

By e-mail to: [REDACTED]

Tuesday, 19 April 2016

Dear Mr Gemmell

Historical Institutional Abuse Inquiry into Kincora Childrens Home

You will recall that some considerable time ago I spoke to you and explained that the inquiry would be in touch with you in due course about Kincora.

As you may be aware on Friday 8 April 2016 Mr Justice Treacy dismissed an application for judicial review brought against the Inquiry and the Secretary of State for Northern Ireland relating to Kincora, describing the application as "premature and misconceived".

The way is now clear for the Inquiry to proceed to the next phase of its preparation for the hearings relating to Kincora which the Inquiry intends to hold in June 2016. The Chairman has reason to believe that you have information which is relevant to the Inquiry's investigations. He believes that your participation in the Inquiry's investigations would be helpful, and has directed me to request you to provide a witness statement to assist the Inquiry in its investigations, and to invite you become a core participant in these hearings.

If you are willing to be designated a core participant then, depending upon your financial circumstances, you may be eligible to receive funding at public expense for yourself and your legal representatives to travel to Northern Ireland, as well as accommodation for yourself and your legal representatives when you are in Northern Ireland at the request of the Inquiry, to enable you to engage with the Inquiry. Engaging with the Inquiry includes preparing a witness statement for the Inquiry,

HIA Historical Institutional Abuse Inquiry

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consulting with Inquiry counsel and giving evidence during the Inquiry hearings as required by the Inquiry.

The ALR 1 form to apply for legal representation, and the Inquiry Protocol governing the way in which such funding is allocated, are both to be found on the Inquiry Website www.hiainquiry.org., but for your assistance I enclose copies of both. You should note that the Inquiry operates a pre-authorisation policy for legal funding, which means that no expenditure will be met by the Inquiry unless it has been approved in advance by the Chairman. If you or your solicitor wish to discuss how this works in practice please do not hesitate to contact me.

I should also draw to your attention that the Attorney General has given an undertaking to the Inquiry that expressly includes the Official Secrets Act, and I enclose a copy of his letter to the Inquiry for your assistance.

If you agree to become a core participant then in due course you will receive those documents the Inquiry has gathered which the Chairman believes to be relevant to the issues on which you may be able to assist the Inquiry.

Please confirm by close of business on Tuesday 26 April, 2016 whether you wish to become a core participant. If you wishes to become a core participant, please provide the name(s) of the solicitor and counsel you wishes the Inquiry to designate as your legal representatives by the same date.

Whether or not you wish to become a core participant the Inquiry requests you to provide it with a witness statement dealing with the questions set out below.

To assist you I enclose a copy of statement which you made to the RUC on 16 July 1982. This statement is supplied to you in confidence solely to enable you to provide a witness statement to the Inquiry, and it remains confidential to the Inquiry. It must not be disclosed to anyone other than your legal representatives without the consent of the Inquiry.

Your witness statement should deal with the following matters.

1. Can you recall the dates (even approximately) when you met James McCormick?
2. Where did you meet Mr McCormick?

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3. When (even approximately) was the question of TARA raised between Mr McCormick and yourself?
4. Which of you first raised the question of TARA?
5. Did you discuss TARA with Mr McCormick on only one occasion, or on more than one occasion?
6. If on more than one occasion, how many times did you and he discuss TARA?
7. When was William McGrath first discussed between Mr McCormick and yourself?
8. Which of you first introduced the name of William McGrath in your discussions with Mr McCormick?
9. In your discussions with Mr McCormick who first suggested that William McGrath was a homosexual pervert?
10. If so, on what date(s) (even approximately) did Mr McCormick say that?
11. Had you heard it suggested by anyone else that William McGrath was a homosexual pervert before any of the occasions when you spoke to Mr McCormick?
12. If you had already heard that suggested, who had suggested it, when and in what circumstances?
13. When (even approximately) did Mr McCormick suggest that you should speak to Roy Garland?
14. Did you inform your superior(s) that you were going to meet Roy Garland?
15. If so, who did you inform?
16. Can you recall (even approximately) when you told your superior(s) you were going to meet Roy Garland?
17. Did your superior(s) give you any advice or instructions as to the topics you were to discuss with Roy Garland at any of the meetings you had with him?
18. If so, what were these instructions?
19. Can you recall (even approximately) the date(s) on which you spoke to Roy Garland?
20. You refer to an Intelligence file, did you compile all or part of that file?

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21. Describe in as much detail as possible what, if any, material relating to TARA and /or William McGrath was in that intelligence file before your first meeting with Roy Garland?
22. You refer to Roy Garland telling you that McGrath was in charge of a boys' home. Did he tell you this at the first or second meeting, or at both?
23. Were you aware McGrath was, or might be, in charge of a boys' home before Garland told you?
24. If so, who told you, when, why, where and in what circumstances?
25. Were any notes made during your either of your meetings with Garland? If so by whom and in what form?
26. You say that you made a written report of your second meeting with Garland in the form of a four side "MISOR", or "MISR".
27. On what date (even approximately) did you prepare that report?
28. Was the MISOR/MISR handwritten or typed?
29. If it was typed, did you prepare a handwritten draft beforehand?
30. If it was typed, did you type it yourself, or did someone type it for you?
31. If someone else typed it who was that person?
32. Was only one copy made of the MISOR/MISR?
33. If more than one copy was made, how many were made?
34. If more than one copy was made, what was done with each copy?
35. If you prepared a handwritten draft of the report, what happened to the handwritten draft after the typed version was prepared?
36. Apart from any handwritten draft of the MISOR/MISR did you make any other handwritten or typed notes and/or as an aide memoir?
37. If so, what happened to it/them?
38. If you have a copy of the MISOR/MISR and/or any other notes or drafts relating to your meetings with Roy Garland please provide any such documents in their original form (not photocopies) to the Inquiry with your statement.

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39. Can you recall the identity of the person(s) at Headquarters NI (other than the Assistant Secretary (Political) (ASP) and/or at 39 Infantry Brigade HQ to whom you submitted the MISOR/MISR?
40. Can you recall (even approximately) the date of your debriefing by the Assistant Secretary (Political) (ASP)?
41. After the debriefing by ASP did you ever see the MISOR/MISR again?
42. If so, when, why, where and in what circumstances?
43. At any time did you give, show or send a copy to anyone other than ASP?
44. If so, to whom, when, why and in what circumstances?
45. Did you ever see the Intelligence file you had when you saw Roy Garland again after your debrief by ASP?
46. If so, when, why and in what circumstances?
47. Did you ever prepare any other document relating to your meetings with Garland?
48. If so, when and why?
49. At any time did you show any such document, or give it to, or discuss its contents with anyone other than ASP?
50. If so, with or to whom, when, why and in what circumstances?
51. Did you ever discuss your meetings with Garland, your debrief by ASP, and/or the MISOR /MISR and/or its contents during your tour of duty in Northern Ireland from 1974 until 1976 with either Colin Wallace or Captain Fred Holroyd, or both of them?
52. If so, when, why and in what circumstances?
53. Did you ever discuss your meetings with Garland, your debrief by ASP, and/or the MISOR /MISR and its contents with anyone else during your tour of duty in Northern Ireland from 1974 until 1976?
54. If so, with or to whom, when, why and in what circumstances?
55. Did you ever discuss your meetings with Garland, your debrief by ASP, and/or the MISOR /MISR and its contents with anyone else at any other time?
56. If so, with whom, when, why and in what circumstances?

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57. Are the contents of your police statement of 16 July 1982 true to the best of your knowledge and belief?
58. Are there any matters in that statement that you wish to correct?
59. Have you any additional information in relation to any of the matters set out in your statement that you now wish to draw to the attention of the Inquiry?

The Inquiry is working to a very tight timetable and so I would be grateful for your confirmation by return that you are will to provide the Inquiry with a witness statement dealing with the above questions by close of business on Tuesday 3 May, 2016. If you are willing to provide a statement, and wish to have legal representation to enable you to prepare the statement, please return the completed ALR1 form to me no later than close of business on Tuesday 26 April, 2016 to enable the Chairman to decide the amount of funding necessary to enable you to make the statement.

I look forward to hearing from you as soon as possible.

Yours sincerely

Patrick Butler



Solicitor to the HIA Inquiry

[REDACTED]

From: Butler, Patrick (HIA)
Sent: 23 May 2016 17:35
To: 'Brian Gemmell'
Subject: RE: H.I.A Inquiry

Dear Mr Gemmell,

The Inquiry notes your position as set out below.

Please find the attached letter for the Inquiry for your attention.

Regards

Patrick Butler
HIA Inquiry Solicitor

From: Brian Gemmell [REDACTED]
Sent: 20 April 2016 10:33
To: Butler, Patrick (HIA)
Subject: H.I.A Inquiry

Dear Mr Butler,

I do not wish to participate in the H.I.A. Inquiry or give a witness statement.

At 65 years of age, and in poor health, I am not prepared to disrupt my life for an Inquiry which has considerably less powers than those held by the Goddard Inquiry and I totally lack confidence that the real truth will ever be uncovered. The Kincora affair should have been included within the remit of the Goddard Inquiry given the already known links to Westminster.

Neither the Terry or Hughes Inquiries called me before them and it is now too late for my involvement to make a serious difference.

Regards,

Brian Gemmell.

[REDACTED]

By e-mail to: [REDACTED]

23rd May 2016

Dear Mr Gemmell

Historical Institutional Abuse Inquiry into Kincora Childrens Home

I refer to the above matter and to our previous communications.

You will see from the attached article that on the 24th January 2015 you were quoted, in the Belfast Telegraph newspaper as saying you had information about a NCO colleague driving a man to Kincora who he now believes to have been working for MI5. In the article you were quoted as saying you would provide the name of the NCO to the HIA. Can I ask you to now provide the name of the NCO to the Inquiry by return?

I look forward to hearing from you as soon as possible.

Yours sincerely

Patrick Butler



Solicitor to the HIA Inquiry

<http://www.belfasttelegraph.co.uk/news/northern-ireland/kincora-army-ferried-top-mi5-officer-to-two-meetings-at-boys-home-30932643.html>

Kincora: Army ferried 'top MI5 officer' to two meetings at boys' home



Kincora Boys' Home, which is at the centre of the abuse inquiry

A former intelligence officer has revealed that a senior civilian was driven by the Army to Kincora Boys' Home on visits at the height of the child sex abuse scandal there in the 1970s.

Brian Gemmell left Belfast as a captain in Military Intelligence in 1976. Last August he volunteered, through an article in the Belfast Telegraph, to help the Hart Inquiry into Historical Institutional Abuse (HIA) or any other body investigating the Kincora scandal.

Speaking last week, Mr Gemmell told us he had not yet heard from the HIA.

He said: "One soldier who worked for me told me after I left that he drove a civilian, who he now thinks was MI5 but never identified himself, from HQNI to a meeting in Kincora. He did it a couple of times."

He went on: "My intelligence NCO (non-commissioned officer) drove him to Kincora and he was inside for half-an-hour and then he drove him back. I am prepared to give the inquiry the name of the driver." He added: "It didn't really impact him that significantly at the time sitting outside in the car."

"He still has some papers on Kincora, too, so I think he could be useful.

"It was only that when things heated up about the whole Kincora issue that it struck him as odd, but being a good intelligence man he shut up and said nothing publicly."

Mr Gemmell added: "I suspect that they won't call me because this is too hot to handle. There will be efforts by the authorities to avoid me being called."

The former officer has previously accused Ian Cameron, an MI5 veteran of Cold War Berlin who worked here, of warning him off investigating Kincora.

This allegedly happened after he passed on information from Roy Garland and others.

Mr Garland, now a commentator and historian, was then a private in the Ulster Defence Regiment as well as being second-in-command of Tara, a paramilitary group headed by William McGrath, the Kincora housefather.

He has told the Belfast Telegraph that McGrath had been abusing boys since the 1940s when he ran Faith House, a semi-residential Bible study centre and mission base, and was boasting of his intelligence contacts.

He had reputedly been recruited while smuggling Bibles into Russia. Mr Gemmell feels that senior people knew about child abuse in Kincora and elsewhere.

He suspects that sexual abuse and other scandals were used partly as a means to control and recruit agents through blackmail and corruption.

Background

Three staff from Kincora Boys' Home in east Belfast were jailed for sexual abuse of children. The abuse occurred in the 1970s and they were convicted in the early 1980s. At least one, the housefather William McGrath, was an agent/informant for MI5, which valued him because he had influential connections within both unionism and the Orange Order.