

**State Sponsored Terror and Security Force Collusion in  
Northern Ireland**

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SIT Ireland, Fall 2006  
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## **Introduction**

When I began to develop my topic I knew I wanted to study government collusion. The problem with that topic is the enormous undertaking it would require and the research only allows for three weeks. Another that I did know was that I wanted to know more about the work that the Pat Finucane Centre (PFC) does and how they deal with the families that are looking for answers concerning the deaths of their loved ones. I decided to ignore the paper topic for the time I was in Derry and focus on making the PFC the center of my attention while I was there. I did this because I realized I might never get the opportunity to work in the PFC ever again and that while I was there I should put my entire focus into the work.

. This paper is now a report on the work I conducted while at the PFC. Included in my report on the PFC is a study on specific cases of collusion that exemplify the need for spaces such as the PFC to push for investigations into state injustices. The cases I have studied are the Dublin-Monaghan Bombings and the activities of British Army Captain Robert Nairac in the John Francis Greene murder. The reason these two cases have been chosen is because they exemplify the act of collusion. In each case loyalists paramilitaries, security force members and members of either the British government or Irish government have played a role in the act of violence or protecting the guilty party.

I have let my experiences in Derry guide the focus of my work. For the past three weeks I have been interning at the Pat Finucane Centre (PFC), an organization based in Derry that works for human rights in Northern Ireland. The PFC is named after the solicitor who was murdered by the Ulster Defense Association (UDA) with help from a

member of the Force Research Unit (FRU), an undercover British Military Intelligence unit. From their founding the PFC have been working with families of victims to help them gain more information into the deaths of loved ones, which could possibly lead to prosecution, however unlikely. It has also developed into a broader human rights organization, which means helping people file complaints against the Police Service of Northern Ireland (PSNI) and working against state injustices in Northern Ireland and abroad, as I quickly discovered.

The PFC is run by Paul O'Connor, who is, as everyone has said to me, a one man show. He has every case in his head and knows in such detail each case that it is hard not to be amazed. Also in the office is Minty Thompson, whose mother, Kathleen Thompson, was murdered by the British Army in 1971. She keeps the office organized as Paul flies in and out on the phone, going to meetings and generally in a hurry. Her work there keeps the office in order, which is an impossible task with the amount of cases and paper work that they have to handle. In addition to Paul and Minty is Alan Brecknell, a man from Armagh who lost his father during the Troubles. He is a researcher for the PFC and handles most of the cases from the Armagh/Tyrone area, which is no small feat. Also, there are sometimes students like me and Louisa, an Italian student, who are assisting Paul and Minty in the office doing tasks to help keep the office running.

While interning at the PFC I was welcomed by everyone that entered. Families that met with Paul were happy to have students interested in the cause; people from other offices were interested in what you were studying and what you thought of Ireland. Also,

people I met on my free time were extremely friendly and open to talking about the troubles, but strictly on conversational level, they did not want it to end up in a paper.

While I was there I was given the opportunity to work on a campaign against a former British Army officer, Tim Spicer. I gladly accepted this challenge but I did so knowing that my project would now develop into something much different than I had planned. From that first day I decided that the PFC would become my focus of study more than collusion itself. The information I learned from working there cannot be left out of this paper because it is too important. I believe that it would be better to keep an open mind to the topic of this paper than to refuse to adjust and change to new opportunities that arise during the time in the field.

## **Methodology**

In gathering information for this paper I did not focus on the paper at all, or for that matter my topic, which started off as simply collusion. During my time at the PFC I took the approach that it was not there as a means to an end, the end being my paper, but instead it was a means in itself. Upon arriving to the PFC on Wednesday November 8<sup>th</sup>, I met with Paul and he gave me the option of using the PFC as a resource to conduct research for my paper or helping him on a project. Paul warned me that the project did not involve collusion but still I immediately decided to take on the project. Paul wanted a letter written that would be sent to the United States legislature about a contract given to a private defense company in Iraq.

It turned out to be a case relating to the murder of Peter McBride by two Scots Guards, British Army, in Belfast in 1992. From there the case goes onto the commanding officer, Lieutenant Colonel Tim Spicer, and his actions in Northern Ireland and up to the present day. He is currently the CEO of Aegis Defense Services, a private defense/mercenary company. In 2004, his company was awarded a \$293 million dollar Iraq Reconstruction Security Support Services (RSSS) contract from the United States to over see all private defense companies in the country. Tim Spicer has a dubious past and Paul has been working to get this contract and Spicer investigated for years. The recent elections in the United States sparked a rekindling of this campaign and also the possibility that Spicer might receive a second contract, this time from the British government.

My time in Derry was mostly spent focused on this case and researching into Spicer's activities throughout the world. At first, I was worried that this was leading me away from my paper topic but then I realized that the paper was just that, a paper, but here was a chance to put my academic skills to real use. I also had kept my Independent Study Project (ISP) topic rather vague and claimed I would let my work at the PFC dictate what form my paper would take. I feel I have done this because I had no intention before going into these three weeks to become involved in researching mercenary activity throughout the world and drafting a letter to the US legislature but that is the form my three weeks took.

My research into this case took me into many different areas. At first I read over all the material that the PFC had obtaining to Tim Spicer and read a general background on the Peter McBride case. From there I worked on finding out more on the British

contract that we were alerted to by a news article in the Sunday Times. This was almost impossible to find. Finally, on the British Foreign Commonwealth Office's website I located an email address for a man in the FCO who dealt with the granting of contracts. We got a response back from him the second to last day I was there and responded quickly with a letter outlining Spicer's actions throughout his career.

The problem we kept running into was being completely certain that the information we were putting into letters to different offices could be cited. The libel laws are extremely strict and one mistake could land the PFC in court. This meant that after we wrote the letters they went to the PFC's lawyers to proof read to examine if there were any areas that could land the Centre in legal trouble. When there were issues I had to go back through numerous documents to locate the exact source of the information. While fact checking, I came across a report by the UN Rapporteur that specifically blamed Spicer's former company for the killing of innocent civilians in Sierra Leone. This was an issue that had never been raised by the PFC and was another excellent source of information against Spicer.

Even though most of my time at the PFC was related to the Spicer case I also worked on one other task, excluding helping in the office. The other assignment was to proof read a copy of the recently released *Report of the Independent International Panel on Alleged Collusion in Sectarian Killings in Northern Ireland*. Paul had just come back that week from publicly releasing the report in Dublin and London. The problem was that the document had been translated from American Word to British Word and numerous errors had developed. I was given the task of reading over the entire one hundred and nine page document and to document the errors. This seems like a terrible

chore but the information that this report contains is invaluable and I was given a day to read through the entire findings of the report. The *Panel Report*, for short, is an excellent resource that I would never have known about and probably would not have been able to receive a copy so quickly had I not been working at the PFC. However, when I was done documenting the errors there were so many Paul decided to use an internet copy that had not been contaminated by American Word.

My own research that I conduct for my paper was based around what I read in the *Panel Report*. The cases that were documented gave excellent detail and provided me with names of people involved in collusion that might have taken me much longer to find. I spent many nights at the Magee library researching into the Spicer case and also looking into certain cases, names and places mentioned in the report.

Another major way my project was influenced was by the people I met from working at the PFC. Informal conversations with different people gave me different avenues in which to explore. Minty Thompson was a great help in giving me an understanding of how certain families feel about the judicial process and what they want or expect from the PFC. I decided that victim's rights must be explored if I was going to attempt to study collusion. From conversations with Minty and in talking with my advisor, Paul Arthur, I was introduced to the work done by the organization Healing Through Remembering. This organization is divided into five sub groups that focus on different parts of post-conflict societies. The sub group Truth Recovery and Acknowledgement has proven to be the most useful in my research. It has been through informal conversations that different ideas have developed that have led me to find a new ways to approach my project.

Every day I had in the field during the three weeks was spent at the PFC. This might have hindered the research aspect of my paper but I feel I gained an experience that cannot be replaced by a good grade on a paper. I feel that I did use the PFC as a means in itself and did not use it for what I needed. This is not to say that what I learned there is not valuable information, it is more that I let the PFC dictate how I would spend my three weeks. This paper is a reflection on my time interning at the Pat Finucane Centre.

### **The Pat Finucane Centre**

Before I begin to discuss the work I was involved in at the PFC I feel it is important to introduce the work that is done by Paul O'Connor concerning families of people murdered by British soldiers, the RUC and paramilitary groups in Northern Ireland. In the office there are files full of information into numerous cases of people who have been killed throughout the troubles and their families are still waiting to hear the truth. It is a long process that the families must go through and it is made clear to them that an overwhelming majority of these cases will never go to court and there will most likely be no prosecutions.

The process begins with the families contacting the PFC. Only on specific occasions will the PFC contact a family and that is when the Centre has come across new information regarding the death of a loved one, while in the process of researching another case. Once the family has contacted Paul he will check through the book *Lost Lives* in order to get a general background on the circumstances surrounding the killing.

This book holds the name of each person who was killed during the conflict and also tells a brief description of the killing. It is reprinted every few years so that, sadly, new names can be entered and changes can be made to incorrect information in the book.

At this point Paul and Allen's work at Centre becomes invaluable. They begin to call different sources looking for information. They have worked on a number of cases that they have a clear idea of the best places to begin the search. The PSNI records are usually where the search begins but this can be disappointing because cases from the late 1960's and early 1970's were not fully investigated and no complete fill exists. An example of the amount of research and information that the PFC has and the amount of work put in by Paul and Alan is exhibited in a chart in the end of the *Panel Report*.<sup>1</sup> They verified linkages between twenty five different cases. This chart shows how perpetrators, security personnel, weapons and ballistics link in these different cases to show a pattern of collusion.

The next step would be to get a solicitor to become involved in the case. This is done to put pressure on the authorities to release files and to meet with families. The problem that can arise from hiring a solicitor is that some middle class families who do not meet the requirements for legal aid have to pay enormous sums of money because these cases can carry on for years.

Most families now also meet with the Historical Enquiry Team (HET), which is a part of the PSNI. It was created in 2005 to investigate the deaths related to the "security situation... between 1968 and 1998."<sup>2</sup> This organization works in the same way that the PFC does, except they are not completely trusted. There missing files that cannot be

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<sup>1</sup> See appendix A

<sup>2</sup> Psni website

accounted for, some files have been found at the homes of former RUC officers, and the HET has to admit these facts to the families. It is a large step for the police in Northern Ireland to admit that files have been lost but the families do not completely trust the HET because it is part of the PSNI. The process that the HET follows is broken down into four stages:

Collection and assessment of material, including the recovery and examination of existing records and exhibits; secondly, the review stage, in which cases will be examined to determine whether further investigation or evidential opportunity may exist; thirdly, re-investigate focusing on issues identified by the process of review; fourthly, judicial proceedings or resolution in appropriate cases.<sup>3</sup>

The HET works closely with the PFC in meeting with families and keeping them involved into where the investigation is leading.

The work that is done with the families is the main focus of the PFC but they are also involved with monitoring the actions of the PSNI. The PFC has a very strong community connection and when people run into problems with the PSNI, Paul is high on the list of people to contact. An example of his work to ensure the protection of human rights goes as far as challenging the showing of CCTV video by the PSNI to students when the faces of the innocent were not blurred. The PFC works as a watchdog over the PSNI, in Derry especially, and helps to make sure that the PSNI stays the most accountable police force in the world.

While I was interning at the Centre I was able to view all these aspects of the PFC first hand. The constant dedication that is involved to keep a human rights organization operating is mind blowing and after three weeks I was even more amazed at how Paul, Mindy and Allen kept the PFC running everyday.

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<sup>3</sup> HRT

## **From Belfast to Baghdad: How Tim Spicer has Defied International Law and Ignored Human Rights**

While I was interning at the Pat Finucane Centre I was given the opportunity to contribute to a campaign against the Aegis Defense Company and its CEO Tim Spicer. The first morning I arrived at the PFC Paul O'Connor offered me the project and I eagerly accepted, knowing it would take me away from my original focus. I never imagined how attached to the case I would become and what a passionate hatred I would develop for this man, Tim Spicer. I am writing this report of my work at PFC accepting my bias towards human rights and international law over money and the murder of innocent civilians.

I believe I developed this intense dislike from Paul O'Connor who has worked closely with Jean McBride, her son Peter was murder by soldiers under Spicer's command, on this case against Spicer. The passion he has for his work makes it hard not to become attached to a case and feel strongly in what you are working towards. Also, this case involves the American government and the actions of Spicer in Iraq are not only endangering Iraqi civilians but also American soldiers. Paul did not want me to stress this point in my letter to the US legislature because he did not want to appear to be defending the 'occupier,' which is how most of the supporters of the PFC view the American forces in Iraq. However, I, as an American, would now like to stress this point and it only helps to increase my hatred for Spicer.

## **Peter McBride**

The PFC became aware of Lt. Col. Tim Spicer through his actions while part of the Scots Guards stationed in Belfast. In 1992, Peter McBride was murdered by two men, Mark Wright and James Fisher, in the New Lodge area of Belfast. Peter had just been stopped by a patrol of Scots Guards during the stop they checked his identification and gave him a thorough body search. He was found to be unarmed. However, for some reason known only to the soldiers and Peter he began to run away from the patrol. It was then that Mark Wright and James Fisher opened fire hitting Peter in the back, killing him.

The two men were subsequently arrested and put on trial for murder. They were actually found guilty of the murder. The defense used was that it was a split second decision and that the Guardsmen feared for their lives. Both of these defenses were thrown out by the judge because of the lack of evidence to show that Peter McBride ever posed a threat to the soldiers. On February 10<sup>th</sup>, 1995 the two men were sentenced to life for murder. After the Good Friday Agreement the Secretary of State to Northern Ireland Mo Mowlam promised the McBride family that the two soldiers would not be among the first prisoners released under the new legislation. However, the statement could not have been more inaccurate because less than two months later Wright and Fisher were released. From this point on the McBride family began to fight the British government, not to put the murders back in prison but to have the removed from the military. These men who were convicted of murder were allowed to remain in the military. Through two

Army Boards these men have been allowed to stay even though the courts have found the decision to be an error in judgment<sup>4</sup>.

Tim Spicer becomes involved in this case as soon as the Wright and Fisher return from the field. Spicer saw no reason for the men to be charged with murder and he defended their shooting of an unarmed man. He also compared their murdering of an eighteen year old man with falling off a horse and that afterwards it is important to get right back on. This man showed no compassion for the death of an innocent civilian and has continued to lie about the circumstances surrounding the shooting and has attempted to justify the incident. This is enough to make one concerned if this man should be allowed to be in command of armed men ever again and yet he always seems to find excellent opportunity to lead troops.

### **Sandline International**

After leaving the British Army Spicer became the CEO of a mercenary company called Sandline International. During this time Spicer violated a UN arms embargo on Sierra Leone by importing weapons from Bulgaria, South African mercenaries and Russian helicopters with Russian pilots. Sierra Leone was involved in a violent civil war that spilled over from Liberia. This civil war reduced the country to one of the poorest in the world. During this time President Alhaji Ahmed Tejan Kabbah was overthrown by revolutionary forces within the country. While in exile he signed a contract with Spicer requesting the services of Sandline International. After the contract was signed the President regained power and Sandline advised the government on how to create a new

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<sup>4</sup> Pfc document

army loyal to the government and helped to train paramilitary groups in Sierra Leone.

According to a report done by the UN Rapporteur on Human Rights, Mr. Enrique

Bernales Ballesteros, the paramilitary force trained by Sandline is:

Reported to be committing gross violations of human rights with the acquiescence of the Government and after training and advice from Sandline International mercenaries. The Special Rapporteur has been informed of appalling acts of cruelty committed by mercenaries on captured rebels and on civilians suspected of collaborating with the insurgents. During the week of 30 November 1998, 70 rebels were killed in battle in Gberay, a rebel base 100 kilometres north of the capital. Many of the bodies were mutilated and incinerated.<sup>5</sup>

This is a company run by a former Lt. Col. In the British Army. For his part in this fiasco his office and house in London were searched by the British government but he was never brought up on crimes against humanity. Instead, the British government was much more interested in the breaking of the arms embargo rather than the murdering of civilians.

Spicer has also been connected to a coup in Papua New Guinea that resulted from Sandline's actions. Spicer's company was hired by Prime Minister Sir Julius Chan to put down a long running rebellion in Bougainville. Due to presence of Sandline's South African mercenaries in the country "Sir Julius Chan's Government was legally ousted and the mercenaries sent in by the company were expelled."<sup>6</sup> At this time Tim Spicer was arrested in Papua New Guinea and held there for a short period, he was later released. However, Spicer was not finished with the country. Due to the regime change Sandline did not receive their \$36 million dollars promised to them by the former government. Sandline took the country to court and had their bank account frozen until the rest of the contract was paid. Papua New Guinea was still recovering from a tidal wave the year

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<sup>5</sup> un rap

<sup>6</sup> un rap

before and is traditionally a poor nation but Sandline forced the country into even worse economic condition.

### **Aegis Defense Services**

By 2004 Spicer had left Sandline International and had formed Aegis Defense Services. That year the United States government decided to award the Iraq Reconstruction Security Support Services to Aegis. This contract is worth \$293 million dollars and is the largest private defense contract awarded by the US government. Aegis is now in control of all private security forces in Iraq. Since Aegis has been awarded this contract there have been several problems that have arisen. The first is that there were two British Army Brigadier Generals in the Project Management Office (PMO), which manages the funds appropriated by the US government for use in Iraq, and one is now on the board of directors for Aegis. Secondly, the company has been audited by the Special Inspector General for Iraq Reconstruction and the findings are bothersome to even the American government. The final problem is a controversial “Trophy Video” that shows Aegis employees firing indiscriminately at Iraq civilian vehicles. These are not minor concerns and along with the baggage that Tim Spicer has collected throughout his career it constitutes a serious problem for anyone relying on Aegis’s services.

The first controversy is the granting of the contract to Aegis. According to Spicer himself Aegis is lacking in experience in Iraq and yet they were awarded this enormous contract. It has been alleged by Robert Young Pelton in his book *License to Kill, Hired Guns in the War on Terror* that security chief in the PMO, British Army Brigadier

Anthony Hunter-Choat and supported Brigadier General James Ellery specifically wrote the specifications of the contract to fit with Aegis's abilities. After the contract was awarded to Aegis Brigadier General James Ellery was put in charge of setting up Aegis's Baghdad office. He has since been promoted to the Board of Directors.<sup>7</sup> James Ellery is now directly benefiting from a contract that the PMO, which he was working in, had influence in granting and that casts suspicion over the entire awarding of the contract.

The second issue with the Aegis and the RSSS contract is the audit conducted by the Special Inspector General. The audit was conducted to ensure that Aegis was fulfilling the terms of the contract. What the audit discovered was that:

Aegis did not fully comply with all requirements in five areas of the contract. Specifically, Aegis did not provide sufficient documentation to show that all their employees that were issued weapons were qualified to use those weapons or that its Iraqi employees were properly vetted to ensure they did not pose an internal security threat. Also, Aegis was not fully performing several specific responsibilities required by the contract in the areas of personal security detail qualifications, regional operations centers, and security escorts and movement control... As a result, there is no assurance that Aegis is providing the best possible safety and security for government and reconstruction contractor personnel and facilities.<sup>8</sup>

This is extremely disturbing as an American and knowing that my tax dollars are going to support Aegis Defense Service and their \$293 million dollar contract but they cannot even fulfill the contract. Spicer has no experience running an operation this large and it is shown through his inability to execute the RSSS contract. Also, his inexperience shows in the next case as well.

In 2005 a video surfaced of four different clips showing Aegis employees firing indiscriminately at Iraqi civilian vehicles. Aegis launched an internal investigation into the shootings and found no wrong doing on their part. The Pentagon then launched an

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<sup>7</sup> put in board of directors

<sup>8</sup> special investigator

investigation as well and reached the same conclusion. The findings of these investigations have never been made public. Since the shootings no one from Aegis has been held responsible but the man who made the tapes known on his website, former Aegis employee Rod Stone, was taken to court by Aegis and was forced to remove the video.<sup>9</sup> Senior Iraqi Interior Spokesman, Capt Adnan Tawfiq, told the Sunday Telegraph that “When the security companies kill people they just drive away and nothing is done. Sometimes we ring the companies concerned and they deny everything. The families don't get any money or compensation. I would say we have had about 50-60 incidents of this kind.”<sup>10</sup> This is the sad reality that is being faced by the people of Iraq. They are up against an industry that has no standards and is held accountable by no governing authority.

This fact has been proven by the career of Tim Spicer who has been allowed to cover the globe with his group of mercenaries and wreck havoc on any area as long as there is a profit involved. Before interning at the PFC I had very little knowledge of the workings of mercenary organizations and assumed that they were accountable to some law. Throughout my research into the career of Tim Spicer it has become clear that companies like Aegis are on a different level and are only responsible to their stockholders.

At the present time Aegis Defense Services is in the running for a British security contract in Afghanistan. The PFC was alerted to this development by a Sunday Times article that named Aegis as one of the companies on the shortlist for the contract<sup>11</sup>. The PFC has been in contact with the British Foreign Commonwealth Office and learned that

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<sup>9</sup> look into rod stone

<sup>10</sup> Irish echo Belfast now Baghdad

<sup>11</sup> Prufrock

six companies have been invited to give tender for the contract but they would not elaborate on which companies were invited. A letter has been sent by the PFC warning of Spicer's record and outlining his previous experiences running mercenary operations. However, Spicer is well known to the British and to award him this contract seems unlikely. But at the same time "Blair needs all the friends he can get at the moment — but Spicer?"<sup>12</sup>

The letter that was created to send to the US legislature outlined these points in Spicer's career.<sup>13</sup> It is hopeful that with the support from Democratic Congress, who now control both houses, that an investigation can be launched into Aegis and their RSSS contract in Iraq. Senators Clinton, Kennedy, Kerry, Dodd and Obama have shown their support in 2004 by raising the issue to former Secretary of Defense Donald Rumsfeld. Now, because of lack of progress in Iraq there is a possibility of launching a complete investigation into the war, which would include the Aegis contract and the activities of Tim Spicer.

### **Specific Cases of Collusion**

#### **Why did government Collusion Develop?**

In the late 1960's the nationalists community in Northern Ireland began to push for civil rights. This request for equal rights before the law brought about a strict and violent reaction from the Unionist government at Stormont. The RUC was used to physically stop marches and intimidate people from becoming politically active. The

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<sup>12</sup> prufrock

<sup>13</sup> see appendix A

reason for the use of force against protestors was because of the insecurity of the Unionist government of Northern Ireland. Even though it held a monopoly on political power:

The Civil Rights Movement did not face a regime that was secure and stable in terms of its support and legitimacy... The dependence of the state on repression for its everyday existence was an index of the precarious nature of its rule... The Unionist party was exposed as little more than an empty shell when faced with concerted and determined opposition, opposition that also exposed long-repressed internal divisions within unionism. Without the political will or the structural means to grant concessions to the Civil Rights Movement, the Unionist government responded in the way it knew best: with increasing repression.<sup>14</sup>

The repressive force that the Unionist government showed against the Civil Rights Movement helped to alienate the nationalist community and led to the rejuvenation of the IRA, in the form of the Provisional IRA.<sup>15</sup>

In 1971, the Unionist government then turned to the use of internment to stop the growing violence brought on by the enlarging Provo forces. This had worked in 1922, 1939 and 1956 but this time it would become a horrible fiasco. The internment of suspected IRA members led to 300 arrests and then numerous releases due to the fact that many of the people had no IRA involvement whatsoever. The goal of internment was to break the IRA but instead it strengthened the resolve of members and created new IRA recruits from the people who had been interned for peaceful protests.<sup>16</sup>

The British government then introduced direct rule to replace the inadequate Unionist government at Stormont. The decision to implement direct rule followed the Bloody Sunday killings in Derry and the lack of results from the employment of interment. From this point the British government had to create a new policy for dealing with the IRA and nationalists groups.

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<sup>14</sup> p. 57

<sup>15</sup> convo. With leo

<sup>16</sup> convo. With leo