

HIA Historical Institutional Abuse Inquiry

HIA INQUIRY, PO BOX 2080, BELFAST, BT1 9QA, NORTHERN IRELAND
T: 028 90 720600 E:GENERAL@HIAINQUIRY.ORG W: WWW.HIAINQUIRY.ORG

Mr James Nicholl

TV Edwards Solicitors

35 Mile End Road

London E1 4TP

19 April 2016

Dear Mr Nicholl

Historical Institutional Abuse Inquiry into Kincora Childrens Home and Colin Wallace

On the 19th December 2014 I wrote to you explaining that the Inquiry would be in touch with you in due course about your client Colin Wallace. As you may be aware an application for judicial review was brought against the Secretary of State for Northern Ireland and the Inquiry which was heard last year. Mr Justice Treacy dismissed the application on Friday 8 April 2016, 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 is aware that on many occasions Mr Wallace has provided information to others, notably to the then Prime Minister and to the author of *Who framed Colin Wallace*, and made comments to the press and media, saying that he has material which is relevant to the Inquiry's investigations.

The Chairman has noted Mr Wallace's press release of 9 April 2016 in which he said "Sadly, in the current circumstances, I feel that no useful purpose would be served by my participation in the HIA".

The Chairman believes that Mr Wallace's participation in the Inquiry's investigations would be helpful, and he hopes that in the light of this letter Mr Wallace will re-consider his position and agree to co-operate with the Inquiry. He has directed me to request Mr Wallace to provide a witness statement to assist the Inquiry in its investigations, and to invite him to become a core participant in these hearings.

If he is willing to be designated a core participant then, depending upon his financial circumstances, he may be eligible to receive funding at public expense for himself and his legal representatives to travel to Northern Ireland, as well as accommodation in Northern Ireland for himself and his legal representatives, to enable him to engage with the Inquiry. Engaging with the Inquiry includes preparing a witness statement for the Inquiry, consulting with Inquiry counsel and giving evidence at the Inquiry's hearings.

CHAIRMAN: SIR ANTHONY HART SECRETARY: ANDREW BROWNE

HIA Historical Institutional Abuse Inquiry

HIA INQUIRY, PO BOX 2080, BELFAST, BT1 9QA, NORTHERN IRELAND
T: 028 90 720600 E:GENERAL@HIAINQUIRY.ORG W: WWW.HIAINQUIRY.ORG

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.hia inquiry.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 wish to discuss how this works in practice please do not hesitate to contact me.

I should also draw to Mr Wallace's attention that the Attorney General has given an undertaking to the Inquiry that expressly includes the Official Secrets Act, a matter that the Inquiry is aware has been raised by him in the past, and I enclose a copy of his letter to the Inquiry for Mr Wallace's assistance.

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

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

Whether or not Mr Wallace wishes to become a core participant the Inquiry requests him to provide it with a witness statement dealing with the following matters.

1. Give the identity of the woman who is described at p. 134 of *Who framed Colin Wallace* as approaching him in 1972 to voice concerns about Kincora.
2. If he does not know her name, please give any information, such as her age, hair colouring, size or any other feature that might help to identify her.
3. Did she say the address or department in which she worked?
4. Did he make any record then or subsequently of the conversation? If so, if he still has such a record please produce the original to the Inquiry.
5. Please identify the "Intelligence Officers" or "Intelligence Officer" who said to him that this is already being dealt with: see p. 135 of *Who framed Colin Wallace*.
6. When and where did that person or persons say this?
7. Did Mr Wallace himself type the memorandum of 8 November 1974 that is reproduced at pages 139 to 144 of *Who framed Colin Wallace*?

HIA Historical Institutional Abuse Inquiry

HIA INQUIRY, PO BOX 2080, BELFAST, BT1 9QA, NORTHERN IRELAND
T: 028 90 720600 E:GENERAL@HIAINQUIRY.ORG W: WWW.HIAINQUIRY.ORG

8. If he did not type the memorandum himself, please name or otherwise identify the person(s) who typed it.
9. Was this memorandum a draft?
10. If so, is the version reproduced in *Who framed Colin Wallace* the first or a later draft?
11. How many drafts were there?
12. To whom was the memorandum addressed?
13. If this was a draft was a final version of the memorandum ever produced?
14. If a final version was produced, when was that?
15. Did he prepare the memorandum on his own initiative?
16. If not, when was he requested to prepare the memorandum, and by whom?
17. Please name every person to whom he showed the memorandum in any of its forms, that is whether draft or final, in Northern Ireland before he was posted to the North West of England in 1975.
18. Please name every person with whom he discussed its contents before he was posted to the North West of England in 1975 saying when, and in what circumstances, he did so.
19. Please state what every such person said when he showed them the memorandum .
20. Please produce all original versions (and not photocopies) of the memorandum-whether draft or final- for inspection by the Inquiry.
21. In *Who framed Colin Wallace* it is stated that he obtained expert reports on the authenticity of the memorandum. Please provide copies of any such reports.
22. When, from whom, and in what circumstances, did Mr Wallace obtain the documents referred to in the memorandum reproduced at pages 139 to 144 of *Who framed Colin Wallace*?
23. What did he do with these documents after he prepared the memorandum of 8 November 1974?
24. If any of the documents are still in his possession please produce the originals (and not photocopies) to the Inquiry for inspection.
25. Please identify every person with whom he discussed any concerns he had about Kincora when he was in Northern Ireland.
26. Please set out the contents of any such conversations in as much detail as possible.

HIA Historical Institutional Abuse Inquiry

HIA INQUIRY, PO BOX 2080, BELFAST, BT1 9QA, NORTHERN IRELAND
T: 028 90 720600 E:GENERAL@HIAINQUIRY.ORG W: WWW.HIAINQUIRY.ORG

27. In *Who framed Colin Wallace* he is described as making an anonymous telephone call to Belfast Social Services after he left Northern Ireland in early 1975. Please describe when he made the call and to which office.
28. Please identify as best he can the person to whom he spoke on that occasion.
29. What did he say to them?
30. The Inquiry is aware that on 4 March 1984 Mr Wallace was reported as saying in the *Sunday World* newspaper that he saw a 3-page hand written document containing the names of many individuals involved in a paedophile ring in Northern Ireland. Please state who showed the document to him, when and where.
31. Please state in what circumstances he saw the document.
32. Please give any of the names on that document that he can remember.

The Inquiry is working to a very tight timetable and so I would be grateful for your confirmation by return that Mr Wallace is willing to provide the Inquiry with a witness statement by close of business on Tuesday 3 May, 2016. If he is willing to provide a statement, and wishes to have legal representation to enable him 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 Mr Wallace to make the statement.

Should you no longer be acting for M Wallace please let me know immediately, but in any event please pass this letter and enclosures to Mr Wallace immediately, and let me know that you have done so.

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

Yours sincerely

Patrick Butler,



Solicitor to the HIA Inquiry

[REDACTED]

From: james nichol [REDACTED]
Sent: 26 April 2016 15:58
To: Butler, Patrick (HIA)
Subject: John Colin Wallace

Dear Mr Butler

I have had an opportunity to discuss your letter dated 19 April 2016 with Mr Wallace.

Mr Wallace is concerned that he will not be able to give effective evidence unless:

1. There is, before the Inquiry, documentation relating to the abuse at Kincora and the subsequent cover up of the abuse by the intelligence services, and
2. Evidence is given to the Inquiry by intelligence officers and military personnel.

To assist Mr. Wallace to determine whether he wishes to engage with the Inquiry in any capacity I would be grateful if you would provide the following:

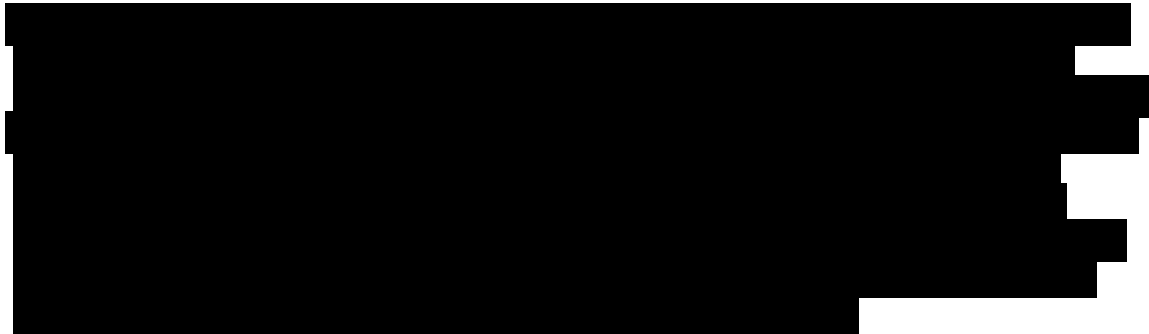
1. A schedule of the documents referred to in your letter dated 19 April 2016.
2. A schedule of documents relating to Kincora that have been requested from third parties including the intelligence

services which have not been received.

3. A schedule of witnesses requested to give evidence in respect of Kincora.

4. A schedule of witnesses who have declined to give evidence in respect of Kincora.

Yours Sincerely
James Nichol
Solicitor



HIA Historical Institutional Abuse Inquiry

HIA INQUIRY, PO BOX 2080, BELFAST, BT1 9QA, NORTHERN IRELAND
T: 028 90 720600 E:GENERAL@HIAINQUIRY.ORG W: WWW.HIAINQUIRY.ORG

James Nicholl
TV Edwards Solicitors
35 Mile End Road
London E1 4TP

Thursday, 28 April 2016

Dear Sir

Thank you for your email of 26 April in which you make a number of requests for details of documents and witnesses which Mr Wallace feels he requires in order to assist him to decide whether "he wishes to engage with the Inquiry in any capacity". It is not the Inquiry's practice to disclose details of this nature before the opening of the Module dealing with a particular institution and it sees no reason to depart from this practice.

If Mr Wallace accepts the Inquiry's invitation to be a core participant in the Kincora Module, then, as I have already explained, like any other core participant he will receive at the appropriate time the material the Inquiry considers relevant to him to enable him to address any issue on the Inquiry considers he can assist. It is for Mr Wallace to decide whether he wishes to become a core participant. Unless you inform the Inquiry that he wishes to be a core participant by close of business on Tuesday 3 May the Inquiry will proceed on the basis that he does not wish to be a core participant. Should he wish to be a core participant he must confirm that in writing by the same time.

I have already explained that, depending on his means, as a core participant Mr Wallace may be entitled to legal representation at public expense to enable him to engage with the Inquiry. Should he wish to seek legal representation at public expense to enable him to engage with the Inquiry as a core participant, a completed ALR1 form must be returned to the Inquiry by the same time.

The Inquiry has also requested Mr Wallace to provide a witness statement dealing with 32 questions contained in my earlier letter. That request is not dependent upon Mr Wallace's willingness to be a core participant in the Kincora Module. The Inquiry has posed questions which it believes Mr Wallace should be in a position to answer in the form of a witness statement. Should Mr Wallace decide to make a witness statement in respect of these matters, but require legal advice at public expense to enable him to do so then he should

submit a completed ALR1 form by close of business on Tuesday 3 May 2016 to enable the Chairman to decide whether Mr Wallace's means are such to entitle him to legal representation, and if he is eligible, the amount of funding the Inquiry will allow for that purpose.

If Mr Wallace does not wish to assist the Inquiry in its work by providing a witness statement in which he answers the questions set out in my letter of 19 April, questions which are plainly relevant to the Inquiry's work, the Inquiry will have no alternative but to conclude that Mr Wallace refuses to answer any questions and will proceed accordingly.

Yours sincerely,

Patrick Butler,
Solicitor to the Inquiry

Handwritten signature of Patrick Butler in black ink, consisting of the name 'Patrick' and the initials 'BK'.

[REDACTED]

From: james nichol [REDACTED]
Sent: 29 April 2016 11:33
To: Butler, Patrick (HIA)
Subject: John Colin Wallace

Dear Mr Butler

Thank you for your letter 28 April 2016 which has been considered by Mr Wallace and as a result he has asked me to convey to you that he will not engage in any capacity with the Inquiry.

Yours sincerely
James Nichol
Solicitor

[REDACTED]