines:

victims.org.uk

families acting for innocent relatives

william frazer markethill

willie frazer fair

willie frazer

www.victims.org.uk

victims.org

fair victims

fair willie frazer

ira victims

victims willie frazer

Another would be the international dimension which shows the top countries for hits, but the most interesting and worrying is evidence of direct links from external websites. This means where individuals on another unrelated non-search engine website take an interest and post a link through to the FAIR/Frazer website. In order they are :-

- <http://www.bing.com/search>
- <http://www.irishrepublican.net/forum/showthread.php>
- http://www.boston.com/bostonglobe/editorial_opinion/oped/article
- <http://upthera.free-forums.org/bomb-explodes-under-mans-car-in-r>
- <http://www.bing.com/images/search>
- <http://www.thehuddleboard.com/hb/showthread.php>
- http://en.wikipedia.org/wiki/Willie_Frazer 17 17

This means that more people are coming onto the website via Republican websites than conventional site such as Wikipedia. This interest is far from supportive or quizzical it is we would suspect for targeting, intelligence gathering or inflammatory purposes. The website, which has U-tube and Facebook features has been the vehicles for death threats and had to remove a guestbook feature such was the venom and level of threats and abuse.

In short his exposure and public profile is greater than four fifths of elected representatives, all judicial figures and police officers. He is arguably the best know and most controversial figure in Northern Ireland.

In the course of this extensive work Mr Frazer is widely travelled and exposed to attacks at various venues. He works primarily from an office in Markethill, which is opens and closes each day thus setting a dangerous routine. As this is drop in centre and surgery for the group it has to be manned, such a static routine activity heightens the threat to Mr Frazer, his colleagues and members of the public who use the facility. It has as an office been threatened by a caller who threatened to blow it up. Some basic security features exist and an assessment has been carried out but finances do not allow for adequate measures. FAIR has opened an outreach centre in Newtownhamilton in the Community Centre, the above problems exist and are compounded at this facility.

Travel between these facilities is dangerous and yet necessary, as are visits to the homes of members, interest individuals, etc in the South Armagh area. Travel and regular visits to meet members throughout the area and the necessity to stop for petrol means that all areas of South Armagh are visited. Outlying protestant community groups at Tullyvallen. Glennane etc are also visited at time often in the evening with meetings lasting into the night. Mr Frazer also facilitates visits to the area for other community groups, victims families, the media, researchers etc who are given a guided tour of the area to underline the extent of the atrocities. Meetings with funders, councils, other groups or politicians mean regular trips to Armagh and Newry.

5. THE FAILURE TO OFFER WILLIAM FRAZER PROTECTION

Numerous NGOs, as well as Senior Political Figures and Lawyers, have warned the PSNI and the Northern Ireland Office (NIO) of the serious threat to William Frazer's safety. In light of these warnings and the fact that other similar figures like Edgar Graham, Robert Bradford MP, Patrick Finucane and Rosemary Nelson have been killed previously, the government must do more to protect him.

We contend that the threat assessments from the PSNI relating to William Frazer were not carried out properly nor acted on appropriately. The fact that they assert that there were no reports, records or intelligence revealing an actual threat against William Frazer must be questioned. This is a remarkable statement given the catalogue of threats received by him, the details of which were already in the possession of the RUC and the NIO. We believe that the PSNI have not properly recorded or acted upon the litany of threats made against Mr Frazer. They have failed to properly take into account the background of his work, the area in which he primarily operates and those upon which his work impacts.

Further we believe that in the processing of his application for a Personal protection Weapon they have used discredited and erroneous intelligence, and have not applied the same criteria or process as was applied in other cases. Failure to provide the basis of their decision leaves Mr Frazer without the facts he needs to contest it. This failure to disclose such information and the flawed decision itself are placing Mr Frazer's life at risk. Mr Frazer has previously asked to be allowed to join the Key Persons Protection Scheme, although he had reservations about the PSNI assessing his safety, given their failure to deal properly with previous threats. The refusal to include him on the KPPS was successfully Judicially Reviewed, with the original decision struck down. However a lesser level of protection was afforded to him in the form of minor works around his home. This in no way addressed the primary issues and areas of risk namely his office and work which took him into South Armagh.

These matter were first addressed in a Judicial Review in 2004 against both the KPPS and PPW decisions. We have serious concerns about the procedural unfairness wherein the government refuses to specify and disclose to Mr Frazer the factors adverse to his applications so that he may make informed representations. The Government first deny he has a 'political profile' we are most concerned with the Ministers reasons for refusal in that he deems Mr Frazer not to have made a " positive and helpful contribution to the objectives of the scheme [scheme provides for those in the public service concerned with the effective administration of Government and the criminal justice system, upholding law and order and maintaining the democratic framework]"⁷

⁷ Jane Kenndy's Private secretary reply 16 Sept 2003

6. THE POLICE INVESTIGATION INTO THE THREATS

Police threat assessments appear to be the most important and decisive factor in the determination by the NIO as to who should be entitled to state sponsored protection in Northern Ireland. Apart from those who were automatically enrolled due to their public positions (such as MPs and Judges), eligibility depended on the person's occupation and confirmation from the RUC to indicate that the individual under consideration came within one of the categories specified in the applicable legislation, namely:

i) specific intelligence had been received that the subject will be the target of an attack (Threat level 1); or

ii) specific intelligence and recent events indicated that there was a serious threat to the individual (Threat level 2), or

iii) general intelligence, circumstances and/or recent events indicated a significant threat to the individual (Threat Level 3).

We would like to know when exactly the RUC/PSNI was asked by the NIO to carry out threat assessments in connection with Mr Frazer. Further we are concerned of the role of the opinion of individual officers, and the issue that they can assert that there are no reports, records or intelligence which revealed an actual threat against an individual simply not requesting or working hard enough to secure such information. We further believe that as a result of a series of errors and omissions, it is not clear whether all threats reported to the police were thoroughly investigated and processed as part of these assessments. Where there were gaps the police did not take any steps to follow up on the missing documents. Therefore we believe that assessments on the threat to Mr Frazer have been flawed in several respects. First, and most obviously, they were based upon incomplete information. The officers did not apparently have access to all the threats. Further, it could be said that the assessment of the threats trivialized them and failed to appreciate their worth.

The failure to investigate these matters properly will upon our recommendation be addressed by the Police Ombudsman's office, with a view to outlining the failures and reasons why. The problem we believe does not rest with the failings of individual officers but on those who have collated and prepared the associated files on Mr Frazer upon which all work relating to him is based. A recent investigation by the Police Ombudsman found that the PSNI failed in their duty after hundreds of people under the threat of murder were not warned by the PSNI. The failure is a direct breach of Article 2 of the ECHR, which requires proactive measures to ensure the lives of citizens are protected. The report concluded that the PSNI had taken "too long to warn individuals that they were under threat". The delay was exacerbated by the refusal of the PSNI to disclose any information regarding the nature of the threat. This undermined the ability of those at risk to take proper measures to safeguard their own lives. The Ombudsman concluded that the PSNI could have given out more detailed or specific information without compromising security.

7. RESPONSIBILITY FOR THE THREATS

Loyalist Groupings

His stand against the main drug dealing faction the local UVF made him a hate figure, which manifested itself in a whispering campaign linking him to a rival group. This was best evidenced by poor professional relations with the PUP a political front for this paramilitary group.

It is our contention that this vendetta by UVF members who were also informers laid the basis for erroneous PSNI assessments of Mr Frazer. This we believe is the basis for the Chief Constables' position that he is an 'unfit person' to hold a weapon. The level of threat against Mr Frazer from these criminal loyalist elements and their capacity to kill without official sanction was demonstrated by the murder in Tandragee of David McIlwaine and Andrew Robb in February 2000.

Both British Irish Rights Watch and Relatives for Justice have investigated this case with the latter concluding

" Emerging media reports, from a number of credible sources including UTV, BBC, Belfast Telegraph, the Sunday Times and Sunday Tribune, began raising questions about the killings – and some media cited that a senior UVF agent, involved in a series of killings, had been involved. This theme has consistently been raised in the media including via 'security sources'⁸

The State

The issue of those who have threatened Mr Frazer being state agents, assets or informers raises the real issue of collusion. Allied to the fact that the state has within its discretion the power to grant or withhold security measures to Mr Frazer. Finally his outspoken opposition to Government policy, aspects of the Peace Process and various initiatives and issues it is clear that he may be deemed anti Establishment, indeed the Government in a letter by Jane Kennedy MP and NIO Minister classed his as not making a "*positive and helpful contribution to the effective administration of Government and the criminal justice system, upholding law and order and maintaining the democratic framework*"⁹

This has been construed by Mr Frazer as a veiled threat by the Government that if he continues his activities and advocacy he will be deemed to all intents and purposes an enemy of the state. Most recently in 2010 the reasons

⁸ UTV Insight programme by Darwin Templeton – several articles by Belfast Telegraph's Chris Thornton – Articles by Susan McKay Sunday Tribune, Liam Clarke Sunday Times – Articles by Andersonstown News & Daily Ireland.

⁹ Jane Kennedy's Private secretary reply 16 Sept 2003

for refusal to grant him a PPW would appear to confirm this. Sources within the State institutions have informed him that there are those in the PSNI and NIO who would be quite happy to see him murdered as he has become an embarrassment and a headache. In short we share his general concern that there are those in positions of authority who at best see denial of security measures as a way of restricting his movement and activities especially in South Armagh; at worst they are acting to deny him security in the hope that terrorist elements will take this opportunity to murder him.

Republican Groupings

However it is from Republican Terrorists that the main threat to Mr Frazer emanates. Sinn Fein/PIRA, INLA and so-called Dissidents namely the real IRA, Continuity IRA and Oglagh na h Eireann the generic name for all IRA groupings have all issued threats and carried out targeting.

Specific threats have been conveyed to Mr Frazer by the PSNI and from other sources ranging from the Samaritans, to local community figures, through the post most recently bullets were sent allegedly by the RIRA and also via the internet other threats have been sent.

Now that these some of these groups and permeations of others have political representatives which the Prime Minister Tony Blair "we had always said all the way through we believed that Sinn Féin and the IRA were inextricably linked and that had obvious implications at leadership level".¹⁰ There must indeed be implications.

These threats were made by Sinn Fein/PIRA, and at the time of publication (January 2010) the organizational and command structures of that group remain unchanged and intact. It is imperative that Sinn Fein/PIRA through their Army Council make clear their position on the threat issued to Mr Frazer, and other individuals many still living in exile.

There must be formal inquiries launched into these threats and confirmation whether they are still current or whether they have been countermanded. This is all the more important when this organization is now engaged in negotiations around the Devolution of Policing and Justice.

As it stands a Party of Government in the Devolved Government are still inextricably linked to the same Terrorist structures and chain of command which issued death threats. There are serious implications for the rights of those affected such as Mr Frazer. This is not simply an academic or legalistic argument, in that during their time in Office in the Stormont Executive Mr

¹⁰ Briefing from the Prime Minister's Official Spokesman Tuesday 22 February 2005

Frazer's details were stolen by members of Sinn Fein to be used in PIRA targeting. This is perhaps the most blatant example of State Collusion, and one which while investigated by the police was not prosecuted properly because it was not deemed to be in the public interest!



DEATH
THREAT
TO
WILLIAM
FRAZER



8. THE NEED FOR AN EFFECTIVE INQUIRY INTO THESE MATTERS

There is now an identified, validated and objectively defined threat as verified by the PSNI. Where such verification is from the state's own agents the onus is higher in relation to prevention and protection for the individual at risk. These obligations are derived from Article 2 of the European Convention on Human Rights, namely that when the state is aware of objective and measurable threats to an individual protection such as that offered under the KKP Scheme would constitute a component of general rather than specialised protection, which would be in the form of a personal protection weapon.

Exclusion of Mr Frazer from such schemes while others with a lower level of threat have been included is a direct breach of his Human Rights. Internal state documents gained during previous legal challenges and Freedom of Information Applications all bear testimony to the level of threat, yet the institutionalised failure to address this properly.

It is crucial that the Human Rights Community, those in Political and Governmental Positions and the media act now to address these failings. When we look to the murder of other Public Figures in Northern Ireland so often the conclusion is – if we had done more this could have been prevented.

We will be referring this case to the Police Ombudsman, Northern Ireland Human Rights Commission and Equality Commissions in March 2010. The Office of First and Deputy First Minister will be asked to launch an Assembly Inquiry with the NIO included in correspondence. All political parties with the exclusion of those which have targeted Mr Frazer namely the PUP/UVF and Sinn Fein/PIRA will also be sent copied with a call to action.

We will also be asking for the DPP to revisit related cases such as the prosecutions they did not continue over Stormontgate. We believe that political pressure was brought to bear and that State security was a major factor due to the role of the state in running Dennis Donaldson

The Office of the United Nations High Commissioner for Human Rights (OHCHR), Amnesty International, British Irish Rights watch and twenty other Human Rights agencies and bodies will all be asked to act now on this case. This is a test case in terms of Human Rights and we want to see the Government initiate an Inquiry into the plight of William Frazer, before it is too late. Many of these groups have worked and supported the calls for inquiries into the death of Rosemary Nelson and Pat Finucane now we hope they will demonstrate their genuine and non-partisan commitment to Human Rights by acting now in this case. It is more important that both the Nelson and Finucane cases not for all the reasons that we have outlined but because William Frazer is still alive.

9. CONCLUSION

The criminal justice system has not served William Frazer well. He lives under constant threat and continual harassment, which the PSNI seem unwilling or unable to address, he has complained, but his complaints were neither taken seriously nor properly investigated; he has been supported by others including International Judges, lawyers, Human Rights Activists and Victims Representatives who have often witnessed the threats first hand but the State remains unwilling to afford him the most basic protections as obliged under Article 2 of the European Convention. If this train of events continues it will reach the same deadly destination.

That this should happen to a Victims Worker, A Human Rights Activist, the Director of the Country's largest Victims Group and Justice based NGO after five members of his own family being murdered by terrorists, a number of actual threats and attempts on his life despite his case having been raised with the government and police continually with a litany of threats and cases of harassment and numerous other individuals and organisations, is a scandal.

We are calling for a full review of this case first by the Ombudsman in particular reference to the Police role, secondly by the Human Rights Community in particular the Northern Ireland Human Rights Commission who have previously assisted in this case into the entire case from 2000 to the present time. Thirdly we ask that this matter be addressed by the Government both by way of internal NIO Investigation into their role and also in Stormont as a matter of urgency. We will also be taking immediate legal steps where necessary for example by way of Judicial Review and will be calling upon interested parties to support and witness such actions

The terms of these reviews we wish to see all documentation, policies and processes involved examined to see whether they indicate that the action or inaction of the government agencies might directly contribute to the threat to the life of William Frazer. Secondly, it is necessary to examine collusive acts which may indirectly contribute to the level of threat by generally facilitating or encouraging terrorist activities. That is, the evidence may reveal a pattern of behaviour by a government agency that comes within the definition of collusion. This evidence may add to and form part of the cumulative effect which emerges from a reading of the documents. In this case it will be important to consider whether the documents reveal that government agents or agencies turned a blind eye to threats which were being made against the life of William Frazer. It must be determined whether the failure of governmental agencies to protect William Frazer, in light of the threats that they were aware of, constitute collusion. If the Government know that William

Frazer's life is in danger, yet take no steps to ensure his safety, this could constitute collusion. State sponsored protection is available to individuals on a discretionary basis. Obviously if this protection could protect William Frazer. However refusal to issue him with a personal Protection Weapon, or to include him on the Key Persons Protection Scheme, or to provide other interventions at his place of work, car, or indeed consider relocation are all issues of extreme concern.

In short we call for

- ✓ ***Human Rights groups and those we contact to look at the case and sign up to a campaign to protect not just an individual but the rights of all to speak on victims behalf.***
- ✓ ***The provision of immediate and adequate security for William Frazer, his family and FAIR Staff, including Personal Protection Weapons, Home and Office Security and Vehicle Counter Measures.***
- ✓ ***Launch an immediate Police Ombudsman, Northern Ireland Human Rights Commission and Equality Commission Joint Inquiry into the issues thrown up by this case.***
- ✓ ***That Human Rights NGOs which have supported and engaged on the Nelson and Finucane Cases to commit similar time recourses and influence to the Frazer case with all urgency.***
- ✓ ***Within two months a working group be established to take issues of concern forward, and resources be secured to raise these with any and all relevant authorities.***
- ✓ ***On the basis of this and other local and international research and casework on this matter that the Office of the United Nations High Commissioner for Human Rights Special Rapporteur visit Northern Ireland and complete a report on this case.***
- ✓ ***A meeting with all relevant authorities be convened to address the concerns outlined.***
- ✓ ***That prosecutions be taken forward, investigations supported and funded and preventative steps agreed.***

Appendix 1

Copies of Police Messages (Form PM1) used to convey Death threats to citizens in Northern Ireland

Appendix 2

Legal Progress to Date and Key Correspondence

Appendix 3

Chronology of Threats

THREAT ASSESSMENT AGAINST WILLIAM FRAZER

1. 22-08-97 Received two telephone threats from an anonymous male caller stating "if you hold any do's for the UVF the premises will be burnt out".
2. 19-08-98 Two masked men entered the disco area of the premises (The Spot, Tandragee) stated they were Real IRA and set fire to the premises.
3. 30-07-99 confidential telephone call to BRC "Tonight LVF is Supposed to take out a boy in Tandragee, place called 'The Spot', meant to be a UVF man".
4. 25-09-99 Threat made to Mr Frazer by a group of men.
5. 25-02-00 Member of Mr Frazer's bar staff received message 'LVF on their way to the premises'. Premises closed and staff sent home.
6. 05-05-00 Telephone call made to the Newsletter to effect that William Frazer would be murdered within 48 hours as he had been passing on information about republicans.
7. 30-05-00 Member of staff at FAIR office, Markethill reports receiving a threatening phone call against Mr Frazer.
8. 04-01-01 Male caller to Newry Samaritans stating he overheard that William Frazer of FAIR was going to be taken out at his home in Markethill.
9. 15-02-01 Message "There is a democratic meeting in Stables, Armagh. There is a guy attending called Wm. Frazer, he is either going to have a device attached to his Car or something will be done to him when he is leaving the meeting.
10. 00-07-01 Reporter reports that in Newtownhamilton William Frazer was approached by 2 men who spoke to William. The Conversation was frightening and intimidating and mention was made of the murder of his father. This incident was recorded by an American journalist.
11. 00-07-01 A number of threats etc were received by email.

12. 04-07-02 Person using the name 'John McConnell' attempted to arrange a meeting with Wm Frazer, FAIR. The nature of contact would be assessed as a potential threat to Mr Frazer.

13. 03-08-02 William Frazer was approached by 2 men in Gilford, one who was very aggressive and threatening to the extent the incident was reported to and investigated by police. In late 2003 police discovered a bomb that was set up to Attack a police patrol, as a result of the police follow up one person, a dissident republican was arrested. This was the same man who threatened William Frazer.

14. 18-11-02 An ex Member of the security forces was contacted by police and given a warning about a threat to his life. When he asked what was the reason for the threat he was told he could expect this because of his association with William Frazer and that this was enough to get him shot. Two weeks after this he attended police station in Newry and was spoken to by Ch/Insp/Williamson about his safety and that all this trouble stemmed from his association with Mr Frazer.

15. 00-00-03 Early in 2003 while attending the outreach centre in Newtonhamilton I was informed by a member that I was being watched by suspicious looking persons. This targeting it would appear had been happening for a few weeks. This was reported to police at the time and they were asked to monitor it on camera, they said they could not because of technical problems. We later discovered that one of the persons involved in this was arrested a short time later in the South charged with Terrorist related offences and membership of a Proscribed organisation.

16. At the heart of the State's refusal to protect William Frazer sits the most worrying aspect of this case. The evidence we have seen clearly points to a State involvement in the threat to Mr Frazer, with erroneous intelligence prepared by the state being passed through an agent. One Dennis Donaldson to Sinn Fein/PIRA. This was then used to target Mr Frazer and forms part of the terrorist information which continues to be used in threats to his life. In what is the most shocking example of state collusion since the Brian Nelson affair we see the threat to William Frazer emanating from mainstream Republicanism via an agent of the state. To all intents and purposed the British Government briefed Sinn Fein/PIRA with false information which has led directly to the threat on his life.

The episode is linked to what has been termed Stormontgate, the name given to the controversy surrounding a Provisional Irish Republican Army spy-ring based in Stormont. This operated at the very heart of the Devolved Assembly with Sinn Fein officials employed by Sinn Fein Government Ministers tasked to steal information under the guise of

working in the newly devolved Government of Northern Ireland. The term was coined in October 2002 after the arrest of Sinn Féin's Northern Ireland Assembly group administrator Denis Donaldson, his son-in-law Ciarán Kearney, and former porter William Mackessy for intelligence-gathering on 4 October 2002.

Ten days following the arrests devolved government in Northern Ireland collapsed. The raid involved "scores" of PSNI officers who entered the building to remove computer equipment from the Sinn Féin offices. The raid provoked international headlines and was at the time alleged by those implicated as a political policing decision. Two computer disks were allegedly quietly returned later. Thousands of documents were reportedly discovered by the police in Donaldson's Belfast home.

The Police Operation was known as Operation Torison and Mr Donaldson, 55, from Aitnamonagh Crescent who was Sinn Féin's head of administration at Stormont, and his son-in-law Mr Kearney, 34, of Commedagh Drive had been accused of having documents likely to be of use to terrorists. Mr Mackessy, 47, from Wolfend Way was charged with collecting information on the security forces. PSNI stated

"The background to this case is that a paramilitary organisation, namely the Provisional IRA, was actively involved in the systematic gathering of information and targeting of individuals,.....Police investigated that activity and a police operation led to the recovery of thousands of sensitive documents which had been removed from government offices. A large number of people were subsequently warned about threats to them."

The Northern Ireland Office said the case was "solely a matter for the prosecuting authorities and not for the NIO. It is also a matter of record that it was the actions of paramilitaries in gathering and removing these documents and the damage that was done to political confidences as a result that led to the suspension of the NI Assembly,"

Amongst these documents, which were clearly for the purposes of intelligence gathering and targeting of prominent unionists and members of the security and prison services were found documents relating to William Frazer. A Police Message used to convey a threat Ref No. OH/O/129/03 was delivered to Mr Frazer. It stated that

" During a search of premises in Belfast on 4 October 2002 Police took possession of a quantity of documents. Examination of the documents has revealed information relating to you. The following is a copy of the extract

" In fact the UPJM is just another initiative involving William Frazer and others with DUP links."

This information is believed to have been gathered and held by the Provisional Irish Republican Army. You are advised to seek advice and take steps to protect your personal security."

It was not signed or dated which is a most unusual feature however police have confirmed they did issue it. Therefore information first collated by the Government, which was stolen by individuals under the instruction of Sinn Féin/PIRA one of which later turned out to be a British Agent was used by the PIRA to target Mr Frazer, and has subsequently been passed on and forms the basis of current so-called Dissident threats. William Frazer again tried to take such steps as he felt necessary but was once more snubbed by the state.

Then to add insult to injury on 8 December 2005 the charges against all three men were dropped by the Northern Ireland Public Prosecution Service. Lawyers for the service said that

"The director has concluded that having regard to the materials placed before him and his duties as a public authority under the Human Rights Act 1998 that the prosecution for the offences in relation to the accused are no longer in the public interest."

Mr Justice Hart said that the proper course of action was to return verdicts of not guilty and told the men they were "free to go".

Sinn Féin claimed that the prosecutions had been politically motivated and were dropped because of lack of evidence. Some unionists suggested that dropping the charges was a "reward" for the final act of decommissioning by the Provisional IRA announced on 26 September 2005. In response William Frazer wrote to the Director of Public Prosecutions, the Chief Constable and Secretary of State on 13 December 2005 to complain of the decision. It demanded answers and a meeting and addressed the ongoing threat to his life as well as incredulity over the dropping of the case. The failure to inform him as a victim was also raised, under Principle 6 (a) UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985. In a response from the NIO on 17 January 2006, which confirmed that the evidence existed but it was not deemed to be in the public interest. However the Government rejected Mr Frazer's case.

Mystery surrounded the DPP decision as to why so suddenly and so inexplicably the charges were dropped. Then on 16 December 2005, Sinn Féin president Gerry Adams announced to a press conference in Dublin that Donaldson had been a spy in the pay of MI5 for over twenty years. This was confirmed by Donaldson in a statement to broadcast media outlet RTÉ shortly afterwards.

In his statement Donaldson described the alleged Sinn Féin spy ring in Stormont as "a scam and a fiction".¹¹ Adams has asserted that both the planned leaking of Donaldson's name as an informer and the original Stormontgate allegations were engineered by the security forces to discredit Sinn Féin and cause a crisis in the peace process. The affair had been investigated by Nuala O'Loan, the Northern Ireland Police Ombudsman, who ruled that the raid was not politically motivated. O'Loan found that the

"decision to seek a warrant authorising a search of a specific desk in the Sinn Féin offices was reasonable, proportionate and legal"

but was critical of the number of vehicles used and the scale of the police operation.¹² Normally the Ombudsman's office is given access to all relevant codenames and reports relating to informants. Yet O'Loan was unaware that Donaldson was by his own admission, an informant. Following the public unmasking of Donaldson, O'Loan stood by her 2004 judgment on the search. **There were immediate calls for an inquiry into the entire affair, and William Frazer supported those.** Both the Irish and British governments have ruled out inquiries into the controversy. Tánaiste (deputy prime minister) of Ireland, at that time, Mary Harney said: "I think the last thing we probably need right now is some form of inquiry which may not get very far" British Secretary of State for Northern Ireland Peter Hain described the unfolding scandal as turbulent, but said that inquiries "cost hundreds of millions of pounds. I am not going down that road when it is quite clear that it is not in the public interest to do so"

In a final tragic twist to this tale Donaldson after debriefed by republicans about the extent of his work for British intelligence, was murdered on 4 April 2006 at house he had been using as a retreat near Glenties, County Donegal. Donaldson's death is now the subject of an ongoing murder inquiry, with the firm suspicion resting on the PIRA perhaps using the cover of a Dissident Group.

17. 21-02-03 Police message, Anon information received by; police "William Frazer will be executed within the next 2 days."

18. 03-05-03 Anon, Telephone call states "William Frazer has been demolishing Republican Monuments. If he continues he is going to be chopped up".

¹¹ Mystery of Sinn Féin man who spied for British, Angelique Chrisafis, The Guardian, Saturday 17 December 2005

¹² Ombudsman statement for 01 August 2004

19. Nov/Dec A neighbour reported of 3 men in a car watching my Home. As he approached they put their full car head lights on him but when he turned into his drive they switched them off. He watched these persons and noted they were approaching my home. They got scared off and returned to their car and made off towards Newry. My neighbour followed them and at the same time he telephoned the police. This car done a handbrake turn in front of my neighbour who had to swerve around them, they made off and he lost them. The car was found burnt out the following day in a republican part of Lurgan, Co Armagh.

20. 11-11-03 Whilst in Whitecross in the company of his 9 year old son and two adults was he was approached by a number of male persons who made threats in the presence of the others. Was lead to believe that one of these persons is a member of a republican organisation. This matter was reported to the PSNI in Newry. A number of attempts were made to arrest this person without success. This person was eventually arrested, interviewed and a file has been submitted to the DPP for direction. The threats made was to kill me and burn the car with us all in it. This was upsetting to my son. This incident happened in an area 33 years ago where I lived with my family and the same things being said to my father before he was murdered.

21. 00-04-04 A car registration number IJI 464 was 3 males on board were seen acting suspiciously in the vicinity of his home. The matter was reported to Police in Armagh who informed him that it would be an hour before a patrol car would be available to investigate. William was eventually phoned by police to tell him that the car was not taxed since 1988 and that he probably took the wrong VRM. The number given to police was the correct number.

22. 13-04-04 The following deemed as a threat was posted on a web site "Its interesting that there is no mention of the terrorist group Ulster Resistance who killed many Innocent civilian's and who's weapons have killed and maimed hundreds after being passed onto other loyalist paramilitary groups and in particular the UDA maybe there is no mention of this because one of the "FAIR" leaders was a member of Ulster Resistance – Willie Frazer, a former "Terrorist" himself and who still has Links with Unionist Death Squads. All the above information is factual without doubt, maybe you'll be in the fair "victims" list soon Willie, just wait and see. The above incident was reported to police who are investigating.

23. 21-06-04 While touring South Armagh with a group of American students who were video taping the tour for a documentary they are making were stopped by a car containing three males who basically told us to get out of the area or we would land in the ditch. A young female student who was doing the taping was again told to stop taping or get

the camera smashed in her face. She was very distraught at the behaviour of these thugs.

24. July 2004 In early July whilst travelling from Whitecross to Glenanne a car tried to run me off the road. As a Result of this I had to take to the grass verge. This is the same one as was involved in other incidents in threats against me.

25. 25-07-04 The following was entered into our website: Willie Frazer is a piece of shit. His father was both a child molester and abuser. If Willie wants to apologise Then all will be forgiven. Otherwise, the next time ya stop for a bag of crisps yer going to be nuted. Ya get that cocksucker. The new Ireland has neither room nor time for moronic idiots like Frazer. He received less votes than any other Candidate on the assembly elections. He is hated by all And sundry, he is a pain in the neck and his time is nigh. PS Do not take this lightly, you'll be in a ditch like Cochrane long before re-unification in 2016. The latest was faxed to CID in Armagh and was received by D/Const Desi Holt.

26. Police Ref.No. S122/04 received 4-10-04 at 11:10pm An anon call has been received stating "From Republicans of South Armagh. William Frazer of FAIR we almost got him in Cullyhanna today. When we get him he will be posted back in several pieces. He has poked his nose too far and has cost us a lot of money.

27. Saturday 27 November 2004. At approx 6.50pm at Dundalk Street, Newtown Hamilton WF threatened by person named as McCreesh who stated I'll put one in the back of your head". This person was followed to his home to confirm his identity. (This incident not reported to police).

28. On Tuesday 20th June 2005 William Frazer accompanied a person who was doing a study on South Armagh on behalf of the Irish Government, when a brother of Thomas 'Slab' Murphy made a threat that I was going to be killed.

29. On Wednesday 21st June William Frazer accompanied by two academics from the mainland who were conducting a study on the peace process and conflict resolution, was attacked. when an attempt was made by two vans to (in WF's own words) 'run me off the road'. On failing this they tried to 'box' WF's vehicle in and on taking evasive action his vehicle was attacked by persons lying in wait at the side of the road. Large boulders were thrown at his car and caused extensive damage to the vehicle. Had they been successful in getting WF stopped, one would dread to think what may have happened to WF and the passengers with him, as there was another gang armed with iron bars and pick axe handles waiting for his car to crash or lose control after the initial ambush with boulders etc. Police failed to establish ownership of the vehicles by

the registration numbers taken at the time of the incident. CCTV evidence was obtained by police and the investigation is still live.

30. On 7th October 2005 @ 21:58, Constable S. Moody delivered a PM1 to WF. It said that "an anonymous call was received by Samaritans. Republicans of South Armagh state that Willie Frazer has 24 hours to leave the country or they are going to kill him."

31. On person/persons calling themselves INLA left a message on the FAIR victims website that they were "glad to see that Ogliaadh Na Heireann haven't got you yet, for it just leaves you to us."

32. On 8th May 2006 @ 20:30, a PM1 received from Sergeant Nigel Graham (Armagh). It stated that a telephone call was received from a named respectable journalist. The journalist conveyed a threat that he/she was made aware of on 7th May 2006. This was that "IRSP Dublin will not let the Dessie O'Hare incident drop – he would need to be very careful and watch his back".

33. On 28th August 2006 at 22:10, a PM1 was received by William from Keady police station by Sergeant Peter Money penny states: "Anonymous male caller states he has heard the IRA thinks he (Willie Frazer) has gone too far and will be shot or chopped up in the next couple of weeks."

34. On 19th December 2006 at approximately 2am, a vehicle with four male occupants stopped close to William Frazer's home. The occupants got out of the vehicle and took a great interest in the home.

35. On Friday 29th December 2006 William Frazer was approached by two men, one whose surname is Vallely who said "You are dead." He was accompanied by a ginger haired male and it is very possible that this is the same person involved in an attempted ambush of WF on 21st June 2006.

35. On 22nd February 2007, a black vehicle, registration YA06 NLC tried to follow his vehicle home. The vehicle had followed him at close proximity through a network of rural roads

36. On 19th December 2007, the Chief Constable was written to and made aware of a number of threats that had been reported to local police. Some of the text messages left on my phone have been seen by your officers and have also been read by church ministers. Some of these threats have read: -

‘We are going to burn your house with you and your family in it’
 ‘We will get your son and bugger him’
 ‘We are watching you leave your home; we know your
 movements’
 ‘If we get you in South Armagh you will never see home again’
 ‘We are going to kill your mother’ (This was sent to my 14 yr old
 son)

37. On 24th March 2008, which was Easter Monday, there was an incident in Markethill. William Frazer approached some individuals at a licensed premises who had been causing trouble in the town earlier. Nine people were involved in this and when William approached them, he was assaulted and threatened. They were members of the mid-Ulster UVF and one of them stated that he got sanction to kill the two youths in Tandragee (Robb & McIlwaine) and he would get permission to cut William Frazer's throat.
38. On 5th May 2009 @ 22:55, Constable John Weatherall delivered a PM1 stating that “Dissident Republicans have been attempting to gather information on William Frazer for some form of targeting. It is assessed that this may refer to you.”
39. Although there is no date, time or details of the police officer who delivered it; a PM1 was received in the first half of 2009 that states: “Police are in receipt of information that dissident republicans have been researching victims.org.uk (The FAIR website) and links to Willie Frazer. It is not known for what reason this research has been carried out.
40. On 24th June 2009, William Frazer met a Real IRA member who had left the terror group. He alerted victims' campaigner Willie Frazer about a plot to kill him. This individual identified himself as an Intelligence Officer for the Dissident Republicans who had been tasked with collating information on Mr Frazer.
41. While taking part in a lobbying trip to the United States, William Frazer received a number of death threats, from individuals who were well aware of his travel arrangements.
42. On 16th November 2009, a FAIR Committee member's home was visited by a number of male individuals who threatened him and conveyed the thinking that although the FAIR office was not as handy attacked, others were more vulnerable. Bessbrook PSNI were informed and attended the scene.



43. Since this date when Mr Frazer served a Writ on Thomas 'Slab' Murphy relating to his role as a Senior PIRA Member there has been an orchestrated hate campaign. His mobile and office numbers have been circulated throughout Republican areas and he has received a barrage of hundreds of calls. These range from nuisance calls to death threats, and have been witnesses and at times recorded as evidence.
44. On 19th November 2009 @ 23:15, a member of FAIR staff had his family car destroyed in an attack, which took place at his home. FAIR? And IRA were scratched into the paintwork of the car. The extensive damage led to the vehicle being written off. Armagh PSNI attended the scene.
45. On the last day of work before the Christmas Break December 2009 two bullets was sent to the home of William Frazer. This was a most alarming development and as the Exhibits below show the threat was

very real. The Card and bullets have been passed to the police and the matter is under investigation.

46. Continuing campaign of hate calls with more death threats which the PSNI have undertaken to investigate.
47. On 2 March 2010 Police delivered a further Police Message containing a threat to Mr Frazer. It outlined " Police are in receipt of information that Dissident Republicans intend to take action against a person whom they believe to be an ex-security force member, William Frazer, for war crimes. It is believed this refers to you." It gives no indication of when this information was received and no additional protection was offered to Mr Frazer.

Exhibit a

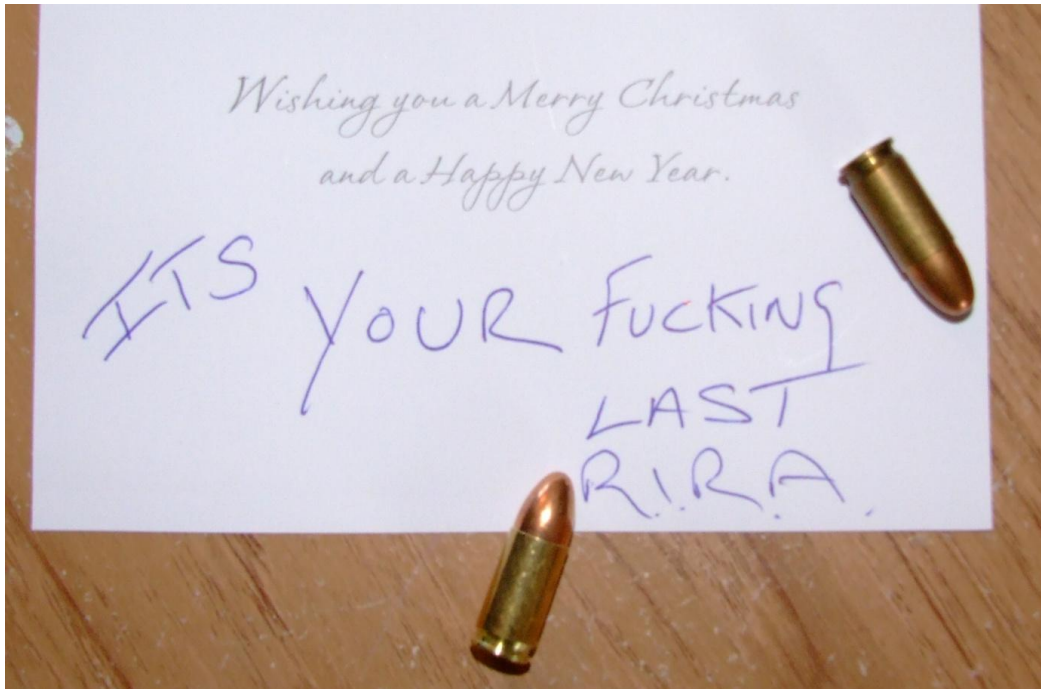


Exhibit b



Exhibit c



Exhibit d.



Appendix 2 Newspaper Article on Victims Parade

Love Ulster – A case Study in Hate

Nothing illustrates as graphically the feeling William Frazer and his work can arouse than the violence and sectarian hatred displayed in February 2006 on the streets of a modern European Capital as innocent victims of Northern Ireland Conflict tried to lead a parade to make their plight known.

The following article from Irish paper the Sunday Tribune details the events and legal aftermath of the Riots, which were listed in the top ten events to change history in Dublin.

Justice catches up with Love Ulster rioters

Gardaí have put 19 people in jail after an exhaustive probe into the violence sparked by an aborted loyalist march through Dublin in 2006.

Crime Correspondent Ali Bracken reports



Dean Heapes hurls a barrow at a line of gardaí

Twenty-SEVEN people have been convicted for their part in the notorious 'Love Ulster' riots which left Dublin city centre in flames three years ago, as one of the biggest garda investigations in the history of the state begins to wind down.

The Sunday Tribune has learned that 19 people have been jailed for taking part in the rioting in February 2006 when loyalists attempted to hold a peaceful march from Parnell Street to Leinster House.

Hundreds of rioters ran amok, resulting in widespread scenes of civil disobedience which saw gardaí attacked and buildings and cars set alight.

Dozens of gardaí have spent nearly two years identifying people who took part in the violence. Sources say the mammoth investigation is almost complete and that they are happy with the number of convictions secured.

A man who threw scaffolding at gardaí received the biggest sentence – six years – while an individual who attacked RTÉ journalist Charlie Bird was jailed for four years.

Ahead of the most violent riots seen on the streets of Dublin in 30 years, gardaí believed the 'Love Ulster' march would pass off peacefully. The umbrella Northern Ireland unionist victims' group Love Ulster planned its first historic march on 25 February, 2006, in Dublin. It also proved to be its last in the capital.

Around 500 protestors, many from Republican Sinn Féin (RSF) and other breakaway republican groups, organised a counter-demonstration against the Protestant marchers. Gardaí were not aware of these plans, despite the counter-protest being a predictable

response by criminal republican elements, aghast at the thought of a loyalist march in the capital. Months before the march was scheduled to take place, concerns were voiced that it should be cancelled, and that if it went ahead it would only lead to trouble.

Bottles, stones and paving slabs

The trouble began at 10.30am on the morning of the march. A garda public-order unit clothed in riot gear formed a cordon on O'Connell Street and began to receive verbal abuse. IRA chants were sung loudly and in unison as more protestors arrived. The tension boiled over into violence at about 12.30pm when bottles, stones and paving slabs began to be thrown at gardaí. Two officers, Sergeant Patrick McMenamin and Garda Jane Heaney, were set alight by a petrol bomb thrown from the mob.

The parade, due to follow a route from Parnell Square to Leinster House, never got underway. Overall, 31 gardaí and 11 members of the public were injured and 42 business premises, 12 private vehicles and 11 garda cars were damaged. A refuse skip outside the GPO was also set on fire. "It was absolute mayhem, like something out of a movie," said a garda at the time. "The scale of it and the absolute hatred was phenomenal. It was a scary situation and an absolute miracle no-one was killed."

Businesses along the route were forced to shut as extra gardaí and members of the garda riot squad were quickly drafted in and forced the protestors down O'Connell Street. Further violence broke out at O'Connell Bridge, Aston Quay, Fleet Street and Temple Bar.

At the time of the riot, O'Connell Street was undergoing massive refurbishment. Gardaí were criticised for allowing the march to proceed down this route as it provided protestors set on violence with an array of weaponry. The government defended this move, saying to deny people the right to march down the capital's main street would be seen as a major snub to the Protestant marchers. But in the aftermath of the violence that ensued, everyone agreed that public safety should have been top of the garda agenda.

The most serious violence was in the Nassau Street area. Three cars were burnt out, windscreens were smashed and businesses had their windows broken. Gardaí were not present at the scene. A judgement call had been made that it was imperative to protect Dáil éireann.

Gardaí sent out calls

The day after the riot, the then justice Minister Michael McDowell admitted that gardaí had expected a low-key, peaceful unionist parade through Dublin city and had prepared themselves accordingly. As order broke down in Dublin, garda managers sent out calls to Drogheda, Naas and Portlaoise for extra resources. Only gardaí from Louth-Meath arrived while violence was still happening.

The PDs' head office was vandalised during the riots and McDowell landed himself in hot water by linking the Green Party to this attack. After claiming that Green Party TD John Gormley's "type of people" had vandalised his offices, he later withdrew the remark in the Dáil.

While over 40 people attended hospital for their injuries, many more did not. RTÉ's Charlie Bird was attacked while reporting on the disturbances in the city centre. Graham Hanapy (25) shouted "you're an orange bastard" at Bird before punching him and knocking him to the ground.

He was given a four-year sentence at Dublin Circuit Criminal Court last March for the assault. He also shouted "fenian free state bastards, I'll kill you all" at gardaí who arrested him. Bird was treated in hospital for a fractured cheekbone, bruising and soft-tissue damage.

Masterminding violence

While Republican Sinn Féin was largely blamed for masterminding the violence, much of the planning was actually carried out by young, former members of RSF. This same group was responsible for a mini riot in Dublin's Marlborough Street in 2004 when cars were vandalised and shop windows broken.

This small and now relatively inactive group of dissidents began preparing to oppose the march within weeks of the announcement by FAIR (Families Acting for Innocent Relatives) that it intended marching in Dublin to highlight the plight of relatives of Protestants killed by the IRA.

In its subsequent investigation, gardaí believe the group posted the following message on a webpage: "If this happings [sic] which would be in its own way. Every street in Dublin should be bombed on the route. These people are the enemy to our nation. We are fighting to get them out. Not further in."

While the force was criticised for not anticipating the scale of the violence on the day, it was also hailed for how it reacted to the chaos that followed and eventually contained the situation.

On the day, gardaí made 41 arrests, including two women and two foreign nationals. But the major work for gardaí began the day after the riot. Detectives at Store Street launched an exhaustive investigation to catch the ringleaders who led the rampage.

Some 6,500 photographs and 1,100 video tapes have been analysed during the probe into the riots.

The investigation is ongoing, but detectives are satisfied they have brought nearly all of those who played a major part in the disturbances before the courts.

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